



**Town of Zionsville**  
**Petition for a Vacation of Plat-related  
items by the Plan Commission**

**Plat-related items consisting of all or parts of  
Recorded Plats, including recorded Covenants or  
Commitments.**

**Application Packet  
And  
General Instructions**

# Town of Zionsville

Petition for Plan Commission Approval

**Office Use Only**

Petition No.: \_\_\_\_\_

Hearing Date: \_\_\_\_\_

Recommendation: \_\_\_\_\_

**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:**

**Engineer who prepared the Legal Description and Drawing Exhibit:**

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Phone: \_\_\_\_\_

E-Mail: \_\_\_\_\_

E-Mail: \_\_\_\_\_

**4. Recorded Plat and/or Name of Private Right-of-Way(s) affected by the Vacation:**

**5. Request for the Vacation of (check all that apply):**

**By the Plan Commission:**

- Private Street Right-of-way
- Private Alley Right-of-way
- Easement(s)
- All or parts of a Recorded Plat
- Recorded Covenant and/or Commitment

**6. Required Attachments for all Vacation Petitions:**

- Owner Authorization (Required if the Petitioner is not the current property owner)
- Survey and Legal description of property/area to be Vacated
- Copy of recorded Plat and/or recorded Covenants/Commitments
- 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
- Statement of Commitments (if proposed)
- Draft of Proposed Legal Notice
- Findings of Fact

*\*If the request is for the Vacation of Platted Lots, Covenant or Commitment, and/or Private Streets, a list of all property owners of property within the affected recorded Plat 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 p.m.** a minimum of **31 days** prior to the hearing before the Plan Commission. 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 Plan Commission meeting.** If a Petition is incomplete 31 days prior to the next Plan Commission meeting, the Petition will not be placed on an agenda until the Petitioner submits a complete Petition.
3. **Nine (9) 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):
  - Owner Authorization (Required if the Petitioner is not the current property owner)
  - Survey and Legal description of property/area to be Vacated
  - Copy of recorded Plat and/or recorded Covenants/Commitments
  - 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
  - Statement of Commitments (if proposed)
  - Draft of Proposed Legal Notice
  - Findings of Fact

## **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. Approval of Notice: The Petitioner shall submit a proposed Notice of Public Hearing by the Plan Commission with its petition for review and approval by the Secretary of the Plan Commission.
2. Notice by Publication: Petitioner shall submit the approved Notice of Public Hearing by the Plan Commission to the Lebanon Reporter to be **published at least 10 days prior** to the respective Public Hearing. **The petitioner shall bear the cost of publishing the Legal Notice.** The Secretary of the Plan Commission will provide the Petitioner with the filing and publication deadlines for the Legal Notice.
3. Notice by Mailing: The Petitioner is to send the approved Notice of Public Hearing to each interested party at least ten (10) days prior to the Public Hearing. Generally, all owners of adjoining parcels to a depth of one (1) ownership surrounding the perimeter of the area described in the Petition, and any owners of property within the area included in the Petition who are not Petitioners are to be notified. Please review the Rules of Procedure of the Plan Commission to ensure proper notification is given. The names and 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. A Technical Advisory Committee ("TAC") Meeting is typically held the fourth Thursday of the month, to evaluate the technical aspects of the project and completeness of the petition. Petitioner/Applicant may need to attend these TAC meetings; meeting times will be assigned to each project/petitioner on the filing deadline date.
2. Once the Petition is complete, it will be placed on the next available Plan Commission agenda. The petitioner shall be responsible for delivering the Legal Notice (after it has been approved) to the Lebanon Reporter for publication and for sending the Legal Notice to all Interested Parties.
3. The Petition and all supporting documentation will be forwarded to the Plan Commission members. *Please supply nine (9) packets of the supporting documentation for this distribution.*
4. The Secretary, members of the Plan Commission's staff, or advisors to the Plan Commission 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 Plan Commission typically meets on the third Monday of each month at 7:00 p.m. Meetings are typically held in the Town Hall located at 1100 West Oak Street, Zionville, 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 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 Plan Commission.
8. At the Public Hearing, the Plan Commission may continue the Public Hearing or make a determination on the requested Vacation Petition.

## OWNER'S AUTHORIZATION

The undersigned, \_\_\_\_\_, being the owner of the property  
commonly known as \_\_\_\_\_,  
hereby authorize(s) \_\_\_\_\_ to file a  
Petition for a Vacation of \_\_\_\_\_  
related to the aforementioned property.

\_\_\_\_\_ - or - \_\_\_\_\_  
(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 \_\_\_\_\_

**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.

\_\_\_\_\_- or -\_\_\_\_\_  
(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 \_\_\_\_\_

**NOTICE OF PUBLIC HEARING  
BY THE TOWN OF ZIONSVILLE PLAN COMMISSION**

Notice is hereby given of a Public Hearing to be held by the Zionsville Plan Commission on \_\_\_\_\_, 20\_\_\_\_, at 6:30 p.m. in the Zionsville Town Hall, 1100 West Oak Street,  
(DATE OF PUBLIC HEARING)

Zionsville, Indiana 46077 to consider the Vacation of \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

to allow for:

\_\_\_\_\_  
**(BRIEF DESCRIPTION OF REQUEST)**  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The property involved more commonly known as: \_\_\_\_\_  
**(COMMON ADDRESS)**

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](mailto: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 PLAN COMMISSION**

STATE OF INDIANA \_\_\_\_\_)

COUNTY OF \_\_\_\_\_) SS:

I, \_\_\_\_\_ DO HEREBY CERTIFY THAT LEGAL NOTICE  
(Name of person mailing letters)  
TO INTERESTED PARTIES OF THE PUBLIC HEARING TO BE HELD BY THE TOWN OF ZIONSVILLE  
PLAN COMMISSION, 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) and that said Legal Notice was published in a newspaper of general circulation at least ten (10) days prior to the date of Public Hearing (Proof of Publication attached).

\_\_\_\_\_  
(Name of person mailing letters)

**State of INDIANA \_\_\_\_\_)**

**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 PLAN COMMISSION  
BOONE COUNTY, INDIANA**

**FINDINGS OF FACT  
VACATION OF LAND IN A PLAT**

The Zionsville Plan Commission may approve / disapprove a petition for the vacation of all or part of a plat upon finding that:

1. The conditions in the platted area have / have not changed so as to defeat the original purpose of the plat because: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. It is / is not in the public interest to vacate all or part of the plat because: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. The value of that part of the land in the plat not owned by the Petitioner will / will not be diminished by the vacation because: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**TOWN OF ZIONSVILLE PLAN COMMISSION**

The Vacation is hereby Approved / Disapproved on the \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
President, \_\_\_\_\_