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Board of Commissioners
2008-05
6-11-2008

*2008R-005345 4*
2008R-005345
PATRICIA A BROOKS
WARRICK COUNTY RECORDER
RECORDED ON
06/17/2008 12:49:52PM
REC FEE: 0.00
PAGES: 4

CC-08-05

**AN ORDINANCE**

**PROVIDING FOR THE VACATION OF 5 EASEMENTS LOCATED WITHIN THE BOUNDARIES OF Engelbrecht Place Section 2- Phases 1 and 2 and of which easements are now a part of Orchard View Condominiums P.U.D. Section 1**

**BE IT ORDAINED**
**BY THE COUNTY COMMISSIONERS OF WARRICK COUNTY, INDIANA:**

**SECTION 1.** A petition filed by Allan R. Holweger with the County Commissioners of Warrick County for vacation of 5 easements in Engelbrecht Place Section 2- Phases 1 and 2 and of which easements are now a part of Orchard View Condominiums P.U.D. Section 1, all of which is located in Section 23, Township 6 South, Range 9 West in Ohio Township, Warrick County, Indiana is hereby approved, said easement being more particularly described as follows:

**Easement #1:**

All of the 12 foot Drainage Easement (D.E.) located on Lots 19 and 20 in Engelbrecht Place Section 2- Phase 1, as per plat thereof, recorded in Instrument No. 2005R-05507 in the office of the Recorder of Warrick County, Indiana, and now being part of Orchard View Condominiums P.U.D. Section 1, as per plat thereof, recorded in Instrument No. 2008R-002832, all being located in Ohio Township, Warrick County, Indiana, being more particularly described as follows:

Commencing at the northwest corner of said Lot 19; thence along the north line of said Lot 19, South 89 degrees 53 minutes 56 seconds East 10.00 feet; thence South 00 degrees 06 minutes 34 seconds West 18.86 feet to the point of curvature of a curve to the right, concave to the Westerly, having a central angle of 25 degrees 25 minutes 07 seconds and a radius of 110.00 feet from which the chord bears South 12 degrees 49 minutes 08 seconds West 48.40 feet; thence along the arc of said curve 48.80 feet to the point of beginning; thence South 61 degrees 52 minutes 00 seconds East 110.06 feet to a point on the northwesterly boundary of a platted L.M.&.S.D.E., said point being the point of curvature of a curve to the right, concave to the Northwest having a central angle of 03 degrees 07 minutes 32 seconds and a radius of 220.00 feet from which the chord bears South 28 degrees 23 minutes 38 seconds West 12.00 feet; thence along the arc of said curve 12.00 feet; thence North 61 degrees 52 minutes 00 seconds West 110.11 feet to a point on the southeasterly line of a platted 10' P.U.E., said point being the point of curvature of a curve to the left, concave to the Northwest having a central angle of 06 degrees 15 minutes 14 seconds and a radius of 110.00 feet from which the chord bears North 28 degrees 39 minutes 18 seconds East 12.00 feet; thence along the arc of said curve 12.01 feet to the Point of Beginning containing 1320 square feet (0.03 acres).

**Easement #2:**

All of the 7 foot Drainage Easement (D.E.) located on Lots 18 and 19 in Engelbrecht Place Section 2- Phase 1, as per plat thereof, recorded in Instrument No. 2005R-05507 in the office of the Recorder of Warrick County, Indiana, and now being part of Orchard View Condominiums P.U.D. Section 1, as per plat thereof, recorded in Instrument No. 2008R-002832, all being located in Ohio Township, Warrick County, Indiana, being more particularly described as follows:

Commencing at the northeast corner of said Lot 18; thence along the east line of said Lot 18, South 00 degrees 06 minutes 04 seconds West 20.00 feet to the point of beginning; thence continuing along the east line of said Lot 18 and along the east line of said Lot 19, South 00 degrees 06 minutes 04 seconds West 123.46 feet to a point on the north line of a platted L.M.&.S.D.E.; thence along said north line, North 89 degrees 53 minutes 56 seconds West 7.00 feet; thence

North 00 degrees 06 minutes 04 seconds East 123.52 feet; thence South 89 degrees 23 minutes 28 seconds East 7.00 feet to the Point of Beginning containing 864 square feet (0.02 acres).

**Easement #3:**

All of the 7 foot Drainage Easement (D.E.) located on Lots 23, 24, and 25 in Engelbrecht Place Section 2- Phase 1, as per plat thereof, recorded in Instrument No. 2005R-05507 in the office of the Recorder of Warrick County, Indiana and all of the 7 foot Drainage Easement (D.E.) located on Lots 12 and 13 in Engelbrecht Place Section 2- Phase 2, as per plat thereof, recorded in Instrument No. 2006R-07043 in said office of the Recorder, and now being part of Orchard View Condominiums P.U.D. Section 1, as per plat thereof, recorded in Instrument No. 2008R-002832, all being located in Ohio Township, Warrick County, Indiana, being more particularly described as follows:

Beginning at the northwest corner of said Lot 13; thence along the north line of said Lot 13, South 63 degrees 39 minutes 35 seconds East 7.00 feet; thence South 26 degrees 20 minutes 25 seconds West 341.73 feet to a point on the north line of a platted L.M. & S.D.E.; thence along said north line, North 63 degrees 39 minutes 35 seconds West 14.00 feet; thence North 26 degrees 20 minutes 25 seconds East 468.84 feet to a point on the south line of a platted L.M.& S.D.E.; thence along said south line, North 89 degrees 53 minutes 53 seconds East 7.82 feet to a point on the east line of said Lot 23; thence along the east line of said Lots 23 and 24, South 26 degrees 20 minutes 25 seconds West 130.59 feet to the Point of Beginning containing 5686 square feet (0.13 acres).

**Easement #4:**

Part of the 10 foot P.U.E. located on Lot 25 in Engelbrecht Place Section 2- Phase 1, as per plat thereof, recorded in Instrument No. 2005R-05507 in the office of the Recorder of Warrick County, Indiana, and now being part of Orchard View Condominiums P.U.D. Section 1, as per plat thereof, recorded in Instrument No. 2008R-002832, all being located in Ohio Township, Warrick County, Indiana, being more particularly described as follows:

Commencing at the northwest corner of said Lot 25; thence along the north line of said Lot 25, South 89 degrees 53 minutes 56 seconds East 5.00 feet to the point of beginning; thence continuing along the north line of said Lot 25, South 89 degrees 53 minutes 56 seconds East 5.00 feet; thence South 00 degrees 06 minutes 04 seconds West 120.86 feet to the point of curvature of a curve to the right, concave to the Westerly having a central angle of 26 degrees 45 minutes 42 seconds and a radius of 285.00 feet from which the chord bears South 13 degrees 28 minutes 55 seconds West 131.91 feet; thence along the arc of said curve 133.12 feet to a point on the north line of a platted L.M.&.S.D.E.; thence along said north line, North 63 degrees 39 minutes 35 seconds West 10.00 feet to a point on the west line of said Lot 25, said point being the point of curvature of a curve to the left, concave to the Westerly, having a central angle of 26 degrees 46 minutes 51 seconds and a radius of 275.00 feet from which the chord bears North 13 degrees 29 minutes 29 seconds East 127.37 feet; thence along the arc of said curve and the westerly boundary of said Lot 25, 128.54 feet; thence continuing along the boundary of said Lot 25, North 00 degrees 06 minutes 04 seconds East 115.86 feet; thence South 89 degrees 53 minutes 56 seconds East 5.00 feet; thence North 00 degrees 06 minutes 04 seconds East 5.00 feet to the Point of Beginning containing 2492
square feet (0.06 acres).

**Easement #5:**

All of the Lake Maintenance and Storm Drainage Easement (L.M.& S.D.E.) located on Lots 19, 20, 22, and 23 in Engelbrecht Place Section 2- Phase 1, as per plat thereof, recorded in Instrument No. 2005R-05507 in the office of the Recorder of Warrick County, Indiana, and now being part of Orchard View Condominiums P.U.D. Section 1, as per plat thereof, recorded in Instrument No. 2008R-002832, all being located in Ohio Township, Warrick County, Indiana, being more particularly described as follows:

Beginning at the southmost corner of said Lot 19; thence along the easterly line of said Lots 20, 22, and 23, South 26 degrees 20 minutes 25 seconds West 266.28 feet to a point on the south line of said L.M.&.S.D.E.; thence along said south line, South 89 degrees 53 minutes 53 seconds West 60.76 feet; thence North 00 degrees 06 minutes 07 seconds West 176.61 feet to the point of curvature of a curve to the left, concave to the Northwest, having a central angle of 67 degrees 01 minutes 03 seconds and a radius of 220.00 feet from which the chord bears North 33 degrees 54 minutes 40 seconds East 242.91 feet; thence along the arc of said curve 257.33 feet; thence South 89 degrees 53 minutes 56 seconds East 80.51 feet to a point on the east line of said Lot 19; thence along said east line, South 00 degrees 06 minutes 04 seconds West 65.22 feet to a corner of said Lot 19; thence along the boundary of said Lot 19, South 26 degrees 20 minutes 25 seconds West 82.68 feet to the Point of Beginning containing 37,711 square feet (0.87 acres).

**SECTION 2.** The County Commissioners of Warrick County held a hearing on the petition of Allan R. Holweger on June 11, 2008. Notice of said hearing was given by publication and by certified mail to all properties within 200 feet of the right-of-way to be vacated.

**SECTION 3.** It is in the best interests of Warrick County that the petition of Allan R. Holweger be approved and it is hereby accepted and approved that the above-described easements and portions of easements are vacated in accordance with the authority vested in the County Commissioners of Warrick County to accept such petition.

**SECTION 4.** This ordinance shall be in full force and effect from and after its passage by the County Commissioners of Warrick County, Indiana.

**ATTEST:**

Donna D. Burdette
**County Auditor** 1st Deputy
6-11-08

**WARRICK COUNTY COMMISSIONERS:**

Don Wille

Phillip H. Baxter

"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."

Bret Seimer

This document was prepared by Morley and Associates, Inc.

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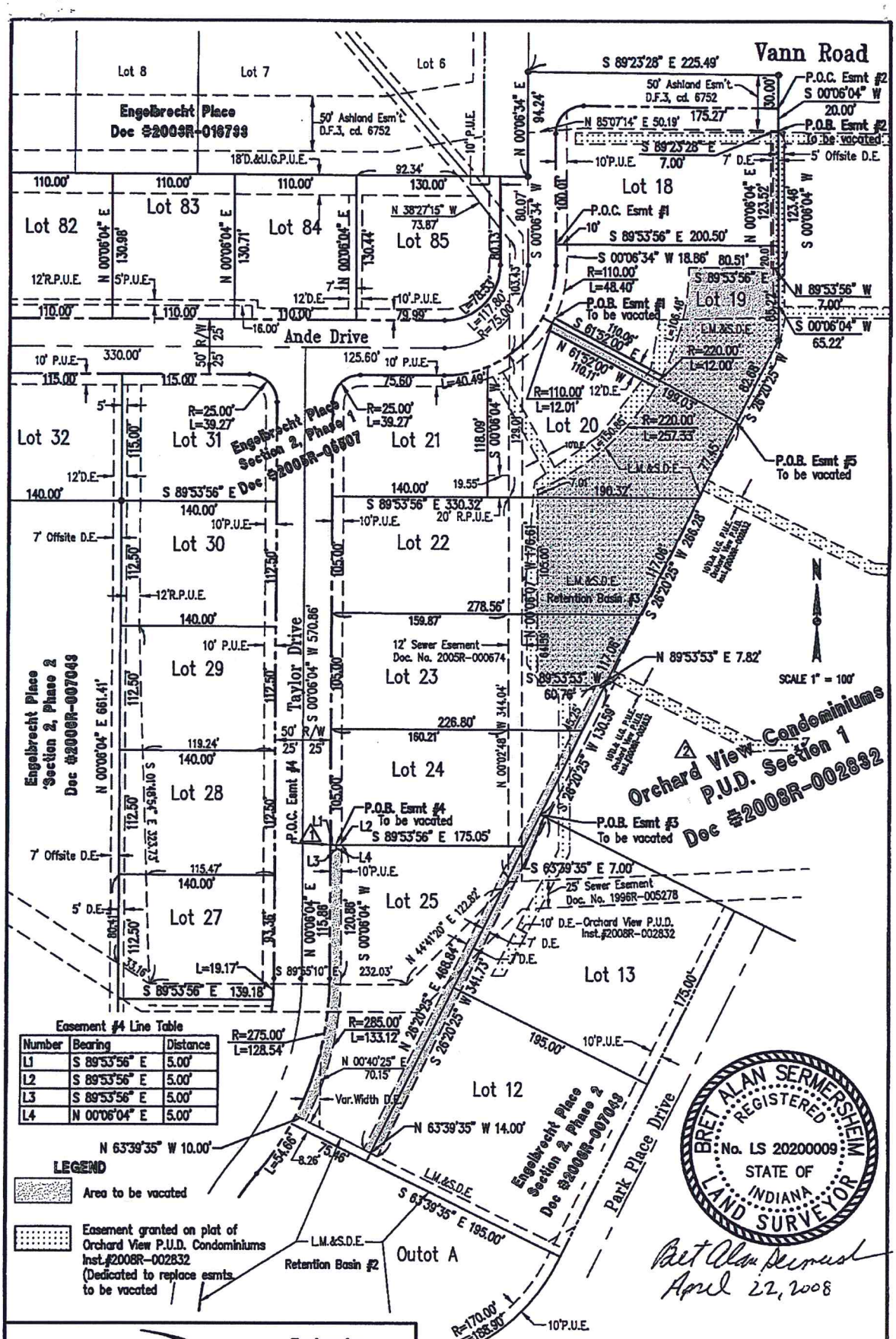


Easement #4 Line Table

| Number | Bearing | Distance |
|---|---|---|
| L1 | S 89°53'56" E | 5.00' |
| L2 | S 89°53'56" E | 5.00' |
| L3 | S 89°53'56" E | 5.00' |
| L4 | N 00°06'04" E | 5.00' |

**LEGEND**

Area to be vacated

Easement granted on plat of Orchard View P.U.D. Condominiums Inst.#2008R-002832 (Dedicated to replace esmts. to be vacated

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

Bret Alan Sermersheim
April 22, 2008

Morley and Associates Inc.
www.morleyandassociates.com

Engineering
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Evansville, In (812) 464-9585
Henderson, Ky (270) 830-0300
Jasper, In (812) 634-9990

2 BAS 4-22-08 Add Replatted Orchard View Condominiums to exhibit
1 BAS 4-16-08 Revise Easement # 4 to be vacated

Easements to be Vacated
Engelbrecht Place, Sec 2-Phase 1 & 2
Now part of Orchard View Condominiums
2 Warrick County, Indiana

| Designed By: BAS | Job Number: 6044.4.003G |
|---|---|
| Drawn By: AGS | Date: Apr. 22, 2008 |
| Filename: 6044\vacated Esmts.dwg | |