

STATE OF INDIANA
COUNTY OF CLARK
BEFORE THE BOARD OF COMMISSIONERS

IN THE MATTER OF THE PETITION OF)
CRYSTAL SPRINGS, LLC TO VACATE)
AN EXISTING DRAINAGE AND UTILITY)
EASEMENT LOCATED IN THE LAKES OF)
CRYSTAL SPRINGS SUBDIVISION,)
SECTION I, PLAT BOOK 12, PAGE 90,)
CLARK COUNTY, INDIANA)

1-2008

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

Comes now and Crystal Springs, LLC, an Indiana limited liability company, hereinafter referred to as the "Owner," and the Owner having heretofore filed a Petition to Vacate a Portion of a Drainage and Utility 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 drainage and utility easement located in The Lakes of Crystal Springs, Section I, 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 24th day of January, 2008.

BOARD OF COMMISSIONERS, CLARK COUNTY,
INDIANA


ED MEYER, Commissioner


RALPH GUTHRIE, Commissioner


MICHAEL MOORE, Commissioner

Attest:


BARBARA BRATCHER HAAS, Clark County Auditor

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SECTION I, PLAT BOOK 12, PAGE 90,)
CLARK COUNTY, INDIANA)

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

Crystal Springs, LLC, an Indiana limited liability company (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 and utility 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 know as Lot No. Forty Three in The Lakes of Crystal Springs, Section I, as shown in Plat Book 12, Page 90 of the Clark County, Indiana records (hereinafter referred to as the "Property").

2. That the Property is currently subject to a ten foot (10') wide public drainage and utility easement (the "Easement") situated along a portion of the southeasterly line of said 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 northern boundary of a dam maintenance and drainage easement situated to the north of the Property and continuing along the southeastern line of the Property, being more particularly described in the legal description attached 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 vacation and removal of the easement from the drainage plans of The Lakes of Crystal Springs, Section I ~~has been approved by~~ ^{will be submitted to} the Clark County Drainage Board at a meeting held on January 2, 2008.

8. That Owner is the sole owner of all land abutting or adjoining the Easement to be vacated. Accordingly, Owner is not obligated to mail notice of this petition to any other third party.

9. 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 that portion of the Easement described in Exhibit "A" attached hereto and shown in Exhibit "B" attached hereto.

Dated: December 19, 2007.

CRYSTAL SPRINGS, LLC,
an Indiana limited liability company

By: 

Steven E. Klein, Member


Alan M. Applegate,

APPLEGATE & FIFER

P.O. Box 1418,

Jeffersonville, Indiana 47131-1418

Attorney for Petitioner

Attorney I.D. No. 17150-10

Exhibit "A"

Description Of 10 Foot Easement To Be Vacated

Being a part of Lot 43 in the Lakes of Crystal Springs, Section 1, as shown in Plat Book 12, Page 90 of the Clark County, Indiana records and being further described as follows:

Beginning at the eastern most corner of said Lot 43; Thence S. $51^{\circ} 35'$ W., along the southeastern line of said Lot, 15.01 feet to THE TRUE PLACE OF BEGINNING:

Thence continuing S. $51^{\circ} 35'$ W., along said southeastern line, 118.63 feet;

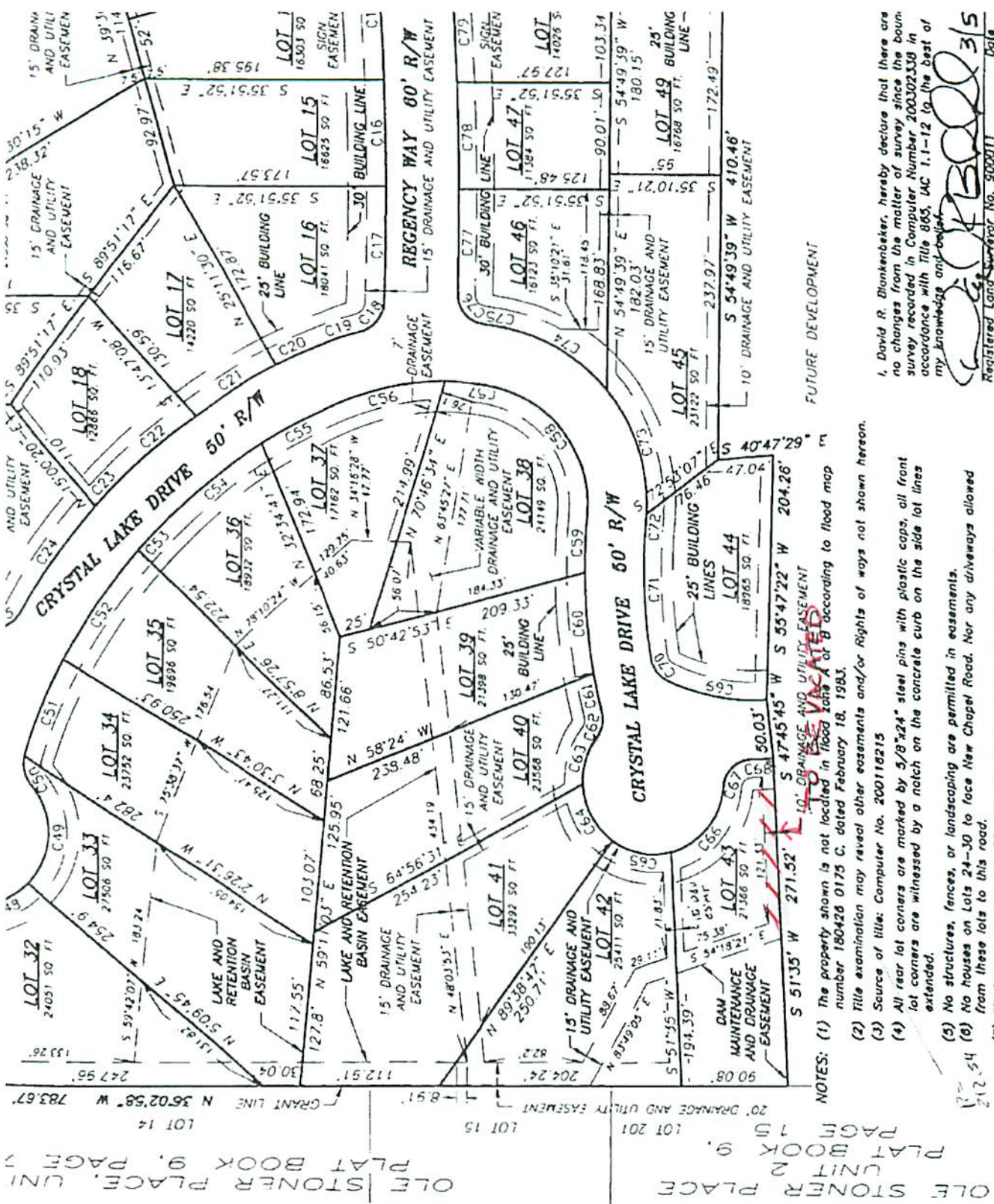
Thence N. $54^{\circ} 18' 21''$ W., 10.4 feet;

Thence N. $51^{\circ} 35'$ E., 121.33 feet;

Thence 10 feet along the arc of a 227.54 foot radius curve to the left (concave northeasterly) being subtended by a chord bearing S. $39^{\circ} 12' 23''$ E., 10 feet to the TRUE PLACE OF BEGINNING.

Containing 1199 square feet.

EXHIBIT B



NOTES: (1) The property shown is not located in flood zone A or B according to flood map number 180428 0175 C, dated February 18, 1983.
 (2) Title examination may reveal other easements and/or rights of ways not shown hereon.
 (3) Source of title: Computer No. 200118215
 (4) All rear lot corners are marked by 5/8" x 24" steel pins with plastic caps, all front lot corners are witnessed by a notch on the concrete curb on the side lot lines extended.
 (5) No structures, fences, or landscaping are permitted in easements.
 (6) No houses on Lots 24-30 to face New Chapel Road. Nor any driveways allowed from these lots to this road.
 (7) No houses on Lots 13, 22, 23, and 24 to face Crystal Springs Boulevard. Nor any driveways allowed from these lots to this boulevard.

I, David R. Blunckebaker, hereby declare that there are no changes from the matter of survey since the bound survey recorded in Computer Number 200302338 in accordance with Title 865, AC 1.1-12 to the best of my knowledge and belief.

David R. Blunckebaker
 Registered Land Surveyor No. 900011