

STATE OF INDIANA)
) SS:
COUNTY OF WARRICK)

BEFORE THE BOARD OF COMMISSIONERS
OF WARRICK COUNTY, INDIANA

Approved
8-8-2007

IN THE MATTER OF THE PETITION TO VACATE ONE (1)
PUBLIC UTILITY AND DRAINAGE EASEMENT IN
WYNGATE SUBDIVISION SECTION "B"
WARRICK COUNTY, INDIANA

VACATION NO. 2007-07

PETITION

TO THE HONORABLE BOARD OF COMMISSIONERS OF WARRICK COUNTY, INDIANA

The undersigned Petitioner to your honorable board represent as follows:

1. That said Petitioner Is the owner of the real estate described on Exhibit "A" , attached hereto and made a part hereof.
2. That the Petitioner respectfully petitions that the Board of Commissioners of Warrick County, Indiana proceed as authorized by law to vacate drainage and public utility easements in WYNGATE SUBDIVISION SECTION "B", being located in Warrick County, Indiana and more particularly described as follows:

Public Utility and Drainage Easement for Lot 32:

A portion of Lot 32 in Wyngate Subdivision Section "B" as per Plat recorded by Document No. 2006R-002668 in the Office of the Recorder of Warrick County, Indiana and part of the Northeast Quarter of the Northeast Quarter of Section 34, Township 6 South, Range 9 West lying in Ohio Township, Warrick County, Indiana, more particularly described as follows:

Commencing at a stone at the Southwest corner of the Northeast Quarter, Northeast Quarter of said Section 34, said corner also being the Southwest corner of Lot 1 of said Wyngate Subdivision Section "A" ; thence along the South line of said Quarter, Quarter Section also being the South line of Wyngate Section "A", South 89 Degrees 34 Minutes 02 Seconds East 512.20 feet to the Southeast corner of Lot 8 of Wyngate Subdivision Section "A" also being the Southwest corner of Lot 6A of South Broadview Subdivision as per Plat File 1, Card 198 in the Office of the Recorder of Warrick County, Indiana, thence along the common boundary of Wyngate Section "A" and South Broadview Subdivision Section "C" for the following two courses North 00 Degrees 44 Minutes 36 Seconds East 120.00 feet; thence South 89 Degrees 34 Minutes 02 Seconds East 26.46 feet to a corner of said Lot 32 of Wyngate Subdivision Section "A" and the TRUE Point of Beginning; thence

- 1st: North 38 Degrees 05 Minutes 10 Seconds West 20.69 feet; thence
- 2nd: North 51 Degrees 54 Minutes 50 Seconds East 25.00 feet; thence
- 3rd: South 38 Degrees 05 Minutes 10 Seconds East 8.78 feet; thence
- 4th: South 89 Degrees 34 Minutes 02 Seconds East 152.20 feet; thence
- 5th: South 00 Degrees 25 Minutes 58 Seconds West 25.00 feet; thence
- 6th: North 89 Degrees 34 Minutes 02 Seconds West 164.26 feet to them TRUE Point of Beginning and containing 4309.9205 square feet or 0.0989 acres more or less.

3. That at the present time the above public utility and drainage easement easements are unimproved and are not

maintained by Warrick County or any other public agency and all maintenance thereon has been performed by the Petitioner who is presently the only property owner making any active use of the same. That the drainage and utility easements have never been utilized by the public or Warrick County for the intended purpose.

4. That the only other real estate which could have any conceivable interest in this portion of road to be vacated is the real estate owned by the following persons whose ownership of land in the area is as set forth opposite their names and contained below herein and corresponding to the designation of ownership set out on the sketches of 'Vacation of Public Utility Easements', attached hereto and made a part hereof, to-wit:

OWNER	ADDRESS	INTEREST
Barrington Dev. Group Inc.	5144 S.R. 261 Newburgh, IN 47630	Owner lot E ½ 24, W ½ of 25, 27,28, 29, 30, 35, 36 and 37 - Wyngate Section "B"
Jimmie W. and Norma Gieselman	8122 Marywood Dr. NEWBURGH, IN47630	Owner Lot 6A South Broadwiev Section "C"
Michael L. and Jane A. Brown	8100 Marywood Dr. Newburgh, IN 47630	Owner Lot 5 South Broadwiev Section "C"
Dale and Kathryn Perdue	8060 Wyngate Circle	Owner Lot 32 - Wyngate Section "B"
J. Kenneth and Margaret Merten	2155 Long Cove Circle Newburgh, IN 47630	Owner Lots 33 and 34

5. That the Petitioner is the only property owner actually using said utility easements to be vacated.

6. That the Petitioner his future plans for its presently owned real estate which plans may require use of portions of said utility easements to be vacated with its use of said lands presently owned, and Petitioner cannot properly formulate future plans for use of said land until said easements are vacated.

7. That the vacation of said easement which are not being used and do not affect any other owner in the area, would be of benefit to the petitioner.

8. That the general location of the portions of the easement to be vacated are shown upon and marked in yellow on the sketches of "Vacation of Public Utility Easements".

WHEREFORE, Petitioner respectfully prays that the Board of Commissioners of Warrick County, Indiana, take all necessary steps to properly vacate said easements in the manner as by law now provided.

Respectfully submitted,


Dale Perdue


Kathryn Perdue

STATE OF INDIANA)
) SS:
COUNTY OF WARRICK)

BEFORE THE BOARD OF COMMISSIONERS
OF WARRICK COUNTY, INDIANA

IN THE MATTER OF THE PETITION TO VACATE ONE (1)
PUBLIC UTILITY AND DRAINAGE EASEMENT IN LOT 32 OF
WYNGATE SUBDIVISION SECTION B
WARRICK COUNTY, INDIANA

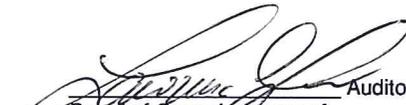
VACATION NO. _____

NOTICE OF PUBLIC HEARING BY THE
WARRICK COUNTY COMMISSIONERS

A petition has been filed to vacate one (1) Public Utility and Drainage Easement In Lot 32 of Wyngate Subdivision Section "B" as per plat recorded In Document 2006R -002668 in the Office of the Recorder of Warrick County, Indiana.

The hearing on said petition will be heard by the WARRICK COUNTY COMMISSIONERS on July 25, 2007 at 4 PM PM.

Dated: June 29, 2007 _____


Auditor
Board of Commissioners of
Warrick County, Indiana

(Publish once In the Standard and once in the Enquirer)

Wyngate Subdivision Section "B";

A Planned Residential Unit Development
A replat of Lot 32 in Wyngate Subdivision Section
"A" as recorded in by Document No.
2001R-011586 in the Office of the Recorder of
Warrick County and Part of the Northeast
Quarter of the Northeast Quarter of Section 34,
Township 6 South, Range 9 West, all in Ohio
Township, Warrick County, Indiana

2006A-0026608

LOT LINE CURVE DATA	Chord Bearing	Radius	Chord Length	Chord Length
C1	S 43°35'17" E	23.00	23.13	23.21
C2	S 44°24'43" E	23.00	23.41	23.49
C3	S 18°30'52" E	75.00	150.42	149.47
C4	S 8°22'18" E	18.40	18.49	18.36
C5	S 45°23'58" W	23.00	23.27	23.38
C6	S 45°23'58" W	23.00	23.27	23.38
C7	S 45°23'58" W	23.00	23.27	23.38
C8	S 45°23'58" W	23.00	23.27	23.38
C9	S 45°23'58" W	23.00	23.27	23.38
C10	S 45°23'58" W	23.00	23.27	23.38
C11	S 18°30'52" E	75.00	150.42	149.47

STREET CENTER LINE CURVE DATA	Chord Bearing	Radius	Chord Length	Chord Length
C12	S 45°23'58" W	50.00	50.00	50.00
C13	S 45°23'58" W	50.00	50.00	50.00
C14	S 45°23'58" W	50.00	50.00	50.00
C15	S 45°23'58" W	50.00	50.00	50.00



DATE: 2/19/99

- (M) MEASURED
- (R) RECORDED
- (C) CALCULATED FROM RECORD
- INFORMATION
- D.E.=Drainage Easement
- P.U.E.=Public Utility Easement
- B.L.=Building Line
- S.F.=Square Feet
- R.P.U.F.=Restricted Public Utility Eas.

- General Notes:
- Owner/Developer: Bruce Miller, President of Borington Developments, Newburgh, IN 47630
 - Utilities: Water - Indiana Cities Water System; Gas & Electric - Newburgh. All utilities are available to the subdivision.
 - Corner/Center: Measurements shall be taken to comply with Rule 5
 - Access: Property is zoned R-1
 - All streets and sidewalks shall be constructed as per Warrick Co. Storm Drainage Structures. All culverts shall be designed to last 100 years. The location of the culverts are to be submitted to the Engineer and County Drainage Board prior to construction. No build-out shall be placed within the natural drainage areas.
 - Closest Flood Plain Area is NOT located within the Flood Plain as shown on County Flood Plain Map dated May 17th, 1982, 18018-0175.
 - All easements are to be monumented with 5/8" rebar with L.S. specified.
 - Subdivision Land Area: Total ACREAGE = 4.84 Acres
 - All Public Utility Easements (P.U.E.) may be used for overhead or storm drainage ditches and/or conduits.
 - Site Area: 4.84 Acres (gross) - 13 Residential lots, 0.21 acres
 - Access: All easements shall be open to the Public.
 - Associated Public Improvements: There are no Public Improvement County Highway Engineer's Office November 19, 1999.
 - Access Drives: All access drives shall be open to the Public Owner's Association.

DEDICATION CERTIFICATE

WE, THE UNDERSIGNED OWNERS OF THE REAL ESTATE SHOWN AND SET OFF, PLAT AND SUBDIVIDE SAID REAL ESTATE IN ACCORDANCE WITH THIS SUBDIVISION SHALL BE KNOWN AND DESIGNATED AS THE WYNGATE PLANNED RESIDENTIAL UNIT DEVELOPMENT AND AN ADDITION TO ONE STATE OF INDIANA, ALL STREETS AND OPEN SPACES SHOWN AND NOW HEREBY DEDICATED TO THE PUBLIC.

FRONT AND SIDE YARD BUILDING SETBACK LINES ARE HEREBY ESTABLISHED BETWEEN WHICH LINES AND THE PROPERTY LINES OF THE STREET, TO MAINTAIN NO BUILDING OR STRUCTURES.

EASEMENTS FOR THE INSTALLATION OF AND MAINTENANCE OF UTILITIES RESERVED AS SHOWN ON THE RECORDED PLAT AND OVER THE REAR YARD ARE HEREBY ESTABLISHED. NO STRUCTURES, PLANTINGS OR OTHER IMPROVEMENTS SHALL BE PLACED WHICH MAY DAMAGE OR INTERFERE WITH THE OPERATION OF UTILITIES OR WHICH MAY CHANGE THE DIRECTION OF FLOW OF DRAINAGE OR WHICH MAY OBSTRUCT OR HINDER THE FLOW OF WATER CHANNELS IN THE EASEMENTS. THE EASEMENT AREA OF EACH LOT AND CHANNELS SHALL BE MAINTAINED CONTINUOUSLY BY THE OWNER OF THE LOT, EXCEPT WHERE A PUBLIC AUTHORITY OR UTILITY COMPANY IS RESPONSIBLE.

STRIPS OR AREAS OF LAND, OF THE DIMENSIONS SHOWN ON THIS PLAT (RESTRICTED PUBLIC UTILITY EASEMENT) ARE HEREBY DEDICATED TO THE INSTALLATION, MAINTENANCE, OPERATION AND REPAIR OF UTILITIES WHETHER ABOVE GROUND OR BELOW GROUND, WITH THE RESERVATION OF THE PUBLIC UTILITY UTILITIES, OVERHANGING BRANCH STRUCTURES, NO BUILDINGS, PONDS, TELEPHONE, CABLE TV, STORM STRUCTURES, OTHER THAN THE PERMITTED UTILITY FACILITIES, SHALL BE PLACED ON THE PERMITTED UTILITY FACILITIES. THE EASEMENT FOR PARKING, DRIVES, UTILITY SERVICE CONNECTIONS, CROSSINGS IN THE EVENT A UTILITY EXCAVATES WITHIN SAID EASEMENT, DAMAGE TO THE ENDORSEMENT NECESSITATED BY THE UTILITIES USE UTILITY SHALL ENDEAVOR TO LOCATE ITS FACILITIES, TO PROVIDE SUFFICIENT SPACE FOR NECESSARY MAINTENANCE.

THE RIGHT TO ENFORCE THESE PROVISIONS BY INJUNCTION, TOGETHER WITH THE DUE PROCESS OF LAW, ANY STRUCTURE OR PART THEREOF, IS HEREBY DEDICATED TO THE PUBLIC. THE PUBLIC SHALL HAVE NO LIABILITY IN THIS SUBDIVISION AND TO THEIR HEIRS AND ASSIGNS.

WITNESS OUR HAND AND SEAL THIS 19th day of February, 1999.

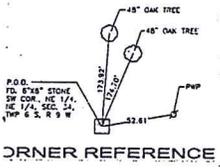
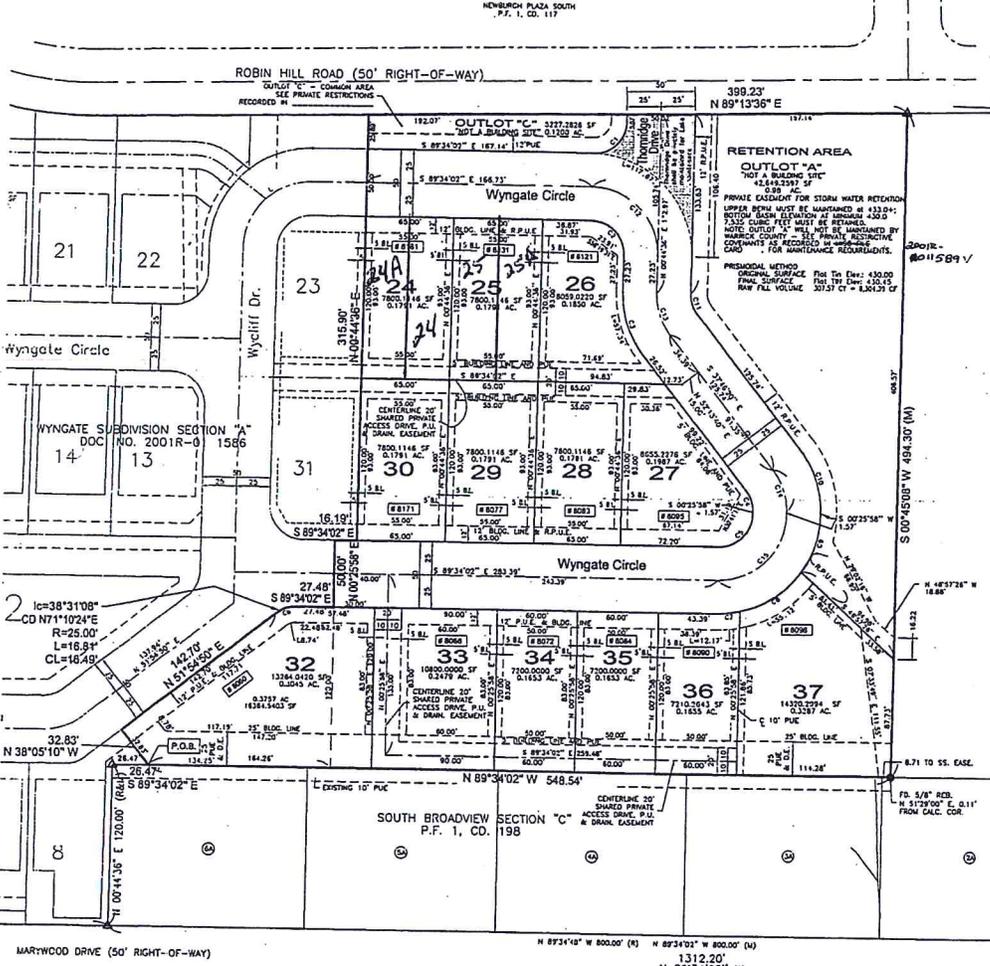
BORINGTON DEVELOPMENT GROUP, INC.
BRUCE MILLER, PRESIDENT
Bruce Miller

NOTICE

"Street, Road, and other improvements have not been made; public is notified that Warrick County, Indiana will not accept the same maintenance until the owners of the lots hereto improve the same up to minimum standards."

SANITARY SEWERS

Developer has furnished the Town of Newburgh Sewer Department with sufficient to guarantee the costs of construction of sanitary sewer for the subdivision. Individual connections to each lot, however, are subject to compliance with the rules and regulations of the Town of Newburgh Sewer Department.



POINT OF COMMENCEMENT FOUND AT 4" STONE SOUTHWEST CORNER OF SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 6 SOUTH, RANGE 9 WEST - WARRICK CO., IN

SOUTH BROADVIEW SECTION "A" P.F. 1, CD. 142

FOUND AT 4" STONE WITH CHISELED "M" AT SOUTHWEST CORNER OF SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 6 SOUTH, RANGE 9 WEST - WARRICK CO., IN

STATE OF INDIANA)
)
COUNTY OF VANDERBURGH) SS:

BEFORE THE BOARD OF COMMISSIONERS
OF WARRICK COUNTY, INDIANA

IN THE MATTER OF THE PETITION TO VACATE ONE (1)
PUBLIC UTILITY EASEMENT AND A DRAINAGE EASEMENT IN
WYNGATE SUBDIVISION SECTION "B"
WARRICK COUNTY, INDIANA

Approved 8-8-2007

VACATION NO. 2007-07

AN ORDINANCE TO VACATE
A PUBLIC UTILITY AND DRAINAGE EASEMENT

Be it ordained by the Board of County Commissioners of Warrick County, Indiana, as follows:

Section 1. Pursuant to IC 36-7-3-12, a petition was presented to the Board of County Commissioners of Warrick County, Indiana, requesting that the drainage and public utility easements described in Section 3 below be vacated.

Section 2. That after due and proper notice, a public hearing was held by the Board of County Commissioners of Warrick County, Indiana, at which time all interested persons were permitted to address said Board.

Section 3. That the Board of County Commissioners of Warrick, County, Indiana, after due investigation and consideration, have determined that the drainage and public utility easements hereinafter described have never been used and that it is in the public interest to vacate said public utility easement and drainage easement and being more particularly described as follower

Public Utility and Drainage Easement for Lot 32:

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and said drainage and public utility easements as above described are hereby vacated.

Section 4. The County Auditor shall furnish a copy of the ordinance to the County Recorder to recording.

Section 5. This ordinance shall be in full force and effect from and after the date hereof.

PASSED this 8th day of August, 2007

BOARD OF COUNTY COMMISSIONERS OF
WARRICK COUNTY, INDIANA

By _____
- Commissioner

By _____
- Commissioner

By _____
- Commissioner

Secretary