

Solely for purpose of recording
not to transfer title of ownership

Jan Bowman (H) 10/21/16
Auditor DeKalb County

mark

201605811
10/21/2016 AT 9:17:48 AM
RECORDER OF DEKALB CO, IN
KATIE FIRESTONE
Fee Amount: 25.00

Pages: 7

**ORDINANCE NO. 2016-11
AN ORDINANCE VACATING UNIMPROVED ALLEY RIGHT-OF-WAY
OFF OF WEST ENSLEY AVENUE
IN THE CITY OF AUBURN, INDIANA**

WHEREAS, a request to vacate certain undeveloped public rights-of-way has been made to the City of Auburn, Indiana and said request has been formalized into a petition by the Department of Building, Planning and Development;

WHEREAS, the City of Auburn desires to vacate certain undeveloped rights-of-way more particularly located as follows:

An unimproved alley platted as part of Ensley's Fourth Addition to the City of Auburn. The alley right-of-way is 16½ feet wide and 132 feet long and located between Lot 4 (503 W Ensley) and Lot 5 (505 W Ensley) in Ensley's Fourth Addition to the City of Auburn.

WHEREAS, a Public Hearing of the City of Auburn Common Council was held on September 20, 2016 at 6:00 PM in the Auburn Common Council Chambers regarding the petition for vacation; and

WHEREAS, the City of Auburn has provided notice, pursuant to Indiana Code §36-7-3-12(c) and 5-3-1 et. seq. that it desires to vacate certain public rights-of-way; and

WHEREAS, a second reading of the Ordinance was held on September 20, 2016, and

WHEREAS, due consideration and opportunity has been given for public notice and comment.

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

Section 1.

For those undeveloped portions of right-of-way see Exhibit A, consisting of one (1) page, which is attached hereto and made a part hereof further setting forth the area being vacated. The owner of Lot 5 (commonly described as 505 West Ensley Avenue) in Ensley's Fourth Addition to the City of Auburn, agrees to quitclaim his interest in the vacated right-of-way to the owner of Lot 4 (503 West Ensley Avenue) in Ensley's Fourth Addition to the City of Auburn.

Therefore, as a result of said quitclaim, the entire width and length of the vacated right-of-way shall be awarded to the owner of Lot 4 (503 West Ensley Avenue) in



Ensley's Fourth Addition to the City of Auburn. Said quitclaim is attached as Exhibit "A" hereto and incorporated herein.

Section 2.

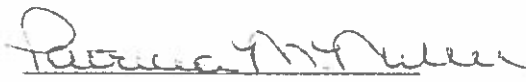
The Municipal City of Auburn shall retain an easement across the vacated rights-of-way for the purpose of providing, maintaining, and expanding utilities in the future. The Municipal City of Auburn shall have the right to maintain, expand, and repair utilities within said vacated rights-of-way.

BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect from and after publication of the summary of this Ordinance in a newspaper of general circulation in DeKalb County, Indiana. A full and complete copy of the Ordinance shall be kept on the City of Auburn website under the Council information at www.ci.auburn.in.us.

PASSED AND ADOPTED by the Common Council of the City of Auburn, Indiana, this 18 day of October, 2016.


James Finchum, Councilmember

ATTEST:


Patricia Miller, Clerk-Treasurer

Presented by me to the Mayor of the City of Auburn, Indiana, this 18 day of October, 2016.


PATRICIA MILLER, Clerk-Treasurer

APPROVED AND SIGNED by me this 18 day of October, 2016.

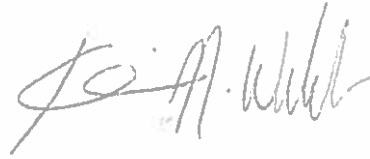

NORMAN E. YODER, Mayor

VOTING:

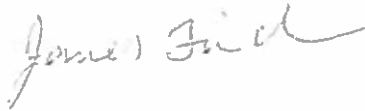
AYE

NAY

Kevin Webb



James Finchum



Dennis (Matthew) K. Kruse II



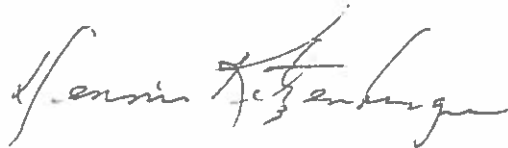
Todd Sanderson



Michael Watson



Dennis Ketzenberger



Michael Walter



EXHIBIT "A"

QUIT CLAIM OF INTEREST IN ALLEY / RIGHT-OF-WAY

This Indenture Witnesseth that

Michael L. Sowle, a competent adult,

of DeKalb County, in the State of Indiana, hereby quitclaims his interest in certain real estate which is described as follows:

The alley / right-of-way that is approximately 16½ feet wide by approximately 132 feet long and located between Lot 4 (503 W. Ensley Ave.) and Lot 5 (505 W. Ensley Ave.) in Ensley's Fourth Addition to the City of Auburn, and the interest in said alley / right-of-way shall be quitclaimed in its entirety to the owner of Lot 4.

Jeremy Woods, a competent adult,

of DeKalb County, in the State of Indiana,

for and in consideration of One Dollar (\$1.00), the receipt whereof is hereby acknowledged, the following described Real Estate in DeKalb County, in the State of Indiana, to-wit:

Subject to all easements, rights of way, rights, duties, obligations, covenants, conditions, restrictions, limitations, and agreements of record; all legal highways and public rights-of-way, all matters which would be disclosed by an accurate survey or inspection of said real estate and the provisions of all applicable zoning laws.

Dated this 11 day of OCTOBER, 2016.



Michael L. Sowle

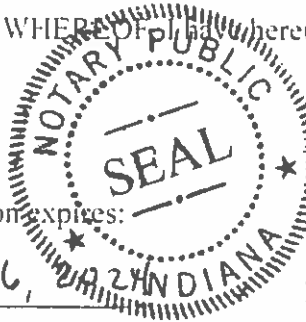
State of Indiana, County of DeKalb SS:

Before me, the undersigned, a Notary Public in and for said County and State, this 11th day October, 2016, personally appeared Michael L. Sowle and acknowledged the execution of the foregoing quitclaim of interest in said alley / right-of-way.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.

My commission expires:

February 6,



Emily B. Longworth

Emily B. Longworth, Notary Public

Resident of Noble County, Indiana

Grantee address: Jeremy Woods, 503 W. Ensley Avenue, Auburn, Indiana 46706

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law. W. Erik Weber

This instrument was prepared by W. Erik Weber, Attorney at Law, Mefford, Weber and Blythe, A Professional Corporation, 130 East Seventh Street, Auburn, Indiana, 46706-1839, (260) 925-2300.

Amy M. Schweitzer, AICP
Auburn Building, Planning & Development
Auburn, IN 46706

RE: Jeremy Woods' request for vacating alley between 503 & 505 W.
Ensley Avenue

Dear Mrs. Schweitzer ,

I am the property owner of 505 W. Ensley Ave. and I have discussed this matter with Mr. Woods. I have no interest in the half portion of the alley and I am willing to deed said portion to Mr. Woods. If you need to contact me further you may call me at (260) 479-5015.

Sincerely,



Michael L. Sowle

Amber Jordan
X Notary : Amber Jordan
Allen Co Indiana
April 10, 2019

