

**COMMONWEALTH OF KENTUCKY  
HARDIN COUNTY FISCAL COURT**

**RESOLUTION NO. 2005-016**

This Resolution duly made and adopted this 22<sup>nd</sup> day of February, 2005 by the Hardin County Fiscal Court, County of Hardin, Commonwealth of Kentucky

**WHEREAS**, the proposed closing of a portion of Gregory Street that is not constructed but the right-of-way was dedicated on the subdivision plat of Lincoln Meadows recorded in 1955 in Plat Cabinet 1 Sheet Number 43B in Hardin County, Kentucky, was referred to the Hardin County Planning and Development Commission for review as provided in KRS 100.324(4); and, the Hardin County Planning and Development Commission having adopted a RESOLUTION at its meeting held on 12 January 2005 finding that the closing of this section of right-of-way meets the Goals and Objectives of the COMPREHENSIVE DEVELOPMENT GUIDE, a photocopy of the said RESOLUTION (Number 3, Series 2005) is attached hereto and made a part hereof; and

**WHEREAS**, pursuant to KRS Chapter 178, the Hardin County Fiscal Court held a public hearing on Tuesday, 22 February 2005, on the proposed closing of the portion of Gregory Street not constructed to receive testimony from the public and the report of two viewers, Danny Allen and Chris Hunsinger, a copy of said report is attached hereto and made a part hereof.

**NOW THEREFORE, BE IT RESOLVED**, by the Hardin County Fiscal Court, Commonwealth of Kentucky as follows:

1. The closing of the portion of Gregory Street that is not constructed, beginning at Wilmoth Street, that the right-of-way was dedicated on the subdivision plat of Lincoln Meadows as recorded in the office of the Hardin County Clerk in Plat Cabinet 1 Sheet Number 43B as described in the Summary Report and Exhibits, which by reference is made a part hereof, will not cause any inconvenience, nor will it result in a hardship for any person or property to gain ingress or egress, and traffic patterns and the general health, safety and welfare of the public will be improved.
2. That the portion of Gregory Street that is not constructed, beginning at Wilmoth Street, for which the right of way was dedicated on the subdivision plat of Lincoln Meadows in Hardin County, Kentucky is hereby closed, discontinued and removed from public use as provided in KRS Chapter 178. However, a twenty (20) foot wide pedestrian easement shall be established to provide access from Gregory street to Eagle Pass Road.
3. Pursuant to Jones vs. Avondale Heights Co., 47 S. W. 2d 949 (KY. 1932) and other applicable case law, the closed or discontinued right-of-way shall revert to the adjoining lots of the Lincoln Meadows Subdivision in the County of Hardin, Kentucky and of record in Plat Cabinet 1 Sheet Number 43B in the office of the Hardin County Court Clerk, Elizabethtown, Kentucky.

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HARRY L. BERRY  
HARDIN COUNTY JUDGE/EXECUTIVE

**ROAD CLOSING REPORT**  
**UNCONSTRUCTED PORTION OF GREGORY STREET**  
**RIGHT OF WAY ESTABLISHED ON PLAT OF**  
**LINCOLN MEADOWS SUBDIVISION**  
**ELIZABETHTOWN, KENTUCKY**

Pursuant to KRS 178.070 the undersigned, Danny Allen, Supervisor of the Hardin County Road Department, and Chris Hunsinger, Director of the Hardin County Planning & Development Commission, viewers appointed by Fiscal Court pursuant to RESOLUTION No. 2005-004, hereby file this written report. This report is concerning the proposed discontinuance of the portion of Gregory Street not constructed but is shown on an existing plat of Lincoln Meadows Subdivision.

As required by KRS 178.050, public notice of the hearing on the proposed discontinuance of the alley was duly published in *The News Enterprise* of Hardin County on Sunday, 13 February, 2005. A photocopy of said notice is attached hereto and marked "Exhibit M".

As required by KRS 178.070, appropriate signs giving public notice of the hearing on the proposed discontinuance of the right-of-way were posted in three public places in the vicinity of the proposed discontinuance of the right-of-way. Said signs were posted on Monday, 4 February, 2005 and have remained posted thereon until the date of the hearing this Tuesday, 22 February, 2005. Photographs of said signs are attached hereto and marked "Exhibit O".

The undersigned, having made a careful inspection and study of the proposed discontinuance and closing of the portion of Gregory Street not constructed, hereby report that no inconvenience would result from the proposed discontinuance.

The undersigned recommend that the proposed discontinuance of the platted right of way for Gregory Street that is not constructed be approved. The property will be subdivided and create lots more in compliance with the Hardin County Subdivision Regulations. The general health, safety and welfare of the citizens of Hardin County will be improved by the proposed discontinuance, and the discontinuance will not result in a hardship for any person or property to gain ingress or egress.

Respectfully submitted this 22nd day of February, 2005.

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DANNY ALLEN, Supervisor  
Hardin County Road Department

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CHRIS HUNSINGER, Director  
Hardin County Planning & Development Commission