

⑤ Ordinance 25-

ORDINANCE NUMBER 2025-16
OF THE TOWN OF ZIONSVILLE, INDIANA

AN ORDINANCE VACATING A PORTION OF 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 May 2, 2025, Wild Air Multifamily, LLC ("Petitioner"), petitioned the Town of Zionsville ("Town") to vacate a portion of a public way (a Perpetual Highway, Drainage and Utility Easement per Instrument No. 20211010958) along the east side of Marysville Road, between Oak Street and County Road 575 South, 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 May 17, 2025, 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 the area to be vacated of the portion of the Perpetual Highway, Drainage and Utility Easement to be vacated; and,

WHEREAS, on June 2, 2025, the Town Council held a public hearing on the petition to vacate the portion of the Perpetual Highway, Drainage and Utility Easement, 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 Perpetual Highway, Drainage and Utility Easement 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 Easement: A Perpetual Highway, Drainage and Utility Easement within the area legally described and schematically illustrated on Exhibit A attached hereto, under the terms set forth herein, is hereby vacated.

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.

FILED

JUN 16 2025

Rebbie M. Morton-Crown
BOONE COUNTY AUDITOR

Ordinance 2025-16

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.

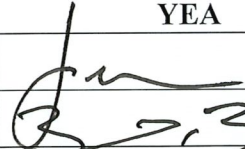
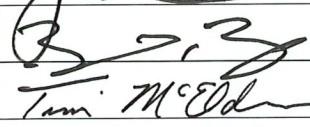
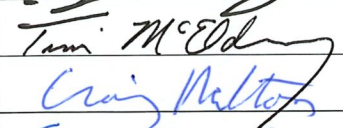
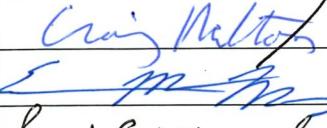
Section 5. Severability: If any part of the Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remainder of this Ordinance.

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 2nd day of June, 2025. A motion to consider on First Reading was sustained by a vote of seven (7) in favor and zero (0) opposed, pursuant to Indiana Code 36-5-2-9.8.

DULY PASSED AND ADOPTED this 2nd day of June, 2025, by the Town Council of the Town of Zionsville, Boone County, Indiana, having been passed by a vote of seven (7) in favor and zero (0) opposed.

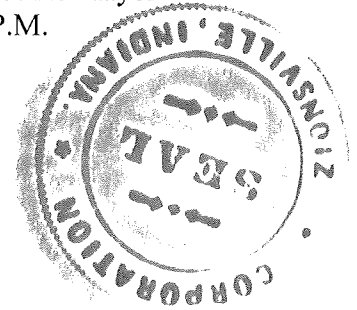
**TOWN COUNCIL OF THE TOWN OF ZIONSVILLE,
BOONE COUNTY, INDIANA**

	YEA	NAY
Jason Plunkett, President		
Brad Burk, Vice-President		
Tim McElderry		
Craig Melton		
Evan Norris		
Sarah Esterline Sampson		
Joe Stein		

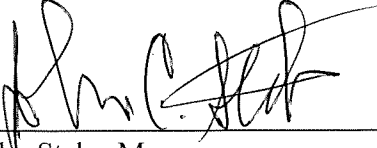
2025-16

I hereby certify that the foregoing Ordinance was delivered to the Town of Zionsville Mayor John Stehr on the 16th day of June, 2025 at 10⁰⁰ A.M./P.M.

ATTEST: 
Amy Lacy, Municipal Relations Coordinator



MAYOR'S
APPROVAL

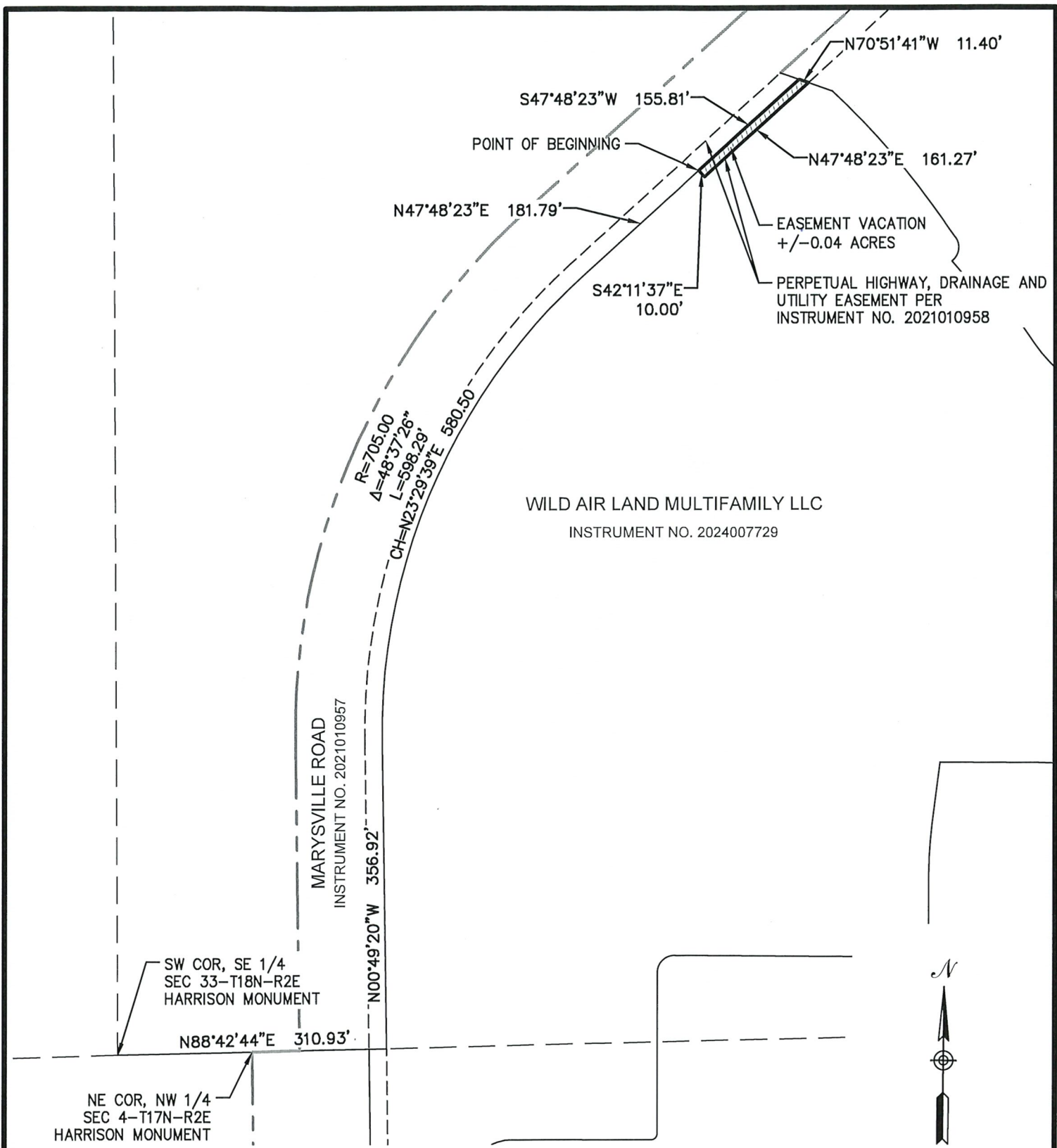

John Stehr, Mayor

6-16-2025
DATE

MAYOR'S
VETO

John Stehr, Mayor

DATE



PREPARED BY:



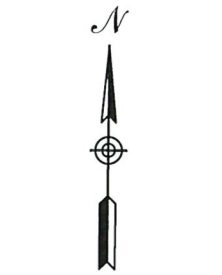
PO BOX 70
ZIONSVILLE, IN 46077
(317)344-2822

PROJECT NO.:
230205
DRAWN BY:
AM/BK
DATE:
02/10/2025

Kimley»Horn

500 EAST 96TH STREET, SUITE 300
INDIANAPOLIS, IN 46240

THIS DRAWING IS NOT INTENDED TO
BE REPRESENTED AS A
RETRACEMENT OR ORIGINAL
BOUNDARY SURVEY, A ROUTE
SURVEY, OR A SURVEYOR LOCATION
REPORT.



SHEET 1 OF 2

EASEMENT VACATION EXHIBIT

PROJECT:
WILD AIR
MULTI-FAMILY
ZIONSVILLE, INDIANA

EASEMENT VACATION DESCRIPTION

THE FOLLOWING LAND DESCRIPTION WAS PREPARED BY BRADY KUHN, LS#20500007 OF KUHN & GUSTAFSON LAND SURVEYING, INC. WITH REFERENCE TO AN ALTA/NSPS LAND TITLE SURVEY PREPARED UNDER PROJECT NUMBER 220253 LAST REVISED SEPTEMBER 17, 2024.

PART OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 18 NORTH, RANGE 2 EAST OF THE SECOND PRINCIPAL MERIDIAN, BOONE COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

COMMENCING AT A HARRISON MONUMENT AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 18 NORTH, RANGE 2 EAST; THENCE ALONG THE SOUTH LINE THEREOF NORTH 88 DEGREES 42 MINUTES 44 SECONDS EAST (BASIS OF BEARINGS) 310.93 FEET TO A POINT ON THE EAST LINE OF LAND DESCRIBED IN INSTRUMENT NO. 2021010958 IN THE OFFICE OF THE RECORDER OF BOONE COUNTY, INDIANA; THENCE THE FOLLOWING FIVE (5) COURSES ALONG SAID EASTERLY LINE; (1) NORTH 00 DEGREES 49 MINUTES 20 SECONDS WEST 356.92 FEET TO A POINT ON A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS 705.00 FEET AND A CHORD BEARING NORTH 23 DEGREES 29 MINUTES 39 SECONDS EAST 580.50 FEET; (2) NORTHEASTERLY ALONG SAID CURVE 598.29 FEET; (3) NORTH 47 DEGREES 48 MINUTES 23 SECONDS EAST 181.79 FEET TO THE POINT OF BEGINNING; (4) SOUTH 42 DEGREES 11 MINUTES 37 SECONDS EAST 10.00 FEET; (5) NORTH 47 DEGREES 48 MINUTES 23 SECONDS EAST 161.27 FEET TO A POINT ON A NORTHERLY LINE OF THE LAND DESCRIBED IN INSTRUMENT NO. 2024007729 IN SAID RECORDER'S OFFICE; THENCE ALONG SAID NORTHERLY LINE NORTH 70 DEGREES 51 MINUTES 41 SECONDS WEST 11.40 FEET; THENCE SOUTH 47 DEGREES 48 MINUTES 23 SECONDS WEST 155.81 FEET TO THE POINT OF BEGINNING, CONTAINING 0.04 ACRES MORE OR LESS.

PREPARED BY:



PO BOX 70
ZIONSVILLE, IN 46077
(317)344-2822

PROJECT NO.:
230205
DRAWN BY:
AM/BK
DATE:
02/10/2025

Kimley»Horn

500 EAST 96TH STREET, SUITE 300
INDIANAPOLIS, IN 46240

SHEET 2 OF 2

EASEMENT VACATION EXHIBIT

PROJECT:
WILD AIR
MULTI-FAMILY
ZIONSVILLE, INDIANA