ORDINANCE NO. 2024-OR-004

AN ORDINANCE VACATING A PLATTED UTILITY EASEMENT

AN ORDINANCE FOR THE VACATION OF A PLATTED GENERAL UTILITY EASEMENT PURSUANT TO A PETITION FILED BY TRI-TOWNSHIP FIRE PROTECTION DISTRICT

BE IT ORDAINED by the Town Council of the Town of Sellersburg, Indiana, ("Town") pursuant to I.C. § 36-7-3-12 that:

SECTION 1. The application filed by Tri-Township Fire Protection District ("District") is requesting the vacation of a general utility easement located in the Town of Sellersburg, Clark County, Indiana, and being more particularly described as that 20' general utility easement dedicated to public use on the plat recorded in Plat Book 11, Page 65, in the office of the Recorder for Clark County, Indiana.

SECTION 2. That general utility easement concerns real estate located on our around Hamburg Way Sellersburg, Indiana and 7306 & 7310 Hwy 11, Sellersburg Indiana, which is exclusively owned by the District, and more specifically described as follows (the "Real Estate"), to wit:

LEGAL DESCRIPTION

A part of Lot 4 of Hamburg Park Subdivision as shown in Plat Book 11, Page 65 of the Clark County, Indiana records, prepared by Christopher Howell, PS# 20600006, Blankenbeker and Associates Job #B22-24536, not based on a survey, described as follows:

Beginning at the west corner of said Lot 4; thence N 25°42'11" E 20.00 feet along the northwest line of said Lot 4; thence S 64°19'21" E 316.08 feet; thence S 25°41'15" W 20.00 feet to the southwest line of said Lot 4; thence N 64°19'21" W 316.09 feet along said southwest line to the point of beginning.

Containing 0.145 acre more or less, and subject to all easements, restrictions, and rights-of-way of record.

Being a portion of that property conveyed to Tri-Township Fire Protection District in Instrument 202226054 as recorded in the Office of the Recorder of Clark County, Indiana.

SECTION 3. The Town hereby releases, assigns and quits any claim to the 20' general utility easement on the plat recorded in Plat Book 11, Page 65, in the office of the Recorder for Clark County, Indiana, and title to such 20" general utility easement within the above-described Real Estate shall henceforth be vested in the owner of the Real Estate.

SECTION 4. This Ordinance shall be in the full force and effect from and after its passage by the Town Council of the Town of Sellersburg this 22^{nd} day of January, 2024.

SO ORDAINED THIS 22ND DAY OF JANUARY 2024.

[Signature Page To Follow]

"Aye"	"Nay"
Brad Amos Council President	Brad Amos Council President
Terry Langford Council Vice President	Terry Langford Council Vice President
Scott McVoy Council 2 nd Vice President	Scott McVoy Council 2 nd Vice President
Matthew Czarnecki Council Member	Matthew Czarnecki Council Member
Randall Mobley Council Member	Randall Mobley Council Member
Muchelle D. Meller Attested by: Michelle Miller Sellersburg Clerk-Treasurer	
FIRST READING MOTION: M=Voy VOTE: 5 AYE NAY 0	DATE: 1/22/24 SECOND: Zavrecki ABSTAIN
APPROVAL	DATE: 1/22/24

MOTION:_	Came	cki		_	SECOND:_	m=Voy	Ordinance	2024-OR-004
VOTE:	5 AYE	0	_NAY	0	_ABSTAIN	J		

STATE OF INDIANA

BEFORE THE SELLERSBURG TOWN COUNCIL

IN RE THE PETITION TO VACATE)
A CERTAIN PLATTED)
EASEMENT OF)
HAMBURG PARK (PLAT BOOK 11, PAGE 65)
SELLERSBURG, CLARK COUNTY,)
INDIANA,)
)
TRI-TOWNSHIP FIRE PROTECTION)
DISTRICT)
PETITIONER.)

PETITION TO VACATE PLATTED EASEMENTS

Petitioner, Tri-Township Fire Protection District (hereinafter referred to as "Petitioner"), an Indiana municipal corporation by statute, for its petition state as follows:

- 1. Petitioner owns Lots 3 and 4, Hamburg Park Subdivision (collectively the "Property"), as recorded in Plat Book 11, Page 65 in the Clark County Recorder's Office (hereinafter referred to as the "Plat"), a copy of said Plat being attached as Exhibit "A" hereto. The Property lies on the southeastern side of the street known as Hamburg Way Road.
- 2. In preparation for purchasing the Property as the site for the construction of Petitioner's new fire headquarters building, Petitioner had a Survey prepared and discovered that the proposed building would cover a platted utility easement, a copy of said Survey being attached as Exhibit "B" hereto.
- 3. The Survey reflects the existence of two (2) previously recorded easements in the proposed building area, along with several other platted easements

unaffected by this petition, all as shown on the "Easement Descriptions" portion of the Survey.

- 5. Pursuant to the provisions of Indiana Code 36-7-3-12 and 36-7-3-16, Petitioners seek the vacation of all of the platted general utility easement (the "Utility Easement"), as highlighted on the drawing attached hereto as Exhibit "C," and described by metes and bounds on Exhibit "D" attached hereto. None of the other Easements shall be affected by the proposed vacation. There are no other owners of land that abut the portion of the easements to be vacated.
- 6. Petitioner seeks the vacation of the Utility Easement to be able to complete construction of its new fire headquarters building.
- 7. Vacation of the Utility Easement will not hinder the growth of or orderly development of the neighborhood in which the Property is located or to which the Utility Easement is contiguous.
- 8. Vacation of the Utility Easement will not make access to the lands of any person by means of public way difficult or inconvenient.
- 9. Vacation of the Utility Easement will not hinder any utility company's ability to provide utility services to the residents in the surrounding area.
- 10. Petitioner has further caused notice of the filing of this petition and the scheduled hearing hereon to be published in News and Tribune one (1) time at least ten (10) days before the scheduled date of such hearing as required by Indiana Code 5-3-1-2(b).

11. Petitioner asks that the proposed vacation of the platted easement be granted by ordinance of the Town of Sellersburg, and that such ordinance provide that subsequent to such vacation Petitioner shall own the vacated property.

WHEREFORE, Petitioner respectfully asks that the Sellersburg Town Council conduct a public hearing on this petition, and that following such petition enact and adopt the ordinance vacating the specified portion of the platted easement as requested herein.

TRI-TOWNSHIP DISTRICT, an

FIRE Indiana PROTECTION governmental

municipality

By: \bigcap

Name: TRI- TOWA

This petition prepared by:
Erin Legg Benken
APPLEGATE FIFER PULLIAM LLC
428 Meigs Avenue
Jeffersonville, Indiana 47130
(812) 284-9499
Attorney for Petitioner

EXHIBIT "A"

PLAT

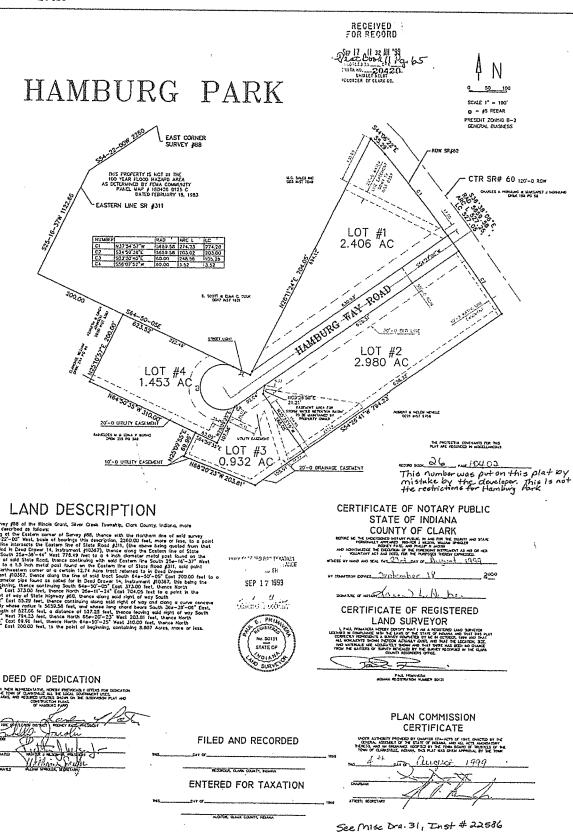


EXHIBIT "B"

SURVEY

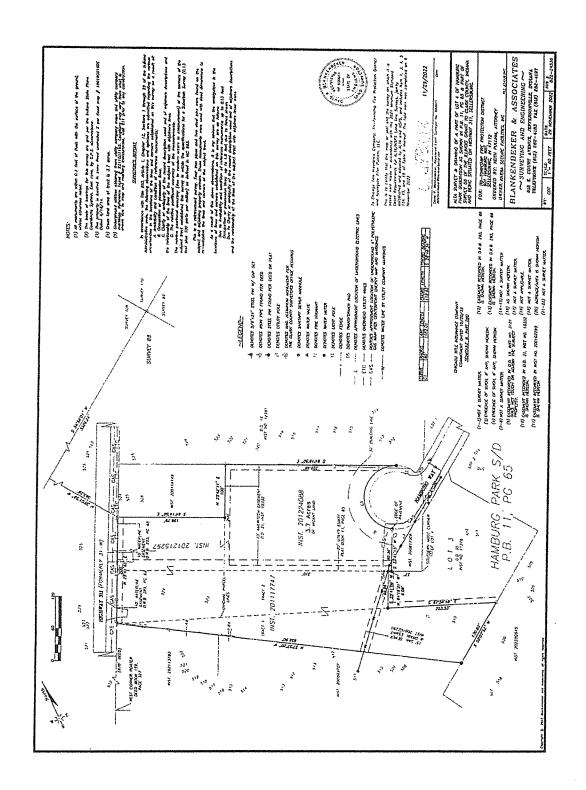


EXHIBIT "C"

DRAWING OF PORTION OF EASEMENTS TO BE VACATED

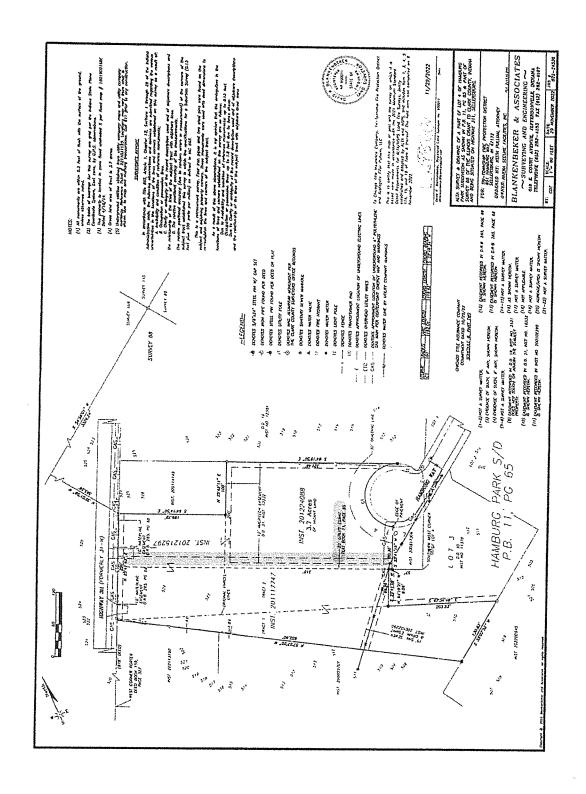


EXHIBIT "D"

METES AND BOUNDS DESCRIPTION OF PORTION OF EASMENETS TO BE VACATED

A part of Lot 4 of Hamburg Park Subdivision as shown in Plat Book 11, Page 65 of the Clark County, Indiana records, prepared by Christopher Howell, PS# 20600006, Blankenbeker and Associates Job #B22-24536, not based on a survey, described as follows:

Beginning at the west corner of said Lot 4; thence N 25°42'11" E 20.00 feet along the northwest line of said Lot 4; thence S 64°19'21" E 316.08 feet; thence S 25°41'15" W 20.00 feet to the southwest line of said Lot 4; thence N 64°19'21" W 316.09 feet along said southwest line to the point of beginning.

Containing 0.145 acre more or less, and subject to all easements, restrictions, and rights-of-way of record.

Being a portion of that property conveyed to Tri-Township Fire Protection District in Instrument 202226054 as recorded in the Office of the Recorder of Clark County, Indiana.

ORDINANCE	NO.	

IN RE THE PETITION TO VACATE CERTAIN PLATTED EASEMENT OF HAMBURG PARK (PLAT BOOK 11, PAGE 65), SELLERSBURG, CLARK COUNTY, INDIANA

WHEREAS, petitioner, Tri-Township Fire Protection District, an Indiana municipal corporation by statute, has filed a petition for the vacation of a platted easement on petitioner's property pursuant to the provisions of IC 36-7-3-12 and 36-7-3-16; and,

WHEREAS, such petitioner has further caused a notice of public hearing on such petition before this Council to be properly published in accordance with Indiana law; and,

WHEREAS, this Council having held such public hearing at the date and time as stated in such published notification.

NOW, THERFORE, BE IT ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF SELLERSBURG, INDIANA, as follows:

- 1. The Town Council for the Town of Sellersburg, hereby finds all of the following:
 - a. There are no other owners of land that abut the platted easement to be vacated.
 - b. The proposed vacation shall allow the petitioner to begin construction of its new fire headquarters building.
 - c. The proposed vacation will not hinder the growth or orderly development of the neighborhood in which the easement is located or to which the easement is contiguous.
 - d. The proposed vacation will not hinder the any utility company's ability to provide utility services to the residents in the surrounding area.

2. The petitioner's petition for vacation of platted easements is hereby granted, and the platted easement within Sellersburg's municipal boundaries are hereby

vacated as depicted on attached Exhibit "C" and described in Exhibit "D". Exhibits "A"

and "B" to the petitioner's petition are intentionally omitted.

3. The petitioner shall cause a certified copy of this Ordinance to be recorded

in the office of the Recorder of Clark County, Indiana, in accordance with the provisions

of Ind. Code § 36-7-3-12(e), and thereafter shall file a recorded copy with the office of

the Clerk of the Town of Sellersburg, Indiana.

4. This Ordinance shall be in force and effect upon its adoption.

So Ordained by majority vote of the entire membership of the Town of

Sellersburg, Indiana at a properly noticed and convened public meeting held this 22nd

day of January, 2024.

TOWN COUNCIL FOR THE TOWN OF

SELLERSBURG, INDIANA

Matthew Czarnecki, President

Brad J. Amos

Attested by:

Michaela D. Millar Clark Transurar

EXHIBIT "C"

DRAWING OF PORTION OF EASEMENTS TO BE VACATED

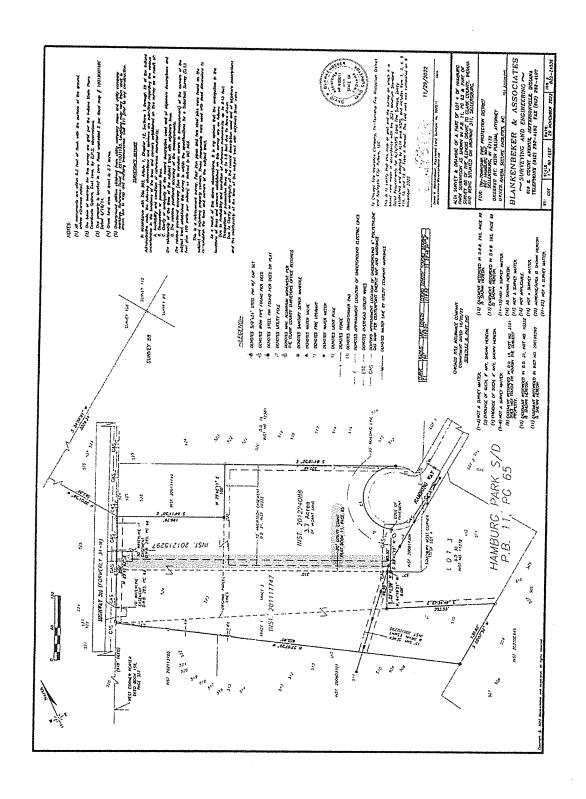


EXHIBIT "D"

METES AND BOUNDS DESCRIPTION OF EASEMENTS TO BE VACATED

A part of Lot 4 of Hamburg Park Subdivision as shown in Plat Book 11, Page 65 of the Clark County, Indiana records, prepared by Christopher Howell, PS# 20600006, Blankenbeker and Associates Job #B22-24536, not based on a survey, described as follows:

Beginning at the west corner of said Lot 4; thence N 25°42'11" E 20.00 feet along the northwest line of said Lot 4; thence S 64°19'21" E 316.08 feet; thence S 25°41'15" W 20.00 feet to the southwest line of said Lot 4; thence N 64°19'21" W 316.09 feet along said southwest line to the point of beginning.

Containing 0.145 acre more or less, and subject to all easements, restrictions, and rights-of-way of record.

Being a portion of that property conveyed to Tri-Township Fire Protection District in Instrument 202226054 as recorded in the Office of the Recorder of Clark County, Indiana.

INDIANA MEDIA GROUP PO BOX 607 GREENSBURG IN 47240-0607 (877)253-7755 Fax (765)648-4229

ORDER CONFIRMATION (CONTINUED)

Salesperson: LEGALS

Printed at 01/08/24 14:12 by jgall

Acct #: 179218

Ad #: 1866138

Status: New CHOLD CH

NOTICE OF PUBLIC HEARING TO CONSIDER A PETITION TO VACATE CERTAIN PLATTED EASEMENTS OF HAMBURG PARK (PLAT BOOK 11, PAGE 65) SELLERSBURG, CLARK COUNTY, INDIANA

NOTICE is hereby given that the petitioner, Tri-Township Fire Protection District, an Indiana governmental entity, has filed with the Sellersburg Town Council of the Town of Sellersburg, Indiana, a petition to vacate two platted easements, an Ameritech easement and utility easement, the portion of which to be vacated is more particularly described as follows:

A part of Lot 4 of Hamburg Park Subdivision as shown in Plat Book 11, Page 65 of the Clark County, Indiana records, prepared by Christopher Howell, PS# 20600006, Blankenbeker and Associates Job #B22-24536, not based on a survey, described as follows:

Beginning at the west corner of said Lot 4; thence N 2542'11" E 20.00 feet along the northwest line of said Lot 4; thence S 6419'21' E 316.08 feet; thence S 2541'15" W 20.00 feet to the southwest line of said Lot 4; thence N 6419'21" W 316.09 feet along said southwest line to the point of beginning.

Containing 0.145 acre more or less, and subject to all easements, restrictions, and rights-of-way of record.

Being a portion of that property conveyed to Tri-Township Fire Protection District in Instrument 202226054 as recorded in the Office of the Recorder of Clark County, Indiana.

AND ALSO INCLUDING

A part of Lot 4 of Hamburg Park Subdivision as shown in Plat Book 11, Page 65 of the Clark County, Indiana records, prepared by Christopher Howell, PS# 20600006, Blankenbeker and Associates Job #B22-24536, not based on a survey, described as follows:

Beginning at the west corner of said Lot 4; thence N 2542'11* E 100.00 feet along the northwest line of said Lot 4; thence S 6417'48" E 10.00 feet; thence S 2542'11* W 90.00 feet; thence S 6419'21* E 306.08 feet; thence S 2541'15* W 10.00 feet to the southwest line of said Lot; thence N 6419'21* W 316.09 feet along said southwest line to the point of beginning. Containing 0.093 acre more or less, and subject to all easements, restrictions, and rights-of-way of record.

The original petition is on file in the Town Clerk's Office at 316 E. Utica Street, Suite 101, Sellersburg, Indiana, and may be inspected during regular business hours.

Notice is further given that a public hearing on the petition will be held by the Town Council at its regular meeting on January 22, 2024, at 6:00 o'clock p.m. (prevailing local time). The meeting will be held in the Sellersburg Government Building, 316 E. Utica Street, Sellersburg, Indiana, at which time you may be heard in person at the hearing. All interested persons shall be heard at such public hearing regarding the matters set out in sald petition.

The Town Council for the Town of Sellersburg, Indiana, may continue legible hearing from time-to-time as deemed necessary, and/or may adopt the proposed vacation by ordinance or reject the proposed vacation following the conclusion of such hearing.

Such notice is given this the 2nd day of January, 2024.

/s/ Michelle D. Miller Sellersburg Town Clerk-Treasurer

Prepared by:

Erin Legg Benken Attorney for Palitioner APPLEGATE FIFER PULLIAM, LLC 428 Meigs Ave. Jeffersonville, Indiana 47130 (812) 284-9499

hspaxlp

INDIANA MEDIA GROUP PO BOX 607 GREENSBURG IN 47240-0607 (877)253-7755 Fax (765)648-4229

ORDER CONFIRMATION

Salesperson: LEGALS	Printed at 01/08/24 14:12 by jgall
Acct #: 179218	Ad #: 1866138 Status: New CHOLD
APPLEGATE FIFER PULLIAM LLC PO BOX 1418 428 MEIGS AVENUE JEFFERSONVILLE IN 47131-1418	Start: 01/10/2024 Stop: 01/10/2024 Times Ord: 1 Times Run: *** LEG 2.00 X 76.00 Words: 536 Total LEG 152.00 Class: 105 PUBLIC NOTICES Rate: LMIS1 Cost: 445.36 # Affidavits: 1
Contact: JAIME FARABEE Phone: (812)284-9499 Fax#: Email: jfarabee@afpfirm.com Agency:	Ad Descrpt: NOTICE OF PUBLIC HEARING Given by: * P.O. #: Created: jgall 01/08/24 14:06 Last Changed: jgall 01/08/24 14:12
PUB ZONE EDT TP RUN DATES JEFF JEF 95 S 01/10 JNOL JEF 95 S 01/10	
AUTHOR	IZATION
Under this agreement rates are subject event of a cancellation before schedul rate charged will be based upon the ra	to change with 30 days notice. In the e completion, I understand that the te for the number of insertions used.
Name (print or type)	Name (signature)

(CONTINUED ON NEXT PAGE)