Ordinance No. 2005-16

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED EASEMENTS IN WARRICK COUNTY, INDIANA:

Part of the 12' P.U. & Drainage Easement located along the west line of Lot 16 in Highpointe Center Section E No. 2 as per plat thereof, recorded in Plat File 1, Card 478 in the office of the Recorder of Warrick County, Indiana; also part of the 15' P.U. & Drainage Easement located on said Lot 16; Also part of the 10' Public Utility & Drainage Easement located along the northeast line of Lot 25 in said Highpointe Center all of which is part of Wyntree Villas - Section 1, as per plat thereof, recorded as Doc. #2003R-019365 in said office of the Recorder and all being more particularly described as follows:

Beginning at a corner of said Wyntree Villas, said point being South 00 degrees 04 minutes 21 seconds East 130.00 feet from the Northwest corner of Lot 16 in said Highpointe Center; thence along the boundary of Wyntree Villas, North 89 degrees 55 minutes 39 seconds East 12.00 feet to a point on the east line of said 12 foot P. U. & Drainage Easement; thence along the east line thereof, South 00 degrees 04 minutes 21 seconds East 30.01 feet to a point on the south line of said Lot 16; thence along the south line thereof, North 89 degrees 59 minutes 48 seconds East 188.00 feet to a point on the west line of said 15' P.U. & Drainage Easement; thence along said west line, North 00 degrees 04 minutes 21 seconds West 4.89 to a point on the south line of a variable width P.U.E. per said Wyntree Villas - Section 1; thence along said south line, North 89 degrees 55 minutes 39 seconds East 15.03 feet to a point the east line of said 15' P.U. & Drainage Easement; thence along said east line, South 00 degrees 33 minutes 57 seconds West 14.91 feet to a point on the south line of said 10' Public Utility & Drainage Easement; thence along said south line, South 89 degrees 59 minutes 48 seconds West 214.86 feet to the Southwest corner of said easement; thence along the west line of said easement and the west line of said Lot 16, North 00 degrees 04 minutes 21 seconds West 40.00 feet to the point of beginning containing 2583 square feet (0.06 acres).

Subject to a 6 foot P.U.E. per said plat of Wyntree Villas.

Subject to a 2 foot S.S.E. per said plat of Wyntree Villas.

Subject to a 10 foot P.U.E per said plat of Wyntree Villas.

Subject to all easements, rights-of-way, and building and use restrictions of record.

See Exhibit "A" for Exhibit of Area being vacated.

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.

Therefore, the Board of Commissioners of Warrick County, Indiana, does hereby find that the portion of the above described public utility and drainage 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 and drainage easements described in Section III above subject to the terms and conditions as stated in this Ordinance.

Board of Commissioners for Warrick County

P. Lilliph H. Baxter
President

Don Williams
Vice-President

Attest:
Richard A. Kirmiller
Richard Kirmiller

8/26/05
Date.

BEFORE THE BOARD OF COMMISSIONERS OF WARRICK COUNTY

PETITION FOR THE VACATION OF PUBLIC WAYS

ORDINANCE NO.: 2005-16

PETITIONERS: Fritch Properties II, LLC
ADDRESS: 302 Main St. P.O. Box 731
Jasper, IN 47547

1. Petition is hereby made for the vacation of the following described easements in Warrick County, Indiana, to-wit:

Part of the 12' P.U. & Drainage Easement located along the west line of Lot 16 in Highpointe Center Section E No. 2 as per plat thereof, recorded in Plat File 1, Card 478 in the office of the Recorder of Warrick County, Indiana; also part of the 15' P.U. & Drainage Easement located on said Lot 16; Also part of the 10' Public Utility & Drainage Easement located along the northeast line of Lot 25 in said Highpointe Center all of which is part of Wyntree Villas - Section 1, as per plat thereof, recorded as Doc. #2003R-019365 in said office of the Recorder and all being more particularly described as follows:

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Subject to a 6 foot P.U.E. per said plat of Wyntree Villas.
Subject to a 2 foot S.S.E. per said plat of Wyntree Villas.
Subject to a 10 foot P.U.E per said plat of Wyntree Villas.
Subject to all easements, rights-of-way, and building and use restrictions of record.

2. Petitioners own the real estate wherein the described easement is sought to be vacated. Petitioner seeks to vacate this easement so another phase of Wyntree Villas can be recorded.

3. The names and addresses of the persons, in addition to the petitioners who own the property, adjoining the property and within 200 feet of the property to be vacated by this petition are listed: SEE ATTACHMENT AS EXHIBIT "B".

4. Attached to this petition is a location map/site plan, Exhibit "A", which more particularly identifies the area sought to be vacated by this petition and the existing conditions upon the areas adjacent thereto. Filed concurrently herewith is a completed ordinance respecting the proposed vacation, notices to landowners whose land adjoins the property to be vacated and notice by publication for publication one (1) time in a newspaper of general circulation in the city.

Dated this 2ND day of August, 2005.

Dave Fritch

Dave Fritch (Owner)
Fritch Properties II, LLC
302 Main St. P.O. Box 731
Jasper, IN 47547

STATE OF INDIANA)
) SS:
COUNTY OF DuBois)

Before me, the undersigned, a Notary Public, in and for said County and State, personally appeared the within David Fritch (Fritch Properties II, LLC), known to me to be a Petitioner, who acknowledged the execution of the above and foregoing petition.

Witness my hand and Notarial Seal this 2ND day of August, 2005.

Stephani M. Fleck
Notary Public

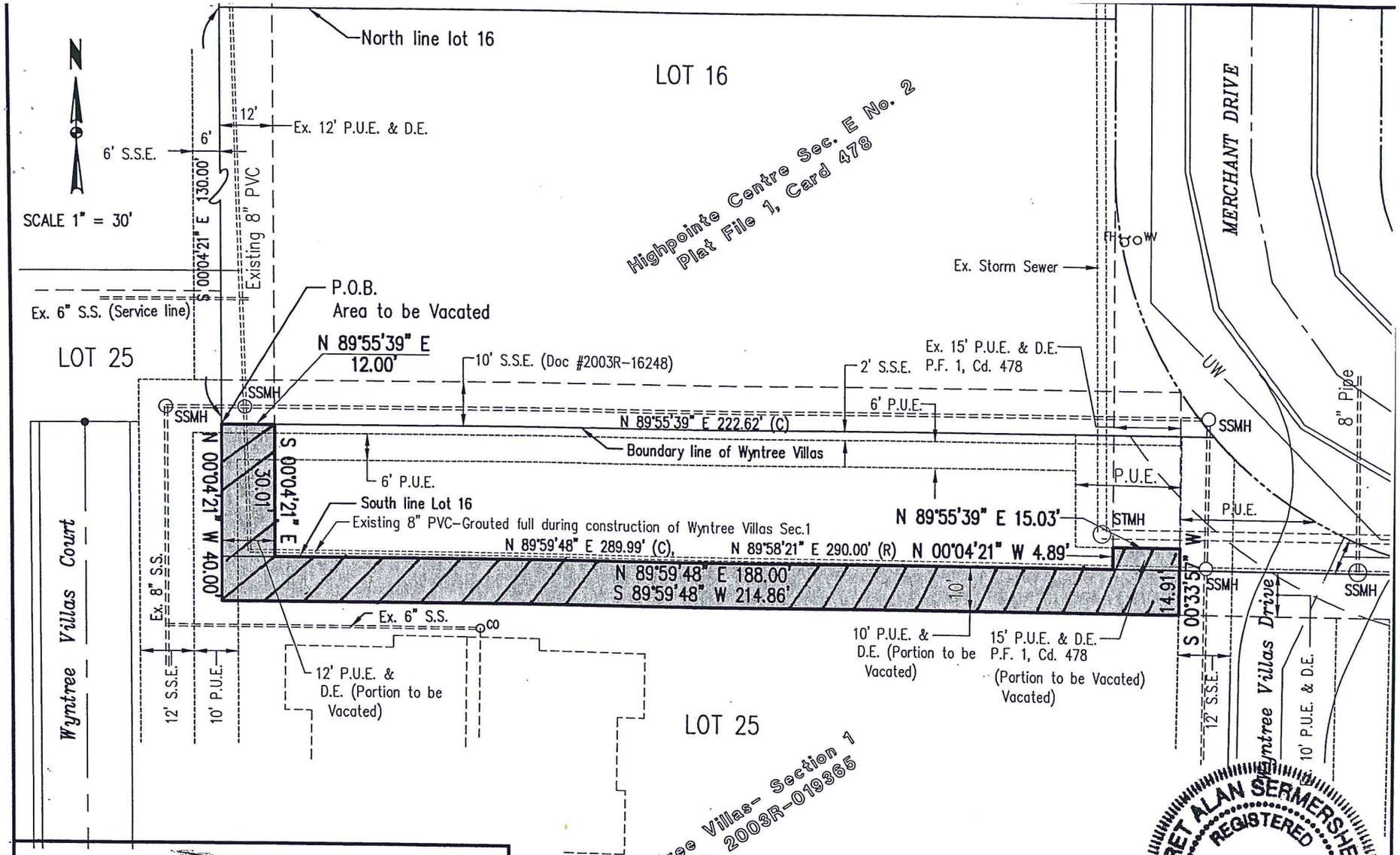
Stephani M. Fleck
Printed Name

My Commission Expires: 6-8-09

Notary is a resident of DuBois County, INDIANA

NOTARY SEAL STATE OF INDIANA

Stephani HD:Users:stephani:Desktop:vacatepetition.doc 8/2/2005



Morley and Associates Inc.

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Evansville, In
(812) 464-9585

Henderson, Ky
(270) 830-0300

Jasper, In
(812) 634-9990

www.morleyandassociates.com

Exhibit "A"

Partial Easement Vacation Exhibit

Part of Lots 16 & 25 in Highpointe Center Sec. E No. 2
being part of Wyntree Villas Section 1

Designed By:	Job Number: 5589-4B
Drawn By: BAS	Date: 7-1-05
Filename: 5589-vac-esmt.dwg	

BRET ALAN SERMERSHEIM
REGISTERED
No. LS 20200009
STATE OF
INDIANA
LAND SURVEYOR

Bret Alan Sermersheim
July 7, 2005

ADJOINERS LISTING
August 1, 2005

060-5595-0014
Miller, David A. &
Rentsch, Andrew S.
4133 Merchant Dr.
Newburgh, IN 47630

060-5595-0015
Miller, David A. &
Rentsch, Andrew S.
d/b/a A & D Properties
4133 Merchant Dr.
Newburgh, IN 47630

060-5595-0027
Bigham, James R. II
8287 Lancaster Dr.
Newburgh, IN 47630

060-4483-0030
Wahnsiedler, Steven P. & Deborah J.
8144 Birch Dr.
Newburgh, IN 47630

060-4483-0031
Horner, Douglas P. & Jennifer M.
8122 N. Birch Dr.
Newburgh, IN 47630

060-4483-0032
Larson, Ronald J. & Kathleen L.
8166 Birch Dr.
Newburgh, IN 47630

060-4483-0033
Todd, Raymond D. & Susan R.
8188 N. Birch Dr.
Newburgh, IN 47630

060-4483-0034
Meiring, Dan & Cathy
8200 Birch Dr.
Newburgh, IN 47630

060-4483-0035
Harrison, Bradley F. & Jana L.
8222 N. Birch Dr.
Newburgh, IN 47630

060-4483-0036
Cluck, Derek A. & Angela D.
8244 Birch Dr.
Newburgh, IN 47630

060-4484-0001
Cabeal, Armenio R. & Helen S.
8266 Birch Dr.
Newburgh, IN 47630

060-4483-0029
Coker, Arnie & Debbie
c/o Steve Coker
8100 Birch Dr.
Newburgh, IN 47630

060-4062-0007
SM Properties LP
600 Mary St.
Evansville, IN 47747

060-5594-0012
D & C Leasing
P. O. Box 448
Newburgh, IN 47629

060-5596-0024
Extendicare Property Investments
d/b/a Bell Oaks Terrace ACLF #220
111 W. Michigan St.
Milwaukee, WI 53150

060-5597-0008
North Park Cinemas Inc.
4200 Third Ave.
Evansville, IN 47710

060-2769-0090
Village Community Partners V L P
8888 Keystone Crossing, Suite 900
Indianapolis, IN 46240

060-2769-1860
Pedcor Investments - 2004- LXIII LP
P. O. Box 574
Carmel, IN 46032-0574

060-6168-8211
Fritch Properties II, LLC
302 Main St.
P. O. Box 731
Jasper, IN 47547

Exhibit "B"