

Wells County Area Plan Commission

223 W. Washington St. Bluffton, IN 46714

PH: (260) 824-6407 FAX: (260) 824-6415

E-MAIL: GIS@wellscounty.org

Requirements for Vacating All or Part of a Major Subdivision and/or Petition for Vacating Covenants

Filing and Meeting dates are available at the Area Plan Commission Office and the Wells County Area Plan Commission Web Site (<http://www.wellscounty.org/apc.htm>)

Copies of the Wells County Zoning Ordinance and Wells County Subdivision Control Ordinance are available for purchase at the Wells County Area Plan Commission Office or may be viewed and printed online at the Wells County Area Plan Commission Web Site (<http://www.wellscounty.org/apc.htm>)

1. FEES

- a. Filing Fee \$300.00 + \$10.00 per lot (payable to the Wells County Area Plan Commission)
- b. Public Advertisement Sign Fee \$15.00 (payable to the Wells County Area Plan Commission)
- c. Legal Advertisement \$50.00 (payable to the Wells County Area Plan Commission)

2. Filing

- a) Filled Out and Signed Petition
- b) Digital Copy and 3 Physical Copies of the plat **Must Be 11" x 17"** depicting the area to be vacated.
- c) Digital Copy and 1 Physical Copy of the covenants (if applicable)
- d) Digital Copy and 1 Physical Copy of the names and addresses of all owners of the affected subdivision plat.
- e) If the petition is not signed by legal owner(s) then applicable Power of Attorney, Trust documents, and/or death certificate(s) are required.

3. APPEAL PERIOD: 30 days

4. **Recording a. A copy of the Area Plan Commission's Petition form to Vacate The plat shall be recorded after the appeal period. (Petitioner's Expense)**

* All Fees Are Not Refundable

* As A Petitioner You Are Responsible For Reviewing The Wells County Zoning Ordinance And Subdivision Control Ordinance Requirements For Your Petition. The Area Plan Commission Office Staff Will Be Available To Answer Any Questions You May Have.

* A COMPLETE FILING DOES NOT GUARANTEE APPROVAL. (THE FILING MUST MEET THE APPLICABLE REQUIREMENTS OF THE WELLS COUNTY ZONING, SUBDIVISION CONTROL ORDINANCE TO BE APPROVED, AND INDIANA CODE.)

**Vacating All or Part of a Major Subdivision Petition
And/or Petition for Vacating Covenants**

**PETITION FOR VACATING ALL OR PART OF A MAJOR SUBDIVISION: (APC OFFICE)
AND/OR PETITION FOR VACATING COVENANTS**

What Type of Vacation is This (Select All that Apply)

- Vacating All of a Plat
- Vacating Part of a Plat
- Vacating Covenants

Owner of Real Estate (Petitioner): _____

Address: _____ City: _____ State: _____ Zip: _____

Phone #: _____ E-Mail: _____

Name of Subdivision Plat: _____

Plans Prepared By: _____

Address: _____ City: _____ State: _____ Zip: _____

Phone #: _____ E-Mail: _____

Property Location: _____

Property Description: _____

Current Zoning Classification: _____

Comes now the Area Plan Commission and in support of granting "Petitioner's" Petition for Vacating All or Part of a Major Subdivision makes the following Findings of Fact, to wit:

"Petitioner" filed a Petition for a Vacating All or Part of a Vacating All or Part of A Major Subdivision and/or Vacating Covenants as to the following described real estate located in _____ Township, Wells County, Indiana; more particularly described on Exhibit A attached hereto.

The sign as required by the Plan Commission has been duly posted following the Rules of Procedure of the Plan Commission more than fourteen days before the Plan Commission hearing.

On, the Area Plan Commission conducted a public hearing on the Petition following the Rules of Procedure of the Area Plan Commission, and the following evidence was heard.

Vacating of Plat or Partial Vacating of Plat

IC 36-7-4-711 (b) (1) state the reasons for and the circumstances prompting the request;
(Be as detailed as possible)

IC 36-7-4-711 (b) (2) specifically describe the property in the plat proposed to be vacated; and
(Describe the Plat or Portion of the Plat you are asking to Vacate)

IC 36-7-4-711 (b) (3) give the name and address of every other owner of land in the plat.
(Include this as an addendum to this petition) (You may use www.wellscountygis.org to gather this information)

IC 36-7-4-711 (f) (1) conditions in the platted area have changed so as to defeat the original purpose of the plat; (Be as detailed as possible)

IC 36-7-4-711 (f) (2) it is in the public interest to vacate all or part of the plat; and
(Be as detailed as possible)

IC 36-7-4-711 (f) (3) the value of that part of the land in the plat not owned by the petitioner will not be diminished by the vacation. (Be as detailed as possible)

Vacating of Covenants

IC 36-7-4-714 The vacation of all or part of a plat may include the vacation of any recorded covenants filed with the plat, but only upon a determination that:

(1) the platted area is within an area needing redevelopment and the covenant vacation would promote a recovery of property values in the area needing redevelopment by allowing or encouraging normal development and occupancy of the platted area; (Be as detailed as possible)

(2) the covenant vacation is needed to secure for the public adequate light, air, convenience of access, or safety from fire, flood, or other danger; or (Be as detailed as possible)

(3) the covenant vacation is needed to lessen or avoid congestion in the public ways.
(Be as detailed as possible)

PETITIONER'S SIGNATURE:

| | | | |
|--------------------|---------------|--------------------|---------------|
| _____ Signature | _____ Date | _____ Signature | _____ Date |
| _____ Signature | _____ Date | _____ Signature | _____ Date |
| _____ Signature | _____ Date | _____ Signature | _____ Date |
| _____ Signature | _____ Date | _____ Signature | _____ Date |
| _____ Signature | _____ Date | _____ Signature | _____ Date |
| _____ Signature | _____ Date | _____ Signature | _____ Date |
| _____ Signature | _____ Date | _____ Signature | _____ Date |
| _____ Signature | _____ Date | _____ Signature | _____ Date |
| _____ Signature | _____ Date | _____ Signature | _____ Date |
| _____ Signature | _____ Date | _____ Signature | _____ Date |
| _____ Signature | _____ Date | _____ Signature | _____ Date |

(This petition must be signed by 100% of the owners/sellers. If the power of attorney or the trustee is filing this petition, then the proper paperwork shall be submitted proving their title to the Area Plan Commission)

Board of Zoning Appeals Variance(s): _____

Area Plan Commission Waiver(s): _____

Conditions or Commitments: _____

Wherefore, based upon the above findings of fact and upon the Motion of _____, duly seconded by _____, the Petition for a Vacating of all or part of a Major Subdivision by "Petitioner" is hereby granted by a vote of _____ in favor and _____ opposed.

Granted this ____ day of _____, _____.

Area Plan Commission President

Area Plan Commission Secretary

NOTICE OF AGRICULTURAL ACTIVITY

TO: ALL PETITIONERS IN AGRICULTURAL-ZONED AREAS OF **WELLS** COUNTY, INDIANA

This notice is given to you because of your petition to move into an area of **Wells** County that is zoned for Agriculture.

The purpose of this notice is to assure you are aware that all agricultural operations are allowed in this area.

Agricultural activity may include but is not limited to, grazing of livestock, confined feeding of livestock, application of animal manure to land, application of herbicides and pesticides to fields and growing crops, creation of dust from field operations, and noise from livestock and machinery operations which includes the drying and transportation of grain, sometimes with machinery that has a "Slow Moving Vehicle" emblem on it, meaning it is traveling at 25 mph or less.

People who choose to live in these areas must understand that agricultural operations may be occurring nearby.

You must also understand that Indiana has a "RIGHT TO FARM" law that protects farm operations from unwarranted nuisance suits by neighbors who move next to an existing farm operation. Farm operations do not constitute a nuisance so long as they are not negligently maintained, do not endanger human health, and do not cause bodily injury to third parties.

By signing this notice form you verify that you have received it, read it, and understand it. You are not giving up the right to seek redress for negligence by individuals associated with a farm operation or by other residents of the area.

I, _____ CERTIFY THAT I HAVE RECEIVED THIS NOTICE. I HAVE READ IT AND I UNDERSTAND IT.

Printed Name

Date