

BILL \_\_\_\_\_

ORDINANCE NO. FCO-2008-XI

**AN ORDINANCE VACATING A PUBLIC WAY**

**AN ORDINANCE FOR THE VACATION OF THE PUBLIC  
WAY PURSUANT TO A PETITION FILED BY  
RADIANT CAPITAL PARTNERS, LLC**

BE IT ORDAINED by the Board of Commissioners of Floyd County, Indiana, pursuant to I.C. 36-7-3-12, that:

SECTION 1. The application filed by Radiant Capital Partners, LLC, by and through its duly authorized member, Matthew Toole, is requesting the vacation of a portion of the public way commonly known as Franklin Street located in Floyd County Indiana, and described as follows, to-wit:

A part of Jefferson Gardens in Survey 84 of the Illinois Grant, New Albany Township, Floyd County, Indiana a Subdivision as show on Plat 608, in Plat Records 5, in the Office of the Recorder of Floyd County, Indiana. Thence the following corners of the boundary of said vacated street:

Commencing at the northerly intersection of Franklin Street and Wabash Street Being the southerly corner of Lot 32, Block "I" of said Jefferson Garden, Plat 608 Thence North 49 degrees 34 minutes East, 380.00 feet with the northwesterly right-of-way of said Franklin Street and the southeasterly line of lots 32, 33, 34, 35, 36, 37 and 38, Block "I", of said Plat 608 to the easterly corner of said Lot 38, the southerly corner of Lot 39 and the True Place of Beginning:

Thence North 49 degrees 34 minutes East, 190.16 feet continuing with the said northwesterly right-of-way of Franklin Street and the southeasterly line of Lots 39, 40, 41, 42 and 43 of said Block "I" to the southwesterly line of Lot 17, of Chapel View Estates, Plat 967;

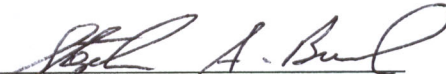
Thence South 85 degrees 46 minutes 48 seconds East, 71.14 feet with the said southwesterly line of Lot 17 and also Lot 16 of said Plat 967 to the southeasterly right-of-way of said Franklin Street and the northwesterly line of Lot 15, Block "E" of said Plat 608;

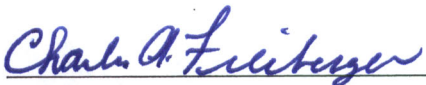
Thence South 49 degrees 34 minutes 00 seconds West, 189.98 feet with the said southeasterly right-of-way of Franklin Street and the north westerly line of Lots 15, 16, 17, 18 and 19 to the point on a non-tangent curve;


Thence westerly 79.33 feet with said curve concave to the south having radius of 50.00 feet where cord bears North 85 degrees 52 minutes 47 seconds West, 71.27 feet to the said northwesterly right-of-way of Franklin Street and the True Point of Beginning and continuing 877.02 SF or 0.20 acres of land, more or less.

SECTION 2. That the vacation shall not affect governmental rights to those areas designated as flood ways, flood plains, and/or flood ponding areas.

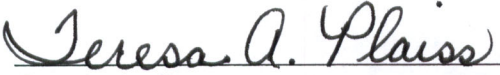
SECTION 3. This Ordinance vacating the above-described property in Floyd County, Indiana shall be in the full force and effect from and after its passage by the Board of Commissioners of the County of Floyd, State of Indiana, this 5<sup>th</sup> day of August, 2008, subject to verification of the legal description of the Floyd County Surveyor.

  
STEPHEN BUSH,  
Floyd County Commissioner

  
CHARLES A. FREIBERGER,  
Floyd County Commissioner

  
MARK SEABROOK,  
Floyd County Commissioner

ATTEST:

  
Teresa A. Plaiss  
County Auditor