



Town of Zionsville
Petition for a Vacation of a Public Way
by the Town Council

**Public Way consisting of Street Right-of-way, Alley
Right-of-way, and Easements.**

**Application Packet
And
General Instructions**

Office Use Only

Petition No.: _____

Hearing Date: _____

Recommendation: _____

Town of Zionsville

Petition for Town Council Approval

1. VACATION INFORMATION:

General location and description of area to be Vacated: _____

Reasons for and circumstances prompting the request: _____

2. PETITIONER / PROPERTY OWNER

Name: _____

Address: _____

Phone: _____ E-Mail: _____

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

Attorney / Contact Person:

Name: _____

Address: _____

Phone: _____

E-Mail: _____

Engineer who prepared the Legal Description and Drawing Exhibit:

Name: _____

Address: _____

Phone: _____

E-Mail: _____

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

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: _____

State of _____)

County of _____) SS:

Subscribed and sworn to before me this _____ day of _____, 20____.

_____/_____
Notary Public Signature / Notary Public Printed

My Commission expires: _____ My Commission No.: _____

My county of residence is _____ 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)

PUBLIC HEARING NOTIFICATION:

Notice of Public Hearing for a Vacation is to be completed as set forth in the Zoning Ordinance and Rules of Procedure for the Plan Commission. Should a Petition require approvals from both the Town Council and the Plan Commission, a separate Notice of Public Hearing is required for each of the Public Hearings. The procedures relating to notification of public hearings that are contained in this Packet are provided for convenience purposes only.

1. Notice: Upon receipt of a complete Petition, the Town will generate the Notice of Public Hearing for the requested Vacation and provide it to the Petitioner for their use.
2. Notice by Publication: The Town shall submit the Notice of Public Hearing to the Lebanon Reporter to be published at least 10 days prior to the respective Public Hearing.
3. Notice by Mailing: The Petitioner is to mail the approved Notice of Public Hearing to all Interested Parties at least ten (10) days prior to the Public Hearing (does not include the date of the hearing). Interested Parties are generally all property owners of adjacent parcels (including across a street and/or diagonally from the subject site) to a depth of one (1) ownership surrounding the perimeter of the subject site. Any property owner within the subject site identified in the Petition who is not included as a Petitioner shall also be mailed the Legal Notice. Please review the Rules of Procedure of the Plan Commission to ensure proper notification is given. The names and mailing addresses of Interested Parties should be obtained from the Boone County Auditor's Office.

The Rules of Procedure for the Plan Commission allow this mailing is to be via either Certified Mail with return receipt requested or First-Class Mail.

4. Affidavit of Notice: At least three (3) days prior to the Public Hearing, an Affidavit of Notice of Public Hearing must be completed and submitted to the Secretary of the Plan Commission. If Certified Mail is utilized, copies of all "Receipt for Certified Mail" (white slips) shall be filed with the Affidavit of Notice of Public Hearing. If First-Class mailing has been utilized, copies of the envelopes should be provided with the Affidavit of Notice.

PETITION REVIEW PROCEDURES

1. Upon the completed filing of a Vacation Petition, the materials will be distributed to the members of the Zionsville Technical Advisory Committee ("TAC") to evaluate the technical aspects of the project and completeness of the petition. Petitioner/Applicant may need to address comments from the TAC review.
2. Once the Petition is complete, it will be placed on the next available Town Council agenda. The petitioner shall be responsible for sending the Legal Notice to all Interested Parties.
3. The Petition and all supporting documentation will be forwarded to the Town Council members. *Please supply fifteen (15) packets of the supporting documentation for this distribution.*
4. The Secretary, members of the Town Council staff, or advisors to the Town may submit a written report, stating any facts concerning the physical characteristics of the area involved in the Petition, together with a recital of surrounding land use and public facilities available to service the area, or other pertinent facts. A copy of such statement shall be made available to the Petitioner and all remonstrators of record, if any.
5. The Town Council typically meets on the First Monday of the month at 7:00 p.m. and the Third Monday of the month at 7:30 a.m. Meetings are typically held in the Town Hall located at 1100 West Oak Street, Zionsville, Indiana 46077. Please refer to the Town's website to confirm filing deadlines and hearing dates.
6. The Petitioner or remonstrators may request continuation of the Public Hearing at or one week prior to the Town Council and/or Plan Commission meeting.
7. The Petitioner, Petitioner's attorney, or someone authorized by the Petitioner must be present at the Public Hearing(s) to make a presentation of the Petition to the Town Council.
8. At the Public Hearing, the Town Council may continue the Public Hearing or make a determination on the requested Vacation Petition.

**OWNER'S CONSENT
(Adjoining Property Owner)**

The undersigned, _____, being the owner of the property commonly known as _____, is aware of the Vacation Petition filed by _____ and consents to the Vacation of _____ related to the aforementioned property.

_____ - of - _____
(Company name) (Owner signature)

By: _____
(Authorized signature) (printed Owner name)

(printed name) (Owner signature)

(Title) (printed Owner name)

**State of _____)
County of _____) SS:**

Subscribed and sworn to before me this _____ day of _____, 20____.

Notary Public Signature / Notary Public Printed

My commission expires _____

My county of residence is _____ County.

My Commission No. is _____

(To be Completed by the Town)
NOTICE OF PUBLIC HEARING
BY THE TOWN OF ZIONSVILLE TOWN COUNCIL

Notice is hereby given of a Public Hearing to be held by the Zionsville Town Council on _____
_____, 20____, at 7:00 p.m. in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana 46077 to
consider the Vacation of _____

to allow for:

(BRIEF DESCRIPTION OF REQUEST)

The area to be Vacated is generally located: _____
(General description of area)

and is legally described as:

(INSERT LEGAL DESCRIPTION OF PROPERTY)

A copy of the Petition for Vacation, and all plans pertaining thereto are on file and may be examined prior to the Public Hearing from 8:00 a.m. to 4:00 p.m. Monday through Friday, except for holidays, in the Office of Planning at the Town Hall, 1100 West Oak Street, Zionsville, Indiana 46077. Written comments in support of or in opposition to the Petition for Vacation are filed with the Secretary of the Town of Zionsville Plan Commission prior to the Public Hearing will be considered. The Public Hearing is open to the public. Oral comments to the Petition for Zone Map Change will be heard at the Public Hearing.

The Public Hearing may be continued from time to time as may be found necessary.

Upon request, the Town of Zionsville will provide auxiliary aids and services. Please provide advance notification to the Technology Department, assistance@zionsville-in.gov or 317-873-1577, to ensure the proper accommodations are made prior to the meeting.

(President)

(Secretary)

PUBLISH: Newspaper of General Circulation

**AFFIDAVIT OF NOTICE OF PUBLIC HEARING
OF THE TOWN OF ZIONSVILLE TOWN COUNCIL**

STATE OF _____)
COUNTY OF _____) SS:

I, _____ DO HEREBY CERTIFY THAT LEGAL NOTICE TO INTERESTED
(Name of person mailing letters)
PARTIES OF THE PUBLIC HEARING TO BE HELD BY THE TOWN OF ZIONSVILLE TOWN COUNCIL, to
consider the application of _____
(Name of person on Petition)

Requesting a Vacation of: _____

_____ was sent by CERTIFIED MAIL, RETURN RECEIPT REQUESTED, to each of the following property owners at the following addresses:

OWNER

ADDRESS

and that said Legal Notices were sent by Certified Mail, Return Receipt Requested on or before the _____ day of _____, 20____, being at least ten (10) days prior to the date of the Public Hearing (copies of the "Receipt for Certified Mail" (white slips) attached).

(Name of person mailing letters)

State of _____)
County of _____) **SS:**

Subscribed and sworn to before me this _____ day of _____, 20____.

Notary Public Signature / _____
Notary Public Printed

My commission expires _____

My county of residence is _____ County.

My Commission No. is _____

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

FINDINGS OF FACT

The Zionsville Town Council, after a Public Hearing held on _____, 20____,
has determined that the proposed Vacation of _____

is / is not in the Public Interest because: _____

_____.

DECISION

IT IS THEREFORE the decision of this body that this VACATION PETITION is APPROVED, subject to any Conditions stated in the minutes (which Conditions are incorporated herein by reference and made a part of this decision).

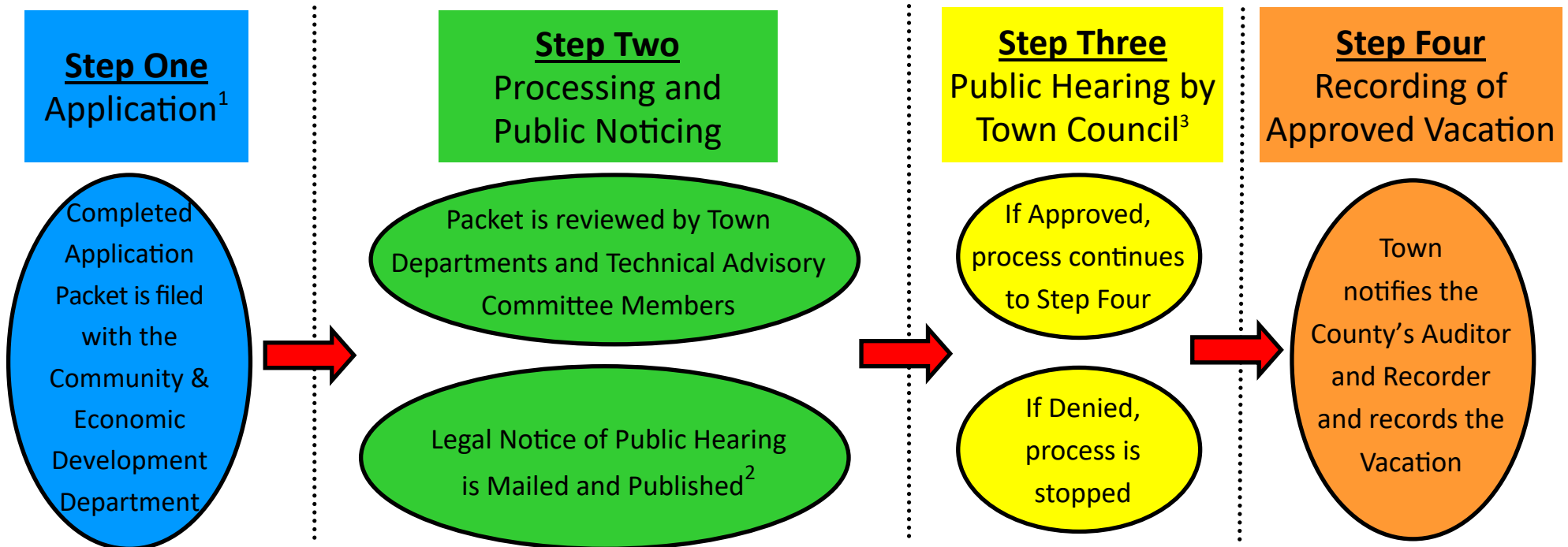
ZIONSVILLE TOWN COUNCIL

The Vacation was APPROVED / DENIED on the ___ day of _____, 20____, subject to any conditions agreed to at the public hearing.

President, _____

Process for the Vacation of a Public Right-of-Way by the Town Council*

(* = An additional public hearing with the Plan Commission may also be required in certain circumstances.)



Footnotes:

1. Applicant must be the property owner of a parcel abutting the area requested to be Vacated, and all other property owners abutting the area must provide written consent of the Vacation.
2. Legal Notice of Public Hearing is prepared by Town Staff and provided to Applicant for Certified Mailing to adjoining land owners. This mailing must be completed at least ten (10) days prior to the date of the Public Hearing. Timely publication of the Legal Notice is the responsibility of the Town of Zionsville.
3. Public Hearing is to be held within thirty (30) days after a completed Application is provided by the Applicant.