



Town of Zionsville
Petition for a Vacation of a Public Way
by the Town Council

**Public Way consisting of Street Right-of-way, Alley
Right-of-way, and Easements.**

**Application Packet
And
General Instructions**

Office Use Only

Petition No.: _____

Hearing Date: _____

Recommendation: _____

Town of Zionsville

Petition for Town Council Approval

1. VACATION INFORMATION:

General location and description of area to be Vacated: _____

Northwest corner of US 421 and Willow Road (southeast portion of Holliday Farms Section 4)

Reasons for and circumstances prompting the request: _____

Looking for a replat in order to develop ground per the Holliday Farms PUD

2. PETITIONER / PROPERTY OWNER

Name: Henke Development Group, LLC

Address: 1415 E. 196th Street, Westfield, IN 46074

Phone: 317-517-1945 E-Mail: phil.sundling@henkedevlopment.com

3. PETITIONER'S ATTORNEY / CONTACT PERSON AND PROJECT ENGINEER:

Attorney / Contact Person:

Name: Phil Sundling

Address: 1415 E. 196th Street, Westfield, IN 46074

Phone: 317-517-1945

E-Mail: phil.sundling@henkedevlopment.com

Engineer who prepared the Legal Description and Drawing Exhibit:

Name: Paul Klodzen (Cripe)

Address: 3939 Priority Way South Drive, Suite 200
Indianapolis, IN 46240

Phone: 317-706-6467

E-Mail: pklodzen@cripe.biz

4. Recorded Plat and/or Name of Right-of-Way affected by the Vacation:

Town of Hamilton Plat

5. Request for the Vacation of (check all that apply):

By the Town Council:

Public Street Right-of-way

Public Alley Right-of-way

Easement

6. Required Attachments for all Vacation Petitions:

Survey and Legal description of area to be Vacated

Proof of Ownership (copy of deed) from all Petitioners

List of Property Owners*

N/A Owner Consent Form(s) from all Adjoining Property Owners who are not co-Petitioners

Findings of Fact

Statement of Commitments (if proposed)

* = If the request is for the Vacation of a Public Street, Public Alley, or recorded Easement, a list of all property owners which abut the area(s) to be Vacated, including their names, contact information, and a Consent Form from each abutting owner must be provided at the time of application.

The undersigned, having been duly sworn on oath states the above information is true and correct as (s)he is informed and believes. Further, the applicant understands that this project may be assigned Engineering review fees, which are payable upon invoicing.

Signature of Owner or Attorney for Owner: [Signature]
Date: 8-20-20

State of Indiana
County of Boone) SS:



Subscribed and sworn to before me this 20th day of August, 2020
[Signature] Notary Public Signature Douglas Fleenor Notary Public Printed

My Commission expires: 4-8-2023 My Commission No.: 4107028
My county of residence is Boone County.

PROCEDURES AND REQUIREMENTS:

1. A complete Vacation Petition ("Petition") must be submitted by **3:00 PM** a minimum of **31 days** prior to the hearing before the Town Council. Should a Petition require approvals from both the Town Council and the Plan Commission, those Vacation items applicable to the Town Council's approval must be heard first. Those Vacation items applicable to the Plan Commission's approval would be heard following the Town Council's hearing.
2. **Only complete Petitions will be placed on the agenda for the Town Council meeting.** If a Petition is incomplete 31 days prior to the next Town Council meeting, the Petition will not be placed on an agenda until the Petitioner submits a complete Petition.
3. **Fifteen (15) sets** of the following information must be submitted, with the notarized Petition, for internal staff review (an electronic copy of all submitted documents is also required):
 - Legal description and a drawing of the area to be Vacated.
 - If the area to be Vacated is within a recorded and platted subdivision, a copy of the recorded Plat must be provided with the area to be Vacated clearly identified.
 - Proof of Ownership from all Petitioners (copy of deed)
 - Owner's Consent from Adjoining Property Owner (if not signing as a co-Petitioner)
 - Statement of Commitments (if proposed)

PUBLIC HEARING NOTIFICATION:

Notice of Public Hearing for a Vacation is to be completed as set forth in the Zoning Ordinance and Rules of Procedure for the Plan Commission. Should a Petition require approvals from both the Town Council and the Plan Commission, a separate Notice of Public Hearing is required for each of the Public Hearings. The procedures relating to notification of public hearings that are contained in this Packet are provided for convenience purposes only.

1. Notice: Upon receipt of a complete Petition, the Town will generate the Notice of Public Hearing for the requested Vacation and provide it to the Petitioner for their use.
2. Notice by Publication: The Town shall submit the Notice of Public Hearing to the Lebanon Reporter to be published at least 10 days prior to the respective Public Hearing.
3. Notice by Mailing: The **Petitioner** is to send the approved Notice of Public Hearing to each Interested Party via certified mail with return receipt requested at least ten (10) days prior to the Public Hearing. Generally, all owners of adjoining parcels to a depth of one (1) ownership surrounding the perimeter of the area described in the Petition, and any owners of property within the area included in the Petition who are not Petitioners are to be notified. Please review the Rules of Procedure of the Plan Commission to ensure proper notification is given. The names and addresses of Interested Parties should be obtained from the Boone County Auditor's Office.
4. Affidavit of Notice: At least three (3) days prior to the Public Hearing, an Affidavit of Notice of Public Hearing must be completed and submitted to the Secretary of the Plan Commission. Copies of all "Receipt for Certified Mail" (white slips) shall be filed with the Affidavit of Notice of Public Hearing. The originals of the "Domestic Return Receipts" (green cards) shall be filed with the Secretary upon the later of: the public hearing or receipt by the Petitioner.

PETITION REVIEW PROCEDURES

1. Upon the completed filing of a Vacation Petition, the materials will be distributed to the members of the Zionsville Technical Advisory Committee ("TAC") to evaluate the technical aspects of the project and completeness of the petition. Petitioner/Applicant may need to address comments from the TAC review.
2. Once the Petition is complete, it will be placed on the next available Town Council agenda. The petitioner shall be responsible for sending the Legal Notice to all Interested Parties.
3. The Petition and all supporting documentation will be forwarded to the Town Council members. *Please supply fifteen (15) packets of the supporting documentation for this distribution.*
4. The Secretary, members of the Town Council staff, or advisors to the Town may submit a written report, stating any facts concerning the physical characteristics of the area involved in the Petition, together with a recital of surrounding land use and public facilities available to service the area, or other pertinent facts. A copy of such statement shall be made available to the Petitioner and all remonstrators of record, if any.
5. The Town Council typically meets on the First Monday of the month at 7:00 p.m. and the Third Monday of the month at 7:30 a.m. Meetings are typically held in the Town Hall located at 1100 West Oak Street, Zionsville, Indiana 46077. Please refer to the Town's website to confirm filing deadlines and hearing dates.
6. The Petitioner or remonstrators may request continuation of the Public Hearing at or one week prior to the Town Council and/or Plan Commission meeting.
7. The Petitioner, Petitioner's attorney, or someone authorized by the Petitioner must be present at the Public Hearing(s) to make a presentation of the Petition to the Town Council.
8. At the Public Hearing, the Town Council may continue the Public Hearing or make a determination on the requested Vacation Petition.

**OWNER'S CONSENT
(Adjoining Property Owner)**

The undersigned, Elizabeth K. Garfield, being the owner of the property commonly known as Holiday Farms / Town of Hamilton, is aware of the Vacation Petition filed by Holiday Farms and consents to the Vacation of the Town of Hamilton Plant related to the aforementioned property.

The Club at Holiday Farms, LLC
(Company Name) _____ (Owner signature)
By: [Signature] _____ (printed Owner name)
(Authorized signature)
Elizabeth K.H. Garfield _____ (Owner signature)
(printed name)
partner _____ (printed Owner name)
(Title)

State of Indiana
County of Boone) SS:



Subscribed and sworn to before me this 20th day of August, 2020.

[Signature] | Douglas Fleenor
Notary Public Signature | Notary Public Printed

My commission expires 4-8-2023

My county of residence is Boone County.

My Commission No. is _____

OWNER'S AUTHORIZATION

The undersigned, Mary Holliday Rogers, being the owner of the property commonly known as The Club at Holliday Farms - Section 4, hereby authorize(s) Cripe, Chris Wiseman to file a Petition for (zone map change / variance / special exception / subdivision plat approval / other) for the aforementioned property.

(company name)

Mary Holliday Rogers
(owner signature)

By: _____
(authorized signature)

- or - Mary Holliday Rogers
(print owner name)

(printed name)

(title)

State of Indiana
County of Marion) SS:

Subscribed and sworn to before me this August 13 day of 2020

Erica L. Bailey / Erica L. Bailey
Notary Public Signature / Notary Public Printed

My commission expires _____

My county of residence is _____ County.

My Commission No. is _____

Erica L. Bailey
Notary Public
SEAL
Hancock County, State of Indiana
Commission Expires: November 15, 2025
Commission Number 705598

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

FINDINGS OF FACT

The Zionsville Town Council, after a Public Hearing held on _____ September 21st _____, 2020,
has determined that the proposed Vacation of _____ the Town of Hamilton (formerly Clarkstown) _____

is / is not in the Public Interest because: _____

_____ The original Town of Hamilton plat included multiple direct access points to US 421 which presumably would not be desired from the Town nor INDOT.

Additionally, This entire southeast corner can be developed in a safer, masterplanned and more cohesive way in accordance with the Holliday Farms PUD.

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).

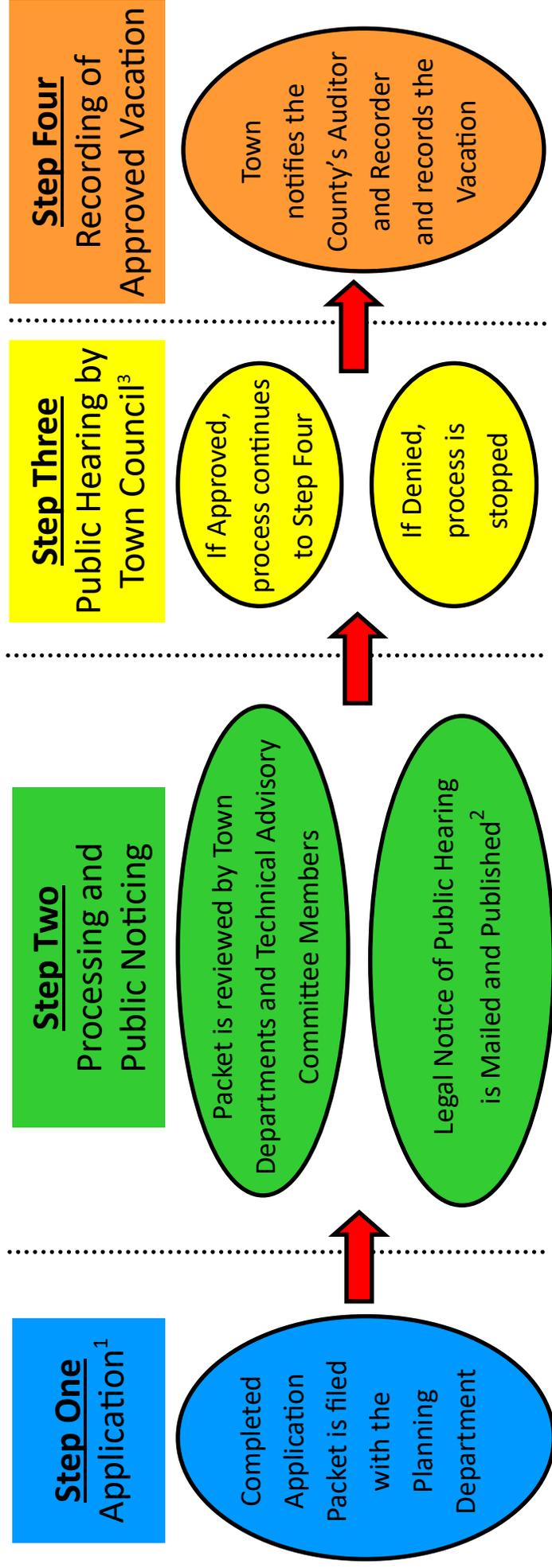
ZIONSVILLE TOWN COUNCIL

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

President, _____

Process for the Vacation of a Public Right-of-Way by the Town Council*

(* = An additional public hearing with the Plan Commission may also be required in certain circumstances.)



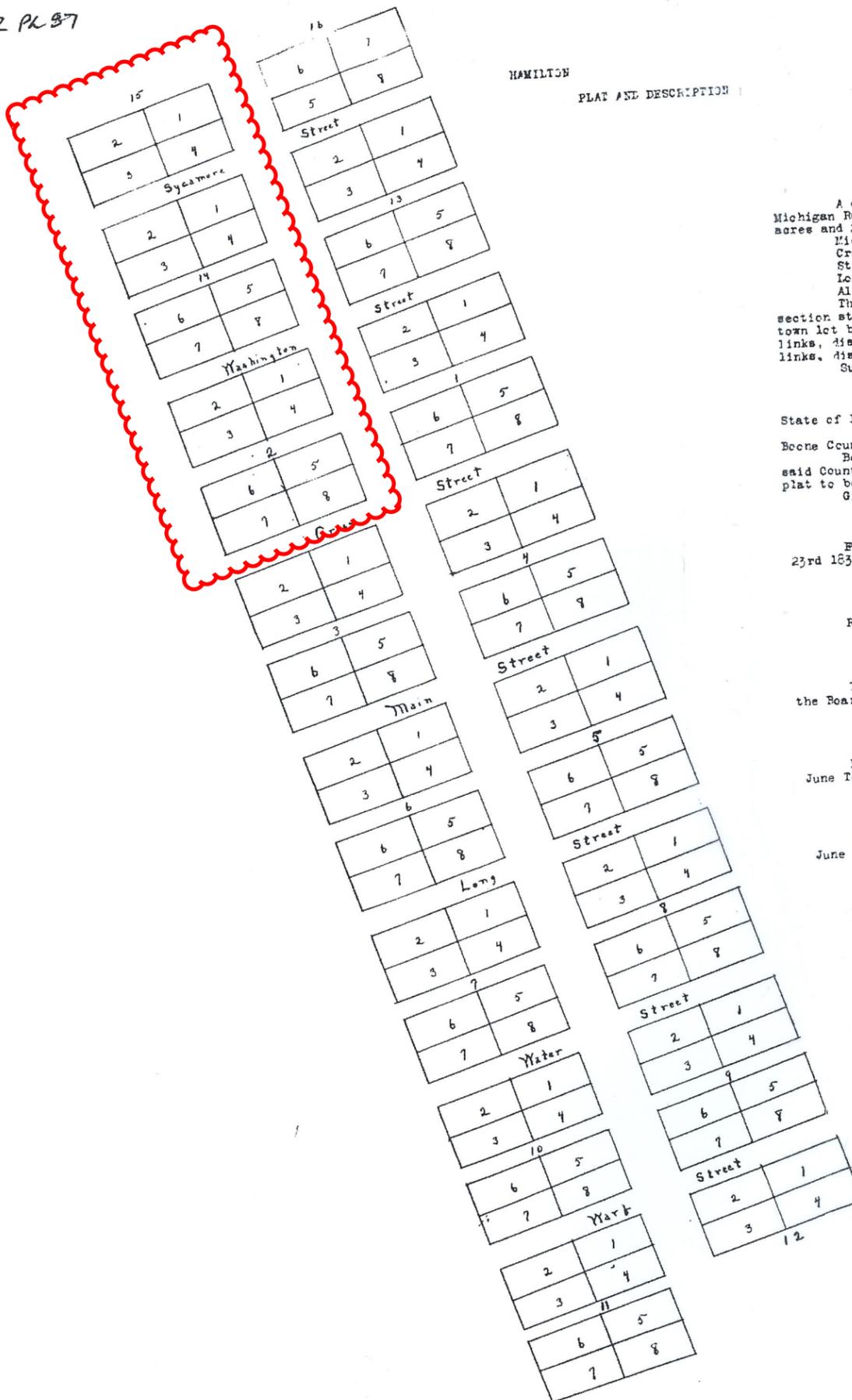
Footnotes:

1. Applicant must be the property owner of a parcel abutting the area requested to be Vacated, and all other property owners abutting the area must provide written consent of the Vacation.
2. Legal Notice of Public Hearing is prepared by Town Staff and provided to Applicant for Certified Mailing to adjoining land owners. This mailing must be completed at least ten (10) days prior to the date of the Public Hearing. Timely publication of the Legal Notice is the responsibility of the Town of Zionsville.
3. Public Hearing is to be held within thirty (30) days after a completed Application is provided by the Applicant.

Part of the Plat of Clarkstown (now Hamilton) recorded in Deed Record 3, Page 364 and re-recorded in Plat Book 1, Page 41 in the Office of the Recorder of Boone County, Indiana and being a part of the Northwest and Southwest Quarters of Section 25, Township 18 North, Range 2 East more particularly described as follows:

Beginning at the Southeast corner of Lot 8 in Block 2 of said Plat; thence along the southern boundary of Lot 8 and Lot 7 of said Block 2 South 69 degrees 12 minutes 03 seconds West 264.00 feet to the Southwest corner of said Lot 7; thence along the western boundary of Blocks 2, 14, and 15 of said Plat North 20 degrees 47 minutes 57 seconds West 750.00 feet to the Northwest corner of Lot 2 in said Block 15; thence along the northern boundary of Lot 2 and Lot 1 of said block 15 North 69 degrees 12 minutes 03 seconds East 264.00 feet to the Northeast corner of said Lot 1; thence along the eastern boundary of said Blocks 15, 14, and 2 South 20 degrees 47 minutes 57 seconds East 750.00 feet to the Point of Beginning containing 4.545 acres, more or less.

HAMILTON
PLAT AND DESCRIPTION



A correct plat of Hamilton (formerly Clarkstown) lying on the Michigan Road in S. 25, T. 18 N. R. 2 East, containing an area of 32 acres and 22 poles.
 Michigan Street 97 feet.
 Cross Street 49 1/2 feet the other
 Streets are 33 feet.
 Lots 66 by 132 feet.
 Alleys 12 feet.
 The N.W. corner of the west 1/4 of the S.W. quarter of said section stands in lot No. 6, Block No. 2. The S.W. corner of said town lot bears from corner of land above mentioned N. 77° E. 107 links, distant, and the S.W. corner of said lot bears S. 64° W. 95 links, distant.
 Surveyed by me March 31st, 1837.

J. E. Hacker,
Co. Surveyer.

State of Indiana)
)Sct:

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

Thomas Thompson (Seal)

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

James McCann,
R. B. C.

Re-recorded Sept. 8, 1857

Thomas F. Miller,
Recorder B. Co.

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

John Thomas,
R. B. C.

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

John S. Masters,
R. B. C.

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

Wm West
R. B. C.