ORDINANCE NO. 2025 O-C-25-4

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF PERRY COUNTY, INDIANA VACATING PART OF DEDICATED PUBLIC STREETS IN TOWN OF LEOPOLD, PERRY COUNTY, STATE OF INDIANA

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

SECTION 1. It is the finding of this Board, after a public hearing which commenced on May 20, 2025 and concluded on June 2, 2025, that adequate reason exists for the vacation of a certain portion of the following undeveloped streets located in the Plat of the Town of Leopold, Perry County, Indiana, to-wit:

PART OF CAROLINE STREET

The East Half of Caroline Street lying between Leopold Lots 8 and 13 and Leopold Lots 9 and 12, Perry County, Indiana, being more particularly described as follows:

Commencing at the Southwest Corner of Lot 13 in Leopold's Plat of Perry County, Indiana; thence North 198.0 feet along the West line of Lots 13 and 8 in Leopold's Plat to the Northwest Corner of Lot 8 in Leopold's Plat of Perry County, Indiana; thence West 25.0 feet to the platted center line Caroline Street in Leopold's Plat of Perry County, Indiana; thence South 198.0 feet running parallel with the West line of Lots 8 and 13 in Leopold's Plat to a point equidistant between the Southeast Corner of Lot 12 and the Southwest Corner of Lot 13 in Leopold's Plat of Perry County, Indiana; thence East 25.0 feet to the point of beginning, containing 0.114 acres, more or less.

PART OF WASHINGTON STREET

All of Washington Street lying between Leopold Lots 6 and 15 and Leopold Lots 7 and 14, Perry County, Indiana, being more particularly described as follows:

Commencing at the Southwest Corner of Lot 15 in Leopold's Plat of Perry County, Indiana; thence North 198.0 feet along the West line of Lots 15 and 6 in Leopold's Plat to the Northwest Corner of Lot 6 in Leopold's Plat of Perry County, Indiana; thence West 50.0 feet to the Northeast Corner of Lot 7 in Leopold's Plat of Perry County, Indiana; thence South 198.0 feet along the East line of Lots 7 and 14 in Leopold's Plat to the Southeast Corner of Lot 14 in Leopold's Plat of Perry County, Indiana; thence East 50.0 feet to the point of beginning, containing 0.227 acres, more or less.

PART OF ROME STREET

All of Rome Street lying South of the Northern boundary of Leopold's Plat, and West of Leopold Oriole Road and/or Lafayette Street, and East of the centerline of its intersection with Caroline Street, Perry County, Indiana, being more particularly described as follows:

Commencing at the Northeast Corner of Lot 5 in Leopold's Plat of Perry County, Indiana; thence North 50.0 feet to the Northern boundary of Leopold's Plat (also the Southern boundary of Parcel No. 62-09-01-300-006.000-003); thence West along the Northern boundary of Leopold's Plat (also the Southern boundary of Parcel No. 62-09-01-300-006.000-003 and Parcel No. 62-09-01-300-001.003-003) a distance of 471.0 feet; thence South 50.0 feet; thence East along the Northern Boundaries of Lots 8, 7, 6 and 5 n Leopold's Plat of Perry County, Indiana, a distance of 471.0 feet to the point of beginning, containing 0.54 acres, more or less.

SECTION 2. That the portions of said Caroline Street, Washington Street, and Rome 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:

a) The West half of Washington Street to KIRK E. WHEELER and LYNDA J. WHEELER, Husband and Wife.
b) The East half of Washington Street to CHARLES W. GORDON and HELEN E. BOWER.
c) The East half of Caroline Street to KIRK E. WHEELER and LYNDA J. WHEELER, Husband and Wife.
d) The West half of Caroline Street shall not be vacated.
e) KIRK E. WHEELER and LYNDA J. WHEELER should become the sole owners of their proportionate interest in said vacated Rome Street.
f) CHARLES W. GORDON and HELEN E. BOWER should become the sole owners of their proportionate interest in said vacated Rome Street.

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 17 day of June, 2025 by the Board of Commissioners of Perry County, Indiana.

RANDY COLE, COMMISSIONER

REBECCA THORN, COMMISSIONER

PAM JAMNICZKY, COMMISSIONER

ATTEST:

KRISTINIA HAMMACK, AUDITOR OF
PERRY COUNTY, INDIANA

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