

**COMMONWEALTH OF KENTUCKY
HARDIN COUNTY FISCAL COURT**

**RESOLUTION NO. 2005-047
Road Closing - Givan Estates Subdivision, Kathline Drive**

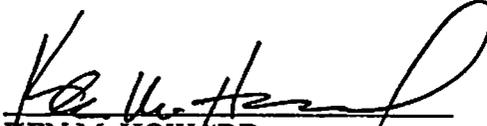
This Resolution duly made and adopted this 28th day of June, 2005, by the Hardin County Fiscal Court, County of Hardin, Commonwealth of Kentucky.

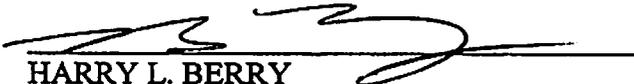
WHEREAS, the proposed closing of the platted right-of-way described as "Kathline Drive, 50' R/W - 20' PAVED" which has not been constructed but is illustrated on the record plat of Givan Estates Subdivision recorded in the office of the Hardin County Clerk in Plat Cabinet 1, Sheet 2815 in Hardin County, 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 3 May 2005 finding that the closing of this platted right-of-way meets the Goals and Objectives of the COMPREHENSIVE DEVELOPMENT GUIDE, a photocopy of the said RESOLUTION (Number 07, 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, 28 June 2005, on the proposed closing of the platted right-of-way described as "Kathline Drive, 50' R/W - 20' PAVED" which 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 platted right-of-way described as "Kathline Drive, 50' R/W - 20' PAVED" which has not been constructed but is illustrated on the record plat of Givan Estates Subdivision recorded in the office of the Hardin County Clerk in Plat Cabinet 1, Sheet 2815 in Hardin County, Kentucky, 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 platted right-of-way described as "Kathline Drive, 50' R/W - 20' PAVED" which has not been constructed but is illustrated on the record plat of Givan Estates Subdivision 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 platted right-of-way shall revert to the adjoining lots illustrated on an amended record plat of Givan Estates Subdivision that must receive approval by the Planning Commission and recorded in the office of the Hardin County Court Clerk, Elizabethtown, Kentucky.


KEN M. HOWARD
HARDIN COUNTY ATTORNEY


HARRY L. BERRY
HARDIN COUNTY JUDGE/EXECUTIVE

VIEWERS ROAD CLOSING REPORT

**Givan Estates Subdivision, Kathline Drive
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. 2005-044, hereby file this written report. This report is concerning the proposed discontinuance of a platted right-of-way described as "Kathline Drive, 50' R/W - 20' PAVED" which has not been constructed but is illustrated on the record plat of Givan Estates Subdivision recorded in the office of the Hardin County Clerk in Plat Cabinet 1, Sheet 2815 in Hardin County, Kentucky.

As required by KRS 178.050, public notice of the hearing on the proposed discontinuance of the platted right-of-way was duly published in *The News Enterprise* of Hardin County on Sunday, 19 June, 2005. A photocopy of said notice is attached hereto and marked "Exhibit L".

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, 3 June, 2005 and have remained posted thereon until the date of the hearing this Tuesday, 28 June, 2005. Photographs of said signs are attached hereto and marked "Exhibit J".

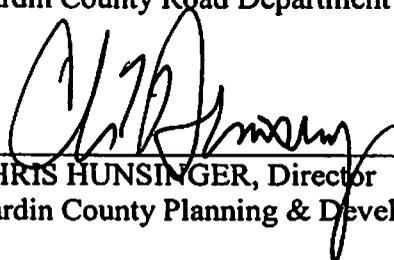
The undersigned, having made a careful inspection and study of the proposed discontinuance and closing of the platted right-of-way described as "Kathline Drive, 50' R/W - 20' PAVED" which has not been constructed, hereby report that no inconvenience would result from the proposed discontinuance.

The undersigned recommend that the proposed discontinuance of the platted right-of-way described as "Kathline Drive 50' R/W - 20' PAVED" which is not constructed be approved due to the fact that the property will be subdivided and new lots created 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 28th day of June, 2005.



DANNY ALLEN, Supervisor
Hardin County Road Department



CHRIS HUNSINGER, Director
Hardin County Planning & Development Commission

RESOLUTION
NUMBER 07, 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 the platted right-of-way described as "Kathline Drive 50' R/W - 20' PAVED" which has not been constructed but is illustrated on the record plat of Givan Estates Subdivision recorded in the office of the Hardin County Clerk in Plat Cabinet 1, Sheet 2815;
- 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.

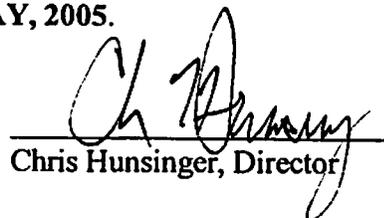
Objective 10 - To evaluate and close streets or streets of record which are not being used, have not been constructed or are unnecessary.

NOW THEREFORE, BE IT RESOLVED, that the Hardin County Planning and Development Commission has hereby determined that the closing of Kathline Drive of Givan Estates Subdivision meets the Goals and Objectives of the COMPREHENSIVE DEVELOPMENT GUIDE with the following condition:

1. A subdivision plat, amending Givan Estates Subdivision, Lots 2-14, merging the lots into three lots, 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. The financial security of \$37,500.00 due to expire on 24 February 2006, will be released after the amended plat is approved and recorded.

ADOPTED ON THIS THE THIRD DAY OF MAY, 2005.


Riek Baumgardner, Chairman


Chris Hunsinger, Director