

STATE OF INDIANA
COUNTY OF FLOYD
BEFORE THE BOARD OF COMMISSIONERS

IN THE MATTER OF THE PETITION OF)
NICK JONES CONSTRUCTION, INC.)
TO VACATE AN EXISTING EASEMENT) FCO- XI
LOCATED IN WOODBRIDGE FARM)
SUBDIVISION, PLAT 1285,)
FLOYD COUNTY, INDIANA)

**ORDINANCE GRANTING PETITION
TO VACATE A PORTION OF AN EASEMENT**

Comes now Nick Jones Construction, Inc., hereinafter referred to as the "Owner," and the Owner having heretofore filed a Petition to Vacate a Portion of an Easement, and notice of said petition and the time and place of the hearing on the same having been given by the Petitioner, pursuant to the provisions of I.C. 5-3-1, and the Board of Commissioners of Floyd County, Indiana having examined and heard evidence on said petition and being duly advised in the premises now finds that said petition should be granted.

IT IS THEREFORE ORDAINED by the Board of Commissioners of Floyd County, Indiana, that the easement located in Woodbridge Farms subdivision, Floyd County, Indiana, and more particularly shown in Exhibit "A" and described in Exhibit "B" attached to and made a part of this ordinance, shall be and is hereby vacated by the Board of Commissioners of Floyd County, Indiana and that the fee simple title to the real property subject to the easement shall vest in Owner free and clear of said easement.

SO ORDERED this 21st day of November, 2006.

BOARD OF COMMISSIONERS, FLOYD COUNTY,
INDIANA



JOHN REISERT, Commissioner

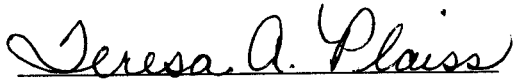


CHARLES FREIBERGER, Commissioner

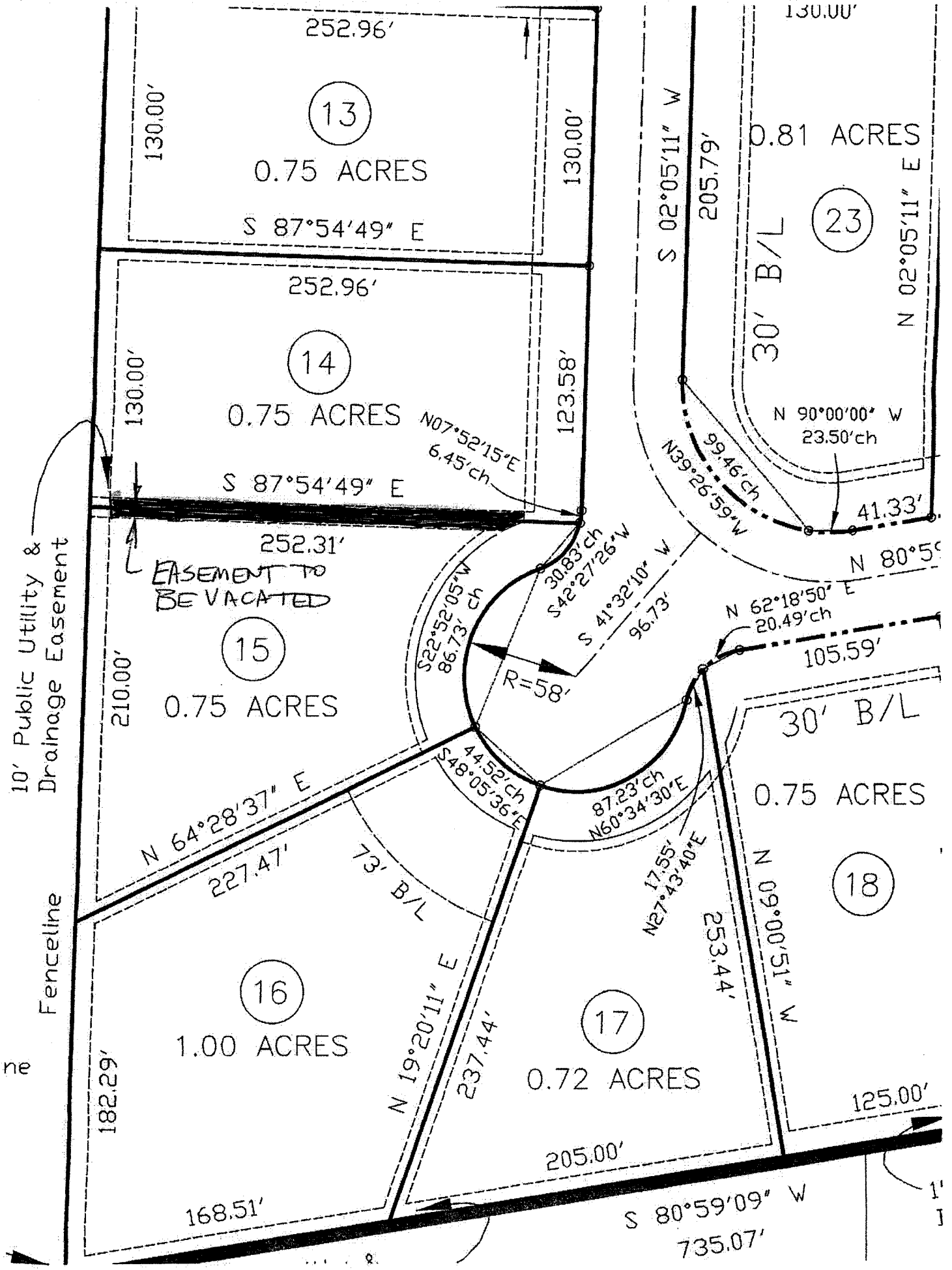


STEVE BUSH, Commissioner

Attest:



TERESA PLAISS, Floyd County Auditor



10' Public Utility & Drainage Easement

Fenceline

EASEMENT TO BE VACATED

13
0.75 ACRES

14
0.75 ACRES

15
0.75 ACRES

16
1.00 ACRES

17
0.72 ACRES

18
0.75 ACRES

23
0.81 ACRES

252.96'
130.00'
130.00'

252.96'
130.00'
123.58'

252.31'
210.00'
227.47'
182.29'

168.51'
205.00'
237.44'

130.00'
205.79'
30' B/L
N 02°05'11" W
N 90°00'00" W
23.50' ch
41.33'

30' B/L
N 80°50'
N 62°18'50" E
20.49' ch
105.59'
30' B/L
N 09°00'51" W
15.00' ch
253.44'

125.00'
S 80°59'09" W
735.07'

N 07°52'15" E
6.45' ch
S 87°54'49" E
S 22°52'05" W
86.73' ch
R=58'
S 42°27'26" W
30.83' ch
S 41°32'10" W
96.73'
N 60°34'30" E
87.23' ch
N 7°43'40" E
17.55' ch

1"
100'

David R. Blankenkemper, P.L.S.
Terry A. Kendall, P.L.S.

Howard R. Blankenkemper (1905-1974)
Rollyn H. Blankenkemper (1934-1994)

Blankenkemper & Son

Land Surveyors Inc., P.C.

Established 1945

426 Meigs Avenue
Jeffersonville, Indiana 47130

(812) 282-4183 phone
(812) 282-4197 fax

P.O. Box 157
Jeffersonville, Indiana
47131-0157

4 October 2006

DESCRIPTION OF EASEMENT TO BE VACATED IN WOODBRIDGE FARM

Being a 10 foot wide utility and drainage easement on Lots 14 and 15 in Woodbridge Farm, Plat 1285 of the Floyd County, Indiana records, being further described as follows:

Beginning at the southwest corner of said Lot 14, being the northwest corner of said Lot 15; Thence S.87°54'49"E., 10 feet to THE TRUE PLACE OF BEGINNING:

Thence N.2°05'11"E., 5 feet;

Thence S.87°54'49"E., 217.82 feet;

Thence 7.02 feet along the arc of a 7 foot radius curve to the right (concave northwesterly) being subtended by a chord bearing S.42°30'52"W., 6.73 feet;

Thence 11.62 feet along the arc of a 83 foot radius curve to the left (concave southeasterly) being subtended by a chord bearing S.67°14'59"W., 11.61 feet;

Thence N.87°54'49"W., 202.92 feet;

Thence N.2°05'11"E., 5 feet to THE TRUE PLACE OF BEGINNING.

Containing 2122 square feet.

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SUBDIVISION, PLAT 1285,)
FLOYD COUNTY, INDIANA)

**NOTICE OF PUBLIC HEARING TO CONSIDER
PETITION TO VACATE EASEMENT**

NOTICE is hereby given that Nicholas Jones, in his capacity as President of Nick Jones Construction, Inc., has filed with the City Council of the City of New Albany, Indiana a Petition to Vacate a Portion of an Easement in connection with a ten (10) foot public utility and drainage easement situated along the boundary line separating real property known as Lot Numbers Fourteen (14) and Fifteen (15) in Woodbridge Farm, Plat No. 1285 of the Floyd County Indiana records. Nick Jones desires to vacate that portion of said easement lying between the front line of the said lots and running along the boundary line separating said lots to the intersection of another drainage and utility easement located at the rear of said lots.

A public hearing will be held on November 8, 2006, at 4:30 p.m. in Room 214 of the City-County Building, 311 Hauss Square, New Albany, Floyd County, Indiana, at which time and place all interested persons will be heard in reference to matters set out in said petition.

Such notice given and posted the 9th day of October, 2006.

/s/ Teresa Plaiss

Teresa Plaiss, Floyd County Auditor

This notice prepared by:
Alan M. Applegate
APPLEGATE & FIFER
Attorney for Petitioner
P. O. Box 1418
Jeffersonville, IN 47131-1418
(812) 284-9499

STATE OF INDIANA
COUNTY OF FLOYD
BEFORE THE BOARD OF COMMISSIONERS

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LOCATED IN WOODBRIDGE FARM)
SUBDIVISION, PLAT 1285,)
FLOYD COUNTY, INDIANA)

PETITION TO VACATE A PORTION OF AN EASEMENT

Nick Jones Construction, Inc., hereinafter called the "Owner," hereby petitions the Board of Commissioners of Floyd County, Indiana, hereinafter called the "Commissioners," to vacate an existing utility and drainage easement described in this petition and in support of this petition, Owner says as follows:

1. That Owner is the owner of certain real property known as Lot Numbers Fourteen (14) and Fifteen (15), in Woodbridge Farm, Plat No. 1285 of the Floyd County Indiana records and being shown on the drawing attached hereto as Exhibit "A" (hereinafter referred to as the "Property").

2. That the Property is currently subject to a ten (10) foot public utility and drainage easement (the "Easement") along and immediately adjacent to the common lot line dividing the two lots comprising the Property, all as more particularly shown on the Plat and the attached drawing.

3. Owner desires to vacate that portion of the above-described Easement extending from the front of the Property to the intersection with the drainage and utility easement situated along the rear of the Property.

4. That all of the Easement lies within the unincorporated territory of Floyd County, Indiana.

5. That the drawing attached hereto as Exhibit "A" shows in red that portion of the Easement which Owner desires to vacate.

6. That the legal description attached hereto as Exhibit "B" describes by metes and bounds that portion of the Easement which Owner desires to vacate.

7. That Owner desires to vacate that portion of the above-described Easement because the Owner desires to construct improvements over the Easement area by constructing a single residence on both lots.

8. That Owner is not aware of the existence of any utilities within any portion of the Easement to be vacated, and, to the extent utilities are situated within said Easement, Owner shall cause said utilities to be relocated at Owner's expense.

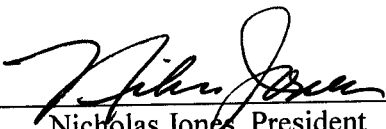
9. That Owner, Beyl Construction, LLC, Corydon Ridge Partners, and the Floyd County Parks and Recreation Board are the sole owners of all land abutting or adjoining the Easement to be vacated. Beyl Construction, LLC, with a tax mailing address of 3010 Bugaboo Lane, Sellersburg, Indiana 47172; Corydon Ridge Partners, with a tax mailing address of 3030 Wolf Lake Boulevard, New Albany 47150; and Floyd County Parks and Recreation Board, with a principal mailing address of 6491 Corydon Ridge Road, Georgetown, Indiana 47172, have been provided written notice of this Petition to Vacate Easement.

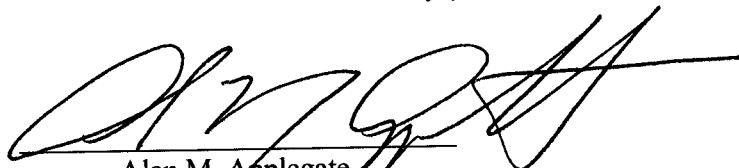
10. That Owner has caused notice of this petition and the hearing of same to be filed in the *Tribune*.

WHEREFOR, Owner respectfully requests that the Commissioners pass an ordinance vacating the Easement shown in Exhibit "A" attached hereto and described in Exhibit "B" attached hereto.

Dated: October 9th, 2006.

NICK JONES CONSTRUCTION, INC.

By: 
Nicholas Jones, President


Alan M. Applegate
APPLEGATE & FIFER
P.O. Box 1418,
Jeffersonville, Indiana 47131-1418
Attorney for Petitioner
Attorney I.D. No. 17150-10