

ORDINANCE NO. 2020- 11
OF THE TOWN OF ZIONSVILLE, INDIANA

**AN ORDINANCE VACATING TWO DRAINAGE EASEMENTS, CLASSIFIED AS
A PUBLIC 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 August 18, 2020, Daniel Towriss (“Petitioner”), petitioned the Town of Zionsville (“Town”) to vacate two 7.5 feet wide drainage easements located on each side of the shared lot line between Lots 19 & 20 in Lost Run Farm Subdivision 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 September 10, 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 September 21, 2020, the Town Council held a public hearing on the petition to vacate said drainage easements, 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 Drainage Easements. The two 7.5 feet wide drainage easements legally described herein and schematically illustrated on Exhibit A attached hereto, under the terms set forth herein, is hereby vacated;

Drainage Easements, each being 7.5 feet in width, laying on each side of the shared Lot Line between Lots 19 and 20 in Lost Run Farm, a subdivision in the Town of Zionsville, Boone County, Indiana, as per plat thereof recorded on July 26, 2004, in Plat Book 15, Page 8, as Instrument No. 0409452 and Certificate of Correction

recorded November 23, 2004, as Instrument No. 0414448, in the Office of the Recorder of Boone County, Indiana (See survey attached as Exhibit A.)

Section 2: Utilities. 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 located in the portion of the public alley right-of-way vacated by this Ordinance.

Section 3: Costs. Petitioner for this drainage easement 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 drainage easements, if any.

Section 4: Recording. The Director of Finance and Records 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.

Section 5: 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 6: 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 7: 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 8: 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 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**

YEA

Signature

NAY

Signature

Josh Garrett, President		
Bryan Traylor, Vice President		
Brad Burk, Member		
Alex Choi, Member		
Joe Culp, Member		
Craig Melton, Member		
Jason Plunkett, 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: