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Auburn, Indiana

ORDINANCE NO. 2016-07

**AN ORDINANCE
VACATING A PORTION OF A STREET AND AN ALLEY
LOCATED IN THE CITY OF AUBURN, INDIANA**

SUMMARY

This ordinance authorizes the vacations of undeveloped portions of the public rights-of-way located in the Natural Gas Addition to the City of Auburn. The first right-of-way lies south of lots eighty-five (85) and one-hundred (100) extending south to lots ninety-two (92) and ninety-three (93) and located west of lots ninety-nine (99) through ninety-three (93) and east of lots eighty-six (86) through ninety-two (92). That section of right-of-way being approximately twenty (20) feet wide and approximately three-hundred fifty (350) feet long; vacating the undeveloped portion of an alleyway. The second right-of-way lies south of lot eighty-five (85) extending south to lot ninety-two (92) and located west of lots eighty-six (86) through ninety-two (92). That section of right-of-way being approximately thirty (30) feet wide and approximately three-hundred fifty (350) feet long; vacating the undeveloped portion of a street. The third right-of-way lies south of lots ninety-two (92) and ninety-three (93) and runs east and west. That section of right-of-way being approximately twelve (12) feet wide and approximately three-hundred (300) feet long; vacating the undeveloped portion of an alleyway. The areas that are located in the proposed vacated rights-of-way are more particularly shown on the Exhibit attached hereto as Exhibit "A".

_____ x _____	Recorder's Office	___X___	Publish Public Hearing
_____	Auditor's Office	__7/19/2016 @6:00pm_____	
_____	Clerk's Office	___X___	Publish O/R after adoption
_____	Other	_____	
___x___	<u>Building Department</u>		
___x___	<u>Engineering Department</u>		
_____	<u>DeKalb County Plan Commission</u>		
___x___	<u>Internet Code Site –Council Ordinances</u>		

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VACATING A PORTION OF A STREET AND AN ALLEY
LOCATED IN THE CITY OF AUBURN, INDIANA**

WHEREAS, a petition was filed with the City of Auburn, Indiana to vacate undeveloped portions of the public rights-of-way located in the Natural Gas Addition to the City of Auburn. The area being vacated is as follows:

The first right-of-way lies south of lots eighty-five (85) and one-hundred (100) extending south to lots ninety-two (92) and ninety-three (93) and located west of lots ninety-nine (99) through ninety-three (93) and east of lots eighty-six (86) thru ninety-two (92). That section of right-of-way being approximately twenty (20) feet wide and approximately three-hundred fifty (350) feet long; vacating the undeveloped portion of an alleyway. The second right-of-way lies south of lot eighty-five (85) extending south to lot ninety-two (92) and located west of lots eighty-six (86) through ninety-two (92). That section of right-of-way being approximately thirty (30) feet wide and approximately three-hundred fifty (350) feet long; vacating the undeveloped portion of a street. The third right-of-way lies south of lots ninety-two (92) and ninety-three (93) and runs east and west. That section of right-of-way being approximately twelve (12) feet wide and approximately three-hundred feet (300) long; vacating the undeveloped portion of an alleyway; and,

WHEREAS, a public hearing of the City of Auburn Common Council was held on the 19th day of July, 2015 at 6:00 P.M. at the Auburn Common Council Chambers regarding the petition for vacation, and

WHEREAS, public notice has been provided to the affected landowners, and

WHEREAS, a second reading of the Ordinance was held on July 19, 2016, 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.

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. One-half of the width of the first vacated right-of-way shall be awarded to each adjoining landowner. The full width of the second vacated right-of-way shall be awarded to the lots adjoining on the east. The full width of the third vacated right-of-way shall be awarded to lots ninety-two (92) and ninety-three (93).

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 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 web-site under the Council information at www.ci.auburn.in.us.

PASSED AND ADOPTED by the Common Council of the City of Auburn,
Indiana, this 19th day of July, 2016.

James Finchum, Councilmember

ATTEST:

Patricia Miller, Clerk-Treasurer

Presented by me to the Mayor of the City of Auburn, Indiana, this 19th day of
July, 2016.

PATRICIA MILLER, Clerk-Treasurer

APPROVED AND SIGNED by me this 19th day of July, 2016.

NORMAN E. YODER, Mayor

VOTING:

AYE

NAY

Kevin Webb

James Finchum

Dennis (Matthew) K. Kruse II

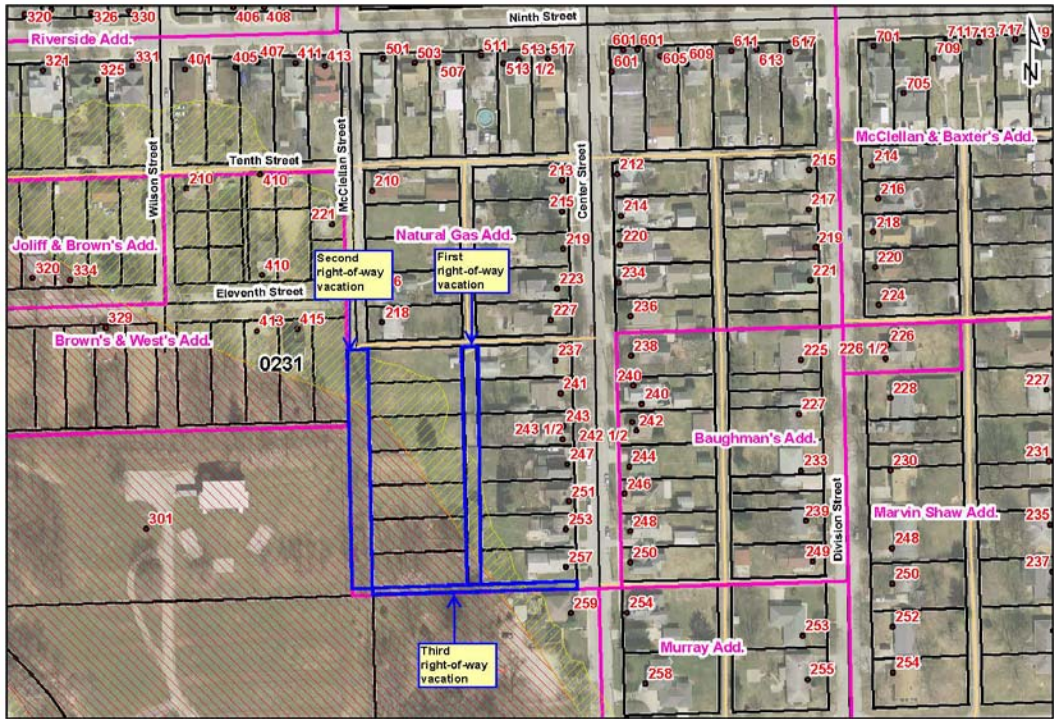
Todd Sanderson

Michael Watson

Dennis Ketzenberger

Michael Walter

EXHIBIT "A"



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