

COMMONWEALTH OF KENTUCKY
HARDIN COUNTY FISCAL COURT

RESOLUTION NO. 2006-077
Road Closing – Payne Street & Portion of Spurrier Alley
Hasting – Marrison Addition Subdivision, White Mills Kentucky

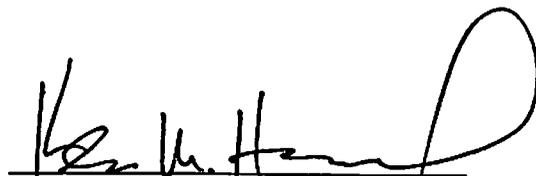
This Resolution duly made and adopted this 27th day of June, 2006, by the Hardin County Fiscal Court, County of Hardin, Commonwealth of Kentucky.

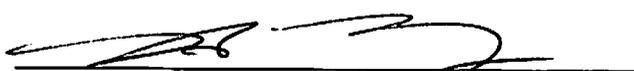
WHEREAS, the proposed closing of the platted right-of-ways described as “Payne Street” (30’ R/W) and the southern 270 foot portion of “Spurrier Alley” (15’ R/W) beginning at its platted intersection with KY HWY 84 and continuing northerly as it is bounded on the east by lots 43 through 53 and bounded on the west by lots 24 through 32 of said Hasting – Marrison Addition Subdivision and which have not been constructed but are illustrated on the record plat recorded in 1922 in the office of the Hardin County Clerk in Deed Book 077 Page 454 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 9 May 2006 finding that the closing of these platted right-of-ways meet the Goals and Objectives of the COMPREHENSIVE DEVELOPMENT GUIDE, a photocopy of the said RESOLUTION (Number 09, Series 2006) 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, 27 June 2006, on the proposed closing of the platted right-of-ways described as “Payne Street” and the 270 foot portion of “Spurrier Alley” which have 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-ways described as “Payne Street” and the 270 foot portion of “Spurrier Alley” which have not been constructed but are illustrated on the record plat of Hasting – Marrison Addition Subdivision recorded in the office of the Hardin County Clerk in Deed Book 077 Page 454 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-ways described as “Payne Street” and the 270 foot portion of “Spurrier Alley” which have not been constructed but are illustrated on the record plat of Hasting – Marrison Addition 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-ways shall revert to the adjoining lots illustrated on an amended record plat of Hasting – Marrison Addition 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

**HARDIN COUNTY FISCAL COURT
ROAD CLOSING - SUMMARY REPORT**

PVA Numbers : 108-00-00-051
 Applicant's Name. . : Mark Bland
 Owners' Names. . . . : Mark and Rebecca Bland
 (Deed Book 873 Page 460)

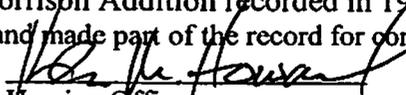
Location : The platted rights-of-ways of Payne Street and Spurrier Alley located in Hasting – Marrison Addition. The rights-of-ways are located between Lay Lane and Searcy Lane on the north side of Sonora-Hardin Springs Road (KY 84), in White Mills, Kentucky.

Land Use Sector. . . . : Rural Residential
 Land Use District. . . : Rural Residential (R-2)
 Existing Use. : Subdivision Lots (14 Lots)
 Proposal..... : To close the platted right-of-way of Payne Street and an approximate 270 foot portion of Spurrier Alley – both of which are not constructed. The rights-of-ways were dedicated on the subdivision plat of Hasting – Marrison Addition recorded in 1922.

Planning Commission Hearing Date: 9 May 2005
 Viewers Appointed by Fiscal Court: 23 May 2006
 Public Hearing Signs Posted: 8 June 2006
 Newspaper Ad Published: 18 June 2006
 Fiscal Court Public Hearing Date: 27 June 2006

<u>Exhibit</u>	<u>Description</u>
A.	SITE MAP illustrating the location of the road closing and the current zoning
B.	Copy of the 1922 plat of Hasting – Marrison Addition; creating 87 lots.
C.	PROPOSAL – Right-of-ways and 28 Lots to be consolidated into 3 Lots along Lay Lane and Searcy Lane, north of Sonora Hardin Springs Road (KY 84)
D.	Video of the Site
E.	Comprehensive Development Guide
F.	Development Guidance System Ordinance
G.	Photos of the site
H.	Staff Report prepared by the Commission dated 9 May 2005
I.	Commission RESOLUTION Number 09, Series 2006 dated 9 May 2006 determining that the road closing meets the Goals & Objectives of the Comprehensive Development Guide
J.	Fiscal Court RESOLUTION 2006- 061 dated 23 May 2006 appointing “viewers” to inspect, study and report on the proposed closing
K.	Photographs of the three (3) signs posted on-site
L.	Copy of Letter and listing of property owners whom notices were mailed
M.	Public Hearing Newspaper Notice published Sunday 18 June 2005
N.	*Road Closing Report - Viewers Report
O.	*Proposed Fiscal Court RESOLUTION No. 2006-077 to close portions of the platted right-of-ways of Hasting – Marrison Addition recorded in 1922

I certify that the above exhibits were submitted and made part of the record for consideration of the above described public hearing.


 Hearing Officer 6.27.02

**HARDIN COUNTY
FISCAL COURT
ROAD CLOSING
SUMMARY REPORT**

3:30 P.M.

**Request to close Payne Street and an approximate 270 foot
portion of Spurrier Alley**

COMMISSION MEETING 9 MAY 2006

FISCAL COURT MEETING 27 JUNE 2006

**ROAD CLOSING
REPORT**

SUBDIVISION NAME:

Hasting – Marrison Addition

RIGHTS-OF-WAY:

Payne Street and Spurrier Alley

LOCATION

The rights-of-ways are located between Lay Lane and Searcy Lane on the north side of Sonora-Hardin Springs Road (KY 84), in White Mills, Kentucky.

**ROAD CLOSING
REPORT**

OWNER / APPLICANT

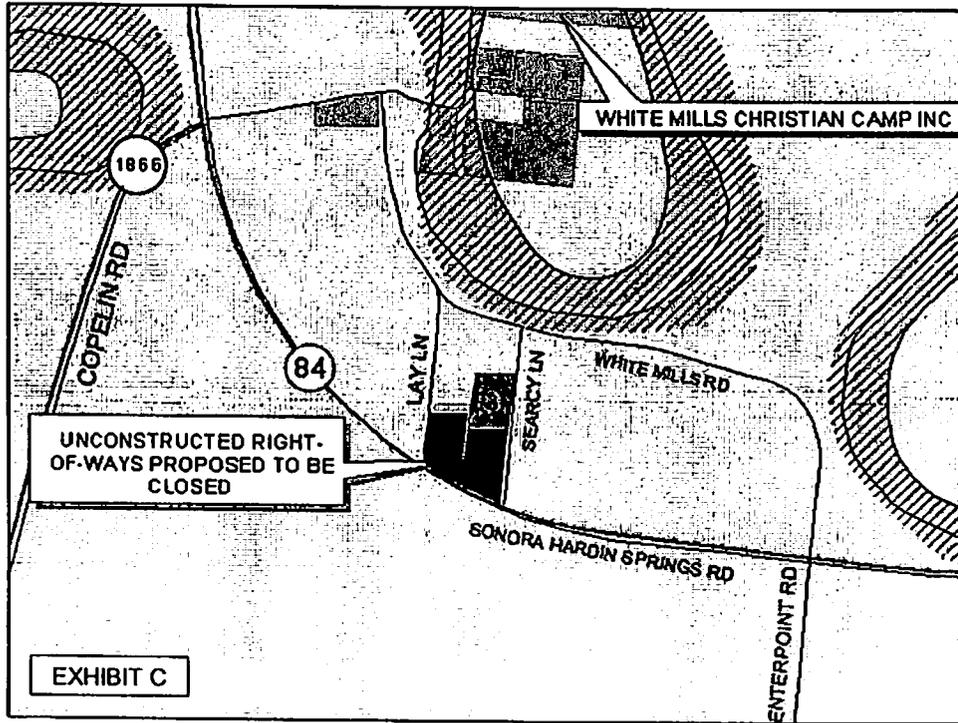
**Mark and Rebecca Bland
(Deed Book 873 Page 460)**

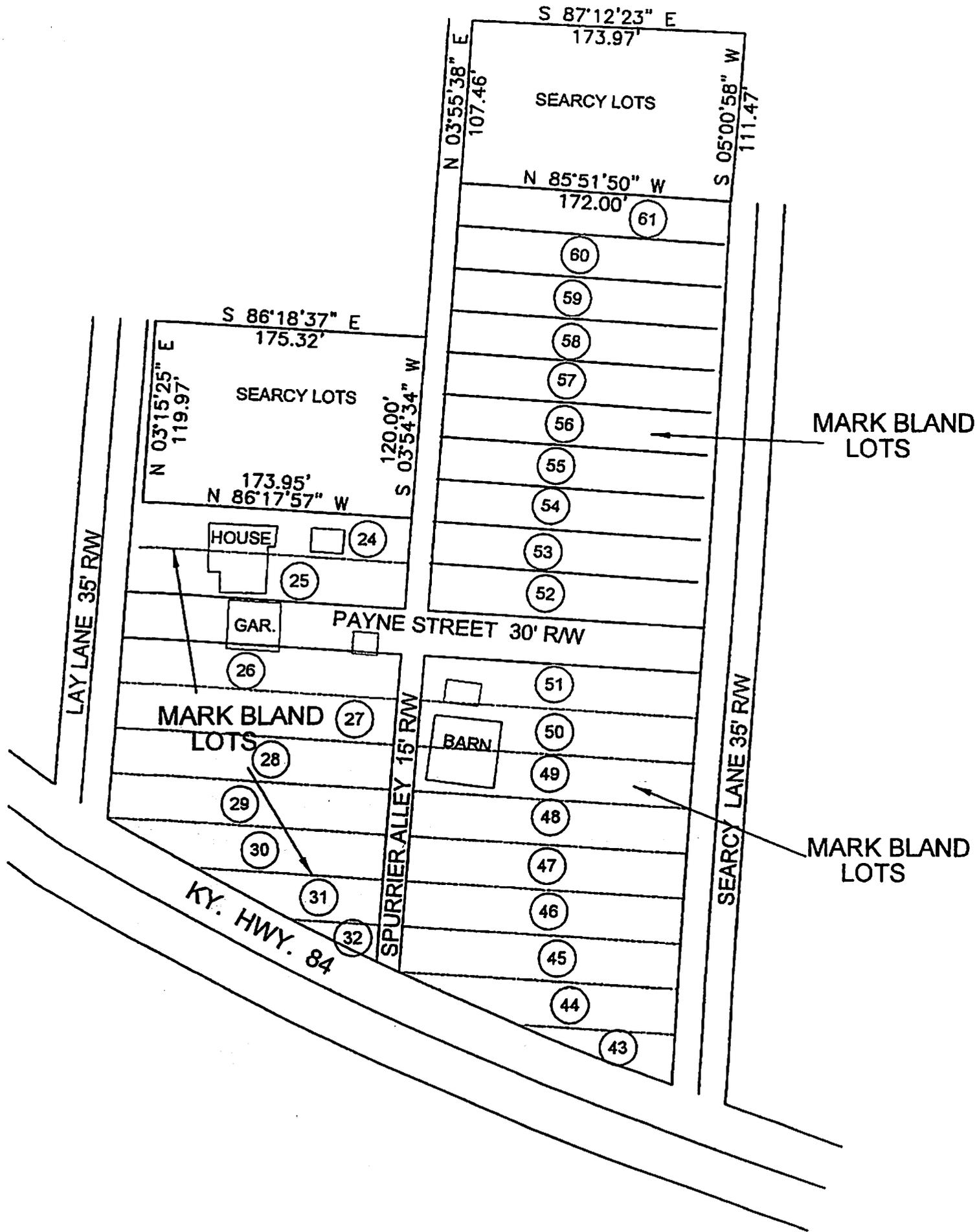
**Hasting – Marrison Addition,
Lots 24-32 and 43-61**

ROAD CLOSING

**Payne Street and an approximate 270 foot portion of
Spurrier Alley**

-
- A. SITE MAP illustrating the location of the road closing and the current zoning**
 - B. Copy of the 1922 plat of Hasting – Marrison Addition; creating 87 lots.**
 - C. PROPOSAL – Right-of-way and 28 Lots to be consolidated into 3 Lots along Lay Lane and Searcy Lane, north of Sonora Hardin Springs Road (KY 84)**
 - D. Video of the Site**
 - E. Comprehensive Development Guide**
 - F. Development Guidance System Ordinance**
 - G. Photos of the site**
 - H. Staff Report prepared by the Commission dated 9 May 2005**
 - I. *Commission RESOLUTION Number 09, Series 2006 dated 9 May 2006 determining that the road closing meets the Goals & Objectives of the Comprehensive Development Guide**
 - J. *Fiscal Court RESOLUTION 2006-061 dated 23 May 2006 appointing “viewers” to inspect, study and report on the proposed closing**
 - K. *Photographs of the three (3) signs posted on-site**
 - L. *Copy of Letter and listing of property owners whom notices were mailed**
 - M. *Public Hearing Newspaper Notice published Sunday 18 June 2006**
 - N. *Road Closing Report - Viewers Report**
 - O. *Proposed Fiscal Court RESOLUTION No. 2006-___ to close portions of the platted right-of-way of Hasting – Marrison Addition recorded in 1922**





S 87°12'23" E
173.97'

SEARCY LOTS

N 03°55'38" E
107.46'

N 85°51'50" W
172.00'

S 05°00'58" W
111.47'

S 86°18'37" E
175.32'

SEARCY LOTS

N 03°15'25" E
119.97'

120.00'
S 03°54'34" W

173.95'
N 86°17'57" W

HOUSE

24

25

GAR.

PAYNE STREET 30' RW

26

MARK BLAND LOTS

27

28

29

30

31

32

KY. HWY. 84

SPURRIER ALLEY 15' RW

BARN

51

50

49

48

47

46

45

44

43

MARK BLAND LOTS

MARK BLAND LOTS

LAY LANE 35' RW

SEARCY LANE 35' RW

VIDEO
OF THE SITE

EXHIBIT D



**RESOLUTION NUMBER 09, SERIES 2006
ROAD CLOSING**

- **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 "Payne Street" and an approximate 270 foot portion of "Spurrier Alley (15 feet)" which have not been constructed but are illustrated on the record plat of Hasting - Marrison Addition recorded in 1922 in the office of the Hardin County Clerk in Deed Book 077 Page 454;
- **WHEREAS** the Commission reviewed the County's Comprehensive Development Guide and identified the following applicable goal and objective;

EXHIBIT H

TRANSPORTATION

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

Objective 4 - To preserve the carrying capacity of streets by:

C. Limiting the distance between new street and major private drive intersections and existing intersections.

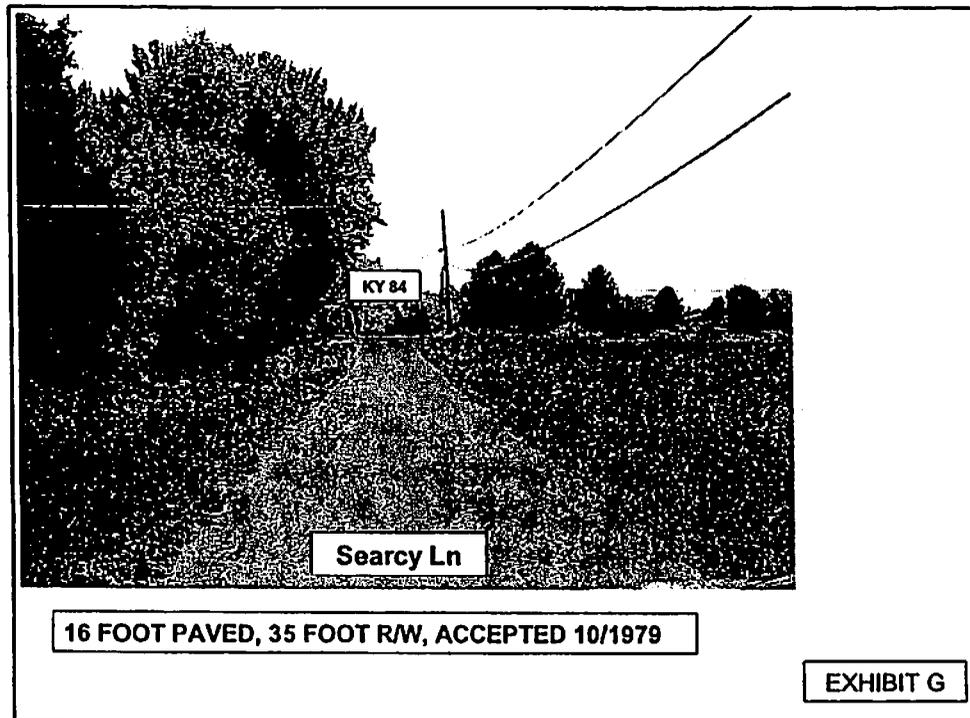
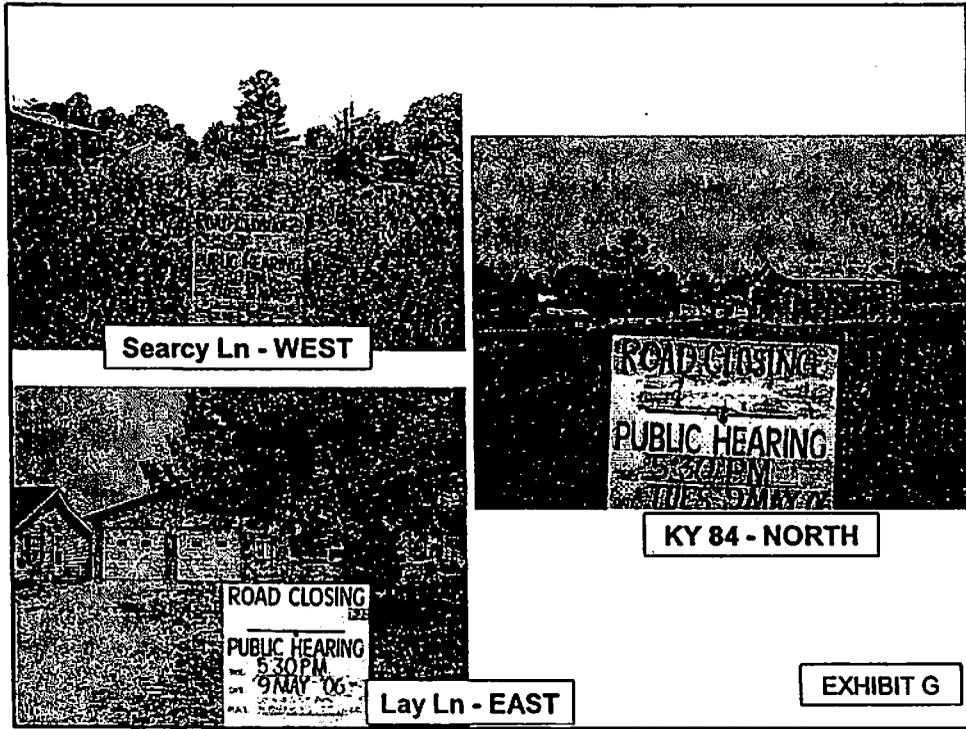
Eliminating street intersection jogs.

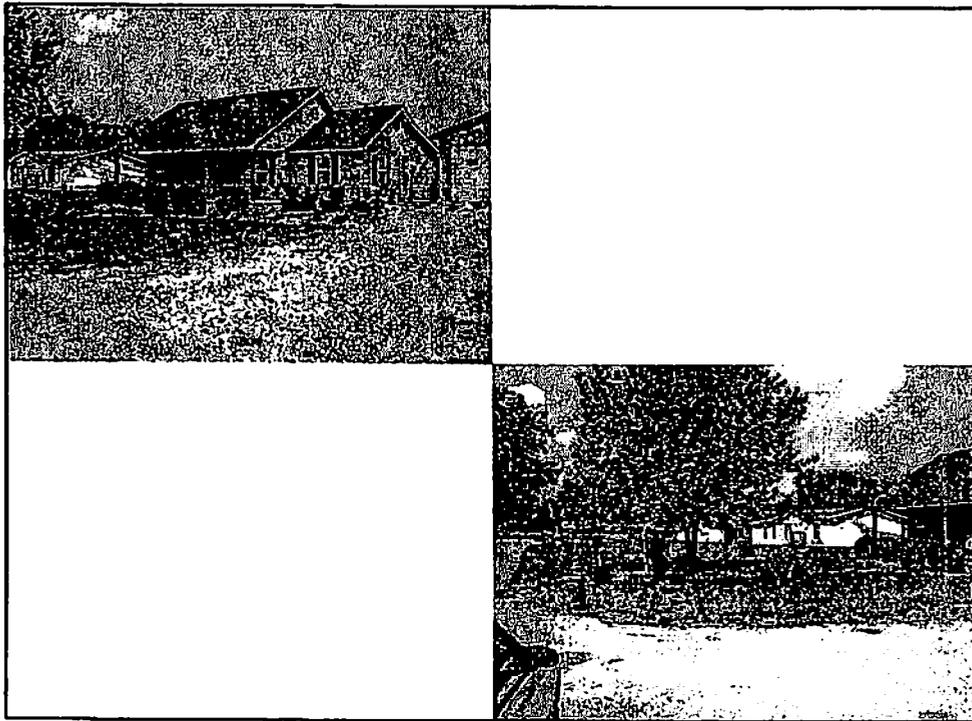
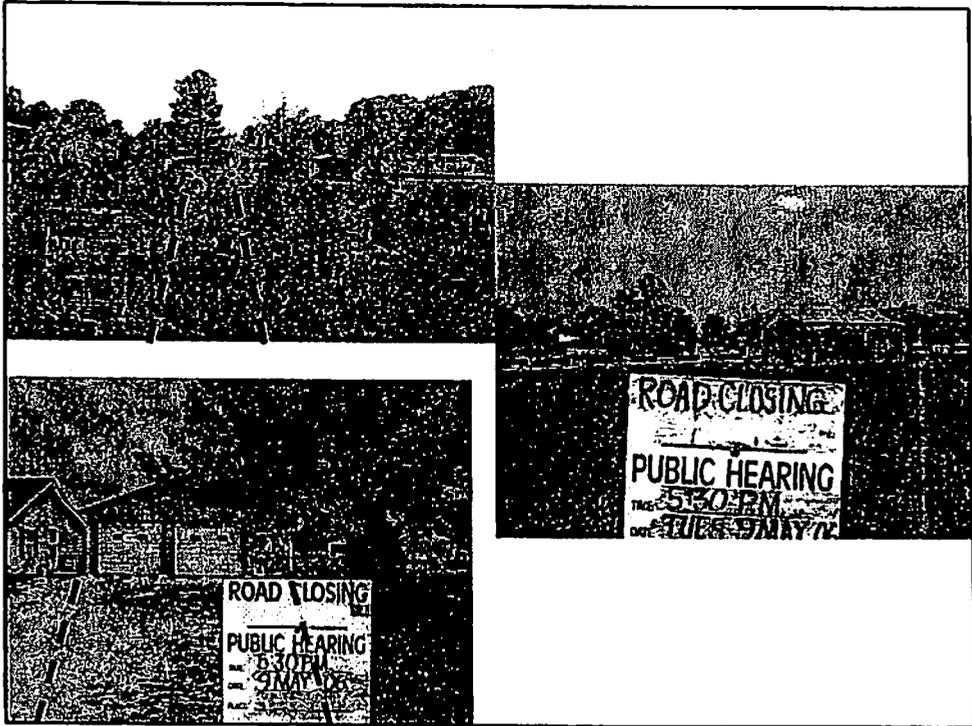
Objective 10 - To evaluate and close streets or streets of record which are not being used,

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 Payne Street and a portion of Spurrier Alley of Hasting - Marrison Addition meets the Goals and Objectives of the COMPREHENSIVE DEVELOPMENT GUIDE with the following condition:

A subdivision plat, amending Hasting - Marrison Addition, Lots 24-32 and 43-61, merging the lots and closed right-of-ways 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.





Ex. H

STAFF REPORT

Road Closing Request: Payne Street and portion of Spurrier Alley
Platted right-of-ways in Hasting – Marrison Addition
9 May 2006

An application for a road closing was submitted by the owners and applicants, Mark Bland & Rebecca Bland, for the Commission to consider. In compliance with KRS Chapter 100.324 (4), the Planning Commission is required to review any proposed street closing with regard to the Comprehensive Plan. The specific language of the law states:

(4) Any proposal for acquisition or disposition of land for public facilities, or changes in the character, location or extend of structures or land for public facilities, ..., shall be referred to the commission to be review in light of its agreement with the comprehensive plan, and the commission shall, within sixty (60) days ... advise the referring body whether the project is in accordance with the comprehensive plan.

The following is a summary of the request and topics reviewed by the staff (See Summary Report for Exhibits).

PROPOSED SITE – Payne Street and Spurrier Alley

The platted rights-of-ways of Payne Street and Spurrier Alley are located in Hasting – Marrison Addition. The rights-of-ways are located between Lay Lane and Searcy Lane on the north side of Sonora-Hardin Springs Road (KY 84), in White Mills, Kentucky. The portions right-of-way being proposed for closing are adjacent to Lots 24-32 and 43-53. Ownership of the lots belongs to MARK BLAND & REBECCA BLAND (Deed Book 873 Page 460). All the lots owned by BLAND (Lots 24-32 and 43-61) are identified by the office of the Hardin County Property Valuation Administrator (PVA) as map parcel number 108-00-00-051.

BACKGROUND INFORMATION

Payne Street and the interior alley-way identified as Spurrier Alley have not been constructed in the platted right-of-ways of this subdivision. Hardin County Fiscal Court has never accepted the right-of-ways into the Hardin County Road Maintenance System.

PROPOSAL

This proposal is to close the platted right-of-way of Payne Street and an approximate 270 foot portion of Spurrier Alley – both of which are not constructed. The rights-of-ways were dedicated on the subdivision plat of Hasting – Marrison Addition, recorded in 1922. If the rights-of-way are closed, the owners will prepare an amended subdivision plat of Hasting – Marrison Addition, Lots 24-32 and 43-61, consolidating 28 small lots and the closed right-of-way into three lots. The amended lots will be provided access by Lay Lane and Searcy Lane. The newly designed lots will be more in compliance with the residential development standards of the Rural Residential District.

STAFF REPORT

9 May 2006

Page 2 of 2

RECOMMENDATION

The requested road closings are in agreement with the Comprehensive Plan. This request does agree with the language of the COMPREHENSIVE DEVELOPMENT GUIDE as follows:

TRANSPORTATION

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

Objective 4 - To preserve the carrying capacity of streets by:

- A. Aligning intersections as close to 90 degree as possible.
- B. Limiting the grade and curvature of streets to levels which insure the smooth follow of traffic.
- C. *Limiting the distance between new street and major private drive intersections and existing intersections.*
- D. *Eliminating street intersection jogs.*

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

A Public Hearing for this proposed road closing will be scheduled for Fiscal Court. A RESOLUTION may be adopted by the Planning Commission to be presented at the Fiscal Court public hearing for consideration and action on this request.

COPY

RESOLUTION
NUMBER 09, SERIES 2006
ROAD CLOSING

- 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 "Payne Street" and an approximate 270 foot portion of "Spurrier Alley (15 feet)" which have not been constructed but are illustrated on the record plat of Hasting - Marrison Addition recorded in 1922 in the office of the Hardin County Clerk in Deed Book 077 Page 454;
- 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 4 - To preserve the carrying capacity of streets by:
 - C. Limiting the distance between new street and major private drive intersections and existing intersections.
 - D. Eliminating street intersection jogs.

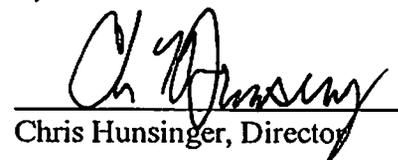
Objective 10 - To evaluate and close streets or streets of record which are not being used, have not been constructed, or are unnecessary.

NOW THEREFORE, BE IT RESOLVED, that the Hardin County Planning and Development Commission has hereby determined that the closing of Payne Street and a portion of Spurrier Alley of Hasting - Marrison Addition meets the Goals and Objectives of the COMPREHENSIVE DEVELOPMENT GUIDE with the following condition:

- 1. A subdivision plat, amending Hasting - Marrison Addition, Lots 24-32 and 43-61, merging the lots and closed right-of-ways 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.

ADOPTED ON THIS THE NINTH DAY OF MAY, 2006.


Rick Baumgardner, Chairman


Chris Hunsinger, Director

**RESOLUTION NO. 2006 - 061
APPOINTING VIEWERS**

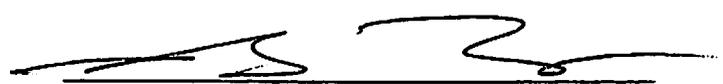
**Hasting-Marrison Addition Subdivision
Payne Street and an approximate 270 foot portion of Spurrier Alley**

WHEREAS, a request has been received to close the platted rights-of-ways of Payne Street and Spurrier Alley are located in Hasting – Marrison Addition Subdivision, recorded in Deed Book 077 Page 454 in the office of the Hardin County Clerk. The rights-of-way are located on the north side of Sonora Hardin Springs Road (KY 84), between Lay Lane and Searcy Lane in White Mills, Kentucky.

WHEREAS, KRS 178.070 requires the appointment of “viewers” to report and make a recommendation on the closure of a right-of-way.

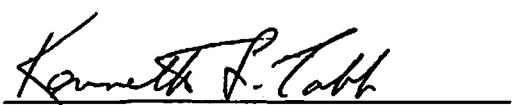
NOW, THEREFORE, BE IT RESOLVED, by the Hardin County Fiscal Court, Commonwealth of Kentucky, that Danny Allen (Supervisor of the Hardin County Road) and Chris Hunsinger (Director of the Hardin County Planning & Development Commission) both citizens of Hardin County, are hereby appointed as “viewers” pursuant to KRS 178.070 to carefully inspect and study the proposed closing of the platted right-of-way of Payne Street and Spurrier Alley, as recorded on the subdivision plat of Hasting – Marrison Addition, Hardin County, Kentucky and report their findings to the Hardin County Fiscal Court.

This Resolution duly made and adopted on this 23rd day of May 2006, by the Hardin County Fiscal Court, Commonwealth of Kentucky.



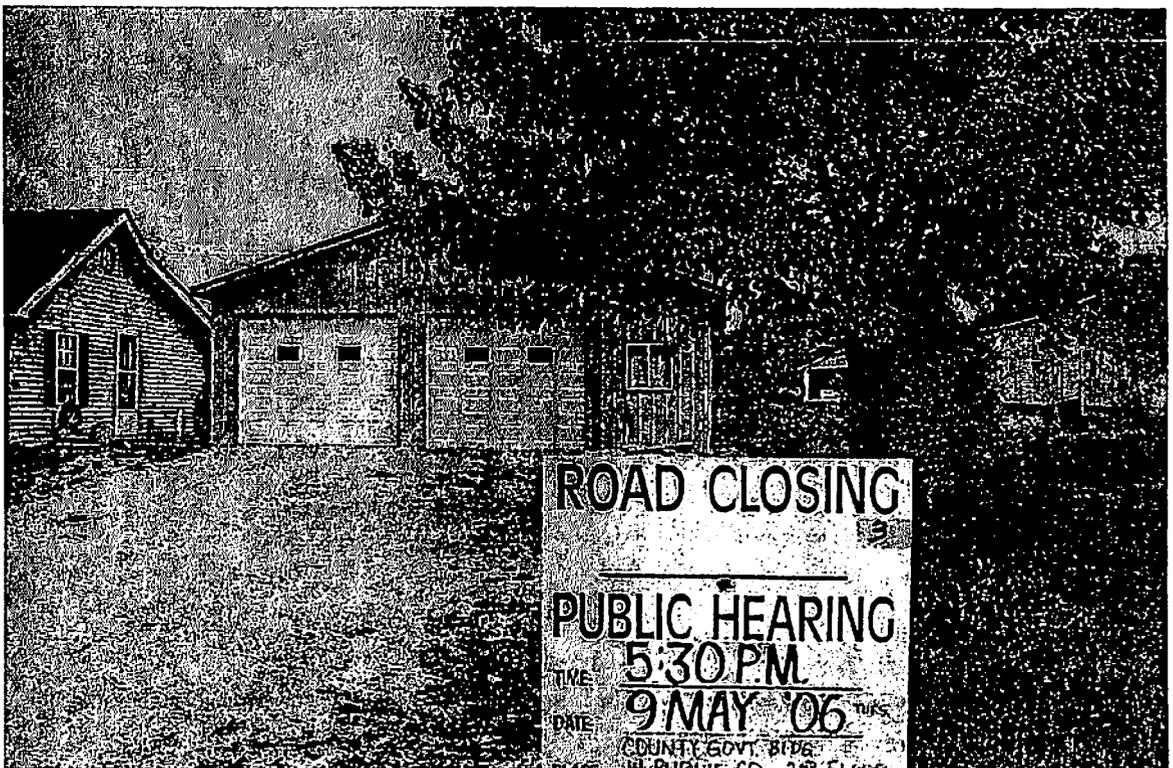
HARRY L. BERRY
HARDIN COUNTY JUDGE/EXECUTIVE

Attested by:



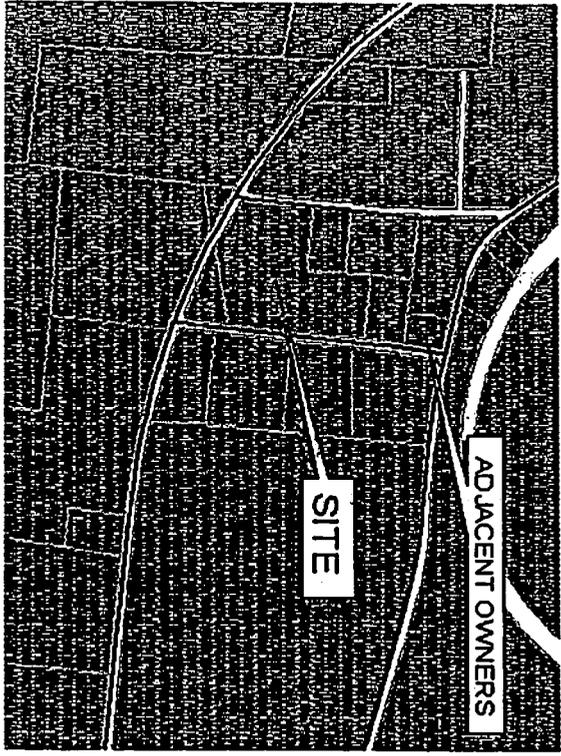
KENNETH TABB
HARDIN COUNTY COURT CLERK

K



Ex:K

Pldn	Owner	Mailing_ad	City	State	Zip	Property_n	Property_a	Db	Pg	Subdivisio
090-00-00-035	SENG WAYNE S JR	202 WHITE MILLS RD	WHITE MILLS	KY	42788	95 LAY LN		427	230	
108-00-00-046	TRUJILLO SHEILA EARLENE	437 WHITE MILLS RD	WHITE MILLS	KY	42788	437 WHITE MILLS RD		811	735	HASTINGS & MORRISON
108-00-00-049	BLAND BOB	990 ROANOKE RD	HODGENVILLE	KY	42748	WHITE MILLS RD		N/A		
108-00-00-050	BARR DONALD R & MARILYN A	90 LAY LN	WHITE MILLS	KY	42788	90 LAY LN		1039	208	HASTINGS & MORRISON
108-00-00-050,01	SEARCY TRINITY & LORIE	445 STAR MILLS EASTVIEW RD	GLENDALE	KY	42740	LAY LN		841	157	
108-00-00-050,02	SEARCY TRINITY & LORIE	445 STAR MILLS EASTVIEW RD	GLENDALE	KY	42740	107 SEARCY LN		841	157	
108-00-00-051	BLAND MARK & REBECCA	38 LAY LN	WHITE MILLS	KY	42788	38 LAY LN		873	460	
108-00-00-051	BLAND MARK & REBECCA	38 LAY LN	WHITE MILLS	KY	42788	38 LAY LN		873	460	
108-00-00-053	GALLEY HAROLD & BEVERLY	POB 63	WHITE MILLS	KY	42788	116 SEARCY LN		758	192	
108-00-00-054	JONES LOUVENIA	46 SEARCY LN	WHITE MILLS	KY	42788	SEARCY LN		396	249	
108-00-00-055	KEITH WILLIAM & MARY T	9502 SONORA HARDIN SPRGS RI	WHITE MILLS	KY	42788	9502 SONORA HARDIN SPR RD		654	82	
108-00-00-060	WHITE MILLS BAPTIST	828 CAVE RD	WHITE MILLS	KY	42788	SONORA HARDIN SPR RD		313	253	CHURCHES
108-00-00-060	WHITE MILLS BAPTIST	SONORA HARDIN SPR RD	WHITE MILLS	KY	42788	SONORA HARDIN SPR RD		313	253	CHURCHES
108-00-00-060	MAGISTRATE	509 GREENCREST DR	CECILIA	KY	40175	SONORA HARDIN SPR RD		313	253	CHURCHES



Ex: M

PUBLIC HEARING NOTICE

Notice is hereby given that Hardin County Fiscal Court will hold a hearing in the Fiscal Court Meeting Room, H. B. Fife Courthouse, 3RD Floor, 100 Public Square, Elizabethtown, Kentucky on June 27, 2006 at 3:30 P.M. to consider a proposal to close the platted rights-of-ways of Payne Street and Spurrier Alley, located in Hasting-Marrison Addition Subdivision. The right-of-way is located between Lay Lane and Searcy Lane on the North side of Sonora-Hardin Springs Road (KY 84). Maps are available at the Hardin County Planning and Development Commission.

/s/ Harry L. Berry
Hardin County Judge/Executive

The News-Enterprise – Betty Nall
Please publish as a legal size ad on June 18, 2006
And bill to Account #10047278

Thank you,
Carolyn K. Ritchie
Hardin County Treasurer

VIEWERS ROAD CLOSING REPORT
Hasting-Marrison Addition Subdivision
Payne Street and an approximate 270 foot portion of Spurrier Alley
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. 2006-061, hereby file this written report. This report is concerning the proposed discontinuance of platted right-of-ways described as "Payne Street" (30' R/W) and the southern 270 foot portion of "Spurrier Alley" (15' R/W) beginning at its platted intersection with KY HWY 84 and continuing northerly as it is bounded on the east by lots 43 through 53 and bounded on the west by lots 24 through 32 of said Hasting - Marrison Addition Subdivision and which have not been constructed but are illustrated on the record plat recorded in 1922 in the office of the Hardin County Clerk in Deed Book 077 Page 454 in Hardin County, Kentucky.

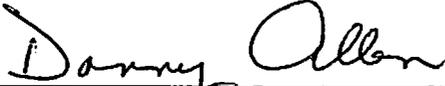
As required by KRS 178.050, public notice of the hearing on the proposed discontinuance of the platted right-of-ways was duly published in *The News Enterprise* of Hardin County on Sunday, 18 June 2006. A photocopy of said notice is attached hereto and marked "Exhibit M".

As required by KRS 178.070, appropriate signs giving public notice of the hearing on the proposed discontinuance of the right-of-ways were posted in three public places in the vicinity of the proposed discontinuance of the right-of-ways. Said signs were posted on Thursday, 8 June 2006 and have remained posted thereon until the date of the hearing this Tuesday, 27 June 2006. Photographs of said signs are attached hereto and marked "Exhibit K".

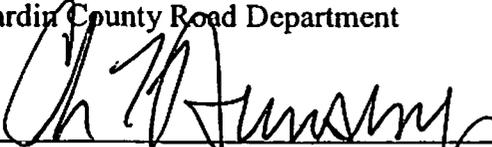
The undersigned, having made a careful inspection and study of the proposed discontinuance and closing of the platted right-of-ways described as "Payne Street" (30' R/W) and the 270 foot portion of "Spurrier Alley" (15' R/W) which have not been constructed, hereby report that no inconvenience would result from the proposed discontinuance.

The undersigned recommend that the proposed discontinuance of the platted right-of-ways described as "Payne Street" (30' R/W) and the 270 foot portion of "Spurrier Alley" (15' R/W) which have not been 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 27th day of June, 2006.



 DANNY ALLEN, Supervisor
 Hardin County Road Department



 CHRIS HUNSINGER, Director
 Hardin County Planning & Development Commission

**COMMONWEALTH OF KENTUCKY
HARDIN COUNTY FISCAL COURT**

**RESOLUTION NO. 2006-077
Road Closing – Payne Street & Portion of Spurrier Alley
Hasting – Marrison Addition Subdivision, White Mills Kentucky**

This Resolution duly made and adopted this 27th day of June, 2006, by the Hardin County Fiscal Court, County of Hardin, Commonwealth of Kentucky.

WHEREAS, the proposed closing of the platted right-of-ways described as “Payne Street” (30’ R/W) and the southern 270 foot portion of “Spurrier Alley” (15’ R/W) beginning at its platted intersection with KY HWY 84 and continuing northerly as it is bounded on the east by lots 43 through 53 and bounded on the west by lots 24 through 32 of said Hasting – Marrison Addition Subdivision and which have not been constructed but are illustrated on the record plat recorded in 1922 in the office of the Hardin County Clerk in Deed Book 077 Page 454 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 9 May 2006 finding that the closing of these platted right-of-ways meet the Goals and Objectives of the COMPREHENSIVE DEVELOPMENT GUIDE, a photocopy of the said RESOLUTION (Number 09, Series 2006) 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, 27 June 2006, on the proposed closing of the platted right-of-ways described as “Payne Street” and the 270 foot portion of “Spurrier Alley” which have 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-ways described as “Payne Street” and the 270 foot portion of “Spurrier Alley” which have not been constructed but are illustrated on the record plat of Hasting – Marrison Addition Subdivision recorded in the office of the Hardin County Clerk in Deed Book 077 Page 454 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-ways described as “Payne Street” and the 270 foot portion of “Spurrier Alley” which have not been constructed but are illustrated on the record plat of Hasting – Marrison Addition 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-ways shall revert to the adjoining lots illustrated on an amended record plat of Hasting – Marrison Addition Subdivision that must receive approval by the Planning Commission and recorded in the office of the Hardin County Court Clerk, Elizabethtown, Kentucky.

HARRY L. BERRY
HARDIN COUNTY JUDGE/EXECUTIVE

KEN M. HOWARD
HARDIN COUNTY ATTORNEY