

**CITY OF LEBANON
PLANNING AND ZONING DEPARTMENT**

**CITY OF LEBANON PLAN COMMISSION
STAFF REPORT
APRIL 15, 2024 PUBLIC HEARING**

A. Case Number:	Docket # 24-17
B. Applicant:	Craig Reagan (property owner of 1923 Elizaville Road)
C. Location:	The subject property is the unimproved street right-of-way between 1919 and 1923 Elizaville Road.
D. Property History:	<p>When the Tyre Addition to the City of Lebanon plat along Elizaville Road was established, it was determined at the time to create several points of access to the property behind and to the east of the lots platted along the road. These rights-of-way were platted in anticipation of further residential development on the remaining property thus providing access to the potential neighborhood. This remaining property has since become a part of the Lebanon Community School Corporation and, more particularly, is being used for athletic fields that do not and will not need access from these points. The rights-of-way have essentially become driveways for the adjacent residential lots and are not used for any public purpose. The applicant is requesting to vacate the entirety of the right-of-way adjacent to the subject property, splitting 30 feet of the right-of-way to the applicant (Reagan) and 20 feet to the adjoining neighbor to the south (Hodgdon).</p>
E. Vacation Request:	<p>Vacation of an Unimproved Street Right-of-Way</p> <p>The property owners adjacent to the subject unimproved street right-of-way have filed an application seeking to vacate said right-of-way formally returning this area to the adjacent property owners for personal use.</p>
F. Vacation Evaluation:	<p>Justification for Vacation Request</p> <p>The applicants are seeking to vacate the subject right-of-way to reflect the fact that this area was never improved for use as a street and is not used as a method to deliver utilities. The vacation would formally transfer this area to the adjacent property owners, who already use this area for personal use. Because this portion of street right-of-way does not currently, and will never in the future, operate as a street for vehicular traffic, the 50-foot vacation will have no negative impact on City services or neighboring properties.</p>

G. TAC Review:

TECHNICAL ADVISORY COMMITTEE (TAC) REVIEW

City of Lebanon Utilities

Sewer and Water Division- Comments were as follows:

- There are currently no sewer/water utilities located in the subject right-of-way that would be impacted by the vacation request.

Electrical Division- While there are no electric utility service lines in the subject right-of-way, there are lines that run along the back of the property that may need to be serviced at some point in the future. The subject right-of-way is the most direct way to serve the lines, thus the Utility would request that a utility easement be established to replace the right-of-way, allowing access to the lines.

City of Lebanon Fire Department-The fire department had no issues with the vacation request as they would not use this area to serve the properties.

City of Lebanon Street – The Street Department had no issues with the vacation request.

**H: Staff
Recommendation:**

Staff Recommendation:

In review of the submitted request for the vacation of the subject unimproved 50-foot right-of-way per the exhibit, Lebanon Planning Staff recommends forwarding the vacation request to the Common Council with a favorable recommendation subject to the following condition:

1. That the applicant record a Utility Easement of similar dimensions as the subject right-of-way simultaneously with the recording of the vacation ordinance documents.