

# Vacating Right of Way

*Process / Procedure  
Guidelines*



**FORT WAYNE**  
**Public Works**  
*In Your Neighborhood*



## Process:

Right of Way Vacation Requests are started with the Office of the City Clerk. There is an official request form that is filled out which begins the process.

The Clerk's Office then provides the paperwork to the Department of Planning Services (DPS) who then continues the process by routing the request around to various agencies and utilities for comments.

Once Comments are received, DPS will take the comments and recommendations to City Council for discussion then approval or denial.

In many instances, Vacating platted Right of Way is discussed with Public Works and DPS prior to filing to get a feel of any concerns. City Staff may provide a general opinion or recommendation based on past experiences, but there is no official commitment or confirmation for or against.

## Platted Right of Way:

It is important to know that the right of way, if vacated, is split between the property owners.

So for example, if there is a platted alley, and the 12' alley right of way is vacated, each property owner on either side will get  $\frac{1}{2}$  of the alley.

An example is to the right which shows that when the alley was vacated, the new property line (in red) is in the middle of the old alley, and each of the lots extended their property 6' ( $\frac{1}{2}$  of the 12') towards the middle of the vacated right of way.







## Routings & Review:

When Right of Way Vacations are routed, they are routed by DPS.

There will be 3 main types of requests, and DPS will label them in the following ways;

VROW - Vacation of Right of Way

VALY - Vacation of Alleyway

VEAS - Vacation of Easement

An example routing number would be: VROW 2020 0001  
\*the 1<sup>st</sup> right of way request of 2020\*

Within Public Works, Right of Way, Land Acquisition, Transportation Engineering, Traffic Engineering and City Engineering all have a chance to review the proposed Right of Way Vacation application.

Each department should reply to DPS with their comments or concerns. If no comment or no concern, let DPS know.

Public Works considerations during reviews will include the following:

- 1) How will the vacation effect adjacent property access?
- 2) Does the vacation affect garbage collection, emergency services, or public use in general?
- 3) If only a partial section is vacated, can vehicles turn around within the existing public right of way up to where it is vacated?
  - a. A turn around or additional right of way may need to be conveyed to accommodate the request
- 4) Are their existing utilities located within the requested area?
  - a. Existing utilities may require easements
  - b. Note that existing utilities have rights to remain in place and must be maintained, per IC 36-7-3, Chapter 3
  - c. Utilities may require relocation, and the applicant is responsible for coordinating or paying for relocations.
- 5) Are there any future plans or needs for this right of way?

Depending on the complexity of the request, this process could take a couple of months from start to finish.

## Resources:

Subdivision Plat Maps can be found on the [Allen County Recorders Website](#) and clicking on the link for “Search Restrictive Covenants Online”

**The Neighborhood Resource Center**  
*Tools for Making Better Neighborhoods in Allen County*

Welcome to the Allen County Recorder's Office Neighborhood Resource Center!

This site is designed to provide you with a variety of tools designed to help promote understanding and a higher quality of life in Allen County neighborhoods. Below you will find maps, contact information and other information relating to most Allen County subdivisions. This site is also the gateway to a **FREE** online tool for finding and viewing covenants and restrictions for hundreds of subdivisions and condominium developments in our community.

(Many documents on this site or by linked sites are in [Adobe Acrobat PDF](#) format)

[Search Restrictive Covenants Online](#)  
Keyword search over 7,500 documents for information about your subdivision

**NOTE:** These documents are **very** large and may take several minutes to download. And remember "less will get you more" example if your association is named Pine Valley Association only enter "Pine Valley".

Additionally, subdivision information can be found on the Allen County iMap using the Property Line and Identify feature, or the City GIS website in the Plat Map Layer.

## Survey & Attorneys:

Applicants will be required to provide a survey of the requested vacated portion of right of way along with their application to ensure that the affected property lines are correctly surveyed, described and recorded.

Having this done by a professional surveyor will ensure that the vacated right of way will be transferred and documented properly so any discrepancies are identified and clarified for the property.

It may also be appropriate to discuss vacating right of way with an attorney who may help with the legal review, easements, investigations or matters that involve multiple property owners.