

ORDINANCE NO. 2024 O-C-24- 1

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS
OF PERRY COUNTY, INDIANA
VACATING PART OF DEDICATED PUBLIC STREETS IN
PERRY COUNTY, TROY TOWNSHIP, TELL CITY, INDIANA**

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF PERRY COUNTY, INDIANA, THAT:

SECTION 1. It is the finding of this Board, after public hearing held on April 1, 2024 that adequate reason exists for the vacation of a certain portion of the following undeveloped street located in the Plat of the city of Tell City, in Troy Township, Perry County, Indiana, to-wit:

EAST HALF OF 30TH STREET

The East Half of 30th Street in the City of Tell City "Dis-annexed", lying West of Lots 1, 2 and 3 in Block 501 and West of Lot 1 in Block 500 in the City of Tell City, as per plat thereof, Recorded in Deed Record 27 at Page 198 in the office of the Recorder of Perry County, Indiana as per a survey dated August 28, 2023 by Jason R. Feeback, Professional Surveyor, Indiana Registration No. 20600045, under Project No. 230204 and being more particularly described as follows:

Beginning at the Southwest corner of Block 501 in the City of Tell City; thence along the extension of the South line of said Block 501

1st: South 89°54'19" West 40.00 feet to the centerline of 30th Street; thence along the centerline of said 30th Street

2nd: North 00°01'25" East 664.83 feet; thence along the extension of the North line of Lot 1 in said Block 500

3rd: South 89°56'38" East 40.00 feet to the Northwest corner of said Lot 1 in Block 500; thence along the West line of Blocks 500, 501 and the extension thereof

4th: South 00°01'25" West 664.72 feet to the point of beginning and containing 0.610 acres more or less.

PART OF GUTTENBERG STREET

Part of Guttenberg Street in the City of Tell City "Dis-annexed", lying South of Lot 1 in Block 500 and North of Lot 3 in Block 501 in the City of Tell City, as per plat thereof, Recorded in Deed Record 27 at Page 198 in the office of the Recorder of Perry County, Indiana as per a survey dated August 28, 2023 by Jason R. Feeback, Professional Surveyor, Indiana Registration No. 20600045, under Project No. 230204 and being more particularly described as follows:

Beginning at the Southwest corner of Block 500 in the City of Tell City; thence along the South line of said Block 500

1st: South 89°56'40" East 300.00 feet to the Southeast corner of said Block 500; thence along the West line of 31st Street

2nd: South 00°01'25" West 70.00 feet to the Northeast corner of Block 501 in the City of Tell City; thence along the North line of said Block 501

3rd: North 89°56'40" West 300.00 feet to the Northwest corner of said Block 501; thence along the East line of 30th Street

4th: North 00°01'25" East 70.00 feet to the point of beginning and containing 0.482 acres more or less.

This Board further finds as follows:

- (a) That proper notice has been given by publication and by certified mail of said hearing.
- (b) That the described portions of the dedicated streets have never been developed, but are currently in yards or private use areas, and wooded and grassland areas, a driveway and building have previously been erected on the same. Said streets are of no essential public purpose, are not necessary for access, ingress or egress with respect to any property contiguous thereto, are not necessary for the growth or orderly development of the immediate neighborhood, and vacation would not hinder access to any church, school or public building or place.
- (c) That developed adjacent lots are all served by direct access to other developed public streets.
- (d) That the adjacent property owners have all been given proper notice of said hearing by certified mail.
- (e) There are public utilities existing along, over and/or under said dedicated streets. Pursuant to I.C. § 36-7-3-16, this ordinance shall not deprive any public utility of the use of all or part of said public way to be vacated, as the utility is occupying and using all or part of the public way for the location and operation of its respective facilities, and that the easements for said utilities shall continue after vacation of the streets.
- (f) That the vacation of said public streets will not diminish the value of any other real estate located in the vicinity thereof.

- (g) That no reason exists for the continued existence of the portion of said streets and the same should now be vacated.

SECTION 2. That the portions of said 30th Street and 31st Street and Guttenberg Street, as herein described shall be and are hereby vacated, subject however to a continuing perpetual easement as to any public utilities which are now located within the boundaries thereof.

SECTION 3. That legal title in and to said real estate shall be and is hereby vested in the Petitioners, to-wit: **CHRIS A. BANNOWSKY and CORNELIA B. BANNOWSKY**, Husband and Wife.

SECTION 4. The Auditor of Perry County, Indiana from and after the passage of this ordinance is hereby directed to furnish a copy of this ordinance to the Perry County Auditor's Office and the Perry County Recorder's Office for filing and/or recording in their respective offices.

SECTION 5. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed.

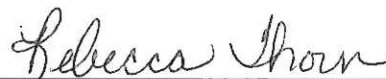
SECTION 6. Within 30 days after the adoption of this ordinance any aggrieved person may appeal the adoption of this ordinance in the Circuit Court of Perry County, Indiana.

SECTION 7. This Ordinance shall be in full force and effect from and after its adoption.

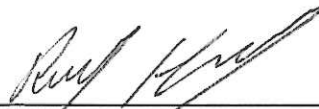
DULY PASSED ADOPTED, this 1st day of April, 2024 by the Board of Commissioners of Perry County, Indiana.



RANDY COLE, COMMISSIONER



REBECCA THORN, COMMISSIONER



RANDY KLEAVING, COMMISSIONER

ATTEST:



KRISTINIA HAMMACK, AUDITOR OF
PERRY COUNTY, INDIANA