

COMMONWEALTH OF KENTUCKY  
HARDIN COUNTY FISCAL COURT

RESOLUTION NO. 2005-043

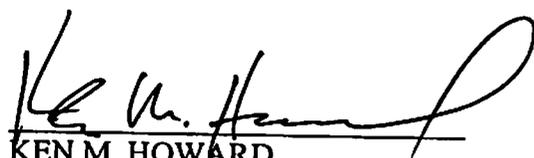
This Resolution duly made and adopted this 25th day of May, 2005, by the Hardin County Fiscal Court, County of Hardin, Commonwealth of Kentucky.

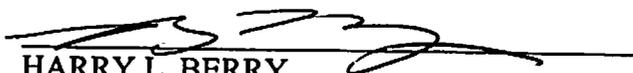
WHEREAS, the proposed closing of a 950 foot portion of the 50' platted right-of-way as established on the subdivision plat of Ansel's Acres in Hardin County, Kentucky, was referred to the Hardin County Planning and Development Commission for review as provided in KRS 100.324(4); and, the Hardin County Planning and Development Commission having adopted a RESOLUTION at its meeting held on 19 April 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 05, Series 2005) are attached hereto and made a part hereof; and

WHEREAS, pursuant to KRS Chapter 178, the Hardin County Fiscal Court held a public hearing on Wednesday, 25 May 2005, on the proposed closing of an approximately 950 foot section of the 50' platted right-of-way (in which a street has not been constructed) to receive testimony from the public and the report of two viewers, Danny Allen and Chris Hunsinger, a photocopy 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 rear approximately 950 foot portion of the 50' platted right-of-way as illustrated on the plat of Ansel's Acres Subdivision recorded in Plat Cabinet 1 Sheet 109B in the office of the Hardin County Clerk, 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 rear approximately 950 foot portion of the 50' platted right-of-way located on the north side of Locust Grove Road, approximately 0.6 miles east of Valley Creek Road (KY 567) and 0.4 miles west of Nancy Drive in Hardin County, Kentucky is hereby closed, discontinued and removed from public use as provided in KRS Chapter 178.
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 proposed two lot Amended Record Plat of Ansel's Acres Subdivision as presented at the public hearing.

  
KEN M. HOWARD  
HARDIN COUNTY ATTORNEY

  
HARRY L. BERRY  
HARDIN COUNTY JUDGE/EXECUTIVE

**RESOLUTION  
NUMBER 05, SERIES 2005**

**WHEREAS** the Hardin County Planning and Development Commission has adopted a Comprehensive Plan, Land Use Regulation, and Subdivision Regulations;

**WHEREAS** the above-mentioned regulations are designed to protect the public health, safety and welfare of the citizens of Hardin County;

**WHEREAS** state law [KRS 100.324(4)] requires the Planning Commission to review any proposed street closing with regard to the Comprehensive Plan;

**WHEREAS** an application has been submitted requesting the closing of a portion of the platted right-of-way described as a "50' Street" which has not been constructed but is illustrated on the record plat of Ansel's Acres Subdivision recorded, plat cabinet 1, sheet 109-B;

**WHEREAS** the portion proposed to be closed begins in front of the residence at 1186 Locust Grove Road, approximately 950 feet north of Locust Grove Road and extend north to the boundary of Ansel's Acres Subdivision (The remaining portion, between the residence and Locust Grove Road, will remain as right-of-way);

**WHEREAS** the Commission reviewed the County's Comprehensive Development Guide and identified the following applicable goal and objective;

**TRANSPORTATION**

**GOAL 10: TO IMPROVE THE TRANSPORTATION SYSTEM OF HARDIN COUNTY SO THAT IT ENCOURAGES THE SMOOTH FLOW OF TRAFFIC THROUGHOUT THE COUNTY.**

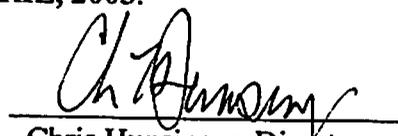
**Objective 10 - To evaluate and close streets or streets of record which are not being used, have not been constructed or are unnecessary.**

**NOW THEREFORE, BE IT RESOLVED**, that the Hardin County Planning and Development Commission has hereby determined that the closing of an approximately 950 foot portion of the platted right-of-way of Ansel's Acres meets the Goals and Objectives of the COMPREHENSIVE DEVELOPMENT GUIDE with the following condition:

1. A subdivision plat, amending Ansel's Acres Subdivision, Lots 1-10, merging the lots into two lots and establishing a fifty (50) foot radius right-of-way for a cul-de-sac, as presented at the hearing, must be submitted by the owners, approved by the Planning Commission and recorded in the office of the Hardin County Clerk.

**ADOPTED ON THIS THE NINETIETH DAY OF APRIL, 2005.**

  
Raymond Thomas, Vice-Chairman

  
Chris Hunsinger, Director

**ROAD CLOSING REPORT**  
**PORTION OF A PLATTED RIGHT-OF-WAY IN**  
**ANSEL'S ACRES SUBDIVISION**  
**HARDIN COUNTY, 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. 2005-036, hereby file this written report. This report is concerning the proposed discontinuance of the rear 950 foot portion of a fifty foot platted right-of-way as shown on the subdivision plat of Ansel's Acres in Hardin County, Kentucky.

As required by KRS 178.050, public notice of the hearing on the proposed discontinuance of the right-of-way was duly published in *The News Enterprise* of Hardin County on Sunday, 15 May, 2005. A photocopy of said notice is attached hereto and marked "Exhibit K".

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 Friday, 13 May, 2005 and have remained posted thereon until the date of the hearing this Wednesday, 25 May, 2005. Photographs of said signs are attached hereto and marked "Exhibit M".

The undersigned, having made a careful inspection and study of the proposed discontinuance and closing of the rear 950 foot portion of the fifty foot platted right-of-way as illustrated on the plat of Ansel's Acres Subdivision, hereby report that no inconvenience would result from the proposed discontinuance.

The undersigned recommend that the proposed discontinuance of the identified portion of platted right-of-way which is not constructed be approved due to the fact that the Ansel's Acres subdivision plat will be amended to create two lots 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 25<sup>th</sup> day of May, 2005.

  
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DANNY ALLEN, Supervisor  
Hardin County Road Department

  
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CHRIS HUNSINGER, Director  
Hardin County Planning & Development Commission