

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 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 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 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 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.

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 46007:

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.

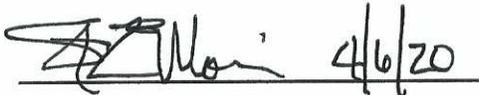
Containing 0.01 acres (577.5 square feet), more or less, and being subject to all Legal Highways, Rights-of-way and Easements of Record.

and delivered to them or to their respective nominated agent or agents,

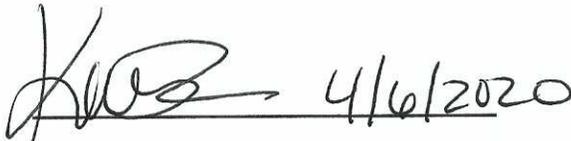
all legal descriptions herein being shown by a certain survey, attached hereto,
made an part hereof by specific reference thereto, and marked "Exhibit A".

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

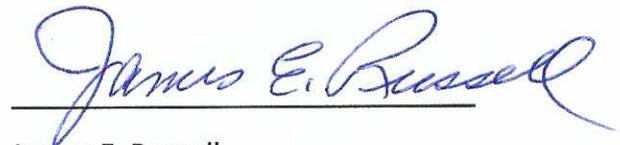
Petitioners:

 4/6/20

Steven L. Morris

 4/6/2020

Kathleen K. Morris



James E. Russell



Rena Carol Russell

713 West Hawthorne

Zionsville, IN 46077

618-534-5445

retriev1@gmail.com

640 West Sycamore Street

Zionsville, IN 46077

317-374-7507

16.00
+ INON
MERIDIAN

201200009301
Filed for Record in
BOONE COUNTY, INDIANA
MARY ALICE "SAM" BALDWIN, RECORDER
08-20-2012 At 09:44 am.
DEED 17.00

Tax ID No.
019-11500-00
06-04-02-000-007.052-006

WARRANTY DEED

12-27494 LB ①

THIS INDENTURE WITNESSETH THAT

Meridian
①

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.

DULY ENTERED FOR TAXATION
8-20-12
Melody Price
SUBJECT TO FINAL ACCEPTANCE
AUDITOR, BOONE COUNTY

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
Daniel D. Clark

A. Gail 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.

My Commission Expires: _____

Dennis P. Patton
Signature of Notary Public

Printed Name of Notary Public _____

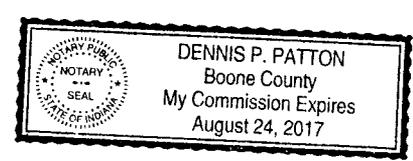
Notary Public County and State of Residence _____

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

Grantee's Address and Mail Tax Statements To:

Property Address



File No.: 12-27494

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)

502

James Russell
640 W. Sycamore
Zionsville 1046077

WARRANTY DEED

THIS INDENTURE 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 **To Transfer Title** ----- Dollars
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 3, 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(s) **James E. Russell**
has hereunto affixed his name and seal, this 14th day of April, 19 88

(Seal) James E. Russell (Seal)

(Seal) _____ (Seal)

(Seal) _____ (Seal)



STATE OF INDIANA, Boone County, ss: **Corporate Seal**
Before me, the undersigned, a Notary Public in and for said County and State,
this 14th day of April, 19 88,
personally appeared James E. Russell

and acknowledged the execution of the foregoing deed.
Bonita Jane Kincaid Notary Public
My Commission Expires Nov. 30, 1990
My County of Residence: Boone County

Auditor Stamp Please send tax statements Recorder Stamp
to: 640 W. Sycamore St., Zionsville, IN 46077

DULY ENTERED FOR TAXATION
April 18, 1988
James E. Russell
AUDITOR BOONE COUNTY

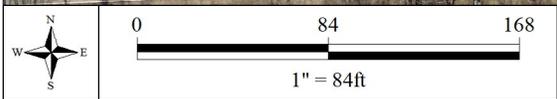
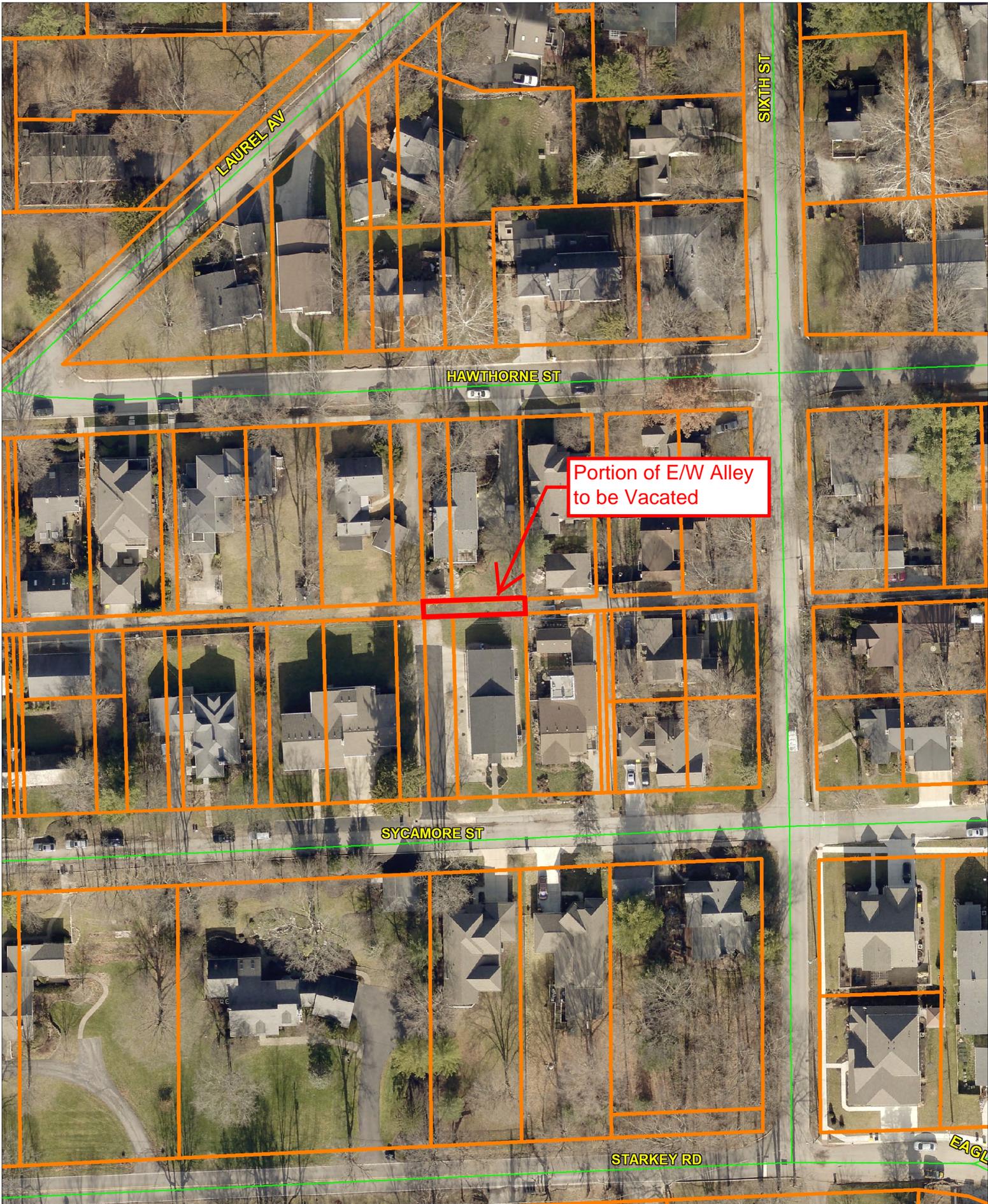
APR 18 8 55 AM '88
RECORDED IN BOONE COUNTY
REC. NO. 30052
INDEX OR 230 PG 624

Roger L. Burrus, Attorney, Zionsville, IN 46077

This Document Prepared by _____

Sign in BLACK INK for better Micro copies

624

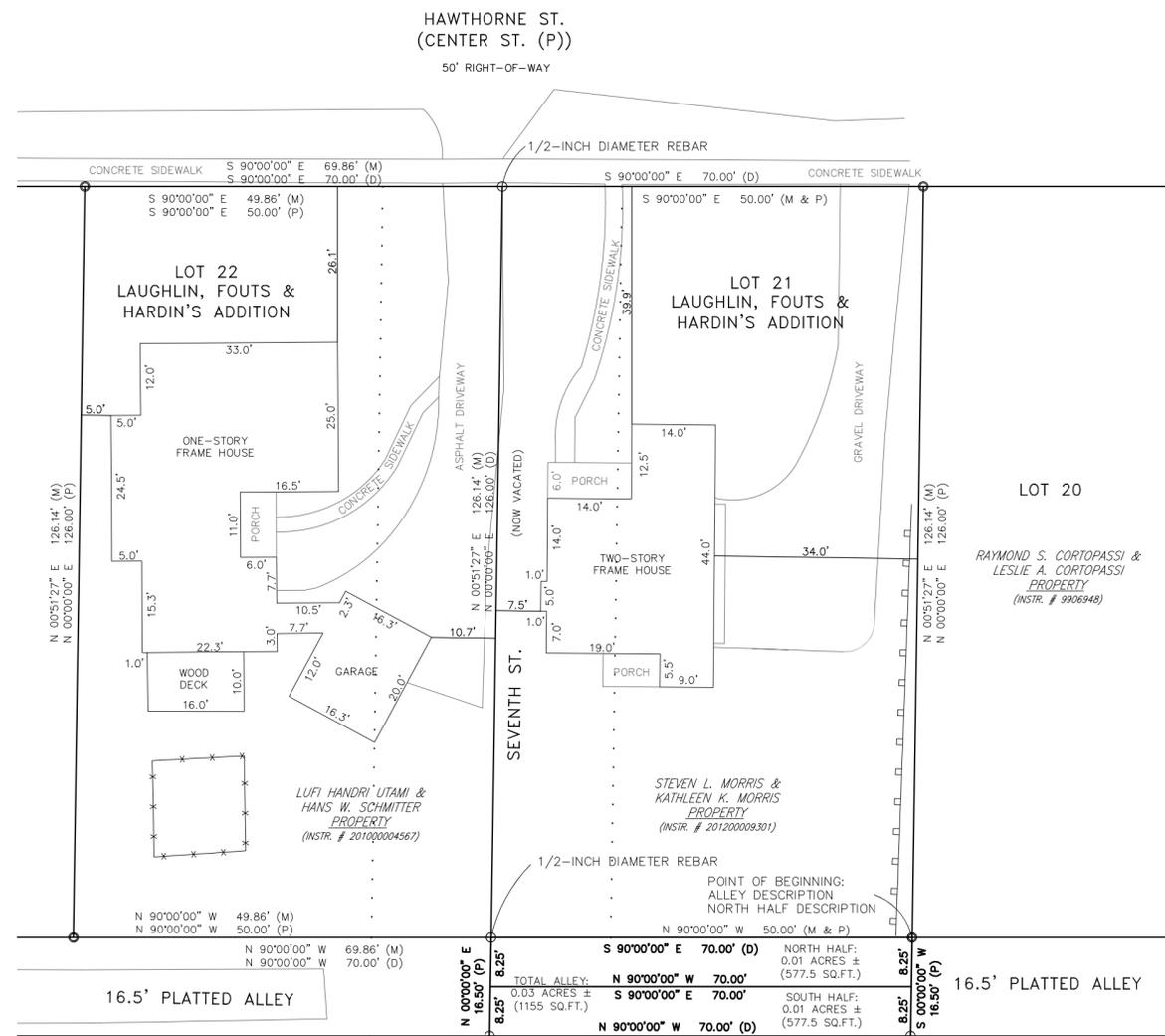


E/W Alley Vacation between Hawthorne & Sycamore

Exhibit A

LOT 1

LOT 2



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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 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.

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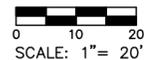
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Beginning at the Northeast described corner of the Russell Parcel recorded in Deed Record 230, Page 624, said Recorder's Office and the Northeast corner of said Lot 36; thence North 90 degrees 00 minutes 00 seconds West 70.00 feet along the Northern 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.

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LEGEND

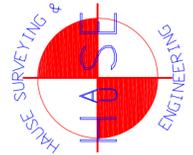
- AS APPLICABLE
- 5/8-inch REBAR w/ CAP
- STAMPED "HAUSE PLS20600040"
- MAGNETIC NAIL w/ WASHER
- STAMPED "HAUSE PLS20600040"
- UTILITY POLE
- TELEPHONE PEDESTAL
- WELL
- LIGHT POLE
- AIR CONDITIONER
- PRIVACY FENCE
- 6 FOOT CHAIN FENCE w/ BARB WIRE
- CLEAN OUT
- GUY WIRE
- ELECTRIC METER/BOX
- GAS ENTRANCE
- SANITARY MANHOLE
- TREE
- (D) DEED BEARING AND DISTANCE
- (M) MEASURED BEARING AND DISTANCE
- WATER VALVE
- FIRE HYDRANT
- STORM MANHOLE
- BEEHIVE INLET
- CURB INLET
- BOLLARD
- SATELLITE DISH
- POST FENCE POST



NOTES:

- 1.) All physical improvements hereon 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.

105 N. MERIDIAN ST.
LEBANON, IN 46052
PHONE: (765) 482-5141
INFO@HAUSESURVEYINGENGINEERING.COM



A SERVICE DISABLED VETERAN
OWNED SMALL BUSINESS

DRAWN BY: JEH
CHECKED BY: JEH
DATE: 04/01/2020
SCALE: 1" = 20'

No.	Date	Revisions

ALLEY VACATION EXHIBIT

STEVE MORRIS
LOT 21, LAUGHLIN, FOUTS & HARDIN'S ADD.,
TOWN OF ZIONSVILLE, BOONE CO., IN

SHEET NO. 1
OF 1-SHEETS
PROJECT NO. 20D183

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

 Leslie Cortopassi 5-30-20
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;

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Zionsville, IN 46077
- b. To James E. Russell and Rena Carol Russell, 640 West Sycamore Street
Zionsville, IN 46007

Myrene K. Brown

Signature (s)

5-1-2020

Date

MYRENE SHOVE

Printed Name (s)

620 W. Sycamore 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.

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- 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

William C McGraw

Signature (s)

30 April 2020

Date

William C. McGraw

Printed Name (s)

720 West Sycamore St

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.

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Zionsville, IN 46077
- b. To James E. Russell and Rena Carol Russell, 640 West Sycamore Street
Zionsville, IN 46007

Steve CBetz Rena Beth

Signature (s)

May 4, 2020

Date

Steve CBetz Rena Beth

Printed Name (s)

715 W. Hawthorne St.

Owner's/Signer's Address