

ORDINANCE NO. 2021- 4

AN ORDINANCE VACATING A PORTION OF
FOURTH STREET IN THE UNINCORPORATED TOWN OF MAYSVILLE
IN DAVIESS COUNTY, INDIANA

WHEREAS, on July 27, Angela Goedde, as the Guardian of the Estate of Daniel Max Grannan, also known as Dan M. Grannan, now deceased filed a Petition for Vacation of Public Ways; and

WHEREAS, notice of the petition and of the time and place of hearing thereon was duly published in the Washington Times-Herald in the manner prescribed by Indiana Code 5-3-1 on the 21st day of July, 2021 and notice was given to all adjoining landowners as required by I.C. 36-7-3-12; and

WHEREAS, at the public hearing on the petition before the Board of Commissioners of Daviess County held on the 10th day of August, 2021, the Board of Commissioners of Daviess County found as follows;

1. Dan M. Grannan, now deceased, is the owner of Maysville Lots 9, 10, 15 and 16 in the Town of Maysville, Indiana as set forth on the deed attached to this ordinance and designated "Exhibit 1".
2. The petitioner, Angela Goedde, as Guardian of the Person and Estate of Daniel Max Grannan, also known as Dan M. Grannan, now deceased, is the person in control of the real estate described on Exhibit 1 as shown by the Order of her appointment as successor guardian attached to this ordinance and designated as "Exhibit 2".
3. That a portion of the Dan M. Grannan residence are situated on the real estate originally platted as a street in the as shown by the attached survey and mapping department photograph designated as "Exhibit 3" and "Exhibit 4."
4. That although the certain street was platted as a part of the Town of Maysville as set forth on Exhibit 3 and Exhibit 4, the platted street was not ever developed or used by the general public for any purpose whatsoever.
5. That Angela Goedde has been advised that the existence of the platted by undeveloped public ways is adversely affecting her ability to sell the real estate in Maysville currently owned by Dan M. Grannan.

6. The property sought to be vacated is described as follows:

Fourth Street in the town of Maysville beginning at the southwest corner of lot 15 in the Town of Maysville, and west 60.00 feet along the north boundary line of west Old U.S. Highway 50, thence north approximately 240.00 feet to the end point of Fourth Street, thence east 60.00 feet along the south boundary line of lands owned by Joyce Ann Carnahan described in D.R. 122, P. 505, thence South 240.00 feet to the point of beginning.

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 filed July 27, 2021, 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;

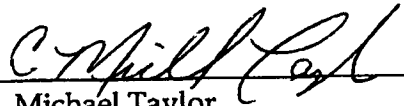
That no church, school or public building or place is located in or near the area containing the public ways; and the vacation would not hinder the use of public way by the neighborhood in which it is located or to which it is contiguous.

Section 2. That on or after the passage of this Ordinance, and subject to Section 3 below, the street as described above located in the Town of Maysville in Daviess County, Indiana are hereby vacated

Section 3. This Ordinance shall be in full force and effect from and after its passage and approval by the Auditor of Daviess County, Indiana and further subject to I.C. 36-7-3-12., which states that within thirty (30) days after the adoption of this vacation ordinance, any aggrieved person may appeal this ordinance to the Daviess Circuit Court.

PASSED AND ADOPTED this 10th day of August 2021 by the Board of Commissioners of Daviess County, Indiana.

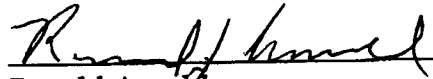
BOARD OF COMMISSIONERS OF
DAVIESS COUNTY, INDIANA



C. Michael Taylor

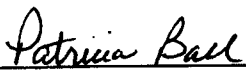


Nathan Gabhart



Ronald Arnold

ATTEST:



STATE OF INDIANA)
) SS:
COUNTY OF DAVIESS)

BEFORE THE BOARD OF
COMMISSIONERS OF DAVIESS
COUNTY

PETITION TO VACATE A CERTAIN PUBLIC ROADWAY IN DAVIESS COUNTY,
INDIANA

The Petitioner, Angela Goedde, as the Guardian of the Estate of Daniel Max Grannan, also known as Dan M. Grannan, now deceased, ("Petitioner") comes and hereby petitions the Board of Commissioners of Daviess County, Indiana, ("the Commissioners") to vacate public ways ("the ROW"), specifically a section of Fourth Street in the unincorporated town of Maysville, located in Daviess County, Indiana and in support of its petition states as follows:

1. The section of right of way to be vacated is a portion of Fourth Street in the unincorporated town of Maysville, as depicted on Exhibit "A" and further described as follows:

Fourth Street in the town of Maysville beginning at the southwest corner of lot 15 in the Town of Maysville, and west 60.00 feet along the north boundary line of west Old U.S. Highway 50, thence north approximately 240.00 feet to the end point of Fourth Street, thence east 60.00 feet along the south boundary line of lands owned by Joyce Ann Carnahan described in D.R. 122, P. 505, thence South 240.00 feet to the point of beginning.

2. Dan M. Grannan is the owner of Maysville Lots 9, 10, 15 and 16 as described in a deed recorded as Deed Record 11, Page 567 in the office of the Daviess County, Indiana Recorder, a part of which is shown on the attached Exhibit "B".

3. Angela Goedde is the court-appointed Guardian of the Estate of Daniel Max Grannan as described in the Court Order Appointing Successor Guardian of Estate and Person of Daniel Max Grannan, a true and accurate copy of which is attached hereto as Exhibit "C".

4. Dan M. Grannan owns the real estate contiguous to and surrounding the ROW, with the exception where the ROW, if it were developed, would connect to Old U.S. Highway 50, and where the platted ROW ends on the south line of the tract owned by Ms. Carnahan, as described in D.R. 122, P. 505. The ROW's have no current or intended use, have not existed or been maintained, and therefore, the impact to the surrounding property owners is none or minimal.

5. The names and addresses of those others owning any land that abuts any part of the ROW proposed to be vacated are:

a. Petitioner, Angela Goedde, as the Guardian of the Estate of Daniel Max Grannan, also known as Dan M. Grannan
10604 Damm Rd.
Wadesville, IN 47638

b. Indiana Department of Transportation
c/o Rusty Fowler, Deputy Commissioner
3650 S. U.S. 41
Vincennes, IN 47591

c. Joyce Ann Carnahan
1801 Margaret Dr.
Vincennes, IN 47591

6. That Ms. Goedde has been advised the existence of the platted right of way is adversely affecting her ability to sell the real estate owned by Dan M. Grannan.

7. That a portion of the residence on the real estate owned by Dan M. Grannan is situate on the real estate originally platted as a street as shown by the mapping department photograph as well as the retracement boundary survey completed January 28, 2021 attached hereto as Exhibit "D" and Exhibit "E".

8. The Petitioner petitions the Board of Commissioners of Daviess County, Indiana, to permanently vacate the ROW described herein. In support of this petition, the Petitioner represents that:

a. That the use and value of the areas adjacent to the ROW will not be affected in a substantial or adverse manner, and will not be injurious to the public health, safety, morals and general welfare of the community,

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,

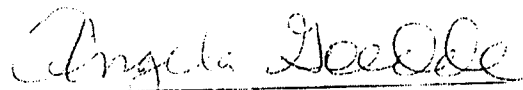
d. That no church, school or public building or place is located in or near the area containing the public ways; and the vacation would not hinder the use of public ways where it is located or to which it is contiguous,

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.

Respectfully submitted this 27th day of July, 2021.

A handwritten signature in cursive script that reads "Angela Goedde". The signature is written in black ink and is positioned above a horizontal line.

Angela Goedde, as Guardian of the
Estate of Daniel Max Grannan, also
known as Dan M. Grannan, now
deceased