

ORDINANCE NO. 2021- 0-C-21-7

**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 October 19, 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:

The part of platted portion of 22nd Street located on the easterly boundary and partially on property containing a legal description of:

One Hundred Ninety-two (192) feet off the South side of Lot Number Four (4) in Block Three Hundred Four (304) in that part of Troy Township known as Tell City Disannexed, more commonly known as 1701 22nd Steet, Tell City, Indiana 47586.

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 street have never been developed, but is currently in yards, driveways, private use areas, grave sites and/or 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 City of Tell City is the adjoining property and owners of Greenwood Cemetery.
- (e) There are no public utilities existing along, over and/or under said dedicated street except for AT&T telephone lines. 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 22nd 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: Joyce Y. Dauby and Steven J. Dauby, husband and wife; and Tell City's Greenwood Cemetery.

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

DULY PASSED ADOPTED, this 1st day of ~~October~~ ^{November}, 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