



Vacation of a Public Way Application Packet

Contact: Planning Administrator (463) 201-8455, planadmin@lapelindiana.org

May 15, 2025

This application packet is for requesting that a public way be vacated and includes:

- **Alleys**
- **Roadways**
- **Streets**
- **Pathways**
- **Other public ways**

Any person who owns property in the Town of Lapel and wishes to vacate all or part of a public way that is contiguous to their lot may file a petition for vacation with the Lapel Town Council in accordance with IC 36-7-3-12. As part of the vacation process, the petitioner is responsible for providing any easements that may be required for the continued operation of public utilities that maintain facilities in the public way. Compliance with the requirements of applicable laws and procedures remains the responsibility of the petitioner. Should the petitioner have questions regarding legal matters, they are encouraged to seek independent legal advice.

After making application and before being scheduled for public hearing before the Lapel Town Council, the Planning Administrator will ensure that said public way should serve no governmental purpose and is not essential for the use of the Town of Lapel for any municipal purposes of the town since there are streets in the area for the purposes of servicing the property involved and conveying area traffic.

Step 1: Pre-Application.

At least one week prior to the intended filing of the petition, the applicant must discuss the potential application with the Planning Administrator for the purpose of becoming familiar with requirements, submittals, procedures, deadlines, and hearings. Contact the Planning Administrator by calling (463) 201-8455 or emailing planadmin@lapelindiana.org.

Step 2: Filing the Application.

The applicant must make an appointment with the Planning Administrator in order to file an application by calling (463) 201-8455 or emailing planadmin@lapelindiana.org. A complete application and all required attachments are to be submitted. At this time, the Planning Administrator will review the application to determine whether the application is complete. If the application is not complete, it will be returned to the applicant with the deficiencies identified.

Step 3: Submittal Checklist.

- Electronic Copy. Submit a USB drive with ALL of the items on the submittal checklist, including the application, maps, lists, plans, narratives, and other required attachments. File format should be PDF and each item should be saved as an individual file. The USB drive should be in a soft/paper protective envelope and be labeled with the date and name of the project.
- Petition for Recommendation of Public Way Vacation – Fill out all applicable fields completely.
 - Parcel Number – This 10-digit identification number is required on ALL permit applications and can be found on the Madison County Beacon website at <https://beacon.schneidercorp.com/>. Select “Indiana” from the “Select a State” drop-down menu, then select “Madison County, IN | Assessor Larry D. Davis” from the “Select County/City/Area” drop-down menu. Click “View Map” in the menu that appears below. You can do a search by address or zoom in on the parcel and obtain the detailed information.
- Deeds. Provide a copy of deed(s) for the property owned by the petitioner(s).
- Vicinity Map. 8 ½”x11” in size showing where the property is located in Lapel, making sure major streets are labeled. Scale should be approximately 1:1,000.
- Aerial Map. Submit an aerial map of the subject parcel, 8 ½” x 11” in size, showing all properties within 600 feet of subject parcel. The map can be obtained from Google Earth or other similar aerial mapping programs.
- Site Plan. 8 ½” x 11” in size showing the basic layout of the property(s), the specific area to be vacated, and how vacated public way is to be portioned among the abutting property(s).
- Legal Description and Drawing. A land description of the written words delineating the property and a corresponding drawing with dimensions and bearings. For the electronic version, the legal description should be a PDF generated directly from a Word document so that the text is crisp and clear.
- List of Adjacent Property Owners. Obtain a list of property owners whose property is adjacent to the subject parcel. The list can be obtained from Beacon or, for a fee of \$25, Town of Lapel Planning staff will prepare the list for you.
- Attachment A: Supplemental Sheets
- Attachment B: Notice for Newspapers
- Attachment C: Notice for Property Owners

Step 4: Notifying the Public

State Law requires you to notify the public of the hearing in two different ways: by newspaper and by notifying property owners that surround the subject property.

Notification by Newspaper

Complete Attachment B: Notice for Newspapers. At the application meeting, the Planning Administrator will review and approve the completed attachment.

Publish the approved attachment and legal description one time in both of the newspapers listed below at least 10 days prior to the hearing. Failure to meet the publishing deadlines will delay the hearing of your petition. Be certain to obtain a “Proof-of-Publication” affidavit from the newspaper for your advertisement. These affidavits must be turned in to the Planning Administrator at least three days prior to the hearing.

- Anderson Herald Bulletin. Published daily. Information must be submitted at least 4-5 business days prior to the date you want your ad to be published. Notices can be sent to publicnotices@indianamedia.com
- Elwood Call-Leader. Published only on Wednesdays. Information must be submitted the week before the Wednesday publication. Notices can be sent to legals@elwoodcall-leader.com. (Because this newspaper is only published once a week, let the Planning Administrator know if you do not meet the publication deadline for this paper.)

Surrounding Property Owner Notification

Complete Attachment C: Notice for Property Owners. At the application meeting, the Town Manager will review and approve the completed attachment.

The Petitioner must notify all property owners who are adjacent to the area to be vacated. Adjacent property owners who are included as petitioners are not required to be notified.

Notification must be mailed by either First Class Certificate of Mailing or Certified Mail.

- Certificate of Mailing provides evidence that mail has been presented to the post office for mailing. Use Form 2 for listing those notified (copy enclosed). Proof of Mailing will be Form 2 that has been stamped by the Post Office.
- Certified Mail or “green cards” provides the sender with a mailing receipt and proof of delivery. Visit the Post Office for special cards and stickers for addressing letters sent by Certified Mail. Proof of Mailing is a combination of the “green cards” that have been sent back to you and your Certified Mail Receipt for letters that were not claimed.

All letters must be postmarked at least 10 days prior to the hearing (see Application Schedule). Proof of mailing must be submitted to the Planning Administrator at least three days prior to the hearing. Include the following information to each person notified:

- A copy of the application
- A copy of the approved Attachment C
- Legal description and drawing
- Site Plan



Vacation of a Public Way Application

This application is being submitted for the vacation of (check all that apply):

alley roadway other public way _____

Applicant Info

Name	
Street Address	
City, State, Zip	
Primary Contact Person regarding this petition	
Phone	E-Mail
Others to be Notified	E-Mail

Property Owner

Name	
Street Address	
City, State, Zip	
Phone	E-Mail
Applicant is (circle one): Sole owner Joint Owner Tenant Agent Other (specify)	

Premises Affected – attach supplemental sheet(s) if multiple premises will be affected

10-digit Parcel Number				
Street Address				
Subdivision			Lot Number	
Total Acreage		Flood Zone on Site?		
Land Use of Adjacent Properties	North:	South:	East:	West:

Notarization

The petitioner requests that the Lapel Town council grant a 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 and in the attached exhibits. The information below and the attached exhibits, to my knowledge and beliefs, are true and correct.

Signature of Applicant	
Notary Public's Name (printed)	Signature of Notary
My Commission Expires State County	
Subscribed and sworn to before me this _____ day of _____, _____	

Attachment A: Supplemental Sheet

Attach as many supplemental sheets as necessary to include all properties directly abutting public way to be vacated.

Premises Affected

10-digit Parcel Number				
Street Address				
Subdivision			Lot Number	
Total Acreage		Flood Zone on Site?		
Land Use of Adjacent Properties	North:	South:	East:	West:
Owner Name				
Owner Street Address				
City, State, Zip				

Premises Affected

10-digit Parcel Number				
Street Address				
Subdivision			Lot Number	
Total Acreage		Flood Zone on Site?		
Land Use of Adjacent Properties	North:	South:	East:	West:
Owner Name				
Owner Street Address				
City, State, Zip				

Premises Affected

10-digit Parcel Number				
Street Address				
Subdivision			Lot Number	
Total Acreage		Flood Zone on Site?		
Land Use of Adjacent Properties	North:	South:	East:	West:
Owner Name				
Owner Street Address				
City, State, Zip				

Attachment B: Notice for Newspapers

Attach: 1) Legal Description

YOU ARE HEREBY NOTIFIED that the Lapel Town Council, will hold a Public Hearing on Thursday, the ____ day of _____, 20__ at 6:30 pm in the Lion’s Club, 329 Main Street, Lapel, IN 46051. The petition submitted by _____ requests the vacation of that portion of a public way in the Town of Lapel, which abuts property located at _____, more specifically described by the attached legal description.

Written comments concerning this application may be filed with the Lapel Town Council at or before the hearing and will be heard by the Council. Comments may be forwarded to planadmin@lapelindiana.org via email for presentation at the meeting at least one week before the meeting. Interested persons desiring to present their views, either in writing or verbally, will be given the opportunity to be heard at the above-mentioned time and place. The hearing may be continued from time to time if necessary.

Copies of the proposal are on file in the Town Hall located at 1011 Main Street, Lapel, IN for examination before the meeting during business hours between 9:00 AM and 4:00 PM, Monday – Friday. You may also request an electronic copy of the submittal by emailing at planadmin@lapelindiana.org.

It is the policy of the Town of Lapel that all public meetings and events comply with Title II of the Americans with Disabilities Act and are accessible to people with disabilities. Individuals with disabilities, as defined under the ADA, who may need auxiliary aids, services, or special modifications to participate in a public meeting or event should contact the office of the Clerk-Treasurer of the Town of Lapel, Indiana as soon as possible, but no less than forty-eight (48) hours before the scheduled meeting or event.

Petitioner: _____

Attachment C: Notice for Property Owners

Include with the mailing: 1) Application; 2) Legal Description; 3) Site Plan

YOU ARE HEREBY NOTIFIED that the Lapel Town Council, will hold a Public Hearing on Thursday, the ____ day of _____, 20__ at 6:30 pm in the Lion’s Club, 329 Main Street, Lapel, IN 46051. The petition submitted by _____ requests the vacation of that portion of a public way in the Town of Lapel, which abuts property located at _____, more specifically described by the attached legal description.

As your property abuts the portion of said public way to be vacated, you are receiving specific notice. Written comments concerning this application may be filed with the Lapel Town Council at or before the hearing and will be heard by the Council. Comments may be forwarded to planadmin@lapelindiana.org via email for presentation at the meeting at least one week before the meeting. Interested persons desiring to present their views, either in writing or verbally, will be given the opportunity to be heard at the above-mentioned time and place. The hearing may be continued from time to time if necessary.

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Petitioner: _____

Adjacent Property Owners Notified by Mail

If property owners are to be notified by mail, either complete this form or provide a list with the same information. Make additional copies if necessary.

Name and Address of Sender			Type of Mail: <input type="checkbox"/> Certified Mail <input type="checkbox"/> Certificate of Mailing ONLY	
Line	Name & Address	Postage	Fee	Remarks
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
Total number of pieces listed by sender:		Total number of pieces received at Post Office:		POSTMASTER, per <i>(name of receiving employee)</i>
Affix stamp here if issued as certificate of mailing or for additional copies of this bill. POSTMARK AND DATE OF RECEIPT:			Page _____ of _____	