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09/17/2014 AT 3:19:26 PM
RECORDER OF DEKALB CO, IN
KATIE FIRESTONE
Fee Amount: 20.00
Pages: 5

ORDINANCE NO. 2014-09

**AN ORDINANCE
VACATING PATRICIA DRIVE
LOCATED IN THE CITY OF AUBURN, INDIANA.**

WHEREAS, a petition was filed with the City of Auburn, Indiana to vacate certain portions of road ways, right-of-ways and/or streets known as Patricia Drive. The City of Auburn desires to vacate said road way, right-of-way and real estate as further set forth herein in accordance with Indiana Code Section 36-7-3-12, and

WHEREAS, a public hearing of the City of Auburn Common Council was held on the **16th day of September, 2014** at the Auburn Common Council Chambers regarding the petition for vacation, and

WHEREAS, a first reading of the Ordinance was held on **the 2nd day of September, 2014**, and a second and final reading was held on September 16, 2014; and

WHEREAS, after due consideration and opportunity for public comment; it has been determined that the best and most appropriate use of the real estate in question is to vacate in equal halves said real estate to the adjacent landowners; and

**IT IS NOW THEREFORE, ORDAINED BY THE COMMON COUNCIL
OF THE CITY OF AUBURN, INDIANA THAT:**

Section 1.

The City of Auburn, Indiana hereby vacates that portion of Patricia Street that lies north of Betz Road and in between lots 28 and 29 of the Sunnyvale Subdivision addition to the City of Auburn, Indiana.

Section 2.

Said section of right-of-way being approximately 137.5 feet long and 50.5 feet wide, is now hereby vacated with 1/2 of each portion of said right-of-way being granted to the owners of the adjoining real estate.

Solely for purpose of recording
not to transfer title of ownership

John W. Fetter 9/17/14
Auditor DeKalb County



Section 3.

The map labeled Exhibit "A", consisting of two (2) pages, is attached hereto and made a part hereof further setting forth the area being vacated in favor of the adjoining property owners.

Section 4.

The Municipal City of Auburn shall retain the utility easements across said vacated right-of-ways, streets, and real estate herein for the purpose of providing, updating and repairing utilities within said vacated area. Further, all other utility easements shall remain in full force and effect despite the vacation of the right-of-way. Said easement conditions shall run with the land and be binding upon all successors in interest thereto. The Municipal City of Auburn shall have the right to maintain, expand, and repair utilities within said right-of-ways.

Section 5.

BE IT FURTHER ORDAINED that this Ordinance be in full force and effect from and after publication in a newspaper of general circulation in DeKalb County, Indiana.

PASSED AND ADOPTED by the Common Council of the City of Auburn,
Indiana, this 16 day of September, 2014.


James Finchum, Councilmember


ATTEST:


Patricia Miller, Clerk-Treasurer

Presented by me to the Mayor of the City of Auburn, Indiana, this 16 day of
September, 2014.


PATRICIA MILLER, Clerk-Treasurer

APPROVED AND SIGNED by me this 16 day of September, 2014.

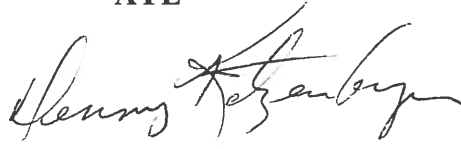

NORMAN E. YODER, Mayor

VOTING:

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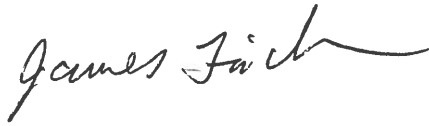
Denny Ketzenberger



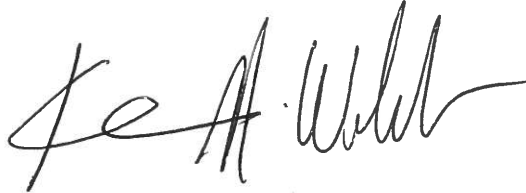
David Painter



James Finchum



Kevin Webb



Michael Watson

Michael Walter



Dennis (Matthew) Kruse, II



**I affirm, under the penalties of perjury,
that I have taken reasonable care to
redact each social security number in
this document, unless required by law.**

Prepared by W. Erik Weber, City Atty

EXHIBIT A

