

ORDINANCE NO. 2022-0-C-22-4

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 March 7, 2022 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:

PORTION OF BLUM STREET and NORTHERN PORTION OF 25TH STREET

All of the 25th Street between Blocks 379 and 399, part of 25th Street between Blocks 380 and 400, and all of Blum Street between Blocks 379, 380, 399, and 400, Perry County, Indiana, being more particularly described as follows:

Commencing at the Northwest Corner of Block 379 in the City of Tell City Disannexed, thence along the North line of Block 379 South 89 degrees 56 minutes 38 seconds East 300.72 feet to the Northeast Corner of Block 379 and the Point of Beginning of this description; thence South 89 degrees 56 minutes 38 seconds East 80.00 feet to the Northwest Corner of Block 399; thence along the West line of Block 399 South 00 degrees 00 minutes 26 seconds West 480.00 feet to the Southwest Corner of Block 399; thence along the South line of Block 399 South 89 degrees 56 minutes 38 seconds East 300.67 feet to the Southeast Corner of Block 399; thence South 00 degrees 00 minutes 45 seconds West 70.00 feet to the Northeast Corner of Block 400; thence along the North line of Block 400 North 89 degrees 56 minutes 38 seconds West 300.67 feet to the Northwest Corner of Block 400; thence along the West line of Block 400 South 00 degrees 00 minutes 26 seconds West 240.01 feet; thence North 89 degrees 56 minutes 40 seconds West 80.00 feet to the Southeast Corner of Lot 3 in Block 380; thence along the East line of Block 380 North 00 degrees 00 minutes 26 seconds East 240.01 feet to the Northeast Corner of Block 380; thence along the North line of Block 380 North 89 degrees 56 minutes 38 seconds West 300.67 feet to the Northwest Corner of Block 380; thence North 00 degrees 00 minutes 06 seconds East 70.00 feet to the Southwest Corner of Block 379; thence along the South line of Block 379 South 89 degrees 56 minutes 38 seconds East 300.67 feet to the Southeast Corner of Block 379; thence along the East line of Block 379 North 00 degrees 00 minutes 26 seconds East 480.00 feet to the Point of Beginning, containing 2.417 acres, more or less.

SOUTHERN PORTION OF 25TH STREET

A part of the 25th Street between Blocks 380 and 400, Perry County, Indiana, being more particularly described as follows:

Commencing at the Northwest Corner of Block 379 in the City of Tell City Disannexed, thence along the North lines of Blocks 379 and 399 South 89 degrees 56 minutes 38 seconds East 681.441 feet to the Northeast Corner of Block 399; thence along the East lines of Blocks 399 and 400 South 00 degrees 00 minutes 45 seconds West 1030.015 feet to the Southeast Corner of Block 400; thence along the South line of Block 400 North 89 degrees 56 minutes 42 seconds West 300.621 feet to the Southwest Corner of Block 400 and being the Point of Beginning; thence North 89 degrees 56 minutes 42 seconds West 80.000 feet to the Southwest Corner of Block 380; thence along the East line of Block 380 North 00 degrees 00 minutes 26 seconds East 240.011 feet to the Northeast Corner of Lot 4 in Block 380; thence South 89 degrees 56 minutes 40 seconds East 80.000 feet to a point on the West line of Block 400; thence along the West line of Block 400 South 00 degrees 00 minutes 26 seconds West 240.010 feet to the Point of Beginning, containing 0.441 acres, more or less.

PORTION OF 26TH STREET and PORTION OF WASHINGTON STREET

All of the 26th Street between Blocks 399, 400, 419, and 420 and all of Washington Street between Blocks 378, 379, 398, and 399, Perry County, Indiana, being more particularly described as follows:

Beginning at the Northwest Corner of Block 379 in the City of Tell City Disannexed, thence North 00 degrees 00 minutes 06 seconds East 70.000 feet to the Southwest Corner of Block 378; thence along the South lines of Blocks 378 and 398 South 89 degrees 56 minutes 38 seconds East 761.454 feet to the Southwest Corner of Block 418; thence along the West lines of Blocks 419 and 420 South 00 degrees 00 minutes 45 seconds West 1100.014 feet to the Southwest Corner of Block 420; thence North 89 degrees 56 minutes 42 seconds West 80.000 feet to the Southeast Corner of Block 400; thence along the East lines of Block 400 and 399 North 00 degrees 00 minutes 45 seconds East 1030.015 feet to the Northeast Corner of Block 399; thence along the North lines of Blocks 399 and 379 North 89 degrees 56 minutes 38 seconds West 681.441 feet to the Point of Beginning, containing 3.115 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. 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 joined in the petition for the vacation of said street.
- (e) There are no known 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 Washington Street, Blum Street, 25th Street and 26th 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 and divided equally between each respective adjacent property owners, to-wit: BBW PROPERTIES, LLC, an Indiana Limited Liability Company; RANDALL R. AUBREY and LEETA K. AUBREY, Husband and Wife; WILLIAM SIMPSON and CONSTANCE SIMPSON, Husband and Wife; SHARON EDWARDS; and OLBERDING PROPERTIES, LLC, an Indiana Limited Liability Company.

SECTION 4. This Ordinance shall be in full force and effect from and after its adoption.

DULY PASSED ADOPTED, this 7th day of March, 2022 by the
Board of Commissioners of Perry County, Indiana.



GREGG JARBOE, COMMISSIONER



TOM HAUSER, COMMISSIONER

RANDY KLEAVING, COMMISSIONER

ATTEST:



PAM GOFFINET, AUDITOR OF
PERRY COUNTY, INDIANA