



MEMORANDUM

TO: Town of Zionsville Town Council

FROM: Wayne DeLong, AICP, CPM, Director of Planning and Economic Development

RE: Vacation Request of a portion of the 5-foot wide north/south Alley located between Maple Street and Fitch Place, extending from Ash Street northward 157.6 feet.

History

The Petition for Vacation was submitted by Douglas and Amy Fisher (“Petitioner”) on September 19, 2020. The Petitioner owns the parcel on the west side of the portion of the north/south alley to be vacated (Exhibit 2). All property owners on the east side of the area of the alley to be vacated have provided consent for this Vacation. The 5.0’ wide alley was established with the Plat of Martha E. Miller’s Addition to the Town of Zionsville, executed in 1865 and recorded on March 27, 1867 as Plat Book 2, Page 67 (Exhibit 3).

Analysis of Current Request

The request is to vacate a 157.6’ section of the 5.0’ wide public alley which borders the east side of 50 E. Ash Street (“Fisher parcel”) (Exhibit 4). This section of the platted alley is unimproved and is not utilized as access to any adjoining lots; however, overhead utility lines do appear to extend northward from Ash Street within this alley.

The submitted 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. While no comments in opposition to the requested Vacation have been received, the Street and Storm Water Department and the Town’s Engineering Consultant recognized two features of the Fisher parcel which should be addressed:

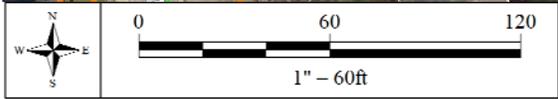
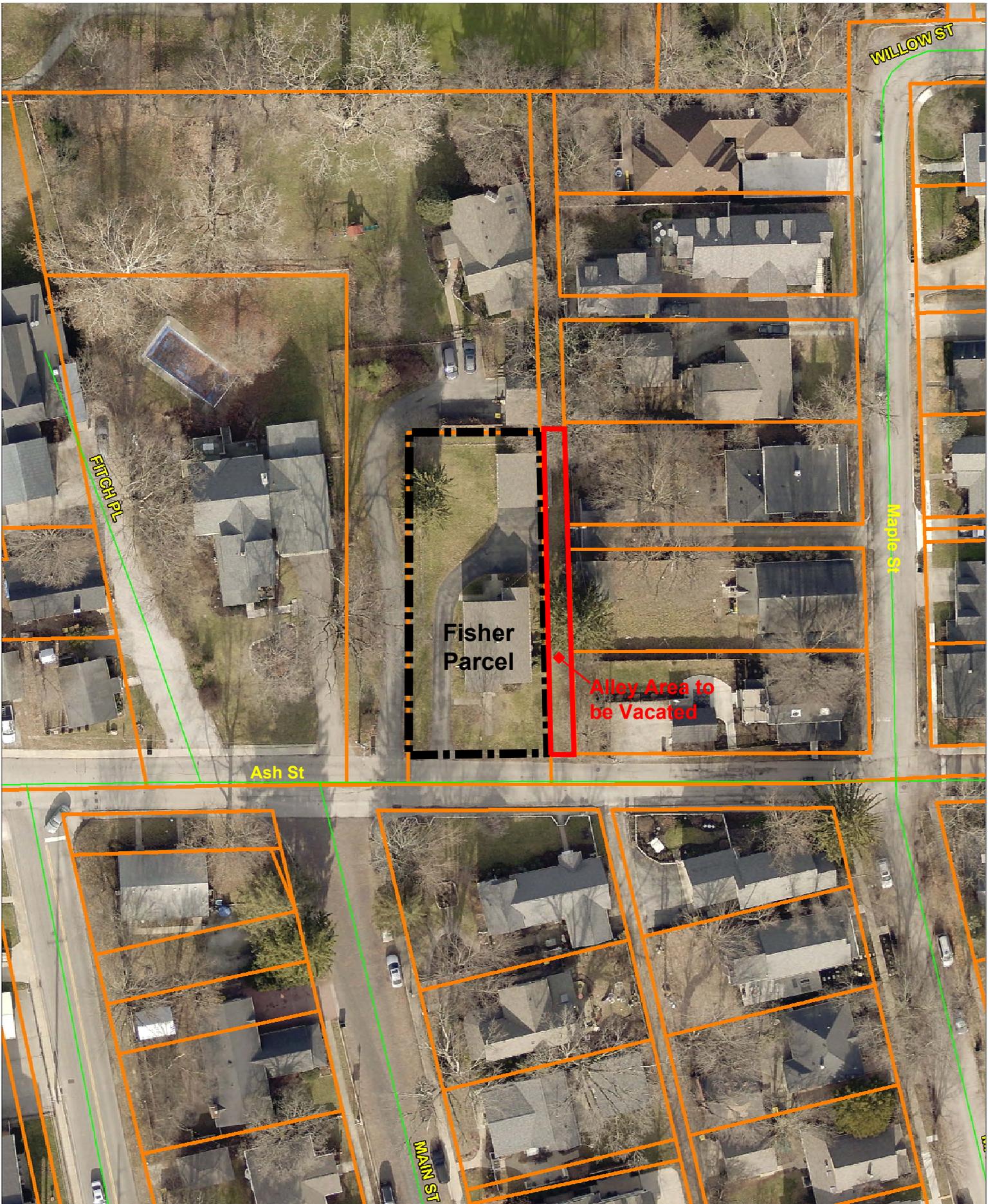
1. The northern half right-of-way for Elm Street, along the Fisher parcel’s frontage, is not wide enough to accommodate a public sidewalk.
2. An old, existing storm sewer/drainage tile runs adjacent to the western edge of the Fisher Parcel and there is no easement in place to allow for maintenance by the Town of this tile.

Lance Lantz, Director of the Town’s Street and Storm Water Department, has met with the Petitioner to discuss these items. Petitioner has stated a willingness to work with the Town in addressing both items.

Staff is in support of the Vacation Petition, provided the alley area is maintained as a perpetual utility easement, and subject to the Petitioner: agreeing to formalize an easement providing access for maintenance to the existing storm sewer/drainage tile; and, agreeing to the dedication of additional right-of-way for Ash Street to allow for a sidewalk.

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

Respectfully submitted,
Wayne DeLong, AICP, CPM



Alley Vacation: 50 E. Ash Street - Exhibit 2

MARTHA E. MILLER'S ADDITION TO ZIONSVILLE

Martha E. Miller's Addition to the town of Zionsville

Metes and bounds as follows, to-wit:

Commencing seven poles and fifteen feet and two inches west of the Northeast corner of Oliver's Addition to the town of Zionsville, thence north twenty poles and three and one third feet, thence west twenty poles, eight feet and five inches, thence south twenty poles and three and one third feet, thence east to the place of beginning, containing two acres and one half, more or less, being and lying in Section No. thirty five, Township Number eighteen North of range number two east.

Lots, Streets and alleys described as follows, to-wit:

Lots 1,2,3,4,5 & 6 are fifty feet wide, and one hundred and forty four long.

Lots 7,8,9,10,11 & 12 are fifty feet wide and one hundred and forty feet long.

Maple Street running through the center thereof is (fifty) feet wide.

The two alleys running east and west through said Addition are each twelve feet wide.

Alleys on the north five feet.

The alleys on the east side, running North and South is ten feet wide.

And the one the west side, running north and south is five feet wide.

Martha E. Miller (Seal)

State of Indiana)
Boone County)

Personally appeared Martha E. Miller and acknowledged the execution of the within Addition to the town of Zionsville April 1st, 1865.
Witness my hand and notarial seal.

Samuel H. Doyal (LS)
Notary Public

I certify that Martha E. Miller's Addition to the town of Zionsville of which the above and foregoing is a true copy, was duly stamped with a fifty cent Revenue Stamp, and recorded as above, on the 6th day of April A.D. 1865 at 3 o'clock P.M. of said day.

John Thomas,
R.B.C.

Transcribed and hereon recorded on the 27 day of March 1867 by order of the Board of Commissioners of said County at their March Term 1867

John Thomas,
R.B.C.

Rerecorded by order of the Board of Commissioners at their June Term 1892.

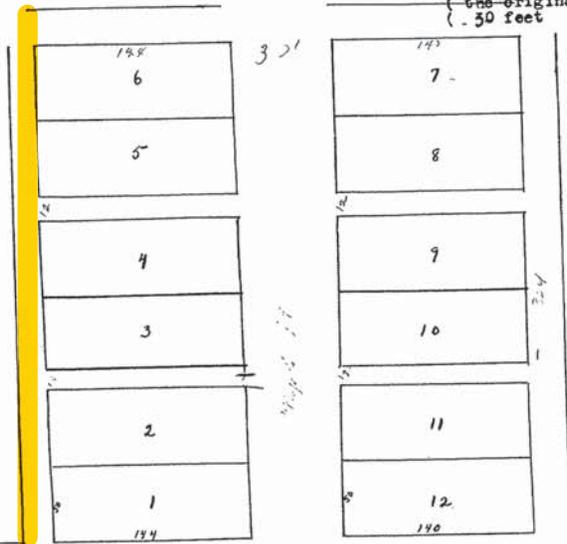
John S. Masters,
R.B.C.

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

John West,
R. B. C.

Highlighted areas show the 5' alley description.

(:-; In trans-)
(cribing from the old)
(Plat book this word)
(should have been 30)
(feet instead of 50 feet)
(the original says)
(50 feet)



Judgment for vacating alley
For release of the within number Plat see miscellaneous
record No. ... to 3 ... page 314-15

5/31 This ... day of ... 1973
Attest: Pauline Heckman, R.B.C.



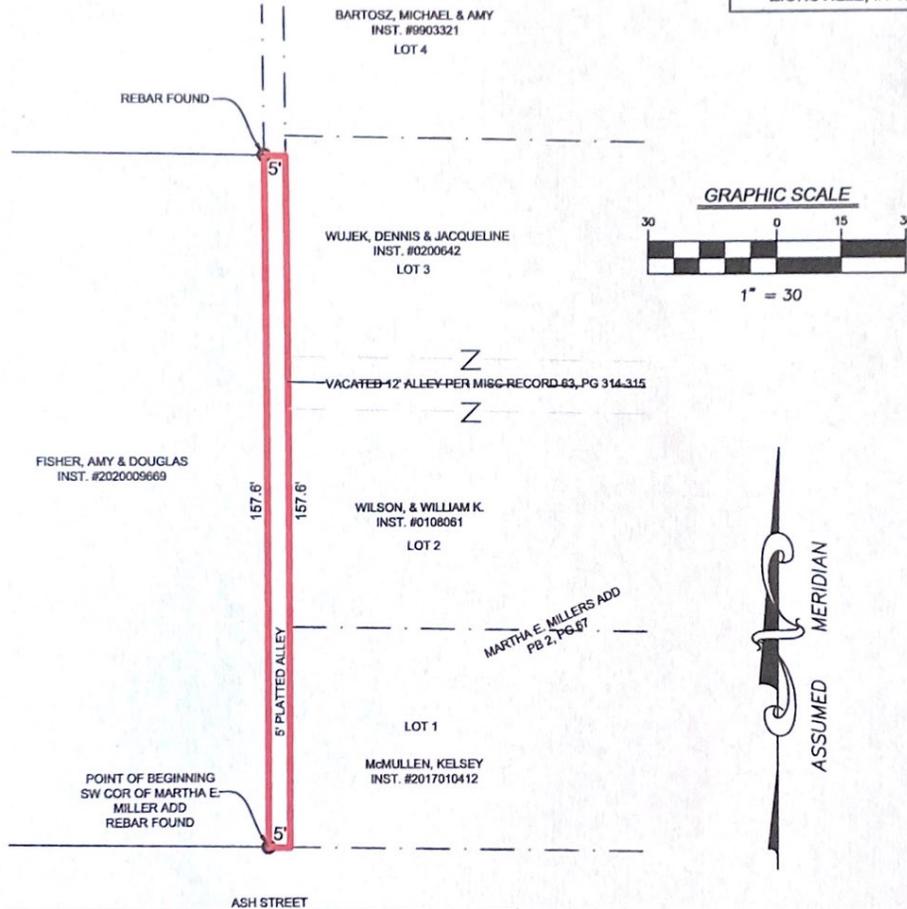
Formerly SEA Group
 494 Gradle Drive Carmel, Indiana 46032
 Phone: 317.844.3333 Fax: 317.844.3383
 infocarmel@v3co.com V3co.com
Surveyors - Scientists - Engineers

VACATION EXHIBIT

PT OF SW 1/4 OF SE 1/4 OF S35-T18N-R2E

Drawing Prepared By: HMS
 Drawing Scale: 1" = 30'
 Drawing Date: 8/14/2020
 Project Number: 20324

DOUGLAS & AMY FISHER
 50 E ASH STREET
 ZIONSVILLE, IN 46077



PARTIAL ALLEY VACATION

A PART OF MARTHA E. MILLERS ADDITION TO THE TOWN OF ZIONSVILLE, INDIANA, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 67 IN THE OFFICE OF THE RECORDER OF BOONE COUNTY, INDIANA, BEING THE SOUTHERN 157.6 FEET OF THE WESTERN-MOST 5-FOOT ALLEY IN SAID SUBDIVISION, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID MARTHA E. MILLERS ADDITION; THENCE NORTH 157.6 FEET TO A REBAR FOUND; THENCE EAST PARALLEL TO THE NORTH LINE OF ASH STREET 5 FEET TO THE WEST LINE OF LOT 3; THENCE SOUTH ALONG THE WEST LINE OF LOTS 1-3 AND THE VACATED 12-FOOT ALLEY PER MISC. RECORD 63, PAGES 314-315 A DISTANCE OF 157.6 FEET TO THE SOUTHWEST CORNER OF LOT 1; THENCE WEST ALONG THE NORTH LINE OF SAID ASH STREET 5 FEET TO THE POINT OF BEGINNING.