

1<sup>ST</sup> READING 02-01-2011  
2<sup>ND</sup> READING 02-15-2011

Original Received via email 1.14.2011@10:05a.m  
Amended Date Version via email 2.8.2011@3:30pm  
Clerk-Treasurer Mailbox  
Auburn, Indiana

**ORDINANCE NO. 2011-01**

**AN ORDINANCE  
VACATING A PORTION OF AN ALLEYWAY  
LOCATED IN THE CITY OF AUBURN, INDIANA**

**SUMMARY**

This ordinance authorizes the vacation of that part of an alleyway that lies between Madison and Jefferson Streets east of lots 37 and 38 and west of lot 39 in the Shaffer, Robbins, & Boland's addition to the City of Auburn, Indiana, that section of right of way being approximately 16 feet wide and 128 ½ feet long. The area that is located in the proposed vacated right-of-way is more particularly shown on the Exhibit attached hereto as Exhibit "A".

<u>      </u> <u>  </u> x <u>      </u>	Recorder's Office	<u>      </u> <u>  </u> X <u>      </u>	Publish Public Hearing
<u>      </u>	Auditor's Office	<u>      </u>	<u>2/1/11 resch 2/15/11 @ 6:00pm</u>
<u>      </u>	Clerk's Office	<u>      </u> <u>  </u> X <u>      </u>	Publish O/R after adoption
<u>      </u>	Other	<u>      </u>	<u>      </u>
<u>      </u> <u>  </u> x <u>      </u>	<u>Building Department</u>		
<u>      </u> <u>  </u> x <u>      </u>	<u>Engineering Department</u>		
<u>      </u>	<u>DeKalb County Plan Commission</u>		
<u>      </u>	<u>Internet Code Site</u>		

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**ORDINANCE NO. 2011-01**

**AN ORDINANCE  
VACATING A PORTION OF AN ALLEYWAY  
LOCATED IN THE CITY OF AUBURN, INDIANA**

**WHEREAS**, a petition was filed with the City of Auburn, Indiana to vacate a portion of the alleyway between Madison Street and Jefferson Street, which is approximately 16 feet wide by 128 ½ feet long and between the parking lot owned by DB Morrow Real Estate, LLC upon which the Dr. Douglas Morrow Optometry Practice is located, to the west and a proposed parking lot to the east, to be used by the offices of Dr. Douglas Morrow, optometrist, and Dr. Gary Scheumann, dentist; and,

**WHEREAS**, a public hearing of the City of Auburn Common Council was held on the 15<sup>th</sup> day of February, 2011 at 6:00 P.M. at the Auburn Common Council Chambers regarding the petition for vacation, and

**WHEREAS**, a second reading of the Ordinance was held on February 15, 2011, and

**WHEREAS**, after due consideration and opportunity for public notice and comment; and

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

**Section 1.**

The portion of the platted alleyway (right-of-way), which is approximately 16 feet wide and 128 ½ feet long between Madison and Jefferson Streets and adjacent to lots 37 and 38 to the west and lot 39 to the east is hereby vacated. One-half of said right-of-way shall be granted /conveyed to the lots numbered 37 and 38 and one-half of the said right-of-way shall be granted /conveyed to the lot numbered 39. Said lots are located within the Shaffer, Robbins, & Boland's addition to the City of Auburn, Indiana recorded at the office of the DeKalb County Recorder. See Exhibit "A", consisting of two (2) pages,

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which is attached hereto and made a part hereof further setting forth the area being vacated.

**Section 2.**


The Municipal City of Auburn shall retain an easement across the vacated right-of-way / alleyway 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 right-of-way.

**Section 3.**

**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 15 day of February, 2011.

  
\_\_\_\_\_  
James Finchum, Councilmember


**ATTEST:**

  
\_\_\_\_\_  
Patricia Miller, Clerk-Treasurer

Presented by me to the Mayor of the City of Auburn, Indiana, this 15 day of  
February, 2011.

  
PATRICIA MILLER, Clerk-Treasurer

APPROVED AND SIGNED by me this 15 day of February, 2011.

  
NORMAN E. YODER, Mayor

VOTING:

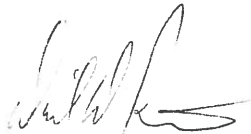
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NAY

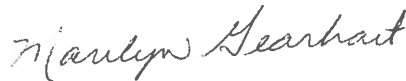
Dick Stahly



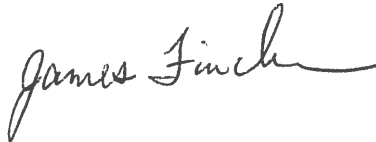
David Painter



Marilyn Gearhart

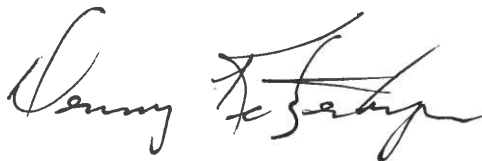


James Finchum



Keith Schrimshaw

Denny Ketzenberger



Michael Walter



EXHIBIT "A"

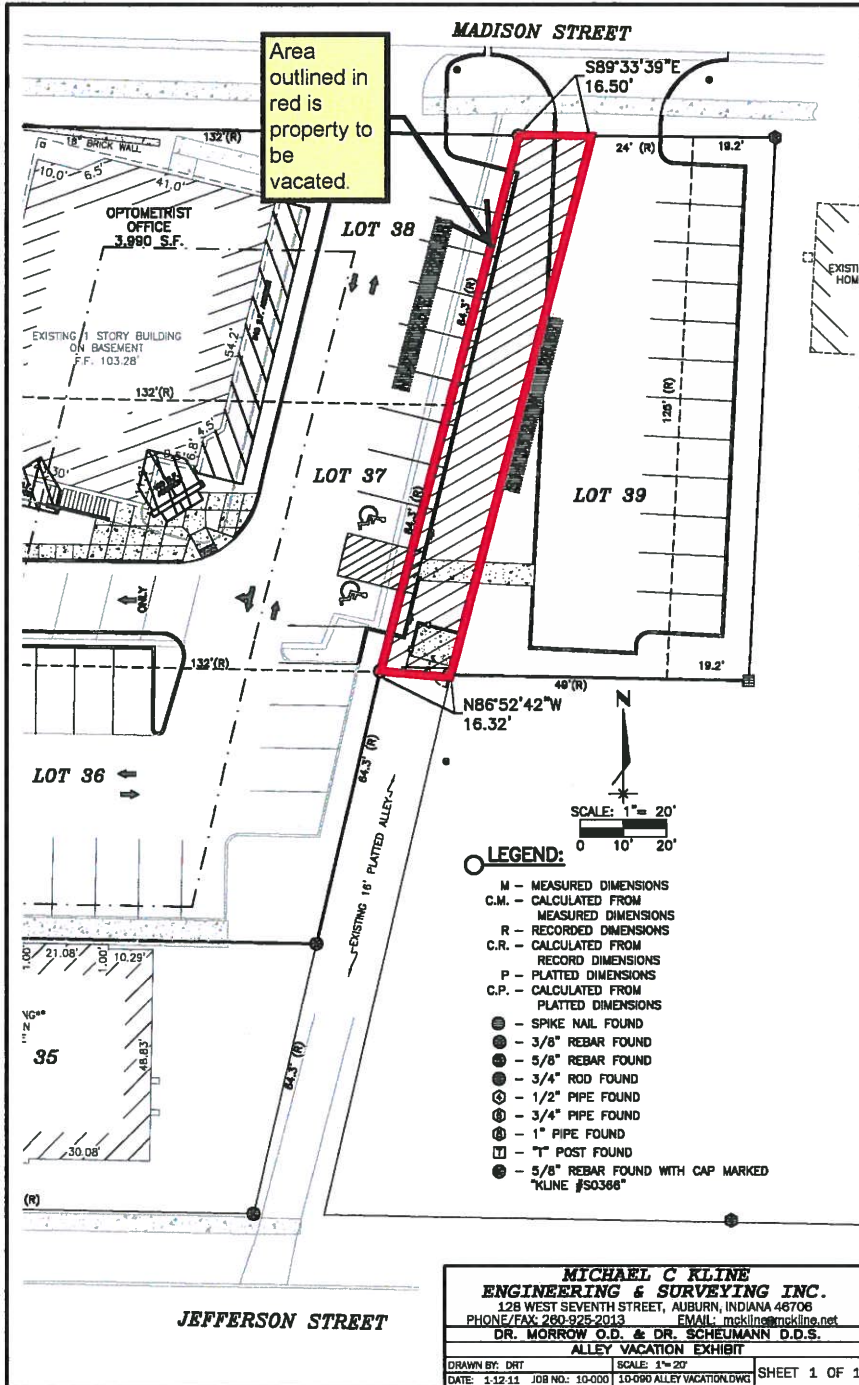


EXHIBIT "A"





# Clerk-Treasurer's Office

PO Box 506 Auburn, Indiana 46706-0506 | 260.925.6450 ph | 260.920.3341 fax | [clerktreasurer@ci.auburn.in.us](mailto:clerktreasurer@ci.auburn.in.us) | [www.ci.auburn.in.us](http://www.ci.auburn.in.us)

Patricia M. Miller  
Clerk-Treasurer

February 3, 2011

The Star, 118 W. Ninth St., Auburn, Indiana 46706

Re: City of Auburn Common Council Legal Notice Advertisement

Project: Dr. Douglas Morrow

Request: Alleyway Vacation

**Publication date: Once on Friday, February 4, 2011.**

**(start of ad)**

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## CITY OF AUBURN COMMON COUNCIL NOTICE OF PUBLIC HEARING TO VACATE A PORTION OF AN ALLEYWAY/PUBLIC RIGHTS OF WAY

The City of Auburn Common Council will hold a public hearing at 6:00 p.m. local time on Tuesday, February 15, 2011 in the Council Chambers, Auburn City Hall, 210 E. Ninth Street, Auburn, Indiana.

The City of Auburn Common Council will consider the petition for Dr. Douglas Morrow requesting the vacation of a platted public alleyway that lies between Madison and Jefferson Streets east of lots 37 and 38 and west of lot 39 in the Shaffer, Robbins, & Boland's addition to the City of Auburn, Indiana, that section of right of way being approximately 16 feet wide and 128 ½ feet long and adjacent to 1212 N. Main Street. The purpose for the request is to improve a portion of the alleyway by redesigning the business existing parking lot area and to expand the parking lot onto Lot 39.

The complete file on this project is available for review during weekdays between the hours of 8:00 a.m. and 4:00 p.m. local time in the office of the Clerk/Treasurer's Office, Auburn City Hall, 210 E. Ninth Street, Auburn, Indiana. Public hearings are open to all persons who wish to attend and any person interested in this matter may appear at the hearing and will be given the opportunity to speak, if they so wish. The City of Auburn Common Council may conclude the hearing with a decision or they may continue the hearing to another date.

Written comments concerning this petition may be filed with the Clerk/Treasurer before the hearing by mail or personal delivery to: City of Auburn Clerk/Treasurer, Auburn City Hall, 210 E. Ninth St., P.O. Box 506, Auburn, Indiana 46706-0506; or by facsimile at 260.920.3341; or by e-mail at [clerktreasurer@ci.auburn.in.us](mailto:clerktreasurer@ci.auburn.in.us). Written comments may also be delivered in-person to the City Council at the hearing.

Contact the Clerk/Treasurer's office at 260-925-6450 with any questions pertaining to the application.

**(end of ad)**

**Send the invoice and proof of publication to:**

Patricia M. Miller, Clerk/Treasurer City of Auburn, P.O. Box 506, Auburn, In 46706-0506  
Ph: 260.925.6450 ext 1101 Fax: 260.920.3341 eml: [pmmiller@ci.auburn.in.us](mailto:pmmiller@ci.auburn.in.us)

**Send proof of publication to:**

- Patricia M. Miller, Clerk/Treasurer City of Auburn, P.O. Box 506, Auburn, In 46706-0506  
Ph: 260.925.6450 ext 1101 Fax: 260.920.3341 eml: [pmmiller@ci.auburn.in.us](mailto:pmmiller@ci.auburn.in.us)
- Vivian J. Likes, Zoning Administrator, City of Auburn, P.O. Box 506, Auburn In 46706-0506  
Ph: 260.925.6449 ext 1202 eml: [vjlikes@ci.auburn.in.us](mailto:vjlikes@ci.auburn.in.us)