

ORDINANCE NO. 2021- 0-C-21-5

AN ORDINANCE OF THE BOARD OF COMMISSIONERS
OF PERRY COUNTY, INDIANA
VACATING PART OF A DEDICATED STREET OR ALLEY IN
BRISTOW, PERRY COUNTY, 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 June 7, 2021 that adequate reason exists for the vacation of a certain portion of the following undeveloped, platted street or alley located in the Plat of the Town of Bristow, in Perry County, Indiana, to-wit:

Parcel Nos. 62-04-27-204-003.000-002, 62-04-27-204-004.000-002 and
62-04-27-204-005.000-002

Part of Lot 15 and Lot 16 of the Town of Bristow as recorded in Survey Book C
Page 27 in the Perry County Recorder's Office located in Section 27, Township 4
South, Range 3 West, Perry County, Indiana being more particularly described as
follows:

Beginning at the Southwest corner of Lot 15;

thence North 00 degrees 04 minutes 07 seconds West a distance of 62.25 feet to a
5/8" rebar w/Yellow Cap stamped "D. K. Lynch LS 20100079" hereby referred to
as "Lynch Cap";

thence South 89 degrees 43 minutes 15 seconds East a distance of 82.72 feet to a
"Lynch Cap";

thence South 00 degrees 00 minutes 11 seconds West a distance of 62.25 feet to the
South line of Lot 15;

thence South 00 degrees 00 minutes 11 second West a distance of 90.73 feet to a
Mag Nail;

thence North 89 degrees 44 minutes 03 seconds West a distance of 82.52 feet to a
"Lynch Cap";

thence North 00 degrees 04 minutes 07 seconds West a distance of 90.75 feet to the
Point of Beginning;

containing **0.29 acres** or 12639.63 square feet more or less

ALSO,

Part of Lot 20 of the West addition to the Town of Bristow as recorded in Deed Record 39 Page 144 in the Perry County Recorder's Office located in Section 27, Township 4 South, Range 3 West, Perry County, Indiana being more particularly described as follows:

Beginning at a 5/8" rebar w/ KRB cap at the Southwest corner of Lot 20;

thence North 00 degrees 19 minutes 16 seconds West a distance of 153.04 feet to a 5/8" rebar w/ Yellow Cap stamped "D. K. Lynch LS 20100079" hereby referred to as "Lynch Cap";

thence South 89 degrees 43 minutes 15 seconds East a distance of 132.77 feet to a "Lynch Cap";

thence South 00 degrees 04 minutes 07 seconds East a distance of 153.00 feet to a 5/8" rebar w/ KRB cap;

thence North 89 degrees 44 minutes 03 seconds West a distance of 132.10 feet to the **Point of Beginning**;

containing 0.47 acres or 20264.68 square feet more or less.

Being part of Instrument #1999R-02729 (R. Matthew Esarey) of the Perry County, Indiana Records.

Subject to all easements, setbacks, and right of ways of record.

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 portion of the dedicated street/alley has never been developed, but is currently in field and yards. Said street/alley 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 owner has petitioned for the vacation of said street or alley.

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

SECTION 2. That the portion of said street or alley 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 Anderson Township (Perry Co) Fire Dept., Inc., which is the adjacent property owner to the area vacated.

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

DULY PASSED ADOPTED, this 15th day of June, 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