

STEPS FOR VACATION OF PUBLIC WAY OR PLACE or STREET or ROADWAY
VANDERBURGH COUNTY COMMISSIONERS

For any questions, please contact Madelyn Grayson at 812-435-5471 or email: mgrayson@vanderburghgov.org.

1. The information and documentation for filing a petition to vacate a public way or place or street or roadway is available on the Auditor's website at www.vanderburghcounty.in.gov/auditor.

One (1) original and two (2) copies of each of the following documents are required when filing:

- A. Ordinance to vacate public way or place or ordinance to vacate street or roadway.
 - B. Notice to abutting owners, along with a list of the names and addresses of all abutting owners. For clarification, abutting property is defined as any property which would touch at any point the owner's property included in whole or in part in the ordinance for vacation, including across streets, alleys and easements, etc. Therefore, owners across streets, alleys and easements must also be notified.
 - C. Notice of Public Hearing. This notice should also be emailed in Word format to Madelyn Grayson.
 - D. Petition with Exhibits "A", "B" & "C" attached.
 - E. **Letters of authorization from each of the utilities and county agencies must be submitted at the time of filing the petition.** List of utility contacts and county agencies are included in this packet.
2. **All documents must be reviewed by the County Attorney, Ryan Schulz of KDDK, rschulz@kddk.com prior to being filed with the Auditor's Office.**
 3. Two checks are required. The first check for recording the approved ordinance (\$25 made out to the County Recorder) is due at the time of filing. The second check for the cost to publish the notice of public hearing should be made out to the Vanderburgh County Treasurer. This check will be due upon notification by Madelyn Grayson of the publication cost for the notice of public hearing.
 4. After the County Attorney has reviewed all documents, you will file your vacation at the Auditor's Office, Room 208, Civic Center Complex. Please contact Madelyn Grayson at 812-435-5471 prior to filing your documents. Upon filing you will be given the date that the petition will be presented to the County Commissioners for permission to advertise the notice of public hearing and first reading of the ordinance (You are not required to attend this first meeting). The date of the public hearing will be set at this Commissioner meeting.
 5. The Auditor's Office will contact you by email to notify you of the date, time and location of the public hearing. You will then need to send a notice of public hearing **by certified, return receipt mail** to all abutting property owners.

6. No later than the Thursday prior to the public hearing (by 11:00 a.m.) you must bring to the Auditor's Office all green return receipt cards (or white copy if you don't get a green receipt card back) and an affidavit stating that these are all the affected properties, and they have been sent notice of the public hearing.
7. The Auditor's Office will submit an agenda request on your behalf to ensure that your petition/ordinance appears on the agenda for the public hearing. You will need to attend the Commissioner meeting on the public hearing date to present your ordinance. The Vanderburgh County Commissioner meetings are held at 9:30 a.m. in Room 301 of the Civic Center Complex, Evansville, Indiana.
8. If your ordinance to vacate is approved, the Auditor's Office will record the document and email a recorded copy to you. That will complete the process.

LIST OF UTILITY CONTACTS

CenterPoint Energy

Attn: Brittany Griggs, Right of Way Agent
PO Box 209, Evansville, IN 47702
(812) 491-4785
Brittany.griggs@centerpointenergy.com

AT&T

Richard Lowery, Engineer
134 N.W. Sixth Street, Evansville, IN 47708
(812) 464-6050
R19615@att.com

EVANSVILLE WATER & SEWER UTILITY (EWSU)

Attention: Shawn Wright
1 SE 9th Street, Ste. 200, Evansville, IN 47708
(812) 421-2120 Ext. 2262
RWWacations@EWSU.com

SPECTRUM (CHARTER COMMUNICATIONS)

John Wade, Construction Supervisor
1900 N. Fares Avenue, Evansville, IN 47711
(812) 253-2755
John.Wade@charter.com

ASTOUND

Attention: James Fambrough
6600 Hank Dr., Evansville, IN 47715
812-305-4756
James.fambrough@wowinc.com

VANDERBURGH COUNTY ENGINEER

John Stoll
201 NW 4th Street, Ste. 307, Old Courthouse, Evansville, IN 47708
(812) 435-5786
jstoll@vanderburghgov.org

VANDERBURGH COUNTY SURVEYOR

Linda Freeman
1 NW MLK Jr. Blvd, Room 325, Civic Center Complex, Evansville, IN 47708
(812) 435-5210
lfreeman@vanderburghsurveyor.com

STATE OF INDIANA)
) SS:
COUNTY OF VANDERBURGH)

BEFORE THE BOARD OF COMMISSIONERS
OF VANDERBURGH COUNTY, INDIANA

IN THE MATTER OF THE PETITION)
FOR VACATION OF A PLATTED)
PUBLIC WAY OR PLACE)

PETITION

TO: THE HONORABLE BOARD OF COMMISSIONERS OF VANDERBURGH
COUNTY, INDIANA

The petitioners, _____, to your Honorable
Board represent as follows:

1. That said petitioners reside at _____.
Evansville, Indiana and are resident freeholders of Vanderburgh County, Indiana.

2. That said Petitioners are the owners of the real estate described on
Exhibit "A" attached hereto and made part hereof, which is _____
_____ of said
Platted public way or place to be vacated.

3. That the Petitioners respectfully petition that the Board of Commissioners
of Vanderburgh County, Indiana proceed as authorized by law to vacate the
platted public way or place located ion Vanderburgh County, Indiana more
particularly described as follows.

(Legal Description)

4. That the only other real estate which could have any conceivable interest in said platted public way or place to be vacated is that real estate owned by those persons whose address and ownership of land in the area corresponding to the designation of ownership set out on Exhibit "B" attached hereto and made a part hereof.

5. That the general location of said platted public way or place to be vacated is shown on Exhibit "C" attached hereto and made a part hereof.

WHEREFORE, Petitioners respectfully pray that the Board of Commissioners of Vanderburgh County, Indiana take all the necessary steps to properly vacate said platted public way or place in the manner as by law now provided.

_____	_____
(Petitioner)	(Petitioner)

STATE OF INDIANA)
)
COUNTY OF VANDERBURGH)

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named _____, who acknowledged the execution of the foregoing petition to be their voluntary act and deed.

WITNESS, my hand and Notarial Seal, this _____ day of _____, 20__.

Signed name, Notary Public

Printed name, Notary Public

County of Residence: _____

My Commission Expires:

CO.V _____ [Get ordinance number from Auditor]

ORDINANCE TO VACATE A PUBLIC WAY OR PLACE

(here list drainage easement, PUE, etc.)

WHEREAS, a sworn petition was presented to the Board of Commissioners of Vanderburgh County, Indiana requesting that a public way or place consisting of

_____ [drainage easement,
PUE _____ etc.] located _____ in _____

_____ [short legal description] _____ and commonly known as _____ [common address] _____, as shown on the drawing attached hereto, be vacated by the Board of Commissioners of Vanderburgh County, Indiana; and

WHEREAS, after due and proper notice, a timely public hearing was convened by the Board of Commissioners of Vanderburgh County, Indiana, at which time all interested persons were permitted to address the Board of Commissioners of Vanderburgh County, Indiana, regarding said vacation.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Vanderburgh County, Indiana as follows:

SECTION 1. FINDINGS.

The Board of Commissioners of Vanderburgh County, Indiana, after due investigation and consideration has determined that the nature and extent of the public use and public interest to be subserved is such as to warrant the vacation of the public way or place consisting of _____ [drainage easement, PUE, etc.] _____ located in _____ (short legal description) _____ [common address], _____ and more particularly described as follows:

“[insert legal description here]”

and further indicated by the words “to be vacated” on the drawing attached hereto, which is made a part of this Ordinance. [be sure to attach the drawing to the Ordinance]

SECTION 2. VACATION.

The Board of Commissioners of Vanderburgh County, Indiana does hereby find that the above-described public way or place is no longer required for public use and the public interest will be served by such vacation, and the Board of Commissioners of Vanderburgh County, Indiana, does hereby vacate that public way or place described above.

SECTION 3. RECORDING.

The County Auditor shall furnish a copy of this Ordinance to the County Recorder to record.

SECTION 4. EFFECTIVE DATE.

This Ordinance shall be in full force and effect from and after its passage by the Board of Commissioners of Vanderburgh County, Indiana.

First passed by the Board of Commissioners of Vanderburgh County, Indiana this _____ day of _____, 20__.

Second and Final passage by the Board of Commissioners of Vanderburgh County, Indiana this _____ day of _____, 20__.

BOARD OF COMMISSIONERS OF
VANDERBURGH COUNTY, INDIANA

President

Vice President

Member

ATTEST:

Theresa Bassemier
Vanderburgh County Auditor

APPROVED AS TO LEGAL FORM:

Ryan M. Schulz
Vanderburgh County Attorney

THIS INSTRUMENT PREPARED BY: _____

_____ TELEPHONE: (_____) _____.

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 of Petitioner]

CO.V _____ [Get ordinance number from Auditor]

ORDINANCE TO VACATE A COUNTY STREET OR ROADWAY

(here list description of full or partial street or roadway name/information)

WHEREAS, a sworn petition was presented to the Board of Commissioners of Vanderburgh County, Indiana requesting that a street or roadway consisting of

_____ [full or partial street info.]
located _____ in _____

_____ [short legal description] and commonly known as _____
[common address], as shown on the drawing attached hereto, be vacated by the Board of Commissioners of Vanderburgh County, Indiana; and

WHEREAS, after due and proper notice, a timely public hearing was convened by the Board of Commissioners of Vanderburgh County, Indiana, at which time all interested persons were permitted to address the Board of Commissioners of Vanderburgh County, Indiana, regarding said vacation.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Vanderburgh County, Indiana as follows:

SECTION 1. FINDINGS.

The Board of Commissioners of Vanderburgh County, Indiana, after due investigation and consideration has determined that the nature and extent of the public use and public interest to be subserved is such as to warrant the vacation of the street or roadway _____ consisting _____ of

_____ [full or partial street info.] located in _____

_____ [short legal description] and commonly known _____ as _____

_____ [common address], and more particularly described as follows:

“[insert legal description]”

and further indicated by the words “to be vacated” on the drawing attached hereto, which is made a part of this Ordinance. [be sure to attach the drawing to the Ordinance]

SECTION 2. VACATION.

The Board of Commissioners of Vanderburgh County, Indiana does hereby find that the above-described street or roadway is no longer required for public use and the public interest will be served by such vacation, and the Board of Commissioners of Vanderburgh County, Indiana, does hereby vacate that street or roadway described above.

SECTION 3. RECORDING.

The County Auditor shall furnish a copy of this Ordinance to the County Recorder to record.

SECTION 4. EFFECTIVE DATE.

This Ordinance shall be in full force and effect from and after its passage by the Board of Commissioners of Vanderburgh County, Indiana, and publication as required by I.C. 5-3-1.

First passed by the Board of Commissioners of Vanderburgh County, Indiana this _____ day of _____, 20__.

Second and Final passage by the Board of Commissioners of Vanderburgh County, Indiana this _____ day of _____, 20__.

BOARD OF COMMISSIONERS OF
VANDERBURGH COUNTY, INDIANA

President

Vice President

Member

ATTEST:

APPROVED AS TO LEGAL FORM:

Theresa Bassemier
Vanderburgh County Auditor
THIS INSTRUMENT PREPARED BY: _____
TELEPHONE: (____) _____.

Ryan M. Schulz
Vanderburgh County Attorney

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 of Petitioner]

REGARDING THE VACATION OF A COUNTY PLACE OR PUBLIC WAY

The purpose of this hearing is for the consideration of the vacation of the following county place or public way located in Vanderburgh County, Indiana, and more particularly described as follows, to-wit:

Legal Description:

Common Address:

Vanderburgh County Board of Commissioners
Justin Elpers, President
Amy Canterbury, Vice President
Mike Goebel, Member
Ryan M. Schulz, County Attorney
Attest: Theresa Bassemier, County Auditor

The public hearing for this proposed action will be held on the ____ day of _____, 20__ at 9:30 a.m. in Room 301 of the Civic Center Complex, Evansville, Indiana.

VACATION OF EASEMENT AFFIDAVIT OF NOTICE

STATE OF INDIANA) Date_____)
 COUNTY OF VANDERBURGH) SS:
)

I, (Printed Name) _____, hereby affirm under penalties of perjury that I have mailed letters containing required information about a vacation at (Address) _____, to the following property owners on (Date) _____. I hereby certify that, to the best of my knowledge, the following (or attached) is a complete and accurate list of all abutting property owners whose properties touch at any point the owner's property, include in whole or in part in the petition for special use stated above. I obtained said list by looking up the tax codes and abutting owners on the records and/or plat maps in the office of the Assessor and receiving printout of current owners of record and their most recent mailing addresses as listed on the records in the office of the Treasurer of Vanderburgh County on (Date) _____.

Letters were sent to:

Name	Address	Tax Code

The letters were sent CERTIFIED MAIL, RETURN RECEIPT SERVICE. The green receipts AND ONE SAMPLE LETTER are attached.

 (Affiant's signature (Petitioner, attorney or representative))

Subscribed and sworn to before me, a Notary Public In and for said County and State this _____ day of _____, 20__.

 (Notary Public)

My Commission expires: _____

Residence of Notary: _____ County, Indiana (SEAL)