

ORDINANCE 2019-28
AN ORDINANCE OF THE WARRICK COUNTY
BOARD OF COMMISSIONERS TO VACATE
CERTAIN PUBLIC WAYS ON PROSPECT DRIVE

WHEREAS, a sworn petition was presented to the Board of Commissioners of Warrick County, Indiana, requesting that certain public ways described on Exhibit A, attached hereto and incorporated herein, be vacated by the Board of Commissioners of Warrick County, Indiana; and

WHEREAS, after due and proper notice, a timely public hearing was convened by the Board of Commissioners of Warrick County, Indiana, at which time all interested persons were permitted to address the Board of Commissions of Warrick County, Indiana, regarding said vacation.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Warrick County, Indiana, as follows:

SECTION 1 FINDINGS.

The Board of Commissioners of Warrick County, Indiana, after due investigation and consideration, has determined that the nature and extent of the public use and public interest to be served is such as to warrant the vacation of certain public ways located on real estate within Ohio Township, Warrick County, Indiana, as more particularly described in Exhibit A.

SECTION 2 VACATION.

The Board of Commissioners of Warrick County, Indiana, does hereby find that the above-described public ways are no longer required for public use and the public interest will be served by such vacation, and the Board of Commissioners of Warrick County, Indiana, does hereby vacate that public way or place described above effective the date upon which the County receives written consent of said vacation from Vectren.

SECTION 3 EASEMENTS.

The public easements and right-of-ways vacated as described above will remain subject to the following easements:

Water Line Easement in favor of Indiana-American Water Company, Inc.,
recorded as Document 2017R-005062 in the Office of the Recorder of
Warrick County, Indiana.

SECTION 4 RECORDING.

The Warrick County Auditor shall furnish a copy of this Ordinance to the Warrick

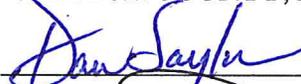
County Recorder for recording.

SECTION 5 EFFECTIVE DATE.

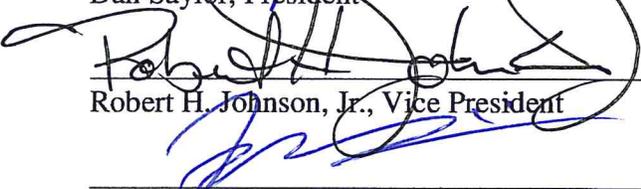
This Ordinance shall be in full force and effect from and after its passage by the Board of Commissioners of Warrick County, Indiana, and following its publication as provided in Ind. Code 5-3-1, *et seq.*

Passed and adopted by the Board of Commissioners of Warrick County, Indiana this 25TH day of November, 2019.

BOARD OF COMMISSIONERS
WARRICK COUNTY, INDIANA



Dan Saylor, President



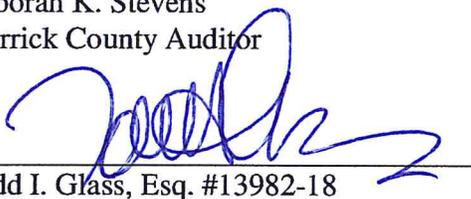
Robert H. Johnson, Jr., Vice President

Terry J. Phillippe, Member

ATTEST:



Deborah K. Stevens
Warrick County Auditor



Todd I. Glass, Esq. #13982-18

FINE & HATFIELD, A Professional Corporation
520 N.W. Second Street, P.O. Box 779
Evansville, Indiana 47705-0779
Telephone: (812) 425-3592
Warrick County Attorney

Exhibit A

A portion of Prospect Drive right of way recorded in Miscellaneous File 3, Card 455 in the office of the Recorder of Warrick County, Indiana being an eighty (80) foot right of way located in the North Half of Section 19 and part of the Northwest Quarter of Section 20 and lying in Township 6 South, Range 8 West, Ohio Civil Township, Warrick County, Indiana, and the center line of which roadway is more particularly described as follows:

Beginning at a point in the center of Prospect Drive as described in said Miscellaneous File 3, Card 455, which is located by commencing at the Southwest Corner of the South Half of the North Half said Section 19; thence along the South Line thereof, South 88 degrees 42 minutes 07 seconds East 1183.97 feet; thence North 06 degrees 47 minutes 53 seconds East 149.47 feet to the North right of way of Vann Road; thence North 06 degrees 47 minutes 53 seconds East 326.94 feet to a point of curvature of a curve having a radius of 785.09 feet; thence Northeasterly along the arc of said curve 495.07 feet (495.16 feet record) to a point of tangent of said curve; thence North 42 degrees 55 minutes 42 seconds East 398.49 feet to the point of curvature of a curve having a radius of 766.43 feet; thence Northeasterly along the arc of said curve 612.17 feet to the point of tangent of said curve; thence North 88 degrees 41 minutes 33 seconds East for 737.37 feet to the point of curvature of a curve having a radius of 535.77 feet; then Northeasterly along the arc of said curve 315.66 feet to the point of tangent of said curve; thence North 54 degrees 56 minutes 08 seconds East 144.18 feet to a point where the North right of way of said Prospect Drive intersects the Easterly line of a water line easement in favor of Indiana-American Water Company, Inc., recorded as Document 2017R-005062 in said Recorder's Office, and being the **POINT OF BEGINNING**; thence continuing along the centerline of said Prospect Drive, North 54 degrees 56 minutes 08 seconds East 318.56 feet to the point of curvature of a curve having a radius of 2072.13 feet; thence Northeasterly along the arc of said curve 344.98 feet (344.97 feet record); thence North 64 degrees 28 minutes 28 seconds East for 156.72 feet to the point of curvature of a curve having a radius of 508.62 feet; thence Easterly and Southeasterly along the arc of said curve 775.81 feet to the point of tangent of said curve; thence South 28 degrees 07 minutes 52 seconds East 22.55 feet to the point of curvature of a curve having a radius of 458.72 feet; thence Southeasterly along the arc of said curve 378.83 feet to the point of tangent of said curve; thence South 75 degrees 26 minutes and 56 seconds East 895.28 feet to the point of curvature of a curve having a radius of 9125.81 feet; thence Southeasterly along the arc of said curve 616.00 feet (615.97 feet record) to the point of tangent of said curve; thence South 71 degrees 34 minutes 53 seconds East 406.01 feet (415.58 feet record) to the right of way of Vann Road, recorded in Miscellaneous File 2, Card 14167-1, and Miscellaneous File 3, Card 3959-1, in said Recorder's Office, and being the point of ending of said center line description, said point of ending also lies North 00 degrees 30 minutes 22 seconds East 1189.88 feet (North 01 degree 08 minutes 56 seconds East record) of the Southeast corner of the West Half of the Northwest Quarter of said Section 20, containing 7.18 acres more or less.



Vectren
FILED
P.O. Box 209
Evansville, IN 47702-0209
JAN 22 2020

January 8, 2020

Jeremy Elrod
Morley
4800 Rosebud Lane
Newburgh, IN 47630

via Email: JeremyE@morleycorp.com

Re: Petition to vacate a portion of Prospect Drive right of way recorded in Miscellaneous File 3, Card 455, in the office of the Recorder of Warrick County, Indiana being an 80 foot right of way located in the North Half of Section 19 and part of the Northwest Quarter of Section 20 and lying in Township 6 South, Range 8 West, Ohio Civil Township, Warrick County, Indiana, and further described and depicted on the attached Exhibits "A" and "B"

Petitioner: Morley Job #10616

Dear Mr. Elrod:

Engineering representatives for Indiana Gas and Electric Company, Inc. doing business as Vectren Energy Delivery of Indiana ("VEDI") have researched the above location requested for vacation and have determined that there are presently no active VEDI utility facilities existing within the boundaries of the subject property.

The consent granted by VEDI for said vacation is valid for ninety (90) days. This is due to the constant installation of our facilities at numerous locations. If this vacation request is not petitioned and passed by the Common Council within this time period, this letter becomes invalid, requiring a new study to be done by VEDI.

Please forward to my attention a copy of the recorded ordinance upon passing for our records.

Sincerely,

Jennifer Detzer
Right of Way Agent
Office: (812) 491-4544
Cell: (812) 431-8282

xc: S. Rector (Warrick APC)

EXHIBIT "A"

Vacate of road right of way of Prospect Drive

A portion of Prospect Drive right of way recorded in Miscellaneous File 3, Card 455 in the office of the Recorder of Warrick County, Indiana being an eighty (80) foot right of Way located in the North Half of Section 19 and part of the Northwest Quarter of Section 20 and lying in Township 6 South, Range 8 West, Ohio Civil Township, Warrick County, Indiana, and the center line of which roadway is more particularly described as follows:

Beginning at a point in the center of Prospect Drive as described in said Miscellaneous File 3, Card 455, which is located by commencing at the Southwest Corner of the South Half of the North Half said Section 19; thence along the South Line thereof, South 88 degrees 42 minutes 07 seconds East 1183.97 feet; thence North 06 degrees 47 minutes 53 seconds East 149.47 feet to the North right of way of Vann Road; thence North 06 degrees 47 minutes 53 seconds East 326.94 feet to a point of curvature of a curve having a radius of 785.09 feet; thence Northeasterly along the arc of said curve 495.07 feet (495.16 feet record) to a point of tangent of said curve; thence North 42 degrees 55 minutes 42 seconds East 398.49 feet to the point of curvature of a curve having a radius of 766.43 feet; thence Northeasterly along the arc of said curve 612.17 feet to the point of tangent of said curve; thence North 88 degrees 41 minutes 33 seconds East for 737.37 feet to the point of curvature of a curve having a radius of 535.77 feet; then Northeasterly along the arc of said curve 315.66 feet to the point of tangent of said curve; thence North 54 degrees 56 minutes 08 seconds East 462.74 feet to the point of curvature of a curve having a radius of 2072.13 feet; thence Northeasterly along the arc of said curve 344.98 feet (344.97 feet record); thence North 64 degrees 28 minutes 28 seconds East for 156.72 feet to the point of curvature of a curve having a radius of 508.62 feet; thence Easterly along the arc of said curve 88.85 to a point where the North right of way of said Prospect Drive intersects the Easterly line of a water line easement in favor of Indiana-American Water Company, Inc., recorded as Document 2017R-005062 in said Recorder's Office, and being the **POINT OF BEGINNING**; thence continuing along said curve, Easterly and Southeasterly along the arc of said curve 686.96 feet to the point of tangent of said curve, thence South 28 degrees 07 minutes 52 seconds East 22.55 feet to the point of curvature of a curve having a radius of 458.72 feet; thence Southeasterly along the arc of said curve 378.83 feet to the point of tangent of said curve; thence South 75 degrees 26 minutes and 56 seconds East 895.28 feet to the point of curvature of a curve having a radius of 9125.81 feet; thence Southeasterly along the arc of said curve 616.00 feet (615.97 feet record) to the point of tangent of said curve; thence South 71 degrees 34 minutes 53 seconds East 406.01 feet (415.58 feet record) to the right of way of Vann Road, recorded in Miscellaneous File 2, Card 14167-1, and Miscellaneous File 3, Card 3959-1, in said Recorder's Office, and being the point of ending of said center line description, said point of ending also lies North 00 degrees 30 minutes 22 seconds East 1189.88 feet (North 01 degree 08 minutes 56 seconds East record) of the Southeast corner of the West Half of the Northwest Quarter of said Section 20, containing 7.18 acres more or less.

