

**HARDIN COUNTY FISCAL COURT  
RESOLUTION NO. 2011- 019  
ROAD CLOSING**

**Dawn Avenue (Unconstructed portion), Elizabethtown, KY**

**This Resolution duly made and adopted this 8th day of February, 2011, by the Hardin County Fiscal Court, County of Hardin, Commonwealth of Kentucky.**

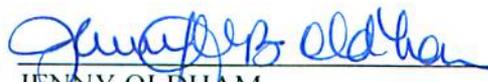
**WHEREAS**, a request has been made by Larry & Frances Beard, located at 101 Rita Way, Elizabethtown to close a portion of the right of way of an unconstructed section of Dawn Avenue from the street named Rita Way to Sportsman Lake Road, as presented on the plat of Royal Oaks Subdivision recorded in 1966 in the office of the Hardin County Clerk, in Plat Cabinet 1, Sheet #89A and as illustrated on the "Replat" of Royal Oaks Subdivision as recorded in Plat Cabinet 1, Sheet #636. The right of way requested to be closed is approximately 50.25' x 280.92' (0.32-acres) and is perpendicular to Rita Way. A proposed amended plat of Lot 11 illustrating as "Parcel C" the 50.25' x 280.92' portion of right of way, 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 RESOLUTION 2011-002 at its meeting held on the 1st day of February, 2011 finding that the closing of this right-of-way meets the Goals and Objectives of the COMPREHENSIVE DEVELOPMENT GUIDE, 2008, a photocopy of the said RESOLUTION 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, 8 February 2011, on the proposed closing and to receive the Viewers Report and testimony from the public,

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

1. The closing of the right of way for an unconstructed portion of Dawn Avenue at its intersection with Rita Way, with the right-of-way to be closed being 50.25' x 280.92' and illustrated as "Parcel C" on the proposed amended subdivision plat of ROYAL OAKS SUBDIVISION, LOT 11, 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, and traffic patterns and the general health, safety and welfare of the public will be improved.
2. That the platted right-of-way 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 right-of-way shall revert to the adjoining owners Larry & Frances Beard as illustrated on the Amended Record Plat of Royal Oaks Subdivision that has received conditional approval by the Planning Commission, which must be approved and recorded in the office of the Hardin County Court Clerk, Elizabethtown, Kentucky.

  
HARRY L. BERRY  
HARDIN COUNTY  
JUDGE /EXECUTIVE

  
JENNY OLDHAM  
HARDIN COUNTY ATTORNEY