

ORDINANCE NUMBER 2025-18
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 June 30, 2025, Clarence Dale Kennedy and Cheryl L. Kennedy (the “Petitioner”), petitioned the Town of Zionsville (“Town”) to vacate a portion of the public way, an existing 16.5-foot-wide alley, which is generally located between West Pine Street and West Hawthorne Street, extending westward from the western right-of-way of South Second Street approximately 120 feet; and,

WHEREAS, the Town caused to be published notice of the petition and the time and place of the public hearing in the July 10, 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 of the portion of the public way to be vacated; and,

WHEREAS, on July 21, 2025, the Town Council held a public hearing on the petition to vacate the portion of the public way, 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 public 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 Public Way: The Right-of-way legally described herein and schematically illustrated on Exhibit A attached hereto, under the terms set forth herein, is hereby vacated:

A 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 Street to

the east right-of-way line of a dedicated right-of-way connecting W. Hawthorne Street to W. Pine Street bounded on the east by Lots 1-4 of said platted area.

Section 2. Ownership, Maintenance, Repair and Liability. The portion of the Alley to be vacated, measuring 16.50 feet in width and extending westward from the western right-of-way of South Second Street approximately 120 feet ("Vacated Area"), is bordered on the north by property addressed as 240 S. Second Street and bordered on the south by property addressed as 210 W. Hawthorne Street. Both of these bordering properties are owned by the Petitioner at the time of consideration of this vacation petition. This vacation will transfer the ownership of the Vacated Area, including all ongoing maintenance, repair obligations and all liability, equally to the property owners, or subsequent owners, of the two bordering properties.

Section 3. Access and Utilities. The area to be vacated shall remain as a perpetual access and utility easement ("A. & U. E."). Public access for unimpeded vehicular and pedestrian use shall be provided by the owners of the area. 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, or as may be necessarily installed in the future, located in the portion of the public alley right-of-way vacated by this Ordinance. The rights afforded to the Town in this section shall also apply to any and all independent utilities legally operating within the state of Indiana.

Section 4. Recording. The Municipal Relations Coordinator 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. All such filings shall be in compliance with Ind. Code § 32-21-2-3(a). The mailing address of the grantee, Dale Kennedy and Cheryl Kennedy is 8300 Cooper Lane, Zionsville, IN 46077.

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 hereof, if any, are of no further force or effect and are hereby repealed.

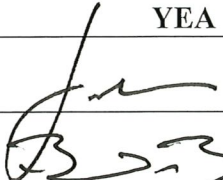
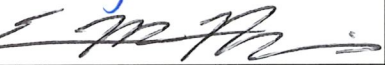
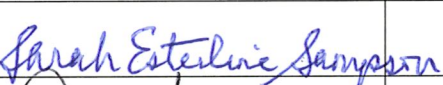
Section 7. Severability: If any part of the Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remainder of this Ordinance.

Section 6. Duration and Effective Date: The provisions of this Ordinance shall become and remain in full force and effect upon passage and until its repeal by ordinance.

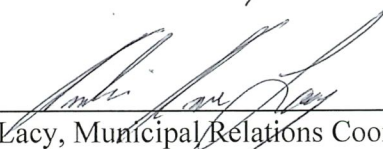
Introduced and filed on the 21st day of July, 2025. A motion to consider on First Reading was sustained by a vote of six (6) in favor and zero (0) opposed, pursuant to Indiana Code 36-5-2-9.8.

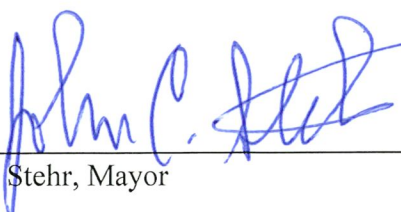
DULY PASSED AND ADOPTED this 4th day of July, 2025, by the Town Council of the Town of Zionsville, Boone County, Indiana, having been passed by a vote of seven (7) in favor and zero (0) opposed.

**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		

I hereby certify that the foregoing Ordinance was delivered to the Town of Zionsville Mayor John Stehr on the 5th day of August, 2025 at 9:00 A.M./P.M.

ATTEST: 
Amy Lacy, Municipal Relations Coordinator


John Stehr, Mayor

**MAYOR'S
APPROVAL**

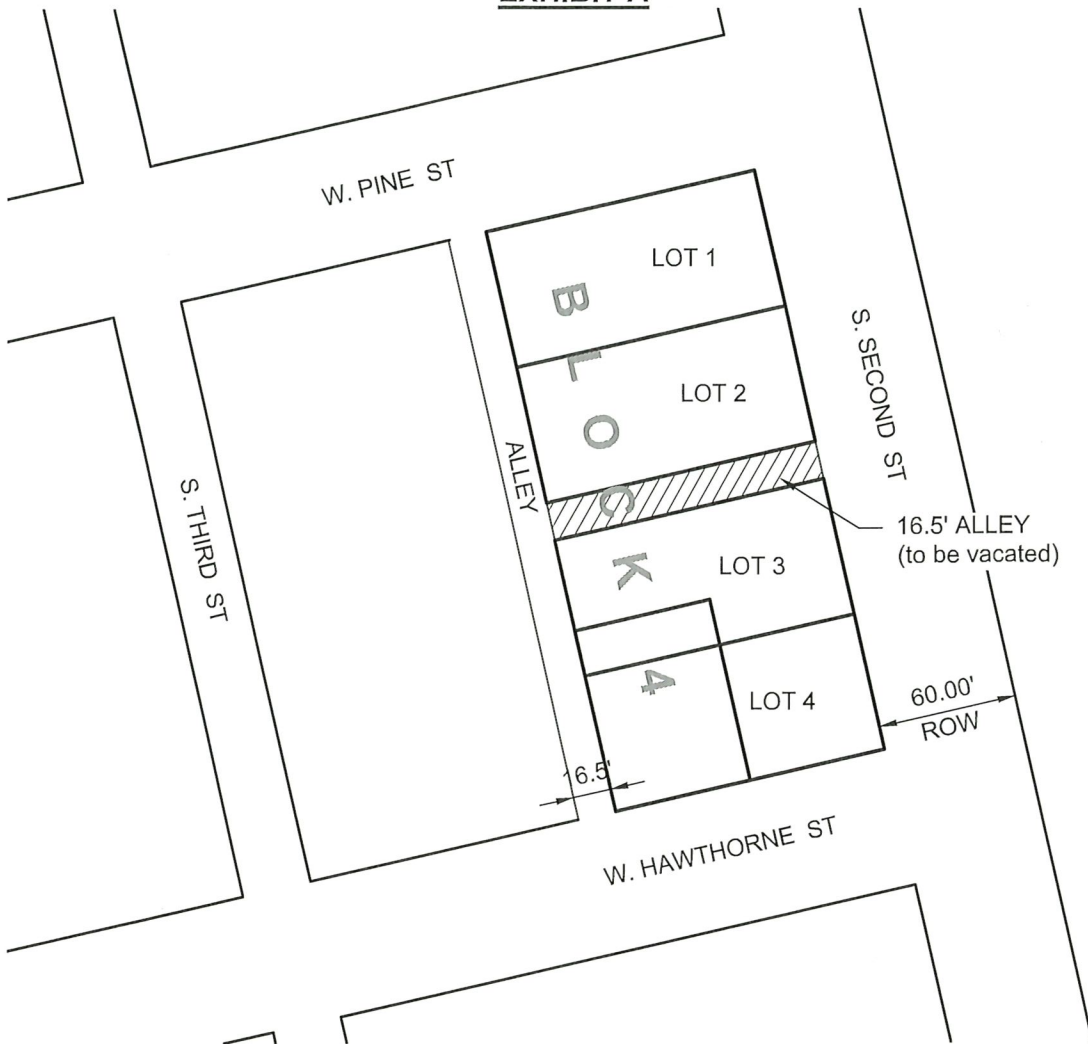
8-5-2025
DATE

**MAYOR'S
VETO**

John Stehr, Mayor

DATE

EXHIBIT A



16 FOOT WIDE ALLEY VACATION DESCRIPTION

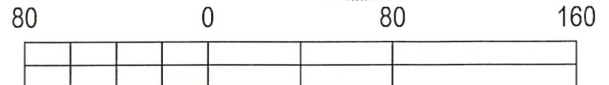
The 16.5 foot wide alley lying adjacent to Lots 3 and 4 in Block 4 of the Original Plat of the Town of Zionsville recorded in Plat Book 2, Page 56 in the Office of the Recorder of Boone County, Indiana extending from the west right-of-way of S. Second St. to the east right-of-way line of a dedicated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

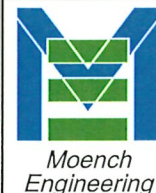
16' WIDE ALLEY VACATION

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