

FCR 76-1
BOARD OF COMMISSIONERS OF THE COUNTY OF FLOYD

WHEREAS, on the 22nd day of June, 1961, the Plat of Green Valley Heights Subdivision, Plat No. 751 of the Floyd County, Indiana Records, was duly filed of record in the office of the Recorder of Floyd County; and

WHEREAS, upon the subsequent sale of Lots No. 40 and 41 of said Plat, there was reserved a strip of land 50 feet in width which the owners intended to utilize as a roadway and right-of-way to permit ingress and egress to the 17.5 acre tract which is situated immediately adjacent to the north line of said Plat No. 751; and

WHEREAS, at the time of such reservation of said 50 foot strip the specifications applicable to the construction of roadways to be accepted into the Floyd County Highway systems permitted the utilization of a right-of-way 50 feet in width; and

WHEREAS, subsequent to the reservation of said 50 foot strip, said specifications were amended by action of Board of Commissioners of the County of Floyd so as to presently require the conveyance to the county for roadway purposes a minimum right-of-way of 60 feet; and

WHEREAS, subsequent to the reservation of said 50 foot strip, jurisdiction for planning purposes over that area of Floyd County which includes Plat No. 751, was assumed by the City of New Albany, which civil city would, except for the requirement of Floyd County, accept a roadway with a maximum right-of-way of 50 feet; and

WHEREAS, the owner of the 50 foot strip is now desirous of causing that portion of Lots No. 40 and 41 of Plat 751 to be replatted in such manner as to create a 50 foot right-of-way giving access to the adjacent 17.5 acre tract, all in the manner disclosed in Exhibit A, hereto, provided that upon construction of a roadway thereon in accordance with Floyd County specifications, the same would be accepted by the Board of Commissioners into the county highway system; and

WHEREAS, the Board of County Commissioners has carefully and fully considered the proposal submitted by Mr. Herbert L. Zurschmiede, to include a letter dated January 10, 1976, the same being attached hereto and made a part hereof, as well as the advice of the Executive Director of the Floyd County Plan Commission, and has determined that the approval of such request shall not adversely affect the public health and safety nor detrimentally affect the flow of traffic in the area.

NOW THEREFORE:

BE IT RESOLVED, that upon the full and complete satisfaction of the following requirements and upon proper petition, the roadway particularized in Exhibit A, hereto, be accepted into the Floyd County Highway System:

- A. The Plat of Green Valley Heights Subdivision, Plat No. 751 of the Floyd County, Indiana Records, be amended

and properly filed of record so as to include the 50 foot roadway proposed in Exhibit A hereto.

B. That the approval of this amendment as well as the proposed subdivision of the adjoining 17.5 acre tract be secured from the City of New Albany and Floyd County as may be required.

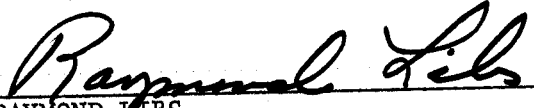
C. That the proposed roadway be constructed in all particulars in accordance with the specifications of Floyd County and that all required performance and maintenance bonds be submitted.

D. That the 50 foot roadway shall serve as a means of ingress and egress to and from the adjoining 17.5 acre tract or subdivision thereof, and shall not be utilized for such purpose with respect to the future development of any additional tract or tracts of land without the prior approval of the Board of Commissioners.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Floyd County Plan Commission for such action as may be deemed necessary in accordance herewith.

DATED: 2/2/76


BOARD OF COUNTY COMMISSIONERS OF
FLOYD COUNTY, STATE OF INDIANA


RAYMOND W. LIBS

FRANCIS J. LOFTUS


VINCENT FREIBERGER

ATTEST:


AUDITOR OF FLOYD COUNTY