

FCO 2009-XV

BILL _____

ORDINANCE NO. XV

AN ORDINANCE VACATING A PUBLIC WAY

AN ORDINANCE FOR THE VACATION OF THE PUBLIC WAY PURSUANT TO A PETITION FILED BY JEFF BLACK

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 Jeff Black, is requesting the vacation of a portion of the public way described as follows, to-wit:

AN APPROXIMATE 96 FOOT BY 50 FOOT UNNAMED STREET ADJACENT TO ROYAL OAK DRIVE AND LOCATED BETWEEN LOT 39 AND LOT 40 IN ROYAL OAKS ESTATES, SECTION 4, PLAT 1061 OF THE FLOYD COUNTY, INDIANA RECORDS.

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 1st day of December, 2009, subject to verification of the legal description of the Floyd County Surveyor.

Stephen A. Bush
STEPHEN BUSH,
Floyd County Commissioner

Charles A. Freiburger
CHARLES A. FREIBERGER,
Floyd County Commissioner

Mark Seabrook
MARK SEABROOK,
Floyd County Commissioner

ATTEST:

Teresa A. Plaiss
COUNTY AUDITOR

STATE OF INDIANA
COUNTY OF FLOYD
BEFORE THE BOARD OF COUNTY COMMISSIONERS

IN RE THE VACATION OF
A PUBLIC WAY IN ROYAL OAK
ESTATES SUBDIVISION

Docket # : _____

JEFF BLACK, Applicant

PETITION TO VACATE PUBLIC WAY

COMES NOW, JEFF BLACK and after being duly sworn upon his oath, states:

1. That he is the owner of real estate situated in the County of Floyd, State of Indiana, abutting a segment of the public way, which segment of public way is described as follows and depicted in Exhibit "A" attached hereto:

AN APPROXIMATE 96 FOOT BY 50 FOOT UNNAMED STREET ADJACENT TO ROYAL OAK DRIVE AND LOCATED BETWEEN LOT 39 AND LOT 40 IN ROYAL OAKS ESTATES, SECTION 4, PLAT 1061 OF THE FLOYD COUNTY, INDIANA RECORDS.

2. That the segment of public way described and depicted in Exhibit "A" is not presently improved, does not serve currently any person, and limits the use of the Petitioner's real estate.

3. That there is a need to vacate the segment of public way described and depicted in Exhibit "A" because said segment of public way no longer opens to vacant land, but opens into developed lots.

4. That the names and addresses of the owners of all land abutting the real estate to be vacated are shown in the attached Exhibit "B".

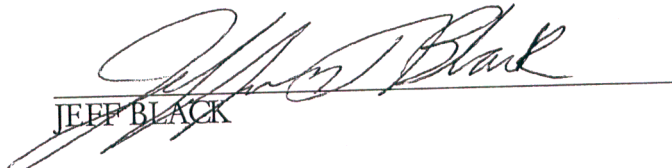
5. That notice of this Petition and of the time and place of the hearing on this Petition before the Board of County Commissioners should be sent by certified mail to the following, who constitute all owners of all land abutting the real estate to be vacated:

Gerald L. and Heather L. Proffitt
4234 Royal Oak Drive
New Albany, IN 47150

Boaz Properties
5508 Highlander Ct.
Greenville, IN 47124

WHEREFORE, Petitioners request the vacation of the unimproved public way described herein, pursuant to I.C. 36-7-3-12, and all other proper relief in the premises.

I AFFIRM UNDER THE PENALTIES PROVIDED FOR PERJURY THAT THE FOREGOING REPRESENTATIONS ARE TRUE AND CORRECT.


JEFF BLACK

OWNER'S DECLARATION

I, the undersigned, owner of the above described tract, do hereby acknowledge this to be the plat of Royal Oak Estates, Unit 4-Plat No. 1061, and do hereby dedicate to Public use the drainage and utility easements and right-of-ways as shown herein.

Greg Furnish/Developer

ACKNOWLEDGMENT

STATE OF INDIANA
COUNTY OF FLOYD

Before me, a Notary Public in and for said State and County, personally appeared the above named, this 14th day of April, 1981, and acknowledged the execution of the foregoing Official.

My commission expires 12/15/87. Notary Public: Max C. Mason

LEGAL DESCRIPTION

A part of Survey Number 106 of the Minnie Grant, New Albany Township, Floyd County, Indiana. Part of roads described in DD19-2471, more particularly described as follows: Commencing at the intersection of the West corner of Survey Number 85, the North corner of Survey 84, and the Southeastern line of Survey 106 of the Minnie Grant.

Then S 50°34'51" W, a distance of 23.36 feet, Thence N 84°07'58" W, a distance of 542.46 feet, Thence S 28°30'34" W, a distance of 272.36 feet, Thence N 84°37'54" W, a distance of 280.75 feet, Thence N 84°12'22" W, a distance of 300.20 feet, Thence N 83°50'04" W, a distance of 90.58 feet, Thence N 83°29'51" W, a distance of 33.47 feet to the TRUE PLACE OF BEGINNING, Thence N 83°29'51" W, a distance of 417.27 feet, Thence S 04°00'54" W, a distance of 183.30 feet, Thence S 02°25'21" W, a distance of 90.20 feet, Thence S 02°12'45" W, a distance of 420.29 feet, Thence S 02°12'00" W, a distance of 171.86 feet, Thence S 87°38'47" E, a distance of 500.00 feet, Thence N 02°21'13" E, a distance of 185.63 feet, Thence N 02°21'13" E, a distance of 87.80 feet, Thence S 87°38'47" E, a distance of 87.80 feet, Thence along a curve having a radius of 50.00 feet, arc length of 215.54 feet, delta angle of 248°45'45", a chord bearing of S 72°50'18" E, and a chord length of 83.50 feet, Thence along a curve having a radius of 20.00 feet, arc length of 21.03 feet, delta angle of 48°11'23", a chord bearing of N 82°29'51" E, and a chord length of 20.41 feet, Thence N 02°21'13" E, a distance of 50.00 feet, Thence along a curve having a radius of 20.00 feet, arc length of 20.01 feet, delta angle of 86°29'48", a chord bearing of N 30°53'41" W, and a chord length of 27.41 feet, Thence N 84°06'54" W, a distance of 114.47 feet, Thence N 25°15'25" W, a distance of 188.00 feet to the TRUE PLACE OF BEGINNING.

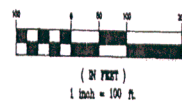
Containing 7.4828 Acres.



ROYAL OAK ESTATES
Unit 4-Plat No. 1061

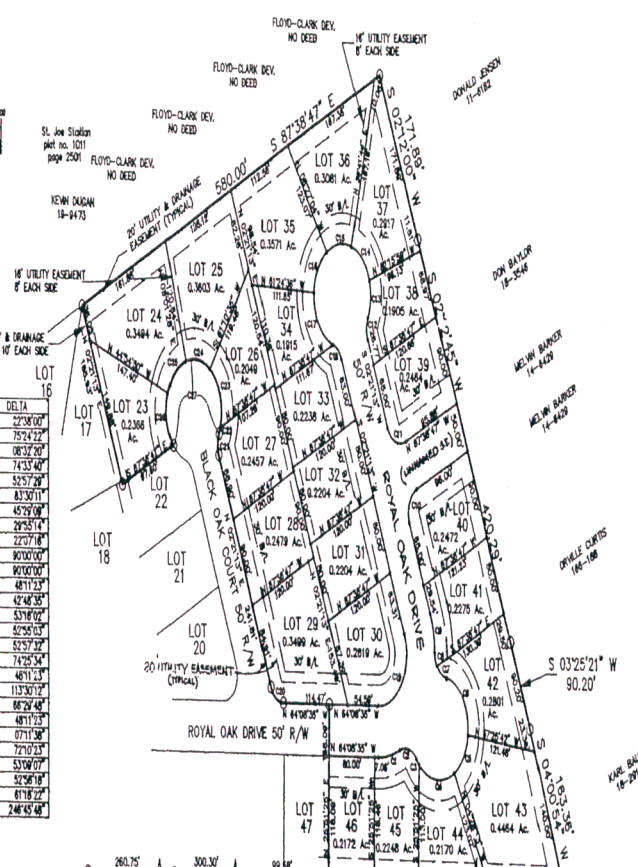
7.4828 Acres
24 Lots
Developer: Greg Furnish
Source of Title: DD 19-2471

NORTH
SCALE: 1 = 100'
PART OF GRANT 106
NEW ALBANY TOWNSHIP
FLOYD COUNTY
INDIANA



RECEIVED FOR RECORD
DATE: April 6, 1981
RECORDED IN: Plat No. 1061
INSTR. NO.: 5284
RECORDER OF FLOYD COUNTY

Table with columns: CURVE, RADIUS, LENGTH, CHORD, BEARING, DELTA. Contains 27 rows of curve data for the plat.



APPROVED BY NEW ALBANY PLANNING COMMISSION

Signature of Planning Commission member

APPROVED BY FLOYD COUNTY BOARD OF COMMISSIONERS

Signature of Board of Commissioners member

APPROVED BY NEW ALBANY ZONING BOARD

Signature of Zoning Board member

ENTERED FOR TAXATION

Signature of tax assessor

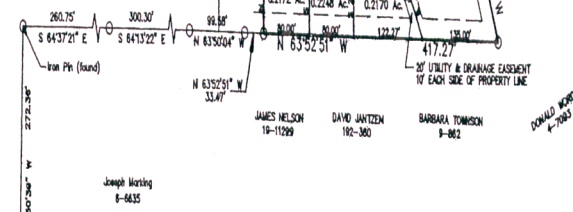
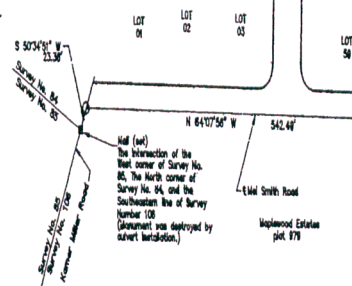
PROTECTIVE COVENANTS

Text of protective covenants

SURVEYOR'S CERTIFICATION

I hereby certify that this plat of Royal Oak Estates and the survey shown herein were made under my supervision and the angles and linear measurements are true and correct to the best of my knowledge and belief, in accordance with The IAS LAC 11-1.2.

DATE: APR 31 1981



SURVEYOR'S REPORT

- 1. Topcon GTS-30 total station TU=0.338 FT/1000 FT
2. Class 3rd Survey
3. Points of conflict or interest are noted on the drawing
4. Curb cuts on projection of side lot lines, iron pins set on all back lot corners.
5. This survey was based upon the location of the found monuments shown. No discrepancies were found with these monuments physical condition. The uncertainty associated with these monuments is the difference between the measured distances and the deed distances.
6. Prior Deeds and surveys show slightly different distances. However, these records do not state a level of accuracy used in the measurement and setting of corners.



BOB ISGRIGG & ASSOCIATES
118 HALF CREEK AVENUE
BLOOMINGVILLE, INDIANA 47130
TEL. (812) 886-1811
FAX (812) 886-1812

Exhibit "A"

Adjoining Property Owners:

Gerald L. Proffitt
Heather L. Proffitt
4234 Royal Oak Drive
New Albany, IN 47150

Boaz Properties
5508 Highlander Ct.
Greenville, IN 47124

STATE OF INDIANA
COUNTY OF FLOYD
BEFORE THE BOARD OF COUNTY COMMISSIONERS

IN RE THE VACATION OF
A PUBLIC WAY IN ROYAL OAK
ESTATES SUBDIVISION

Docket # : _____

JEFF BLACK, Applicant

LEGAL NOTICE

Notice is hereby given that Jeff Black has filed a petition to vacate a certain unimproved public way in Floyd County, Indiana more particularly described as follows:

AN APPROXIMATE 96 FOOT BY 50 FOOT UNNAMED STREET ADJACENT TO ROYAL OAK DRIVE AND LOCATED BETWEEN LOT 39 AND LOT 40 IN ROYAL OAKS ESTATES, SECTION 4, PLAT 1061 OF THE FLOYD COUNTY, INDIANA RECORDS.

The general geographic area which is the subject of this petition is a part of Royal Oak Estates Subdivision, New Albany Township, Floyd County, Indiana, between Lots 39 and 40.

All persons are hereby notified that a public hearing BEFORE THE BOARD OF COMMISSIONERS OF FLOYD COUNTY, INDIANA, will be held on the ___ day of _____, 2009, at _____ o'clock ____ .m., at the following address:

_____.

A copy of the Petition is on file at the Office of the Floyd County Commissioners and the Office of the Floyd County Auditor, 311 Hauss Sqaure, Room 118-119, New Albany, Indiana.

Written objections that are filed prior to the hearing will be considered. Oral comments will be heard at the hearing. The hearing may be continued from time to time as may be necessary.

Dated this ___ day of _____, 2009.

FLOYD COUNTY AUDITOR

Proof of Publication

STATE OF INDIANA
COUNTY OF FLOYD - SS

Melissa Tolnay On oath says that she is the bookkeeper of The Tribune and in the employ of the publisher of

THE TRIBUNE,

a daily newspaper of general circulation printed and published in the city of New Albany, Floyd County, State of Indiana, and further says that the annexed advertisement was published in said paper for #() time(s) to-wit: In issue of said Tribune dated: November 22, 2009.

(X) Melissa Tolnay

STATE OF INDIANA
COUNTY OF FLOYD

subscribed and sworn to before me this

23rd day of November, 2009.

(X) Joan Galligan
JOAN GALLIGAN

Notary Public, Floyd County, Indiana
(My Commission Expires August 27, 2014)

STATE OF INDIANA
COUNTY OF FLOYD BE-
FORE THE BOARD OF
COUNTY COMMISSION-
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IN ROYAL OAK ESTATES
SUBDIVISION JEFF
BLACK, Applicant
Docket#

LEGAL NOTICE

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Publication

Fee \$ 50.87

01572384

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Gerald L. Proffitt
 Heather L. Proffitt
 4234 Royal Oak Dr.
 New Albany, IN 47150

2. Article (Trans

7009 0820 0000 3836 5214

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

- Certified Mail Express Mail
- Registered Return Receipt for Merchandise
- Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154

UNITED STATES POSTAL SERVICE

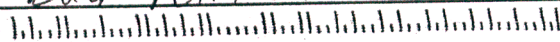


First-Class Mail
 Postage & Fees Paid
 USPS
 Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Mr. Jason A. Lopp
 Young, Lind, Endres & Kraft
 126 W. Spring Street
 New Albany, IN 47150

Jeff Black Petition



RECEIVED NOV 14 2009

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Larry W. Denison
 Bobbi W. Denison
 4299 Royal Oak Dr.
 New Albany, IN 47150

2. Article Number (Print)

7004 0820 0000 3836 5191

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *[Signature]*

Agent

Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from Item 1? Yes
If YES, enter delivery address below: No

3. Service Type

Certified Mail

Express Mail

Registered

Return Receipt for Merchandise

Insured Mail

C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

STATES POSTAL SERVICE

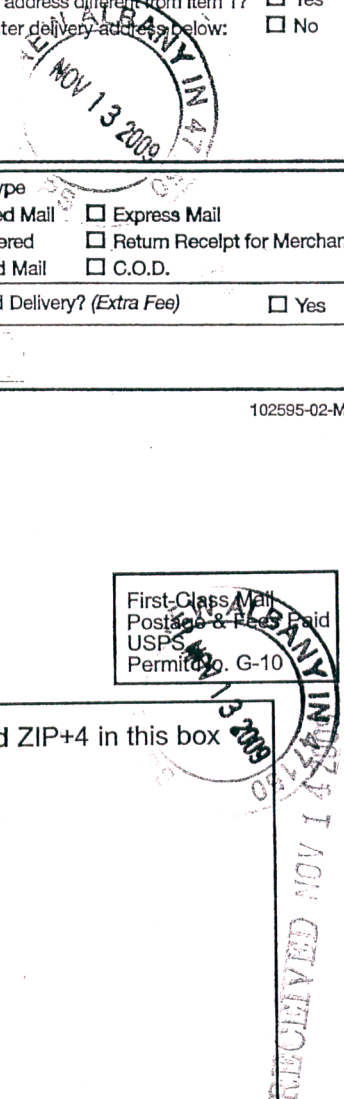


First-Class Mail
 Postage & Fees Paid
 USPS
 Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box

Mr. Jason A. Lopp
 Young, Lind, Endres & Kraft
 126 W. Spring Street
 New Albany, IN 47150

Jeff Black Petition



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1. Article Addressed to:

Boaz Properties
 5508 Highlander Ct.
 Greenville, IN 47124

2. Article (Tran.

7009 0820 0000 3836 5207

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Earl Bush*

- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

11/18/09

D. Is delivery address different from item 1? If YES, enter delivery address below:

- Yes
- No

3. Service Type

- Certified Mail
- Registered
- Insured Mail
- Express Mail
- Return Receipt for Merchandise
- C.O.D.

4. Restricted Delivery? (Extra Fee)

- Yes

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

UNITED STATES POSTAL SERVICE



First-Class Mail
 Postage & Fees Paid
 USPS
 Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Mr. Jason A. Lopp
 Young, Lind, Endres & Kraft
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 New Albany, IN 47150

Jeff Black Potition

