

ORDINANCE NO. 2024-25
AN ORDINANCE VACATING RIGHT-OF-WAY
IN THE CITY OF AUBURN, INDIANA

In accordance with the provisions set forth in Indiana Code §36-7-3-12, this ordinance shall vacate a portion of the platted north-south alley right-of-way located adjacent to 306 W. Seventh Street and 309 W. Sixth Street.

<u>X</u> Recorder's Office	<u>X</u> Publish Public Hearing
____ Auditor's Office	_____
____ Clerk's Office	<u>X</u> Publish O/R after Adoption
____ Other	_____
<u>X</u> Building Department	
<u>X</u> Engineering Department	
____ DeKalb County Plan Commission	
<u>X</u> Internet Code Site – Council Ordinances	

ORDINANCE NO. 2024-25
AN ORDINANCE VACATING RIGHT-OF-WAY
IN THE CITY OF AUBURN, INDIANA

WHEREAS, a petition to vacate certain public right-of-way has been filed by Edwin Nothnagle and by Jennifer Henson; and

WHEREAS, the City of Auburn desires to vacate certain right-of-way more particularly described as follows:

The 16½' north-south alley right-of-way located between Lot Numbers 93 and 94 and Lot Numbers 147 and 148 in Western Addition to the Town (now City) of Auburn, Indiana.

The proposed vacation begins at the northwest corner of Lot Number 93 in Western Addition to the Town (now City) of Auburn, Indiana; thence south to the southwest corner of Lot Number 94 in Western Addition to the Town (now City) of Auburn, Indiana; thence west along the north right-of-way line of Seventh Street to the southeast corner of Lot Number 147 in the Western Addition to the Town (now City) of Auburn, Indiana; thence north to the northeast corner of Lot Number 148 in the Western Addition to the Town (now City) of Auburn, Indiana; thence east along the south right-of-way line of Sixth Street to the point of beginning.

WHEREAS, said portion of right-of-way is improved regarding pavement infrastructure; and

WHEREAS, a Public Hearing was held on October 1, 2024 at 6:00 PM by the City of Auburn Common Council in the Norman E. Yoder Council Chambers regarding the petition for the right-of-way vacation request; 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 right-of-way; and

WHEREAS, a second reading of the Ordinance will be held on October 1, 2024, 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.

The right-of-way to be vacated is illustrated in Exhibit A, consisting of one (1) page, which is attached hereto and made a part hereof further setting forth the area being vacated.

Section 2.

A utility and drainage easement shall be retained over the full length and width of the vacated right-of-way area for the installation, repair, and/or maintenance of utilities and drainage systems.

Section 3.

The remaining 16½' north-south alley right-of-way platted in the Western Addition to the Town (now City) of Auburn, Indiana, shall remain as originally platted in 1877.

Section 4.

Once this document is executed and recorded, the north one-half of the east one-half of the vacated right-of-way shall be conveyed to Jennifer R. Henson as the owner of the adjacent portion of Lot 93 in Western Addition to the Town (now City) of Auburn, Indiana; the south one-half of the east one-half of the vacated right-of-way shall be conveyed to Edwin P. Nothnagle as the owner of the adjacent portion of Lot 94 in Western Addition to the Town (now City) of Auburn, Indiana; and the west one-half of the vacated right-of-way shall be conveyed to Indiana Bell Telephone Co. Inc. as the owner of the adjacent Lot 147 and Lot 148 in Western Addition to the Town (now City) of Auburn, Indiana.

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.

PASSED AND ADOPTED by the Common Council of the City of Auburn, Indiana, this ___ day of _____, 2024.

James Finchum, Council Member

ATTEST:

Lorrie K. Pontius, Clerk-Treasurer

Presented by me to the Mayor of the City of Auburn, Indiana, this ___ day of _____, 2024.

LORRIE K. PONTIUS, Clerk-Treasurer

APPROVED AND SIGNED by me this ___ day of _____, 2024.

DAVID E. CLARK, JR, Mayor

Received electronically 09/09/2024

1ST READING __09/17/2024__
2ND READING _____

VOTING:

AYE

NAY

Natalie DeWitt, President

Rod Williams

James Finchum

Dan Braun

David Bundy

Kevin Webb

Emily Prosser

Exhibit A



 **PROPOSED ALLEY VACATION**

The 16½' north-south alley right-of-way located between Lot Numbers 93 and 94 and Lot Numbers 147 and 148 in Western Addition to the Town (now City) of Auburn, Indiana.

The proposed vacation begins at the northwest corner of Lot Number 93 in Western Addition to the Town (now City) of Auburn, Indiana; thence south to the southwest corner of Lot Number 94 in Western Addition to the Town (now City) of Auburn, Indiana; thence west along the north right-of-way line of Seventh Street to the southeast corner of Lot Number 147 in the Western Addition to the Town (now City) of Auburn, Indiana; thence north to the northeast corner of Lot Number 148 in the Western Addition to the Town (now City) of Auburn, Indiana; thence east along the south right-of-way line of Sixth Street to the point of beginning.