

Ord 5-2007

STATE OF INDIANA
COUNTY OF CLARK
BEFORE THE BOARD OF COMMISSIONERS

IN THE MATTER OF THE PETITION OF)
KLEIN DEVELOPMENT COMPANY, INC.)
AND KLEIN HOMES, LLC)
TO VACATE AN EXISTING EASEMENT)
LOCATED IN KINGSLAND FIELDS)
SUBDIVISION, PLAT BOOK 14, PAGE 9,)
CLARK COUNTY, INDIANA)

**ORDINANCE GRANTING PETITION TO VACATE
A PORTION OF A DRAINAGE EASEMENT**

Comes now Klein Development Company, Inc., an Indiana corporation, and Klein Homes, LLC, an Indiana limited liability company, hereinafter collectively referred to as the "Owner," and the Owner having heretofore filed a Petition to Vacate a Portion of a Drainage Easement, and notice of said petition and the time and place of the hearing on the same having been given by the Petitioner, pursuant to the provisions of I.C. 5-3-1, and the Board of Commissioners of Clark County, Indiana having examined and heard evidence on said petition and being duly advised in the premises now finds that said petition should be granted.

IT IS THEREFORE ORDAINED by the Board of Commissioners of Clark County, Indiana, that the easement located in the Kingsland Fields subdivision, Clark County, Indiana, and more particularly described in Exhibit "A" and shown in Exhibit "B" attached to and made a part of this ordinance, shall be and is hereby vacated by the Board of Commissioners of Clark County, Indiana and that the fee simple title to the real property subject to the easement shall vest in Owner free and clear of said easement.

SO ORDERED this 28th day of December, 2006.

BOARD OF COMMISSIONERS, CLARK COUNTY,
INDIANA

[Signature]

ED MEYER, Commissioner

[Signature]

RALPH GUTHRIE, Commissioner

[Signature]

VICKI KENT HAIRE, Commissioner

Attest:

[Signature]

BARBARA BRATCHER HAAS, Clark County Auditor

[Signature]
Mike Moore

EXHIBITA

PRIMAVERA & ASSO.

12/01/2006 15:36 8127386748

PAGE 09

PAUL PRIMAVERA & ASSOCIATES
REGISTERED ENGINEERS AND LAND SURVEYORS**DESCRIPTION FOR VACATED DRAINAGE EASEMENTS**
LOT #99 THRU #103, KINGSLAND FIELDS SUBDIVISION

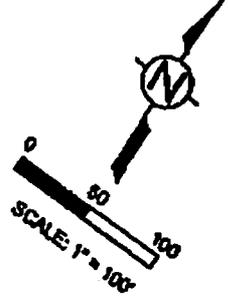
The following is a legal description prepared the 17th day of November, 2006, of real property being a part of Survey #202 of the Illinois Grant, Union Township, Clark County, Indiana, and being a part of Lots #99 thru #013 of Kingsland Fields Subdivision, as recorded in the Office of the Recorder, Clark County, Indiana, more particularly described as follows:

Commencing at the Northern corner lot corner between Lots #99 and #98, thence along the lot line between said lots South 34° 42' 55" East 96.48 feet, this being the point of beginning of a drainage easement to be abandoned, said easement being 7.5 feet both sides of the following described line: South 53° 50' 07" West 53.20 feet, thence South 46° 56' 47" West 24.24 feet, thence South 71° 18' 56" West 40.17 feet, thence South 56° 44' 58" West 112.93 feet, thence South 39° 44' 13" West 113.53 feet, thence South 04° 45' 31" West 28.77 feet to a point being the terminus of said easement and being in Lot #103.

T:\documents\2006\00-8216 vacated easements.wpd



EXHIBIT
B



EXISTING DRAINAGE EASEMENT

50°31'07" E 71.38'

LOT 103

15'-0" DRAINAGE
EASEMENT
LOT 102

LOT 101

LOT 100

LOT 99

LOT 98

LOT 97

55°17'03" N 48.03'

55°17'05" W 80.83'

55°17'05" W 75.00'

55°17'05" E 43.36'

50°35'50" E 71.84'

DRAINAGE EASEMENT
TO BE ABANDONED

SUN STUDIO DRIVE

REVISYED DRAINAGE EASEMENTS KINGSLAND FIELDS SUBDIVISION		Revision	Date
PAUL PRIMAVERA & ASSOCIATES ENGINEERS & LAND SURVEYORS		4	
301 E CHESTNUT ST. P.O. BOX 123 CURTIS, IN 47112 TEL (812) 738-4124 FAX (812) 738-8746 PRIMAVERA@PRIMAVERA.COM		3	
Date: 10-10-06 Drafted By: PFP Checked By: PFP Directory: 62887.090 File: E:\2006\81219 Job No.: 00-0216 Drawing No.		2	
ONE		1	

STATE OF INDIANA
COUNTY OF CLARK
BEFORE THE BOARD OF COMMISSIONERS

IN THE MATTER OF THE PETITION OF)
KLEIN DEVELOPMENT COMPANY, INC.)
AND KLEIN HOMES, LLC)
TO VACATE AN EXISTING EASEMENT)
LOCATED IN KINGSLAND FIELDS)
SUBDIVISION, PLAT BOOK 14, PAGE 9,)
CLARK COUNTY, INDIANA)

**NOTICE OF PUBLIC HEARING TO CONSIDER
PETITION TO VACATE EASEMENT**

NOTICE is hereby given that Klein Development Company, Inc. and Klein Homes, LLC, have filed with the Board of Commissioners of Clark County, Indiana, a Petition to Vacate a Portion of a Drainage Easement in connection with a fifteen (15) foot public drainage easement situated on Lots Ninety-Nine (99), One Hundred (100), One Hundred One (101), One Hundred Two (102), and One Hundred Three (103) in Kingsland Fields, as shown in Plat Book 14, Page 9 of the Clark County, Indiana records (the "Property"). Klein Development Company, Inc. and Klein Homes, LLC desire to vacate that portion of said easement beginning from a point on the common lot line between Lots 99, 98, and 97 and continuing across the Property in a southwesterly direction to a point terminating at the intersection with another drainage easement situated on Lot 103 of the Property.

A public hearing will be held on December 28, 2006, at 4:00 p.m. on the Fourth Floor of the City-County Building, 501 East Court Avenue, Jeffersonville, Clark County, Indiana, at which time and place all interested persons will be heard in reference to matters set out in said petition.

Such notice given and posted the ___th day of December, 2006.

/s/
Barbara Bratcher Haas, Clark County Auditor

This notice prepared by:
Alan M. Applegate
APPLEGATE & FIFER
Attorney for Petitioner
P. O. Box 1418
Jeffersonville, IN 47131-1418
(812) 284-9499

orig

Copy

STATE OF INDIANA
COUNTY OF CLARK
BEFORE THE BOARD OF COMMISSIONERS

IN THE MATTER OF THE PETITION OF)
KLEIN DEVELOPMENT COMPANY, INC.)
AND KLEIN HOMES, LLC)
TO VACATE AN EXISTING EASEMENT)
LOCATED IN KINGSLAND FIELDS)
SUBDIVISION, PLAT BOOK 14, PAGE 9,)
CLARK COUNTY, INDIANA)

ord.

**PETITION TO VACATE A PORTION OF A
DRAINAGE EASEMENT**

Klein Development Company, Inc., an Indiana corporation, and Klein Homes, LLC, an Indiana limited liability company (collectively referred to hereinafter as the "Owner"), hereby petition the Board of Commissioners of Clark County, Indiana (hereinafter called the "Commissioners") to vacate an existing drainage easement described in this petition and in support of this petition, Owner says as follows:

1. That Owner is the owner of certain real property known as Lot Numbers Ninety-Nine (99), One Hundred (100), One Hundred One (101), One Hundred Two (102) and One Hundred Three (103) in Kingsland Fields Subdivision, as shown in Plat Book 14, Page 9 of the Clark County, Indiana records (hereinafter referred to as the "Property").

2. That the Property is currently subject to a fifteen foot (15') wide public drainage easement (the "Easement") crossing through the lots comprising the Property, all as more particularly shown on the Plat and the attached drawing.

3. Owner desires to vacate that portion of the above-described Easement beginning from a point on the common lot line between Lots 99, 98, and 97 and continuing across the Property in a southwesterly direction to a point terminating at the intersection with another drainage easement situated on Lot 103 of the Property, being more particularly described in the legal description attached

FROM : KLEIN HOMES A
DEC-07-2006(THU) 15:42

FAX NO. : 8122462090
APPLEGATE & FIFER

Dec. 07 2006 02:57PM P1

(FAX)812 282 7199

F. 003/006

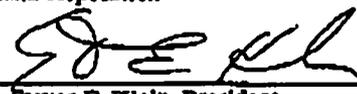
hereto as Exhibit "A" and being shown on the drawing attached hereto as Exhibit "B" both of which are incorporated herein by reference.

4. That all of the Easement lies within the unincorporated territory of Clark County, Indiana.
5. That the legal description attached hereto as Exhibit "A" describes by metes and bounds that portion of the Easement which Owner desires to vacate.
6. That the drawing attached hereto as Exhibit "B" shows in red that portion of the Easement which Owner desires to vacate.
7. That the Easement to vacation and removal of the easement from the drainage plans of Kingsland Fields Subdivision has been approved by the Clark County Drainage Board at a meeting held on November 1, 2006.
8. That Owner is willing to grant a drainage easement to Clark County on the south side of the Property upon the vacation of the Easement.
9. That Owner and John and Julie Black are the sole owners of all land abutting or adjoining the Easement to be vacated. John and Julie Black, with a tax mailing address of 802 Graceland Drive, Memphis, Indiana 47143 have been provided written notice of this Petition to Vacate Easement via certified mail. Owner is not obligated to mail notice of this petition to any other third party.
10. That Owner has caused notice of this petition and the hearing of same to be filed in *The Evening News*.

WHEREFOR, Owner respectfully requests that the Commissioners pass an ordinance vacating the Easement described in Exhibit "A" attached hereto and shown in Exhibit "B" attached hereto.

Dated: December __, 2006.

KLEIN DEVELOPMENT COMPANY, INC.,
an Indiana corporation

By: 
Steven E. Klein, President

FROM : KLEIN HOMES A
DEC-07-2006(THU) 15:42

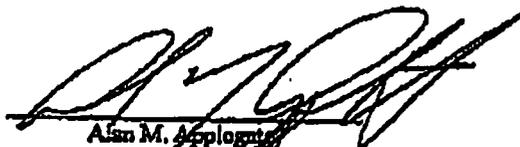
FAX NO. : 8122462090
APPELATE & FIFER

Dec. 07 2006 02:57PM P2

(FAX)812 282 7199 P.004/006

KLEIN HOMES, LLC,
an Indiana limited liability company

By: 
Steven E. Klein, Member



Alan M. Applegate
APPELATE & FIFER
P.O. Box 1418,
Jeffersonville, Indiana 47131-1418
Attorney for Petitioner
Attorney LD. No. 17150-10

12/01/2006 15:36 8127386748

EXHIBITB

PRIMAVERA & ASSO.

PAGE 09

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