

Received 11/28/2017
Clerk-Treasurer email
Auburn, Indiana

ORDINANCE NO. 2017-20

**AN ORDINANCE
TO AMEND THE ZONING MAP
OF THE CITY OF AUBURN**

SUMMARY

This ordinance amends the Zoning Map of the City of Auburn, Indiana by changing the zoning of a 28.5-acre parcel at 3453 County Road 427 (commonly known as the Inlow Farm) to R-2 (Single-family Urban Residential) and officially incorporating the entire parcel into the City’s Extra-Territorial Jurisdiction. The City of Auburn Plan Commission favorably recommends this zoning map amendment.

_____ Recorder’s Office	_____ Publish Public Hearing
_____ Auditor’s Office	_____
_____ Clerk’s Office	_____ Publish O/R after adoption
_____ Other	_____

- Building Department
- Engineering Department
- DeKalb County Plan Commission
- Internet Code Site

ORDINANCE NO. 2017-20

**AN ORDINANCE
AMENDING THE ZONING MAP
OF THE CITY OF AUBURN**

WHEREAS, Ordinance No. 89-01, as amended, adopted a Zoning Map for the City of Auburn, Indiana; and

WHEREAS, in accordance with Indiana Code §36-7-4-205, the DeKalb County Commissioners and the Auburn Common Council have executed an Inter-Local Cooperation Agreement to grant the City of Auburn authority to exercise Extra-Territorial Jurisdiction with regard to planning and zoning in specific areas outside the corporate limits. Section 5.4 A.1. of said agreement states,

“Any parcel utilizing City water and sewer service or if any portion of the parcel is within 300-feet of City water and sewer service may be considered the city’s planning jurisdiction if each of the following statements are true. a. The owner wishes to be served by City water and sanitary sewer. b. The City’s utility has documentation that indicates it has the capacity to serve the site/development; and either has the distribution system in place or has a plan to do so prior to occupancy of the improvement.”

WHEREAS, the City of Auburn Plan Commission held a Public Hearing on November 14, 2017 as required by law in regard to a request to amend the Zoning Map of the City of Auburn; and

WHEREAS, the City of Auburn Plan Commission at its November 14, 2017 meeting forwarded a favorable recommendation to the Auburn Common Council by a vote of nine in favor and zero opposed concerning officially incorporating the entire parcel into the City’s Extra-Territorial Jurisdiction and rezoning said real estate located within the City of Auburn, Indiana’s Extra-Territorial Jurisdiction; and

WHEREAS, Indiana Code section §36-7-4-600 et. Seq provides for amendments to the zoning map of a municipality by ordinance of the municipality.

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

THAT, the Zoning Map of the City of Auburn shall be amended in the following manner:

The 28.5-acre property at 3453 County Road 427, Waterloo and owned by Tharp,

1ST READING _____
2ND READING _____

Gilbert, Inlow, Davis, Price, etc.) shall officially be incorporated to the City of Auburn's Extra-Territorial Jurisdiction and shall be changed to the R-2 District (Single-family Urban Residential). The legal description is attached hereto as Exhibit A, and the tract of land is illustrated in Exhibit B, also attached hereto. The zoning change shall also apply to associated rights-of-way, to the centerline of the street.

BE IT FURTHER ORDAINED that this Ordinance be in full force and effect after its passage by the Common Council and after the occurrence of all other actions required by law.

PASSED AND ADOPTED by the Common Council of the City of Auburn, Indiana, this _____ day of _____, 2017.

JAMES FINCHUM, Council Member

ATTEST:

Patricia Miller, Clerk-Treasurer

Presented by me to the Mayor of the City of Auburn, Indiana, this _____ day of _____, 2017.

PATRICIA MILLER, Clerk-Treasurer

APPROVED AND SIGNED by me this _____ day of _____, 2017.

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

Legal Description

A tract of land located in the Northwest Quarter of Section 16, T34N, R13E, in DeKalb County, the State of Indiana, more fully described as follows:

COMMENCING at a Harrison Marker situated in the Southeast corner of said Northwest Quarter; Thence South 87 Degrees 13 Minutes 55 Seconds West (Indiana State Plane Coordinate System East Zone-GPS Grid Basis of Bearings), a distance of 200.00 feet along the South line of said Northwest Quarter to a Marker Spke with tag (FIRM 0042) in a Southwest corner of the tract of land described in the conveyance to the City of Auburn in DeKalb County Document No. 20112737, the **TRUE POINT OF BEGINNING**; Thence North 01 Degrees 59 Minutes 27 Seconds West, a distance of 590.62 feet along the West line of said City of Auburn tract to a Rebar stake with cap (Kline); Thence South 87 Degrees 14 Minutes 11 Seconds West, a distance of 175.50 feet along the South line of said City of Auburn tract to a 4" X 8" I-Beam post in a Southwest corner thereof; Thence North 01 Degrees 52 Minutes 35 Seconds West, a distance of 728.84 feet along the West line of said City of Auburn tract, along the West line of the tract of land described in the conveyance to the Municipal City of Auburn in DeKalb County Document No. 201000316, and along the West line of the tract of land described in the conveyance to DeKalb County in Document No. 201201308 to a Rebar stake with cap (Kline) in the Northwest corner thereof; Thence South 87 Degrees 20 Minutes 20 Seconds West, a distance of 486.42 feet along the North line of the South half of said Northwest Quarter to a Rebar stake with cap (FIRM 0042); Thence South 24 Degrees 14 Minutes 42 Seconds West, a distance of 33.64 feet along the East right-of-way line of County Road 427 to a Rebar stake with cap (FIRM 0042); Thence North 87 Degrees 20 Minutes 20 Seconds East, a distance of 24.64 feet along a line parallel with and Thirty (30) feet South of the North line of the South half of said Northwest Quarter to a Rebar stake with cap (FIRM 0042); Thence South 29 Degrees 45 Minutes 59 Seconds West, a distance of 158.65 feet along the East right-of-way line of County Road 427 to a Rebar stake with cap (FIRM 0042) in the beginning of a tangent circular arc; Thence Southwesterly, a distance of 303.96 feet along said circular arc (also being the East right-of-way line of County Road 427) that is concave Northwesterly, having a radius measuring 1675.00 feet, having a central angle measuring 10 Degrees 23 Minutes 51 Seconds, and having a long chord bearing South 34 Degrees 57 Minutes 55 Seconds West and measuring 303.54 feet to a Rebar stake with cap (FIRM 0042) in the beginning of a tangent line; Thence South 40 Degrees 09 Minutes 50 Seconds West, a distance of 138.45 feet along said East right-of-way line to a Rebar stake with cap (FIRM 0042); Thence South 47 Degrees 33 Minutes 18 Seconds West, a distance of 60.67 feet along said East right-of-way line to a Rebar stake with cap (FIRM 0042); Thence South 55 Degrees 39 Minutes 28 Seconds West, a distance of 80.39 feet along said East right-of-way line to a Rebar stake with cap (FIRM 0042); Thence South 48 Degrees 06 Minutes 34 Seconds West, a distance of 101.92 feet along said East right-of-way line to a Rebar stake with cap (FIRM 0042); Thence South 57 Degrees 09 Minutes 56 Seconds West, a distance of 143.74 feet along said East right-of-way line to a Rebar stake with cap (FIRM 0042); Thence South 31 Degrees 28 Minutes 24 Seconds West, a distance of 555.20 feet along said East right-of-way line to a Rebar stake with cap (FIRM 0042); Thence North 87 Degrees 13 Minutes 55 Seconds East, a distance of 134.08 feet along the North line extended and the North line of the tract of land described in the conveyance to John E. & Tracy M. Maloy in DeKalb County Document No. 201404226 to a Rebar stake with cap (Lojek) in the Northeast corner thereof; Thence South 02 Degrees 46 Minutes 05 Seconds East, a distance of 138.90 feet along the East line of said Maloy tract to a Magnail with tag (Lojek) in the Southeast corner thereof; Thence North 87 Degrees 13 Minutes 55 Seconds East, a distance of 1495.57 feet along the South line of said Northwest Quarter to the **POINT OF BEGINNING**, said tract containing 32.540 Acres, more or less, and being subject to all public road rights-of-way and to all easements of record. A survey of said tract being represented by Plat of Survey #34-13-16-01 as prepared by D.A. Brown Engineering Consultants, Inc., 5491 County Road 427, PO Box 389, Auburn, Indiana 46706.

EXHIBIT B

