

ORDINANCE NO. 2019-3

AN ORDINANCE VACATING CERTAIN PUBLIC WAYS  
AND APPROVING AND AUTHORIZING  
THE AGREEMENTS IN RESPECT THERETO

WHEREAS, Solar Sources Mining, LLC on MARCH 1, 2019, filed a Petition for Vacation of Public Ways; and

WHEREAS, Pursuant to I.C. 36-7-3-12, this legislative body held a public hearing which was preceded by notice published in a manner prescribed in I.C.5-3-1 and by certified mail to each owner of land which abuts the property proposed to be vacated; and

WHEREAS, this legislative body has received comments from various parties concerning the petition; and

WHEREAS, this legislative body has entered into a certain Road Agreement with Solar Sources, Inc. (Solar Sources Mining, LLC) dated the 13th day of December, 2016.

NOW THEREFORE BE IT ORDAINED by the Board of Commissioners of Daviess County, Indiana that:

Section 1. It is hereby found that the vacation of the ways as set forth in the Petition for Vacation of Public Ways file MARCH 1, 2019, will not be injurious to the public health, safety, morals and general welfare of the community;

That the use and value of the areas adjacent to the real estate included in the vacation will not be affected in a substantial or adverse manner;

That the former and intended use of the rights of way to vacated no longer exist;

That the vacation will not hinder the growth of development of the area or of contiguous areas in which the rights of way are located;

That no church, school or public building or place is located in or near the area containing the public ways; and the vacation would not hinder the use of public way by the neighborhood in which it is located or to which it is contiguous.

Section 2. The following Rights of Way are hereby vacated:

1. County Road 350 N. from its intersection with County Road 350 ~~W~~<sup>NE</sup> West approximately 1330' to its intersection with Interstate 69's Right of Way.

Section 3. The substantially final form of the Road Agreement between Solar Sources, Inc. (Solar Sources Mining, LLC) and Daviess, Indiana, is hereby approved and the Board of Commissioners of Daviess County, is hereby authorized to execute and deliver such agreement.

Section 4. The clerk of this legislative body shall furnish a copy of this Ordinance to the County Recorder for recording and to the County Auditor.

Section 5. This Ordinance shall become effective upon its signing by members of the legislative body and its attestation by the Auditor.

Adopted this 12<sup>th</sup> day of MARCH, 2019.

BOARD OF COMMISSIONERS  
DAVIESS COUNTY, INDIANA

Walter L. ...

C. ...

Tom Melick

ATTEST:

Patricia K. Ball