



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

**Public Way or Public Places, including Street
Right-of-way, Alley Right-of-way, and Easements.**

**Application Packet
And
General Instructions**

Town of Zionsville

Petition for Vacation - Town Council Consideration

Office Use Only

Petition No.: _____

Hearing Date: _____

Recommendation: _____

1. VACATION INFORMATION:

State the circumstances of the case: _____

Specifically describe the property or area to be Vacated: _____

List the names and addresses of all property owners that abuts the property to be Vacated (provide on an additional sheet if necessary): _____

2. PETITIONER / PROPERTY OWNER

Name: _____

Address: _____

Phone: _____ E-Mail: _____

3. PETITIONER'S ATTORNEY / CONTACT PERSON AND PROJECT ENGINEER (if applicable):

Attorney / Contact Person:

Name: _____

Address: _____

Phone: _____

E-Mail: _____

Engineer who prepared the Legal Description and Drawing Exhibit:

Name: _____

Address: _____

Phone: _____

E-Mail: _____

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

- ☐ Public Street Right-of-way
- ☐ Public Alley Right-of-way
- ☐ Easement
- ☐ Other (Specify item) _____

5. 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
- ☐ 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.

Signature of Property Owner/Petitioner
or Attorney for Property Owner:

Print Name: _____

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.

APPLICATION PROCEDURES AND REQUIREMENTS:

- 1. A complete Vacation Petition ("Petition") must be submitted electronically to the Town by **3:00 PM (EST)** a minimum of **31 days** prior to the hearing before a scheduled regular Town Council meeting. The Town Council shall hold a hearing on a Petition within thirty (30) days after the Petition is determined to be complete.
- 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. **Three (3) 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 at the time of filing):
 - ☐ 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 current deed(s))
 - ☐ Owner's Consent from Adjoining Property Owner (if not signing as a co-Petitioner)
 - ☐ Statement of Commitments (if any are proposed)

PUBLIC HEARING NOTIFICATION:

Notice of Public Hearing for a Vacation shall be in the manner prescribed in Ind. Code § 5-3-1.

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 fourteen (14) days prior to the respective Public Hearing.
3. Notice by Mailing: The **Petitioner** shall send the approved Notice of Public Hearing to each Interested Party, via certified mail with return receipt requested, at least fourteen (14) days prior to the Public Hearing. All property 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 shall be notified. The names and addresses of Interested Parties should be obtained from the Boone County Auditor's Office.
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. Copies of all "Receipt for Certified Mail" (white slips) shall be filed with the Affidavit of Notice of Public Hearing. The originals of the "Domestic Return Receipts" (green cards) shall be filed with the Secretary upon the later of: the public hearing or receipt by the Petitioner.

PETITION REVIEW PROCEDURES

1. Upon the Town's receipt of 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 mailing the Legal Notice to all Interested Parties.
3. The Petition and all supporting documentation will be forwarded to the Town Council members. *Please supply three (3) copies 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 meeting dates.
6. The Petitioner or remonstrators may request a continuation of the Public Hearing either prior to or at the Town Council meeting. Cause for the requested continuance should be provided. The continuance request may or may not be granted by the Town Council.
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.

_____- 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 _____

(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

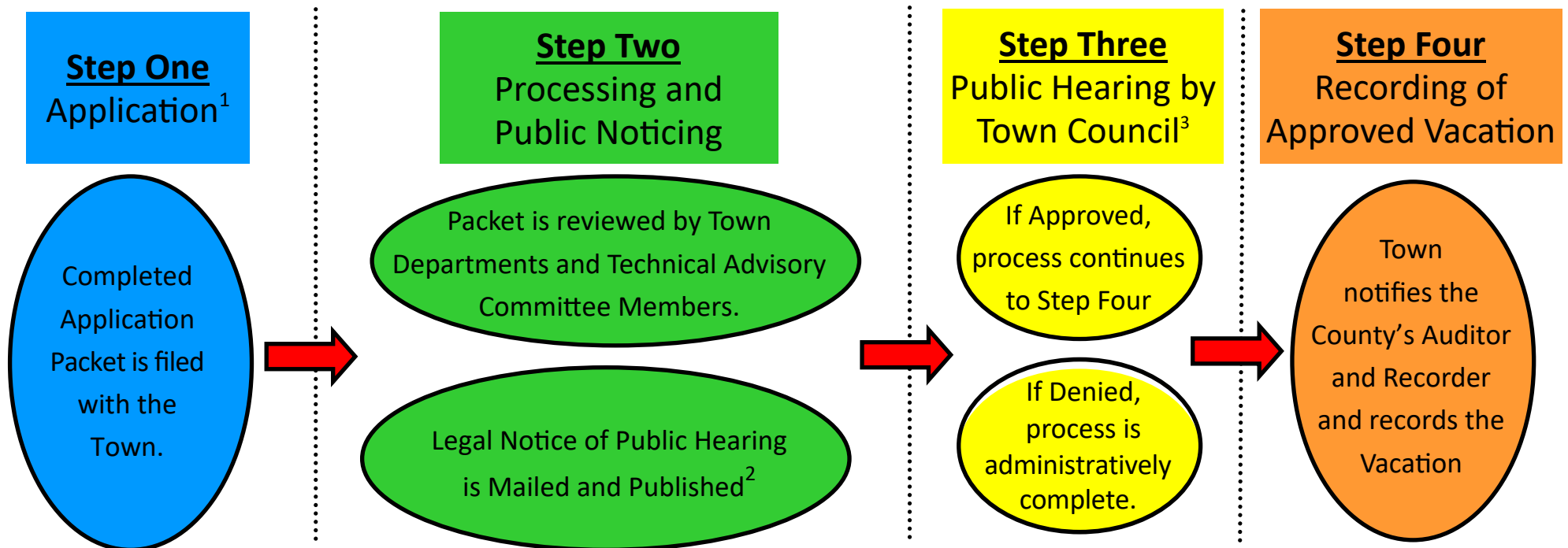
My commission expires _____

My county of residence is _____ County.

My Commission No. is _____

Process for the Vacation of a Public Ways & Places 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 fourteen (14) 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.