

**THE COMMON COUNCIL OF THE CIVIL CITY OF NEW ALBANY, INDIANA, HELD A PUBLIC HEARING IN THE THIRD FLOOR ASSEMBLY ROOM OF THE CITY/COUNTY BUILDING ON THURSDAY, JUNE 18, 2015 AT 7:15 P.M.**

**MEMBERS PRESENT:** Council Members Mr. Coffey, Mr. Caesar, Mr. Phipps, Mrs. Benedetti, Mr. Blair, Mrs. Baird, Mr. Gonder, Mr. Zurschmiede and President McLaughlin.

**ALSO PRESENT:** Mr. Lorch, Mr. Robison, Police Chief Bailey and Mrs. Glotzbach

**Mr. McLaughlin** called the public hearing to order at 7:15 p.m. and asked if anyone was there to speak on the following:

**Z-15-01      An Ordinance for the Vacation of a Public Way  
Pursuant to a Petition Filed by New Albany-  
Floyd County Consolidated School Corporation**

**Mr. Hoffer** stated that certified letters were sent through the city clerk's office to the sole heir of the estate and to a couple that had some ongoing contract litigation with that property. He also stated that we tried to serve the attorney for the estate but his letter came back. He added that the attorney had been out of the country for about a month and didn't know if he was back yet. He then explained that the original petition was to vacate the alleyway known as Sleepy Lane which is between the former Northside Church and the school administration building. He said that the road does go back to a duplex that is currently vacant.

**Mr. Wishart** stated that there is an easement there also so there are actually two accesses to the property.

**Mr. Hoffer** stated that the purpose would be to close down the road and vacate it so that the school corporation can defy its campus traffic out of it for the safety of kids who occasionally will be in certain classes in those buildings and also get rid of any maintenance or liability issues regarding it.

**Mr. Caesar** asked if the road would be eliminated.

**Mr. Hoffer** replied yes.

**Mr. Caesar** asked how anyone will get to the duplex if the road is eliminated.

**Mr. Wishart** stated that they have not been using that road to get to the property. He explained that they access it through the easement to the north. He also stated that there is a curb cut on Grant Line Road that runs along the northern edge of their property between the National Guard Armory and the school system.

**Mr. Caesar** asked if they would have to put out any money to improve that road.

**Mr. Wishart** replied no.

**Mr. Caesar** asked if it would land lock anyone.

**Mr. Wishart** replied no.

**Mrs. Julianna Huber** stated that she and her husband are in litigation with the seller of the property that has been ongoing for two years and they just met with a special judge and they

have gotten no response from the seller or their attorney. She also stated that the property has been paid for but they have not received the property so they haven't been able to go into the property to clean it up or make changes. She explained that the property is zoned commercial and has been approved for two 16 unit apartment buildings so she is planning to have commercial traffic through there so she will need both right-of-ways to the property. She also explained that she knows that the armory is very disgusted with it at well and she plans to clean the property up and make it something that New Albany can be proud of and will bring in tax revenue. She stated that if the right-of-way is taken away then it will hurt her.

**Mr. Hoffer** stated that he would like to table this again to have a chance to speak with Mrs. Huber.

**Ms. Jennifer Fischer** stated that she is a silent partner and is financially invested in Julianna's goals to bring in revenue and do something nice with the property but Mr. Gary Siletto is never available to take their calls to resolve this. She said that she doesn't want to see her daughter lose B-2 zoned apartments because of the lack of the court system to move this case forward. She also said that because of the length and mounting legal debt of the case, they would possibly be interested in negotiation of selling the property if the school system is interested. She added that she has spent endless hours trying to get Mr. Siletto to do his job.

**ADJOURN:**

There being no further business before the board, the meeting adjourned at 7:30 p.m.

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Pat McLaughlin, President

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Vicki Glotzbach, City Clerk