

N/C  
15 Pgs

Ordinance No. 2005-02

PATRICIA A BROOKS  
WARRICK COUNTY RECORDER

RECORDED ON  
03/03/2005 11:44:52AM  
REC FEE: 0.00  
PAGES: IN 15

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED EASEMENTS IN WARRICK COUNTY, INDIANA: See Attached Exhibits "A", "B", "C", "D" & "E"  
BE IT ORDAINED by the Board of Commissioners of Warrick County, Indiana, as follows, to-wit:

- Section I. A verified petition was presented to the Board of Commissioners of Warrick County requesting that the aforesaid easements be vacated.
- Section II. That after due and proper notice a timely public hearing was convened by the Board of Commissioners, at which time all interested persons were permitted to address regarding said vacation.
- Section III. That the Board of Commissioners of Warrick County, after due investigation and consideration has determined that the nature and extent of public use and the public interest to be observed is such as to warrant the vacation of that part of the public way or public place described as follows, and further described with the drawing hereto attached, which is made a part of this Ordinance.

See Exhibits "A", "B", "C", "D" & "E"

Therefore, the Board of Commissioners of Warrick County, Indiana, does hereby find the above described public utility easement is no longer required for public use and the public interest will be served by such vacation, and the Board of Commissioners of Warrick County does hereby vacate the public utility easement described in Section III above subject to the terms and conditions as stated in this Ordinance.

Board of Commissioners for Warrick County

Phillip H. Baxter  
President

Don William  
Vice-President

Jeffrey Evans

Attest:

Richard J. Kixmiller  
County Auditor

Date Approved: 1-12-05

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### Description of a portion of a 10' Public Utility Easement to be Vacated

Part of Lot 24 in Lakeridge Crossing, Section "A", as per plat thereof, recorded in Plat File 1, Card 492 in the office of the Recorder of Warrick County, Indiana and being more particularly described as follows: *Inst 83687*

Commencing at the Northwest corner of said Lot 24; thence along the west line of said Lot, South 23 degrees 56 minutes 33 seconds West 10.00 feet to the point of beginning; thence parallel with the northeast line of said Lot 24 and the right-of-way of Oak Bend Place, South 66 degrees 03 minutes 27 seconds East 10.00 feet; thence parallel with the west line of said Lot 24, South 23 degrees 56 minutes 33 seconds West 131.58 feet to a point on the northeast line of a 10-foot Public Utility and Drainage Easement as per plat of said Lakeridge Crossing, Section "A"; thence along the northeast line of said easement, North 57 degrees 04 minutes 12 seconds West 10.12 feet to a point on the west line of said Lot 24; thence along the west line of said Lot 24, North 23 degrees 56 minutes 33 seconds East 130.00 feet to the point of beginning.

Subject to all easements and rights-of-ways of record.

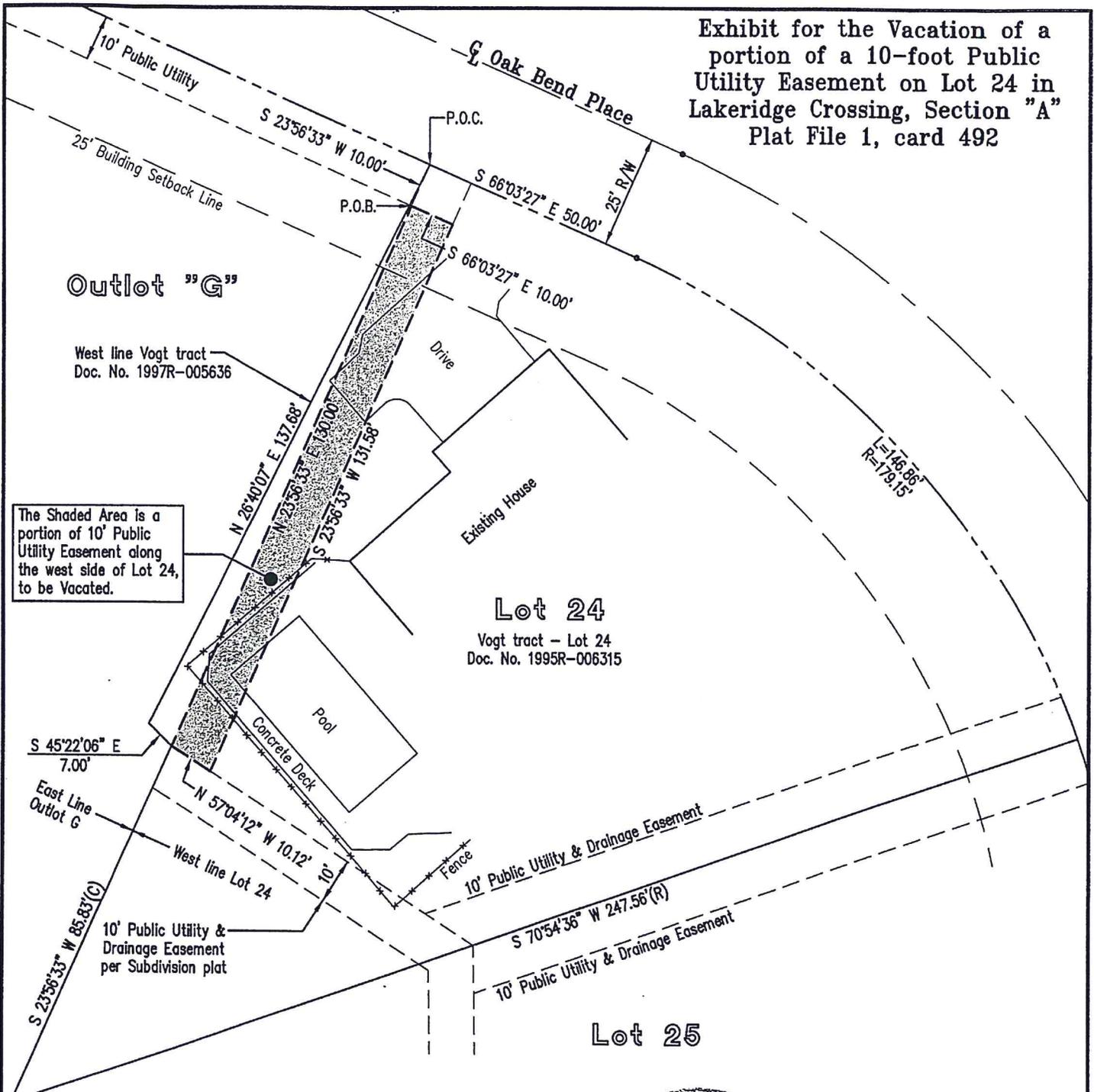
Witness my hand and seal this 15<sup>th</sup> day of NOVEMBER, 2004.



*Scott P*

Scott D. Buedel, P.L.S.  
Indiana Registration No. 29900031  
Morley and Associates, Inc.  
600 S. E. Sixth Street  
Evansville, IN 47713  
(812) 464-9585

Exhibit for the Vacation of a portion of a 10-foot Public Utility Easement on Lot 24 in Lakeridge Crossing, Section "A" Plat File 1, card 492



The Shaded Area is a portion of 10' Public Utility Easement along the west side of Lot 24, to be Vacated.

Lot 24  
Vogt tract - Lot 24  
Doc. No. 1995R-006315



*Scott D. Buedel*  
11-15-04



SCALE 1" = 30'

**Morley and Associates inc.**  
 600 S.E. SIXTH STREET/EVANSVILLE, IN. 47713  
 PHONE: (812) 464-9585 FAX: (812) 464-2514

|                        |                                      |                  |                     |
|------------------------|--------------------------------------|------------------|---------------------|
| Proj. No.:<br>3329-4-H | Filename:<br>vacate-original-PUE.dwg | Date:<br>10/5/04 | Drawn by:<br>Buedel |
|------------------------|--------------------------------------|------------------|---------------------|

Revised bearing on 11/15/04

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**Description for the Public Utility portion  
of a 10-foot Public Utility and  
Drainage Easement, to be Vacated**

Part of Lot 24 in Lakeridge Crossing, Section "A", as per plat thereof, recorded in Plat File 1, Card 492 in the office of the Recorder of Warrick County, Indiana and being more particularly described as follows:

Commencing at the Northwest corner of said Lot 24; thence along the west line of said Lot, South 23 degrees 56 minutes 33 seconds West 140.00 feet to the northwest corner of a 10-foot Public Utility and Drainage Easement as per plat of said Lakeridge Crossing, Section "A" and being the point of beginning; thence along the northeast line of said easement, South 57 degrees 04 minutes 12 seconds East 79.60 feet to a point on the southeast line of said Lot 24; thence along said southeast line, South 70 degrees 54 minutes 36 seconds West 12.69 feet; thence along the southwest line of said easement, North 57 degrees 04 minutes 12 seconds West 70.21 feet to a point on the west line of said Lot 24; thence along said west line, North 23 degrees 56 minutes 33 seconds East 10.12 feet to the point of beginning;

Subject to all easements and rights-of-ways of record.

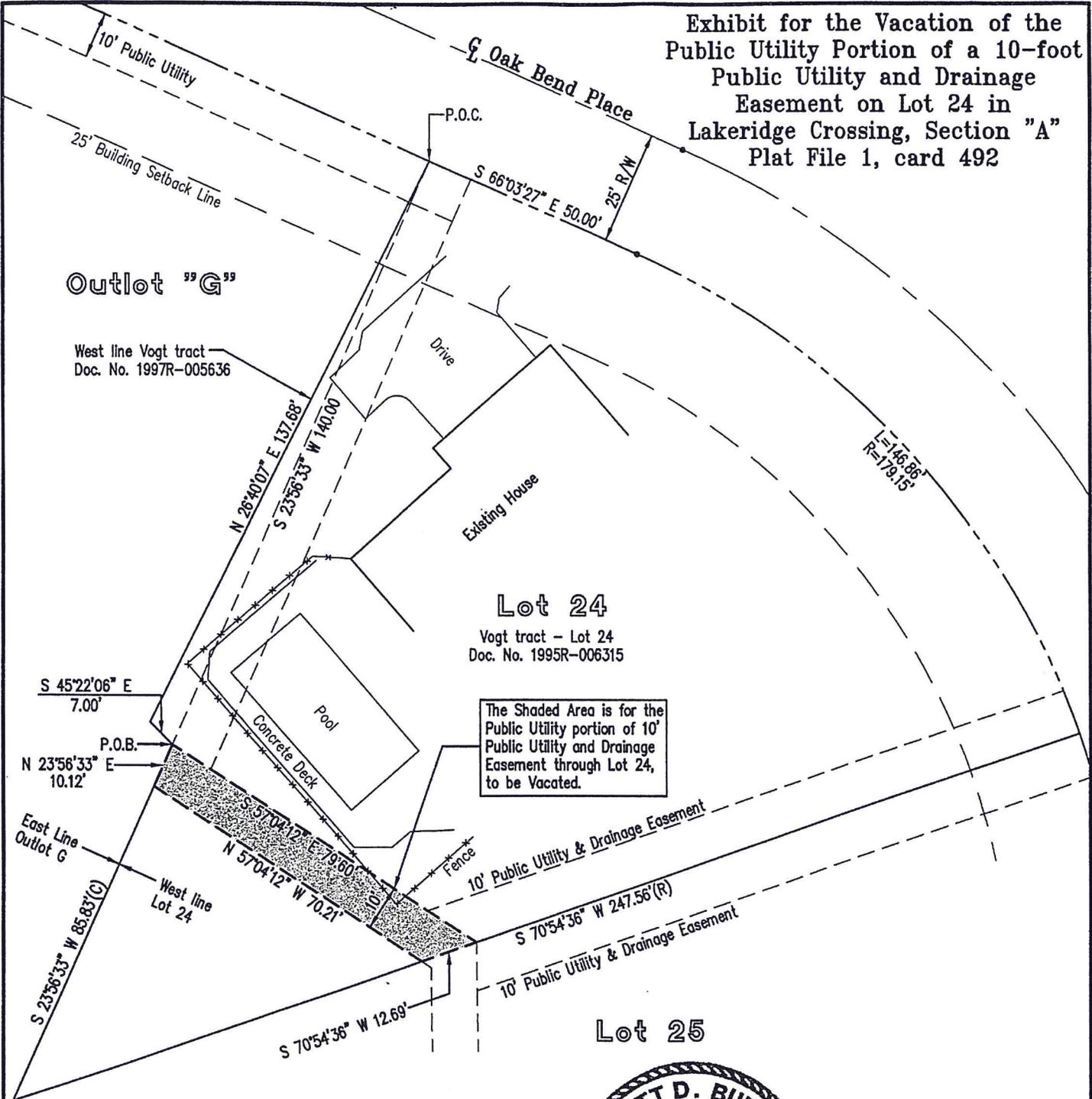
Witness my hand and seal this 15<sup>th</sup> day of NOVEMBER, 2004.



A handwritten signature in cursive script, appearing to read "Scott D. Buedel", written over a horizontal line.

Scott D. Buedel, P.L.S.  
Indiana Registration No. 29900031  
Morley and Associates, Inc.  
600 S. E. Sixth Street  
Evansville, IN 47713  
(812) 464-9585

Exhibit for the Vacation of the Public Utility Portion of a 10-foot Public Utility and Drainage Easement on Lot 24 in Lakeridge Crossing, Section "A" Plat File 1, card 492



The Shaded Area is for the Public Utility portion of 10' Public Utility and Drainage Easement through Lot 24, to be Vacated.



*Scott D. Buedel*  
11-15-04



SCALE 1" = 30'

**Morley and Associates inc.**  
 600 S.E. SIXTH STREET/EVANSVILLE, IN. 47713  
 PHONE: (812) 464-9585 FAX: (812) 464-2514

|                        |  |                   |                     |
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| Proj. No.:<br>3329-4-H | Filename:<br>vacate-PUE from PUE-D.dwg | Date:<br>11/15/04 | Drawn by:<br>Buedel |
|------------------------|--|-------------------|---------------------|



GRANTOR

*Donald A. W. Kelly, Inc.*  
*D. McLean Jamison*

EXHIBIT B



SCALE: 1" = 60'

LAKERIDGE CROSSING SEC. A  
PF# 1 CD. 492-1

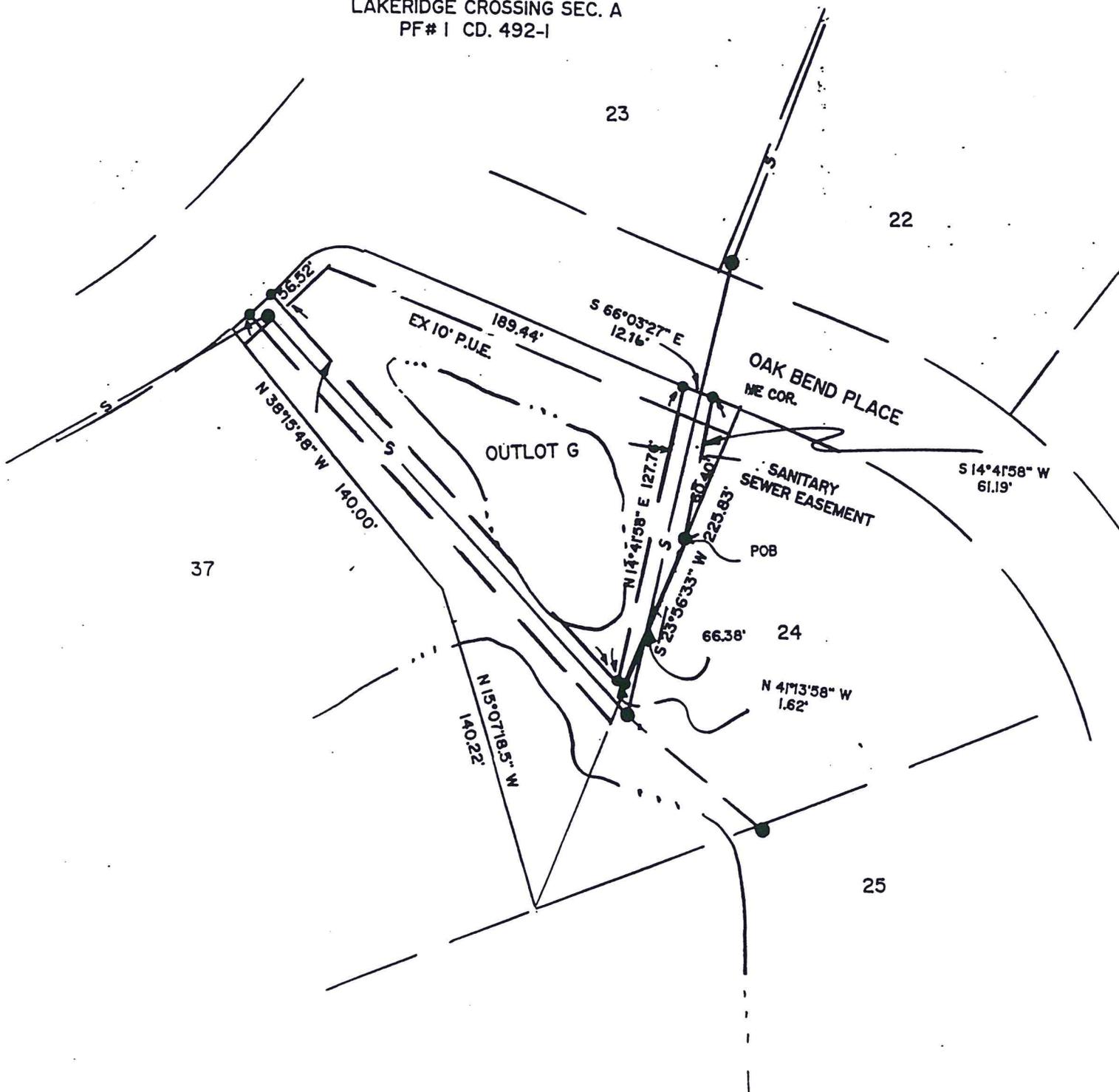


EXHIBIT A

A Sanitary Easement of Outlot G of Lakeridge Crossing Subdivision Section "A" as recorded in Plat File # 1 Card # 492-2 in the office of recorder in Ohio Township, Warrick County, Indiana and more particularly described as follows:

Commencing at the Northeast Corner of said outlot G: thence South 23 degrees 56 minutes 33 seconds West, a distance of 60.40' to the POINT OF BEGINNING; thence continuing southwesterly along said line, a distance of 66.38'; thence North 41 degrees 13 minutes 58 seconds West, a distance of 1.62'; thence North 14 degrees 41 minutes 58 seconds East, a distance of 127.76'; thence South 66 degrees 03 minutes 27 seconds East, a distance of 12.16'; thence South 14 degrees 41 minutes 58 seconds West, a distance of 61.19' to the POINT OF BEGINNING; said described tract containing 1,182.7073 square feet (0.0272 acre), more or less.

DOC NO: 1997R-001735

DATE: 1997-02-28 TIME: 02:10 PM  
MARRICK COUNTY RECORDER, SHANNON WEISHEIT Pages: 3



## EXHIBIT A

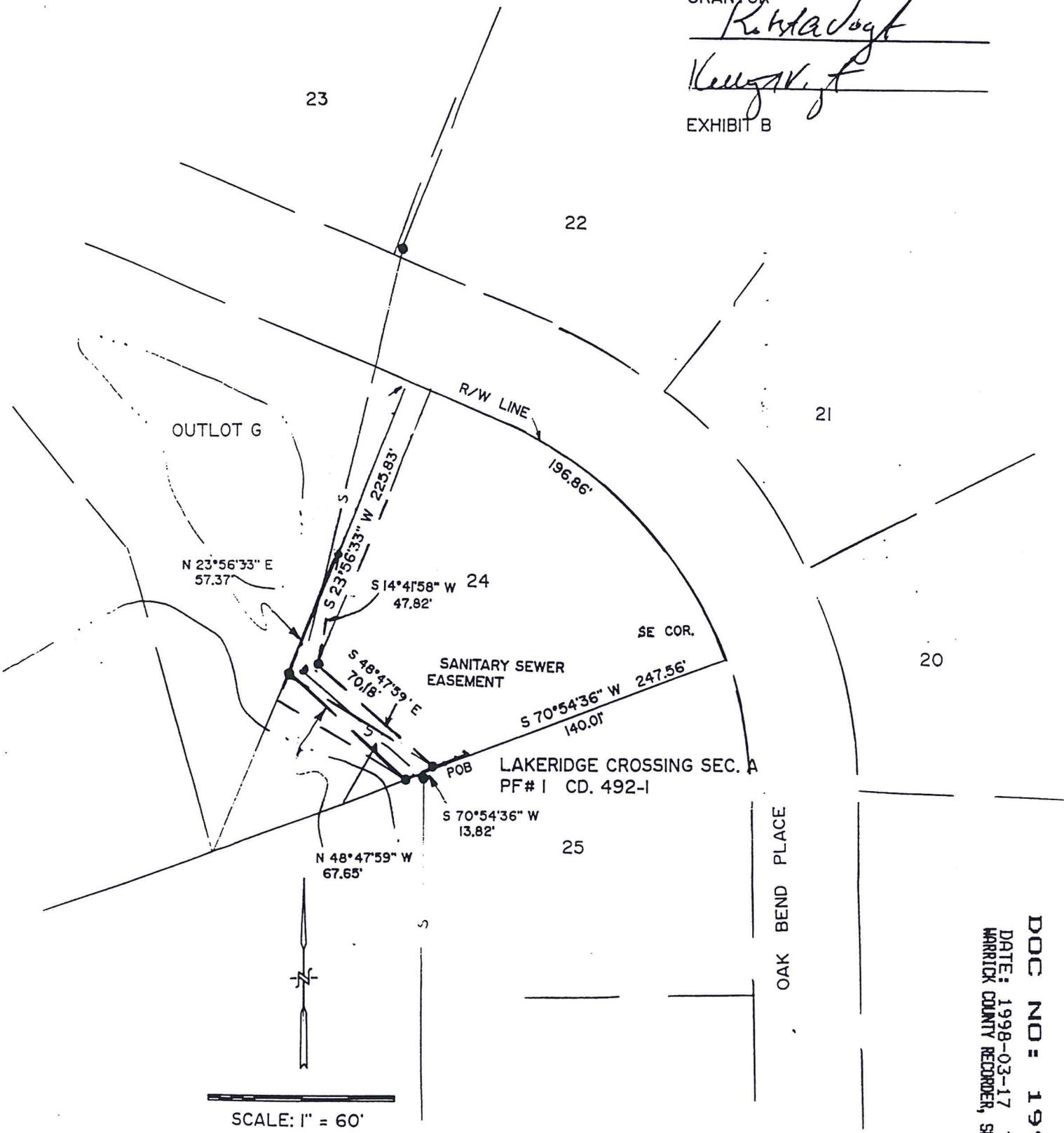
A Sanitary Easement of Lot 24 of Lakeridge Crossing Subdivision Section "A" as recorded in Plat File# 1 Card 492-1 in the office of recorder in Ohio Township, Warrick County, Indiana and more particularly described as follows;

Commencing at the Southeast Corner of said Lot 24; thence South 70 degrees 54 minutes 36 seconds West, a distance of 140.01' to the POINT OF BEGINNING; thence continuing westerly along said line, a distance of 13.82'; thence North 48 degrees 47 minutes 59 seconds West, a distance of 67.65'; thence North 23 degrees 56 minutes 33 seconds East, a distance of 57.37'; thence South 14 degrees 41 minutes 58 seconds West, a distance of 47.82'; thence South 48 degrees 47 minutes 59 seconds East, a distance of 70.18' to the POINT OF BEGINNING; said described tract containing 1,047.3470 square feet (0.0240 acre), more or less.

GRANTOR

*Robert A. Vogt*  
*Kelly A. Vogt*

EXHIBIT B



PREPARED BY:  
UTILITIES CONSULTING INC.  
109 STATE STREET  
NEWBURGH, IN. 47630

DOC NO: 1998R-002799  
DATE: 1998-03-17 TIME: 08:21 AM  
HARRICK COUNTY RECORDER, SHANNON WEISHEIT  
Pages: 3

060-5800-0198

SANITARY SEWER EASEMENT

**THIS INDENTURE WITNESSETH:** That **CASTLE GLEN DEVELOPMENT CORPORATION**, an Indiana corporation, with its principal office and place of business located in the Town of Newburgh, Warrick County, State of Indiana, hereinafter referred to as the "**Grantor**", for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable considerations, the receipt and sufficiency of which are hereby acknowledged, does hereby

**-GIVE AND GRANT-**

unto the **TOWN OF NEWBURGH SEWER DEPARTMENT, NEWBURGH, INDIANA**, hereinafter referred to as the "**Grantee**", a certain easement and right-of-way to construct, operate, install, control, maintain, repair, reconstruct or remove one sanitary pipe and all appurtenant and necessary structures to transmit sewage over, across, under, through and within a certain parcel of real estate located in Warrick County, Indiana, more particularly described in Exhibit "A" and shown in Exhibit "B" both attached hereto and made a part hereof.

Said easement and right-of-way is hereby granted for the purpose of a sanitary sewer and is accepted by the Grantee herein subject to the following terms and conditions, to-wit:

1. All pipes, lines and other structures shall be constructed beneath the surface of the ground and shall be so constructed as to not unduly interfere with normal usage of Grantor's real estate.
2. Neither the Grantor nor its successors in title shall construct any improvements upon said easement and right-of-way.
3. No structures other than for the purpose of transmitting sewage shall be located within said area of land and any fence located within said area of land is subject to removal without liability in the use of said easement.
4. Title to any pipes, lines and appurtenant structures of the Grantee shall always remain in the Grantee.
5. This easement shall also include the right of ingress and egress in order to carry out the purpose of the easement and shall be binding upon and inure to the benefit of the Grantor herein and its successors in title and shall also be binding upon and inure to the benefit of the Grantee herein and its successor in title.
6. This easement pertains to Grantor's real estate described in a certain Warranty Deed recorded as Document Number 1995R-008228, in the office of the Recorder of Warrick County, Indiana.

7. The legal description for this easement was furnished by and based upon a certain survey prepared by Scott D. Buedel, Land Surveyor, of Morley and Associates, Inc., Land Surveyors, dated June 21, 2001.

The undersigned person executing this deed on behalf of Grantor represents and certifies that he is a duly elected officer of Grantor and has been fully empowered by proper resolution of the Board of Directors of Grantor to execute and deliver this easement; that Grantor has full corporate capacity to grant this easement, that Grantor-Corporation has not been dissolved, is in good standing with the Secretary of State of Indiana and that all necessary action for the granting of said easement has been taken and done.

IN WITNESS WHEREOF, the said **CASTLE GLEN DEVELOPMENT CORPORATION**, an Indiana corporation, has caused these presents to be duly executed by its authorized officer, this 10<sup>TH</sup> day of July, 2001.

**CASTLE GLEN DEVELOPMENT CORPORATION**  
By Ronald A. McGillem, Pres.  
Its PRESIDENT

STATE OF INDIANA     )  
  ) SS:  
WARRICK COUNTY     )

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Ronald A. McGillem, the President of **CASTLE GLEN DEVELOPMENT CORPORATION**, an Indiana corporation, who acknowledged the execution of the above and foregoing instrument for and on behalf of said corporation, to be his and said corporation's voluntary act and deed.

WITNESS my hand and Notarial Seal this 10 day of July, 2001.

My commission expires:

12/4/07

Kimberly A. Rockhill  
Kimberly A. Rockhill  
Notary Public

Residence of Notary Public:

Warrick County, Indiana.



THIS INSTRUMENT PREPARED BY PHILIP H. SIEGEL, ATTORNEY AT LAW, EVANSVILLE, INDIANA.

J:\3329\3329 SSE 2 Description.doc

## Sanitary Sewer Easement

Part of Outlot "G" in LakeRidge Crossing Section "A", as per plat thereof, recorded in Plat File 1, Card 492-1 and Card 492-2, in the office of the Recorder of Warrick County, Indiana and being more particularly described as follows:

Commencing at the northeast corner of said Outlot "G"; thence along the east line thereof, South 23 degrees 56 minutes 33 seconds West 140.00 feet to the southeast corner of a tract of ground conveyed to Robert A. and Kelly A. Vogt recorded as Doc. No. 1997R-005636 in said office of the Recorder; thence along the south line of said Vogt tract, North 45 degrees 22 minutes 06 seconds West 7.00 feet to the southwest corner of said Vogt tract, said point being the true point of beginning; thence along the extended south line of said Vogt tract, North 45 degrees 22 minutes 06 seconds West 16.97 feet; thence North 39 degrees 07 minutes 42 seconds East 52.11 feet to a point on the west line of an existing sanitary sewer easement recorded as Doc. No. 1997R-001735; thence along the west line of said existing sewer easement, South 14 degrees 41 minutes 58 seconds West 23.61 feet to a point on the west line of said Vogt tract; thence along the west line of said Vogt tract, South 26 degrees 40 minutes 07 seconds West 33.02 feet to the point of beginning, containing 521 square feet.

Subject to all easements and rights-of-way of record.

WITNESS my hand and seal this 21<sup>st</sup> day of JUNE, 2001.

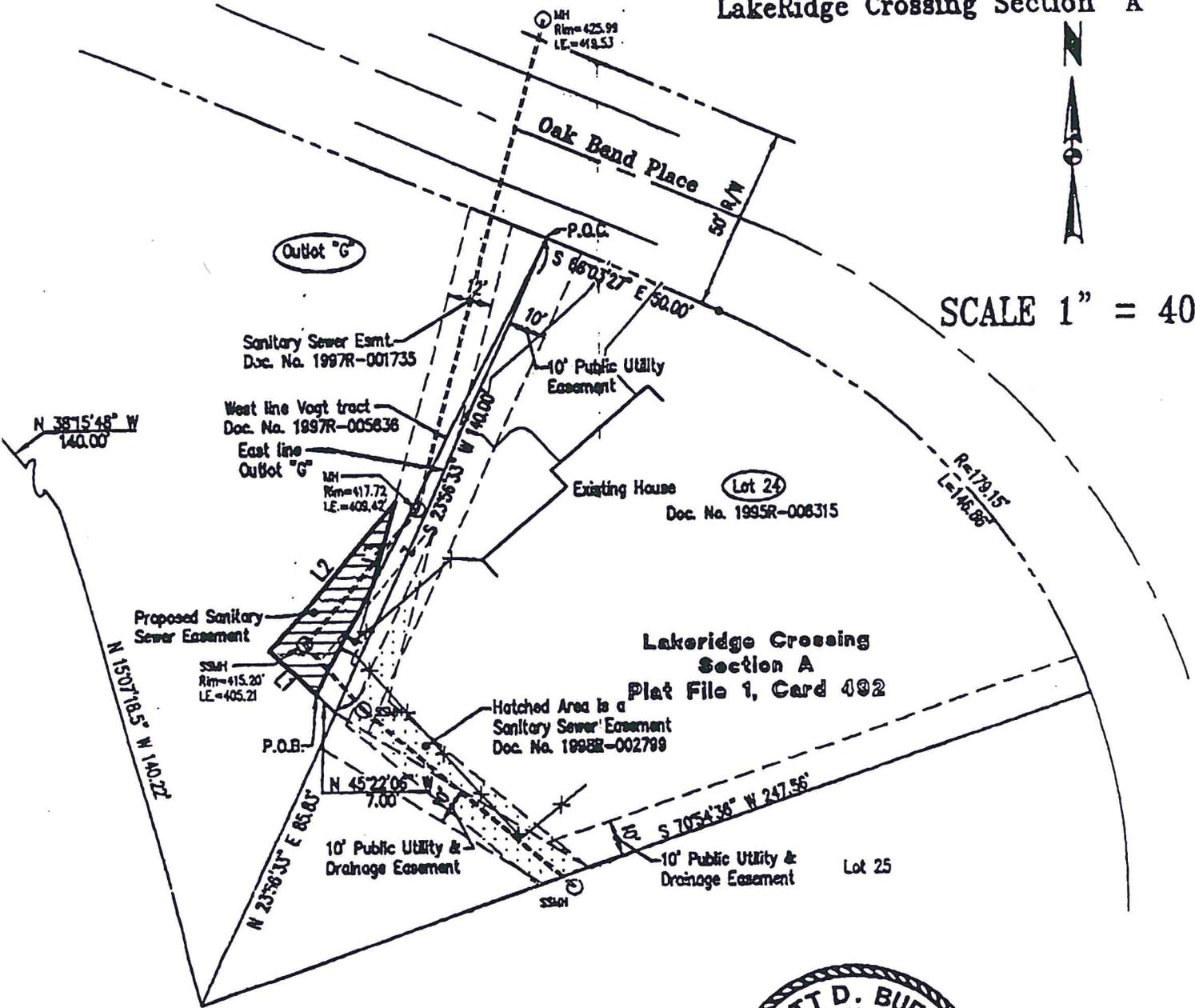


A handwritten signature in black ink that reads "Scott D. Buedel". The signature is written in a cursive style and is positioned above a horizontal line.

Scott D. Buedel, P.L.S.  
Indiana Reg. No. 00031  
Morley and Associates, Inc.  
600 S. E. Sixth Street  
Evansville, IN 47713-1222  
(812) 464-9585

EXHIBIT "A"

Sanitary Sewer Easement Exhibit  
Outlot "G"  
LakeRidge Crossing Section "A"



EASEMENT LINE TABLE

| NUMBER | DIRECTION     | DISTANCE |
|--------|---------------|----------|
| L1     | N 45°22'08" W | 18.97'   |
| L2     | N 39°07'42" E | 52.11'   |
| L3     | S 14°41'58" W | 23.61'   |
| L4     | S 26°40'07" W | 33.02'   |



*Scott D. Buedel*  
6-21-01

**Morley and Associates inc.**

600 S.E. SIXTH STREET/EVANSVILLE, IN. 47713  
PHONE: (812) 464-9585 FAX: (812) 464-2514

|                       |                                   |                  |                         |                     |
|-----------------------|-----------------------------------|------------------|-------------------------|---------------------|
| Proj. No.:<br>3329-4G | Filename:<br>sec A/OUTLOT Gss.dwg | Date:<br>6-21-01 | Chk. By:<br>S.D. Buedel | Drawn by:<br>B.A.S. |
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RECORDED ON  
03/03/2005 11:44:52AM  
REC FEE:  
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PAGES:  
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PATRICIA A BROOKS  
WARRICK COUNTY RECORDER

2005R-0022-17