Ordinance No. 2005-20

AN ORDINANCE TO VACATE PUBLIC WAYS WITHIN WARRICK COUNTY, INDIANA:

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 Public Way 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.

Part of the Variable Width Public Utility and Drainage Easement located along the east line of Lot 59 in River Ridge III, as per plat thereof, recorded as Doc. No. 2001R-002033 in the office of the Recorder of Warrick County, Indiana being more particularly described as follows:

Beginning at the northeast corner of said Lot 59; thence along the east line thereof, South 12 degrees 49 minutes 09 seconds West 34.56 feet; thence South 32 degrees 06 minutes 47 seconds West 38.49 feet; thence South 13 degrees 04 minutes 16 seconds West 7.07 feet to a point located 6 feet northeast of, as measured perpendicular to, the south line of said Lot 59; thence parallel with and 6 feet northeast of, as measured perpendicular to, the south line of said Lot 59, North 73 degrees 22 minutes 00 seconds West 7.27 feet to a point on the west edge of said Public Utility and Drainage Easement; thence along said westerly line, North 12 degrees 49 minutes 09 seconds East 56.85 feet to a bend in said westerly line; thence continuing along a westerly line, North 36 degrees 33 minutes 41 seconds East 26.94 feet to a point on the north line of said Lot 59; thence along said north line, South 53 degrees 26 minutes 19 seconds East 10.00 feet to the point of beginning containing 1165 sq. ft. (0.03 acres).
See Exhibit "A" for Exhibit of Area being vacated.

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

Board of Commissioners for Warrick County

President

Richard J. Kipmiller

Vice-President

Attest:

County Auditor

10-12-05

PUBLICATION NOTICE

STATE OF INDIANA
COUNTY OF WARRICK

IN THE MATTER OF THE VACATION OF A PORTION OF AN EXISTING VARIABLE WIDTH P.U. & DRAINAGE EASEMENT LOCATED ON LOT 59 IN RIVER RIDGE III IN WARRICK COUNTY, INDIANA

NOTICE OF A HEARING ON PETITION TO VACATE A PORTION OF A VARIABLE WIDTH P.U. & DRAINAGE EASEMENT ON LOT 59 IN RIVER RIDGE III

Notice is hereby given that the Board of Commissioners of Warrick County, Indiana, will, on the 12 day of Oct, 2005, at 4:00 P.m., in the Commissioner's Meeting Room, Third Floor, Courthouse, Boonville, Indiana, will hold a hearing on the petition of the owners of Lot 59 in River Ridge III to vacate said portion of variable width P.U. & Drainage easement in Warrick County, Indiana, which is more particularly described as follows, to-wit:

Part of the Variable Width Public Utility and Drainage Easement located along the east line of Lot 59 in River Ridge III, as per plat thereof, recorded as Doc. No. 2001R-002033 in the office of the Recorder of Warrick County, Indiana being more particularly described as follows:

Beginning at the northeast corner of said Lot 59; thence along the east line thereof, South 12 degrees 49 minutes 09 seconds West 34.56 feet; thence South 32 degrees 06 minutes 47 seconds West 38.49 feet; thence South 13 degrees 04 minutes 16 seconds West 7.07 feet to a point located 6 feet northeast of, as measured perpendicular to, the south line of said Lot 59; thence parallel with and 6 feet northeast of, as measured perpendicular to, the south line of said Lot 59, North 73 degrees 22 minutes 00 seconds West 7.27 feet to a point on the west edge of said Public Utility and Drainage Easement; thence along said westerly line, North 12 degrees 49 minutes 09 seconds East 56.85 feet to a bend in said westerly line; thence continuing along a westerly line, North 36 degrees 33 minutes 41 seconds East 26.94 feet to a point on the north line of said Lot 59; thence along said north line, South 53 degrees 26 minutes 19 seconds East 10.00 feet to the point of beginning containing 1165 sq. ft. (0.03 acres).

A copy of such Petition is on file in the Office of the Auditor of Warrick County, Indiana and may be inspected during office hours.

All persons having an interest in the proposed vacation will be given an opportunity to be heard.

1st Dep Auditor for

Richard Kixmiller, Auditor
Warrick County, Indiana

BEFORE THE BOARD OF COMMISSIONERS OF WARRICK COUNTY

PETITION FOR THE VACATION OF PUBLIC WAYS

ORDINANCE NO.: _____

PETITIONERS: Kent & Lisa Mahlke

ADDRESS: 6444 Pebble Pointe Ct.
Newburgh, IN 47630 Newburgh, IN 47630

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

Part of the Variable Width Public Utility and Drainage Easement located along the east line of Lot 59 in River Ridge III, as per plat thereof, recorded as Doc. No. 2001R-002033 in the office of the Recorder of Warrick County, Indiana being more particularly described as follows:

Beginning at the northeast corner of said Lot 59; thence along the east line thereof, South 12 degrees 49 minutes 09 seconds West 34.56 feet; thence South 32 degrees 06 minutes 47 seconds West 38.49 feet; thence South 13 degrees 04 minutes 16 seconds West 7.07 feet to a point located 6 feet northeast of, as measured perpendicular to, the south line of said Lot 59; thence parallel with and 6 feet northeast of, as measured perpendicular to, the south line of said Lot 59, North 73 degrees 22 minutes 00 seconds West 7.27 feet to a point on the west edge of said Public Utility and Drainage Easement; thence along said westerly line, North 12 degrees 49 minutes 09 seconds East 56.85 feet to a bend in said westerly line; thence continuing along a westerly line, North 36 degrees 33 minutes 41 seconds East 26.94 feet to a point on the north line of said Lot 59; thence along said north line, South 53 degrees 26 minutes 19 seconds East 10.00 feet to the point of beginning containing 1165 sq. ft. (0.03 acres).

2. Petitioners own the real estate wherein the described public way is sought to be vacated. Petitioners seek to vacate this portion of the public way so they can construct a pool.

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 20 day of SEPTEMBER, 2005.

Kent Mahlke
6444 Pebble Pointe Ct.
Newburgh, IN 47630

Lisa Mahlke
6444 Pebble Pointe Ct.
Newburgh, IN 47630

STATE OF INDIANA)
) SS:
COUNTY OF WARRICK)

Before me, the undersigned, a Notary Public, in and for said County and State, personally appeared the within Kent Mahlke and Lisa Mahlke, known to me to be a Petitioner, who acknowledged the execution of the above and foregoing petition.

Witness my hand and Notarial Seal this 20TH day of SEPTEMBER, 2005.

GERALD M. WITHROW
Resident of Vanderburgh County, IN
Commission Expires: May 21, 2010

Notary Public

My Commission Expires:

Printed Name

Notary is a resident of _____
County, _____

J:\6413\Doc\vacate\6413vacate petition.doc 9/16/2005

Ordinance No. _____

AN ORDINANCE TO VACATE PUBLIC WAYS WITHIN WARRICK COUNTY, INDIANA:

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 Public Way 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.

Part of the Variable Width Public Utility and Drainage Easement located along the east line of Lot 59 in River Ridge III, as per plat thereof, recorded as Doc. No. 2001R-002033 in the office of the Recorder of Warrick County, Indiana being more particularly described as follows:

Beginning at the northeast corner of said Lot 59; thence along the east line thereof, South 12 degrees 49 minutes 09 seconds West 34.56 feet; thence South 32 degrees 06 minutes 47 seconds West 38.49 feet; thence South 13 degrees 04 minutes 16 seconds West 7.07 feet to a point located 6 feet northeast of, as measured perpendicular to, the south line of said Lot 59; thence parallel with and 6 feet northeast of, as measured perpendicular to, the south line of said Lot 59, North 73 degrees 22 minutes 00 seconds West 7.27 feet to a point on the west edge of said Public Utility and Drainage Easement; thence along said westerly line, North 12 degrees 49 minutes 09 seconds East 56.85 feet to a bend in said westerly line; thence continuing along a westerly line, North 36 degrees 33 minutes 41 seconds East 26.94 feet to a point on the north line of said Lot 59; thence along said north line, South 53 degrees 26 minutes 19 seconds East 10.00 feet to the point of beginning containing 1165 sq. ft. (0.03 acres). See Exhibit "A" for Exhibit of Area being vacated.

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

Board of Commissioners for Warrick County

_____ _____

President Vice-President

Lot 51

N

SCALE 1" = 30'

Lot 52

Pebble Pointe

Lot 60

River Ridge III
Doc. # 2001R-002033

10' D.E.& S.S.E.

Exist. 10' P.U. & Drainage Esmt.

115.00'

Lot 59

S 53°26'19" E 10.00'

Ex. S.S.E.

10' P.U.E.

P.O.B.

Site Address: 6444 Pebble Pointe Ct.
Area to be Vacated: 1165 Sq. Ft.
0.03 Acres

N 36°33'41" E 26.94'

S 12°49'09" W 34.56'

Lot 66

Area To Be Vacated

N 12°49'09" E 56.85'

S 32°06'47" W 38.49'

6'

River Ridge IV A
Doc. #2004R-007681

12' P.U. & D. Esmt.

6'

6'

N 67°51'58" W 215.29'

S 13°04'16" W 7.07'

Lot 67

Portion of esmt. to remain

SSMH
Rim=395.98
I.E.=390.22
I.E.=383.90

8'

Lot 58

N 73°22'00" W 7.27'

Exist. 20' P.U. & Drainage Esmt.

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

Bret Alan Sermersheim
September 6, 2005

Morley and Associates Inc.

Engineering
Surveying
Architecture
Construction Management

Evansville, In
(812) 464-9585

Henderson, Ky
(270) 830-0300

Jasper, In
(812) 634-9990

www.morleyandassociates.com

Partial Easement Vacation
Lot 59
River Ridge III

Designed By:	Job Number: 6413-4B
Drawn By: B.A.S.	Date: 9-6-05
Filename: rev-vacate#1.dwg	

Description of Area to be Vacated

Part of the Variable Width Public Utility and Drainage Easement located along the east line of Lot 59 in River Ridge III, as per plat thereof, recorded as Doc. No. 2001R-002033 in the office of the Recorder of Warrick County, Indiana being more particularly described as follows:

Beginning at the northeast corner of said Lot 59; thence along the east line thereof, South 12 degrees 49 minutes 09 seconds West 34.56 feet; thence South 32 degrees 06 minutes 47 seconds West 38.49 feet; thence South 13 degrees 04 minutes 16 seconds West 7.07 feet to a point located 6 feet northeast of, as measured perpendicular to, the south line of said Lot 59; thence parallel with and 6 feet northeast of, as measured perpendicular to, the south line of said Lot 59, North 73 degrees 22 minutes 00 seconds West 7.27 feet to a point on the west edge of said Public Utility and Drainage Easement; thence along said westerly line, North 12 degrees 49 minutes 09 seconds East 56.85 feet to a bend in said westerly line; thence continuing along a westerly line, North 36 degrees 33 minutes 41 seconds East 26.94 feet to a point on the north line of said Lot 59; thence along said north line, South 53 degrees 26 minutes 19 seconds East 10.00 feet to the point of beginning containing 1165 sq. ft. (0.03 acres).

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

WITNESS my hand and seal this 6th day of September, 2005.

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

Bret Alan Sermersheim

Bret Alan Sermersheim, P.L.S.
Indiana Registration No. LS20200009
Morley and Associates, Inc.
4800 Rosebud Lane
Newburgh, IN 47630
(812) 464-9585

ADJOINERS LISTING
August 29, 2005

060-5921-0045
Acchiardo, Lisa A.
6988 Winddrift Ct.
Newburgh, IN 47630

060-5921-0046
Reynolds, Randy J. & Suzanne
6966 Winddrift Ct.
Newburgh, IN 47630

060-5921-0047
Richey, Martin E. & Cheryl A.
6944 Winddrift Ct.
Newburgh, IN 47630

060-5922-0019
Foster, Roland B. Jr. & Carolyn J.
6400 Winddrift Ct.
Newburgh, IN 47630

060-5922-0050
Rudd, Del L.
6411 Pebble Pointe Ct.
Newburgh, IN 47630

060-5922-0051
Lance, Randy A. & Heidi A.
6433 Pebble Pointe Ct.
Newburgh, IN 47630

060-5922-0052
Myers, Michael T. & Tracy R.
6455 Pebble Pointe
Newburgh, IN 47630

060-5922-0053
Kent, Robert M. Jr. & Heather L.
6477 Pebble Pointe
Newburgh, IN 47630

060-5922-0057
Hoagland, Lee E. & Julia M.
6488 Pebble Pointe Ct.
Newburgh, IN 47630

060-5922-0058
Kelly, James T. & Kathryn M.
6466 Pebble Pointe Ct.
Newburgh, IN 47630

060-5922-0059
Mahlke, Kent F. & Lisa J.
6444 Pebble Pointe Ct.
Newburgh, IN 47630

060-5922-0060
Hayden, Paul J. Jr. & Jill E.
6422 Pebble Pointe
Newburgh, IN 47630

060-5922-0061
Robinson, Tucker R. & Jeanne
6400 Pebble Pointe Ct.
Newburgh, IN 47630

060-5923-0065
J H Hatfield Homes LLC
P. O. Box 160
Newburgh, IN 47630

060-5923-0066; 0069
Old Hickory Development Corp.
6400 Winddrift Ct.
Newburgh, IN 47630

060-5923-0067
Ryan, James C. III & Tricia R.
6433 Waterstone Ct.
Newburgh, IN 47630

060-5923-0068
Foster, Robert T. & Kimberly F.
6455 Waterstone Ct.
Newburgh, IN 47630

VECTREN

Energy Delivery
P.O. Box 209
Evansville, Indiana 47702-0209

RECEIVED
AUG 23 2005
Morley and Associates, Inc

August 23, 2005

Mr. Brent Sermersheim
Morley and Associates, Inc.
4800 Rosebud Lane
Newburgh, IN 47630

Re: Partial PU Vacation
Lot 59 River Ridge III
Our Project No. 2005-25
Your Project No. 6413-4B

Dear Mr. Sermersheim:

Southern Indiana Gas and Electric Company/ Vectren investigated the above request and the findings are below.

Southern Indiana Gas and Electric Company/Vectren has no facilities located within the above described easement and has no objections to its vacation. This letter is given pursuant to I.C. 36-7-3-16 to provide evidence of the written consent of Southern Indiana Gas and Electric Company/Vectren to the proposed vacation and to waive any rights of the Company to use the described easements and rights of way which are to be vacated.

The consent granted by Southern Indiana Gas and Electric Company/Vectren for said vacation is valid for **ninety (90) days**. This is due to the constant installation of our facilities at numerous locations. If the paving is not completed within this time period and new study must be completed.

Sincerely,

Jean Ashby

Jean Ashby, Agent
Land Services Department

Exhibits Attached

SIGECOM™

6045 Wedeking Ave. • P.O. Box 5789 • Evansville, Indiana 47716-5789
812.437.0706 • 812.437.0317 Fax • *Website:* www.sigecom.net

September 14, 2005

Morley and Associates
600 S.E. Sixth St.
Evansville, IN 47713

Attn: Bret Sermersheim

RE: OUR PROJECT NO. 6413-4B

Dear Mr. Sermersheim,

The SIGECOM Outside Plant Engineering department recently completed a site survey of Lot 59 in River Ridge III. The findings of this survey determined that SIGECOM does not have any facilities located within the subject easement.

As a result of these findings, SIGECOM does not have any objection to the vacate proposal for the subject public utility easement.

This letter granted by SIGECOM, LLC for said vacation is valid for ninety (90) days. If the Evansville City Council passes this vacation request, I would like to receive a copy of the recorded ordinance to be used for the purpose of updating our records.

Please contact my office should you have any questions or need any additional information.

Sincerely,

Rick Bowen
Outside Plant Manager
SIGECOM, LLC

RECEIVED
SEP 20 2005
Morley and Associates, Inc

Cc: file

Brent Rafferty
Construction Coordinator
100 Industrial Dr. P.O. Box 21798
Owensboro Ky. 42301

Adelphia Communications

September 17, 2005

4800 Rosebud Lane
Newburgh, In.

Dear Bret Sermersheim

Adelphia has no problem with vacating a portion of the Drainage and Public Utility Easement on lot 59 in River Ridge 111 in Newburgh Indiana on project # 6413-4B. Adelphia has a cable line on the back side of the easement on the joining lot.

Sincerely,

Brent Rafferty

Brent Rafferty
Adelphia Communications

RECEIVED
SEP 20 2005
Morley and Associates, Inc

• EST. 1803 •
Newburgh
ON THE OHIO
Sister City to Newburgh, England

NEWBURGH SEWER
DEPARTMENT

RECEIVED
AUG 29 2005
Morley and Associates, Inc

August 25, 2005

Mr. Brett Sermersheim
Morley & Associates , Inc.
4800 Rosebud Lane
Newburgh, IN 47630

RE: Project 6413-4B – Vacation Request for a portion of the variable width Drainage and Public Utility Easement – Lot 59 River Ridge III

Mr. Sermersheim,

The Town of Newburgh Sewer Department has no objections to the vacation of a portion of the variable width Drainage and Public Utility Easement located along the east edge of Lot #59 in River Ridge III Subdivision. The configuration of the east line of the vacated portion of this easement will be at least 8' away from the existing 8" sanitary sewer that services this lot, complies with the minimum easement width specified for a line that is 12' deep in the Newburgh Sanitary Sewer Design and Construction Standards.

This vacation was approved by the Town Council in their meeting on the 24th of August 2005.

Respectfully submitted,

Donna

Donna Driskell, Office Supervisor
Newburgh Sewer Department

The Town of Newburgh, Indiana
P.O. Box 100 • Newburgh, IN 47629-0100 (812) 853-7496 • Fax (812) 853-1728

COMMONWEALTH ENGINEERS, INC.
101 Plaza East Blvd., Suite 200
Evansville, IN 47715
(812) 474-1177
(812) 474-1176 (fax)

August 18, 2005

RECEIVED
AUG 19 2005
Morley and Associates, Inc

Donna Driskell, Manager
Newburgh Sewer Department
P.O. Box 100
Newburgh, IN 47629

RE: RIVER RIDGE III, LOT 59, KENT AND LISA MAHLKE PROPERTY REQUEST TO VACATE PORTION OF EASEMENT

Dear Ms. Driskell

Bret Sermersheim of Morley and Associates has requested that a portion of the variable width Drainage and Public Utility Easement located along the east edge of Lot #59 in River Ridge III subdivision be vacated so the owners can construct a pool. As shown on the attachment, the east line of the vacated portion of this easement will be at least 8' away from the existing 8" sanitary sewer that services this lot. This configuration complies with the minimum easement width specified for a line that is 12' deep in the Newburgh Sanitary Sewer Design and Construction Standards. We see no reason that the current or future sewer system in this area will be compromised if this request is granted.

Please review the attachment and send a confirmation letter to Mr. Sermersheim at Morley and Associates if you find no problem with the vacation of this easement.

Sincerely,
COMMONWEALTH ENGINEERS, INC.

Rudolph J Notich

Rudolph J. Notich, P.E.

cc: Cynthia Burger, Administrative Manger
Tom Bodkin, Attorney
Tom Walden, Collection System Superintendent
Leon Key, Superintendent
Dick Lautz, P.E. Commonwealth Engineers Inc.
Bret Sermersheim, Morley and Associates W/O Attachments
file

P:\Active Projects\Newburgh\M99116-01 Sewer Inspections\River Ridge (06)\Phase 1-3\Correspondence\RR3-EasemenVacation 08-18-05.doc

SBC Indiana
134 N W Sixth Street
Evansville, IN 47708

August 16, 2005

RECEIVED
AUG 18 2005
Morley and Associates, Inc

Attn. Brett Sermersheim
Morley and Associates
4800 Rosebud Lane
Newburgh, IN 47630

RE: Lot 59 River Ridge III (you project 6413-4B)

Mr. Sermersheim:

SBC has no objections to the release of the PUE indicated on the attached drawing. SBC has no facilities in this easement and releases all rights to the use of said easement at this time.

If you have any questions or comments, please contact me at 812-464-6055.

Sincerely,

Andrew J Folz
Engineer
SBC

Indiana American Water

Darrel W. Heisler
Operations
Superintendent
dheisler@amwater.com

August 15, 2005

Warrick County Commissioners
Courthouse
Boonville, IN 47601

Subject: Vacation of Easement
River Ridge III, Lot 59

Dear Commissioners:

Indiana-American Water Company has reviewed the proposed vacation of easement in The River Ridge III Subdivision on Lot 59. We have determined that there are no water mains existing within these boundaries. Therefore Indiana American Water Company has no objection to the proposed vacation of this easement.

If I can be of further assistance to you, I can be contacted by phone at 853-3356.

Sincerely,

INDIANA AMERICAN WATER COMPANY

Darrel W. Heisler

Darrel W. Heisler
Operations Superintendent

RECEIVED
AUG 17 2005
Morley and Associates, Inc

American Water
5622 State Road 66
P. O. Box 186
Newburgh, IN 47629-0186
USA
T 812.853.3356
F 812.853.7553
I www.indiana-american.com

RWE GROUP