

STATE OF INDIANA

BEFORE THE BOARD OF CLARK COUNTY COMMISSIONERS

ORDINANCE NO. 26 -2014

**AN ORDINANCE VACATING PART OF A PUBLIC EASEMENT IN
AUTUMN RIDGE SUBDIVISION, SECTION 2**

WHEREAS, this Board of Commissioners of Clark County, Indiana (this “Board”), is the executive body of Clark County government pursuant to the provisions of I.C. 36-2-2-2; and,

WHEREAS, this Board is also the legislative body of Clark County government pursuant to the provisions of I.C. 36-1-2-9; and,

WHEREAS, on or about August 20, 2014, ASB LLC, LENFERT AND YOUNG, LLC, JOSHUA K. KEMP AND AMY N. KEMPF, filed a petition with this Board requesting the vacation of part of a public easement as located in Autumn Ridge Subdivision, Section 2, as shown of record in Plat Book 15, Page 76 in the Office of the Recorder of Clark County, Indiana. (See Exhibit “A”); and,

WHEREAS, pursuant to I.C. 36-7-3-12(b), said petition must: (1) state the circumstances of the case; (2) specifically describe the property proposed to be vacated; and (3) give the names and addresses of all owners of land that abuts the property proposed to be vacated; and,

WHEREAS, this Board shall hold a hearing on the petition within thirty (30) days and provide notice in a manner prescribed in I.C. 5-3-1 and by certified mail to each owner of land that abuts the property proposed to be vacated; and,

WHEREAS, on November 7, 2013, the Clark County Drainage Board (“Drainage Board”) voted unanimously to vacate and move the easement to the rear of the revised lots and to present said recommendation to this Board. (See Exhibit “B”).

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

1. The petition filed by ASB LLC, LENFERT AND YOUNG, LLC, JOSHUA K. KEMP AND AMY N. KEMPF satisfied the statutory requirements set forth in I.C. 36-7-3-12(b).
2. This Board provided notice in a manner prescribed by I.C. 5-3-1 and by certified mail to each owner of land that abuts the property to be vacated. (See Exhibit “C”).
3. This Board, after conducting a public hearing on September 11, 2014, does hereby grant the petitioners request and adopts the recommendation of the Drainage Board to vacate and move part of a public easement as located in Autumn Ridge Subdivision, Section 2, as shown of record in Plat Book 15, Page 76 in the Office of the Recorder of Clark County, Indiana.
4. This Ordinance shall be in full force and effect upon its passage and promulgation as evidenced by the affirmative signatures of the undersigned as the majority of the duly elected and serving members of this Board.

So Ordained this 11th day of September, 2014.

Members voting "NO":

Jack Coffman, Commissioner


Rick Stephenson, Commissioner

John Perkins, Commissioner


Members voting "YES":



Jack Coffman, Commissioner

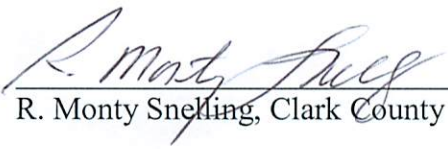


Rick Stephenson, Commissioner



John Perkins, Commissioner

Attested by:



R. Monty Snelling, Clark County Auditor

STATE OF INDIANA
COUNTY OF CLARK

BEFORE THE CLARK COUNTY COMMISSIONERS

ASB LLC, JOSHUA K. KEMPF,
AMY N. KEMPF, LENFERT AND YOUNG
Petitioners.

Docket # _____

PETITION TO VACATE EASEMENT

COMES NOW ASB LLC by and through its duly authorized member, David Schuler, and COMES NOW JOSHUA K. KEMPF AND AMY N. KEMPF, and COMES NOW LENFERT AND YOUNG, LLC by and through its duly authorized member Brian Lenfert, after being duly sworn and states:

1. That Lenfert & Young, LLC was the Developer of Autumn Ridge Subdivision, Section 2, as shown of record in Plat Book 15, Page 76 in the Office of the Recorder of Clark County, Indiana.
2. ASB LLC is the current fee simple owner of Lot 212 in Section 2 of the above described Plat.
3. Joshua K. Kempf and Amy N. Kempf are the current fee simple owners of Lot 211 in Section 2 of the above described Plat.
4. That there is a 10 foot Easement for Utility and Drainage shown on certain Lots shown on the Plat, including on Lots 211 and 212.
5. That no utilities have been placed in, upon or over the above described Easement.

EXHIBIT "A"

6. That Lenfert and Young, LLC previously purchased an additional Fifty Feet (50') of Real Estate along the rear of lot 211 and 212 and Petitioners desire to vacate and re-route the current 10 foot Easement currently shown on the Plat of Autumn Ridge Subdivision, Section 2 at the back of such combined lot.

7. That the part of the public easement herein sought to be vacated is located in Clark County, State of Indiana, and described as follows:

BEGINNING AT A STEEL PIN ON THE SOUTHWEST CORNER OF SAID LOT 211; THENCE N.24/16'33"E., ALONG THE WESTERN LINE OF SAID LOT, 10 FEET TO THE TRUE PLACE OF BEGINNING, THENCE CONTINUING N.24/16'33"E., ALONG THE WESTERN LINE OF SAID LOT AND THE WESTERN LINE OF SAID LOT 212, 213.56 FEET; THENCE S.65/06'33"E., 10 FEET; THENCE S.24/16'33"W., 213.51 FEET; THENCE N.65/25'40"W., 10 FEET TO THE TRUE PLACE OF BEGINNING. CONTAINING 2135 SQUARE FEET.

8. The portion of the easement Petitioner's wish to vacate is shown on the Plat drawing attached hereto.

9. That the names and addresses of all owners of land that abuts the property proposed to be vacated other than Petitioners are as follows and should be notified of this Petition.

Raymond S. Book & Mary Margaret
12125 bennettsville Road
Memphis, IN 47143

Joshua K. Kempf & Amy N. Kempf
2119 Allen Way
Sellersburg, IN 47172

Raymond S. Book & Mary Margaret
2011 Perry Crossing Road
Sellersburg, IN 47172

Ryan Andrew Sifflard
Mindjo Sifflard
2121 Allen Way
Sellersburg, IN 47172

ASB LLC
720 Rolling Creek Dr. # 106
New Albany, IN 47150

Lenfert & Young LLC
2805 Allentown Rd.
Sellersburg, IN 47172

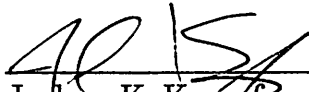
Chad A. Chamberlain
Terri L. Chamberlain
2115 Allen Way
Sellersburg, IN 47172

Whereas, the undersigned hereby request that the Clark County, Indiana Board of Commissioners hold a hearing on this petition within thirty (30) days after this petition is filed and that due notice of the time and place of the hearing be given in accordance with I.C. § 36-7-3-12 and 16 and specifically in the manner prescribed in IC § 5-3-1 and by verified mail to each other of land that abuts the property proposed to be vacated, and that after such hearing that the Board of Commissioners of Clark County, Indiana vacate the portion of that 10 foot Drainage Easement in the rear of Lots 211 and 212, Autumn Ridge Subdivision, Section 2 as shown on the Plat recorded at Plat Book 15, Page 76, described herein, and all other proper relief in the premises.

I AFFIRM UNDER THE PENALTIES PROVIDED FOR PERJURY THAT THE FOREGOING REPRESENTATIONS ARE TRUE AND CORRECT.

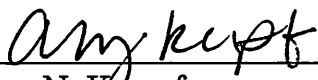
ASB LLC

By: 
David Schuler

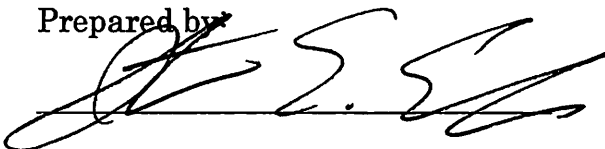

Joshua K. Kempf

Lenfert & Young, LLC

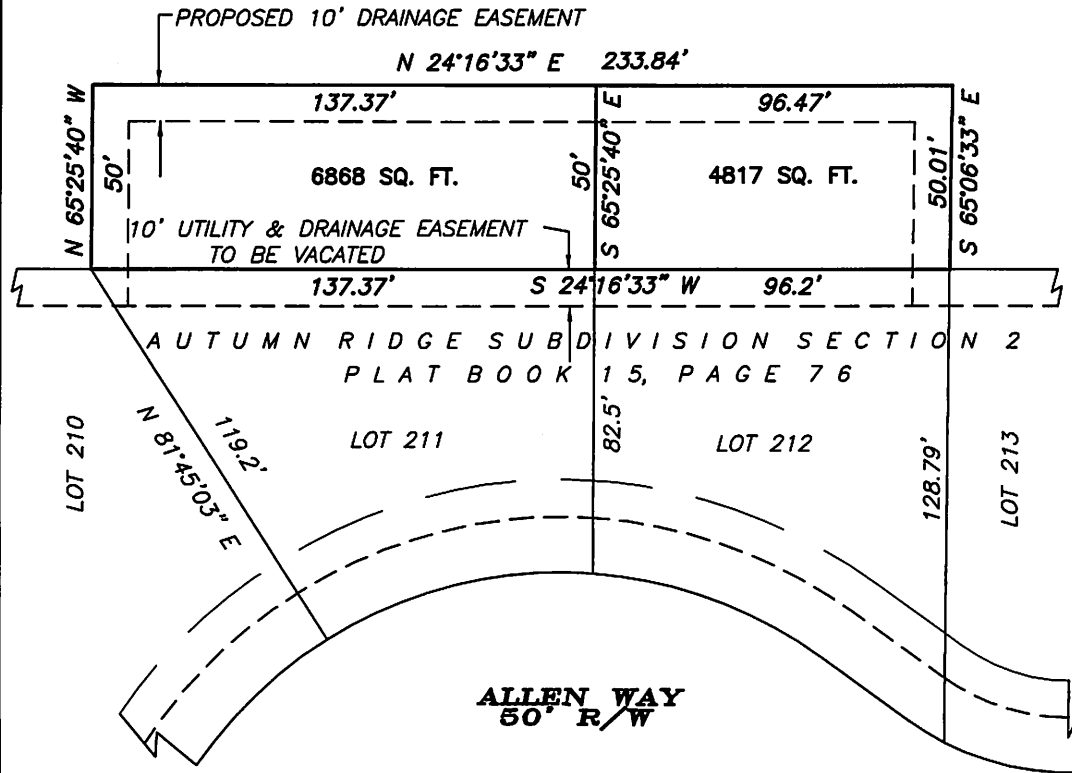
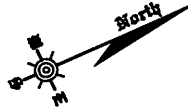
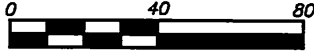
By: 
Brian Lenfert, Member


Amy N. Kempf,

Prepared by



Justin E. Endres, #28205-22
YOUNG, LIND, ENDRES & KRAFT
126 W. Spring Street
New Albany, IN 47150
Ph: 812.945.2555
Fax: 812.948.6956



DRAWING OF PART OF SURVEY 164 OF THE ILLINOIS GRANT TO CLARK COUNTY, INDIANA

NOTE: THIS DRAWING DOES NOT REPRESENT A RETRACEMENT, ORIGINAL OR ROUTE SURVEY OR SURVEYOR'S LOCATION REPORT.

Copyright © 2013 Blankenbeker and Son
Land Surveyors Inc., P.C. All rights reserved.

REVISED 6 NOVEMBER 2013

BLANKENBEKER & SON LAND SURVEYORS INC., P.C. 618 E. COURT AVENUE P.O. BOX 157 JEFFERSONVILLE, INDIANA 47131-0157 TELEPHONE 812-282-4183 FAX 812-282-4197 WWW.BLANKENBEKERANDSON.NET		FOR: JOHN YOUNG 2805 ALLENTOWN ROAD SELLERSBURG, IN. 47172	
DRAWN BY: D.R.B.	SCALE: 1" = 40 FEET	DATE: 2 OCTOBER 2013	JOB No. 21,185 <small>FILE #21185.DWG</small>

**Minutes of the
Meeting of the Clark County Drainage Board
Clark County, Indiana**

November 7, 2013

The Clark County Drainage Board met in Special Session on November 7, 2013, in Room 404, Clark County Government Building, Jeffersonville, Indiana, at 4:00pm. Present at the meeting were President John Perkins, Vice President Wayne Carter, member Les Kavanaugh, Ex-Officio non-voting member County Surveyor David Blankenkober, non-voting advisor County Engineer Brian Dixon, Attorney Bob Bottorff and Secretary Anna McCartney.

In the first order of business after the Pledge of Allegiance, the Board considered the minutes from the September 5 and September 19, 2013 special meetings. Mr. Kavanaugh moved to approve both sets of minutes as submitted. Mr. Carter seconded the motion. Motion passed unanimously.

In the next order of business, Mr. Blankenkober explained the proposed vacation of the utility easement on Lots 211 and 212 in Autumn Ridge Subdivision, Section 2. The developers, Lenfert & Young LLC, have acquired an additional 50' of property adjacent to the lots. The existing utility easement will be moved to the perimeter of the newly acquired property. Mr. Dixon visited the site and advised that an easement can be moved to the back of the properties and the water will drain to the same place with no problems. Mr. Carter moved that the Board believes there is no significant change in the drainage. Mr. Kavanaugh seconded the motion. Motion passed unanimously. Mr. Carter moved to recommend to the County Commissioners that the present easement be vacated and moved to rear of the revised lots. Mr. Kavanaugh seconded the motion. Motion passed unanimously.

In the next order of business, the Board heard from Nathan Grimes regarding Rock Creek Academy and their detention basin issue. Mr. Grimes introduced some school board members and their legal counsel. After much discussion, Mr. Blankenkober recommended a possible solution by waiving the detention basin altogether if Rock Creek extends the main water line as close to the school buildings as possible and installs a new fire hydrant at the end of this new line. Mr. Dixon stated that there is no major change to the original approved drainage because of an adjacent ravine. Mr. Carter moved to waive the detention basin, providing that in the interest of safety, Rock Creek uses funds previously set aside for the construction of the detention basin to be used instead for the new fire hydrant and 8" main water line. Mr. Kavanaugh amended the motion to include that the project be completed in a reasonable time or construct the detention basin to meet original approved plans. Amended motion passed unanimously.

In the next order of business, Mr. Dixon informed the Board of his intentions to attend an Erosion Control Training program. Mr. Kavanaugh moved to allow Mr. Dixon to attend the program with hotel and mileage reimbursed. Mr. Carter seconded the motion. Motion passed unanimously.

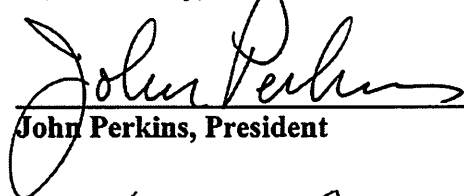
In the next order of business, the Board considered Ms. McCartney's contract for 2014. Ms. McCartney stated that all terms are the same as 2013. Mr. Kavanaugh moved to recommend the County Commissioners accept the contract as written. Mr. Carter seconded the motion. Motion passed unanimously.

In the next order of business, the Board considered Mr. Dixon's contract for 2014. Mr. Dixon stated the scope of additional work on the MS4 program at a cost of \$70/hr. not to exceed \$15,000. Mr. Carter moved to recommend the County Commissioners accept the contract as written. Mr. Kavanaugh seconded the motion. Motion passed unanimously.

In the next order of business, the Board considered claims—Applegate Fifer Pulliam, attorney fees for August and September=\$612.50; Anna McCartney 4th Quarter 2013 contract=\$3,250; Big Supply, Inc. 401 Officers Lane, Henryville project \$106.79 and Civilcon. Inc. pipe for Officers Lane project=\$2,163.84. Mr. Kavanaugh moved to approve the claims as submitted. Mr. Carter seconded the motion. Motion passed unanimously.

There being no further business before the Board, on motion made, seconded and passed, the meeting was adjourned at 5:05pm.

**Clark County Drainage Board
Clark County, Indiana**



John Perkins, President



Wayne Carter, Vice President



Leslie K. Kavanaugh, Sr., Member

COPY

Prescribed by State Board of Accounts

Clark Co. Commissioners
(Governmental Unit)

To:
NEWS AND TRIBUNE
221 SPRING STREET
PO BOX 867
JEFFERSONVILLE, IN 47130

Clark County, Indiana

NOTICE OF PUBLIC HEARING

PUBLISHER'S CLAIM

Notice is hereby given that the Board of Clark County Commissioners will hold a public hearing to discuss the vacation of part of a public easement in Autumn Ridge Subdivision in Clark County, Indiana. The public hearing will be held on Thursday, September 11, 2014 at 5:00 PM in Room 404 (Commissioners Office) of the Clark County Government Building, 501 E. Court Ave. Jeffersonville, IN 47130, at which time and place 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 Board of Commissioners Office in the County Government Building at 501 E. Court Ave., Jeffersonville, Indiana. This Notice issued August 26, 2014.
CLARK COUNTY BOARD OF COMMISSIONERS

used two actual lines, neither of which shall
lines of the type in which the body of the
number of equivalent lines

..... 26

office 26

de equals 26 equivalent lines at 4392

\$ 11.42

containing rule or tabular work (50 per cent

\$ 11.42

TOTAL AMOUNT OF CLAIM

DATA FOR COMPUTING COST

Width of single column in picas..... Size of type...7...point.
Number of insertions.....

Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

I also certify that the printed matter attached hereto is a true copy, of the same column width and type size, which was duly published in said paper times. The dates of publication being as follows:

8/28/14

Additionally, the statement checked below is true and correct:

- Newspaper does not have a Web site.
- Newspaper has a Web site and this public notice was posted on the same day as it was published in the newspaper.
- Newspaper has a Web site, but due to technical problem or error, public notice was posted on
- Newspaper has a Web site but refuses to post the public notice.

Meresa Wheatley

Legal Clerk

Date 8-28-14

EXHIBIT "C"

954010

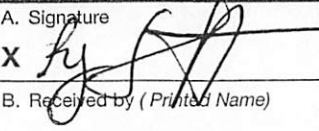
RECIPIENT: COMPLETE THIS SECTION

Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:

Ryan Andrew Siffard
Mindjo Jo Siffard
2121 Allen Way
Sellersburg, IN 47172

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X  Agent Addressee
B. Received by (Printed Name) C. Date of Delivery
8-22-14

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.
4. Restricted Delivery? (Extra Fee) Yes

Article Number 7012 1640 0000 7829 9392
(Transfer from service label)
Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

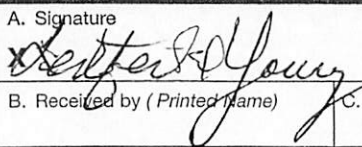
SENDER: COMPLETE THIS SECTION

Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Lenfert & Young
2805 Allentown Rd.
Sellersburg, IN 47172

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X  Agent Addressee
B. Received by (Printed Name) C. Date of Delivery
8-22-14

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.
4. Restricted Delivery? (Extra Fee) Yes

2. Article Number 7012 1640 0000 7829 9385
(Transfer from service label)
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

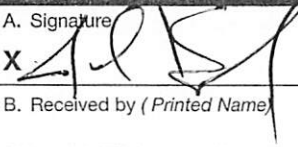
RECIPIENT: COMPLETE THIS SECTION

Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:

Joshua K. Kempf
Amy N. Kenpf
2119 Allen Way
Sellersburg, IN 47172

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X  Agent Addressee
B. Received by (Printed Name) C. Date of Delivery
8-22-14

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.
4. Restricted Delivery? (Extra Fee) Yes

Article Number 7012 1640 0000 7829 9347
(Transfer from service label)
Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

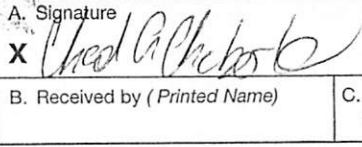
SENDER: COMPLETE THIS SECTION

Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Chad A. Chamberlain
Terri L. Chamberlain
2115 Allen Way
Sellersburg, IN 47172

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X  Agent Addressee
B. Received by (Printed Name) C. Date of Delivery
8-25-14

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.
4. Restricted Delivery? (Extra Fee) Yes

2. Article Number 7012 1640 0000 7829 9378
(Transfer from service label)
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

SENDER: COMPLETE THIS SECTION

Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:

Raymond S. Book &
Mary Margaret
12125 Bennettsville Rd.
Memphis, IN 47143

Article Number 7012 1640 0000 7829 9354
(Transfer from service label)

Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee
Paul Koverman

B. Received by (Printed Name) *Paul Koverman* C. Date of Delivery *Aug 22*

D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

SENDER: COMPLETE THIS SECTION

Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

ASB LLC
720 Rolling Creek Dr.
#106
New Albany, IN 47150

2. Article Number 7012 1640 0000 7829 9361
(Transfer from service label)

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee
Mark Goyette

B. Received by (Printed Name) C. Date of Delivery *8-22-11*

D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

7012 1640 0000 7829 9330

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
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For delivery information visit our website at www.usps.com**OFFICIAL USE**

Postage \$

Certified Fee

Return Receipt Fee (Endorsement Required)

Restricted Delivery Fee (Endorsement Required)

Total Postage & Fees \$

Comm./Attny.

Postmark
AUG 21 4 13
IN 47130

Public Hearing Notice

Sent To *Raymond S. & Mary Margaret Book*

Street, Apt. No., or PO Box No. *3011 Perry Crossing Rd.*

City, State, ZIP+4 *Sellersburg, IN 47172*

PS Form 3800, August 2006

See Reverse for Instructions