

RESOLUTION NO. 2013-011
ROAD CLOSING – Bacchus Court
(50-foot Right-of-Way, Unconstructed Street)

This Resolution duly made and adopted this 22th day of January 2013, by the Hardin County Fiscal Court, County of Hardin, and Commonwealth of Kentucky.

WHEREAS, a request has been made by Carl Masters (Applicant) on behalf of Land Realty, Inc. (Owner) to close a platted right-of-way for the cul-de-sac of Bacchus Court, as recorded in the Hardin County Clerk's Office, on the subdivision plat of Ambrook Subdivision, recorded in Plat Cabinet 1, Sheet 4473. The closure allows for Lots 52-56 along the cul-de-sac to be redesigned into three frontage lots and for the existing drainage plan to be revised to accommodate a lower finish floor elevation for Lots 57 and 58;

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 2013-001 at its meeting held on the 15th of January, 2013 finding that the closing of the 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, 22 January 2013, 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 platted right of way of Bacchus Court as shown on the plat of Ambrook Subdivision, 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 property owners and be shown on an Amended Subdivision Plat of AMBROOK SUBDIVISION to be submitted by the owner 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

SUMMARY REPORT
HARDIN COUNTY FISCAL COURT
ROAD CLOSING, **Bacchus Court (50' Right-of-Way), Ambrook Estates**

PVA Number 105-00-03-(052-056)

Owner: L.A.N.D., INC c/o Chris McGehee
PO Box 309
Brandenburg, KY 40108

Applicant: Carl Masters
102 Childers Court
Elizabethtown, KY 42701

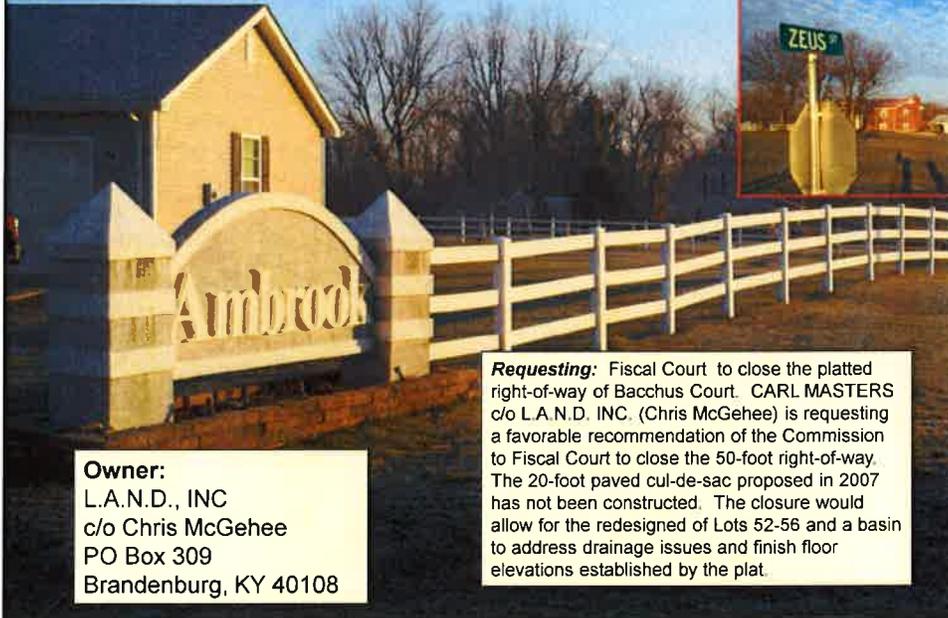
| | |
|--|--|
| Location | Leitchfield Road, past N Long Grove Road, Right on Zeus Road, Left on Hera Road, closure is on Left. |
| Land Use Group and Planning Area: | Rural Area; Stephensburg Rural Area, # 9 |
| Zoning | PD-1 Planned Unit Development |
| Request | A Road Closing request has been submitted to close the platted right-of-way of Bacchus Court. CARL MASTERS c/o L.A.N.D. INC. (Chris McGehee) is requesting a favorable recommendation of Fiscal Court to close the 50-foot right-of-way. The 20-foot paved cul-de-sac proposed in 2007 has not been constructed. The closure allows for Lots 52-56 along the cul-de-sac to be redesigned into three frontage lots and for the existing drainage plan to be revised to accommodate a lower finish floor elevation for Lots 57 and 58. |
| Commission Meeting | Tuesday, 15 January 2013 |
| Fiscal Court Meeting | Tuesday 22, January 2013 at 3:30 PM |

- | Exhibit | Description |
|----------------|--|
| A. | Vicinity Map |
| B. | Aerial Map |
| C. | AMBROOK ESTATES, recorded 21 Aug 2007 |
| D. | Photos of the Site |
| E. | Staff Report |
| F. | 2008 Comprehensive Development Guide |
| G. | Development Guidance System Ordinance |
| H. | Fiscal Court Resolution No. 2013-006 (Appointing Viewers) |
| I. | Viewers Report |
| J. | Planning Commission Resolution No. 2013-001 (Favorable Recommendation to close Bacchus Court) |
| K. | Fiscal Court Resolution No. 2013-011 (To close platted right-of-way of Bacchus Court) |

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


Hearing Officer

ROAD CLOSING SUMMARY REPORT



Owner:
L.A.N.D., INC
c/o Chris McGehee
PO Box 309
Brandenburg, KY 40108

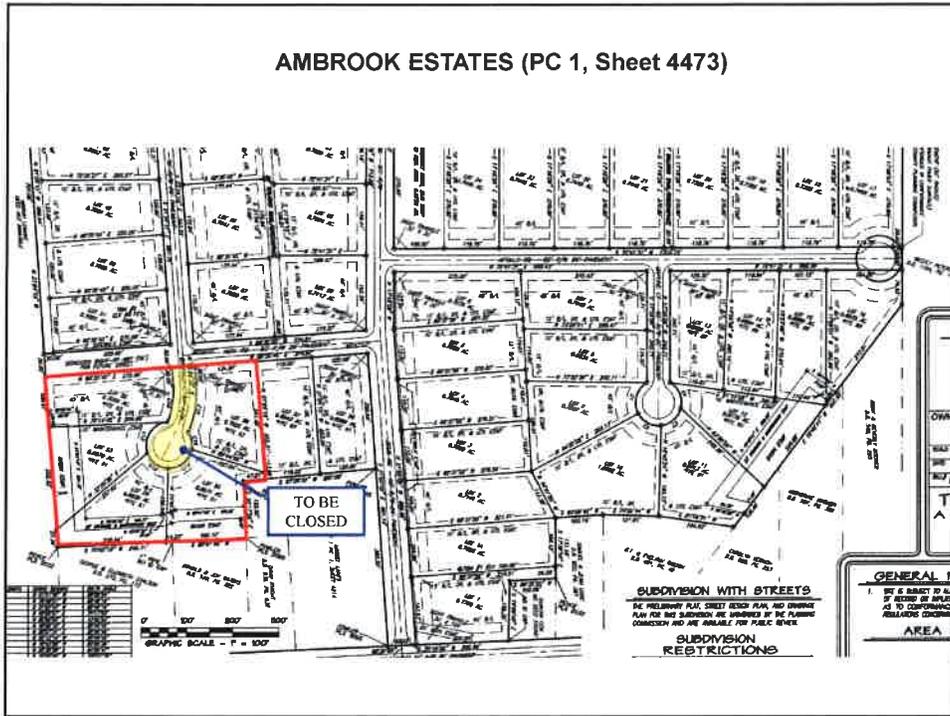
Requesting: Fiscal Court to close the platted right-of-way of Bacchus Court. CARL MASTERS c/o L.A.N.D. INC. (Chris McGehee) is requesting a favorable recommendation of the Commission to Fiscal Court to close the 50-foot right-of-way. The 20-foot paved cul-de-sac proposed in 2007 has not been constructed. The closure would allow for the redesigned of Lots 52-56 and a basin to address drainage issues and finish floor elevations established by the plat.

SUMMARY REPORT

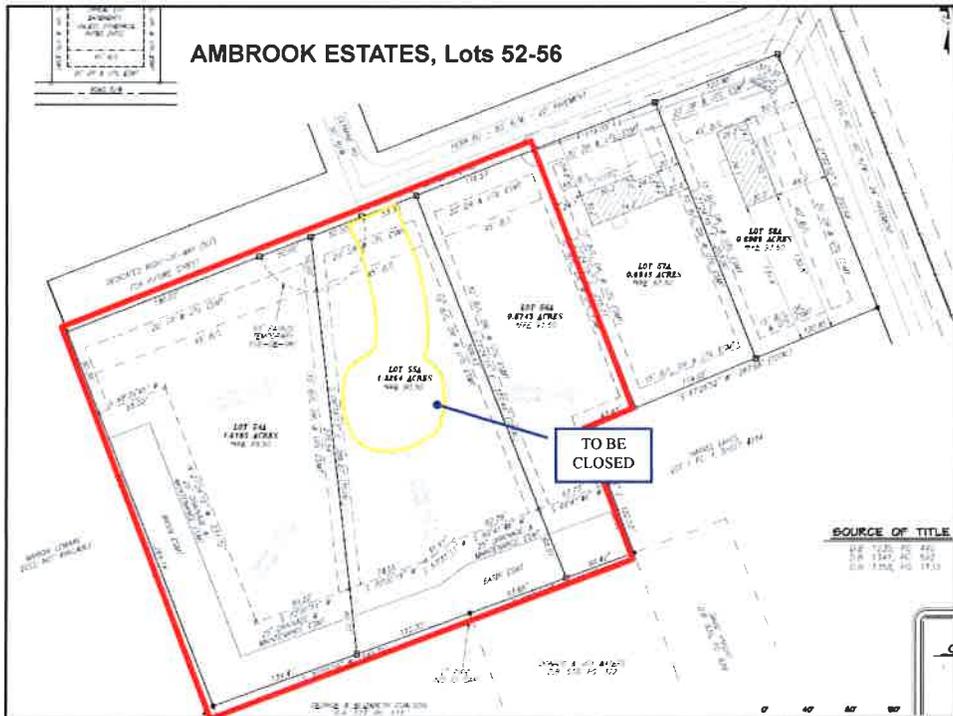
LISTING OF EXHIBITS

- A. Vicinity Map
- B. Aerial Map
- C. AMBROOK ESTATES, recorded 21 Aug 2007
- D. Photos of the Site
- E. *Staff Report
- F. *2008 Comprehensive Development Guide
- G. *Development Guidance System Ordinance
- H. Fiscal Court Resolution No. 2013-006 (Appointing Viewers)
- I. Viewers Report
- J. Planning Commission Resolution No. 2013-001
(Favorable Recommendation to close Bacchus Court)
- K. Fiscal Court Resolution No. 2013-011 (To close platted right-of-way of Bacchus Court)

AMBROOK ESTATES (PC 1, Sheet 4473)



AMBROOK ESTATES, Lots 52-56





HERA ROAD



*Looking North,
Clymene Rd*

*Looking West,
Future R/W*

*Looking East,
Hera to Zeus*



| ROAD CLOSING STAFF REPORT | | Hardin County Planning and Development Commission 14 Public Square Elizabethtown, Kentucky 42701 (270) 769-5479 |
|---|--|---|
| Bacchus Court (50' Right-of-Way), Ambrook Estates | | |
| <p>REQUEST: A Road Closing request has been submitted to close the platted right-of-way of Bacchus Court. CARL MASTERS c/o L.A.N.D. INC (Chris McGehee) is requesting a favorable recommendation of the Commission to Fiscal Court to close the 50-foot right-of-way. The 20-foot paved cul-de-sac proposed in 2007 has not been constructed. The closure would allow for the redesigned of Lots 52-56 and a basin to address drainage issues and finish floor elevations established by the plat.</p> | | |
| <p>Viewers to be Appointed by Fiscal Court: 08 January, 2013</p> <p>Planning Commission Review Hearing Date: 15 January, 2013</p> <p>Fiscal Court Public Hearing Date: 22 January, 2013</p> | <p>Owner: L.A.N.D., INC c/o Chris McGehee PO Box 309 Brandenburg, KY 40108</p> <p>Applicant: Carl Masters 102 Childers Court Elizabethtown, KY 42701</p> | |
| <p>Subdivision Plat: Ambrook Estates Recorded on 21 August 2007, Plat Cabinet 1, Sheet 4473</p> <p>PVA Parcel Number: 105-00-03-(052-056)</p> <p>Land Use Group: Rural Area</p> <p>Planning Area: Stephensburg Rural Area, # 9</p> <p>Adjacent Zoning: PD-1 Planned Unit Development</p> <p>Location of Proposed Road Closing:</p> <ul style="list-style-type: none"> • Leitchfield Road, past N Long Grove Road, Right on Zeus Road. Left on Hera Road, closure is on Left. • Bacchus Court is a 50-foot dedicated right-of-way, not constructed, not county maintained (246.30 feet / 0.05 mile) • The five vacant lots will be redesigned to create three frontage lots | <p>Adjoining Lots: Lots 52 through 56 of Ambrook Estates;</p> <ul style="list-style-type: none"> • Owed by L.A.N.D., INC • 30,000sqft Lot Size • Zoned PD-1 (Single Family Residential) <p>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:</p> <p><i>(4) Any proposal for acquisition or disposition of land for public facilities, or changes in the character, location or extent 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.</i></p> | |

Ex: H

**FISCAL COURT
RESOLUTION NO. 2013 – 006**

**APPOINTING VIEWERS FOR ROAD CLOSING
BACCHUS COURT (50' Right-of-Way, Street not Constructed)**

WHEREAS, a request has been made by Carl Masters (Applicant) on behalf of Land Reality, Inc, Brandenburg, Kentucky, to close the platted right-of-way of the cul-de-sac street for Bacchus Court, as recorded in the office of the Hardin County Clerk's Office, in Ambrook Estates, Plat Cabinet 1 Sheet 4473. The closure allows for a redesign of five (5) lots and a basin to address drainage and finish floor elevation issues.

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 Vicki Meredith, P.E. Hardin County Engineer, Ronnie Goodman, Hardin County Road Supervisor and Wesley Wright, Senior Planner of the Hardin County Planning & Development Commission, citizens of Hardin County, are hereby appointed as "viewers" pursuant to KRS 178.070 to carefully inspect and study the proposed closing described as "Bacchus Court" and report their findings to the Hardin County Fiscal Court.

ADOPTED by the Hardin County Fiscal Court, Commonwealth of Kentucky, in Regular Meeting, on this 8th of January 2013.


HARRY L. BERRY
HARDIN COUNTY JUDGE/EXECUTIVE

Attested by:


KENNETH TABB
HARDIN COUNTY COURT CLERK

VIEWERS REPORT

ROAD CLOSING

BACCHUS ROAD (50-foot Right-of-Way, Unconstructed Street)

Pursuant to KRS 178.070 the undersigned, Vicki Meredith P.E., Hardin County Engineer, Ronnie Goodman, Hardin County Road Supervisor and Wesley Wright, Senior Planner of the Hardin County Planning & Development Commission, being the Viewers appointed by Hardin County Fiscal Court pursuant to RESOLUTION No. 2013-006, hereby file this written report.

This report is concerning the proposal to close the platted right-of-way of Bacchus Road (50-foot right-of-way) in Ambrook Estates, as recorded in the office of the Hardin County Clerk's Office, Plat Cabinet 1 Sheet 4473. The cul-de-sac right-of-way (246.30 linear feet) and the adjacent lots will be consolidated into frontage lots along Hera Road. The owner, L.A.N.D. INC. (Chris McGehee) has submitted the Road Closing request.

As required by KRS 178.070, signs giving Public Notice of the Public Hearing on the proposed Road Closing were posted in three (3) public places in the vicinity of the right-of-way proposed to be closed. Said signs were posted on Friday, 28 December 2012 and have remained posted thereon until the date of the hearing this Tuesday, 22 January 2013.

The undersigned, having made a careful inspection and study of the proposed Road Closing, hereby report that no inconvenience would result from the proposed closing. The end result of the closure allows for Lots 52-56 along the cul-de-sac to be redesigned into three frontage lots and for the existing drainage plan to be revised to accommodate a lower finish floor elevation for Lots 57 and 58.

Respectfully submitted this 22th day of January 2013.

VICKI MEREDITH, P.E., County Engineer
Hardin County Engineering Department

RONNIE GOODMAN, Supervisor
Hardin County Road Department

Wesley Wright, Senior Planner
Hardin County Planning & Development
Commission

**RESOLUTION NO. 2013-001
ROAD CLOSING BACCHUS COURT
(Right-of-Way Closure)
Cecilia, Kentucky**

- WHEREAS** the Hardin County Fiscal Court and Hardin County Planning and Development Commission have 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 [Kentucky Revised Statutes 100.324(4)] requires the Planning Commission to review any proposed street closing with regard to the Comprehensive Plan;
- WHEREAS** a request has been made by Carl Masters (Applicant) on behalf of L.A.N.D., INC. c/o Chris McGehee (Owner), Brandenburg, Kentucky, to close the platted right-of-way of Bacchus Court, as recorded in the office of the Hardin County Clerk's Office, in Ambrook Estates, Plat Cabinet 1 Sheet 4473.
- WHEREAS** the Commission reviewed the County's Comprehensive Development Guide and identified the following applicable Goal and Objective;

TRANSPORTATION

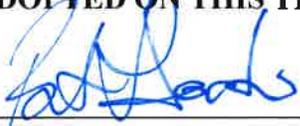
GOAL 10: TO IMPROVE THE TRANSPORTATION SYSTEM OF HARDIN COUNTY SO THAT IT ENCOURAGES THE SMOOTH FLOW OF TRAFFIC THROUGHOUT THE COUNTY.

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

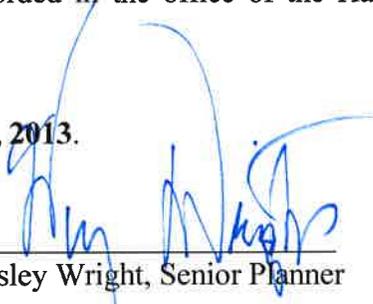
NOW THEREFORE, BE IT RESOLVED, that the Hardin County Planning and Development Commission has hereby determined that the closing of right-of-way and the proposal to dedicate additional right-of-way meets the Goals and Objectives of the COMPREHENSIVE DEVELOPMENT GUIDE with the following conditions:

- 1. An Amended Drainage Plan and Record Plat must be submitted by L.A.N.D., INC., approved by the Planning Commission and recorded in the office of the Hardin County Clerk.

ADOPTED ON THIS THE 15th DAY OF JANUARY, 2013.



 Brent Goodin, Chairman



 Wesley Wright, Senior Planner