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Clerk-Treasurer email  
Auburn, Indiana

**ORDINANCE NO. 2017-15  
AN ORDINANCE VACATING RIGHTS-OF-WAY  
IN THE CITY OF AUBURN, INDIANA**

**SUMMARY**

This ordinance vacates a portion of West Thirteenth Street and a platted alley in the Western Addition to the City of Auburn in accordance with Indiana Code §36-7-3-12.

The rights-of-way proposed to be vacated include the 300 block of West Thirteenth Street from South Van Buren Street to what was formerly Van Auken Street. The alley is a north-south alley that extends from West Twelfth Street to West Fourteenth Street that is located between (and parallel to) South Van Buren Street and what was formerly Van Auken Street. The alley intersects the portion of West Thirteenth Street proposed to also be vacated.

The City of Auburn shall retain a public utility easement over said real estate to maintain existing utility infrastructure in accordance with Indiana Code §36-7-3-16. A full copy of said ordinance is available for inspection at the office of the Clerk-Treasurer, City of Auburn or on the City of Auburn's internet website at [www.ci.auburn.in.us](http://www.ci.auburn.in.us).

<u>  X  </u>	Recorder's Office	<u>  X  </u>	Publish Public Hearing
_____	Auditor's Office	_____	Tuesday, November 7, 2017
_____	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. 2017-15**  
**AN ORDINANCE VACATING RIGHTS-OF-WAY**  
**IN THE CITY OF AUBURN, INDIANA**

**WHEREAS**, a petition to vacate certain public rights-of-way has been submitted to the City of Auburn, Indiana by DeKalb County Central United School District; and

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

*The 300 block of West Thirteenth Street from South Van Buren Street to what was formerly Van Auken Street. The street right-of-way is 66-feet wide and 297 feet long; and*  
*A north-south alley that extends from West Twelfth Street to West Fourteenth Street that is located between (and parallel to) South Van Buren Street and what was formerly Van Auken Street. The alley right-of-way is 16½ feet wide by 330 feet long, and intersects the portion of West Thirteenth Street proposed to also be vacated.*

**WHEREAS**, a Public Hearing was held on November 7, 2017 at 6:00 PM by the City of Auburn Common Council in the City 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 November 7, 2017, 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 rights-of-way to be vacated are illustrated in Exhibit A, consisting of two (2) pages, 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 for the purpose of maintaining existing utility infrastructure. The Municipal City of Auburn shall have the right to maintain and repair existing utilities within said vacated rights-of-way but shall not install any additional utilities.

1<sup>ST</sup> READING \_\_\_\_\_  
2<sup>ND</sup> READING \_\_\_\_\_

**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](http://www.ci.auburn.in.us).

**PASSED AND ADOPTED** by the Common Council of the City of Auburn, Indiana, this 7<sup>th</sup> day of November, 2017.

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**James Finchum, Council Member**

**ATTEST:**

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**Patricia Miller, Clerk-Treasurer**

Presented by me to the Mayor of the City of Auburn, Indiana, this 7<sup>th</sup> day of November, 2017.

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**PATRICIA MILLER, Clerk-Treasurer**

**APPROVED AND SIGNED** by me this 7<sup>th</sup> day of January, 2017.

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**NORMAN E. YODER, Mayor**

**VOTING:**

**AYE**

**NAY**

James Finchum

Dennis Ketzenberger

Dennis (Matthew) K. Kruse II

Wayne Madden

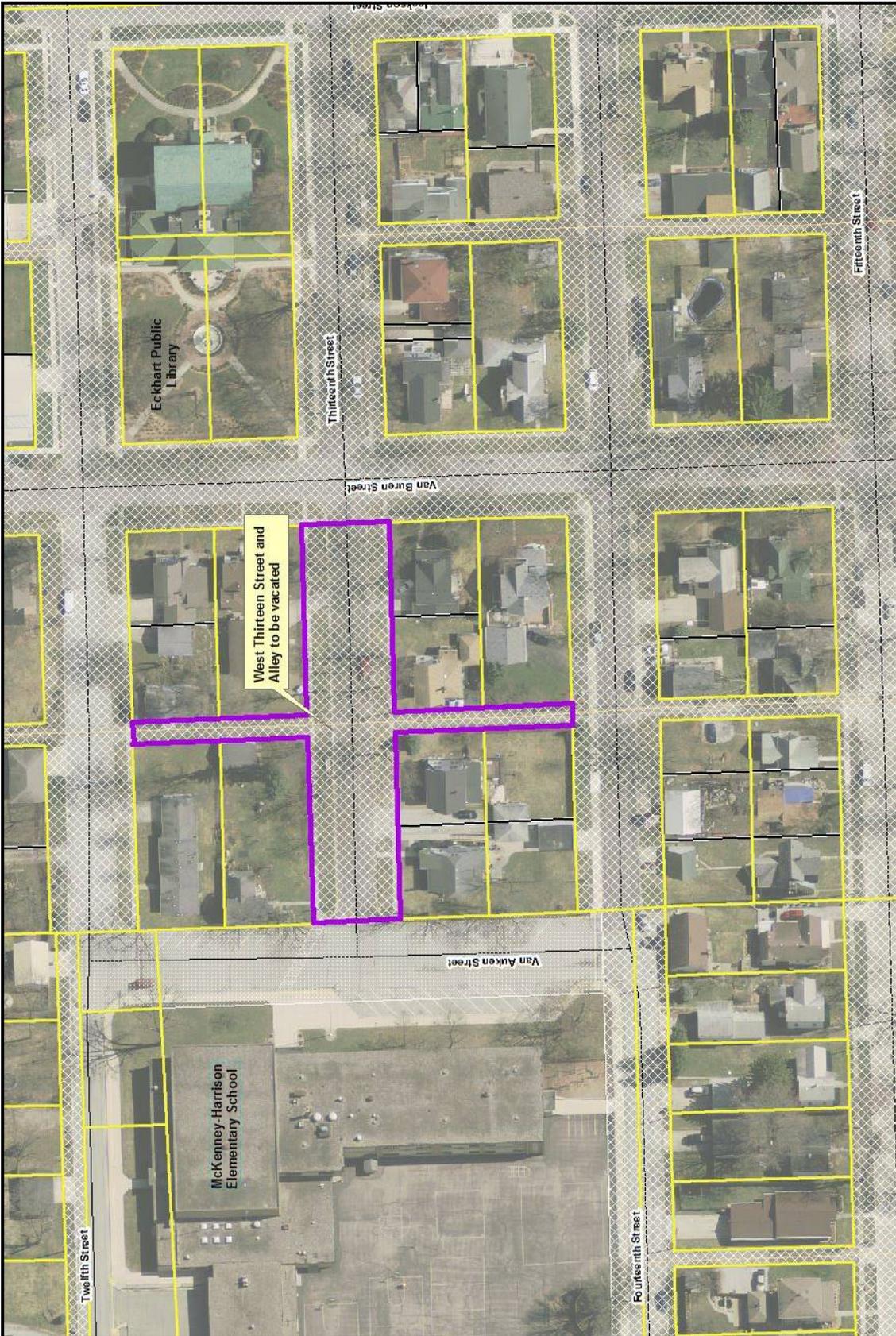
Michael Walter

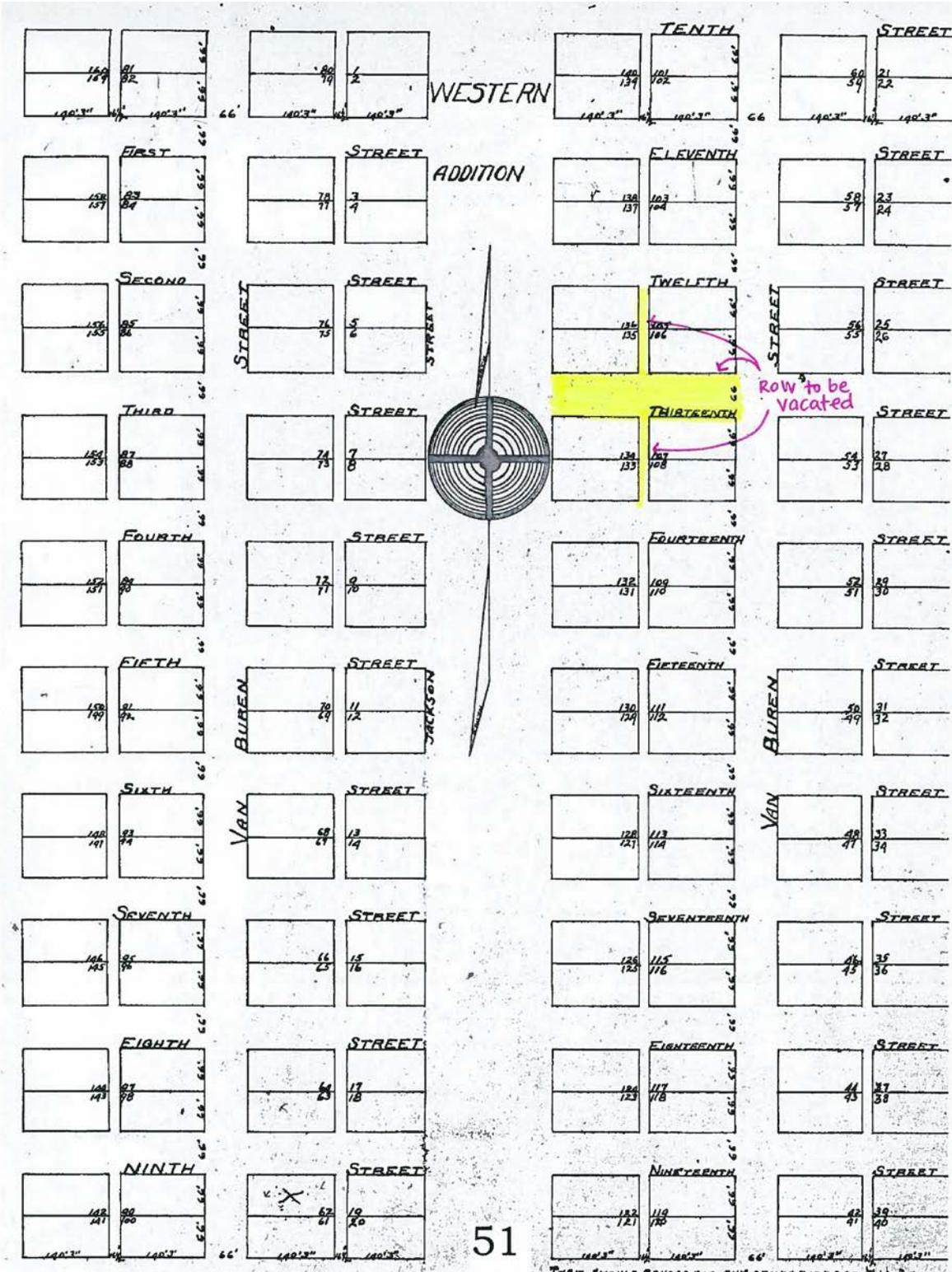
Michael Watson

Kevin Webb

# Exhibit A

1<sup>ST</sup> READING \_\_\_\_\_  
2<sup>ND</sup> READING \_\_\_\_\_





THE WESTERN ADDITION TO THE TOWN OF AUBURN IS LOCATED IN THE SW 1/4 SW 1/4 SEC. 29 AND IN THE W 1/2 N 1/4 SEC. 32, T. 34 N., R. 13 E., IN OSAGE COUNTY, INDIANA, AND IS LAID

THEM SHOULD BE AVOIDED FOR ANY OTHER PURPOSE THAN FOR THE ERECTION OF CHURCHES THEREON, FOR RELIGIOUS WORSHIP SHALL REVERT TO THE DONOR, AND PROVIDED FURTHER THAT THEY ARE NOT INTERFERED FOR THE SEVERAL DENOMINATIONS OF CHRISTIANS

RECORDED JAN. 27, 1838.

JOHN SPENCER