



MEMORANDUM

TO: Town of Zionsville Town Council
FROM: Mike Dale, Director of Community and Economic Development
RE: **Execution of an Ordinance** to vacate two, 10-foot drainage easements located on either side of the shared property line of parcels F32 and F33 in Section Two of the Holliday Farms Subdivision.

At the November 21, 2022, Town Council meeting, the Council approved the vacation of two drainage easements; each being 10 feet in width, located on each side of the shared Lot Line between Lots F32 and F33 within The Club at Holliday Farms Subdivision.

The Ordinance presented to you today (enclosed) is to memorialize the approval.

Additional information: At their November 21, 2022, 7:00pm meeting, the Plan Commission did approve the Petition to remove the adjoining lot line between the parcels, allowing for the lots to merge.

The next steps after execution of the Ordinance is recordation of the replat.

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

Respectfully submitted,
Mike Dale AICP
Director of Community and Economic Development

ORDINANCE NO. 2022-29
OF THE TOWN OF ZIONSVILLE, INDIANA

**AN ORDINANCE VACATING PORTIONS OF PUBLIC RIGHTS-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 November 21, 2022, GRI Properties, LLC (“Petitioner”), petitioned the Town of Zionsville (“Town”) to vacate a portions of public rights-of-way (Two, 10-foot drainage easements) located on either side of the shared property line of parcels F32 and F33 in Section Two of the Holliday Farms Subdivision, and 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 November 10, 2022 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 each owner of land abutting parcels F32 and F33 of the proposed easements to be vacated; and,

WHEREAS, on November 21, 2022, the Town Council held a public hearing on the petition to vacate the 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 easements 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 Easements: The two 10-foot drainage easements legally described within the area legally described below and schematically illustrated on Exhibit A attached hereto, under the terms set forth herein, is hereby vacated;

Drainage Easements, each being 10 feet in width, laying on each side of the shared Lot Line between Lots F32 and F33 in The Club at Holliday Farms – Section Two, a subdivision in the Town of Zionsville, Boone County, Indiana, as per plat thereof recorded on February 27, 2020, in Plat Book 28, Pages 1 - 9, as Instrument No. 2020002216.

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 of intent of the clause to which the 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 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 6. 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.

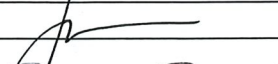
Introduced and filed on the 21st day of November, 2022. A motion to consider on First Reading was sustained by a vote of 7 in favor and 0 opposed, pursuant to Indiana Code 36-5-2-9.8.

DULY PASSED AND ADOPTED this 5th day of December 2022, by the Town Council of the Town of Zionsville, Boone County, Indiana, having been passed by a vote of 7 in favor and 0 opposed.

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

YEA

NAY

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

I hereby certify that the foregoing Ordinance was delivered to the Town of Zionsville mayor
Emily Styron on the 6th day of December, 2022 at 8:40 A.M./P.M.

ATTEST: 
Amy Lacy, Municipal Relations Coordinator


Emily Styron, Mayor

MAYOR'S
APPROVAL

12/7/2022
DATE

MAYOR'S
VETO

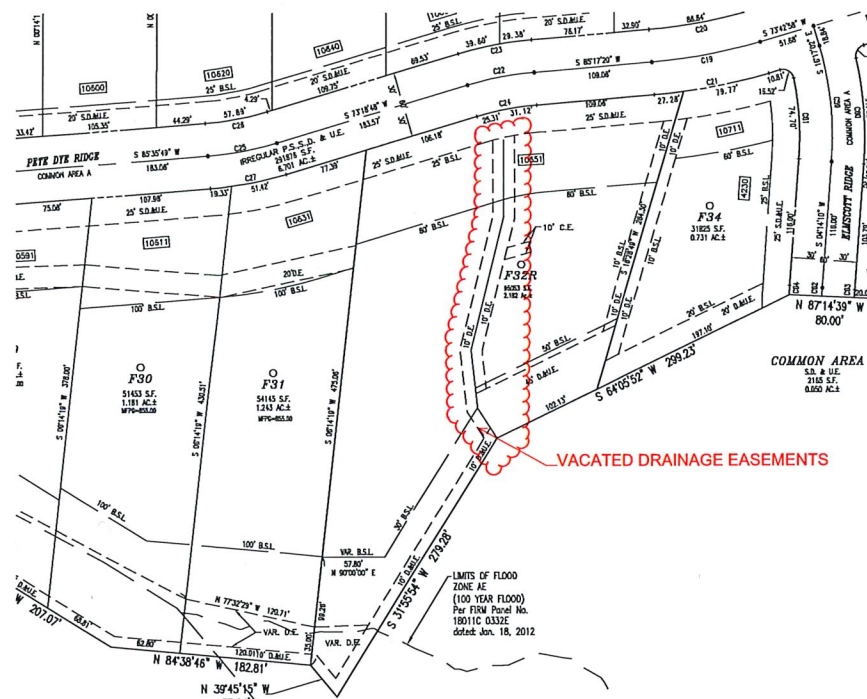
Emily Styron, Mayor

DATE

EXHIBIT A

Two 10-foot drainage easements (vacated)

REPLAT OF LOTS F32 & F33 IN
THE CLUB AT HOLLIDAY FARMS - SECTION TWO
PART OF NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 18 NORTH, RANGE 2 EAST, BOONE COUNTY, INDIANA



Lot F32 & F33 Owner: GRI Properties, LLC
Instrument Number: 2022010158 & 2022010261
Address: 6571 Rothbury Court, Dublin, OH 43017
Parcel Numbers: 003-18006-32 & 003-18006-33
Developer: Henke Development Group, LLC

Record Plat:
The Club at Holliday Farms - Section Two
per Inst. No. 2020-002216 [Plat Book 28, Pages 1 - 9]

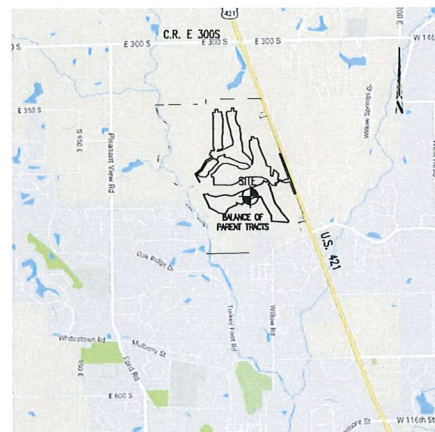
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	800.00'	68.93'	68.93'	N 17°39'58" E	4°58'28"
C2	770.00'	66.40'	66.36'	S 17°39'58" E	4°58'28"
C3	830.00'	71.58'	71.56'	S 17°39'58" E	4°58'28"
C4	400.00'	78.05'	77.92'	S 20°47'07" E	11°10'46"
C5	370.00'	72.13'	72.08'	N 20°47'07" W	11°10'46"
C6	430.00'	83.90'	83.77'	S 20°47'07" E	11°10'46"
C7	500.00'	114.53'	114.28'	N 32°58'14" W	13°07'27"
C8	470.00'	107.86'	107.42'	S 32°58'14" E	13°07'27"
C9	530.00'	121.40'	121.14'	S 32°58'14" E	13°07'27"
C10	300.00'	481.55'	431.43'	N 06°29'07" E	91°58'09"
C11	270.00'	264.76'	254.28'	N 11°24'25" W	56°11'05"

LEGEND

P.S., S.D. & U.E. = PRIVATE STREET, SANITARY, DRAINAGE AND UTILITY EASEMENT
S.D. & U.E. = SANITARY, DRAINAGE & UTILITY EASEMENT
D. & U.E. = DRAINAGE & UTILITY EASEMENT
C.E. = CONSERVATION EASEMENT
B.S.L. = BUILDING SETBACK LINE
T.E. = TRAIL EASEMENT
RR. = RAILROAD
R. = RADIUS
L. = LENGTH
AC± = ACRES MORE OR LESS
S.F. = SQUARE FEET
R/W = RIGHT OF WAY
[15150] = TYPICAL STREET ADDRESS

NOTE: NO MONUMENTS WERE SET OR RESET AS PART OF THIS REPLAT.

BLOCK SUBAREA	MINIMUM LOTS			MINIMUM SETBACKS			MAX. BLDG. HEIGHT (FT)	MAXIMUM PERCENTAGE OF DWELLING UNITS IN SUBAREA
	WIDTH	LOT FRONTAGE	AREA (SF)	FRONT	SIDE	REAR		
⊙ A	150'	30'	20,000'	25'	10'	30'	20'	NO MAXIMUM
⊙ B	120'	30'	15,000'	25'	8'	30'	20'	NO MAXIMUM
⊙ C	110'	30'	12,500'	25'	8'	30'	20'	NO MAXIMUM
⊙ D	105'	30'	12,500'	25'	8'	30'	20'	NO MAXIMUM
⊙ E	90'	30'	10,000'	25'	8'	25'	20'	TOTAL LOTS E THROUGH G SHALL NOT EXCEED 40% OF TOTAL LOTS, TOTAL LOTS E-J SHALL NOT EXCEED 50%
⊙ F	80'	25'	10,000'	25'	8'	25'	16'	TOTAL LOTS, TOTAL LOTS E-J SHALL NOT EXCEED 50%
⊙ G	70'	20'	7,750'	20'	5'	10'	10'	TOTAL LOTS H THROUGH J SHALL NOT EXCEED 50% OF TOTAL LOTS, TOTAL LOTS E-J SHALL NOT EXCEED 50%
⊙ H	65'	20'	7,750'	20'	5'	10'	10'	TOTAL LOTS, TOTAL LOTS E-J SHALL NOT EXCEED 50%
⊙ I	60'	20'	7,750'	20'	5'	10'	10'	TOTAL LOTS, TOTAL LOTS E-J SHALL NOT EXCEED 50%
⊙ J	50'	18'	7,250'	20'	4'	10'	8'	TOTAL LOTS, TOTAL LOTS E-J SHALL NOT EXCEED 50%



VICINITY MAP
NO SCALE