



MEMORANDUM

TO: Town of Zionsville Town Council
FROM: Wayne DeLong, AICP, CPM, Director of Planning and Economic Development
RE: Vacation Request of public rights-of-way (streets and alleys) located within a portion of the platted Town of Hamilton (formerly Clarkstown).

History

The Petition for Vacation was submitted by Henke Development Group, LLC ("Petitioner"). The Petitioner is the developer of Holliday Farms and a portion of Section 4 of Holliday Farms overlaps a portion of the platted Town of Hamilton (formerly Clarkston). The original Plat the Town of Hamilton (formerly Clarkstown), establishing the lots, public streets, and public alleys, was recorded on February 23, 1838 (see Exhibit 2). The only remaining portion of the recorded Town of Hamilton is the area included in this Vacation request.

Analysis of Current Request

The request to vacate portions of public rights-of-way (streets and alleys) located within a portion of the platted Town of Hamilton (formerly Clarkstown). According to Indiana State Law, the authority to Vacate a Public Way is delegated to the Town Council. A related Vacation Petition to remove the remaining lots and any Covenants, Conditions, and Restrictions from the recorded Plat has been filed and is scheduled to be heard by the Plan Commission at their meeting on September 21, 2020. State Law gives the authority for the vacation of platted items to the Plan Commission.

The public ways to be vacated do not affect any property which will not be incorporated into the development of Holliday Farms (see Exhibit 3). The submitted Vacation Petition and supporting documentation was distributed to the Town's departments and members of the Technical Advisory Committee (including utility providers) for their review and comment. No concerns or objections were expressed by any department.

Staff is in support of the Vacation Petition to vacate public rights-of-way (streets and alleys) located within a portion of the platted Town of Hamilton (formerly Clarkstown).

If there are any questions as to the content, please do not hesitate to contact our office.

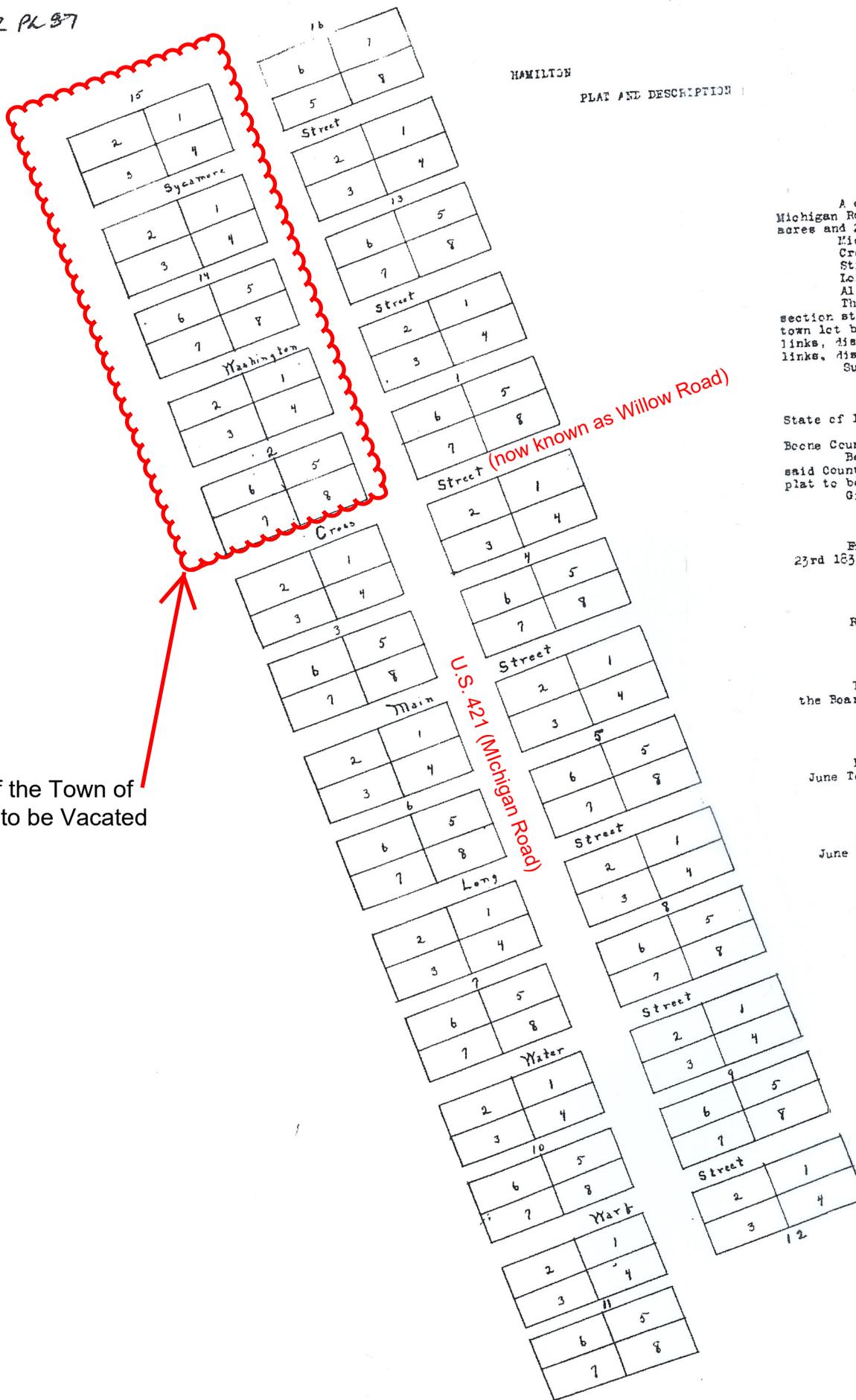
Respectfully submitted,

Wayne DeLong, AICP, CPM

HAMILTON

PLAT AND DESCRIPTION

Portion of the Town of
Hamilton to be Vacated



A correct plat of Hamilton (formerly Clarkstown) lying on the Michigan Road in S. 25, T. 18 N. R. 2 East, containing an area of 32 acres and 22 poles.

Michigan Street 97 feet.
Cross Street 49½ feet the other
Streets are 33 feet.
Lots 66 by 132 feet.
Alleys 12 feet.

The N.W. corner of the west ¼ of the S.W. quarter of said section stands in lot No. 6, Block No. 2. The S.W. corner of said town lot bears from corner of land above mentioned N. 77° E. 107 links, distant, and the S.W. corner of said lot bears S. 64° W. 95 links, distant.

Surveyed by me March 31st, 1837.

J. E. Hacker,
Co. Surveyer.

State of Indiana)
)Set:

Before me, Thomas Thompson a Justice of the Peace in and for Boone County
said County Jacob Hoover and Benjamin Cox acknowledged the within town plat to be their voluntary act for the purposes therein mentioned.
Given under my hand and seal this 27th day of November 1837.

Thomas Thompson (Seal)

Endorsed: Rec'd for record Feb. 13th, 1838 and recorded Feb. 23rd 1838 in Deed Book 3 page 364.

James McCann,
R. B. C.

Re-recorded Sept. 8, 1857

Thomas P. Miller,
Recorder B. Co.

Transcribed and hereon recorded March 29th, 1867 by order of the Board of Commissioners of said County at their March Term 1867.

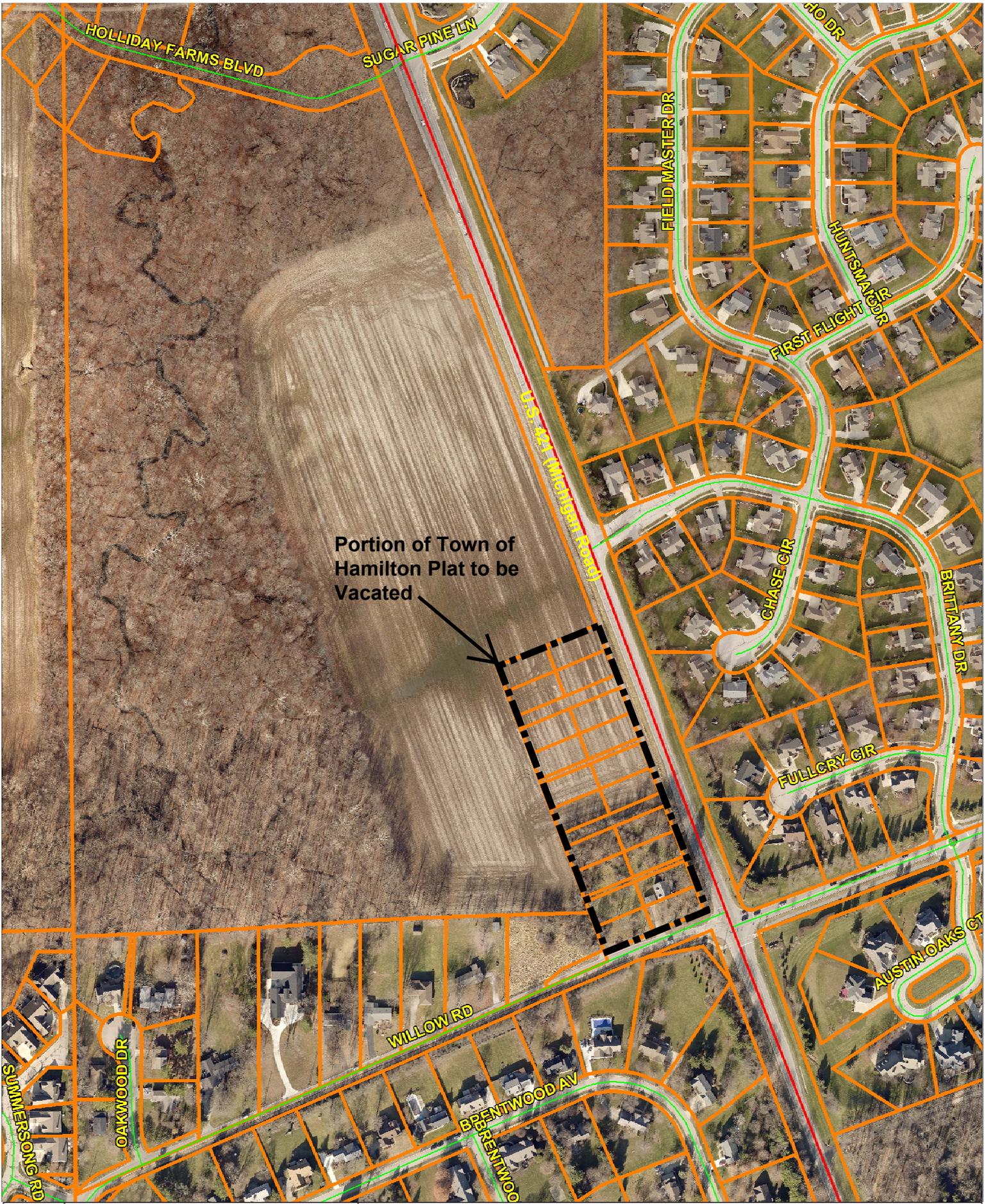
John Thomas,
R. B. C.

Re-recorded by order of the Board of Commissioners at their June Term 1892.

John S. Masters,
R. B. C.

Re-recorded by order of the Board of County Commissioners at their June Term 1938.

W. W. West
R. B. C.



Portion of Town of
Hamilton Plat to be
Vacated

