



ORDINANCE NO. 2020-5

Patricia K Ball
AUDITOR, DAVIESS COUNTY

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

WHEREAS, Greg Krodel filed a Petition to Vacate Certain Public Roadway; 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 entered into a certain Road Agreement with Greg Krodel dated the 23rd day of June, 2020.

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

Section 1. It is hereby found that the vacation of the ways as set forth in the Petition to Vacate a Certain Public Roadway filed 6-1, 2020 will not be injurious to the public health, safety, morals and general welfare of the community;

- a. That the use and value of the areas adjacent to the ROW will not be affected in a substantial or adverse manner,
- b. That the former and intended use of the ROW no longer exists,
- c. That the vacation will not hinder the growth of development of the area or of contiguous areas in which the ROW is located,
- d. 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 ways where it is located or to which it is contiguous,
- e. That closing the ROW is in the public and economic interest of the county because there will no longer be any obligation of the local government to maintain said ROW with public funds,
- f. That closing the ROW will not unreasonably interfere with the flow of traffic on the county road system; and
- g. That the petitioner is willing to sign a written document regarding the terms of the agreement for permanently closing this ROW, and by virtue of his signature on this

petition, agrees to be responsible for maintaining and caring for such area once the ROW has been vacated and is no longer public.

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

1. Old 1125 E commencing at the west edge of a parcel owned by the Daviess County Board of Commissioners recorded as Instrument Number 06-3893 in the Daviess County Courthouse, then traveling along said old roadway a distance of approximately 783' more or less to the site of the Old Portersville Bridge. See Exhibit A.

Section 3. The substantially final form of the Road Agreement between Greg Krodel and Daviess County Indiana, is hereby approved and the Board is hereby authorized to execute and deliver such agreement.

Section 4. The Auditor shall furnish a copy of this Ordinance to the County Recorder for recording and for saving in the Auditor's office.

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

Adopted this 23rd day of June 2020.

Nathan Sobhat
Commissioner

Tom McCluer
Commissioner

C. Phil Gosh
Commissioner

Patricia K. Ball
ATTEST: Patricia K. Ball, Auditor

FILED
JUN 23 2020

Patricia K. Ball
AUDITOR, DAVIESS COUNTY