

ORDINANCE NO. 0-C-12-3

ORDINANCE VACATING UTAH ROAD

WHEREAS, on March 21, 2012, KDM Real Properties, LLC, filed with the Auditor of Perry County, Indiana, its Petition for the vacation of Utah Road in Perry County, Indiana (known as the old Post Office Road); and

WHEREAS, Perry County Commissioners did set the 2<sup>nd</sup> day of April, 2012, at 6:00 p.m. in the Perry County Courthouse, Commissioner's Meeting Room, 2219 Payne Street, Tell City, Indiana 47586, as the time, date and place for the public hearing on said Petition; and

WHEREAS, Perry County Commissioners now find that the notice has been made by the Secretary of the Perry County Commissioners in accordance with provisions of Indiana Code 36-7-3-12(c) and in that the Secretary has determined that KDM Real Properties, LLC, is the only abutting property owner on the property sought to be vacated, that KDM Real Properties, LLC is your Petitioner herein, and that Todd Hahus and Shelly Hahus owners of the property adjacent to KDM Real Properties, LLC, were notified by the Petitioner, a copy of said Notice sent by certified mail, return receipt requested, and by proof of publication given in the Perry County News on March 22, 2012, and a copy of said Proof of Publication and proof of mailing are on file in the Office of the Commissioners of Perry County, Indiana; and

WHEREAS, Perry County Commissioners after being duly advised have determined that Vectren, Ohio Valley Gas Corporation, Southern Indiana Rural Electric Cooperative, and SBC are not occupying or using a part of the road sought to be vacated; or have consented to the vacation and/or waived its rights under I.C. 36-7-3-16; and

WHEREAS, the Perry County Commissioners have determined that a hearing on the Petition has been held within thirty (30) days from the date when it was received; said hearing having been conducted in accordance with provisions of I.C. 5-14-1.5; that no objections have been filed or presented by aggrieved persons; and therefore the Petition filed by the Petitioner should be granted.

NOW, THEREFORE, be it ordained by the Commissioners of the Perry County, Indiana, as follows:

Section 1. That the following described real estate is hereby vacated from and after the passage of this Ordinance: Utah Road, N.E. ¼ of Section 33 - T4S-R1W, from its intersection with State Highway 66 extending westerly to its terminus (known as the old Post Office Road).

Section 2. That Vectren, Ohio Valley Gas Corporation, and SBC have either consented to the vacation, and/or waived its rights under I.C. 36-7-3-16.

Section 3. That Perry-Spencer Communications, Inc. and Southern Indiana Power have perpetual easements over and across the vacated road in Perry County, Indiana, upon which

utilities currently exist, for purposes of constructing, maintaining, repairing, and replacing said utility facilities in providing service to other customers.

Section 3. The Perry County Auditor, from and after the passage of this Ordinance, is hereby directed to retain a copy and to furnish a copy of this Ordinance to the Perry County Recorder for filing in their respective offices.

Section 4. This Ordinance shall be in full force and effect from and after it has been signed by the Commissioners of Perry County, Indiana.

Passed and adopted by the Perry County Commissioners, this 2nd day of April, 2012.

COMMISSIONERS OF PERRY COUNTY