1. OPENING
   A. CALL MEETING TO ORDER
   B. PLEDGE OF ALLEGIANCE

2. APPROVAL OF THE MEMORANDUM OF THE JUNE 1, 2020 REGULAR MEETING (CopyPosted)

3. REQUEST TO SPEAK

4. OLD BUSINESS
   A. CONSIDERATION OF AN ORDINANCE VACATING A PORTION OF A PUBLIC RIGHT-OFPATH WITHIN THE ZIONSVILLE CORPORATE BOUNDARIES (SECOND READING)

Documents:

   ALLEY VACATION - EXHIBIT A.PDF
   ALLEY VACATION - NOTICE OF PUBLIC HEARING - PUBLISHED COPY.PDF
   ALLEY VACATION - PETITION AND SUPPORTING EXHIBITS.PDF
   ALLEY VACATION - TOWN COUNCIL ORDINANCE (FINAL).PDF

5. NEW BUSINESS

6. OTHER MATTERS

7. ADJOURN

The next regular Town Council meeting is scheduled for Monday, July 6, 2020 at 7:00 p.m. Determination of the need for an electronic meeting will be evaluated prior to the meeting and final notice will be posted in compliance with the Indiana Open Door Law. In his Executive Orders 20-02, 20-04 AND 20-08 (collectively, the “Executive Orders”), Governor Eric J. Holcomb has ordered all political subdivisions of the State of Indiana to limit public gatherings and to implement the Centers for Disease Control and Prevention’s and the Indiana State Department of Health’s recommended virus mitigation strategies. The Executive Orders suspend certain requirements for
Essential Governmental Functions that facilitate Essential Infrastructure with respect to public meetings and open door laws, including suspending physical participation requirements by members of public agency governing bodies and permitting public attendance through electronic means of communications. As a political subdivision of the State of Indiana, the Zionsville Town Council must comply with the Executive Orders throughout the duration of the COVID-19 Public Health Emergency. If an electronic meeting format is selected, members of the public shall have the right to attend Town Council Public Meetings via the following forms of electronic communication. A zoom link will be provided in the meeting notice.
Exhibit A

PROPOSED ALLEY VACATION LAND DESCRIPTION:
A part of the East-West Alley lying between Lots 21 and 36 in Laughlin, Fouts and Hardin's Addition to the Town of Zionsville, as per plat thereof recorded in Plat Book 3, Page 1, in the Office of the Recorder of Boone County, Indiana, being more particularly described as follows:

Beginning at the Southeast corner of the Morris Parcel recorded in Instrument Number 20100093, said Recorder's Office and the Southeast corner of said Lot 21; thence South 90 degrees 00 minutes 00 seconds West 16.50 feet to the Northeast corner of the Russell Parcel recorded in Deed Record 250, Page 824, said Recorder's Office and the Northeast corner of said Lot 36; thence North 90 degrees 00 minutes 00 seconds West 70.00 feet along the Northern described line of said Russell Parcel to the Northwest corner thereof and the center of vacated Seventh Street; thence North 00 degrees 00 minutes 00 seconds East 16.50 feet along the center of said vacated Seventh Street to the Southwest described corner of said Morris Parcel; thence South 00 degrees 00 minutes 00 seconds East 70.00 feet along the Southern described line of said Morris Parcel to the Point of Beginning.

Containing 0.03 acres (1155 square feet), more or less, and being subject to all Legal Highways, Rights-of-way and Easements of Record.

NORTH HALF OF THE PROPOSED ALLEY VACATION LAND DESCRIPTION:
A part of the East-West Alley lying between Lots 21 and 36 in Laughlin, Fouts and Hardin's Addition to the Town of Zionsville, as per plat thereof recorded in Plat Book 3, Page 1, in the Office of the Recorder of Boone County, Indiana, being more particularly described as follows:

Beginning at the Southeast corner of the Morris Parcel recorded in Instrument Number 20100093, said Recorder's Office and the Southeast corner of said Lot 21; thence South 90 degrees 00 minutes 00 seconds West 8.25 feet along the Southern extension of the East line of said Lot 21 to the center of said East-West Alley; thence North 90 degrees 00 minutes 00 seconds West 70.00 feet along the center of said East-West Alley to the center of vacated Seventh Street; thence North 00 degrees 00 minutes 00 seconds East 8.25 feet along the center of said vacated Seventh Street to the Southwest described corner of said Morris Parcel; thence South 90 degrees 00 minutes 00 seconds East 70.00 feet along the Southern described line of said Morris Parcel to the Point of Beginning.

Containing 0.41 acres (177.5 square feet), more or less, and being subject to all Legal Highways, Rights-of-way and Easements of Record.

SOUTH HALF OF THE PROPOSED ALLEY VACATION LAND DESCRIPTION:
A part of the East-West Alley lying between Lots 21 and 36 in Laughlin, Fouts and Hardin's Addition to the Town of Zionsville, as per plat thereof recorded in Plat Book 3, Page 1, in the Office of the Recorder of Boone County, Indiana, being more particularly described as follows:

Beginning at the Northeast described corner of the Russell Parcel recorded in Deed Record 250, Page 824, said Recorder's Office and the Northeast corner of said Lot 36; thence North 90 degrees 00 minutes 00 seconds West 70.00 feet along the Northern described line of said Russell Parcel to the Northwest corner thereof and the center of vacated Seventh Street; thence North 00 degrees 00 minutes 00 seconds East 8.25 feet along the center of said vacated Seventh Street to the center of said East-West Alley; thence South 90 degrees 00 minutes 00 seconds East 70.00 feet along the center of said East-West Alley to the Northern extension of the East line of said Lot 36; thence South 00 degrees 00 minutes 00 seconds West 8.25 feet to the Point of Beginning.

Containing 0.01 acres (37.5 square feet), more or less, and being subject to all Legal Highways, Rights-of-way and Easements of Record.

NOTES:
1. All physical improvements herein shown as they were located in the field on July 25, 2012.
2. This is NOT a Survey, it is an EXHIBIT showing the location of a proposed Alley Vacation.
Hosiers see impact of COVID-19 as state continues to reopen

INDIANAPOLIS — COVID-19 continues to take a toll in jobs and jobs in Indiana slow response to business and prepare for the June 2 primary. The state saw 642 new cases of COVID-19 Friday, bringing the total to 105,799. There were an additional 42 deaths with 1,630 recoveries.

Of those numbers, African American sector accounted for nearly 40% of the total COVID-19 cases and nearly 60% of all deaths, although this makeup up 54% of Indiana’s population. That is why the Indiana Black Legislative Caucus petitioned the state to increase the COVID-19 Health and Safety, at the Office of the Board of Public Works for more than ninety (90) days, and COVID-19 restrictions. Plans are until 3:00 pm, local time, on June 8, for Estate Auctions.


ture of Work:

DESCRIPTION OF WORK:

The Alcohol Beverage Board of Indiana, 18 HIDDEN BAY DRIVE, President Meesub 18 HIDDEN BAY DRIVE, President Kevin Krulik, City of Lebanon, Zionsville IN D/B/A THAI CORNER 6850 60  WHITESTOWN PKWY 230, Page 624, said Recorder's Office Auctions.

PUBLIC NOTICES

NOTICE TO REMOVERS:

INDIANA PUBLIC NOTICES 12/18/2020 10:00 AM

801.0x1620
PETITION FOR VACATION OF ALLEY

713 WEST HAWTHORNE, ZIONSVILLE, INDIANA. 46077; AND
640 WEST SYCAMORE STREET, ZIONSVILLE, IN, 46077

STEVEN AND KATHLEEN MORRIS, AND JAMES AND RENA RUSSELL, the owners of the private properties described herein, hereby petition the Zionsville Town Council to vacate a certain alley, hereinafter described, which abuts the southern boundary of the property commonly known as 713 West Hawthorne, Zionsville, Indiana 46077 and the northern boundary commonly known as 640 West Sycamore, Zionsville, IN 46077. In support of this petition, we show the following:

a. The Alley which is herein requested to be vacated runs in a general east and west direction and is located immediately between Lots numbered 21 and 36, Laughlin, Fouts, and Hardin’s Addition to the Town of Zionsville in Boone County, Indiana, as has been properly recorded in the Plat Book 3, page 1 in the Office of the Recorder of Boone County, Indiana, and the portion thereof that is herein requested to be vacated is more particularly described as follows:

PROPOSED ALLEY VACATION I. AND DESCRIPTION:

A part of the East-West Alley lying between Lots 21 and 36 in Laughlin, Fouts and Hardin’s Addition to the Town of Zionsville, as per plat thereof recorded in Plat Book 3, Page 1, in the Office of the Recorder of Boone County, Indiana, being more particularly described as follows:

Beginning at the Southeast described corner of the Morris Parcel recorded in Instrument Number 20120009301, said Recorder’s Office and the Southeast corner of said Lot 21; thence South 00 degrees 00 minutes 00 seconds West 16.50 feet to the Northeast described corner of the Russell Parcel recorded in Deed Record 250, Page 624, said Recorder’s Office and the Northeast corner of said Lot 36; thence North 90 degrees 00 minutes 00 seconds West 70.00 feet along the Northern described line of said Russell Parcel to the Northwest corner thereof and the center of vacated Seventh Street; thence North 00 degrees 00 minutes 00 seconds East 16.50 feet along the center of said vacated Seventh Street to the Southwest described corner of said Morris Parcel; thence South 90 degrees 00 minutes 00 seconds East 70.00 feet along the Southern described line of said Morris Parcel to the Point of Beginning.

Containing 0.03 acres (1155 square feet), more or less, and being subject to all Legal Highways, Rights-of-way and Easements of Record.

2. Steven and Kathleen Morris are the legal owners of the property known as 713 West Hawthorne, Zionsville, Boone County, Indiana, described herein as Lot No. 21 in Laughlin, Fouts, and Hardin’s Addition to the Town of Zionsville in Boone County, Indiana as recorded in Plat Book 3, page 1 in the Office of the Recorder of Boone County, Indiana. The alley abuts the south property line of this real estate.

3. James and Rena Russell are the legal owners of the property known as 640 West Sycamore Street, Zionsville, Boone County, Indiana, described herein as Lot No. 36 in Laughlin, Fouts, and Hardin’s Addition to the Town of Zionsville in Boone County, Indiana as recorded in Plat Book 3, page 1 in the Office of the Recorder of Boone County, Indiana. The alley abuts the north property line of this real estate.
4. Lot 21 (the Morris Lot), therefore, lies immediately to the north of Lot 36 (the Russell Lot) and those two lots are separated only by the alley they both abut.

Photographs showing East and West views of the pertinent parts of said alley are included for visual reference and the convenience of this Council:

Attached hereto and made a part hereof by specific reference thereto are Exhibits marked “Exhibit 1,” and “Exhibit 2,” respectively.

The portion of the alley that lies, therefore, between the Morris Lot and the Russell Lot and which Petitioners request to be vacated has not been utilized as either a private or a public alley since at least 1973 when the Russell’s acquired said Lot 36. Photographs evidencing unutilized portion of the pertinent parts of said alley are included for visual reference and the convenience of this Council:

The alley does contain utilities of record and Indiana Code Section 36-7-3-16 provides for the continued use thereof notwithstanding vacation of this alley.

Attached hereto and made a part hereof by specific reference thereto are Exhibits marked “Exhibit 1,” and “Exhibit 2,” respectively.

5. Petitioners hereby propose to and request this Honorable Council to vacate said alley in pertinent part above described in conformity with applicable law, including ordinance of the ordinances of the Town of Zionsville, Indiana and divide the pertinent parts of the North portion and the South portion equally between Lots 21 and 36. A proposed legal description for each pertinent part would be as follows:

NORTH HALF OF THE PROPOSED ALLEY VACATION LAND DESCRIPTION:

A part of the East-West Alley lying between Lots 21 and 36 in Laughlin, Fouts and Hardin’s Addition to the Town of Zionsville, as per plat thereof recorded in Plat Book 3, Page 1, in the Office of the Recorder of Boone County, Indiana, being more particularly described as follows:

Beginning at the Southeast described corner of the Morris Parcel recorded in Instrument Number 201200099301, said Recorder’s Office and the Southeast corner of said Lot 21; thence South 00 degrees 00 minutes 00 seconds West 8.25 feet along the Southern extension of the East line of said Lot 21 to the center of said East-West Alley; thence North 90 degrees 00 minutes 00 seconds West 70.00 feet along the center of said East-West Alley to the center of vacated Seventh Street; thence North 00 degrees 00 minutes 00 seconds East 8.25 feet along the center of said vacated Seventh Street to the Southwest described corner of said Morris Parcel; thence South 90 degrees 00 minutes 00 seconds West 70.00 feet along the Southern described line of said Morris Parcel to the Point of Beginning.

Containing 0.01 acres (577.5 square feet), more or less, and being subject to all Legal Highways, Rights-of-way and Easements of Record.
SOUTH HALF OF THE PROPOSED ALLEY VACATION LAND DESCRIPTION:

A part of the East-West Alley laying between Lots 21 and 36 in Laughlin, Fouts and Hardin's Addition to the Town of Zionsville, as per plat thereof recorded in Plat Book 3, Page 1, in the Office of the Recorder of Boone County, Indiana, being more particularly described as follows:

Beginning at the Northeast described corner of the Russell Parcel recorded in Deed Record 230, Page 624, said Recorder's Office and the Northeast corner of said Lot 36; thence North 90 degrees 00 minutes 00 seconds West 70.00 feet along the Northern described line of said Russell Parcel to the Northwest corner thereof and the center of vacated Seventh Street; thence North 00 degrees 00 minutes 00 seconds East 8.25 feet along the center of said vacated Seventh Street to the center of said East-West Alley; thence South 90 degrees 00 minutes 00 seconds East 70.00 feet along the center of said East-West Alley to the Northern extension of the East line of said Lot 36; thence South 00 degrees 00 minutes 00 seconds West 8.25 feet to the Point of Beginning.

Containing 0.01 acres (577.5 square feet), more or less, and being subject to all Legal Highways, Rights-of-way and Easements of Record.

6. No other parties of interest have properties abutting the portion of said alley hereby requested to be vacated, nor do any gain entrance to their properties via the alley.

7. Vacation of the above noted section of alley which abuts Lots 21 and 36 will be of benefit of the Town in restoring such property to the tax rolls.

WHEREFORE, Petitioners respectfully request that the Town Council of Zionsville:

1) In accordance with the provisions of Indiana Law, the ordinance of the Town of Zionsville, and the provisions of Indiana Code 36-7-3-12, vacate by ordinance the above described alley;

2) Authorize and direct by ordinance the legal and appropriate Town officers to execute and deliver deeds properly describing the vacated alley as described above as follows:

   a. To Steven L. Morris and Kathleen K. Morris, 713 West Hawthorne Street Zionsville, IN 46077:

NORTH HALF OF THE PROPOSED ALLEY VACATION LAND DESCRIPTION:

A part of the East-West Alley laying between Lots 21 and 36 in Laughlin, Fouts and Hardin's Addition to the Town of Zionsville, as per plat thereof recorded in Plat Book 3, Page 1, in the Office of the Recorder of Boone County, Indiana, being more particularly described as follows:

Beginning at the Southeast described corner of the Morris Parcel recorded in Instrument Number 201200009301, said Recorder's Office and the Southeast corner of said Lot 21; thence South 00 degrees 00 minutes 00 seconds West 8.25 feet along the Southern extension of the East line of said Lot 21 to the center of said East-West Alley; thence North 90 degrees 00 minutes 00 seconds West 70.00 feet along the center of said East-West Alley to the center of vacated Seventh Street; thence North 00 degrees 00 minutes 00 seconds East 8.25 feet along the center of said vacated Seventh Street to the Southwest described corner of said Morris Parcel; thence South 90 degrees 00 minutes 00 seconds East 70.00 feet along the Southern described line of said Morris Parcel to the Point of Beginning.

Containing 0.01 acres (577.5 square feet), more or less, and being subject to all Legal Highways, Rights-of-way and Easements of Record.
b. To James E. Russell and Rena Carol Russell, 640 West Sycamore Street Zionsville, IN 46077:

SOUTH HALF OF THE PROPOSED ALLEY VACATION LAND DESCRIPTION:

A part of the East-West Alley laying between Lots 21 and 36 in Laughlin, Fouts and Hardin's Addition to the Town of Zionsville, as per plat thereof recorded in Plat Book 3, Page 1, in the Office of the Recorder of Boone County, Indiana, being more particularly described as follows:

Beginning at the Northeast described corner of the Russell Parcel recorded in Deed Record 230, Page 624, said Recorder's Office and the Northeast corner of said Lot 36; thence North 90 degrees 00 minutes 00 seconds West 70.00 feet along the Northern described line of said Russell Parcel to the Northwest corner thereof and the center of vacated Seventh Street; thence North 00 degrees 00 minutes 00 seconds East 8.25 feet along the center of said vacated Seventh Street to the center of said East-West Alley; thence South 90 degrees 00 minutes 00 seconds East 70.00 feet along the center of said East-West Alley to the Northern extension of the East line of said Lot 36; thence South 00 degrees 00 minutes 00 seconds West 8.25 feet to the Point of Beginning.

Containing 0.01 acres (577.5 square feet), more or less, and being subject to all Legal Highways, Rights-of-way and Easements of Record.

and delivered to them or to their respective nominated agent or agents, all legal descriptions herein being shown by a certain survey, attached hereto, made an part hereof by specific reference thereto, and marked "Exhibit A".

PETITIONERS HAVE MADE THIS, THEIR PETITION, BY SIGNING IMMEDIATELY BELOW.

Petitioners:

Steven L. Morris
Kathleen K. Morris
713 West Hawthorne
Zionsville, IN 46077
618-534-5445
retriev1@gmail.com

James E. Russell
Rena Carol Russell
640 West Sycamore Street
Zionsville, IN 46077
317-374-7507
WARRANTY DEED

THIS INDENTURE WITNESSETH THAT

Daniel D. Clark and A. Gail Clark, Husband and Wife

CONVEY(S) AND WARRANT(S) TO

Steven L. Morris and Kathleen K. Morris, Husband and Wife, for Ten Dollars and other valuable consideration the receipt whereof is hereby acknowledged, the following described REAL ESTATE in Boone County, in the State of Indiana, to wit:

Lot Numbered Twenty-one (21) in Laughlin, Fouts and Harden's Addition to Zionsville, Boone County, Indiana as per plat thereof recorded in Plat Book 3, page 1 in the Office of the Recorder of Boone County, Indiana, together with half of the vacated alley adjacent to the West side of said lot.

Subject to Real Estate taxes now due and payable and thereafter.

Subject to covenants, restrictions and easements of record.

IN WITNESS WHEREOF, the Grantor has executed this deed this 15 day of August 2012.

Daniel D. Clark

A. Gail Clark

State of INDIANA, County of BOONE SS:

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Daniel D. Clark and A. Gail Clark, Husband and Wife who acknowledged the execution of the foregoing Deed and who, having been duly sworn, stated that the representations therein contained are true.

WITNESS, my hand and Seal this 15 day of August 2012.

Signature of Notary Public

Printed Name of Notary Public

Notary Public County and State of Residence

This instrument was prepared by:
Andrew R. Drake, Attorney-at-Law
11711 N. Pennsylvania St., Suite 110, Carmel, IN 46032

Property Address:
713 West Hawthorne Street, Zionsville, IN 46077

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law. Andrew R. Drake (Type or Print Name)
WARRANTY DEED

THIS INDENUTY WITNESSETH, that James E. Russell
of Boone County, in the State of Indiana
Convey and Warrant to James E. Russell and Rena Carol Russell, husband and wife
of Boone County, in the State of Indiana for and in consideration
of the receipt whereof is hereby acknowledged, the following described Real Estate in Boone County
in the State of Indiana, to-wit:

Lot No. 36 in Laughlin, Fouts and Harden's Addition to Zionsville, Indiana.
Also, the east half of vacated Seventh Street vacated by Decree of the Boone Circuit Court on April 16, 1971 in Cause No. C71-64 and more particularly described as follows:
Beginning at the southeast corner of Lot No. 35 in Laughlin, Fouts and Harden's Addition to the Town of Zionsville, Boone County, Indiana, as per plat thereof recorded in Plat Record 1, Page 1 in the Office of the Recorder of Boone County, Indiana, thence north on and along the east line of said Lot No. 35 to the northeast corner of said Lot No. 35, thence east to the northwest corner of Lot No. 36 in said Laughlin, Fouts and Harden's Addition, thence south on and along the west property line of said Lot No. 36 to the southwest corner of said Lot No. 36, thence west on and along the north property line of Sycamore Street as presently laid out and existing in the Town of Zionsville to the place of beginning.

Subject to liens, restrictions, and easements of record.

IN WITNESS WHEREOF, the said grantor
have affixed his name and seal, this 14th day of April 1988

James E. Russell

(Seal)

James E. Russell

(Seal)

James E. Russell

(Seal)

(Seal)

(Seal)

(Seal)

STATE OF INDIANA:

Boone County, ss:

Before me, the undersigned, a Notary Public in and for said County and State,
this 14th day of April 1988

personally appeared

James E. Russell

and acknowledged the execution of the foregoing deed.

Notary Public

Bopita Jane Kincaid

Nov. 30, 1988

Auditor Stamp

Please send tax statement to: Recorder's Office

to: 640 W. Sycamore St., Zionsville, IN 46077

Roger L. Burrus, Attorney, Zionsville, IN 46077

This Document Prepared by
Portion of E/W Alley to be Vacated
Exhibit A

PROPOSED ALLEY VACATION LAND DESCRIPTION:
A part of the East-West alley lying between Lots 21 and 36 in Laughlin, Foote and Hardin's Addition to the Town of Zionsville, as per plat thereof recorded in Plat Book 3, Page 1, in the Office of the Recorder of Boone County, Indiana, being more particularly described as follows:

Beginning at the Southwest corner of the Morris Parcel recorded in Instrument Number 201200095, said Recorder's Office and the Southeast corner of said Lot 21; thence South 80 degrees 00 minutes 00 seconds West 16.50 feet to the Northeast corner described corner of the Russell Parcel recorded in Deed Record 230, Page 824, said Recorder's Office and the Northwest corner of said Lot 36; thence North 90 degrees 00 minutes 00 seconds West 70.00 feet along the Northern described line of said Russell Parcel to the Northwest corner thereof and the center of vacated Seventh Street; thence North 00 degrees 00 minutes 00 seconds East 16.50 feet along the center of said vacated Seventh Street to the Southwest described corner of said Morris Parcel; thence South 00 degrees 00 minutes 00 seconds East 70.00 feet along the Southern described line of said Morris Parcel to the Point of Beginning.

Containing 0.03 acres (1155 square feet), more or less, and being subject to all Legal Highways, Rights-of-way and Easements of Record.

NORTH HALF OF THE PROPOSED ALLEY VACATION LAND DESCRIPTION:
A part of the East-West alley lying between Lots 21 and 36 in Laughlin, Foote and Hardin's Addition to the Town of Zionsville, as per plat thereof recorded in Plat Book 3, Page 1, in the Office of the Recorder of Boone County, Indiana, being more particularly described as follows:

Beginning at the Southwest corner of the Morris Parcel recorded in Instrument Number 201200095, said Recorder's Office and the Southeast corner of said Lot 21; thence South 80 degrees 00 minutes 00 seconds West 8.25 feet along the Southern extension of the East line of said Lot 21 to the center of said East-West Alley; thence North 90 degrees 00 minutes 00 seconds West 70.00 feet along the center of said East-West Alley to the center of vacated Seventh Street; thence North 00 degrees 00 minutes 00 seconds East 8.25 feet along the center of said vacated Seventh Street to the Southwest described corner of said Morris Parcel; thence South 00 degrees 00 minutes 00 seconds East 70.00 feet along the Southern described line of said Morris Parcel to the Point of Beginning.

Containing 0.01 acres (57.5 square feet), more or less, and being subject to all Legal Highways, Rights-of-way and Easements of Record.

SOUTH HALF OF THE PROPOSED ALLEY VACATION LAND DESCRIPTION:
A part of the East-West alley lying between Lots 21 and 36 in Laughlin, Foote and Hardin's Addition to the Town of Zionsville, as per plat thereof recorded in Plat Book 3, Page 1, in the Office of the Recorder of Boone County, Indiana, being more particularly described as follows:

Beginning at the Northeast corner described corner of the Russell Parcel recorded in Deed Record 230, Page 624, said Recorder's Office and the Northeast corner of said Lot 36; thence North 90 degrees 00 minutes 00 seconds West 70.00 feet along the Northern described line of said Russell Parcel to the Northwest corner thereof and the center of vacated Seventh Street; thence North 00 degrees 00 minutes 00 seconds East 8.25 feet along the center of said vacated Seventh Street to the center of said East-West Alley; thence South 00 degrees 00 minutes 00 seconds East 70.00 feet along the center of said East-West Alley to the Northern extension of the East line of said Lot 36; thence South 00 degrees 00 minutes 00 seconds West 8.25 feet to the Point of Beginning.

Containing 0.01 acres (57.5 square feet), more or less, and being subject to all Legal Highways, Rights-of-way and Easements of Record.

NOTES:
1) All physical improvements herein are shown as they were located in the field on July 25, 2012.
2) This is NOT a Survey, it is an EXHIBIT showing the location of a proposed Alley Vacation.
Letter of Support

I/We support the Petition to Vacate filed with the Zionsville Town Council by Steven L. and Kathleen K. Morris and James E. and Rena C. Russell.

The Petition requests the Zionsville Town Council to vacate a certain alley, which abuts the southern boundary of the property commonly known as 713 West Hawthorne, Zionsville, Indiana 46077 and the northern boundary commonly known as 640 West Sycamore, Zionsville, IN 46077, and;

Authorize and direct by ordinance the legal and appropriate Town officers to execute and deliver deeds properly describing the vacated alley:

a. To Steven L. Morris and Kathleen K. Morris, 713 West Hawthorne Street Zionsville, IN 46077

b. To James E. Russell and Rena Carol Russell, 640 West Sycamore Street Zionsville, IN 46007

Ray Cortopassi, Leslie Cortopassi

Signature(s) Date

Ray Cortopassi, Leslie Cortopassi

Printed Name(s)

655 W. Hawthorne St. Zionsville, IN

Owner's/Signer's Address
Letter of Support

I/We support the Petition to Vacate filed with the Zionsville Town Council by Steven L. and Kathleen K. Morris and James E. and Rena C. Russell.

The Petition requests the Zionsville Town Council to vacate a certain alley, which abuts the southern boundary of the property commonly known as 713 West Hawthorne, Zionsville, Indiana 46077 and the northern boundary commonly known as 640 West Sycamore, Zionsville, IN 46077, and;

Authorize and direct by ordinance the legal and appropriate Town officers to execute and deliver deeds properly describing the vacated alley:

a. To Steven L. Morris and Kathleen K. Morris, 713 West Hawthorne Street
   Zionsville, IN 46077

b. To James E. Russell and Rena Carol Russell, 640 West Sycamore Street
   Zionsville, IN 46007

Myrene K. Brown
Signature (s)

Myrene Shove
Printed Name (s)

620 W. Sycamore St, Zionsville IN

Owner’s/Signer’s Address

5-1-2020
Date
Letter of Support

I/We support the Petition to Vacate filed with the Zionsville Town Council by Steven L. and Kathleen K. Morris and James E. and Rena C. Russell.

The Petition requests the Zionsville Town Council to vacate a certain alley, which abuts the southern boundary of the property commonly known as 713 West Hawthorne, Zionsville, Indiana 46077 and the northern boundary commonly known as 640 West Sycamore, Zionsville, IN 46077, and;

Authorize and direct by ordinance the legal and appropriate Town officers to execute and deliver deeds properly describing the vacated alley:

a. To Steven L. Morris and Kathleen K. Morris, 713 West Hawthorne Street
   Zionsville, IN 46077

b. To James E. Russell and Rena Carol Russell, 640 West Sycamore Street
   Zionsville, IN 46007

[Signature(s)]

[Date]

[Printed Name(s)]

Owner's/Signer's Address

720 West Sycamore St
Letter of Support

I/We support the Petition to Vacate filed with the Zionsville Town Council by Steven L. and Kathleen K. Morris and James E. and Rena C. Russell.

The Petition requests the Zionsville Town Council to vacate a certain alley, which abuts the southern boundary of the property commonly known as 713 West Hawthorne, Zionsville, Indiana 46077 and the northern boundary commonly known as 640 West Sycamore, Zionsville, IN 46077, and;

Authorize and direct by ordinance the legal and appropriate Town officers to execute and deliver deeds properly describing the vacated alley:

a. To Steven L. Morris and Kathleen K. Morris, 713 West Hawthorne Street Zionsville, IN 46077

b. To James E. Russell and Rena Carol Russell, 640 West Sycamore Street Zionsville, IN 46007

[Signatures]

Signature(s)

May 4, 2020

Date

[Printed Names]

Printed Name(s)

715 W. Hawthorne St.

Owner’s/Signer’s Address
ORDINANCE NO. 2020-_______
OF THE TOWN OF ZIONSVILLE, INDIANA

AN ORDINANCE VACATING A PORTION OF A PUBLIC RIGHT-OF-WAY
WITHIN THE ZIONSVILLE CORPORATE BOUNDARIES
PURSUANT TO INDIANA CODE § 36-7-3-12

WHEREAS, Indiana Code § 36-7-3-12 provides for the process by which public ways may be vacated; and,

WHEREAS, on April 6, 2020, Steven and Kathleen Morris & James and Rena Russell (collectively “Petitioner”), petitioned the Town of Zionsville (“Town”) to vacate a portion of a public right-of-way (an east-west platted alley) located between Hawthorne Street and Sycamore Street, west of Sixth Street pursuant to Indiana Code § 36-7-3-12; and,

WHEREAS, the Town caused to be published notice of the petition and the time and place of the public hearing in the May 19, 2020 issue of the Lebanon Reporter, a copy of which proof of publication was submitted to the Town Council of Zionsville, Indiana (“Town Council”) and the Petitioner notified by certified mail each owner of land abutting the portions of the public alley right-of-way proposed to be vacated; and,

WHEREAS, on June 1, 2020, the Town Council held a public hearing on the petition to vacate the portion of the right-of-way, with proper notice under Indiana Law to all interested and potentially aggrieved parties; and,

WHEREAS, no potentially aggrieved individual has objected under the statutory grounds provided under Indiana Code § 36-7-3-13; and,

WHEREAS, the Town Council, after due investigation and consideration, has determined that the nature and extent of the public use and the public interest to be served is such as to warrant vacation of the portion of the public alley right-of-way described herein.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Town Council of the Town of Zionsville, Indiana, that:

Section 1: Description of the Right-of-way. The Right-of-way legally described herein and schematically illustrated on Exhibit A attached hereto, under the terms set forth herein, is hereby vacated;

A part of the East-West Alley laying between Lots 21 and 36 in Laughlin, Fouts and Hardin's Addition to the Town of Zionsville, as per plat thereof recorded in Plat Book 3, Page 1, in the Office of the Recorder of Boone County, Indiana, being more particularly described as follows:
Beginning at the Southeast described corner of the Morris Parcel recorded in Instrument Number 201200009301, said Recorder's Office and the Southeast corner of said Lot 21; thence South 00 degrees 00 minutes 00 seconds West 16.50 feet to the Northeast described corner of the Russel Parcel recorded in Deed Record 230, Page 624, said Recorder's Office and the Northeast corner of said Lot 36; thence North 90 degrees 00 minutes 00 seconds West 70.00 feet along the Northern described line of said Russell Parcel to the Northwest corner thereof and the center of vacated Seventh Street; thence North 00 degrees 00 minutes 00 seconds West 16.50 feet along the center of said vacated Seventh Street to the Southwest described corner of said Morris Parcel; thence South 90 degrees 00 minutes 00 seconds West 70.00 feet along the Southern described line of said Morris Parcel to the Point of Beginning.

Containing 0.03 acres (1155 square feet), more or less, and being subject to all Legal Highways, Rights-of-way and Easements of Record. (See survey attached as Exhibit A.)

Section 2: **Ownership, Maintenance, Repair and Liability**. The portion of the Alley to be vacated is bordered on the north by property addressed as 713 West Hawthorne Street (“Property Owner One”), and is bordered on the south by property addressed as 640 West Sycamore Street (“Property Owner Two”) measuring 70.00 lineal feet and is 16.50 feet in width (“Vacated Area”). This vacation will transfer the ownership of the Vacated Area, including all ongoing maintenance, repair obligations and all liability, to be transferred equally to Property Owner One and Property Owner Two.

Section 3: **Utilities**. The Town retains the right to maintain, operate, repair and replace, by itself or by any licensee or holder of a franchise from the Town, any poles, wires, pipes, conduits, sewer mains, water mains, or any other facility or equipment for the maintenance or operations of any utility now located in the portion of the public alley right-of-way vacated by this Ordinance.

Section 3: **Costs**. Petitioner for this public alley right-of-way vacation shall, within 90 days after the passage of this Ordinance, pay to the Town of Zionsville the amount necessary to defray all costs of removing any items from the Right-of-way, including paving and curb returns abutting the vacated Right-of-way, if any.

Section 4: **Recording**. The Director of Finance and Records of the Town of Zionsville, Indiana shall provide a copy of this Ordinance to the Boone County Recorder for recording and shall file the same with the Boone County Auditor.

Section 5: **Construction of Clause Headings**. The clause headings appearing herein have been provided for convenience and reference and do not purport and shall not be deemed to define, limit or extend the scope of intent of the clause to which the appertain.
Section 6: **Repeal of Conflicting Ordinances.** The provisions of all other Town ordinances in conflict with the provisions herein, if any, are of no further force or effect and are hereby repealed.

Section 7: **Severability.** If any part of the Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remainder of this Ordinance.

Section 8: **Duration and Effective Date.** The provisions of this Ordinance shall become and remains in full force and effect upon passage and until its repeal by ordinance.
TOWN COUNCIL OF THE TOWN OF ZIONSVILLE,
BOONE COUNTY, INDIANA

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Josh Garrett,  
President

Brian Traylor,  
Vice-President

Brad Burke,  
Member

Alexander Choi,  
Member

Joe Culp,  
Member

Craig Melton,  
Member

Jason Plunkett,  
Member

I hereby certify that the foregoing Resolution was delivered to the Town of Zionsville Mayor Emily Styron on the _____ day of ____________ 2020, at _____ _____m.

ATTEST:  
Amelia Lacy, Director, Department of Finance and Records

MAYOR’S APPROVAL

__________________________   __________________________
Emily Styron, Mayor         DATE

MAYOR’S VETO

__________________________   __________________________
Emily Styron, Mayor         DATE