



# ZIONSVILLE

FOR ALL THE RIGHT REASONS

ZIONSVILLE TOWN COUNCIL  
MEETING AGENDA  
FOR

**THIS PUBLIC MEETING WILL BE CONDUCTED ON-SITE AT ZIONSVILLE TOWN HALL AS WELL AS ELECTRONICALLY PURSUANT TO GOVERNOR ERIC J. HOLCOMB'S EXECUTIVE ORDERS 20-02, 20-04 AND 20-08 AND GOVERNOR HOLCOMB'S EXERCISE OF HIS POWERS UNDER INDIANA'S EMERGENCY MANAGEMENT AND DISASTER LAW, IND. CODE 10-14-3, et seq. ADDITIONAL INFORMATION REGARDING THE MEETING IS PROVIDED IN THE ANNEX PUBLISHED WITH THIS NOTICE.**

**ANNEX TO PUBLIC NOTICE FOR THE OCTOBER 19, 2020, 7:30 A.M.  
REGULAR MEETING OF THE ZIONSVILLE TOWN COUNCIL**

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.

Members of the public shall have the right to attend Town Council Public Meetings via the following forms of electronic communication:

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/86426166323?pwd=OTJSWU40aDBVZkxWNlFYMWR4SU5Rdz09>

Passcode: 696684 Webinar ID: 864 2616 6323

Or iPhone one-tap :

US: +16465588656,,156545305# or +13017158592,,156545305#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592 or +1 346 248 7799 or +1 669 900 9128 or +1 253 215 8782

International numbers available: <https://us02web.zoom.us/j/kc1V86c260>

Due to social distancing requirements, no more than twenty-seven (27) attendees, (with two (2) of those seats reserved for media), will be allowed in the on-site public meeting. Chairs must remain six feet apart. Face masks are required at all times while in the building. Social distancing must be followed while in the building. A health screening must be completed before admittance to the Council meeting room will be allowed.

For technical assistance with electronic participation, please contact Joe Rust at [jrust@zionsville-in.gov](mailto:jrust@zionsville-in.gov).

ZIONSVILLE TOWN COUNCIL

MEETING AGENDA

FOR

MONDAY, OCTOBER 19, 2020

AT 7:30 A.M.

ELECTRONIC & ONSITE MEETING

1100 West Oak Street

1. OPENING
  - A. CALL MEETING TO ORDER
  - B. PLEDGE OF ALLEGIANCE
2. APPROVAL OF THE MEMORANDUM OF THE OCTOBER 5, 2020 REGULAR MEETING (Copy Posted)

Documents:

[OCTOBER 5 2020 TOWN COUNCIL MEETING MEMORANDA.FINAL DRAFT.PDF](#)

3. REQUEST TO SPEAK
4. OLD BUSINESS
  - A. CONSIDERATION OF AN ORDINANCE TO AMEND THE TOWN OF ZIONSCILLE ZONING ORDINANCE (Petition No. 2020-24-Z, Russell Oaks) Ordinance 2020-16

Documents:

[ORDINANCE 2020-16 ZONING AMENDMENT - RUSSELL OAKS AND ATTACHMENTS CONT..PDF](#)

- B. CONSIDERATION OF AN ORDINANCE REESTABLISHING THE SAFETY BOARD FOR FIRE DEPARTMENT MATTERS (CONSIDERATION OF VETO OVERRIDE) Ordinance 2020-12

Documents:

[ORDINANCE 2020-12 REESTABLISHING THE SAFETY BOARD FOR FIRE DEPARTMENT MATTERS\(FINAL.1\).PDF](#)  
[TOWN OF ZIONSVILLE ORDINANCE RE SAFETY BOARD - REDLINED.PDF](#)  
[VETO MEMO\\_ORDINANCE 2020-12.PDF](#)

- C. CONSIDERATION OF AN ORDINANCE REESTABLISHING THE BOARD OF METROPOLITAN POLICE COMMISSIONERS AS THE SAFETY BOARD FOR POLICE MATTERS (CONSIDERATION OF VETO OVERRIDE) Ordinance 2020-13

Documents:

[ORDINANCE 2020-13 - REESTABLISHING THE BOARD OF METROPOLITAN POLICE COMMISSIONERS AS THE SAFETY BOARD FOR POLICE MATTERS.PDF](#)  
[TOWN OF ZIONSVILLE ORDINANCE RE BOPAC - REDLINED.PDF](#)

5. NEW BUSINESS

- A. CONSIDERATION OF AN ORDINANCE VACATING A PORTION OF A PUBLIC RIGHT OF WAY WITHIN ZIONSVILLE CORPORATE BOUNDARIES (FISHER) (PUBLIC HEARING) Ordinance 2020-17

Documents:

[ORDINANCE 2020-17 VACATING A PORTION OF PUBLIC RIGHT OF WAY.PDF](#)  
[EXHIBIT 1 - STAFF MEMO WITH EXHIBITS - FISHER VACATION FOR 2020-10-19 TOWN COUNCIL MEETING.PDF](#)  
[PUBLISHED LEGAL NOTICE.PDF](#)  
[AFFIDAVIT OF NOTICE - MAILING.PDF](#)  
[VACATION - FISHER ALLEY - 50 E ASH ST - FINDINGS OF FACT.PDF](#)

- B. CONSIDERATION OF THE 2021 BUDGET FOR THE TOWN OF ZIONSVILLE, INDIANA

6. OTHER MATTERS

7. APPROVAL OF CLAIMS

8. ADJOURN A Special Meeting Is Scheduled For October 29, 2020 At 9:00 A.m. The October 29, 2020 Meeting Will Be Conducted Via Zoom Only. Access Information Will Be Posted With The Meeting Notice. The Next Regular Town Council Meeting Is Scheduled For Monday, November 2, 2020 At 7:00 P.m. Determination Of The Need For A Solely Electronic Meeting Will Be Evaluated Prior To The Meeting And Final Notice Will Be Posted In Compliance With The Indiana Open Door Law.



**ZIONSVILLE TOWN COUNCIL  
MEETING MEMORANDA  
FOR  
MONDAY, OCTOBER 5, 2020 AT 7:00 PM  
ELECTRONIC & ONSITE MEETING  
1100 West Oak Street**

Date of Preparation: October 9, 2020

Council Members Present: Josh Garrett, President; Bryan Traylor, Vice-President; Brad Burk, Alex Choi, Joseph Culp, Craig Melton and Jason Plunkett  
No members absent.

Also Present: Heather Willey, Town Council Attorney; Amy Lacy, Municipal Relations Coordinator, and Town Department Staff.

1. OPENING

- A. Call meeting to order
- B. Pledge of Allegiance

2. APPROVAL OF THE MEMORANDUM OF THE SEPTEMBER 21, 2020 REGULAR MEETING (copy posted)  
**COUNCIL ACTION:** Councilor Choi moved to approve the Memoranda of the September 21, 2020 Town Council Meeting.

Councilor Plunkett seconded the motion.

The Memoranda of the September 21, 2020 meeting was approved by a vote of seven in favor, zero opposed. (7/0)

3. REQUESTS TO SPEAK

Zionsville resident Brian Hull spoke about the MakerSpace project. He said that they had done a number of projects for the Zionsville and Lebanon community, including 3D printing of face shields for Witham Hospital. Mr. Hull said he wanted to introduce himself to the Council. He said he was trying to get more support for MakerSpace from community members. He concluded by saying he wanted to reach out to Town Council to see if they had interest in MakerSpace for Zionsville.

Zionsville resident Craig Triscari spoke in opposition of the ongoing VanTrust project, stating that as of October 2020 VanTrust had still failed to run eight-inch water lines into Saratoga Springs as promised and was still in violation of the commitment letter. He said the Council had failed to hold VanTrust to its commitments. Mr. Triscari stated that the Council needs to review and fix construction noise Ordinances, saying they were designed for short term building projects. He said his neighborhood has problems with construction noise at 5:00 am in the morning and early Saturday mornings. Mr. Triscari said that VanTrust needed to adhere to commitments regarding berms, fences, tree height and types of trees and that Zionsville failed to enforce these. He said that VanTrust had decided to lie about the tree heights as well.

Mr. Triscari stated that Zionsville did not adhere to its comprehensive plan and did not care about homeowner's property values.

He also again expressed displeasure at what he felt to be the absence of value additional services or funding provided by the Town of Zionsville in Perry Township and the rural community. Mr. Triscari also said that homeowners

should reduce their property taxes due to what he felt were the lack of services, reckless development and lack of adherence to a comprehensive plan by the Town of Zionsville.

President Garrett responded to Mr. Triscari's comments by clarifying some points for the Council. He explained that the development commitments had no timeline and were only required to be completed when the project is complete therefore VanTrust is not in violation. He also stated that eight-foot tree sizes were not referenced in the commitments or landscape plans.

President Garrett went on to clarify that the Request to Speak agenda item is something that is granted to the community and is not a requirement. He said that if some speakers continue to use this as an opportunity to call developers, lawyers, Council, staff and the Mayor liars, the Request to Speak agenda item was something that may not continue. He concluded by saying that the Council was open to any actual proof, but that the continued use of conjecture and refusal to look at actual documents submitted was becoming unacceptable.

#### 4. PRESENTATION – ZIONSVILLE YOUTH SOCCER ASSOCIATION

Zionsville Youth Soccer Association Executive Director Peter O'Scanaill gave a presentation regarding the organization. He stated that the organization has been in place for 40 years, serving over 2000 children in Zionsville and surrounding communities. He said that the organization's annual SocctoberFest, now in its 21<sup>st</sup> year, is the largest sporting event in Boone County and that through the Zionsville Youth Soccer Association, Zionsville High School teams were the State Soccer Champions.

He went on to explain that with the growth of the organization, there was a need to improve facilities and provide greater safety for those using the facilities.

After detailing the needed improvements and their costs, Mr. O'Scanaill said that Zionsville Youth Soccer Association was requesting financial support from Zionsville as well as Whitestown, the Zionsville School Corporation, local foundations, local businesses, and others.

Mr. O'Scanaill concluded by emphasizing that with an improved complex, the organization would be in a position to provide uninterrupted training for the growing towns of Zionsville, Whitestown and surrounding areas.

Mr. O'Scanaill answered questions from the Council. Vice-President Traylor confirmed that a \$50,000 contribution to ZYSA was among the claims to be approved by Town Council that evening.

#### 5. OLD BUSINESS

##### A. CONSIDERATION OF AN ORDINANCE ESTABLISHING A DEPARTMENT OF PUBLIC WORKS AND CREATING THE POSITIONS OF DIRECTOR OF PUBLIC WORKS AND DIVISION SUPERVISORS (SECOND READING)

###### **Ordinance 2020-09**

**COUNCIL ACTION:** Councilor Choi moved to adopt Ordinance #2020-09 on final reading. Councilor Culp seconded the motion.

Ordinance #2020-09 was adopted on final reading by a vote of seven in favor, zero opposed. (7/0)

##### B. CONSIDERATION OF AN ORDINANCE VACATING A PORTION OF A PUBLIC RIGHT-OF-WAY (TOWN OF HAMILTON – HOLLIDAY FARMS - HENKE) (SECOND READING)

###### **Ordinance 2020-10**

**COUNCIL ACTION:** Councilor Burk moved to adopt Ordinance #2020-10 on final reading. President Garrett seconded the motion.

Ordinance #2020-10 was adopted on final reading by a vote of seven in favor, zero opposed. (7/0)

C. CONSIDERATION OF AN ORDINANCE VACATING A DRAINAGE EASEMENT (TOWRISS)  
(SECOND READING)

**Ordinance 2020-11**

**COUNCIL ACTION:** President Garrett moved to adopt Ordinance #2020-11 on final reading. Vice-President Traylor seconded the motion.

Ordinance #2020-11 was adopted on final reading by a vote of seven in favor, zero opposed. (7/0)

D. CONSIDERATION OF AN ORDINANCE REESTABLISHING THE SAFETY BOARD FOR FIRE DEPARTMENT MATTERS  
(SECOND READING)

**Ordinance 2020-12**

President Garrett noted that Mayor Styron had submitted correspondence to Town Council regarding her position on this matter. He also noted for the record that he was less than thrilled by how the memo portrayed Town Council Attorney Heather Willey.

Councilor Choi commented that this matter was a little controversial with the Mayor's office and they were still going through consideration of all the legalities. He said that though he felt fairly certain the ordinance was legitimate, in order to consider it fully he would like to make a motion to continue the matter.

Before recognizing Councilor Choi's motion, President Garrett asked for any questions from the Council. There were no questions or comments.

**COUNCIL ACTION:** Councilor Choi moved to continue Ordinance #2020-12.

There was no second. The motion did not pass.

Vice-President Traylor moved to adopt Ordinance 2020-12 on final reading.

Councilor Plunkett seconded the motion.

Ordinance #2020-12 was adopted on final reading by a vote of seven in favor, zero opposed. (7/0)

E. CONSIDERATION OF AN ORDINANCE REESTABLISHING THE BOARD OF METROPOLITAN POLICE COMMISSIONERS AS THE SAFETY BOARD FOR POLICE MATTERS  
(SECOND READING)

**Ordinance 2020-13**

Councilor Choi stated that he had the same concerns regarding Ordinance 2020-13 as he did with Ordinance 2020-12 but that he would not make a motion to continue.

**COUNCIL ACTION:** President Garrett moved to adopt Ordinance #2020-13 on final reading. Vice-President Traylor seconded the motion.

Ordinance #2020-13 was adopted on final reading by a vote of seven in favor, zero opposed. (7/0)

6. NEW BUSINESS

A. HUSSEY-MAYFIELD LIBRARY BOARD – DECLARATION OF FISCAL BODY

Hussey-Mayfield Library Board Executive Director Sarah Moore explained that due to House Enrolled Act 410, which took effect July 1, 2020, the fiscal body to which they reported for budget review when necessary changed from Boone County to the Zionsville Town Council.

Ms. Moore answered questions from the Council.

**COUNCIL ACTION:** President Garrett moved to approve the Declaration of Fiscal Body.

Councilor Plunkett seconded the motion.

The Declaration of Fiscal Body was approved by a vote of seven in favor, zero opposed. (7/0)

**B. NOMINATION OF NEW PATHWAYS COMMITTEE MEMBER**

President Garrett explained that former Pathways Committee member John Salewicz had resigned in order to focus his attention on the Park Board. President Garrett announced that he was nominating MJ Deras, saying because of her interest and passion she would be an excellent candidate.

**COUNCIL ACTION:** Vice-President Traylor moved to approve the nomination.

Councilor Plunkett seconded the motion.

The nomination was approved, and MJ Deras was appointed to the Pathways Committee by a vote of seven in favor, zero opposed. (7/0)

**C. CONSIDERATION OF A CONFIRMATORY RESOLUTION FOR THE DESIGNATION OF AN ECONOMIC DEVELOPMENT AREA AND APPROVAL OF PERSONAL PROPERTY TAX ABATEMENT APPLICATION (MWI ANIMAL HEALTH)  
(PUBLIC HEARING)**

**Resolution 2020-13**

With Proof of Publication for a Public Hearing noted, President Garrett opened the Public Hearing for comment.

With no public comment, President Garrett closed the Public Hearing.

Director of Planning and Economic Development Wayne DeLong presented Resolution 2020-13. He gave an overview, explaining it was the second step of two-step process relating to tax abatement request. He stated that the abatement was for a total of \$164,000 over a period of five years.

**COUNCIL ACTION:** President Garrett moved to approve both Resolution #2020-13 and the Tax Abatement Agreement in a single vote.

Councilor Culp seconded the motion.

Resolution #2020-13 and the Tax Abatement Agreement were approved by a vote of seven in favor, zero opposed. (7/0)

**D. CONSIDERATION OF AN ORDINANCE TO AMEND THE TOWN OF ZIONSVILLE ZONING ORDINANCE (Petition No. 2020-29-Z, Zionsville Community Schools)**

**Ordinance 2020-15**

Director of Planning and Economic Development presented Ordinance 2020-15, stating it was coming the Council with a favorable recommendation from the Plan Commission.

**COUNCIL ACTION:** Vice-President Traylor moved to adopt Ordinance #2020-13 on final reading.

Councilor Plunkett seconded the motion.

Ordinance #2020-15 was adopted on final reading by a vote of seven in favor, zero opposed. (7/0)

**E. CONSIDERATION OF AN ORDINANCE TO AMEND THE TOWN OF ZIONSVILLE ZONING ORDINANCE (Petition No. 2020-24-Z, Russell Oaks)**

**Ordinance 2020-16**

President Garrett noted that the Town Council had received correspondence on this matter from Mayor Styron stating she was not in favor of the ordinance.

Attorney Mike Andreoli, representing the developer and petitioner Kendalwood Realty, presented Ordinance 2020-16. He stated that it came to the Town Council from the Plan Commission after two very lengthy Public Hearings. He explained in detail the zoning classifications and the commitments from the developer. In response to a question from Councilor Culp, Mr. Andreoli confirmed the proposal was only the approval of the rezoning of thirty-one acres from Rural (R1) to Rural (R2) Residential Zoning District, it was not the approval of the master plan.

Lengthy discussion followed. Mr. Andreoli, Jim Knighton of Kendalwood Realty, Street and Stormwater Superintendent Lance Lantz and Attorney Heather Willey answered questions from the Council.

Discussion followed regarding the need to continue consideration of the ordinance to allow time for Mr. Andreoli to meet with Mayor Styron and other interested parties.

**COUNCIL ACTION:** Councilor Choi moved to continue consideration of Ordinance 2020-16. Councilor Culp seconded the motion. Ordinance 2020-16 was continued to the October 19, 2020 Town Council meeting by a vote of seven in favor, zero opposed. (7/0)

- F. **BID OPENING FOR DEMOLITION OF RESIDENTAL IMPROVEMENTS AT 4075 S CR 875 EAST**  
Director of Planning and Economic Development Wayne DeLong stated there were four sealed bids for the demolition of structures at 4075 S CR 875 East. He proceeded to open each bid. The results were as follows:

- Casey Bertram: \$41,575.00 (received 10/05 at 11:06 a.m.)
- Earth and Turf: \$41,144.00 (received 10/05 at 1:50 p.m.)
- Crackers Demo: \$38,800.00 (received 10/05 at 1:51 p.m.)
- Denny Companies: \$21,547.00 (received 10/05 at 1:57 p.m.)

Director DeLong requested approval to pursue the lowest responsible bid.

**COUNCIL ACTION:** President Garrett moved to authorize Director DeLong to pursue the lowest responsible bid. Councilor Plunkett seconded the motion.

Authorization was approved by a vote of seven in favor, zero opposed. (7/0)

- G. **CONSIDERATION OF AN ADDITIONAL APPROPRIATION RESOLUTION FROM PARK IMPACT FEE FUND AND PARK CAPITAL NON-REVERTING FUND**  
(Heritage Trail dog park & purchase of land at 45 Elm Street)

**Resolution 2020-14**

Chief Financial Officer Tammy Havard presented Resolution 2020-14. She explained there were two additional appropriations on the resolution. She stated that the \$40,000 from the Park Impact Fee Fund is to pay for a portion of the Dog Park and additional sun shelters at Heritage Trail Park and the \$500,000 from the Park capital Non-Reverting Fund was to fund the purchase of the parcel at 45 N. Elm Street with the lower portion to be used for a trail extension connecting Elm Street Green and Lion's Park. She went on to say that the upper portion would be sold with the reimbursing funds going back into the Non-Reverting Capital Fund.

**COUNCIL ACTION:** Councilor Burk moved to approve Resolution #2020-14. Councilor Plunkett seconded the motion.

Resolution #2020-14 was approved by a vote of seven in favor, zero opposed. (7/0)

- H. **ZPD – TASER - SINGLE SOURCE SPECIAL PURCHASE**

Captain Marius Klykken presented this proposed purchase of the Taser X7, he said the Taser X7 has been determined to be the best replacement, both finally and for officer safety, for the current tasers which are approximately 15 years old. He explained that only one source provided this product, which qualifies it as a special purchase under Indiana law.

Therefore, there was no need to solicit bids. Captain Klykken answered questions from the Council.

**COUNCIL ACTION:** President Garrett moved to approve the purchase. Councilor Choi seconded the motion.

The purchase of the Taser X7 brand tasers was approved by a vote of seven in favor, zero opposed. (7/0)

- I. **ZPD – FLOCK SAFETY – LICENSE PLATE READER – SINGLE SOURCE SPECIAL PURCHASE**  
Captain Marius Klykken presented this proposed purchase of the Flock Safety license plate readers, stating that after lengthy research it was determined that these were the best fit for Zionsville, having technology not available in other programs. He explained that only one source provided this product, which qualifies it as a special purchase under Indiana law.  
Therefore, there was no need to solicit bids. Captain Klykken answered questions from the Council.

**COUNCIL ACTION:** Councilor Choi moved to approve the purchase. Vice-President Traylor seconded the motion.

The purchase of the Flock Safety license plate readers was approved by a vote of seven in favor, zero opposed. (7/0)

- J. **OPEN GOV NEW FINANCIAL MANAGEMENT SYSTEM – SINGLE SOURCE SPECIAL PURCHASE**  
Chief Financial Officer Tammy Havard presented the proposed purchase with OpenGov, explaining there is only one source for this cloud-based ERP system for Financials, Budgeting and Planning, Permitting, Licensing and Code Enforcement, Reporting and Transparency Platform, and Utility Billing that is purpose-built for local government.  
Andrew Jones of OpenGov presented a demonstration of the product  
CFO Havard and Mr. Jones answered questions from the Council.

**COUNCIL ACTION:** President Garrett moved to approve the purchase. Councilor Culp seconded the motion.

The purchase of the OpenGov system was approved by a vote of seven in favor, zero opposed. (7/0)

- K. **ZFD – KNOX EMERGENCY MANAGEMENT SYSTEM – SINGLE SOURCE SPECIAL PURCHASE**  
Deputy Chief Josh Frost presented the proposed purchase of the Knox KS6 key vault system, explaining that it would upgrade the current KeySecure 3B system, which is being eliminated, to the Knox KS6 hardware that provides audit trail ability and non-destructive fire department access to businesses.

**COUNCIL ACTION:** President Garrett moved to approve the purchase. Councilor Melton seconded the motion.

The purchase of the Knox KS6 Emergency Management System was approved by a vote of seven in favor, zero opposed. (7/0)

7. **OTHER MATTERS**

Municipal Relations Coordinator Amy Lacy distributed Claims Registers for Councilor's signatures from the September 8<sup>th</sup> and September 21<sup>st</sup> Town Council meetings, which had been approved but not signed due to the virtual meetings.

8. **APPROVAL OF CLAIMS**

**COUNCIL ACTION:** President Garrett moved to approve claims as presented. Councilor Culp seconded the motion. Claims were approved by a vote of seven in favor, zero opposed. (7-0)

9. **ADJOURN**

**COUNCIL ACTION:** Councilor Plunkett moved to adjourn the meeting. President Garrett seconded the motion. The motion was approved by a vote of seven in favor, zero opposed. (7/0)

The next regular Town Council meeting is scheduled for Monday, October 19, 2020 at 7:30 a.m. Determination of the need for a solely electronic meeting will be evaluated prior to the meeting and final notice will be posted in compliance with the Indiana Open Door Law.

Respectfully Submitted,

Amelia Anne Lacy, Municipal Relations Coordinator  
Town of Zionsville



Such Property shall be subject to the conditions and restrictions adopted and imposed by the Zionsville Plan Commission, if any.

(a) The Director of Finance and Records and Staff are directed to comply with Section 194.182 of the Zoning Ordinance by taking all actions required thereby to implement this Zone Map Amendment.

2. Construction of Clause Heading: 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 or intent of the clause to which they appertain.

**Section 2. Savings Clause:** If any title, section, subsection, phrase, clause, sentence, or word of this Ordinance shall for any reason be held invalid or unconstitutional by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby and shall remain in full force and effect.

**Section 3. 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 or intent of the clause to which they appertain.

**Section 4. Repeal of Conflicting Ordinances:** The provisions of all other Town ordinances in conflict with the provisions hereof, if any, are of no further force or effect and are hereby repealed.

**Section 5. Severability:** If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remainder of this Ordinance.

**Section 6. Duration and Effective Date:** The provisions of this Ordinance shall become and remain in full force and effect upon adoption and publication according to Indiana Law and until its repeal by ordinance.

Introduced and filed on the \_\_\_\_\_ day of \_\_\_\_\_, 2020. A motion to consider on First Reading was sustained by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed, pursuant to Indiana Code 36-5-2-9.8.

DULY PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2020, by the Town Council of the Town of Zionsville, Boone County, Indiana, having been passed by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed.

**TOWN COUNCIL OF THE TOWN OF ZIONSVILLE,  
BOONE COUNTY, INDIANA**

|                                  | <b>YEA<br/>Signature</b> | <b>NAY<br/>Signature</b> |
|----------------------------------|--------------------------|--------------------------|
| Josh Garrett,<br>President       |                          |                          |
| Bryan Traylor,<br>Vice-President |                          |                          |
| Alexander Choi,<br>Member        |                          |                          |
| Joe Culp,<br>Member              |                          |                          |
| Brad Burk,<br>Member             |                          |                          |
| Craig Melton,<br>Member          |                          |                          |
| Jason Plunkett,<br>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, Municipal Relations Coordinator

**MAYOR'S  
APPROVAL**

\_\_\_\_\_  
Emily Styron, Mayor

\_\_\_\_\_  
DATE

**MAYOR'S  
VETO**

\_\_\_\_\_  
Emily Styron, Mayor

\_\_\_\_\_  
DATE



**CERTIFICATION TO  
THE TOWN COUNCIL  
OF THE TOWN OF ZIONSVILLE, BOONE COUNTY, INDIANA**

September 22, 2020

To the Town Council of the Town of Zionsville, Indiana:

Be it advised that, pursuant to Indiana Code 36-7-4, on September 21, 2020 the Town of Zionsville Advisory Plan Commission (the "Commission"), by a vote of 6 in favor and 1 opposed, gave a ***Favorable Recommendation*** to proposal 2020-24-Z to amend the Zoning Map (the "Map") of the Town of Zionsville (Legal Description attached, "Exhibit A"). Proposal 2020-24-Z recommends that 31.671 ± acres described in the Petition be rezoned from the Rural (R1) Residential Zoning District to a Rural (R2) Residential Zoning District

The Town of Zionsville Advisory Plan Commission hereby certifies proposal #2020-24-Z to amend the Zoning Map (a copy of which is attached to this Certification and incorporated here by this reference, "(Exhibit B)") and its Commitments ("Exhibit C"), to the Town Council of Zionsville, Indiana, with a **Favorable Recommendation**.

**TOWN OF ZIONSVILLE  
ADVISORY PLAN COMMISSION**

\_\_\_\_\_  
**David L. Franz, President**

Attest: \_\_\_\_\_

*Wayne DeLong*  
**Wayne DeLong, AICP, CPM  
Director of Planning and Economic Development  
Secretary, Town of Zionsville Advisory Plan Commission**

## Exhibit A

### Rezone Legal Description

All that part of Section 4 Township 17 North, Range 2 East, Eagle Township, Boone County, Indiana, lying within the following described real estate, to-wit:

702 feet of even width off of the entire western boundary of the below described tract of ground consisting of 31.671 acres, more or less, as part of the following legal description:

Part of the West Half of Section 3 and part of the East Half of Section 4, all in Township 17 North, Range 2 East, Eagle Township, Boone County, Indiana, more fully described as follows: Beginning at the Northwest corner of the Southwest Quarter of the Northwest Quarter of said Section 3; thence along the approximate center line of State Road 334 and the Quarter Quarter Section line, North 89 degrees 32 minutes 16 seconds East 1334.99 feet; thence along the West described line of Spring Hills Subdivision, the plat of which is recorded in Plat Book 3, page 140, Boone County Recorder's Office, South 00 degrees 37 minutes 59 seconds West 1331.42 feet; thence along the West described line of Thornhill, Section I, the plat of which is recorded in Plat Book 6, page 102, the West described line of Thornhill, Section 3A, the plat of which is recorded in Plat Book 7, pages 32-33, and the West described line of Thornhill, Section 3B, the plat of which is recorded in Plat Book 7, pages 46-47, South 00 degrees 07 minutes 43 sections East 880.65 feet; thence along the North described line of the Westwood Associates, L.P. Property recorded as Instrument #0304347, South 89 degrees 43 minutes 28 seconds West 1331.20 feet; thence along the North described line of said Westwood Associates, L.P. Property, North 89 degrees 29 minutes 51 seconds West 664.08 feet; thence along part of an East described line of the Robert J. LaViolette and Sondra LaViolette Property recorded as Instrument #0319354, and the East described line of the Kevin R. Overly Property recorded as Instrument #0108110, North 00 degrees 06 minutes 40 seconds East 877.03 feet; thence along the East described line of Linda L. Gray Property recorded as Instrument #9812047, North 00 degrees 29 minutes 32 seconds West 227.97 feet; thence along the South described line of the Mark Wood and Susan Wood Property recorded in Deed Record 231, page 444, North 89 degrees 2S minutes 10 seconds East 48.42 feet; thence along the East described line of said Wood Property and the East described line of Russell Lake, Section One, the plat of which is recorded in Plat Book 4, pages 150 and 151, North 00 degrees 02 minutes 09 seconds West 1090.00 feet; thence along the approximate center line of State Road 334 and the Quarter Quarter Section line, North 89 degrees 25 minutes 10 seconds East 625.58 feet to the POINT OF BEGINNING, containing 100.0127 acres, more or less.

#### EXCEPTING THEREFROM:

A part of the West Half of Section 3, and a part of the East Half of Section 4, Township 17 North, Range 2 East, Eagle Township, Boone County, Indiana, described as follows:

Beginning at the northwest corner of the southwest quarter of the northwest quarter of the aforesaid Section 3; thence North 89 degrees 25 minutes 45 seconds East 1,335.29 feet along the quarter-quarter line of said section; thence South 0 degrees 26 minutes 09 seconds West 77.47 feet; thence South 78 degrees 03 minutes 24 seconds West 4.89 feet; thence South 89 degrees 22

minutes 00 seconds West 125.00 feet; thence North 75 degrees 42 minutes 07 seconds West 77.62 feet; thence South 89 degrees 22 minutes 00 seconds West 1,400.00 feet; thence North 68 degrees 49 minutes 55 seconds West 53.85 feet, which point is on the south boundary of S.R. 334; thence South 89 degrees 22 minutes 00 seconds West 50.00 feet along said south boundary; thence North 0 degrees 38 minutes 00 seconds West 40.28 feet to the north line of the southeast quarter of the northeast quarter of Section 4, Township 17 North, Range 2 East; thence North 89 degrees 25 minutes 45 seconds East 370.95 feet along the quarter-quarter line of said section to the point of beginning and containing 2.366 acres, more or less.

# TOWN OF ZIONSVILLE

## ZONING MAP

JANUARY 1, 2015

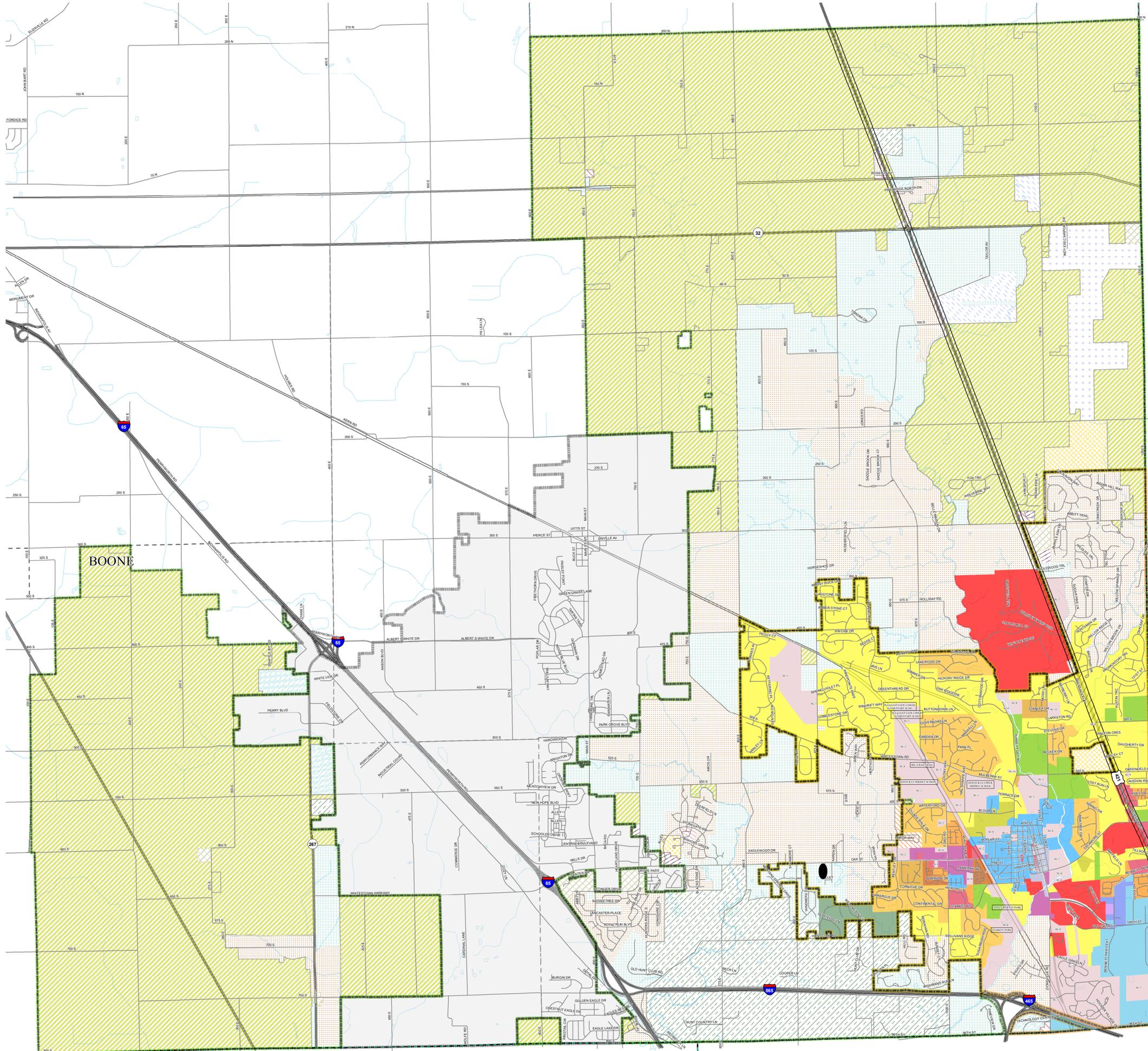


**ZIONSVILLE**  
FOR ALL THE RIGHT REASONS



Not to Scale

| LEGEND                        |                                   |
|-------------------------------|-----------------------------------|
| <b>Urban Zoning Districts</b> | <b>Rural Zoning Districts</b>     |
| RE                            | AG                                |
| R-SF-1                        | RE                                |
| R-SF-2                        | R1                                |
| R-SF-3                        | R2                                |
| R-SF-4                        | R3                                |
| R-MF-1                        | R4                                |
| R-MF-2                        | LB                                |
| B-0                           | PB                                |
| B-1                           | UB                                |
| B-2                           | GB                                |
| B-3                           | I-1                               |
| VBD                           | I-2                               |
| I-ORT                         | AZ                                |
| I-1                           | Zionsville Town Service District  |
| I-2                           | Zionsville Rural Service District |
| I-3                           | Lebanon                           |
| SPECIAL USE ZONING            | Michigan Road Overlay             |
| OPEN LAND                     | Whitestown                        |
| R-V                           | Parcels                           |
| PUD                           | County Line                       |
|                               | Township Line                     |
|                               | Water Features                    |
|                               | Highways                          |
|                               | Streets                           |



HAMILTON

HENDRICKS

MARION

RECOMMENDED BY THE PLAN COMMISSION, AND APPROVED AND ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ZIONSVILLE, AND AS AMENDED BY ZONING ORDINANCES.

- JEFF PAPA, PRESIDENT
- TIM HAAK
- ELIZABETH HOPPER
- STEVE MUNDY
- TOM SCHULER
- SUSANA SUAREZ
- CANDACE ULMER

All real property located within the corporate boundaries of the Town of Zionsville and under the jurisdiction of the Plan Commission as set forth in this Ordinance is hereby divided into Districts as shown on the Official Zone Map which, together with all explanatory matter, is incorporated by reference and declared to be a part of this Ordinance.

Allen Rochles *Allen Rochles* Wayne DeLong *Wayne DeLong*  
Plan Commission President Plan Commission Secretary

"This is to certify that this is the Official Zone Map of the Town of Zionsville, County of Boone, State of Indiana"

01/01/2015  
Date of Adoption



Exhibit B



**ZIONSVILLE PLAN COMMISSION  
FILE 2020-24-Z**

**COMMITMENTS CONCERNING THE USE OR DEVELOPMENT  
OF REAL PROPERTY MADE IN CONNECTION  
WITH A ZONE MAP CHANGE (REZONE)**

In accordance with IND. CODE § 36-7-4-1015, **Kendalwood Realty, LLC**, (hereinafter collectively “**Owner**”) represents and warrants that Owner owns certain real estate located in Boone County, Indiana, which real estate is described in Exhibit “A” attached hereto (the “**Real Estate**”), and is commonly known as 8901 and 9085 E. Oak St., Zionsville, Indiana 46077. Owner further represents and warrants that Owner has the authority to, and does hereby voluntarily make the following **COMMITMENTS** concerning the use and development of the Real Estate, including any portion thereof.

**STATEMENT OF COMMITMENTS**

Owner voluntarily agrees and commits that a favorable recommendation by the Zionsville Plan Commission (“**Commission**”) of Docket No. 2020-24-Z requesting a Zone Map Change of 31.671 acres (+/-), Exhibit “B” (“**Rezone Parcel**”), from a Rural R-1 to a Rural R-2 Zoning Classification is subject to the following Commitments:

- 1) Owner agrees to substantial compliance with the Site and Master Plans of the Real Estate as submitted as part of the Rezone Application process showing a maximum of 150 lots. Further, subject to the limitations in the following paragraph 2, no two-family dwellings shall be permitted on the Real Estate.
- 2) In the event Owner cannot or does not secure platting and development plan approval for the Master Plan as currently submitted, these Commitments are null and void as to the Real Estate, specifically the current R-2 Zoning Classification property consisting of 65.975 acres (+/-).
- 3) In the event Owner cannot or does not secure platting and development approval pursuant to substantial compliance with the Master Plan (see attached annexed Exhibit “C”) submitted to the Town of Zionsville September 16, 2020 for the September 21, 2020 Plan Commission agenda, the Rezone Parcel property consisting of 31.671 acres (+/-) to a Rural R-2 Zoning Classification, Owner agrees and commits that the Rezone Parcel property consisting of 31.671 acres (+/-) shall be developed consistent with the Town of Zionsville’s Zoning Ordinance Rural R-1 zoning classification, as may be amended from time to time.

The **COMMITMENTS** contained herein shall be effective upon a favorable recommendation by the Zionsville Plan Commission and the adoption of an Ordinance by the Zionsville Town Counsel rezoning the 31.671 acres, (Rezone Parcel), from a Rural R-1 Zoning Classification to a Rural R-2 Zoning Classification.

These **COMMITMENTS** shall be promptly recorded in the Office of the Boone County Recorder, Boone County, Indiana, and shall be considered a covenant running with the land described herein as the Real Estate, including any portion thereof.

These **COMMITMENTS** shall be binding on Owner, subsequent owners of the Real Estate or any portion thereof, and any and all other person or entities acquiring an interest in any portion of the Real Estate (hereinafter collectively the "Owners"). Owner shall have an affirmative duty to inform any third parties with whom Owner negotiates for a possible sale, lease, assignment, mortgage, or transfer of the Real Estate, or any portion thereof, of the existence of these **COMMITMENTS**. In the event any sale, lease, assignment, mortgage or transfer occurs, Owner shall ensure that a copy of these **COMMITMENTS** is incorporated into any such written agreement with the third party. In the event Owner fails to comply with the terms of this paragraph and the third party fails to perform and/or comply with these **COMMITMENTS**, the Town of Zionsville shall be entitled to recover from Owner and from each third party, jointly and/or severally, any and all damages which arise from this failure and shall be entitled to injunctive relief to terminate any non-compliance herewith.

These **COMMITMENTS** may be modified or terminated by decision of the Zionsville Town Counsel made after a Public Hearing for which proper notice is given, and upon recommendation as required by the Zionsville Plan Commission.

These **COMMITMENTS** may be enforced jointly and/or severally by the Town of Zionsville, Zionsville Plan Commission, the Director of Planning for the Town of Zionsville (or a position created for the Town of Zionsville which is analogous thereto), the Town (including any successor city or municipality), and/or owners of any parcel of ground adjoining or adjacent to the Real Estate. Owner and all Owners shall be obligated hereunder to indemnify the Town of Zionsville Plan Commission and the Town (including a successor city or municipality), and to hold said entities and their respective authorized representatives, including the Director of Planning for the Town, harmless from any liability, expense (including reasonable attorney fees and court costs), costs or damages which result from the failure to perform Owner's and/or Owners' obligations under the terms and conditions of these **COMMITMENTS**. Throughout these **COMMITMENTS** any reference to "Town" or "Town of Zionsville" shall also include any successor city, municipality, or other governmental body having land use, planning, and/or zoning jurisdiction over the Real Estate.

In the event it becomes necessary to enforce these **COMMITMENTS** in a court of competent jurisdiction and Owner and/or any subsequent Owners are found to be in violation of these **COMMITMENTS**, such Owner and/or Owners shall pay all reasonable costs and expenses the Town and the Zionsville Plan Commission and other authorized representative(s) incur in the enforcement of these **COMMITMENTS**, including reasonable attorney fees, expert witness fees, and court costs.

Owner and all subsequent Owners of all or a portion of the Real Estate shall be obligated hereunder, jointly and/or severally, to indemnify the Town of Zionsville Plan Commission and/or the Town and hold said entities and their respective authorized representative(s), including the Director of Planning for the Town, harmless from any and all liability, expense (including reasonable attorney fees and court costs), costs, or damages which result from the failure to perform Owner's and/or Owners' obligations hereunder and/or to comply with the terms and conditions of these **COMMITMENTS**.

Any controversy arising under or in relation to these **COMMITMENTS** shall be litigated exclusively in the applicable state courts of Indiana without regard to conflicts of law principles. Owner irrevocably consents, for him and herself and all subsequent Owners, to service, jurisdiction, and venue in such state courts for any and all such litigation and hereby waives any other venue to which Owner or subsequent Owners might be entitled by virtue of domicile, habitual residence, or otherwise.

Owner shall be responsible, at owner's expense, for recording these **COMMITMENTS** in the Office of the Recorder of Boone County, Indiana, within thirty (30) days after recommendation by the Plan Commission of Docket No. 2020-24-Z and adoption of an Ordinance rezoning the property of 31.671 acres (+/-) from Rural R-1 to Rural R-2 Zoning Classification and shall promptly provide the Planning Department of the Town of Zionsville with a copy of such recording as a condition precedent for the Development Plan and Platting approval, together with any Improvement Location Permit and/or Building Permit for the Real Estate.

The undersigned, by executing these **COMMITMENTS**, represents and warrants that at the time of executing this document, Kendalwood Realty, LLC, is the sole owner of the Real Estate, that execution of these **COMMITMENTS** is being voluntarily undertaken and requires no authorization of a third party, and that these **COMMITMENTS** shall be binding upon the undersigned as to all the particulars herein and shall be considered a **COVENANT** running with the land described herein as the Real Estate, including any portion thereof. By affirming his or her signature below to these **COMMITMENTS**, the undersigned each further represents and warrants that he/she has full capacity and authority to execute these **COMMITMENTS**.

IN WITNESS WHEREOF, Kendalwood Realty, LLC as the sole owner of the Real Estate, has executed these **COMMITMENTS** this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

**OWNER:**

**Kendalwood Realty, LLC, by:**

\_\_\_\_\_  
**Joe Zheng,**  
**Member/Manager**

STATE OF INDIANA     )  
                                  ) **SS:**  
COUNTY OF BOONE    )

Before me, a Notary Public, in and for said County and State, personally appeared **Joe Zheng, Member/Manager of Kendalwood Realty, LLC**, as the owner of the Real Estate described above, who acknowledged voluntarily executing the foregoing instrument and who, having been duly sworn, stated that any and all representations therein contained are true.

Witness my hand and Notarial Seal this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Barri Andreoli, Notary Public

Commission Number:  
560217

My Commission Expires: January 14, 2023  
County of Residence: Boone

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. Michel J. Andreoli

**This instrument prepared by Michael J. Andreoli, Attorney at Law,  
1393 West Oak Street, Zionsville, Indiana 46077, (317) 873-6266.**

## Exhibit "A"

Part of the West Half of Section 3 and part of the East Half of Section 4, all in Township 17 North, Range 2 East, Eagle Township, Boone County, Indiana, more fully described as follows: Beginning at the Northwest corner of the Southwest Quarter of the Northwest Quarter of said Section 3; thence along the approximate center line of State Road 334 and the Quarter Quarter Section line, North 89 degrees 32 minutes 16 seconds East 1334.99 feet; thence along the West described line of Spring Hills Subdivision, the plat of which is recorded in Plat Book 3, page 140, Boone County Recorder's Office, South 00 degrees 37 minutes 59 seconds West 1331.42 feet; thence along the West described line of Thornhill, Section I, the plat of which is recorded in Plat Book 6, page 102, the West described line of Thornhill, Section 3A, the plat of which is recorded in Plat Book 7, pages 32-33, and the West described line of Thornhill, Section 3B, the plat of which is recorded in Plat Book 7, pages 46-47, South 00 degrees 07 minutes 43 sections East 880.65 feet; thence along the North described line of the Westwood Associates, L.P. Property recorded as Instrument #0304347, South 89 degrees 43 minutes 28 seconds West 1331.20 feet; thence along the North described line of said Westwood Associates, LP. Property, North 89 degrees 29 minutes 51 seconds West 664.08 feet; thence along part of an East described line of the Robert J. LaViolette and Sondra LaViolette Property recorded as Instrument #0319354, and the East described line of the Kevin R. Overly Property recorded as Instrument #0108110, North 00 degrees 06 minutes 40 seconds East 877.03 feet; thence along the East described line of Linda L. Gray Property recorded as Instrument #9812047, North 00 degrees 29 minutes 32 seconds West 227.97 feet; thence along the South described line of the Mark Wood and Susan Wood Property recorded in Deed Record 231, page 444, North 89 degrees 2S minutes 10 seconds East 48.42 feet; thence along the East described line of said Wood Property and the East described line of Russell Lake, Section One, the plat of which is recorded in Plat Book 4, pages 150 and 151, North 00 degrees 02 minutes 09 seconds West 1090.00 feet; thence along the approximate center line of State Road 334 and the Quarter Quarter Section line, North 89 degrees 25 minutes 10 seconds East 625.58 feet to the POINT OF BEGINNING, containing 100.0127 acres, more or less.

### EXCEPTING THEREFROM:

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## Exhibit "B"

All that part of Section 4 Township 17 North, Range 2 East, Eagle Township, Boone County, Indiana, lying within the following described real estate, to-wit:

702 feet of even width off of the entire western boundary of the below described tract of ground consisting of 31.671 acres, more or less, as part of the following legal description:

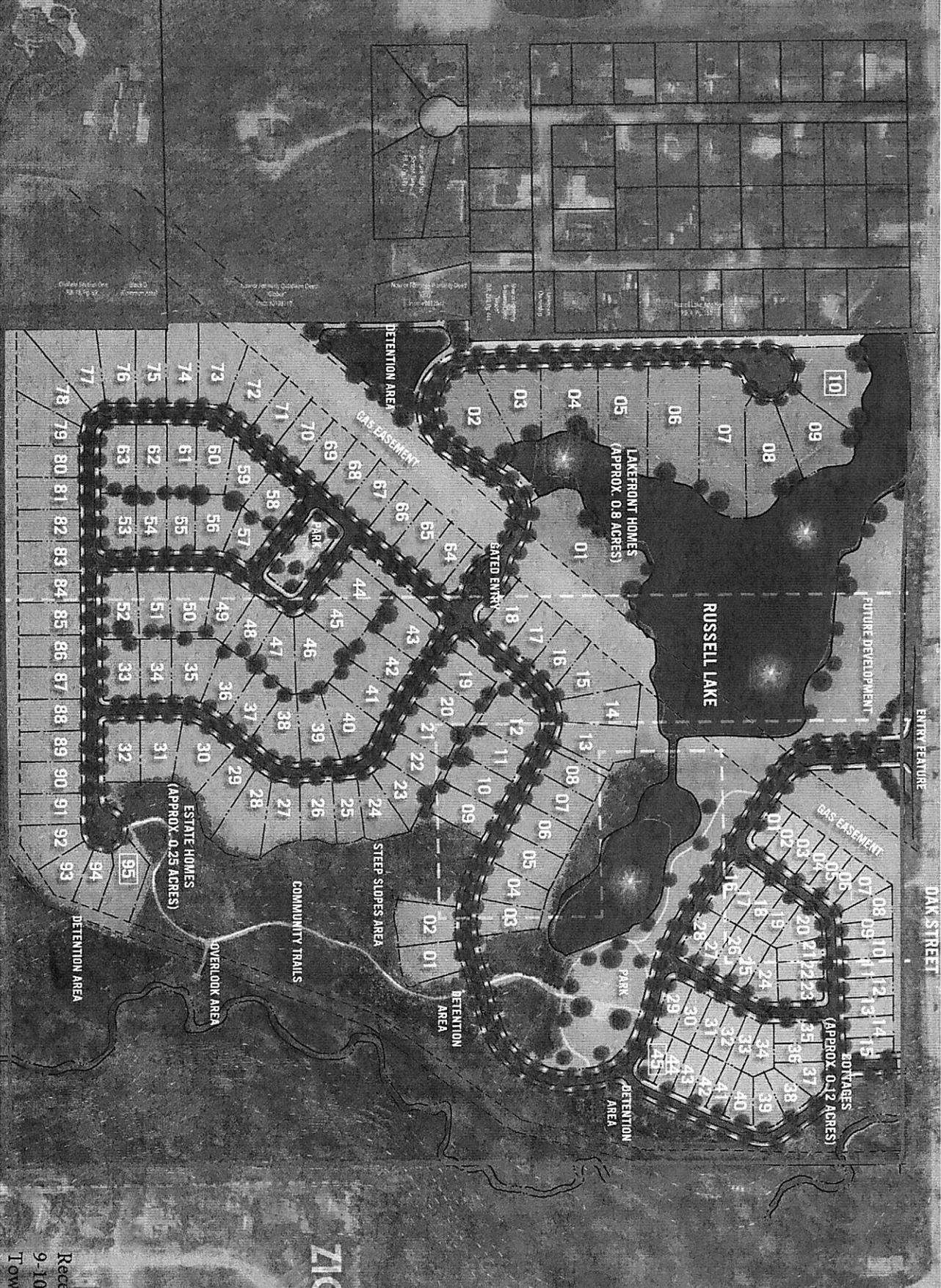
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**master plan legend**

- RUSSELL OAKS PROPERTY
- ZIONSVILLE
- WATERBODY
- COTTAGES: 45 UNITS
- ESTATE HOMES: 95 UNITS
- LAKERFRONT HOMES: 10 UNITS

**PERMIT: 0105 9/11/11**

**#2 Third Zoning (17.5 density zone)**

|                  |        |
|------------------|--------|
| Lot area: 172.28 | 95.50  |
| Lot area: 172.28 | 1.75   |
| Lot area: 172.28 | 172.28 |

| Category                           | Value |
|------------------------------------|-------|
| Gas Storage                        | 38.50 |
| Excavate Gas Equipment             | 4.5   |
| Excavate with Features / utilities | -10.0 |
| ROCKS                              | -12.5 |
| Final 2nd Rev. Schedule            | -3.5  |
| Excavate with                      | -3.0  |
| Stormwater Detention Basin (2.5%)  | -4.5  |
| Final Floor Area / Area (1.5%)     | -4.5  |
| Net Change (Budgetable Area)       | 31.5  |

| Density (acre)                | Value  |
|-------------------------------|--------|
| 172.28                        | 172.28 |
| 130.00                        | 130.00 |
| 1.52                          | 1.52   |
| 4.76                          | 4.76   |
| Average (16.5% area standard) | 0.21   |

**Development Standards:**

8-2 Rural Zone  
 Front Yard Setback: 20' from The Center of the Road  
 Max. Side Setback: 5'  
 Max. Rear Setback: 5,000 SF  
 Max. Lot Area: 45  
 Max. Road Frontage: 45  
 Max. Building Height: 35'  
 Max. Overall Area: 1,200 SF  
 Max. Overall Area: 300 SF

Received  
 9-10-2020  
 Town of Zionsville

**ZIONSVILLE**

**EXHIBIT C**



Such Property shall be subject to the conditions and restrictions adopted and imposed by the Zionsville Plan Commission, if any.

(a) The Director of Finance and Records and Staff are directed to comply with Section 194.182 of the Zoning Ordinance by taking all actions required thereby to implement this Zone Map Amendment.

2. Construction of Clause Heading: 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 or intent of the clause to which they appertain.

**Section 2. Savings Clause:** If any title, section, subsection, phrase, clause, sentence, or word of this Ordinance shall for any reason be held invalid or unconstitutional by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby and shall remain in full force and effect.

**Section 3. 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 or intent of the clause to which they appertain.

**Section 4. Repeal of Conflicting Ordinances:** The provisions of all other Town ordinances in conflict with the provisions hereof, if any, are of no further force or effect and are hereby repealed.

**Section 5. Severability:** If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remainder of this Ordinance.

**Section 6. Duration and Effective Date:** The provisions of this Ordinance shall become and remain in full force and effect upon adoption and publication according to Indiana Law and until its repeal by ordinance.

Introduced and filed on the \_\_\_\_\_ day of \_\_\_\_\_, 2020. A motion to consider on First Reading was sustained by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed, pursuant to Indiana Code 36-5-2-9.8.

DULY PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2020, by the Town Council of the Town of Zionsville, Boone County, Indiana, having been passed by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed.

**TOWN COUNCIL OF THE TOWN OF ZIONSVILLE,  
BOONE COUNTY, INDIANA**

|                                  | <b>YEA<br/>Signature</b> | <b>NAY<br/>Signature</b> |
|----------------------------------|--------------------------|--------------------------|
| Josh Garrett,<br>President       |                          |                          |
| Bryan Traylor,<br>Vice-President |                          |                          |
| Alexander Choi,<br>Member        |                          |                          |
| Joe Culp,<br>Member              |                          |                          |
| Brad Burk,<br>Member             |                          |                          |
| Craig Melton,<br>Member          |                          |                          |
| Jason Plunkett,<br>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, Municipal Relations Coordinator

**MAYOR'S  
APPROVAL**

\_\_\_\_\_  
Emily Styron, Mayor

\_\_\_\_\_  
DATE

**MAYOR'S  
VETO**

\_\_\_\_\_  
Emily Styron, Mayor

\_\_\_\_\_  
DATE

**ORDINANCE 2020- 12\_  
OF THE TOWN OF ZIONSVILLE**

**AN ORDINANCE REESTABLISHING THE SAFETY BOARD FOR  
FIRE DEPARTMENT MATTERS**

**WHEREAS**, Ind. Code § 36-8-3 *et seq.* confers upon the Town Council of the Town of Zionsville, Indiana (the “Town Council”) the authority to establish a Safety Board (“Board”); and

**WHEREAS**, for many years the Town Council has appointed three (3) members of the Town Council to serve as the Safety Board for the Town for Fire Department matters; and

**WHEREAS**, in 2014, the Town Council adopted Resolution 2014-11, commonly referred to as Reorganization 2.0, to further reorganize the Town of Zionsville (“Town”); and

**WHEREAS**, the Town Council desires to reestablish the Board as part of an on-going process to update the Code of Ordinances and ensure compliance with Resolution 2014-11 and state law; and

**WHEREAS**, pursuant to Ind. Code 36-8-3 *et seq.* the Board will be considered the Safety Board of the Town for fire department purposes; and

**WHEREAS**, the current appointed members of the Board shall continue to serve their current terms unless otherwise removed pursuant to this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY**, by the Town Council of the Town of Zionsville, Boone County, that:

1. Establishment of Safety Board. The Council hereby establishes the Board, pursuant to Ind. Code § 36-8-3 *et seq.*, with the powers and duties provided under state law.
  - a. Number of Members. The Board shall consist of three (3) members.
  - b. Term. The term of each Board member shall be one (1) year, expiring on December 31<sup>st</sup> of the member’s appointment.
  - c. Appointment to the Board. The Town Council shall appoint the members of the Board.
  - d. Composition of Board. The Board shall be comprised of not more than three (3) members of the Town Council. Any Town Council member that serves on the Board shall vacate the member’s position on the Board when the member is no longer a member of the Town Council.

2. Powers and Duties of Board.

- a. Pursuant to Reorganization 2014-11, ZR2A22, the Mayor shall appoint the Chief of the Fire Department. Further, as provided in Reorganization 2014-22, ZR2A23, the Chief of the Fire Department and the employees of the Zionsville Fire Department are under the jurisdiction of the Mayor. Notwithstanding, per Reorganization 2014-11, ZR2A24, the Mayor must have the approval of a majority of the Town Council before the Mayor may discharge the Chief of the Fire Department.
  - b. The Board shall constitute the Safety Board of the Town for purposes of the suspension, demotion, or dismissal of any member of the Fire Department. Proceedings for the suspension, demotion, or dismissal of any member of the Fire Department shall be conducted in the manner prescribed by Ind. Code § 36-8-3-4. The disciplinary provisions of Ind. Code § 36-8-3-4.1 shall apply to the Safety Board and the Chief of the Fire Department.
  - c. The Board may make general and special rules for the governing and discipline of the Zionsville Fire Department and may make special and general orders to the Zionsville Fire Department through the Chief of the Fire Department, who shall be executive head of the Zionsville Fire Department.
3. 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 or intent of the clause to which they appertain.
  4. Repeal of Conflicting Ordinances. The provisions of all other Town ordinances in conflict with the provisions hereof, if any, are of no further force or effect and are hereby repealed.
  5. Severability. If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remainder of this Ordinance.
  6. Duration and Effective Date. The provisions of this Ordinance shall become effective immediately and remain in full force and effect until repeal by ordinance.

Introduced and filed on the \_\_\_\_ day of September, 2020. A motion to consider on First Reading was sustained by a vote of \_\_\_\_ in favor and \_\_\_\_ opposed, pursuant to Ind. Code § 36-5-2-9.8.

**REMAINDER OF PAGE INTENTIONALLY LEFT BLANK**

**DULY PASSED AND ADOPTED** this \_\_\_\_ day of September, 2020, by the Town Council of the Town of Zionsville, Boone County, Indiana, having been passed by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed.

**TOWN COUNCIL OF THE TOWN OF ZIONSVILLE,  
BOONE COUNTY, INDIANA**

|                                  | <b>YEA</b><br>Signature | <b>NAY</b><br>Signature |
|----------------------------------|-------------------------|-------------------------|
| Josh Garrett,<br>President       |                         |                         |
| Bryan Traylor,<br>Vice President |                         |                         |
| Brad Burk,<br>Member             |                         |                         |
| Alex Choi,<br>Member             |                         |                         |
| Joe Culp,<br>Member              |                         |                         |
| Craig Melton,<br>Member          |                         |                         |
| Jason Plunkett,<br>Member        |                         |                         |

I hereby certify that the foregoing Resolution was delivered to Town of Zionsville Mayor Emily Styron on the \_\_\_\_\_ day of \_\_\_\_\_ 2020, at \_\_\_\_\_ . m.

ATTEST: \_\_\_\_\_  
Amelia Anne Lacy,  
Municipal Relations Coordinator

**MAYOR'S APPROVAL**

Emily Styron, Mayor \_\_\_\_\_

Date

**MAYOR'S VETO**

Emily Styron, Mayor

Date:

**ORDINANCE 2020-12**  
**OF THE TOWN OF ZIONSVILLE**

**AN ORDINANCE REESTABLISHING THE SAFETY BOARD FOR  
FIRE DEPARTMENT MATTERS**

**WHEREAS**, Ind. Code § 36-8-3 *et seq.* confers upon the Town Council of the Town of Zionsville, Indiana (the “Town Council”) the authority to establish a Safety Board (“Board”); and

**WHEREAS**, for many years the Town Council has appointed three (3) members of the Town Council to serve as the Safety Board for the Town for Fire Department matters; and

**WHEREAS**, in 2014, the Town Council adopted Resolution 2014-11, commonly referred to as Reorganization 2.0, to further reorganize the Town of Zionsville (“Town”); and

**WHEREAS**, the Town Council desires to reestablish the Board as part of an on-going process to update the Code of Ordinances and ensure compliance with Resolution 2014-11 and state law; and

**WHEREAS**, pursuant to Ind. Code 36-8-3 *et seq.* the Board will be considered the Safety Board of the Town for fire department purposes; ~~and.~~

~~**WHEREAS**, the current appointed members of the Board shall continue to serve their current terms unless otherwise removed pursuant to this Ordinance.~~

**NOW, THEREFORE, BE IT ORDAINED BY**, by the Town Council of the Town of Zionsville, Boone County, that:

1. Establishment of Safety Board. The Council hereby establishes the Board, pursuant to Ind. Code § 36-8-3 *et seq.*, with the powers and duties provided under state law.

- a. Number of Members. The Board shall consist of ~~five (5)~~ three (3) members.
- b. Term. The term of each Board member shall be one (1) year, expiring on December 31<sup>st</sup> of the member’s appointment.
- c. Appointment to the Board. The Town Council shall appoint three members to the Board, and the Mayor shall appoint two members to the Board, ~~the members of the Board.~~
- d. Composition of Board. The Board shall be comprised of citizen members who are residents of the Town, not more than three (3) members of the Town Council. ~~Any Town Council member that serves on the Board shall vacate the member’s~~

~~position on the Board when the member is no longer a member of the Town Council.~~

2. Powers and Duties of Board.

- a. Pursuant to Reorganization 2014-11, ZR2A22, the Mayor shall appoint the Chief of the Fire Department. Further, as provided in Reorganization ~~2014-11~~ 2014-22, ZR2A23, the Chief of the Fire Department and the employees of the Zionsville Fire Department are under the jurisdiction of the Mayor. Notwithstanding, per Reorganization 2014-11, ZR2A24, the Mayor must have the approval of a majority of the Town Council before the Mayor may discharge the Chief of the Fire Department. However, the Mayor has the authority to remove the Chief of the Fire Department from the position of Chief and demote him or her to the position he or she occupied in the department prior to his or her appointment as Chief, without requiring the approval of the majority of the Town Council or the approval of the Safety Board.
  - b. The Board shall constitute the Safety Board of the Town for purposes of the suspension, demotion, or dismissal of any member of the Fire Department, subject to the Mayor's authority to remove the Chief of the Fire Department from the position of Chief and demote him or her to the position he or she occupied in the department prior to his or her appointment as Chief, as noted in Section 2(a). Proceedings for the suspension, demotion, or dismissal of any member of the Fire Department as provided for herein shall be conducted in the manner prescribed by Ind. Code § 36-8-3-4. The disciplinary provisions of Ind. Code § 36-8-3-4.1 shall apply to the Safety Board and the Chief of the Fire Department.
  - c. The Board may make general and special rules for the governing and discipline of the Zionsville Fire Department ~~employees, and may make special and general orders to the Zionsville Fire Department through the Chief of the Fire Department, who shall be executive head of the Zionsville Fire Department.~~
3. 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 or intent of the clause to which they appertain.
  4. Repeal of Conflicting Ordinances. The provisions of all other Town ordinances in conflict with the provisions hereof, if any, are of no further force or effect and are hereby repealed.
  5. Severability. If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remainder of this Ordinance.
  6. Duration and Effective Date. The provisions of this Ordinance shall become effective immediately and remain in full force and effect until repeal by ordinance.

**Commented [H1]:** There is no Reorganization 2014-22. Is this supposed to be Reorganization Resolution 2014-11?

Introduced and filed on the \_\_\_\_ day of September, 2020. A motion to consider on First Reading was sustained by a vote of \_\_\_\_ in favor and \_\_\_\_ opposed, pursuant to Ind. Code § 36-5-2-9.8.

**REMAINDER OF PAGE INTENTIONALLY LEFT BLANK**

**DULY PASSED AND ADOPTED** this \_\_\_\_ day of September, 2020, by the Town Council of the Town of Zionsville, Boone County, Indiana, having been passed by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed.

**TOWN COUNCIL OF THE TOWN OF ZIONSVILLE,  
BOONE COUNTY, INDIANA**

|                                  | <b>YEA</b><br>Signature | <b>NAY</b><br>Signature |
|----------------------------------|-------------------------|-------------------------|
| Josh Garrett,<br>President       |                         |                         |
| Bryan Traylor,<br>Vice President |                         |                         |
| Brad Burk,<br>Member             |                         |                         |
| Alex Choi,<br>Member             |                         |                         |
| Joe Culp,<br>Member              |                         |                         |
| Craig Melton,<br>Member          |                         |                         |
| Jason Plunkett,<br>Member        |                         |                         |

I hereby certify that the foregoing Resolution was delivered to Town of Zionsville Mayor Emily Styron on the \_\_\_\_\_ day of \_\_\_\_\_, 2020, at \_\_\_\_\_ . m.

ATTEST: \_\_\_\_\_  
Amelia Anne Lacy,  
Municipal Relations Coordinator

**MAYOR'S APPROVAL**

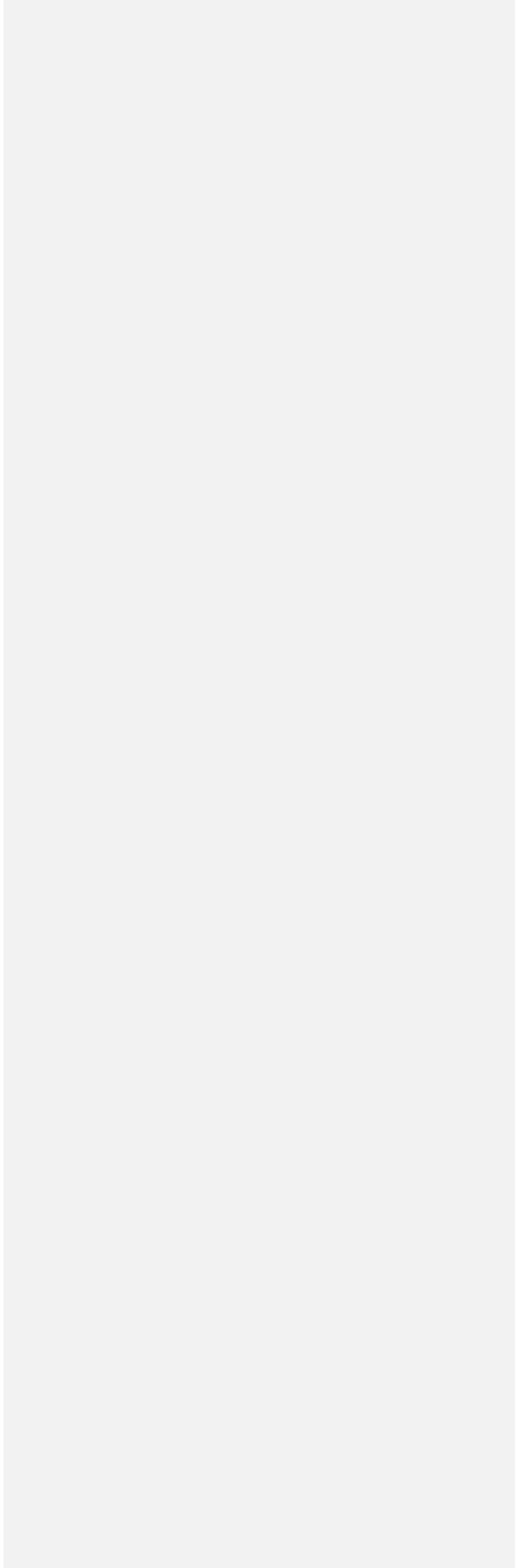
Emily Styron, Mayor \_\_\_\_\_

Date

**MAYOR'S VETO**

Emily Styron, Mayor

Date:



## MEMORANDUM

To: Zionsville Town Council Members  
From: Mayor Emily Styron  
Re: VETO of Ordinance 2020 - 12: an Ordinance reestablishing the Safety Board for Fire Department Matters and Ordinance 2020 - 13: an Ordinance reestablishing the Board of Metropolitan Police Commissioners as the Safety Board for Police Matters  
Date: October 14, 2020

Dear Councilors:

Please let this Memorandum serve as notice of my veto of Ordinance 2020 - 12 and Ordinance 2020 - 13 and an explanation of the reasons for my veto.

In early June, my administration began researching the formation of both the Board of Police Commissioners and Safety Board, to get a better understanding of the evolution of these two bodies in the Town. After a diligent search through years of records, Amy Lacy was unable to find any documentation regarding when or how the Safety Board was initially formed. The search did uncover an ordinance, Ordinance No. 2008-21, that abolished the Office of the Zionsville Town Marshal and created the Board of Metropolitan Police Commissioners. That Ordinance, in Section 3(d), states that the Board of Metropolitan Police Commissioners shall constitute the Safety Board of the Town of Zionsville for purposes of exercising disciplinary powers for the Zionsville Police Department. The Ordinance further goes on to state that the current Safety Board should be dissolved and cease operating as of and after the effective date of that Ordinance, with the following language hand-written onto the Ordinance: “solely with respect to the Zionsville Police Department.” This Ordinance was never codified and does not appear anywhere in the Town’s Code of Ordinances.

We discovered, therefore, pursuant to this research that, prior to now, there had been no Town Ordinance that established the Safety Board, and only an uncodified Ordinance establishing the Board of Police Commissioners from 12 years ago, long before the Town was reorganized in 2014. My administration saw a need for these two Boards to be evaluated in light of the 2014 Town reorganization, to be properly established and constituted, with Ordinances properly codified, and therefore began a conversation on this effort with the Town Council in June of 2020.

The Safety Board Ordinance, Ordinance 2020 - 12, cites Indiana Code and states that it confers upon the Town Council the authority to establish a Safety Board. However, there is no section in that area of the Indiana Code which provides that the Town Council can appoint three of its own members to serve as the Safety Board. To the contrary, Indiana Code 36-8-3-4 and 4.1 are the sections that relate to Towns that have full time paid police or fire departments. Those sections say that the appropriate “appointing authority” of a Town is considered the Safety Board of a town or township. In a town with a Board of Metropolitan Police Commissioners, that Board is considered the Safety Board of the Town for police department purposes (says Section 36-8-3-4) and is considered the Safety Board of the Town (says Section 36-8-3-4.1). As you know, the Town of Zionsville has a full time paid police and fire department, which makes these two sections applicable. However, neither one of those sections say that the Town Council shall choose three of its own members to serve as the Safety Board. The Town Council does not appoint any police or fire department members, and therefore could not be considered the “appointing authority” of the Town. There is simply no other relevant statutory law that allows for such to be done in our municipality. Our reorganization documents say nothing regarding the Safety Board.

As you know, the Town of Zionsville is unique being a Town in the State of Indiana that has a Mayor. With regard to Safety Boards in all other municipalities in the State of Indiana that have a Mayor, Indiana Code 36-4-9-6 applies and says the city executive shall appoint the Chief of the Fire Department and the Chief of Police, and further goes on to say that a separate Safety Board consists of **three or five members who are appointed by the executive**. Our reorganization documents, specifically Resolution No. 2014-11, paragraph ZR2A22, says “the Mayor shall appoint the Chief of the Fire Department, the Chief of Police and any other officers required by statute.” Indiana Code 36-4-9-6, the section I referenced above, is the section that provides for the appointment of officers required to be made by the executive and states that the executive appoints the Chief of the Fire Department, the Chief of the Police Department as well as a three or five member Safety Board. Therefore, I do not think it is appropriate in the Town of Zionsville for the Town Council to be the appointing authority of the Safety Board. Rather, the Mayor should, as all other Mayors do, appoint the members of the Safety Board. Or, at the least, because of our unique

structure as a Town with a Mayor, the appointing authority over the Safety Board should be shared by the Mayor and the Town Council.

Further, I have objections to the Town Council members serving on either the Safety Board or the Board of Police Commissioners. The members of the Safety Board and Board of Police Commissioners are to serve as an objective, independent, “judge-like” body in any action regarding discipline of firefighters or police officers. Just like any person or body serving in the role of judge, that individual or individuals must be impartial and objective, and cannot have ex parte communication with any party in order to provide the required level of due process in disciplinary proceedings. This would mean then, that the Town Council members serving on either the Safety Board or the Board of Police Commissioners, would have to receive zero information regarding employees of the fire department or police department that would relate to any potential disciplinary action that may come in front of the Safety Board. There is nothing in our reorganization documents, nor any requirement under state law that the Town Council members serve on the Safety Board or on the Board of Police Commissioners. To the contrary, if you research, you will find that the majority of Towns, if they have a separate Safety Board at all, have Boards whose members are either all or mostly citizen members. To have a separately constituted Safety Board comprised of three members, all of whom are Town Council members as proposed, is an anomaly among Indiana Towns. I believe it to be in the best interest of the Town, our employees and our constituents that these two important Boards are comprised of objective, citizen members and not members of the Town Council nor members of the Town Administration.

Being the unique type of municipality that we are, not only do we have Indiana statutes to follow but we have specific provisions in our reorganization documents, which, by the very terms of the reorg resolution (No. 2014-11 Sec. ZR2A12) says that provisions of the 2014 reorganization control over both state law and any conflicting items in the previous reorganization. Therefore, we are bound by the terms of 2014 reorganization documents as they exist and those terms serve as the foundation for our governance today. The language in your proposed Safety Board and Board of Police Commissioners ordinances which state that the Safety Board and Board of Police Commissioners “may make special and general orders” to the Zionsville Fire Department and the Zionsville Police Department through their respective Chiefs, is contrary to and conflicts with the language in Reorganization Resolution 2014-11 Section ZR2A23 which

says “the head of each department and its employees are under the jurisdiction of the Mayor . . .” By those terms of the reorganization documents, the Mayor is the authority to give general and special orders to the Fire Department and the Police Department, not the Safety Board and the Board of Police Commissioners. This language needs to be stricken from both Ordinances.

Finally, Reorganization Resolution 2014-11 explicitly, in ZR2A22, gives the Mayor the authority to appoint the Chief of the Fire Department and the Chief of Police. Indiana case law holds that a corollary to the power to appoint is the power to remove, replace and demote him or her to the position he or she occupied prior to his or her appointment as Chief. Therefore, language needs to be inserted into both Ordinances in paragraph 2A that says, although the Mayor must have the approval of a majority of the Town Council before the Mayor may **discharge** the Chief of the Fire Department or the Chief of Police, the Mayor has the authority to **demote** the Chief of the Fire Department or the Chief of the Police Department to the position he or she occupied prior to his or her appointment as Chief without the approval of the majority of the Town Council, the Safety Board or the Board of Police Commissioners. The reorganization requires Town Council approval only in instances where the Mayor seeks to “discharge” the Department Heads. Discharge, according to Black’s Law Dictionary, means the **firing** of an employee. Removing the Chief of the Fire Department’s or the Chief of Police’s appointed status is not a discharge, and therefore, it needs to be made clear in these Ordinances that no Town Council involvement nor any Safety Board involvement is required should the Mayor seek to demote either the Chief of the Fire Department or the Chief of Police to the rank that the officer held before his or her appointment to the upper level policy-making position of Chief. This is in alignment with statutory law, Indiana state case law and the Town of Zionsville’s reorganization documents.

These questions and concerns regarding the establishment of the Safety Board and Board of Police Commissioners have come about in part because we are the exceptionally and wonderfully unique municipality that we are – a Town with the Mayor. It is my job, as the Town Executive, to enforce the Ordinances of the Town and the statutes of the State and to insure the efficient government of the Town. I am vetoing Ordinance 2020 - 12 and

Ordinance 2020 -13 in furtherance of the duties of my office, and request that amendments be made to these Ordinances to more accurately reflect the present-day state of the Town and incorporate the provisions of our foundational reorganizational documents and state law.

Best regards,

A handwritten signature in black ink, appearing to be 'E Styron', with a long horizontal line extending to the right.

Mayor Emily Styron

**ORDINANCE 2020- 13\_\_**  
**OF THE TOWN OF ZIONSVILLE**

**AN ORDINANCE REESTABLISHING THE BOARD OF  
METROPOLITAN POLICE COMMISSIONERS AS THE SAFETY BOARD  
FOR POLICE MATTERS**

**WHEREAS**, Ind. Code § 36-8-9 *et seq.* confers upon the Town Council of the Town of Zionsville, Indiana (the “Town Council”) the authority to establish a Board of Metropolitan Police Commissioners (“Board”); and

**WHEREAS**, in 2008 and pursuant to Ind Code § 36-8-9-2, the Town Council adopted Ordinance 2008-21 that abolished the office of Town Marshall and created the Board; and

**WHEREAS**, in 2014, the Town Council adopted Resolution 2014-11, commonly referred to as Reorganization 2.0, to further reorganize the Town of Zionsville (“Town”); and

**WHEREAS**, the Town Council desires to reestablish the Board as part of an on-going process to update the Code of Ordinances and ensure compliance with Resolution 2014-11 and state law; and

**WHEREAS**, pursuant to Ind. Code 36-8-3-4 the Board will be considered the Safety Board of the Town for police department purposes; and

**WHEREAS**, the current appointed members of the Board shall continue to serve their current terms unless otherwise removed pursuant to this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY**, by the Town Council of the Town of Zionsville, Boone County, that:

1. Establishment of Board of Metropolitan Police Commissioners. The Council hereby reestablishes the Board, pursuant to Ind. Code § 36-8-9 *et seq.*, with the powers and duties provided under state law.

a. Number of Members. The Board shall consist of five (5) members.

b. Qualification of Members. Not more than three (3) Board members may be members of the same political party if individuals who satisfy this requirement can be found to serve on the Board. The members must be residents of the Town

b. Term. The term of each Board member shall be three (3) years, expiring on January 1 of the third year after the member’s appointment. The Board members shall have staggered terms, with the term of not more than two (2) board members expiring each year.

- c. Appointment to the Board. The Town Council shall appoint the members of the Board.
  - d. Composition of Board. The Board shall be comprised of not more than three (3) members of the Town Council and two (2) lay members. Any Town Council member that serves on the Board shall vacate the member's position on the board when the member is no longer a member of the Town Council. The Town Council shall not appoint a police officer employed by the Town to serve on the Board.
  - e. Oath and Bond of Members. A Board members shall take and subscribe an oath before the Boone County Circuit Court Clerk. This subsection does not apply to Board members who also serve as members of the Town Council.
  - f. Posting Bond. A Board member shall give bond in the penal sum of five thousand dollars (\$5,000), payable to the state and conditioned upon the faithful and honest discharge of the member's duties. The bond must be approved by the Town Council. This subsection does not apply to Board members who also serve as members of the Town Council.
  - c. Removal. The Town Council may remove a Board member for any cause the Town Council considers sufficient.
2. Powers and Duties of Board.
- a. Pursuant to Reorganization 2014-22, ZR2A11, the Mayor shall appoint the Chief of Police. Further, as provided in Reorganization 2014-22, ZR2A23, the Chief of Police and the employees of the Zionsville Police Department are under the jurisdiction of the Mayor. Notwithstanding, per Reorganization 2014-11, ZR2A24, the Mayor must have the approval of a majority of the Town Council before the Mayor may discharge the Chief of Police.
  - b. The Board shall consistute the Safety Board of the Town for purposes of the suspension, demotion, or dismissal of any member of the police department. Proceedings for the suspension, demotion, or dismissal of any member of the police department shall be conducted in the manner prescribed by Ind. Code § 36-8-3-4. The disciplinary provisions of Ind. Code § 36-8-3-4.1 shall apply to the Board and the Police Chief.
  - c. The Board may make general and special rules for the governing and discipline of the Zionsville Police Department and may make special and general orders to the Zionsville Police Department through the Zionsville Police Chief, who shall be executive head of the Zionsville Police Department.
3. 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 or intent of the clause to which they appertain.
4. Repeal of Conflicting Ordinances. The provisions of all other Town ordinances in conflict with the provisions hereof, if any, are of no further force or effect and are hereby repealed.

5. Severability. If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remainder of this Ordinance.
6. Duration and Effective Date. The provisions of this Ordinance shall become effective immediately and remain in full force and effect until repeal by ordinance.

Introduced and filed on the \_\_\_\_ day of September, 2020. A motion to consider on First Reading was sustained by a vote of \_\_\_\_ in favor and \_\_\_\_ opposed, pursuant to Ind. Code § 36-5-2-9.8.

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**DULY PASSED AND ADOPTED** this \_\_\_\_ day of September, 2020, by the Town Council of the Town of Zionsville, Boone County, Indiana, having been passed by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed.

**TOWN COUNCIL OF THE TOWN OF ZIONSVILLE,  
BOONE COUNTY, INDIANA**

|                                  | <b>YEA</b><br>Signature | <b>NAY</b><br>Signature |
|----------------------------------|-------------------------|-------------------------|
| Josh Garrett,<br>President       |                         |                         |
| Bryan Traylor,<br>Vice President |                         |                         |
| Brad Burk,<br>Member             |                         |                         |
| Alex Choi,<br>Member             |                         |                         |
| Joe Culp,<br>Member              |                         |                         |
| Craig Melton,<br>Member          |                         |                         |
| Jason Plunkett,<br>Member        |                         |                         |

I hereby certify that the foregoing Resolution was delivered to Town of Zionsville Mayor Emily Styron on the \_\_\_\_ day of \_\_\_\_\_ 2020, at \_\_\_\_\_ m.

ATTEST: \_\_\_\_\_  
Amelia Anne Lacy,  
Municipal Relations Coordinator

**MAYOR'S APPROVAL**

Emily Styron, Mayor \_\_\_\_\_

Date

**MAYOR'S VETO**

Emily Styron, Mayor

Date:

**ORDINANCE 2020-13**  
**OF THE TOWN OF ZIONSVILLE**

**AN ORDINANCE REESTABLISHING THE BOARD OF  
METROPOLITAN POLICE COMMISSIONERS AS THE SAFETY BOARD  
FOR POLICE MATTERS**

**WHEREAS**, Ind. Code § 36-8-9 *et seq.* confers upon the Town Council of the Town of Zionsville, Indiana (the “Town Council”) the authority to establish a Board of Metropolitan Police Commissioners (“Board”); and

**WHEREAS**, in 2008 and pursuant to Ind Code § 36-8-9-2, the Town Council adopted Ordinance 2008-21 that abolished the office of Town Marshall and created the Board; and

**WHEREAS**, in 2014, the Town Council adopted Resolution 2014-11, commonly referred to as Reorganization 2.0, to further reorganize the Town of Zionsville (“Town”); and

**WHEREAS**, the Town Council desires to reestablish the Board as part of an on-going process to update the Code of Ordinances and ensure compliance with Resolution 2014-11 and state law; and

**WHEREAS**, pursuant to Ind. Code 36-8-3-4 the Board will be considered the Safety Board of the Town for police department purposes; and

~~**WHEREAS**, the current appointed members of the Board shall continue to serve their current terms unless otherwise removed pursuant to this Ordinance.~~

**NOW, THEREFORE, BE IT ORDAINED BY**, by the Town Council of the Town of Zionsville, Boone County, that:

1. Establishment of Board of Metropolitan Police Commissioners. The Council hereby reestablishes the Board, pursuant to Ind. Code § 36-8-9 *et seq.*, with the powers and duties provided under state law.

a. Number of Members. The Board shall consist of five (5) members.

b. Qualification of Members. Not more than three (3) Board members may be members of the same political party, ~~if individuals who satisfy this requirement can be found to serve on the Board.~~ The members must be residents of the Town

~~c.~~ Term. The term of each Board member shall be three (3) years, expiring on January 1 of the third year after the member’s appointment. The Board members shall have staggered terms, with the term of not more than two (2) board members expiring each year.

d. Appointment to the Board. The Town Council shall appoint the members of the Board.

e. Composition of Board. The Board shall be comprised of citizen members who are residents of the Town, not more than three (3) members of the Town Council and two (2) lay members. Any Town Council member that serves on the Board shall vacate the member's position on the board when the member is no longer a member of the Town Council. ~~The Town Council shall not appoint a police officer employed by the Town to serve on the Board.~~

f. Oath and Bond of Members. A Board members shall take and subscribe an oath before the Boone County Circuit Court Clerk. ~~This subsection does not apply to Board members who also serve as members of the Town Council.~~

g. Posting Bond. A Board member shall give bond in the penal sum of five thousand dollars (\$5,000), payable to the state and conditioned upon the faithful and honest discharge of the member's duties. The bond must be approved by the Town Council. This subsection does not apply to Board members who also serve as members of the Town Council.

h. Removal. The Town Council may remove a Board member for any cause the Town Council considers sufficient.

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## 2. Powers and Duties of Board.

a. Pursuant to Reorganization ~~2014-22~~~~2014-11~~, ~~ZR2A22~~~~ZR2A11~~, the Mayor shall appoint the Chief of Police. Further, as provided in Reorganization-~~2014-11~~~~2014-22~~, ZR2A23, the Chief of Police and the employees of the Zionsville Police Department are under the jurisdiction of the Mayor. Notwithstanding, per Reorganization 2014-11, ZR2A24, the Mayor must have the approval of a majority of the Town Council before the Mayor may discharge the Chief of Police. However, the Mayor has the authority to remove the Chief of Police from the position of Chief and demote him or her to the position he or she occupied in the department prior to his or her appointment as Chief, without requiring the approval of the majority of the Town Council or the approval of the Safety Board.

**Commented [H1]:** There is no Reorganization Resolution 2014-22. Should this be Reorganization Resolution 2014-11?

**Commented [H2]:** This references the wrong section of the Reorganization Resolution. The correct section is ZR2A22.

b. The Board shall constitute the Safety Board of the Town for purposes of the suspension, demotion, or dismissal of any member of the police department, subject to the Mayor's authority to remove the Chief of Police from the position of Chief and demote him or her to the position he or she occupied in the department prior to his or her appointment as Chief, as noted in section 2(a). Proceedings for the suspension, demotion, or dismissal of any member of the police department, as provided for herein, shall be conducted in the manner prescribed by Ind. Code § 36-8-3-4. The disciplinary provisions of Ind. Code § 36-8-3-4.1 shall apply to the Board and the Police Chief.

c. The Board may make general and special rules for the governing and discipline of the Zionsville Police Department employees, and may make special and general

~~orders to the Zionsville Police Department through the Zionsville Police Chief, who shall be executive head of the Zionsville Police Department.~~

3. 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 or intent of the clause to which they appertain.
4. Repeal of Conflicting Ordinances. The provisions of all other Town ordinances in conflict with the provisions hereof, if any, are of no further force or effect and are hereby repealed.
5. Severability. If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remainder of this Ordinance.
6. Duration and Effective Date. The provisions of this Ordinance shall become effective immediately and remain in full force and effect until repeal by ordinance.

Introduced and filed on the \_\_\_\_ day of September, 2020. A motion to consider on First Reading was sustained by a vote of \_\_\_\_ in favor and \_\_\_\_ opposed, pursuant to Ind. Code § 36-5-2-9.8.

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**TOWN COUNCIL OF THE TOWN OF ZIONSVILLE,  
BOONE COUNTY, INDIANA**

|                                  | <b>YEA</b><br>Signature | <b>NAY</b><br>Signature |
|----------------------------------|-------------------------|-------------------------|
| Josh Garrett,<br>President       |                         |                         |
| Bryan Traylor,<br>Vice President |                         |                         |
| Brad Burk,<br>Member             |                         |                         |
| Alex Choi,<br>Member             |                         |                         |
| Joe Culp,<br>Member              |                         |                         |
| Craig Melton,<br>Member          |                         |                         |
| Jason Plunkett,<br>Member        |                         |                         |

I hereby certify that the foregoing Resolution was delivered to Town of Zionsville Mayor Emily Styron on the \_\_\_\_\_ day of \_\_\_\_\_, 2020, at \_\_\_\_\_ m.

ATTEST: \_\_\_\_\_  
Amelia Anne Lacy,  
Municipal Relations Coordinator

**MAYOR'S APPROVAL**

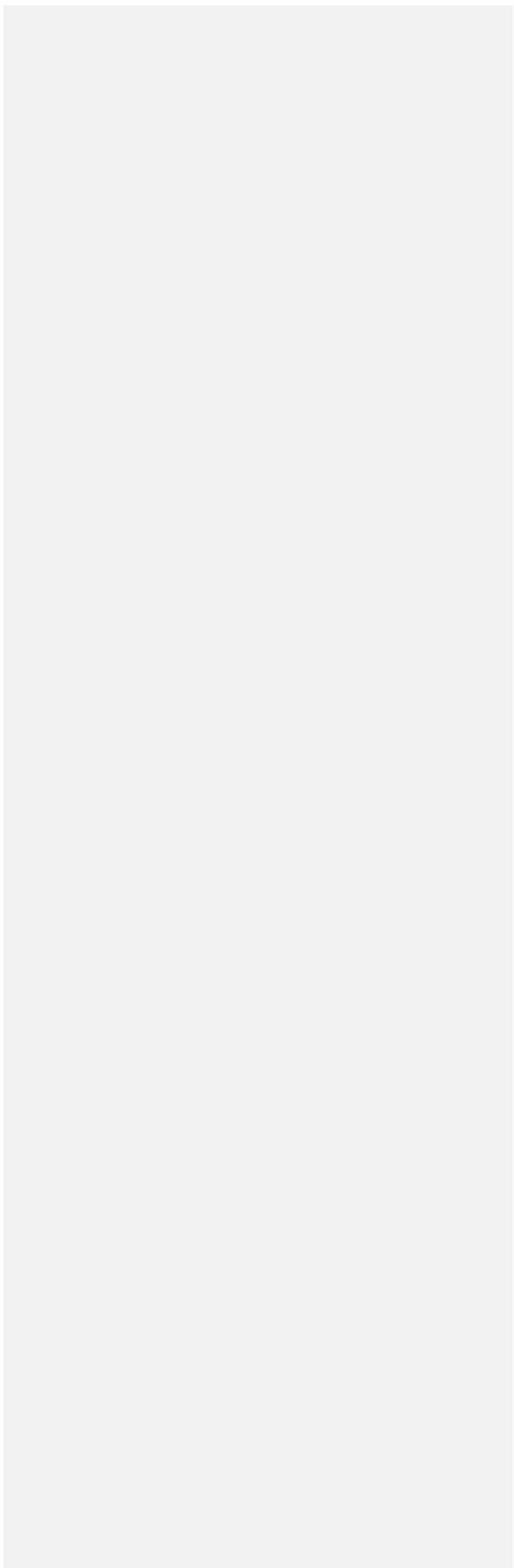
Emily Styron, Mayor \_\_\_\_\_

Date

**MAYOR'S VETO**

Emily Styron, Mayor

Date:



**ORDINANCE NO. 2020-17  
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 September 19, 2020, Douglas and Amy Fisher (“Petitioner”), petitioned the Town of Zionsville (“Town”) to vacate a portion of a public right-of-way (a north/south platted alley) located between Maple Street and Fitch Place, extending from Ash Street northward approximately 157.6 feet, 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 October 8, 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 October 19, 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 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. (See survey attached as Exhibit A.)

Section 2: Ownership, Maintenance, Repair and Liability. The portion of the Alley to be vacated measuring 5.0 feet in width and 157.6 lineal feet (“Vacated Area”) is bordered on the west by property addressed as 50 E. Ash Street (“Property Owner One”) and bordered on the east by properties addressed as 410 N. Maple Street (“Property Owner Two), 420 N. Maple Street (“Property Owner Three), and 440 N. Maple Street (“Property Owner Four). This vacation will transfer the ownership of the Vacated Area, including all ongoing maintenance, repair obligations and all liability, with the width of the Vacated Area to be transferred equally to the Property Owners One, Two, Three, and Four based upon the length of their property’s shared property line with the Vacated Area.

Section 3: Utilities. The portion of the alley to be vacated shall remain as a perpetual drainage and utility easement (“D.&U.E.”). 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, or as may be necessarily installed in the future, located in the portion of the public alley right-of-way vacated by this Ordinance. The rights afforded to the Town in this section shall also apply to any and all independent utilities legally operating within the state of Indiana.

Section 4: 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 5: Recording. The Municipal Relations Coordinator 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. All such filings shall be in compliance with Ind. Code § 32-21-2-3(a). The mailing address of the grantee, Douglas and Amy Fisher, is 50 East Ash Street, Zionsville, IN 46077.

Section 6: 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 7: 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 8: 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 9: 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.

Introduced and filed on the \_\_\_\_\_ day of October, 2020. A motion to consider on First Reading was sustained by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed, pursuant to Ind. Code § 36-5-2-9.8.

**REMAINDER OF PAGE INTENTIONALLY LEFT BLANK**

ORDINANCE NO: 2020-17

**DULY PASSED AND ADOPTED** this \_\_\_\_ day of November, 2020, by the Town Council of the Town of Zionsville, Boone County, Indiana, having been passed by a vote of \_\_\_\_\_ in favor and \_\_\_\_ opposed.

**TOWN COUNCIL OF THE TOWN OF ZIONSVILLE,  
BOONE COUNTY, INDIANA**

|                                  | YEA<br>Signature | NAY<br>Signature |
|----------------------------------|------------------|------------------|
| Josh Garrett,<br>President       |                  |                  |
| Bryan Traylor,<br>Vice-President |                  |                  |
| Brad Burk<br>Member              |                  |                  |
| Alexander Choi,<br>Member        |                  |                  |
| Joe Culp,<br>Member              |                  |                  |
| Craig Melton,<br>Member          |                  |                  |
| Jason Plunkett,<br>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 Anne Lacy,  
Municipal Relations Coordinator

**MAYOR'S APPROVAL**

\_\_\_\_\_  
Emily Styron, Mayor

\_\_\_\_\_  
Date

**MAYOR'S VETO**

\_\_\_\_\_  
Emily Styron, Mayor

\_\_\_\_\_  
Date

ORDINANCE NO: 2020-17

This instrument was prepared by: Heather H. Willey, Partner, Barnes & Thornburg LLP,  
11 South Meridian Street, Indianapolis, IN 46202, (317) 231-6448.

This Ordinance contains no Social Security Numbers. As required by Ind. Code § 36-2-11-15, 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.

ORDINANCE NO: 2020-17

**NOTARY**

STATE OF INDIANA )

) SS:

COUNTY OF BOONE )

Before me, a Notary Public, in and for said County and State, personally appeared

\_\_\_\_\_,  
\_\_\_\_\_,  
\_\_\_\_\_,  
\_\_\_\_\_,  
\_\_\_\_\_,  
\_\_\_\_\_,  
\_\_\_\_\_.

who acknowledged the execution of the foregoing document.

WITNESS my hand and Notarial Seal this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_

Notary Public – Signature

\_\_\_\_\_

Notary Public – Printed

My Commission Expires: \_\_\_\_\_

County of Residence: \_\_\_\_\_

ORDINANCE NO: 2020-\_\_\_\_\_

EXECUTED AND DELIVERED in my presence:

\_\_\_\_\_

Signature

\_\_\_\_\_

Printed Name

# EXHIBIT A



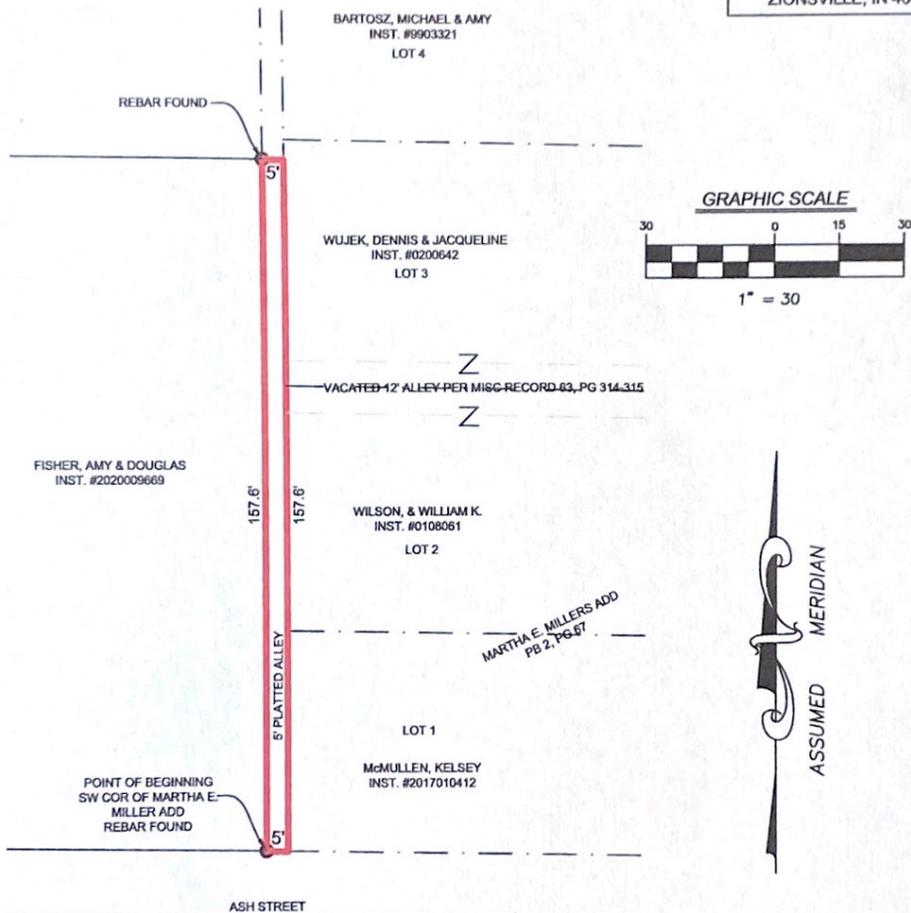
Formerly SEA Group  
 494 Gradle Drive Carmel, Indiana 46032  
 Phone: 317.844.3333 Fax: 317.844.3383  
 infocarmel@v3co.com V3co.com  
**Surveyors - Scientists - Engineers**

## 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.



## 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:

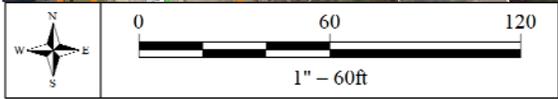
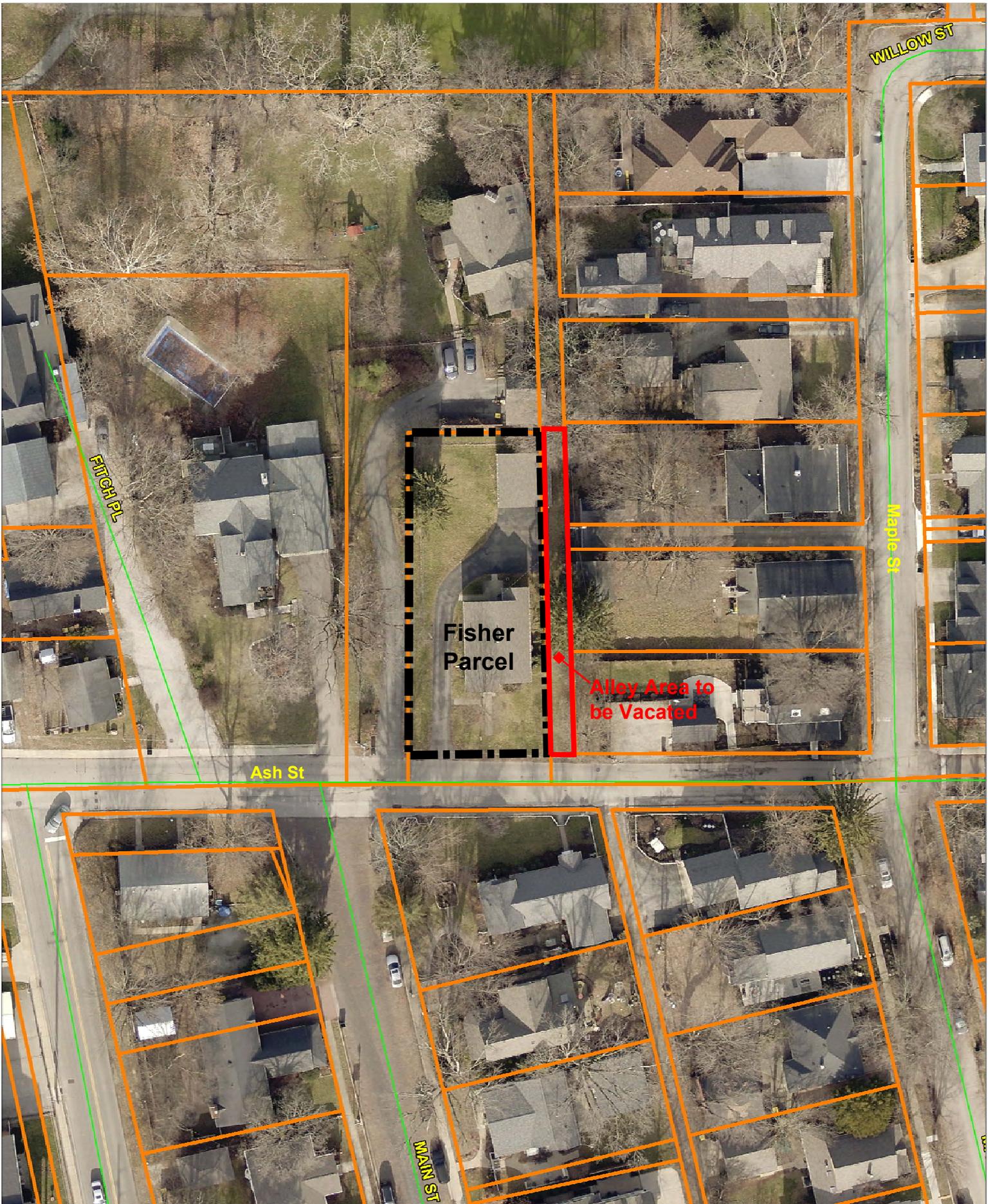
1. The northern half right-of-way for Elm Street, along the Fisher parcel’s frontage, is not wide enough to accommodate a public sidewalk.
2. An old, existing storm sewer/drainage tile runs adjacent to the western edge of the Fisher Parcel and there is no easement in place to allow for maintenance by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

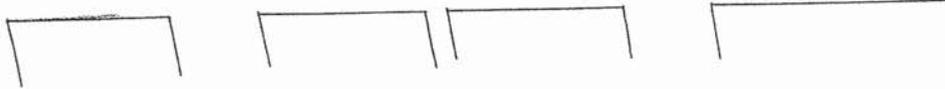
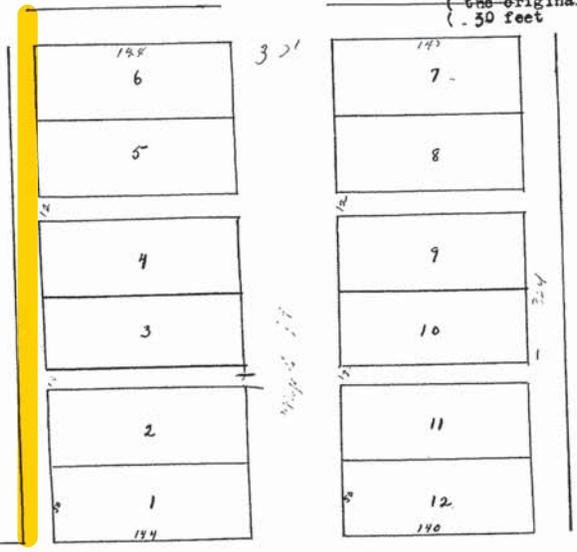
John S. Masters,  
R.B.C.

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 )  
( 5 feet )



Judgment for vacating alley  
For release of the within number Plat see miscellaneous  
record No. ... 63 ... page 314-15  
5131 This ... day of ... 1973  
Attest: Pauline Heckman, R.B.C.



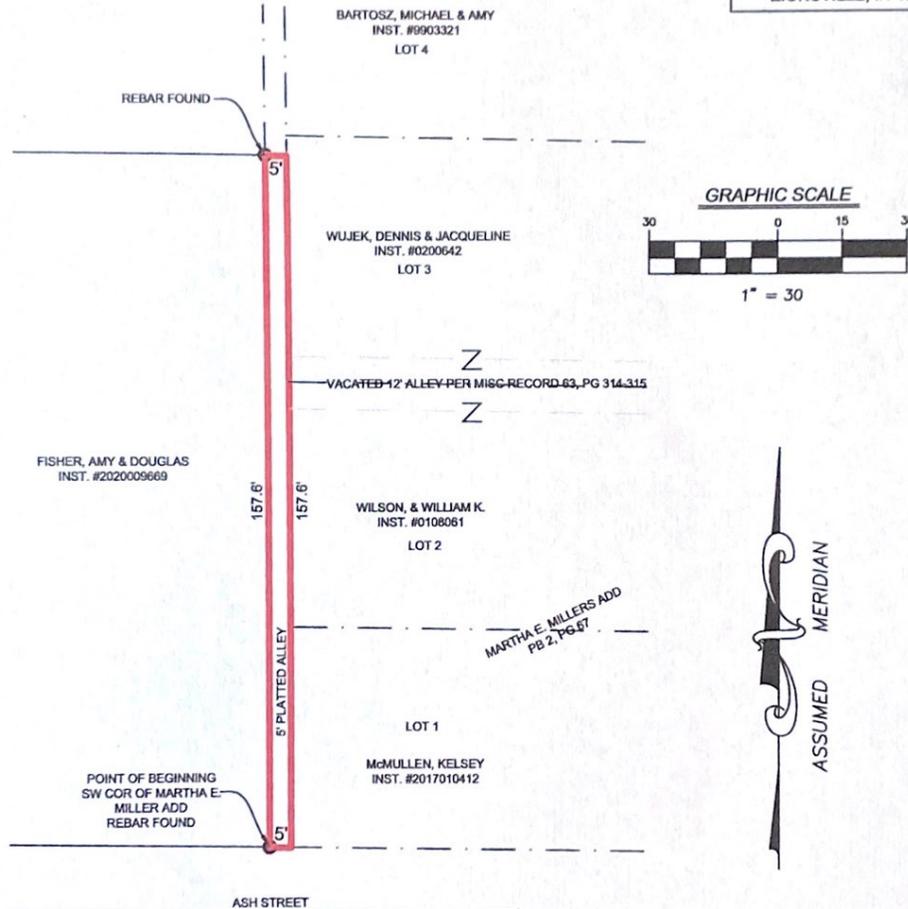
Formerly SEA Group  
 494 Gradle Drive Carmel, Indiana 46032  
 Phone: 317.844.3333 Fax: 317.844.3383  
 infocarmel@v3co.com V3co.com  
**Surveyors - Scientists - Engineers**

# 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.

Public Notices

Couchman STATE OF INDIANA SS: COUNTY OF BOONE IN THE BOONE SUPERIOR COURT I CAUSE NO. 06D01-2008-ES-000098 IN THE MATTER OF THE SUPERVISED ESTATE OF LAURA DELL COUCHMAN, Deceased. NOTICE OF SUPERVISED ADMINISTRATION Notice is given that LLOYD COUCHMAN was, on September 22, 2020, appointed PERSONAL REPRESENTATIVE of the ESTATE OF LAURA DELL COUCHMAN, deceased, who died on the 16th day of February, 2018. The Personal Representative is authorized to administer the estate with COURT SUPERVISION. All persons who have claims against this estate, whether or not now due, must file the claim in the office of the Clerk of the Court within three (3) months from the date of the first publication of the notice, or within nine (9) months after the decedent's death, whichever is earlier, or the claims will be forever barred. Dated: 09/22/2020 /s/ Jessica J. Fouts Clerk, Boone Superior Court I ATTORNEYS FOR THE ESTATE CHRIS L. SHELBY, #123-06 SHELBY LAW, PC 116 N. West St. P.O. Box 743 Lebanon, IN 46052 Telephone: (765) 482-1370 Facsimile: (765) 482-9065 TLR-610 10/1, 8 hspaxlp 1668752

Haseley STATE OF INDIANA SS: COUNTY OF BOONE IN THE BOONE CIRCUIT COURT CASE NO. 06C01-2006-MI-677 IN RE THE NAME CHANGE OF: Kathleen M. Veit Haseley Petitioner. NOTICE OF PETITION FOR CHANGE OF NAME Kathleen M. Veit Haseley, whose mailing address is: 6287 Lancaster Place Zionsville, IN 46077 Boone County, Indiana hereby gives notice that she/he has filed a petition in the Boone Circuit Court requesting that his/her name be changed to Kathleen M. Veit. Notice is further given that hearing will be held on said Petition on the 10th day of November, 2020 at 8:15 o'clock A.M. /s/ Kathleen M. Veit Haseley Petitioner Date: June 14, 2020 /s/ Jessica J. Fouts Boone Circuit Court Clerk TLR-594 9/24, 10/1, 10/8 hspaxlp

NOTICE TO TAXPAYERS OF DETERMINATION TO ISSUE BONDS Taxpayers of the Town of Whitestown, Indiana (the "Town") are hereby notified that the Town has preliminarily determined to issue general obligation bonds in accordance with Indiana Code 36-5-2 in an aggregate principal amount not to exceed \$2,500,000 for the purpose of providing funds for undertaking certain public improvement projects in the Town including but not limited to a roundabout, general road infrastructure improvements and various other public improvements. This notice is provided in accordance with Indiana Code 6-1.1-20-5. Dated this 1st day of October, 2020. /s/ Matt Sumner Clerk-Treasurer, Town of Whitestown TLR-600 10/1, 8 hspaxlp 1667703

NOTICE TO TAXPAYERS OF PUBLIC HEARING ON ADDITIONAL APPROPRIATION Notice is hereby given to taxpayers of the Town of Whitestown, Indiana (the "Town"), that the Town Council (the "Council") will conduct a public hearing on October 14, 2020, at 7:00 p.m. and consider the appropriation of the funds of the Town in an amount not to exceed \$2,500,000 to be applied on the costs of certain local public improvements located in the Town, including but not limited to a roundabout, general road infrastructure improvements and various other public improvements, and the incidental expenses in connection with these projects. The funds to meet this appropriation are to be provided by the issuance and sale of bond anticipation notes, if necessary, and bonds of the Town. The foregoing appropriation is in addition to all appropriations provided in the existing budgets and levies. Taxpayers of the Town appearing at the hearing shall have a right to be heard in respect of this additional appropriation. Typically, Council meetings are held at the Whitestown Municipal Complex. However, during the public health emergency and pursuant to Governor Holcomb's Executive Orders, it is anticipated that the Whitestown Municipal continued next column

When governments want to change environmental ordinances, the law often requires them to inform you by placing public notice advertisements also called legal notices in your newspaper. Indiana newspapers and the Hoosier State Press Association provide an online clearinghouse of thousands of public notices. If you missed it in print or want to find a notice statewide, look online at IndianaPublicNotices.com.

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We're here for you! Our Classified Department is here to lend a helping hand. Computers, vehicles, jobs, real estate, pets... you name it! We're here to meet your everyday needs! Classified Department 1-888-663-1063

Public Notices

Complex will still be closed to the public and the October 14, 2020 Council meeting will be held via videoconference. If you would like to participate or observe the meeting live, please send an email to nmesser@whitestown.in.gov to register for the meeting no later than 4:00 p.m. on October 14, 2020. Your email should include your name and address, and the subject line should state "Whitestown Town Council Public Hearing." Valid registrants will then be sent via email information on how to access the videoconference. Written submissions, if any, should be emailed to nmesser@whitestown.in.gov no later than 4:00 p.m. on October 14, 2020 with the same information outlined above. Questions concerning the meeting can be directed to the Town Director of Operations and Economic Development at nmesser@whitestown.in.gov or 317-694-6791. Dated this 1st day of October, 2020. /s/ Matt Sumner Clerk-Treasurer, Town of Whitestown TLR-599 10/1, 8 hspaxlp 1667701

Seip STATE OF INDIANA SS: COUNTY OF BOONE IN THE BOONE SUPERIOR COURT I CAUSE NO. 06D01-2009-ET-000118 IN THE MATTER OF THE UNSUPERVISED ESTATE OF EDWARD C. SEIP, Deceased. NOTICE OF UNSUPERVISED ADMINISTRATION Notice is given that SCOTT SEIP was, on September 24, 2020, appointed Personal Representative of the ESTATE OF EDWARD C. SEIP, deceased, who died on the 24th day of July, 2020. The Personal Representative is authorized to administer the estate without Court supervision. All persons who have claims against this estate, whether or not now due, must file the claim in the office of the Clerk of the Court within three (3) months from the date of the first publication of this notice, or within nine (9) months after the decedent's death, whichever is earlier, or the claims will be forever barred. Dated: September 24, 2020 /s/ Jessica J Fouts Clerk, Boone Superior Court No. I Chris L. Shelby, #123-06 SHELBY LAW, PC 116 N. West Street P.O. Box 743 Lebanon, IN 46052 Telephone: (765) 482-1370 Facsimile: (765) 482-9065 TLR-631 10/8, 15 hspaxlp

NOTICE OF PUBLIC HEARING BY THE TOWN COUNCIL OF ZIONSVILLE, INDIANA Notice is hereby given of a Public Hearing to be held by the Zionsville Town Council on October 19, 2020, at 7:30 a.m. in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana 46077 to consider the Vacation Petition, filed by Douglas and Amy Fisher, for a portion of the North/South Alley located between Maple Street and Fitch Place, beginning on the north right-of-way line of Ash Street and extending northward 157.6 feet. The portion of the Alley to be vacated is bordered on the west by property addressed as 50 E. Ash Street, and is bordered on the east by properties addressed as 410 N. Maple Street, 420 N. Maple Street, and 440 N. Maple Street. The area to be vacated measures 157.6 lineal feet and is 5.0 feet in width. This Vacation would allow for the ownership of the Vacated area to be transferred equally to the owners of the aforementioned addresses. Easements would be established in favor of utilities currently utilizing the right of way in continued page D

Notice for Newspapers Notice is hereby given that I have, as the owner (or with the owner's consent) of the property commonly described as the address of 2001 S 700 E; 2502 700 E; 7256 E 300 S; 7302 E 300 S; 7430 E 300 S; 7116 E 300 S; 2117 S 575 E; 2730 S 575 E; 2886 S 575 E; FR 300 S; 2301 S 500 E; 2886 S 700 E; 210 E Pierce St (approximate addresses), and legally described by the attached legal description, have filed a petition before the Whitestown Plan Commission, which petition requests a Zone Map Change for the said property in order to: rezone the site to the MU-COR district to allow for a mix of commercial, office and residential uses. This petition, File # WPC20-044-ZA, will come for hearing before the Whitestown Plan Commission during a meeting to be held at 6:30pm on October 19, 2020. As a result of the current public health emergency and pursuant to Governor Holcomb's Executive Orders 20-04 and 20-09, the Whitestown Plan Commission meeting is expected to be conducted via video conference or teleconference. The Whitestown Municipal Complex where the meeting would typically be held (6210 Veterans Dr., Whitestown IN 46075) is not expected to be open to the public; however, the meeting will be viewable live stream https://www.youtube.com/user/townofwhitestown. A link to the Town's youtube page is also available on the Town's webpage at whitestown.in.gov. The public hearing portion of the Plan Commission meeting will be by written submission. All public comment regarding this matter will need to be submitted in writing to bgarriot@whitestown.in.gov by 4pm on the date of the hearing to be included into the meeting record. If you have any questions or concerns, or need any assistance in participating in the public hearing, you may also contact Brittany Garriot, Whitestown Planning Director, at bgarriot@whitestown.in.gov, or 317-769-6557. In accordance with the Americans With Disabilities Act, if anyone wishes to participate in the public hearing on the above referenced matter and is in need of reasonable accommodation in order to hear, present evidence, or participate in the proceedings, please contact the Town Planner so accommodation can be made. The petition and file on this matter is available for examination by contacting the Town Planner at (317) 732-4535 or email at planning@whitestown.in.gov. Comments regarding this petition may be submitted at any time. Information to be considered in the Staff Report and distributed to the WPC members in advance of the meeting must be received prior to the hearing as set forth above and must be sent to planning@whitestown.in.gov or Whitestown WPC, Whitestown Municipal Complex, 6210 Veterans Dr, Whitestown, IN 46075. Legal Description of Site to be Rezoned to MU-COR RECORD LAND DESCRIPTION: (INSTR.# 2019011779. PARCEL 1) One Hundred Ten (110) acres of uniform width off of and across the entire West side of the Northwest Quarter of Section 17, Township 18 North, Range 2 East of the Second Principal Meridian, subject to Legal Highways, Rights-of-way and Easements, located in Worth Township, Boone County, Indiana. EXCEPT THEREFROM: (NOW D.R. 217, PG. 684) A part of the Northwest Quarter of Section 17, Township 18 North, Range 2 East of the Second Principal Meridian, in Worth Township, Boone County, Indiana, and more particularly described as follows, to-wit: BEGINNING on the West line of said Tract 5705.4 feet North of the Southwest corner thereof, thence deflecting Right 89 degrees 10 min-

Public Notices

When governments want to change zoning rules, the law often requires them to inform you by placing notice advertisements - also called legal notices - in your newspaper. Indiana newspapers and the Hoosier State Press Association provide an online clearinghouse of thousands of public notices. If you missed it in print or want to find a notice statewide, look online here IndianaPublicNotices.com.

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TOWN OF WHITESTOWN, INDIANA NOTICE OF INTENT TO SELL BONDS

Upon not less than twenty-four (24) hours' notice given by telephone by the Clerk-Treasurer of the Town of Whitestown, Indiana ("Issuer" or "Town") or his designee, the Clerk-Treasurer will receive at the offices of its Municipal Advisor, Reedy Financial Group P.C. ("Municipal Advisor"), 115 West Washington Street, Suite 1690 S, Indianapolis, Indiana 47274, (812) 522-9494 (facsimile) and consider bids for the purchase of the following described bonds (or in the alternative, bids may be submitted via E-Mail to moochran@reedyfinancialgroup.com). Any person interested in submitting a bid for the bonds must furnish in writing to the Issuer, c/o its Municipal Advisor at the aforementioned address, the bid amount, bid address, or before 11:00 a.m. Eastern Standard Time on October 19, 2020, the person's name, address, and telephone number and if desired, a fax number or email address. The Issuer's representative or his designee will notify (or cause to be notified) each person so registered of the date and time bids will be received not less than twenty-four (24) hours before the date and time of sale. The notification shall be made by telephone at the number furnished by such person and also by fax or E-Mail, if a fax number or E-Mail address has been received. The sale is expected to take place on or about October 20, 2020. At the time designated for the sale, the Issuer will receive and consider bids for the purchase of the bonds of the Issuer designated as "Town of Whitestown General Obligation Bonds, Series 2020", in the principal amount of \$1,975,000 ("Bonds"). Each bid must be for not less than all of the Bonds described herein. Bidders may bid a discount not to exceed 1.0% of the face amount of the Bonds. The Bonds will bear interest at a rate or rates not to exceed 5.0% per annum (the exact interest rate or rates will be determined by bidding). Interest will be calculated on a 30/360-day basis and will be payable on July 15, 2021, and semiannually thereafter on January 15 and July 15 of each year. The Bonds will be dated the date of delivery, will be in the denominations of \$5,000 or integral multiples thereof and will mature semiannually on January 15 and July 15 on the dates and in the amounts as follows:

| Date       | Amount    | Date       | Amount    |
|------------|-----------|------------|-----------|
| 07/15/2021 | \$235,000 | 07/15/2023 | \$250,000 |
| 01/15/2022 | 235,000   | 01/15/2024 | 250,000   |
| 07/15/2022 | 245,000   | 07/15/2024 | 255,000   |
| 01/15/2023 | 245,000   | 01/15/2025 | 260,000   |

All or a portion of the Bonds may be issued as one or more term bonds, upon election of the successful bidder. Such term bonds shall have a stated maturity or maturities of July 15, 2021 through January 15, 2025, as determined by the successful bidder. The term bonds shall be subject to mandatory sinking fund redemption and final payment(s) at maturity at 100% of the principal amount thereof, plus accrued interest to the redemption date, on dates consistent with the above schedule. At the request of the successful bidder, the Bonds may be issued as fully registered Bonds in book entry only form, registered in the name of Cede & Co., as nominee for The Depository Trust Company, New York, New York ("DTC"). In such case, the successful bidder is expected to apply to DTC to make such Bonds depository eligible. The Bonds are not subject to optional redemption prior to maturity. Principal payments on the date of a registration and paying agent to be designated by the Issuer. The Issuer may elect to have its Clerk-Treasurer serve as registrar and paying agent. Interest shall be paid by check mailed to the registered owners or by wire transfer to depositories. Each bid must be for all of said Bonds and must state the rate or rates of interest in multiples of 1/8 or 1/20 of one percent (1%). Any bids specifying two or more interest rates shall also specify the amount and maturities of the Bonds bearing each rate, but all Bonds maturing on the same date shall bear the same single interest rate. The rate on any maturity shall be equal to or greater than the rate on the immediately preceding maturity. The award will be made to the bidder complying with the terms of sale and offering the lowest net interest cost to the Issuer, to be determined by computing the total interest on all of the Bonds to their maturities and deducting therefrom the premium bid, if any, and adding thereto the discount bid, if any. Although not a term of sale, it is requested that each bid show the net dollar interest cost to the Issuer, and the net effective average interest rate on the entire issue. No conditional bid or bid for less than 99% of the face value of said Bonds will be considered. The right is reserved to reject any and all bids. If no satisfactory bids are received at the time and on the date fixed for the sale, the sale may be continued from day to day thereafter without further advertisement for a period of thirty (30) days, during which time no bid which provides a higher net interest cost to the Issuer than the best bid received at the time of the advertised sale will be considered. Each bid must be on a bid form provided by the Issuer's representative and marked "Bid for Town of Whitestown General Obligation Bonds, Series 2020." Each bid must be accompanied by a certified or cashier's check or a financial surety bond in an amount equal to one percent (1%) of the aggregate principal amount of the Bonds issued. If a check is submitted, the

utes 00 seconds East measure along an existing fence line and its extension a distance of 586.00 feet; thence Northerly 210.90 feet, thence deflecting Left 87 degrees 30 minutes 00 seconds measure along an existing fence line and its extension a distance of 586.60 feet to the West line of the Northwest Quarter of aforesaid Section 17, thence South on said West line 251.00 feet to the Place of Beginning, containing 2.918 acres, more or less. AND RECORD LAND DESCRIPTION: (INSTR. # 200900004175) The Northwest Quarter of the Southwest Quarter of Section 17, Township 18 North, Range 2 East, Worth Township, Boone County, Indiana, containing 40 acres, more or less. The West Half of the East Half of the Southwest Quarter of Section 17, Township 18 North, Range 2 East, Worth Township, Boone County, Indiana, containing 40 acres, more or less. The East Half of the East Half of the Southwest Quarter of Section 17, Township 18 North, Range 2 East, Worth Township, Boone County, Indiana, containing 40 acres, more or less. The Southwest Quarter of the Southwest Quarter of Section 17, Township 18 North, Range 2 East of the Second Principal Meridian, containing 40 acres, more or less, EXCEPT the following described real estate, to-wit: Commencing at the Southwest corner of said Quarter Quarter Section, Township and Range aforesaid and running thence North 300 feet, running thence East 171 feet, running South 300 feet, running West 171 feet to the place of beginning, containing 1.17 acres, more or less, leaving after said exception 38.83 acres, more or less, but subject to legal highways, rights-of-way and easements, located in Worth Township, Boone County, Indiana. EXCEPT THEREFROM: A part of the Southwest Quarter of the Southwest Quarter of Section 17, Township 18 North, Range 2 East, Worth Township, Boone County, Indiana, more fully described: Commencing at the Southeast corner of the Southwest Quarter of said Section 17; thence South 90 degrees 00 minutes 00 seconds West along the Section line an approximate centerline of County Road 300 South, a distance of 1325.20 feet to the Southeast corner of the Southwest Quarter of the Southwest Quarter of said Section 17; thence continuing South 90 degrees 00 minutes 00 seconds West along the East described line of the Collier Property, as recorded, in Deed Record 241, Page 254, a distance of 140 feet; thence South 90 degrees 00 minutes 00 seconds West, along the north described line of said Collier Property, a distance of 106.00 feet; thence North 00 degrees 00 minutes 00 seconds West, a distance of 123.22 feet; thence North 90 degrees 00 minutes 00 seconds East 246.69 feet; thence South 00 degrees 00 minutes 00 seconds East, a distance of 263.22 feet to the Point of Beginning. Subject to the right of way of County Road 300 South, on and along the Entire Southernmost boundary. EXCEPT: (INSTR. # 0320565) A part of the Southwest Quarter of the Southwest Quarter of Sect. 17, Township 18 North, Range 2 East of the Second Principal Meridian & more particularly described as follows: BEGINNING on the West line of said Tract 5705.4 feet North of the Southwest corner thereof, thence deflecting Right 89 degrees 10 min-

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check shall be drawn on a bank or trust company which is insured by the Federal Deposit Insurance Corporation. In either case, the deposit shall be payable to the "Town of Whitestown" and shall be held as a guaranty of the performance of the bid if the same be accepted, or immediately returned if the bid is not accepted. If a financial surety bond is used, it must be from an insurance company licensed to issue such bond in the State of Indiana, and such bond must be submitted to the Issuer prior to the opening of the bids. The financial surety bond must identify each bidder whose good faith deposit is guaranteed by such financial surety bond. If the Bonds are awarded to a bidder utilizing a financial surety bond, then that purchaser is required to submit to the Issuer a certified or cashier's check (or wire transfer of such amount as instructed by the Issuer) not later than 3:30 p.m. (Eastern Standard Time) on the next business day following the award. If such good faith deposit is not received by that time, the financial surety bond shall be drawn by the Issuer to satisfy the good faith deposit required. No interest on the deposit will accrue to the purchaser. The deposit will be applied to the purchase price of the Bonds. The successful bidder will be required to make payment for such Bonds in Federal Reserve funds or other immediately available funds and accept delivery of the Bonds (through the facility of DTC within five (5) days after being notified that the Bonds are ready for delivery. It is anticipated that the Bonds will be ready for delivery within thirty (30) days of the sale date, and if not ready for delivery within forty-five (45) days after the sale date, the purchaser shall be entitled to rescind the sale and obtain the return of the good faith deposit. The successful bidder will be required to certify as to the price at which a substantial amount of Bonds of each maturity was reoffered to the public. The opinion of Bose McKinney & Evans LLP, Bond Counsel, in Indianapolis, Indiana, approving the legality of said Bonds, together with a transcript of the bond proceedings, and closing certificates in the usual form showing no litigation, will be furnished to the successful bidder at the expense of the Issuer. CUSIP identification numbers may be printed on the Bonds, but neither the failure to print such numbers on any Bond nor any error with respect thereto shall constitute cause for failure or refusal by the successful bidder therefor to accept delivery of and pay for the Bonds in accordance with the terms of its bid. No CUSIP identification number shall be deemed to be a part of any Bond or a part of the contract evidenced thereby, and no liability shall hereafter attach to the Issuer or any of its officers or agents because of or on account of such numbers. All expenses in relation to the printing of CUSIP identification numbers on the Bonds shall be paid for by the Issuer; provided, however, that the CUSIP identification numbers and the assignment of said numbers shall be the responsibility of and shall be paid for by the successful bidder. The successful bidder will also be responsible for any other fees or expenses it incurs in connection with the resale of the Bonds, including any charges in connection with DTC. The Bonds are being issued under the provisions of Indiana Code 36-5-2-11 for the purpose of providing funds to be applied to the cost of certain municipal improvement projects in the Town. The Bonds are, as to all the principal thereof and interest due thereon, general obligations of the Issuer, payable from ad valorem property taxes on all taxable property in the Town. The Issuer has covenanted that it will cause ad valorem property taxes for the payment of the principal of and interest on the Bonds to be levied, collected, appropriated and applied for that purpose. In the opinion of Bose McKinney & Evans LLP, Bond Counsel, under the terms of such covenants, conditions, restrictions and rulings existing on this date, the interest on the Bonds is excludable from gross income for purposes of federal income taxation. The Bonds are subject to the Internal Revenue Code of 1986 as in effect on the date of their issuance ("Code") which imposes limitations on the issuance of obligations such as the Bonds under federal tax law. The Issuer has covenanted to comply with those limitations to the extent required to preserve the exclusion of interest on the Bonds from gross income for federal income tax purposes. The Issuer has not designated the Bonds as bank qualified. No Official Statement has been prepared for, and no Continuing Disclosure Undertaking Agreement will be entered into by the Issuer in connection with, the Bonds. The Issuer has prepared a Term Sheet relating to the Bonds. A copy of the Term Sheet may be obtained from the Municipal Advisor. The successful bidder will be required to provide a sophisticated investor letter ("Investor Letter") at the time of delivery of the Bonds certifying that it is a sophisticated investor with extensive experience in purchasing and evaluating obligations similar to the Bonds, (ii) is purchasing the Bonds for investment for its own account and not with the present view of reselling or otherwise disposing of all or any part thereof, and (iii) will not sell, convey, pledge or otherwise transfer the Bonds without prior compliance with applicable registration and disclosure requirements of state and federal securities laws. Dated this 1st day of October, 2020. /s/ Matt Sumner Clerk-Treasurer, Town of Whitestown, Indiana

TLR-598 10/1 10/8 hspaxlp 1667691

AND MODERNIZED LAND DESCRIPTION: A part of Section 13, Township 18 North, Range 1 East, Worth Township, Boone County, Indiana, being: 7.53 acre parcel surveyed by Jonathan E. Hause, P.S. 206000040 and shown on a plat of survey certified on March 5, 2019 as Hause Surveying and Engineering Job Number 19S1100 (all monuments herein referenced are as set or found on the aforesaid Hause Survey), being more particularly described as follows: Commencing at a Harrison Monument found marking the Southwest corner of the Northwest Quarter of said Section 13; thence North 00 degrees 34 minutes 28 seconds West 1632.28 feet along the West line of the Northwest Quarter of said Section 13 to the Southwesterly Right-of-way line of the former Cleveland, Cincinnati, Chicago and St. Louis Railroad and a magnetic nail with metal washer stamped "HAUSE PLS206000040" (hereafter called mag nail with washer), said point also being the Point of Beginning of this description; thence continuing North 00 degrees 34 minutes 28 seconds West 84.24 feet to the Northeastly Right-of-way line of said railroad; thence South 63 degrees 27 minutes 25 seconds East 3739.50 feet along the Northeastly Right-of-way line of said railroad to the point of tangency and a capped rebar, said rebar also having a long chord bearing South 63 degrees 58 minutes 25 seconds East 321.64 feet; thence South 64 degrees 27 minutes 25 seconds East 3739.50 feet along the Northeastly Right-of-way line of said railroad to the East line of the West Half of the Southeast Quarter of said Section 13 and a mag nail with washer; thence South 00 degree 48 minutes 52 seconds East 78.12 feet along the East line of the West Half of the Southeast Quarter of said Section 13 to the Southwesterly Right-of-way line of said railroad and a capped rebar; thence North 64 degrees 27 minutes 25 seconds West 2292.81 feet along the Southwesterly Right-of-way line of said railroad to the point of tangency and a capped rebar, said rebar also having a long chord bearing North 63 degrees 58 minutes 25 seconds East 322.90 feet; thence North 64 degrees 27 minutes 25 seconds West 2292.81 feet along the Southwesterly Right-of-way line of said railroad to the point of tangency and a capped rebar, said rebar also having a long chord bearing North 63 degrees 58 minutes 25 seconds East 322.90 feet; thence North 64 degrees 27 minutes 25 seconds West 2292.81 feet along the Southwesterly Right-of-way line of said railroad to the point of tangency and a capped rebar, said rebar also having a long chord bearing North 63 degrees 58 minutes 25 seconds East 322.90 feet; 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**Public Notices**

the event the Alley is approved to be Vacated.  
The property involved is legally described as:  
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.  
A copy of the Petition for Vacation, and all filed documents pertaining thereto are on file and may be examined prior to the Public Hearing at Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana, or at <https://www.zionsville-in.gov/548/Public-Notices>. Written comments in support of or in opposition to the Petition for Vacation are filed with the Department of Planning & Economic Development (rkilmer@zionsville-in.gov or 317-690-6539). The Public Hearing is open to the public. Oral comments to the Petition for Vacation will be heard at the Public Hearing.  
Further and as supported by Executive Order and/or the Laws of the State of Indiana, members of the Public will be afforded the opportunity to attend the Town Council Public Meeting via a form(s) of electronic communication as indicated in the Agenda (as amended from time to time) associated with the Town Council Meeting.  
If a member of the public needs technical assistance in logging into the web event as indicated on the Agenda, please contact Joe Rust at [jrust@zionsville-in.gov](mailto:jrust@zionsville-in.gov) or 317-727-2647.  
Josh Garrett  
Town Council President  
Amelia Anne Lacy  
Municipal Relations Coordinator  
TLR-630 10/8 hspaxlp 1669698  
*continued next column*

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Josh Garrett  
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For full public notice listings go to [IndianaPublicNotices.com](http://IndianaPublicNotices.com).  
**Notice for Newspapers**  
Notice is hereby given that I have, as the owner (or with the owner's consent) of the property commonly described as the address of 6729 E 200 S (approximate address), and legally described by the attached legal description, have filed a petition before the Whitestown Plan Commission, which petition requests a Zone Map Change for the said property in order to:  
Rezone the site to the R-3 District to allow for the development of a single-family residential neighborhood on the site.  
This petition, File # WPC20-043-ZA, will come for hearing before the Whitestown Plan Commission during a meeting to be held at 6:30pm on October 19, 2020.  
As a result of the current public health emergency and pursuant to Governor Holcomb's Executive Orders 20-04 and 20-09, the Whitestown Plan Commission meeting is expected to be conducted via video conference or teleconference. The Whitestown Municipal Complex where the meeting would typically be held (6210 Veterans Dr., Whitestown IN 46075) is not expected to be open to the public; however, the meeting will be viewable live stream at <https://www.youtube.com/user/townofwhitestown>. A link to the Town's youtube page is also available on the Town's webpage at [whitestown.in.gov](http://whitestown.in.gov).  
The public hearing portion of the Plan Commission meeting will be written submission. All public comment regarding this matter will need to be submitted in writing to [bgariott@whitestown.in.gov](mailto:bgariott@whitestown.in.gov) by 4pm on the date of the hearing to be included into the meeting record. If you have any questions or concerns, or need any assistance in participating in the public hearing, you may also contact Brittany Garriott, Whitestown Planning Director, at [bgariott@whitestown.in.gov](mailto:bgariott@whitestown.in.gov), or 317-769-6557.  
In accordance with the Americans With Disabilities Act, if anyone wishes to participate in the public hearing on the above referenced matter and is in need of reasonable accommodation in order to hear, present evidence, or participate in the proceedings at the public hearing on this matter, please

**Public Notices**

Indiana newspapers and the Hoosier State Press Association provide an online clearinghouse of thousands of public notices. If you missed it in print or want to find a notice statewide, look online at [IndianaPublicNotices.com](http://IndianaPublicNotices.com).  
For full public notice listings go to [IndianaPublicNotices.com](http://IndianaPublicNotices.com).  
contact the Town Planner so accommodation can be made. The petition and file on this matter is available for examination by contacting the Town Planner at (317) 732-4535 or email at [planning@whitestown.in.gov](mailto:planning@whitestown.in.gov). Comments regarding this petition may be submitted at any time. Information to be considered in the Staff Report and distributed to the WPC members in advance of the meeting must be received prior to the hearing as set forth above and must be sent to [planning@whitestown.in.gov](mailto:planning@whitestown.in.gov) or Whitestown WPC, Whitestown Municipal Complex, 6210 Veterans Dr, Whitestown, IN 46075.  
**Legal Description of Site to be rezoned to R-3**  
RECORD LAND DESCRIPTION: (INSTR. # 201000012134)  
Part of the Northeast Quarter of Section 18, Township 18 North, Range 2 East, Worth Township, Boone County, Indiana described as follows:  
Beginning at the Northeast corner of the Northeast Quarter of said Section 18; thence along the approximate center line of County Road 700 East and the Section line South 00 degrees 28 minutes 20 seconds East (assumed bearing) 1454.23 feet; thence along a North described line of the Ronald R. Good & Michael E. Good Property recorded as Instrument Number 0321525, Boone County Recorder's Office, South 8 degrees 02 minutes 08 seconds West 1323.38 feet; thence along an East described line of the Allen's Acres Subdivision Property recorded in Plat Book 4, Page 163 North 00 degrees 32 minutes 15 seconds West 131.68 feet; thence along a North described line of said Allen's Acres Subdivision Property South 88 degrees 02 minutes 08 seconds West 664.25 feet; thence along an East described line of the Kenneth L. Allen and Carol J. Allen Property recorded in Deed Record 226, Pages 77-78 North 00 degrees 35 minutes 46 minutes West 1319.69 feet; thence along the approximate center line of County Road 200 South and the Section line, North 87 degrees 57 minutes 20 seconds East 1990.70 feet to the Point of Beginning. (Containing approximately 64.310 acres)  
TLR-628 10/8 hspaxlp 1669586

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FREON WANTED: WE pay \$\$\$ for cylinders and cans. R12 R500 R11 R113 R114. Convenient. Certified Professionals. Call 312-313-9840 or visit RefrigerantFinders.com

**Sporting Goods**  
GUN AND KNIFE Show! October 10 and 11. Delaware County Fairgrounds, Muncie, Indiana. Saturday 9 - 5, Sunday 9 - 3. For more information call 765-993-8942. Admission \$5.

**Real Estate Wanted**  
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CALL OUR CLASSIFIED DEPARTMENT AT 1-888-663-1063 WITH YOUR AD NOW! We want to help you sell the items you no longer use.  
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**Drivers**  
NEW HIGHER PAY Class A and B Drivers wanted. Sign on Bonus, 401K. Nights and weekends off. Wage dependent upon experience. Paid Holidays & Vacation.  
At GPI we value our people as our most important asset. Join our team and grow with us!  
If interested call Will @ 765-744-1057 between 8am - 7pm for an interview or more info or send resume to: [will\\_ladig@genpet.com](mailto:will_ladig@genpet.com) or apply at: **General Petroleum** 435 Ransdell Rd., Lebanon, IN 46052

**Cemetery Lots**  
4 CEMETERY PLOTS located in Oak Hill Cemetery - Lebanon, Indiana Memorial Park Section "A". Lot # 416, spaces 1 - 2 - 3 - 4. These are located in the "flat marker only" section. \$800 each or \$1500 for 2 or all for \$2800, cash only. Buyer must pay \$50.00 deed transfer fee done at Oak Hill at the time of sale. Please call 765.918.0055 and leave a message.

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**Homes for Rent**  
NORTH SALEM. 3 BR, 1 BA House. 100 W. Vine \$750 rent, \$750 dep. Tenant pays all utilities. Mini Barn. Central Air, Gas Heat. Contact: 765-720-7904

**Community Notes**  
COMPUTER ISSUES? GEEKS ON SITE provides FREE diagnosis REMOTELY 24/7 SERVICE DURING COVID19. No home visit necessary. \$40 OFF with coupon 86407! Restrictions apply. 888-715-8176  
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SERIOUSLY INJURED IN AN AUTO ACCIDENT? Let us fight for you! Our network has recovered millions for clients! Call today for a FREE consultation! 844-517-6414  
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CLASSY-N-CLEAN YARD SALE Fri. 10/9, 9-4 & Sat. 10/10, 9-2 729 N. Lebanon St., Lebanon. Ariat boots, framed wall art, Stampin Up items, craft supplies, clothing & curtain fabrics, nice bedding, rollaway bed, Imaginext Pirate Raider playset, TENS unit - like new, household & holiday decor.

**NEW TODAY!**  
JAMESTOWN - CLEARANCE SALE. FRI. 10/9, 9-4 & Sat. 10/10, 9-2. 8095 W. CR 100 S. (Halfway between Dover & Advance). Kitchen items, yard tools, crystal, purses, decorative items, and lots of clothes from baby to adult.

**NEW TODAY!**  
JAMESTOWN - FRI. 10/9 & Sat. 10/10 9am - 6pm 4043 W 550 S Huge Sale!! Lots of boys clothes, furniture, household items, and much more!

**Sporting Goods**  
GUN & KNIFE SHOW - GREENFIELD, INDIANA - October 17th & October 18th Hancock County Fairgrounds 620 North Apple St., Greenfield, Indiana Saturday 9-5, Sunday 9-3 Collectors & Buyers ready w/cash. All State & Federal Laws Apply. Admission \$5. FREE PARKING 765-993-8942 BUY - SELL - TRADE

**Sporting Goods**  
GUN & KNIFE SHOW - MUNCIE, INDIANA - Oct. 10th and Oct. 11th Delaware County Fairgrounds 1210 North Wheeling Ave. Muncie, Indiana Saturday 9-5, Sunday 9-3 Collectors & Buyers ready w/cash. All State & Federal Laws Apply. Admission \$5. FREE PARKING 765-993-8942 BUY - SELL - TRADE

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LEBANON - FRI. 10/9 & Sat. 10/10 8am - 2pm Lebanon Community Garage Sale at Hickory Meadows off Witt Rd.  
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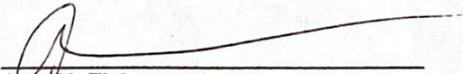
**AFFIDAVIT OF NOTICE OF PUBLIC HEARING  
OF THE TOWN OF ZIONSVILLE TOWN COUNCIL**

STATE OF INDIANA)  
COUNTY OF BOONE) SS:

I, Amy Kathleen Fisher, DO HEREBY CERTIFY THAT the attached LEGAL NOTICE TO INTERESTED PARTIES OF THE PUBLIC HEARING TO BE HELD BY THE TOWN OF ZIONSVILLE TOWN COUNCIL, to consider the application of Douglas and Amy Fisher, Requesting a Vacation of "a portion of the North/South Alley located between Maple Street and Fitch Place, beginning on the north right-of-way line of Ash Street and extending northward 157.6 feet," as described more fully in the Vacation Petition and the Legal Notice of Public hearing, was sent by CERTIFIED MAIL, RETURN RECEIPT REQUESTED, to each of the following property owners at the following addresses:

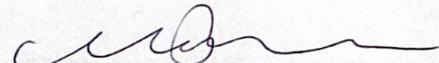
| <u>OWNER</u>            | <u>ADDRESS</u>                            |
|-------------------------|---|
| Kelsey McMullen         | 410 N. Maple Street, Zionsville, IN 46077 |
| William Wilson          | 420 N. Maple Street, Zionsville, IN 46077 |
| Dennis and Jackie Wujek | 440 N. Maple Street, Zionsville, IN 46077 |
| Michael and Erin Effner | 40 E. Ash Street, Zionsville, IN 46077    |

And that said Legal Notices were sent on October 3, 2020 by Certified Mail, Return Receipt Requested on or before the 9th day of October, 2020, being at least 10 (10) days prior to the date of the Public Hearing (copies of the "Receipt for Certified Mail" (white slips attached).

  
\_\_\_\_\_  
Amy K. Fisher

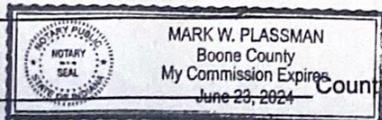
State of INDIANA )  
County of BOONE ) SS:

Subscribed and sworn to before me this 3rd day of October, 2020

 \_\_\_\_\_, MARK W. PLASSMAN  
Notary Public Signature Notary Public Printed

My commission expires \_\_\_\_\_

My county of residence is \_\_\_\_\_



My Commission No. is \_\_\_\_\_

7020 0090 0001 7933 3721

# U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

Zionsville, IN 46077

|  |        |
|--|--------|
| Certified Mail Fee   | \$3.55 |
| Extra Services & Fees (check box, add fee as appropriate)    | \$2.85 |
| <input type="checkbox"/> Return Receipt (hardcopy)           | \$0.00 |
| <input type="checkbox"/> Return Receipt (electronic)         | \$0.00 |
| <input type="checkbox"/> Certified Mail Restricted Delivery  | \$0.00 |
| <input type="checkbox"/> Adult Signature Required            | \$0.00 |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$0.00 |
| Postage  | \$0.55 |
| Total Postage and Fees                                       | \$6.95 |

0077 03  
Postmark Here 2020  
10/03/2020

Sent To: Kelsey McMullen  
Street and Apt. No., or PO Box No. 410 N. Maple St.  
City, State, ZIP+4® Zionsville, IN 46077

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7020 0090 0001 7933 3736

# U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only

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|  |        |
|--|--------|
| Certified Mail Fee   | \$3.55 |
| Extra Services & Fees (check box, add fee as appropriate)    | \$2.85 |
| <input type="checkbox"/> Return Receipt (hardcopy)           | \$0.00 |
| <input type="checkbox"/> Return Receipt (electronic)         | \$0.00 |
| <input type="checkbox"/> Certified Mail Restricted Delivery  | \$0.00 |
| <input type="checkbox"/> Adult Signature Required            | \$0.00 |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$0.00 |
| Postage  | \$0.55 |
| Total Postage and Fees                                       | \$6.95 |

0077 03  
Postmark Here  
10/03/2020

Sent To: William Wilson  
Street and Apt. No., or PO Box No. 420 N. Maple St.  
City, State, ZIP+4® Zionsville, IN 46077

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7020 0090 0001 7933 3707

# U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only

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Zionsville, IN 46077

|  |        |
|--|--------|
| Certified Mail Fee   | \$3.55 |
| Extra Services & Fees (check box, add fee as appropriate)    | \$2.85 |
| <input type="checkbox"/> Return Receipt (hardcopy)           | \$0.00 |
| <input type="checkbox"/> Return Receipt (electronic)         | \$0.00 |
| <input type="checkbox"/> Certified Mail Restricted Delivery  | \$0.00 |
| <input type="checkbox"/> Adult Signature Required            | \$0.00 |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$0.00 |
| Postage  | \$0.55 |
| Total Postage and Fees                                       | \$6.95 |

0077 03  
Postmark Here 2020  
10/03/2020

Sent To: Dennis + Jackie Wujek  
Street and Apt. No., or PO Box No. 440 N. Maple St.  
City, State, ZIP+4® Zionsville, IN 46077

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7020 0090 0001 7933 3714

# U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

Zionsville, IN 46077

|  |        |
|--|--------|
| Certified Mail Fee   | \$3.55 |
| Extra Services & Fees (check box, add fee as appropriate)    | \$2.85 |
| <input type="checkbox"/> Return Receipt (hardcopy)           | \$0.00 |
| <input type="checkbox"/> Return Receipt (electronic)         | \$0.00 |
| <input type="checkbox"/> Certified Mail Restricted Delivery  | \$0.00 |
| <input type="checkbox"/> Adult Signature Required            | \$0.00 |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$0.00 |
| Postage  | \$0.55 |
| Total Postage and Fees                                       | \$6.95 |

0077 03  
Postmark Here 2020  
10/03/2020

Sent To: Michael + Erin Effner  
Street and Apt. No., or PO Box No. 40 E. Ash St.  
City, State, ZIP+4® Zionsville, IN 46077

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



ZIONSVILLE  
 1475 W OAK ST  
 ZIONSVILLE, IN 46077-9998  
 (800)275-8777

10/03/2020 11:19 AM

| Product   | Qty | Unit Price | Price         |
|---|-----|------------|---------------|
| First-Class Mail® Letter  | 1   |            | \$0.55        |
| Zionsville, IN 46077<br>Weight: 0 lb 0.60 oz<br>Estimated Delivery Date<br>Tue 10/06/2020 |     |            |               |
| Certified Mail®   |     |            | \$3.55        |
| Tracking #: 70200090000179333714  |     |            |               |
| Return Receipt  |     |            | \$2.85        |
| Tracking #: 9590 9402 4792 8344 9638 90   |     |            |               |
| <b>Total</b>  |     |            | <b>\$6.95</b> |
| First-Class Mail® Letter  | 1   |            | \$0.55        |
| Zionsville, IN 46077<br>Weight: 0 lb 0.60 oz<br>Estimated Delivery Date<br>Tue 10/06/2020 |     |            |               |
| Certified Mail®   |     |            | \$3.55        |
| Tracking #: 70200090000179333707  |     |            |               |
| Return Receipt  |     |            | \$2.85        |
| Tracking #: 9590 9402 4792 8344 9638 69   |     |            |               |
| <b>Total</b>  |     |            | <b>\$6.95</b> |
| First-Class Mail® Letter  | 1   |            | \$0.55        |
| Zionsville, IN 46077<br>Weight: 0 lb 0.60 oz<br>Estimated Delivery Date<br>Tue 10/06/2020 |     |            |               |
| Certified Mail®   |     |            | \$3.55        |
| Tracking #: 70200090000179333721  |     |            |               |
| Return Receipt  |     |            | \$2.85        |
| Tracking #: 9590 9402 4792 8344 9638 76   |     |            |               |
| <b>Total</b>  |     |            | <b>\$6.95</b> |
| First-Class Mail® Letter  | 1   |            | \$0.55        |
| Zionsville, IN 46077<br>Weight: 0 lb 0.60 oz<br>Estimated Delivery Date<br>Tue 10/06/2020 |     |            |               |
| Certified Mail®   |     |            | \$3.55        |
| Tracking #: 70200090000179333738  |     |            |               |
| Return Receipt  |     |            | \$2.85        |
| Tracking #: 9590 9402 4792 8344 9638 52   |     |            |               |
| <b>Total</b>  |     |            | <b>\$6.95</b> |

Grand Total: \$27.80

Credit Card Remitted \$27.80  
 Card Name: VISA  
 Account #: XXXXXXXXXXXX6347  
 Approval #: 05484D  
 Transaction #: 485  
 AID: A0000000031010 Chip  
 AL: VISA CREDIT  
 PIN: Not Required CAPITAL ONE VISA

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Due to limited transportation availability as a result of nationwide COVID-19 impacts package delivery times may be extended. Priority Mail Express® service will not change.

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or call 1-800-410-7420.

UFN: 179779-0077  
 Receipt #: 840-54600040-2-6027718-2  
 Clerk: 03

**TOWN OF ZIONSVILLE TOWN COUNCIL  
BOONE COUNTY, INDIANA**

**FINDINGS OF FACT**

The Zionsville Town Council, after a Public Hearing held on October 19, 2020, has determined that the proposed Vacation of a 157.6 lineal foot portion of the north/south alley located between Maple Street and Fitch Place, extending northward from Ash Street, ~~is~~ is not in the Public Interest because: the alley the Petitioners are seeking to vacate has not been used as an alley by the Town for many years, is covered with mature trees, and, in some instances, fencing and structures; the Town does not wish to use the space as an alley in the future; the abutting property owners consent to the Petition/vacation and will maintain the vacated alley after ownership is transferred, which will positively effect the appearance of the Town; and the public utility easements will remain in place.

**DECISION**

IT IS THEREFORE the decision of this body that this VACATION PETITION is APPROVED, subject to any Conditions stated in the minutes (which Conditions are incorporated herein by reference and made a part of this decision).

**ZIONSVILLE TOWN COUNCIL**

The Vacation was APPROVED / DENIED on the day of \_\_\_\_\_, 20\_\_\_\_, subject to any conditions agreed to at the public hearing.

\_\_\_\_\_  
President, \_\_\_\_\_

\_\_\_\_\_

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