

Town of Zionsville

Petition for Town Council Approval

Office Use Only

Petition No.: _____

Hearing Date: _____

Recommendation: _____

1. VACATION INFORMATION:

General location and description of area to be Vacated: East/West alley adjacent to 210 W Hawthorne Street and 240 S. Second Street.

Reasons for and circumstances prompting the request: See Narrative

2. PETITIONER / PROPERTY OWNER

Name: Clarence Dale Kennedy and Cheryl L. Kennedy

Address: 8300 Cooper Lane, Zionsville, IN 46077

Phone: (317) 873-4500

E-Mail: dale@zionsvilleaccounting.com

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

Attorney / Contact Person:

Name: Michael J. Andreoli, Attorney at Law

Address: 1393 West Oak Street
Zionsville, IN 46077

Phone: (317) 873-6266

E-Mail: mandreolilaw@gmail.com

Engineer who prepared the Legal Description and Drawing Exhibit:

Name: Moench Engineering

Address: 4000 Clarke Creek Road
Plainfield, IN 46168

Phone: (317) 837-2767

E-Mail: _____

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

See Moench Engineering Survey 06/19/25 (attached to Narrative)

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*
- ☒ 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: _____

Date: 6/27/25 Michael J. Andreoli

State of Indiana)

County of Boone) SS:

Subscribed and sworn to before me this 27th day of June, 2025.

NICOLE M.R. LOEWER
Notary Public - Seal
Boone County - State of Indiana
Commission Number NP0668530
My Commission Expires May 31, 2031

Nicole M. R. Loewer, Nicole M. R. Loewer
Notary Public Signature Notary Public Printed

My Commission expires: May 31, 2031 My Commission No.: NP0668530

My county of residence is Boone County.

PROCEDURES AND REQUIREMENTS:

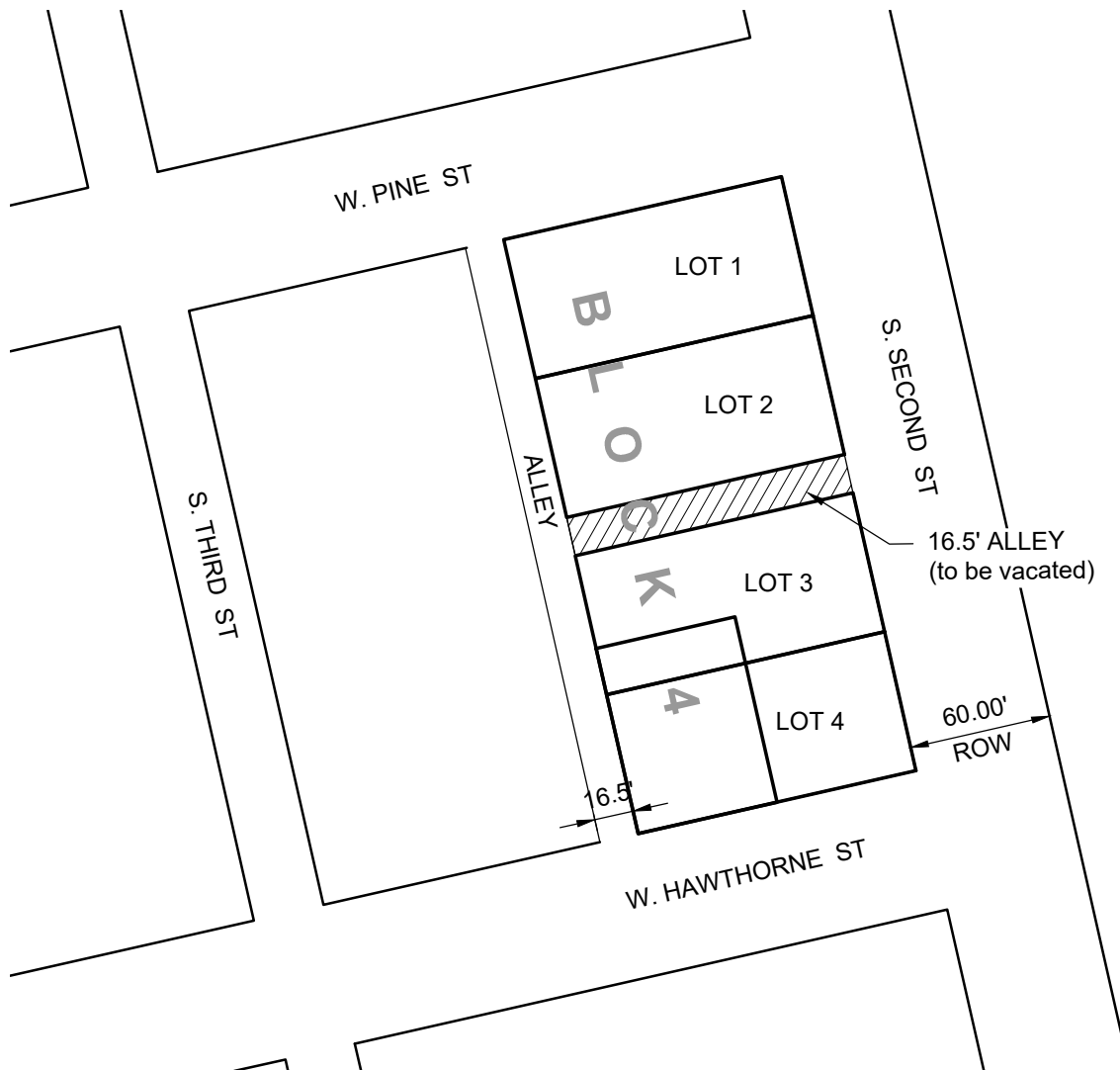
1. A complete Vacation Petition ("Petition") must be submitted by **3:00 PM** a minimum of **31 days** prior to the hearing before the Town Council. Should a Petition require approvals from both the Town Council and the Plan Commission, those Vacation items applicable to the Town Council's approval must 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)

NARRATIVE

The Applicants, Clarence Dale and Cheryl Kennedy, own Lot 2 and combined Lots 3 & 4 in Block 4 to the original Plats of the Town of Zionsville. The Applicants seek to place a single family residence on Lots 3 & 4, which will require a Setback Variance if the current property line remains as platted. The Applicants seek to vacate the 16.5' alley between Lots 2 & 3, which upon Vacation will have Lot 2 obtain 8.25' and Lot 3 obtain 8.25'.

The Alley is no longer needed as Lots 2, 3 & 4 access their respective properties from S. Second Street and/or W. Hawthorne Street as may be needed. To the west, an alley of 16.5' exists and will remain providing access from W. Pine Street to W Hawthorne Street.

The Alley Vacation would allow Lots 2 & 3 to be used in a more flexible manner and would allow the Vacated Alley to be placed back on the tax rolls. Both abutting property owners have given their consent to this Vacation.



16 FOOT WIDE ALLEY VACATION DESCRIPTION

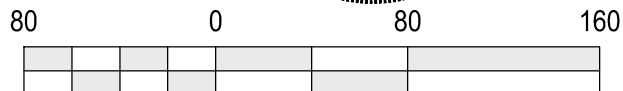
The 16.5 foot wide alley lying adjacent to Lots 3 and 4 in Block 4 of the Original Plat of the Town of Zionsville recorded in Plat Book 2, Page 56 in the Office of the Recorder of Boone County, Indiana extending from the west right-of-way of S. Second St. to the east right-of-way line of a dedicated right-of-way connecting W. Hawthorne St. to W. Pine St. bounded on the east by Lots 1-4 of said platted area.

REDACTMENT STATEMENT

"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."

James R Gill

NAME
JAMES R. GILL, P.S. 20800121
Precept Surveying
Job Number: 19209



GRAPHIC SCALE: 1" = 80'

THESE DRAWINGS ARE GIVEN IN CONFIDENCE AND SHALL BE USED ONLY IN PURSUANT TO THE AGREEMENT WITH MOENCH ENGINEERING, P.C. NO OTHER USE OR DUPLICATION MAY BE MADE WITHOUT THE PRIOR WRITTEN CONSENT OF MOENCH ENGINEERING, P.C. ALL OTHER COPYRIGHT AND COMMON LAW RIGHTS ARE HEREBY SPECIFICALLY RESERVED.

ZIONSVILLE NT - ALLEY VACATION

210 W. Hawthorn St. / 240 S. Second St.
Zionsville, IN 46077
Boone County, Eagle Township

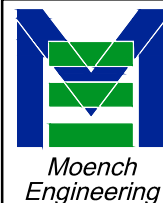
16' WIDE ALLEY VACATION

Drawn By:
JBF

Checked By:
BEM

Project No.
25512

Date:
6/19/25



4000 Clarks Creek Road
Plainfield, Indiana 46168
Phone (317) 837-2767

Sheet Number:

EX-1



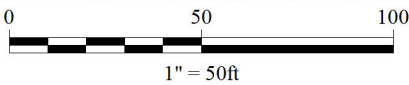
Approx. alley area
to be Vacated

W PINE ST

S 2ND ST

W HAWTHORNE ST

2001-1



Possible Alley Vacation

MICHAEL J. ANDREOLI

ATTORNEY AT LAW
1393 West Oak Street
Zionsville, Indiana 46077-1839
(317) 873-6266
Fax (317) 873-6384
mandreolilaw@gmail.com

June 26, 2025

Zionsville Town Council
Attn: Amy Lacy
alacy@zionsville-in.gov

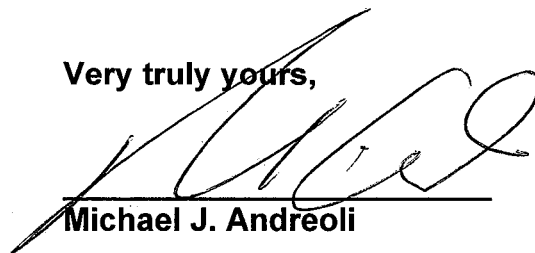
RE: Alley Vacation – Kennedy

Dear Amy,

Please find enclosed an Application for an Alley Vacation filed by the Kennedys, as they own the Lots on either side of the proposed Vacation and have given their Consent.

The Kennedys hope that they can present this to the Town Council at the July 21st meeting. Please advise.

Very truly yours,



Michael J. Andreoli

MJA/nl

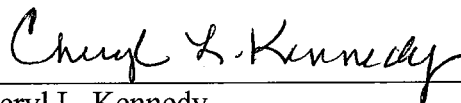
cc: Dale & Cheryl Kennedy

OWNERS' AUTHORIZATION

Comes now Clarence Dale Kennedy and Cheryl L. Kennedy, owner of property located at 210 W. Hawthorne Street, Zionsville, Indiana 46077, Parcel #0190942000, and hereby Consents to the Vacation and gives permission to Michael J. Andreoli, Attorney at Law, to file any and all applications for Vacation of a Public Way approval before the Zionsville Town Council.



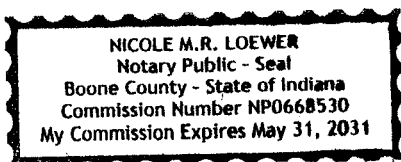
Clarence Dale Kennedy



Cheryl L. Kennedy

STATE OF INDIANA)
) SS:
COUNTY OF Boone)

Subscribed and sworn to before me this 27th day of June, 2025.



Signature: 

Printed: Nicole M R Loewer
Notary Public

Commission No.: NP0668530

My Commission Expires: May 31, 2031

My County of Residence: Boone

OWNER'S AUTHORIZATION

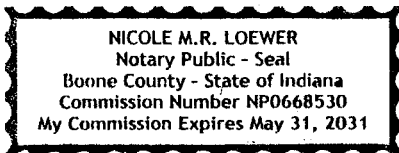
Comes now Clarence Dale Kennedy, owner of property located at 240 S. Second Street, Zionsville, Indiana 46077, Parcel #0190142000, and hereby Consents to this Vacation and gives permission to Michael J. Andreoli, Attorney at Law, to file any and all applications for Vacation of a Public Way approval before the Zionsville Town Council.



Clarence Dale Kennedy

STATE OF INDIANA)
) SS:
COUNTY OF Boone)

Subscribed and sworn to before me this 27th day of June, 2025.



Signature: Nicole M R loewer
Printed: NICOLE M. R. Loewer
Notary Public

Commission No.: NP0668530
My Commission Expires: May 31, 2031
My County of Residence: Boone

QUIT CLAIM DEED

THIS INDENTURE WITNESSETH, CLARENCE DALE KENNEDY (grantor) for no valuable consideration quit claims to CLARENCE DALE KENNEDY AND CHERYL L. KENNEDY, HUSBAND AND WIFE (grantees), hereby acknowledged, the following described real estate in BOONE County, State of Indiana.

LOT NUMBER 3 IN BLOCK NUMBER 4 IN THE ORIGINAL PLAT OF THE TOWN OF ZIONSVILLE, BOONE COUNTY, INDIANA, EXCEPT BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT NUMBER 3 AND RUN THENCE NORTH 20 FEET; THENCE EAST 60 FEET; THENCE SOUTH 20 FEET; THENCE WEST 60 FEET TO THE PLACE OF BEGINNING.

ALSO, THE EAST HALF OF LOT NUMBER 4 IN BLOCK NUMBER 4 IN THE ORIGINAL PLAT OF THE TOWN OF ZIONSVILLE, BOONE COUNTY, INDIANA.

Book 2 Page 56

More commonly known as: 210 W. HAWTHORNE STREET, ZIONSVILLE, IN 46077

PARCELS: 06-04-02-004-010.028-006 & 06-04-02-004-010.032-006

Subject to any and all easements, agreements, and restrictions of record.

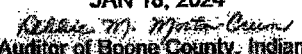
IN WITNESS WHEREOF, Grantor has executed this deed this 17th day of JANUARY, 2024

Grantor:
Signature 

Grantor:
Signature _____

Printed: CLARENCE DALE KENNEDY

Printed:

DULY ENTERED
FOR TAXATION
SUBJECT TO FINAL ACCEPTANCE
JAN 18, 2024

Auditor of Boone County, Indiana
AS

STATE OF INDIANA

SS:

COUNTY OF BOONE

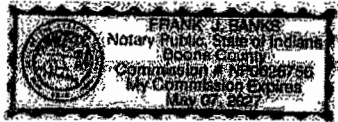
ACKNOWLEDGEMENT

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

CLARENCE DALE KENNEDY

who acknowledged the execution of the foregoing QUIT CLAIM DEED, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 17th day of JANUARY, 2024



Signature

A handwritten signature in dark ink, appearing to be "F. Banks", written over a horizontal line.

This instrument prepared by: KW MANN, ATTORNEY AT LAW

Grantees Address: 8300 COOPER LANE, ZIONSVILLE, IN 46077

Send tax statements to: 8300 COOPER LANE, ZIONSVILLE, IN 46077

I affirm under penalty of perjury that I have taken reasonable care to redact each social security number in this document, unless required by law. KW MANN, attorney at law

Clarence Dale & Cheryl L Kennedy
(Property owners of 210 W. Hawthorne Street)
8300 Cooper Lane
Zionsville, IN 46077
dale@zionsvilleaccounting.com

Clarence Dale Kennedy
(Property owner of 240 S. Second Street)
P. O. Box 305
Zionsville, IN 46077
dale@zionsvilleaccounting.com

WARRANTY DEED
By An Indiana Limited Liability company

200600001716
Filed for Record in
BOONE COUNTY, INDIANA
MARY ALICE "SAM" BALDWIN
DEED 2-2006 At 12:19.00

KNOW ALL MEN BY THESE PRESENTS; That **Sun Kings, LLC**, the grantor, a limited liability company organized and existing under the laws of the State of Indiana for Ten Dollars (\$10.00) and other good and valuable consideration paid, grants with general warranty covenants, to **Clarence D. Kennedy, an adult**, the following Real Property:

Lot Number 2 in Block Number 4 in the Original Plat of Zionsville, as per plat thereof recorded in Plat Book 2, page 56, in the Office of the Recorder of Boone County, Indiana.

Together with an easement five (5) feet in width off the entire South side of Lot 1, in Block Number 4, in the Original Plat of Zionsville, Boone County, Indiana, for the purpose of maintaining and accessing the crawl space access serving the Residence on Lot 2.

Parcel No. **019-01420-00**
Known as: **240 S. Second Street, Zionsville, Indiana 46077**

Tax Mailing Address:
1335 Wood Valley Court
Zionsville, IN 46077

Subject to conditions, restrictions and easements, if any, contained in prior instruments of record.

Except taxes and assessments, if any, now a lien and thereafter due and payable.

Prior Instrument Reference: Corporate Warranty Deed 0004110 of the Deed Records of Boone County, IN.

Signed and acknowledged by Tim Boston, member of Sun Kings, LLC, a(n) Indiana limited liability company, thereunto duly authorized by resolution of its members, this 7th day of February, 2006.

Sun Kings, LLC
a(n) Indiana limited liability company

By:

, Member

Tim Boston

State of **Indiana**, **Boone** County, SS:

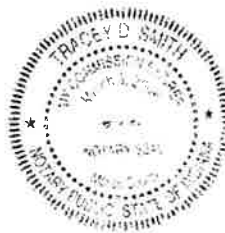
BE IT REMEMBERED, That on this 7th day of February, 2006 before me, the subscriber, a Notary Public in and for said county and state, personally came Tim Boston, its member of **Sun Kings, LLC**, a(n) Indiana limited liability company, the Grantor in the foregoing deed, and acknowledged the signing thereof to be the free act and deed of said limited liability company pursuant to authority of its members, and his/her free act and deed personally and as such member.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.

Tracey D. Smith
Notary Public

This instrument prepared by:
George L. Henry, Esq.
555 S. Front Street
Suite 400
Columbus, OH 43215

George L. Henry
Columbus, OH



Prescribed by the
State Board of Accounts
(2005)

County Form 170

Declaration

This form is to be signed by the preparer of a document and recorded with each document in accordance with IC 36-2-7.5-5(a).

I, the undersigned preparer of the attached document, in accordance with IC 36-2-7.5, do hereby affirm under the penalties of perjury:

1. I have reviewed the attached document for the purpose of identifying and, to the extent permitted by law, redacting all Social Security numbers;
2. I have redacted, to the extent permitted by law, each Social Security number in the attached document.

I, the undersigned, affirm under the penalties of perjury, that the foregoing declarations are true.



Signature of Declarant

Tracey D. Smith
Printed Name of Declarant