

TOWN OF SELLERSBURG
REGULAR TOWN COUNCIL MEETING
316 E. UTICA STREET SELLERSBURG, INDIANA 47172

Agenda for
January 22, 2024 at 6:00 p.m.

CALL TO ORDER AND ROLL CALL OF MEMBERS:

PRAYER:

PLEDGE OF ALLEGIANCE: All Present.

MOTION TO AMEND/ADOPT THE AGENDA AS PRESENTED:

APPROVAL OF MINUTES:

Approval of minutes as submitted by the Clerk-Treasurer.

APPROVAL OF ALLOWANCE CLAIMS:

COMMENTS FROM PUBLIC ON AGENDA ITEMS (time limit of 5 minutes per person):

2024 BOARD OF ZONING APPEALS APPOINTMENT:

2024 PLAN COMMISSION APPOINTMENTS:

ORDINANCES AND RESOLUTIONS:

UNFINISHED BUSINESS:

NEW BUSINESS:

1. Tri-Township Petition to Vacate Notice | Platted Easements of Hamburg Park

NEW BUSINESS:

1. Billing Office Adjustments

GENERAL COMMENTS FROM THE PUBLIC (limited to 15 minutes total):

RECEIPT OF STAFF REPORTS:

Charlie Smith, Town Manager

Chief Russ Whelan

Mike Harris or Lori Wyatt (Jacobi, Toombs, & Lanz)

Jacob "Jake" Elder, Town Attorney

COMMENTS FROM COUNCIL MEMBERSHIP (Good of the order):

Randall Mobley, District 2

Terry Langford, District 4

Brad J. Amos, District 3

Scott McVoy, District 1

Matthew Czarnecki, At-Large

Michelle Miller, Clerk-Treasurer

ADJOURN:

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 6417'49" 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 said petition.

The Town Council for the Town of Sellersburg, Indiana, may continue the public 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 Petitioner
APLEGATE 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

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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

AUTHORIZATION

Under this agreement rates are subject to change with 30 days notice. In the event of a cancellation before schedule completion, I understand that the rate charged will be based upon the rate for the number of insertions used.

Name (print or type)

Name (signature)

(CONTINUED ON NEXT PAGE)

STATE OF INDIANA

BEFORE THE SELLERSBURG TOWN COUNCIL

IN RE THE PETITION TO VACATE)
CERTAIN PLATTED)
EASEMENTS 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 all of two platted easements, 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 Ameritech easement ("Ameritech Easement") and the 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 Ameritech Easement and Utility Easement to be able to complete construction of its new fire headquarters building.

7. Vacation of the Ameritech Easement and Utility Easement will not hinder the growth of or orderly development of the neighborhood in which the Property is located or to which the Ameritech Easement and Utility Easement are contiguous.

8. Vacation of the Ameritech Easement and Utility Easement will not make access to the lands of any person by means of public way difficult or inconvenient.

9. Vacation of the Ameritech Easement and Utility Easement will not hinder any utility company's ability to provide utility services to the residents in the surrounding area. Petitioner further states that on its best belief, the Ameritech Easement is not currently in use.

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 two platted easements 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 easements as requested herein.

TRI-TOWNSHIP FIRE PROTECTION
DISTRICT, an Indiana governmental
municipality

By: TRI-TOWNSHIP FIRE PROTECTION
Name: Dale P Cooke
Title: CHAIRMAN

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"

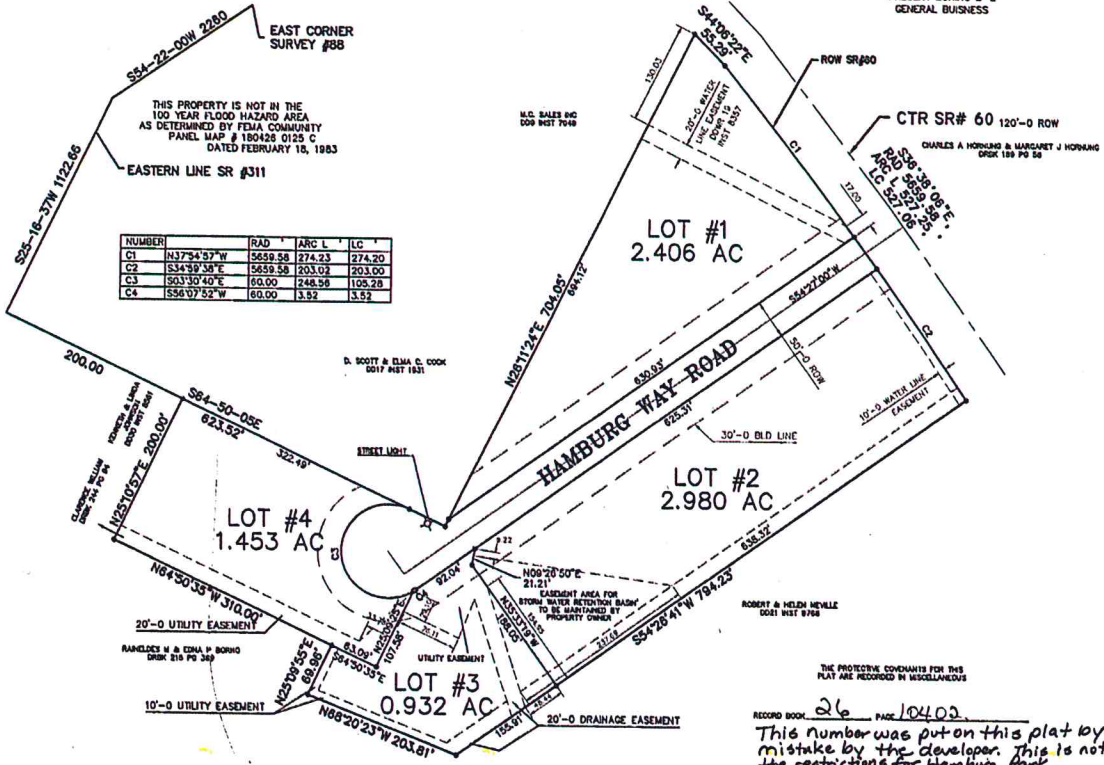
PLAT

RECEIVED FOR RECORD

Sep 17 11 32 AM '99
 REC'D BOOK 11 Pg. 65
 INSTA NO. 20420
 SHIRLEY K. GLO
 RECORDER OF CLARK CO.

SCALE 1" = 100'
 @ #5 REBAR
 PRESENT ZONING B-2
 GENERAL BUSINESS

HAMBURG PARK



LAND DESCRIPTION

Part of Survey #88 of the Illinois Grant, Silver Creek Township, Clark County, Indiana, more particularly described as follows:
 Commencing at the Eastern corner of Survey #88, thence with the Northern line of said survey South 54°-22'-00" West, basis of bearings this description, 2280.00 feet, more or less, to a point where said line intersects the Eastern line of State Road #311, (the above being quoted from that deed recorded in Deed Drawer 14, Instrument #10367), thence along the Eastern line of State Road #311 South 25°-36'-44" West 778.49 feet to a 4 inch diameter metal post found on the Eastern line of said State Road, thence continuing with said Eastern line South 25°-16'-37" West 344.17 feet to a 1.5 inch metal post found on the Eastern line of State Road #311, said point being the Northeastern corner of a certain 12.76 Acre tract referred to in Deed Drawer 14, Instrument #10367, thence along the line of said tract South 64°-50'-00" East 200.00 feet to a 1/2 inch diameter pipe found as called for in Deed Drawer 14, Instrument #10367, this being the point of beginning, thence continuing South 64°-50'-00" East 373.00 feet, thence North 28°-11'-24" East 373.00 feet, thence North 28°-11'-24" East 704.00 feet to a point in the Western right of way of State Highway #80, thence along said right of way South 44°-06'-22" East 55.29 feet, thence continuing along said right of way and along a curve concave Southeastly whose radius is 5639.56 feet, and whose long chord bears South 36°-38'-00" East, having a length of 527.06 feet, a distance of 827.25 feet, thence leaving said right of way South 54°-20'-41" West 794.23 feet, thence North 68°-20'-23" West 203.00 feet, thence North 25°-09'-35" East 68.98 feet, thence North 64°-50'-35" West 310.00 feet, thence North 25°-10'-57" East 200.00 feet, to the point of beginning, containing 8.807 Acres, more or less.

CERTIFICATE OF NOTARY PUBLIC STATE OF INDIANA COUNTY OF CLARK

BEFORE ME the undersigned Notary Public, in and for the County and State of Indiana, personally appeared ROBERT PARK and PHILIP H. JACOBSON, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes therein expressed.

MY COMMISSION EXPIRES September 18, 2000

SIGNATURE OF NOTARY *James L. N. ...*

CERTIFICATE OF REGISTERED LAND SURVEYOR

I, PAUL PRIMAVERA HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA AND THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY COMPLETED BY ME IN OCTOBER, 1998 AND THAT ALL INSTRUMENTS SHOWING THEREON ACTUALLY EXIST, AND THAT THE LOCATION, DIMENSIONS AND MATERIALS ARE ACCURATELY SHOWN AND THAT THERE HAS BEEN NO CHANGE FROM THE MATTERS OF SURVEY REVEALED BY THE SURVEY RECORDED BY THE CLARK COUNTY RECORDERS OFFICE.

PAUL PRIMAVERA
 INDIANA REGISTRATION NUMBER 80131

DEED OF DEDICATION

THE OWNERS, OR THEIR REPRESENTATIVES, HEREBY IRREVOCABLY OFFERS FOR DEDICATION TO THE TOWN OF CLARKSVILLE ALL THE LOCAL GOVERNMENT USES, EASEMENTS, PARKS, AND RECREATION UTILITIES SHOWN ON THE SUBDIVISION PLAT AND CONSTRUCTION PLANS OF HAMBURG PARK.

TOWNSHIP AND DISTRICT ROBERT PARK, PRESIDENT
 PHILIP H. JACOBSON
 END INCORPORATED
 END INCORPORATED

FILED AND RECORDED

ENTERED FOR TAXATION

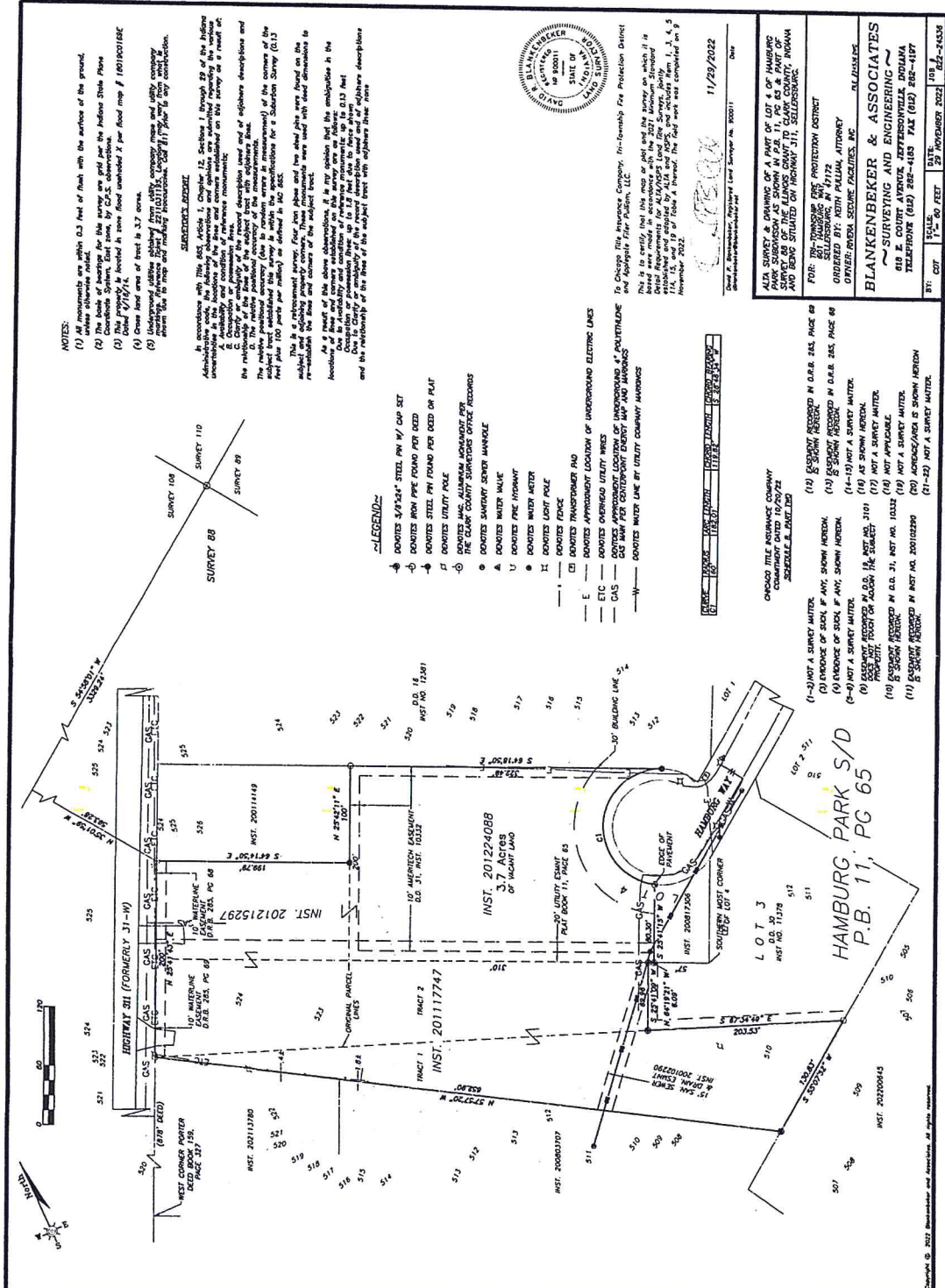
PLAN COMMISSION CERTIFICATE

UNDER AUTHORITY PROVIDED BY CHAPTER 114-A, ACTS OF 1947, ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF INDIANA, AND ALL ACTS AMENDATORY THEREOF, AND AN ORDINANCE ADOPTED BY THE TOWN BOARD OF CLARKSVILLE OF THE TOWN OF CLARKSVILLE, INDIANA, THIS PLAT WAS GIVEN APPROVAL BY THE TOWN BOARD OF CLARKSVILLE, INDIANA, ON August 19, 1999.

See Misc Dra. 31, Inst # 22586

EXHIBIT "B"

SURVEY



- NOTES:**
- (1) All measurements are within 0.3 feet of truth with the surface of the ground.
 - (2) The books of bearings for this survey are gold per the Indiana State Plane Coordinate System, East zone, by C.A.S. observations.
 - (3) Data of 11/17/21, located in some filed unrecorded A per filed map # 180190108E
 - (4) Close level area of level is 3.7 cent.
 - (5) Underlaid values obtained from utility company maps and utility company street maps for map and marking instructions, used if it is not in any construction.

SUBJECTS OF RECORD:

In accordance with the Act, Article 15, Chapter 1, Section 25 of the Indiana Administrative Code, the following observations and opinions are submitted regarding the subject property and the survey thereon:

- Accuracy and condition of reference monuments;
- Clarity and consistency of the record descriptions used and of adjacent descriptions and the relation of the subject tract with adjacent tracts;
- The nature and extent of the subject tract with adjacent tracts;
- The nature and extent of the subject tract with adjacent tracts.

This is a preliminary survey. Four foot pins and two steel pins were found on the subject property corner. These monuments were used with steel dimensions to re-establish the true property corner.

As a result of the above observations, it is my opinion that the ambiguity in the location of these corners established on the survey are as follows:

Completion of this survey is subject to the following conditions:

- (1) The survey is subject to the right of eminent domain.
- (2) The survey is subject to the right of eminent domain.
- (3) The survey is subject to the right of eminent domain.

- LEGEND:**
- ◆ INDICATES 3/4" x 3/4" STEEL PIN W/ CAP SET
 - INDICATES IRON PIPE FOUND PER DEED
 - ◆ INDICATES STEEL PIN FOUND PER DEED OR PLAT
 - ⊥ INDICATES UTILITY POLE
 - INDICATES IRON ALUMINUM MONUMENT PER THE CLARK COUNTY SURVEYOR OFFICE RECORDS
 - INDICATES SURVEY SEWER MANHOLE
 - U INDICATES UTILITY VAULT
 - ⊥ INDICATES FINE IRONBART
 - ⊥ INDICATES UTILITY POLE
 - ⊥ INDICATES FENCE
 - ⊥ INDICATES TRANSFORMER PAD
 - E — INDICATES APPROXIMATE LOCATION OF UNDERGROUND ELECTRIC LINES
 - ETC — INDICATES APPROXIMATE LOCATION OF UNDERGROUND UTILITY WIRES
 - CAS — INDICATES APPROXIMATE LOCATION OF UNDERGROUND GAS MAIN PER CONDUIT/UTILITY MAP AND RECORDS
 - — INDICATES UNDER LINE OF UTILITY COMPANY EASEMENTS

DATE	TIME	TEMP	WIND	MOON	SEA	WAVE	SWELL	GLASS
11/23/2022	10:30	45	SE	0	0	0	0	30.0

To Chicago Title Insurance Company, Inc. (formerly Fire Protection District and Applegate Fire Station, LLC)

This is to certify that this map or plat and the survey on which it is based were prepared by me or under my direct supervision and that I am a duly Licensed Professional Surveyor in the State of Indiana. I am duly Licensed Professional Surveyor No. 114, 115, and 116. I am a member of the Indiana Surveyors Association, Inc. and the National Society of Professional Surveyors, Inc.

11/23/2022

Blankenbeker & Associates, Inc.

FOR: CHICAGO TITLE INSURANCE COMPANY
SURVEY NO. 202200045
ORDERED BY: KATHY PALLUA, ATTORNEY
ORDER: BREA SECURE FACILITIES, INC
11/23/2022

BLANKENBEKER & ASSOCIATES
SURVEYING AND ENGINEERING P.C.
610 E. COURT AVENUE, SUITE 200
TELEPHONE (812) 295-4183 FAX (812) 292-4187

- CHICAGO TITLE INSURANCE COMPANY**
ORDERED 10/20/22
SURVEY NO. 202200045
- (1)-(3) NOT A SURVEY INSTRUMENT
 - (4) EVIDENCE OF SUCH, IF ANY, SHOWN HEREON
 - (5)-(8) NOT A SURVEY INSTRUMENT
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EXHIBIT "C"

DRAWING OF PORTION OF EASEMENTS TO BE VACATED

EXHIBIT "D"

METES AND BOUNDS DESCRIPTION OF PORTION OF EASMENTS 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, Blankenkemper 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.

AND ALSO INCLUDING

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Containing 0.093 acre more or less, and subject to all easements, restrictions, and rights-of-way of record.

ORDINANCE NO. _____

IN RE THE PETITION TO VACATE CERTAIN PLATTED EASEMENTS
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 two platted easements 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, THEREFORE, 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 easements 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 easements are located or to which the easements are 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 easements 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

By: _____
Matthew Czarnecki, President

Attested by:

Michelle D. Miller, Clerk Treasurer

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, Blankenkemper 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.

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, Blankenkemper 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 100.00 feet along the northwest line of said Lot 4;
thence S 64°17'49" E 10.00 feet; thence S 25°42'11" W 90.00 feet; thence S 64°19'21" E 306.08 feet; thence S 25°41'15" W 10.00 feet to the southwest line of said Lot; thence N 64°19'21" 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.