

**ALLEY/STREET VACATION PETITION**

Vacation # \_\_\_\_\_ -V- \_\_\_\_\_

Elkhart, Indiana

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

TO: THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA

*(Please indicate below what is to be vacated and how your property relates to or abuts upon said alley or street.)*

The undersigned, owners of real estate commonly known as: \_\_\_\_\_

(Lot Numbers or Other Identification)

and abutting upon alley or street proposed for vacation, respectfully petition(s) for the passage or an ordinance providing for the vacation of: \_\_\_\_\_

(E/W or N/S) street or alley or public right-of-way/or a more lengthy legal description may be attached)

**Reasons for request:** \_\_\_\_\_

*Please provide names and addresses of each property owner who owns property abutting upon the alley or street to be vacate. Please Print-and attach separate sheet if necessary.*

<u>Property Owner's Name</u>	<u>Addresses</u>	<u>Lot Numbers</u>

*Please provide names and addresses of any party who would be directly affected by this vacation even though their property might not abut upon the property being vacated-attach separate sheet if necessary.*

SEND NOTICE TO:

\_\_\_\_\_  
(Name) (Address) (Phone No.)

\_\_\_\_\_  
(Name) (Address) (Phone No.)

\_\_\_\_\_  
(Name) (Address) (Phone No.)

\_\_\_\_\_  
**Petitioner's Signature Mailing Address Phone:**

**Attach to Petition Application:**

1. Drawing showing area of proposed vacation (including parcel identification numbers)
2. Location of buildings (access to garages and/or off street parking areas)
3. **List** of names and addresses of property owners whose property abuts this property proposed to be vacated
4. Legal Description of proposed vacation
5. \$100.00 Filing Fee for certified mailing and advertising

## **PROCEDURE FOR FILING ALLEY/STREET VACATION**

1. Obtain the petition form from City Clerk's Office, 229 S. Second St., Municipal Bldg., Elkhart, IN 46516.
2. Fill out petition form. (Information regarding filling out the petition can be obtained through the City Engineer's Office and County Assessor's Office).
3. Obtain a legal description of the alley/street being proposed for vacation. (A legal description can be obtained by contacting a **land surveying company**, and be sure to have the map **include adjoining major roads and vicinity map**). **The land surveyor's seal must be affixed to the legal description.**
4. Return the petition form, the legal description and the map to the City Clerk's Office along with a \$100.00 fee to cover certified mailing, advertising expenses and recording fees. (Make check payable to the **City of Elkhart.**)
5. You may contact the City Legal Department for further assistance at 574-294-5471.
6. The City Clerk's Office will set a public hearing date during a regularly scheduled City Council meeting, at which time the petition will be discussed.
7. The City Clerk's Office will advertise such public hearing in The Elkhart Truth at least 10 days prior to the public hearing.
8. The City Clerk's Office will notify by certified mail each property owner and any other parties who would be directly affected by the vacation, as listed on the petition, of the public hearing date.
9. The petition will first come before the City Council in the form of the public hearing.
10. After the public hearing, the petition will be submitted in the form of an ordinance on **First Reading** to the City Council at its next regularly scheduled council meeting. **(City Council meets on the first and third Monday of each month unless there is a holiday. Council meeting dates are attached.)**
11. At First Reading, the ordinance is usually passed to **Second-Third Reading**, which will take place at the Council's **next** regularly scheduled meeting, unless a council member wants the ordinance put into a committee for further meetings to discuss the petition.
12. When the ordinance is considered on **Second-Third Reading**, **another** public hearing will be held.
  - It is the responsibility of the petitioner and any interested parties to follow the meetings of the City Council. There will be no further notification after the initial public hearing.
  - **The City Council may refuse to hear the vacation request on Second-Third Reading if the petitioner is not present at the council meeting.**
  - You may contact the City Clerk's Office for further assistance at 574-522-5272, Ext. 3052