

# HARDIN COUNTY FISCAL COURT

## RESOLUTION NO. 2011- 043

### ROAD CLOSING (Unconstructed portion) FOX CHASE SUBDIVISION, SECTION 2, Elizabethtown, KY

This Resolution duly made and adopted this 15<sup>th</sup> day of April, 2011, by the Hardin County Fiscal Court, County of Hardin, Commonwealth of Kentucky.

WHEREAS, a request has been made by MARK & CAROL HAYNES, Elizabethtown, Kentucky, to close the portion of platted right-of-way with unconstructed streets in Fox Chase Subdivision, Section 2 as recorded in the office of the Hardin County Clerk in Plat Cabinet 1, Sheet #340-B. The right-of-way proposed for closure begins at the end of Fox Chase Drive, where a turnaround will be constructed. The closure will allow for the right-of-way and the 49 Lots to be merged into a single subdivision lot containing 55.2 acres to be used for agricultural purposes and the construction of a single family home and provide for a more reasonable use of the land;

WHEREAS, the proposal was submitted to the Hardin County Planning and Development Commission for review as provided in KRS 100.324(4); and the Commission having adopted RESOLUTION 2011-006 at its meeting held on the 15<sup>th</sup> of March, 2011 finding that the closing of this platted 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 Friday, 15 April 2011, on the proposed Road 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 portion of platted right of way with unconstructed streets in Fox Chase Subdivision, Section 2 beginning at the end of Fox Chase Drive, 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 platted right-of-way shall revert to the adjoining owners Mark & Carol Haynes and a turnaround must be constructed at the end of Fox Chase Drive and a subdivision plat, amending FOX CHASE SUBDIVISION, SECTION 2 illustrating the closed right-of-way and new turnaround must be submitted by Mark & Carol Haynes and approved by the Planning Commission and recorded in the office of the Hardin County Court Clerk, Elizabethtown, Kentucky.

  
HARRY L. BERRY  
HARDIN COUNTY  
JUDGE /EXECUTIVE

  
JENNIFER B. OLDHAM  
HARDIN COUNTY ATTORNEY