



CITY OF FRANKLIN

DEPARTMENT OF PLANNING & ENGINEERING

70 E. MONROE STREET › FRANKLIN, INDIANA 46131 › 877.736.3631 › FAX 317.736.5310 › www.franklin.in.gov/planning

PETITION FOR THE VACATION OF A PUBLIC WAY APPLICATION PACKET

Summary of Public Way Vacation Policy

Any person who owns a lot in the City of Franklin and wishes to vacate all or part of a public way contiguous to that lot may file a petition for vacation with the City of Franklin per the requirements of IC 36-7-3-12. This portion of Indiana Code establishes that petitioners of public way vacations must make a request to the City Council, which must act on it within 30 days of introduction.

The City of Franklin has established a procedure by which the petitioner is assisted with the development of their request by the Planning & Engineering Department and the Board of Public Works & Safety. This process is outlined in the remainder of this document. The petitioner will be responsible for providing any easements, etc. that may be required for the continued operation of public utilities that maintain facilities in the public way.

The Planning & Engineering Department is willing to assist the petitioner; however, staff cannot provide legal advice. Compliance with the requirements of applicable laws and procedures remains the responsibility of the petitioner. Should the petitioner or interested parties have questions regarding legal matters, they are encouraged to seek independent legal advice.

Filing Procedure & Petitioner Checklist

All applications should be reviewed in a meeting with the Department staff prior to the filing of the petition.

Step 1- Board of Works Petition Preparation

Provide the following to the Planning & Engineering Department:

- ☐ Petition for Recommendation of Public Way Vacation
Completed in either ink or typed and be notarized - a notary is available at City Hall.
- ☐ Copy of deed(s) for the property owned by the petitioner(s)
- ☐ Exhibits (example: copy of plat, aerial of subject area, etc.)

The Department staff will schedule the petition for discussion at the next available Board of Works meeting.

Step 2 – Board of Works Notification & Public Meeting

- ☐ The Planning & Engineering Department will send a copy of the Notice to Utility Companies to each utility informing them of the petition to be heard by the Board of Works and requesting their review and position on the proposed vacation.
- ☐ Either the petitioner or a representative of the petitioner must be present at the meeting to answer any questions that the Board might have.

The Board of Works may provide information or comment regarding the petition. The Board of Works will provide a recommendation regarding the petition to the Common Council.

Step 3 – City Council Petition Preparation

After review by the Board of Works, provide the following to the Planning & Engineering Department:

- ☐ Petition of Public Way Vacation
Completed in either ink or typed and be notarized - a notary is available at City Hall.
- ☐ Legal description of the property proposed to be vacated
- ☐ Names and addresses of all land owners that abut the property proposed to be vacated
Must be obtained from Planning & Engineering Department or from the Johnson County Mapping Department – 86 W. Court Street, Franklin, IN.

The Planning & Engineering Department will schedule the petition for introduction at the next available City Council meeting.

Step 4 – City Council Introduction

- ☐ Either the petitioner or a representative of the petitioner must be present at the meeting to answer any questions that the Council might have.

The Common Council will set a date for a public hearing. This public hearing must occur within 30 days of the meeting at which the petition is introduced by the Council.

Step 5 – City Council Notification & Public Hearing

- ☐ The expense of the legal notices must be paid by the petitioner to the Clerk-Treasurer's Office. The Clerk-Treasurer's Office will be responsible for submitting the legal notices per the requirements below:

Every land owner adjoining the property proposed to be vacated of the requested action is required to be notified via certified mail and a legal notice must appear in the *Johnson County Daily Journal Newspaper* at least ten (10) days prior to the hearing date. Adjoining property owners who are included as petitioners are not required to be notified.

- ☐ Either the petitioner or a representative of the petitioner must be present at the public hearing to present the petition and answer questions.

The Planning & Engineering Department will assist with the presentation. At this time, the Common Council will take the final vote to approve or deny the vacation request. If the Council approves the vacation request, the Clerk-Treasurer's Office will forward the ordinance to the Johnson County Auditor and to the Johnson County Recorder for recordation. *Full payment of the legal notices must be received prior to recording.*

**BOARD OF PUBLIC WORKS & SAFETY
CITY OF FRANKLIN, INDIANA**

PETITION FOR RECOMMENDATION OF PUBLIC WAY VACATION

Comes now _____ in person, with a mailing address of _____, to petition the Board of Public Works & Safety of the City of Franklin, Indiana to forward a recommendation of the vacation of a public way adjacent to their property to the City Council and in support thereof would show the Board as follows:

1. That _____ owns certain property commonly known as _____, and is more particularly described on the document which is attached hereto, made apart hereof, and marked Exhibit "A" (attach copy of the property legal description).
2. That the petitioner seeks to vacate a public way running _____ and _____ along the _____ line of the property which is shown on the document attached hereto, made apart hereof, and marked Exhibit "B" (attach copy of plat and/or exhibit).
3. Said public way should serve no governmental purpose and is not essential for the use of the City of Franklin for any of the municipal purposes of the City since there are streets in the area for the purposes of servicing the property involved and conveying area traffic.

THEREFORE, the petitioner asks that the Board forward a recommendation to the City Council on the proposed vacation of the public way.

The above information and attached exhibits, to my knowledge and beliefs, are true and correct.

Petitioner

Phone number

State of Indiana)
) SS
County of _____)

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

My Commission expires: _____

Notary Public

**BOARD OF PUBLIC WORKS & SAFETY
CITY OF FRANKLIN, INDIANA**

NOTICE TO UTILITY COMPANIES (To be completed by Department Staff)

The Board of Works & Safety of the City of Franklin, Indiana, having received the petition of _____, for the vacation of that portion of a public way in the City of Franklin which abuts the property located at _____ to the _____, more particularly shown on the attached Exhibit has set this matter for public hearing on the _____ day of _____, 20____, at 5:00 p.m. at the City Hall, 70 East Monroe Street, Franklin, Indiana.

Please review the request and provide correspondence outlining your position on the request to the City of Franklin, Department of Planning & Engineering, 70 E. Monroe Street, Franklin, IN 46131.

All persons aggrieved by or interested in such action may appear on said date to present their remonstrance or comments.

**COMMON COUNCIL
CITY OF FRANKLIN, INDIANA**

PETITION FOR VACATION OF A PUBLIC WAY

Comes now _____ in person, with a mailing address of _____, to petition the Common Council of the City of Franklin, Indiana for the vacation of a public way adjacent to their property and in support thereof would show the Council as follows:

1. That _____ owns certain property commonly known as _____, and is more particularly described on the document which is attached hereto, made apart hereof, and marked Exhibit "A" (attach copy of the property legal description).
2. That the petitioner seeks to vacate a public way running _____ and _____ along the _____ line of the property which is shown on the document attached hereto, made apart hereof, and marked Exhibit "B" (attach copy of plat and/or exhibit & legal description of subject public way to be vacated).
3. That the names and addresses of all owners of land that abuts the property proposed to be vacated is attached hereto, made apart hereof, and marked Exhibit "C".
4. Said public way should serve no governmental purpose and is not essential for the use of the City of Franklin for any of the municipal purposes of the City since there are streets in the area for the purposes of servicing the property involved and conveying area traffic.

THEREFORE, the petitioner asks that the Council grant their petition and pass an ordinance vacating said public way and that said public way should be added to the adjoining properties as described by law.

The above information and attached exhibits, to my knowledge and beliefs, are true and correct.

Petitioner

Phone number

State of Indiana)
) SS
County of _____)

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

My Commission expires: _____

Notary Public

**COMMON COUNCIL
CITY OF FRANKLIN, INDIANA**

NOTICE OF PUBLIC HEARING (To be completed by Clerk-Treasurer)

The Common Council of the City of Franklin, Indiana, having received the petition of _____
_____, for the vacation of that portion of a public way in the City of
Franklin which abuts the property located at _____
to the _____, more particularly described as follows,

(attach legal description)

has set this matter for public hearing on the _____ day of _____, 20____, at
6:30 p.m. at the City Hall, 70 East Monroe Street, Franklin, Indiana. All persons aggrieved by or
interested in such action may appear on said date to present their remonstrance or comments.

Petitioner