

STATE OF INDIANA  
BEFORE THE BOARD OF COMMISSIONERS OF CLARK COUNTY

ORDINANCE NO. 14-2004

**AN ORDINANCE VACATING A DRAINAGE EASEMENT WITHIN THE JURISDICTION OF CLARK COUNTY, INDIANA, AND AMENDING THE COUNTY MAPS TO REFLECT SUCH CHANGE.**

1. WHEREAS, a petition has been filed by Kent and Brenda Wingham, to vacate a drainage easement more specifically described below;

A part of Lot #25 of Madoc Estates as recorded at Plat Book 11 Page 31, also being a part of Survey #113 of the Illinois Grant, Charlestown Township, Clark County, Indiana, described as follows:

Beginning at a point at the Northeast corner of said Lot #25,  
Thence S 36°24'00" E, a distance of 122.25' to THE TRUE PLACE OF BEGINNING,  
Thence S 36°24'00" E, a distance of 22.50' to a 5/8" rebar,  
Thence N 53°36'00" E, a distance of 3.36' to a point,  
Thence S 89°27'55" E, a distance of 413.96' to a point,  
Thence S 80°01'35" E, a distance of 60.98' to a 5/8" rebar,  
Thence S 29°43'09" W, a distance of 11.45' to a point along platted right-of-way,  
Thence N 89°27'55" W, a distance of 457.70' to THE TRUE PLACE OF BEGINNING.

Containing 0.2085 acres.

2. WHEREAS, the Board of Commissioners of Clark County has held the hearing required by Indiana Code § 36-7-3-12; and,
3. WHEREAS, the appropriate notice has been given to the abutting land owners ;and
4. WHEREAS, it has been shown to the Board of Commissioners of Clark County that notice of publications has been given pursuant to Title 5 of the Indiana Code,

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

The drainage easement described in Exhibit A attached hereto and highlighted in the drawing attached hereto as Exhibit B, shall be vacated, and the immediately adjoining landowner shall receive as its own the land which has been vacated by this ordinance.

The land owners, Kent & Brenda Wingham, who obtained the title to the property by reason of the Deed in the Deed Drawers set forth in Exhibit C attached and recorded in the records of the Office of the Recorder of Clark County.

This ordinance shall be in full force and effect from this 12<sup>th</sup> day of August, 2004, the date of adoption

BOARD OF COMMISSIONERS  
OF CLARK COUNTY

*V. Kent Davis*  
*David A. Lewis*  
*Raymond J. Darden, Jr.*

Attest:

*Barbara Haas*

Barbara Bratcher Haas  
Auditor of Clark County

## EXHIBIT A

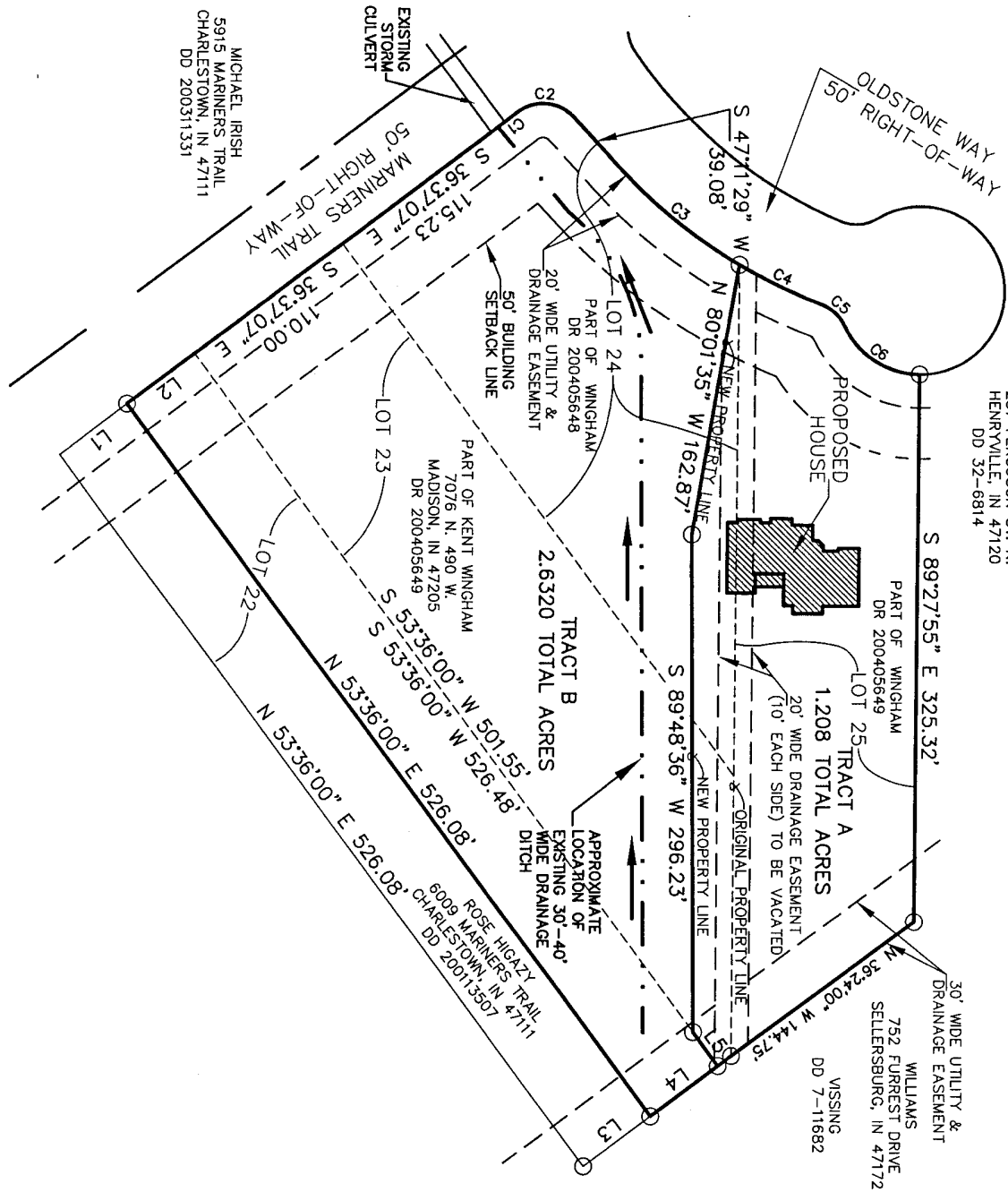
A part of Lot #25 of Madoc Estates as recorded at Plat Book 11 Page 31, also being a part of Survey #113 of the Illinois Grant, Charlestown Township, Clark County, Indiana, described as follows:

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Thence N 53°36'00" E, a distance of 3.36' to a point,  
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Thence S 80°01'35" E, a distance of 60.98' to a 5/8" rebar,  
Thence S 29°43'09" W, a distance of 11.45' to a point along platted  
right-of-way,  
Thence N 89°27'55" W, a distance of 457.70' to THE TRUE PLACE OF  
BEGINNING.

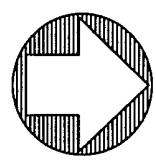
Containing 0.2085 acres.

MAHESH R. BHATT  
 4423 HWY 31 E.  
 CLARKSVILLE, IN 47150

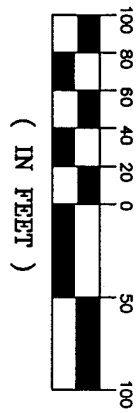
RONALD & LYNETT WIXON  
 237 FERGUSON ST. N.  
 HENRYVILLE, IN 47120  
 DD 32-6814



NORTH  
 CHARLESTOWN TOWNSHIP  
 CLARK COUNTY  
 INDIANA



GRAPHIC SCALE



WILLIAMS  
 752 FURREST DRIVE  
 SELLERSBURG, IN 47172

MICHAEL IRISH  
 5915 MARINERS TRAIL  
 CHARLESTOWN, IN 47111  
 DD 200311331

DRAWN BY BNH  
 CHECKED BY R.L.I.  
 SCALE 1"=100'  
 DATE 04/26/04  
 REVISED 06/22/04  
 JOB NO. 0404-26\_V  
 SHEET NO. 1 of 1

EXHIBIT B

EASEMENT VACATION  
 DAVID & DEANNA HOLLADAY  
 PART OF LOT #23 & 24 AND  
 ALL OF LOT #25 OF  
 MADOC ESTATES

**BOB ISGRIGG & ASSOCIATES**  
 CIVIL ENGINEERS / LAND SURVEYORS  
 518 E. COURT AVENUE, JEFFERSONVILLE, IN 47130  
 (812) 285-1011 Phone | (812) 285-1012 Fax  
<http://www.InKYLandSurvey.com>



**EXHIBIT C**

2  
P  
V  
B  
MAR 09 2004

MAR 10 2004

Shirley Nolot  
CLARK COUNTY RECORDER  
Clark County Recorder  
Page 1 of 2  
I 200405649  
C2 Date 03/10/2004 Time 11:51:49  
2P

+ CORPORATE WARRANTY DEED +

THIS INDENTURE WITNESSETH, that MADOC, INC., an Indiana corporation organized and existing under the laws of the State of Indiana,

CONVEYS AND WARRANTS UNTO

KENT A. WINGHAM and BRENDA J. WINGHAM, husband and wife, of Clark County, Indiana, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, receipt whereof is hereby acknowledged, the following described real estate in the County of Clark and State of Indiana, to-wit:

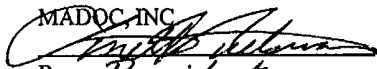
The North One-half of Lot No. Twenty-two (22) and all of Lots Nos. Twenty-three (23) and Twenty-five (25) of Madoc Estates, Charlestown Township, Clark County, Indiana, as the same appears of record in Plat Book 11, Page 31, of the Clark County, Indiana Records.

The Grantees assume and agree to pay the May installment of the 2003 real estate taxes due and payable in May, 2004, and all subsequent taxes.

The Grantor states under oath that no Indiana Gross Income tax is due or payable with respect to the transfer of the above described real estate.

The undersigned person executing this deed represents and certifies on behalf of the grantor, that the undersigned is a duly elected director and officer of the grantor and is fully empowered by the by-laws of the grantor, to execute and deliver this deed; that the grantor is a corporation in good standing in the State of Indiana; that the grantor has full corporate capacity to convey the real estate described; and that all necessary corporate action for the making of this conveyance has been duly taken.

IN WITNESS WHEREOF, the Grantor pursuant to authority of its Board of Directors, has caused the execution by its duly authorized officer and the affixing thereto of its corporate seal, this 5 day of March, 2004.

MADOC INC  
 (SEAL)  
By: President  
Its: \_\_\_\_\_

STATE OF INDIANA )  
                          :SS  
COUNTY OF CLARK )

Before me, the undersigned, a Notary Public, in and for said County and State, personally appeared MADOC, INC., by Linette Hulsman, its President, and acknowledged the execution of the above and foregoing Warranty Deed, this 5 day of March, 2004.  
WITNESS MY HAND AND NOTARIAL SEAL.

Kemann Bally  
NOTARY PUBLIC

COMMISSION INFORMATION  
Name: Kemann Bally  
Expiration Date: March 7, 2008  
County of Residence: Clark

Tax Key Number: 03-97-0220; 03-97-0230 & 03-97-0250  
Tax Bill Mailing Address:  
3935 Carver St.  
New Albany IN 47150



THIS INSTRUMENT PREPARED BY:  
Virgil E. Bolly  
Attorney at Law  
Sellersburg, IN 47172  
Indiana Supreme Court #2830-10

Proof  
Of

**Book**

BEFORE THE CLARK COUNTY COUNCIL, JEFFERSONVILLE, CLARK COUNTY, INDIANA. NOTICE OF HEARING ON PETITION TO VACATE DRAINAGE EASEMENT NOTICE IS HEREBY GIVEN that the Clark County Board of Commissioners will hold a public hearing on Monday, August 12, 2004, located at the City-County Building, Jeffersonville, Indiana, beginning at 5:30 o'clock p.m. on a petition to vacate drainage easement filed by Kent and Debra Wingham. The drainage easement in question is a portion of Madoc Estates, Lot 25, in Charlestown, Indiana. At this public hearing any person aggrieved by the proposed vacation may object to it as provided by Indiana Law. A copy of the petition to vacate, which contains specific information with respect thereto, is on file at the City-County Building, Jeffersonville, Indiana. After the hearing on the Petition, the legislative body may, by ordinance, vacate the easement in question. **LEGAL DESCRIPTION** - In order to construct a home in Madoc Estates, Lot 25 in Charlestown, Indiana, the Petitioner respectfully request the Clark County Board of Commissioners, pursuant to the authority given them as the legislative body of the County, to vacate a drainage easement located in Charlestown, Indiana, which is more particularly described as follows: A part of Lot #25 of Madoc Estates as recorded at Plat Book 11, Page 31, also thence S. 36°24'00" E, a distance of 122.25' to THE TRUE PLACE OF BEGINNING, Thence S 36°24'00" E, a distance of 22.50' to a 5/8" rebar, thence N. 53°36'00" E a distance of 3.36' to a point, thence S 89°27'55" E, a distance of 413.96' to a point, Thence S 80°01'35" E, a distance of 60.98' to a 5/8" rebar, thence S. 29°43'09" W, a distance of 11.45' to a point along platted right-of-way, thence N. 89°27'55" W, a distance of 457.70' to THE TRUE PLACE OF BEGINNING. Containing 0.2085 acres. July 20 DATED this 16th day of July, 2004. Keith, Groth, Clerk, Clark County, Indiana.

Publication Fee \$ 61.55

06504943

STATE OF INDIANA  
COUNTY OF CLARK - SS

Rebecca McDaniel On oath says that she is bookkeeper of the Evening News and in the employ of the publisher of

**THE EVENING NEWS,**

a daily newspaper of general circulation printed and published in the city of Jeffersonville, Clark County, State of Indiana, and further says that the annexed advertisement was published in said paper for # ( 1 ) time(s) to-wit: In issue of said Evening News dated: July 20, 2004.

(x) Rebecca McDaniel

STATE OF INDIANA  
COUNTY OF CLARK

Subscribed and sworn to before me this 13th day of August, 2004  
(x) Patricia Blair

Notary Public, Clark County, Indiana

(My Commission Expires) March 4, 2011