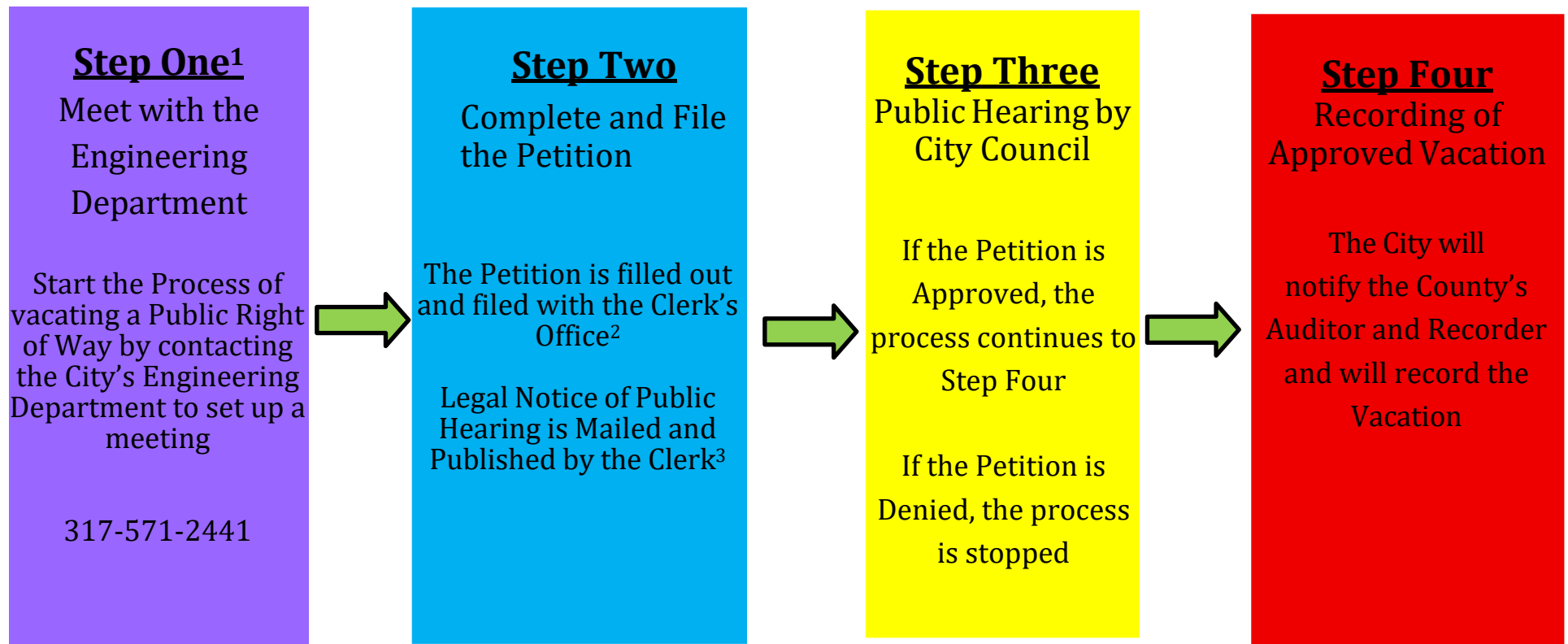




Vacation of Public Rights-of-Way Procedure and Instructions

Revised 8/15/2025

Process for the Vacation of a Public Right-of-Way by the City Council



Footnotes:

1. The applicant must be the property owner of a parcel abutting the right of way requested to be Vacated, and the right of way to be Vacated must be within the corporate limits of the City of Carmel, Indiana
2. A Public Hearing is to be held within thirty (30) days after a **COMPLETED** Application is provided by the Applicant.
3. The Clerk will handle all Notices, but the Petitioner is responsible for all costs associated with the publication and mailing.

Procedure for Vacation of Public Rights-of-Way

Eligibility:

The Petitioner must own a lot or part of a lot next to the right of way that is subject to the petition to be vacated AND the right-of-way to be vacated must be located entirely within the corporate limits of the City of Carmel.

Step One: Meet with the Engineering Department

Meet with a representative from the Carmel Department of Engineering regarding the vacation of right of way. The Engineering Department may be reached at 317-571-2441 or Engineering@carmel.in.gov.

The Engineering Department will approve any legal descriptions of the right of way to be vacated and give the Council a recommendation on the Petition to Vacate.

Step Two: Petition

Fill out the Petition and obtain any required attachments.

File the Petition, by submitting one hard copy, with the City Clerk. The City Clerk is located on the third floor of City Hall, 1 Civic Square, Carmel, IN 46032, and the phone number is 317-571-2408.

A complete Vacation Petition ("Petition") must be submitted by 3:00 PM a minimum of 31 days prior to a hearing before the City Council.

Only complete Petitions will be placed on the agenda for the City Council meeting. If a Petition is incomplete 31 days prior to the next City Council meeting, the Petition will not be placed on an agenda until the Petitioner submits a complete Petition.

The Clerk will then:

- distribute copies of the Petition to the City Engineer and the City's Office of Corporation Counsel.
- give the Petitioner the date for a public hearing before the Council.
- publish a Notice of Public Hearing in the Current in Carmel or Hamilton County Reporter at least ten days before the Public Hearing. The Clerk will also mail the Notice of Public Hearing to all neighbors listed in the Petition via certified mail. **The Petitioner is responsible for the cost of the publication and of the certified mailing.**

Step Three: Public Hearing by City Council

At the Public Hearing, the Council will discuss the Petition. It is expected, and strongly recommended, that the Petitioner attend the public hearing and be prepared with a short presentation regarding the Petition. Any photos or exhibits you wish to present at the hearing will need to be given to the Clerk at least 10 days before the hearing date.

- a) The council chambers has an overhead projector that can project 8.5" by 11" paper
- b) If you bring a laptop with a USB-C port, you can plug your laptop in and project your screen

At the hearing, any person aggrieved by the proposed vacation may object as provided by Indiana Code

§ 36-7-3-13.

The Council may need a subsequent meeting to discuss the Petition. It is recommended that the Petitioner attend any subsequent meeting to answer questions.

If the City Council decides to grant the Petition, they will adopt an ordinance to vacate the public way. The City's Office of Corporation Counsel will draft the ordinance.

Step Four: Recording of Approved Vacation

The City Clerk will forward the ordinance to the Hamilton County Recorder and to the County Auditor.

Pursuant to Indiana Code § 36-7-3-12(f), within thirty (30) days after the adoption of the vacation ordinance, any aggrieved person may appeal such action to the appropriate circuit, superior or probate court.

Office Use Only

Hearing Date: _____

Recommendation: _____

PETITIONER / PROPERTY OWNER

Name: _____

Address: _____

Phone: _____ E-Mail: _____

PETITIONER'S ATTORNEY / CONTACT PERSON AND PROJECT ENGINEER (if applicable):

Attorney / Contact Person:

Name: _____

Address: _____

Phone: _____

E-Mail: _____

**Engineer who prepared the Legal
Description and Drawing Exhibit:**

Name: _____

Address: _____

Phone: _____

E-Mail: _____

Recorded Plat and/or Name of Right of Way affected by the Vacation:

Required Attachments for all Vacation Petitions:

- ☐ Legal description of area to be Vacated
- ☐ Proof of Ownership (copy of deed) from all Petitioners
- ☐ List of Abutting Property Owners

PETITION TO VACATE A PUBLIC WAY

1. _____ (the "Petitioner"), pursuant to Indiana Code §36-7-3-12, does hereby respectfully petition the Common Council of the City of Carmel, Indiana, for the vacation of those portions of the existing Public Way of _____ located entirely within the corporate boundaries of Carmel, Indiana, as is more particularly described below and in the exhibit attached hereto and made a part hereof.
2. The portion of the Public Way being vacated is more particularly described in Exhibit "A" and depicted in Exhibit "B" hereto, which are incorporated herein by this reference.
3. In support of this petition, the Petitioners submits the following:
 - a) State the circumstances of the case: _____

 - b) Specifically describe the property proposed to be vacated: _____

4. The following are the names and addresses of the owners of land which abut the property proposed to be vacated:
 - 1.
 - 2.
 3. (add additional if necessary)

WHEREFORE, the Petitioner respectfully requests the vacation of the above-described Public Way.

(PETITIONER)

Signature

Printed Name

Date

The undersigned, having been duly sworn on oath states the above information is true and correct as (s)he is informed and believes. Further, the Petitioner understands that they are responsible for the cost and fees associated with the notice and certified mailing(s) which are payable upon invoicing.

Signature of Owner or Attorney for Owner: _____

Date: _____

State of _____)
County of _____) SS:

Subscribed and sworn to me before this _____ of _____, 20_____.

Public Signature / Notary Public Printed Notary

My commission expires: _____

My county of residence is _____ County.

My Commission No. is: _____

Exhibit A

Legal Description of Right-of-Way

Exhibit B

Photo or Illustration of Right-of-Way