

FCO-90- 5
AN ORDINANCE VACATING PUBLIC USE OF
A PORTION OF AN EASEMENT IN PLAT NO. 883

BE IT ORDAINED by the Board of Commissioners of the County of Floyd, Indiana, pursuant to I.C. 36-7-3-16 and I.C. 36-7-3-12, that:

SECTION 1. Public use of that portion of Plat No. 883 of the Floyd County, Indiana records, consisting of a Five (5)-foot strip of land bounded by Lot 34 on the Southwest and the remaining Twenty-five (25) feet of natural drainage valley easement on the Northeast and designated as "A" on said Plat, be and the same hereby is vacated.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage by the Board of Commissioners of the County of Floyd, Indiana, and signed by the Board.

Passed by the Board of Commissioners of the County of Floyd, Indiana, this 19 day of July, 1990.

BOARD OF COMMISSIONERS
COUNTY OF FLOYD, INDIANA

Edmund R. Knable
EDMUND R. KNABLE, President

Charles L. Zipp
CHARLES L. ZIPP, Member

Carl Percy, Jr.
CARL PEARCY, JR., Member

ATTEST:

Beth A. Sharp
Beth A. Sharp, County Auditor

Subscribed and sworn to before me this 19 day of July, 1990.

Max C. Mason, Sr.
Written Signature
Resident of HARRISON
County, Indiana

MAX C. MASON, SR.
Printed Name
Date Commission Expires: 1 | 18 | 94

PETITION TO VACATE
A PORTION OF AN EASEMENT IN PLAT NO. 883

TO: The Board of Commissioners of Floyd County, Indiana

Pursuant to IC 36-7-3-16 and IC 36-7-3-12, DONALD R. KIEFER and BETHANY A. KIEFER petition the Board of Commissioners of Floyd County, Indiana, to vacate a portion of an easement in Plat No. 883 of the Floyd County, Indiana records and state:

1. The circumstances of this case are as follows:

DONALD R. KIEFER and BETHANY A. KIEFER, husband and wife, acquired title to the real estate described as "Lot Number Thirty-four (34) Brazil Lake Estates, Plat No. Eight Hundred Eighty-three (883) of the Floyd County, Indiana Records" by Warranty Deed from Lakeview Developers and Ryman Ennis Kay and Suzanne Kay, husband and wife, dated March 10, 1989 and recorded in Deed Drawer 16, Instrument No. 1925 in the Office of the Recorder of Floyd County, Indiana. The Kiefers acquired said real estate subject to any and all easements and/or restrictions of public record. Petitioners acquired said real estate for the purpose of building a residence. Said real estate is bounded on the northeast by a thirty (30) foot natural drainage valley easement. Petitioners desire to have a five (5)-foot strip of said easement vacated so that they will have additional footage on which to construct their residence. A copy of part of Plat No. 883 of the Floyd County, Indiana records, indicating the portion of the easement to be vacated, is attached hereto as "Exhibit A."

2. The part of the easement of Plat No. 883 to be vacated is that portion thereof consisting of a five (5)-foot strip of land bounded by Lot 34 on the southwest and the remaining twenty-five (25) feet of natural drainage valley easement on the northeast, and designated as (A) on the attached Plat.

3. Stanley Bartholomai and Betty Bartholomai own the land that abuts said easement and by their signatures below waive

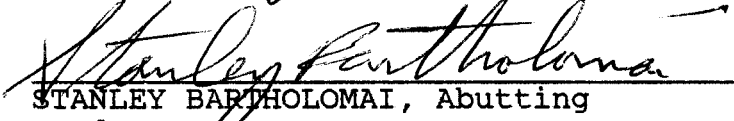
any objection to vacating the above-described portion of the easement in Plat No. 883 and also waive notice required by IC 36-7-3-12.


WHEREFORE, Petitioners request that the Board of Commissioners of Floyd County, Indiana, after a proper hearing as required by law, adopt an ordinance vacating said portion of an easement of Plat No. 883.

WE AFFIRM, UNDER PENALTIES FOR PERJURY THAT THE FOREGOING REPRESENTATIONS ARE TRUE.


DONALD R. KIEFER, Petitioner


BETHANY A. KIEFER, Petitioner

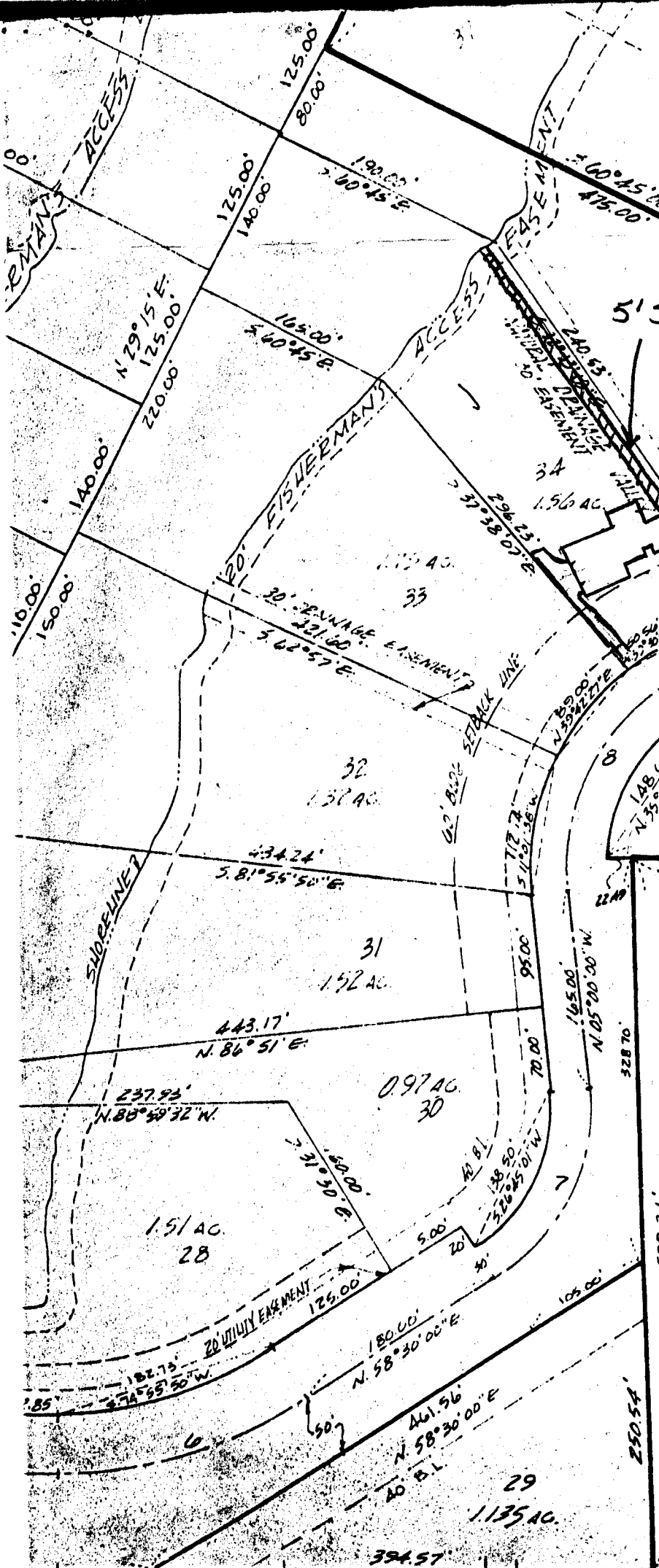

STANLEY BARTHOLOMAI, Abutting
Landowner


BETTY BARTHOLOMAI, Abutting
Landowner

Prepared By:

Kristie L. Watson
WARD & BOLIN
Attorneys at Law
1947 East Spring Street
New Albany, Indiana 47150
Telephone: (812) 949-1114
Attorney for Petitioners

CURVE DATA					
NO	Δ	RADIUS	LENGTH	TANGENT	EXTERNAL
1	21°26'29"	447.72'	196.96'	100.00'	10.70'
2	20°00'00"	150.00'	205.43'	125.86'	45.81'
3	70°46'00"	190.14'	234.79'	135.00'	48.05'
4	41°30'00"	250.75'	181.62'	95.00'	17.59'
5	88°38'20"	179.20'	277.24'	175.00'	71.27'
6	32°51'40"	325.01'	213.94'	110.00'	15.88'
7	63°30'00"	161.60'	179.10'	100.00'	28.44'
8	71°40'00"	173.10'	216.52'	125.00'	40.41'



BRAZIL LAKE ESTATES
PLAT - 883
 APPROVED BY THE
FLOYD COUNTY PLAN COMMISSION

Ralph Kraemer
 RALPH KRAEMER, PRESIDENT
Patrick Haughlin
 JAMES PATRICK HAUGHLIN, EXEC. DIRECTOR

Nov. 1, 1976
 DATE:

APPROVED BY THE
FLOYD COUNTY COMMISSIONERS

Raymond Liss
 THE HON. RAYMOND LISS, PRESIDENT
Vincent Freidberger
 THE HON. VINCENT FREIDBERGER, MEMBER
Dorothy Lottus
 THE HON. DOROTHY LOTTUS, MEMBER
Fredrick L. Witke
 ATTEST: THE HON. FREDERICK L. WITKE, AUDITOR
 FLOYD COUNTY

6 Nov. 1978
 DATE:

PROTECTIVE COVENANTS:
 SUBJECT TO PROTECTIVE COVENANTS AS RECORDED IN
 REC. DEGREE 5, MAP NO. 11,098, OFFICE OF THE
 RECORDER, FLOYD COUNTY, INDIANA

EXHIBIT "A"