

## MEMORANDUM FROM STAFF

From: Marcellus Johnson, Planning Administrator

To: Lapel Advisory Plan Commission

Date: 6/2/2025

RE: New Form to be Adopted

Exhibit(s): Vacation of Public Way Packet, Madison County Fee Schedule, Lebanon Fee Schedule

### Item 1. Application Packet for Vacation of Public Way

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I.C. 36-7-3-12 provides for petitioners to request from the Town that a public way—a street, alley, or other public right of way—be vacated. Currently, Lapel has no application form for this process. Staff has developed an application packet that instructs petitioners to include all of the information necessary for Town Council to make an informed decision on the petition.

It is also advisable that Plan Commission recommend that Town Council set a fee for this kind of application. A review of existing fees shows a \$200 fee for plat corrections and simple replats and a \$400 fee for plat vacation. These should be the bounds of consideration for a fee for vacation of public way. Madison County currently charges \$150 for a public way vacation permit application, and Lebanon charges \$100 for the application + \$750 once the vacation is approved. Given these comparisons, Staff recommends a fee of \$200.

### Commission's Role

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According to UDO V1.7.3.A.vi, one of the Plan Commission's duties is to "adopt and maintain a permitting process," which places responsibility for the adoption of forms and applications of various permitting processes, including vacation of public ways, in the Plan Commission. It is therefore Plan Commission's role to delegate to the Planning Administrator and Staff the authority to create and use new forms for various planning and zoning purposes. Plan Commission may vote to approve the application packet in Exhibit A alone.

### Motion Options

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#### Adoption of New Form

- Motion to **approve** the Vacation of Public Way Application Packet and allow the Administrator to maintain and update the application packet from time to time as required.
- Motion to **direct** the Administrator to make the following changes to the application packet: [list requested revisions]

#### Recommend Fee to Town Council

- Motion to give a **favorable recommendation** to Town Council for charging a fee of \$200 [or other amount] for applications to vacate a public way.
- Motion to give an **unfavorable recommendation** to Town Council for charging a fee of \$200 [or other amount] for applications to vacate a public way.
- Motion to give **no recommendation** to Town Council for charging a fee of \$200 [or other amount] for applications to vacate a public way.



# Vacation of a Public Way Application Packet

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

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*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](mailto: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](mailto: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@indianamediaigroup.com](mailto:publicnotices@indianamediaigroup.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](mailto: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

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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

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## ***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](mailto: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](mailto: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

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***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](mailto: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 _____	

**EXHIBIT B. Madison County Fee Schedule****Madison County Planning Department  
Fee Schedule - APPROVED 11/1/22**

	Activity (fees include inspections unless noted)	Fee
<b>Plan Commission (MCPC)</b>		
	Major Subdivision	
	a. Preliminary (Primary) Plat (or Replat)	\$400 + \$20 per lot
	b. Secondary (Final) Plat (or Replat)	\$400 + \$20 per lot
	c. Plat Amendment	\$350
	Minor Subdivision	
	a. Preliminary Plat (or Replat)	\$350 + \$20 per lot
	b. Secondary Plat (or Replat)	\$350 + \$20 per lot
	c. Plat Amendment	\$350
	Planned Unit Development	
	a. Preliminary Plan Application	\$1500 + \$20 per lot
	b. Secondary Plan Application	\$700 + \$20 per lot
	Rezone	\$700
	Site Development Plan Review	\$500
	a. Amendment to Approved Site Development Plan	\$200 + \$50 per additional amendment
	Waivers	
	a. Single or Two-family Dwelling	\$400 + \$70 per additional waiver
	b. Commercial or Industrial Use	\$700 + \$150 per additional waiver
	c. All other Uses	\$500 + \$150 per additional waiver
	Appeals	\$350
<b>Board of Zoning Appeals (BZA)</b>		
	Special Use	
	a. Residential	\$400 + \$70 per additional variance
	b. Commercial, Industrial, or Other Use	\$700 + \$150 per additional variance
	Variance	
	a. Single or Two-family Dwelling	\$400 + \$70 per additional variance
	b. Commercial, Industrial, or Other Use	\$700 + \$150 per additional variance
	c. Signs	Remove (will be charged under letter b.)
	Appeals	\$350
<b>County Commissioners (BOC)</b>		
	Vacation	
	a. Street or Alley	\$150
	b. Plat	\$350

**EXHIBIT C.  
Lebanon Fee  
Schedule**

<b>E. AMENDMENT: Change of Zoning</b>	
a. Classification/ or Text	\$300.00
<b>F. CHANGE IN DEVELOPMENT PLAN</b>	\$300.00
<b>G. CONDITIONAL USES:</b>	\$300.00
<b>H. APPEALING DECISION OF ADMINISTRATOR:</b>	\$250.00

**I. VACATION OF ALLEY OR PLATTED STREET:**

1. Application Fee	\$100.00
2. Vacation Fee	\$750.00

(Ordinance no. 74-12, 1(30-53), 9-9-74; Ordinance No. 75-16, 5, 11-10-75)

Editor's note- The resume of filing fees referred to in "(4)" of this section will be found in section 7-9 and 7-26 of this code.

**Boone County Economic Development Administrative Plat Fee Schedule  
Ordinance No. 2005-23**

To be collected by City of Lebanon Planning & Zoning Department before Building Permit is issued.

Commercial/ Industrial new construction, remodel, renovation structures

\$100.00	0-19,999 sq. ft.
\$250.00	20,000-49,999 sq. ft.
\$500.00	50,000-149,999 sq. ft.
\$1,000.00	150,000-249,999 sq. ft.
\$2,000.00	250,000 sq. ft. and above

Changing single-family into multi-family

\$50.00 per residential living unit

Multi-family Development (apartments, condominiums, and town homes)

\$50.00 per residential living unit

To be collected by Boone County Auditor's Office at the time of Recording Plat

Single-family residential development

\$75.00 per platted residential lot