

STATE OF INDIANA)
)
COUNTY OF WARRICK) SS:

BEFORE THE BOARD OF COMMISSIONERS
OF WARRICK COUNTY, INDIANA

IN THE MATTER OF THE PETITION TO VACATE PART OF A DRAINAGE EASEMENT IN
WATER'S EDGE PHASE II SUBDIVISION IN WARRICK COUNTY, INDIANA

VACATION NO. 2007-26

AN ORDINANCE TO VACATE
PART OF A 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 part of the drainage easement 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 part of the drainage easement hereinafter described has never been used and that it is in the public interest to vacate said part of drainage easement being more particularly described as follows.

Drainage Easement for Lot 36:

A portion of Lot 36 in Waters Edge Phase II Subdivision as per Plat recorded by Document No. 2002R-012252 in the Office of the Recorder of Warrick County, Indiana and part of the Southwest Quarter of Section 16, Township 5 South, and Range 9 West lying in Campbell Township, Warrick County, Indiana more particularly described as follows:

Twelve feet of even width off the west side of the 50' drainage easement commencing at the southwest corner of the 50' drainage easement on Lot 36 and bearing N 03 18 34 E eighty-three (83) feet thence East twelve (12) feet thence S 03 18 34 W eighty (86) feet thence West twelve (12) feet to the point of beginning.

and said part of drainage easement as above described is hereby vacated.

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

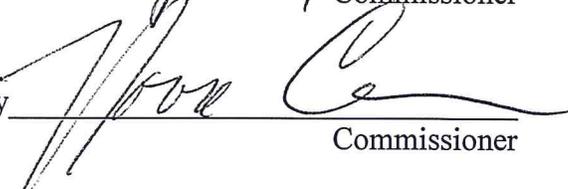
Section 5. This ordinance shall be in full force and effect from and after the date hereof.

PASSED this 26th day of September, 2007

BOARD OF COUNTY COMMISSIONERS OF
WARRICK COUNTY, INDIANA

By 
Commissioner

By 
Commissioner

By 
Commissioner


Auditor

This document prepared by
Warrick County Area Planning Commission

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

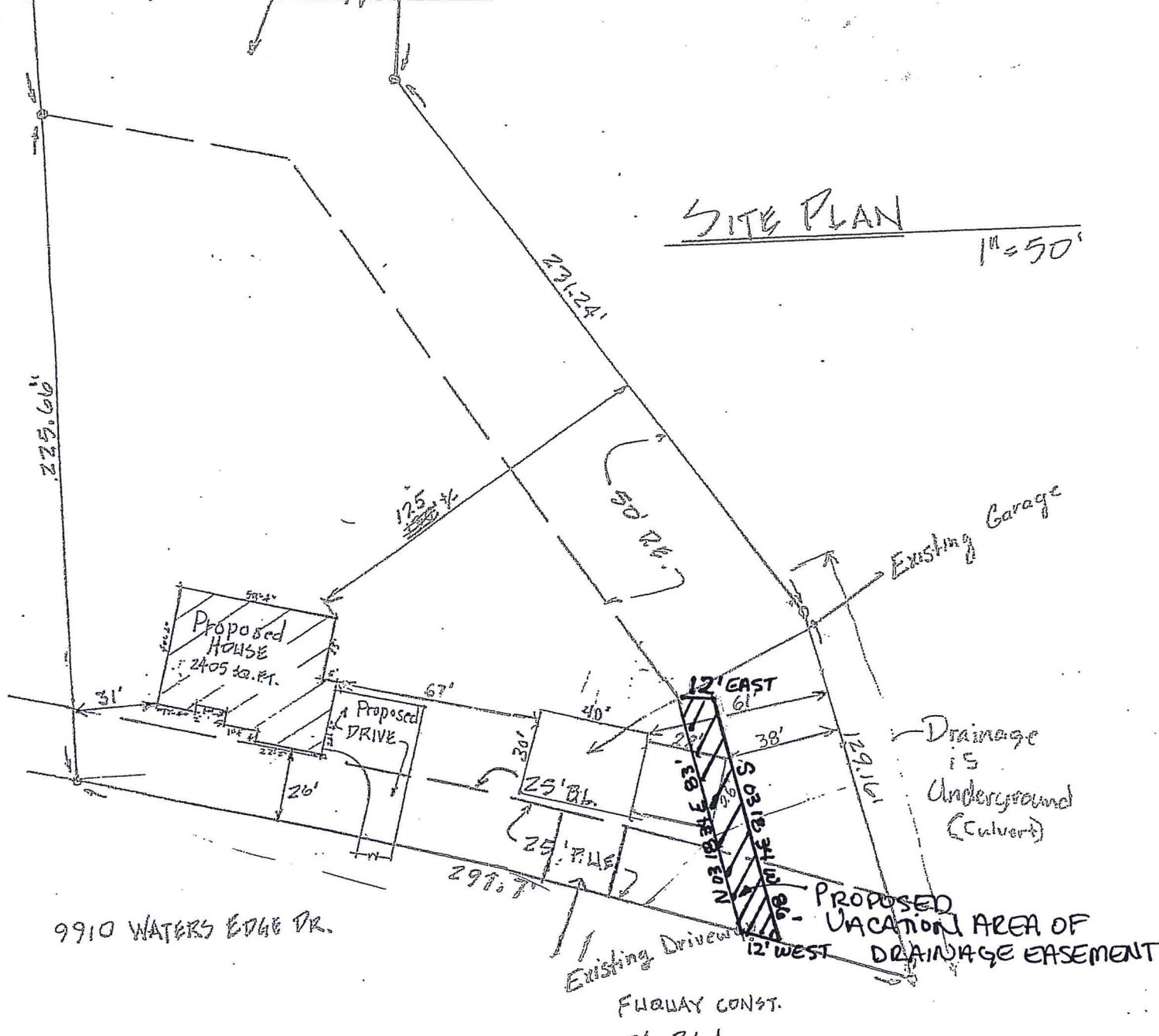
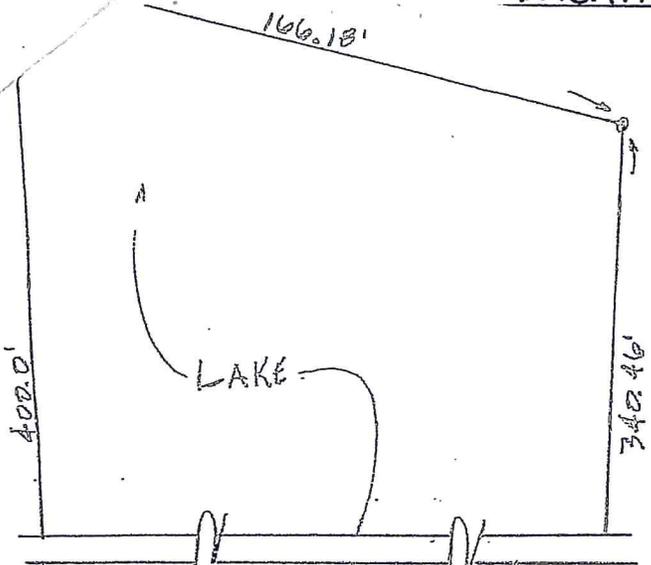
Sherri Rector

VACATION OF A PORTION OF LOT 36 DRAINAGE EASEMENT

LOT 36 WATERS EDGE SUB.
108,900 SQ. FT.

SITE PLAN

1" = 50'



9910 WATERS EDGE DR.

FLORWAY CONST.

WARRICK COUNTY AUDITOR'S OFFICE
WARRICK COUNTY JUDICIAL BUILDING
ONE COUNTY SQUARE, SUITE 240
BOONVILLE, INDIANA 47601
(812) 897-6110 * FAX (812) 897-6401
auditor@warrickcounty.gov

Vacation Petition Checklist

Contact Person: Kimberly Unfried Phone: 812-925-6623

Petitioner's Name (s): Rodney and Kimberly Unfried

Petition to Vacate: Drainage Easement on Lot 36 of Waters Edge Phase II sub

Scheduled for Public Hearing on the September day of 26th, 2007.
Ⓢ Must be scheduled 2nd or 4th Wednesday Area Plan Commission Session

Documents to be prepared and provided by the Petitioner:

Publication Notice - Must be signed by Auditor
(Must be published for a total of 10 days prior to scheduled APC Meeting)
Warrick Publishing - 204 W. Locust Street, Boonville, Indiana

Petition to Vacate including Legal Description

List of Adjoining Property Owners

Plat Map of Subdivision

Return to the Auditor's office prior to the scheduled meeting:

_____ Original Certified Mail Returned Receipts (green cards) from Adjoining Property Owners

_____ Letter(s) from Utility Company Allowing Utility Easement Vacation

_____ Proof of Publication

_____ Six (6) copies of all information to be presented before the Commissioners

Notes: _____

STATE OF INDIANA)
) SS:
COUNTY OF WARRICK)

BEFORE THE BOARD OF COMMISSIONERS
OF WARRICK COUNTY, INDIANA

IN THE MATTER OF THE PETITION TO VACATE A PORTION OF THE
DRAINAGE EASEMENT ON LOT 36 OF WATERS EDGE PHASE II SUBDIVISION,
WARRICK COUNTY, INDIANA

VACATION NO. _____

NOTICE OF PUBLIC HEARING BY THE
WARRICK COUNTY COMMISSIONERS

A petition has been filed to vacate part of the Drainage Easement on Lot 36 of Water's Edge Phase II Subdivision as per plat recorded in Document No. 2002R-012252 in the Office of the Recorder of Warrick County, Indiana.

The hearing on said petition will be heard by the WARRICK COUNTY
COMMISSIONERS ON September 26 2007 at 4 PM.

Dated: Aug 28, 2007 _____


Lawrence Lacer, Auditor
Board of County Commissioners of
Warrick County, Indiana

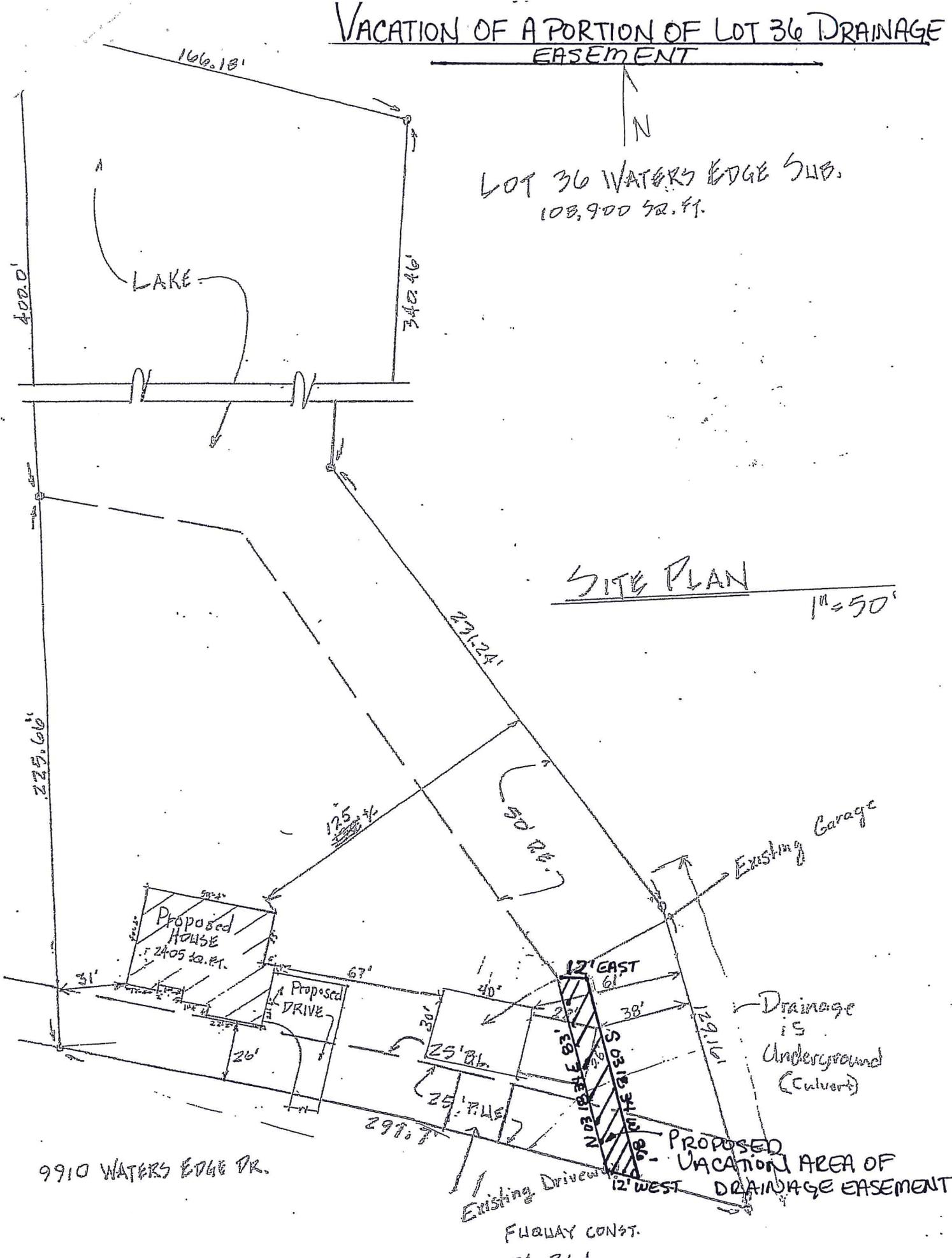
Publish once in the Standard

VACATION OF A PORTION OF LOT 36 DRAINAGE EASEMENT

LOT 36 WATERS EDGE SUB.
108,900 sq. ft.

SITE PLAN

1" = 50'



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IN THE MATTER OF THE PETITION TO VACATE PART OF A DRAINAGE EASEMENT IN
WATER’S EDGE PHASE II SUBDIVISION IN WARRICK COUNTY, INDIANA

VACATION NO. _____

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 part of the drainage easement in Lot 36 Water’s Edge Phase II Subdivision, being located in Warrick County, Indiana and more particularly described as follows:

Drainage Easement for Lot 36:

A portion of Lot 36 in Waters Edge Phase II Subdivision as per Plat recorded by Document No. 2002R-012252 in the Office of the Recorder of Warrick County, Indiana and part of the Southwest Quarter of Section 16, Township 5 South, and Range 9 West lying in Campbell Township, Warrick County, Indiana more particularly described as follows:

Twelve feet of even width off the west side of the 50’ drainage easement commencing at the southwest corner of the 50’ drainage easement on Lot 36 in Water’s Edge Phase II Subdivision and bearing N 03 18 34 E 83 feet thence East 12 feet thence S 03 18 34 W 86 feet thence West 12 feet to the point of beginning.

3. That at the present time the above portion of the drainage easement is unimproved and is 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 portion of the drainage easement has never been utilized by the public or Warrick County for the intended purpose and there is still 38 feet of drainage easement left after the vacation of 12 feet of said easement.

4. That the only other real estate which could have any conceivable interest in this portion of drainage easement 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 a portion of Lot 36's Drainage Easement, attached hereto and made a part hereof, to-wit:

<u>OWNER</u>	<u>ADDRESS</u>	<u>INTEREST</u>
Brumett, Anthony L & Vicki L	9911 Fisherville Rd. Elberfeld, IN 47613	Owner Lot 16 Water's Edge Sub
Kehl, Cory & Amy	488 Sunset Road Hanson, KY 42413	Owner Lot 42 Water's Edge II Sub
Beyers, John D. Trust and Beyers V. Elaine Trust Beyers John D & V Elaine – Life Estate	15320 Mc Cutchan Rd. Evansville, IN 47725	Owner Lot 41 Water's Edge II Sub
Powell, Eric W	2021 Schlensker Rd. Evansville, IN 47725	Owner Lot 37 Water's Edge II Sub
New Master EERWA Dev LLC	4522 Gander Rd. Elberfeld, IN 47613	Owner Lot 53, Lot 54, and Lot 55 Water's Edge II Sub
Reed, Roland L. & Carolyn M.	10748 Driver Dr. Evansville, IN 47725	Owner Lot 35 Water's Edge II Sub

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

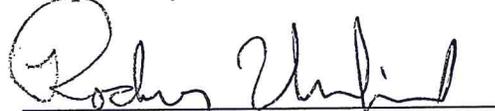
6. That the Petitioner has future plans for its presently owned real estate which plans may require use of portions of said utility easements to be vacated with its use of said lands presently owned, and Petitioner cannot properly formulate future plans for use of said land until said portion of easement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

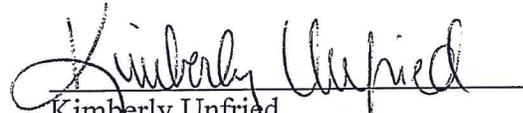
7. That the vacation of said portion of easement which is not being used and does not affect any other owner in the area, would be of benefit to the petitioner.

8. That the general location of the portions of the easement to be vacated are shown with the hashed in area on the sketches of "Vacation of a Portion of Lot 36's Drainage Easement."

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

Respectfully submitted,


Rodney Unfried


Kimberly Unfried