

ORDINANCE NO. 2021- Q-C-21-2

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS
OF PERRY COUNTY, INDIANA
VACATING PART OF A DEDICATED PUBLIC STREET 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 20, 2021 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:

A strip of real estate located between Block 368 in the City of Tell City and Block 367 in that part of Troy Township known as Tell City Disannexed, more particularly described as follows:

Beginning at the Southwest Corner of Lot Number 1 in Block 367 in that part of Troy Township known as Tell City Disannexed, and running thence West along the Southern Boundary of said Block 367 a distance of 300.0 feet to the Southeast Corner of Lot Number 4 in Block 367 in that part of Troy Township known as Tell City Disannexed; thence South a distance of 70.0 feet to the Northeast Corner of Lot Number 3 in Block 368 in the City of Tell City and running thence East along the Northern Boundary of said Block 368 a distance of 300.0 feet to the Northeast Corner of Lot Number 2 in Block 368 in the City of Tell City; thence North a distance of 70.0 feet along the East right-of-way line of Dauby Street to the place of beginning, containing 0.48 Acres, more or less.

This Board further finds as follows:

- (a) That proper notice has been given by publication of said hearing and that no notice by certified mail is required.
- (b) That the described portions of the dedicated streets have never been developed, but is currently in yards, driveways, private use areas, and structures have previously been erected on the same. Said street is of no essential public purpose, is not necessary for access, ingress or egress with respect to any property contiguous thereto, is 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 petitioned for the vacation of said street.

- (e) There are public utilities existing along, over and/or under said dedicated street. 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 Street.
- (f) That the vacation of said public street 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 street and the same should now be vacated.

SECTION 2. That the portions of said Herrman Street as herein described shall be and is 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: JERRILL WAYNE COTTINGHAM and KATHERINE REED COTTINGHAM, Husband and Wife; and TWIN FORK DEVELOPMENT CORPORATION, an Indiana Corporation.

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

DULY PASSED ADOPTED, this 20th day of April, 2021 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