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## Vacation of Public Right of Way Procedure

- 1) Petitioner must meet with a representative from the Carmel Department of Engineering to notify the City of the intent to request a public vacation of a right of way. This right of way must be located entirely within the corporate limits of the City of Carmel and in, or contiguous to, any lots or parts of lots owned by the Petitioner.
- 2) Petitioner (or petitioner's attorney) shall prepare a legal description of the right of way to be vacated. The City Engineer must approve the legal description and validate its accuracy.
- 3) Petitioner files a Petition for Vacation of Right of Way with the Clerk-Treasurer's Office for placement on the Board of Public Works and Safety (BPW) agenda. The Petitioner must deliver the original and five (5) copies of the Petition to the Clerk-Treasurer's Office in accordance with the deadlines for BPW meetings (deadline schedule can be obtained from the Clerk-Treasurer's Office). Petitioner shall send copies of the Petition to the City Engineer and the City Attorney.

The Petition must include the following (IC36-7-3-12):

- a) the circumstances of the case,
- b) a specific description of the property proposed to be vacated, and
- c) the names and addresses of all owners of land that abut the property proposed to be vacated

"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 (name)," must accompany each Petition.

- 4) If the BPW approves the Petition, Petitioner shall obtain an ordinance number from the Clerk-Treasurer (571-2413 or email: [lfine@carmel.in.gov](mailto:lfine@carmel.in.gov)) and prepare the Ordinance for Vacation of Right of Way which shall contain, as an exhibit thereto, the Petition. The Clerk-Treasurer will work with the petitioner to establish a date for a public hearing before the City Council within thirty (30) days from the date of submission of the vacation ordinance.
- 5) The petitioner will prepare the Notice of public hearing and forward it electronically to the Clerk Treasurer. The petitioner will be responsible for the cost of the publication. The notice will be published by the Clerk-Treasurer in *The Noblesville Daily Ledger* newspaper at least ten (10) days before the council meeting when petitioner plans to hold the public hearing. The Petitioner will also send notice of the public hearing by certified mail to each owner of land that abuts the property proposed to be vacated. The petitioner shall pay the expenses of each of these notices in the form of a certified check or money order made payable to the U. S. Postmaster. Proof of delivery must be provided the Clerk Treasurer.
- 6) Petitioner shall prepare a Vacation of Right of Way ordinance (ordinance must be a Word.doc) which will be forwarded by email to [lfine@carmel.in.gov](mailto:lfine@carmel.in.gov). Legal description, copy of the Petition, drawings, maps or photos of the right of way to be vacated, and any other correspondence or documentation the petitioner deems helpful should also be forwarded to [lfine@carmel.in.gov](mailto:lfine@carmel.in.gov) in PDF format. The petitioner must supply the Clerk-Treasurer's Office nine total packets to include: one original of the Vacation of Right of Way Ordinance and all exhibits, plus eight line numbered copies. Each ordinance must have at least one sponsor and who prepared the document (see attached sample). The Clerk-Treasurer's Office must be in receipt of the electronic document

1 and one original set in accordance with the agenda deadline for council meetings (deadline  
2 schedule can be obtained from the Clerk-Treasurer's Office).  
3

4 7) The City Council shall hold the public hearing and the first reading of the ordinance pursuant to  
5 Indiana Code 5-14-1.5. It is suggested that the petitioner attend this hearing and be prepared for a  
6 presentation regarding the ordinance. At the hearing, any person aggrieved by the proposed  
7 vacation may object in accordance with Indiana Code 36-7-3-13.  
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9 8) At a subsequent Council meeting, the Ordinance shall be placed on the agenda for second reading.  
10 Petitioner should attend this hearing and again be prepared with a presentation.  
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12 9) If the City Council adopts the Vacation of Right of Way Ordinance, the Clerk-Treasurer's Office  
13 will forward the ordinance to the Hamilton County Recorder and to the County Auditor. The  
14 recording fees are the responsibility of the Petitioner.  
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16 10) Within thirty (30) days after the adoption of the Vacation Ordinance, any aggrieved person may  
17 appeal such action to the appropriate circuit court.  
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21 PREPARED BY THE OFFICE OF THE CLERK-TREASURER  
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