

Received electronically 02/21/2020

ORDINANCE NO. 2020-03

**AN ORDINANCE VACATING RIGHTS-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 McNair Lane Right-of-Way.

The right-of-way proposed to be vacated includes the portion of McNair Lane right-of-way which abuts Lots 105 and 106 in Pheasant Run I Section V; Virginia Lane right-of-way; and the easterly line of Pheasant Run I Section V Secondary Plat.

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.

<u> X </u> Recorder's Office	<u> X </u> Publish Public Hearing
_____ Auditor's Office	<u> </u> Tuesday, March 3, 2020
_____ 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. 2020-03

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 Larry and Elaine Warstler owners of Lot 105 in Pheasant Run I Section V and Christopher and Deborah Mays owners of Lot 106 in Pheasant Run I Section V; and

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

All of the right-of-way of McNair Lane contained within the Secondary Plat of Pheasant Run I Section V, an addition to the City of Auburn, DeKalb County, Indiana, according to the plat thereof recorded in Plat Book 8 at page 110 in the Office of the Recorder of DeKalb County, Indiana. Said portion of right-of-way being bounded on the west along the easterly right-of-way line of Virginia Lane, bounded on the south along the northerly line of Lot 105 in said Secondary Plat of Pheasant Run I Section V, bounded on the north along the southerly line of Lot 106 in said Secondary Plat of Pheasant Run I Section V, and bounded on the east along the easterly line of said Secondary Plat of Pheasant Run I Section V.

WHEREAS, said right-of-way is unimproved with regard to pavement and driving surface, is already maintained by adjacent property owners, and serves no connection to the east; and

WHEREAS, a Public Hearing was held on March 3, 2020 at 6:00 PM by the City of Auburn Common Council in the Norman E. Yoder Council Chambers regarding the petition for vacation; and

WHEREAS, a Public Hearing was held on March 3, 2020 at 6:00 PM by the City of Auburn Common Council in the Norman E. Yoder 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 right-of-way; and

WHEREAS, a second reading of the Ordinance was held on March 17, 2020, 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 a permanent utility, drainage, and access easement over the entire vacated right-of-way for the purpose of utility use, installation, repair, and/or maintenance; for the purpose of surface drainage; and for the purpose of access to and over the vacated area.

Section 3.

Once this document is executed and recorded, the north half of the vacated right-of-way shall be conveyed to the owner of Lot 106 in Pheasant Run I Section V and the south half of the vacated right-of-way shall be conveyed to the owner of Lot 105 in Pheasant Run I Section V.

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 _____, 2020.

James Finchum, Council Member

ATTEST:

Patricia Miller, Clerk-Treasurer

Presented by me to the Mayor of the City of Auburn, Indiana, this ___ day of _____, 2020.

PATRICIA MILLER, Clerk-Treasurer

APPROVED AND SIGNED by me this ___ day of _____, 2020.

MICHAEL D. LEY, Mayor

VOTING:

AYE

NAY

James Finchum

Dennis Ketzenberger

Dennis K. Kruse II

Wayne Madden

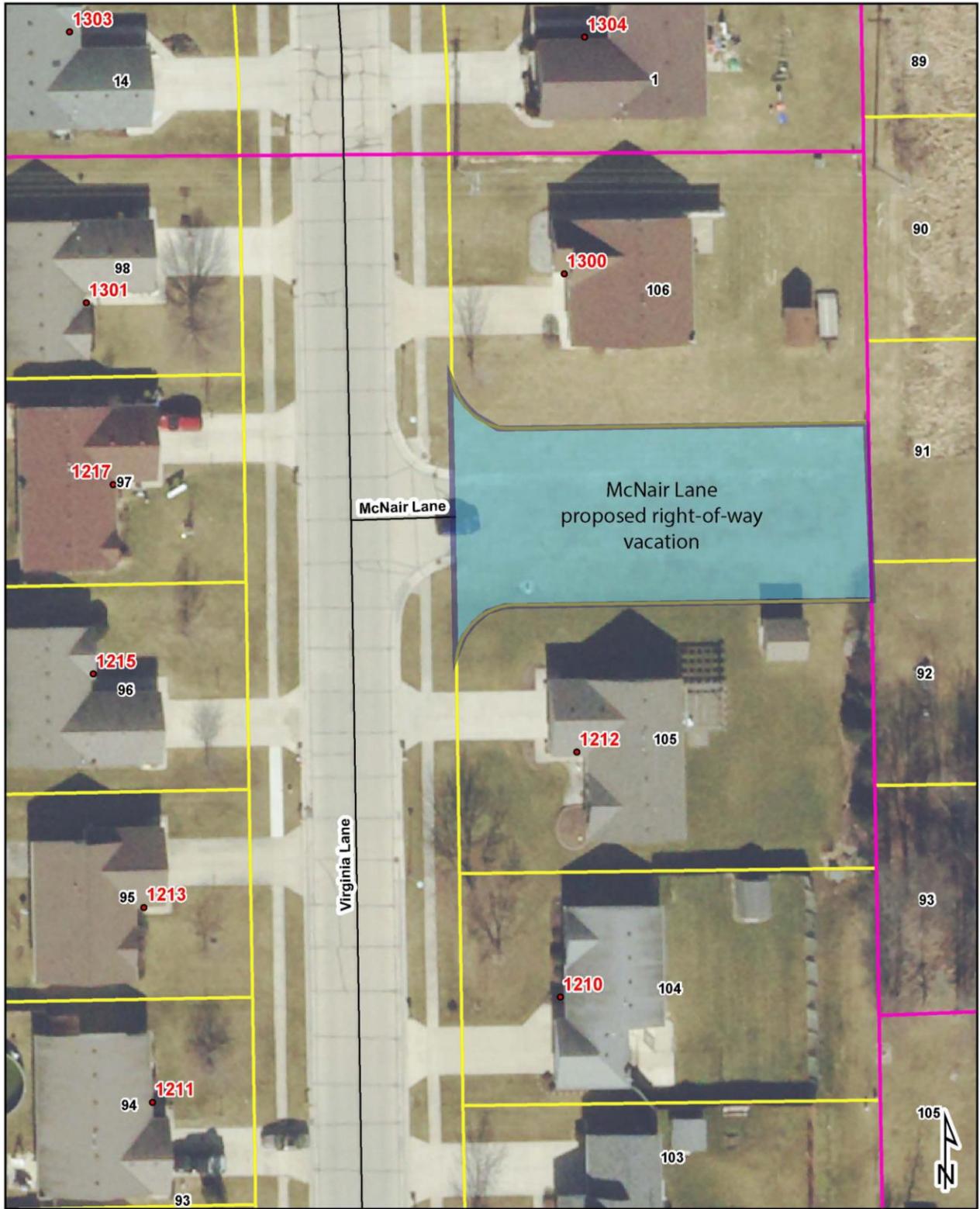
Michael Walter

Michael Watson

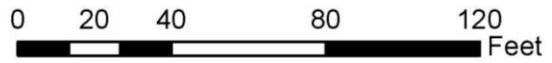
Kevin Webb

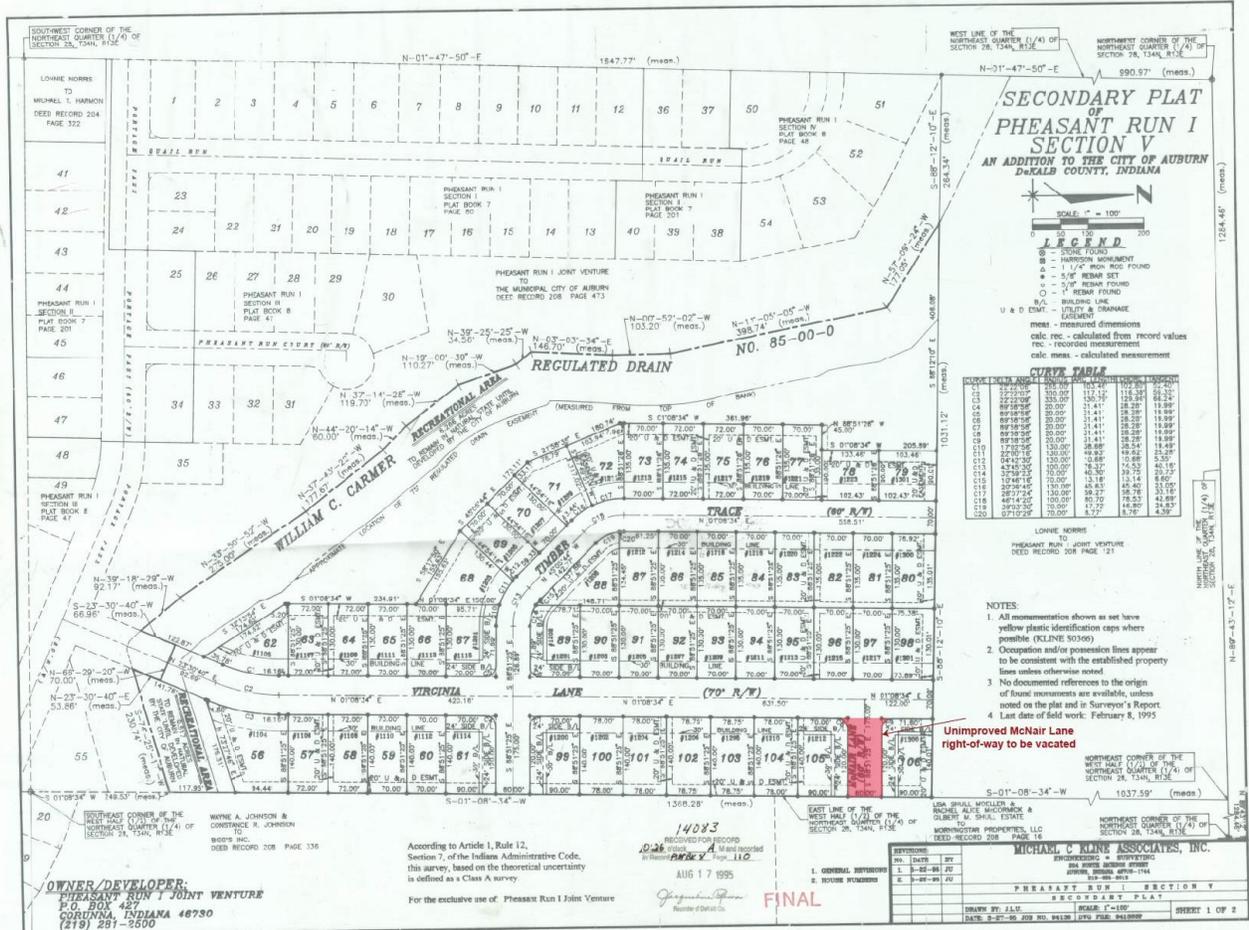
Exhibit A

1st READING _____
2nd READING _____



Limitations of Use/Liability:
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SECONDARY PLAT OF PHEASANT RUN I SECTION V
AN ADDITION TO THE CITY OF AUBURN
DAKALB COUNTY, INDIANA



meas - measured dimensions
calc. rec. - calculated from record values
rec. - record measurements
calc. meas. - calculated measurement

CURVE TABLE

CHORD	BEARING	ARC	ANGLE	CHORD	BEARING	ARC	ANGLE
100.00	N 0° 00' 00" W	100.00	90° 00' 00"	100.00	S 0° 00' 00" W	100.00	90° 00' 00"
100.00	N 0° 00' 00" W	100.00	90° 00' 00"	100.00	S 0° 00' 00" W	100.00	90° 00' 00"
100.00	N 0° 00' 00" W	100.00	90° 00' 00"	100.00	S 0° 00' 00" W	100.00	90° 00' 00"
100.00	N 0° 00' 00" W	100.00	90° 00' 00"	100.00	S 0° 00' 00" W	100.00	90° 00' 00"
100.00	N 0° 00' 00" W	100.00	90° 00' 00"	100.00	S 0° 00' 00" W	100.00	90° 00' 00"
100.00	N 0° 00' 00" W	100.00	90° 00' 00"	100.00	S 0° 00' 00" W	100.00	90° 00' 00"
100.00	N 0° 00' 00" W	100.00	90° 00' 00"	100.00	S 0° 00' 00" W	100.00	90° 00' 00"
100.00	N 0° 00' 00" W	100.00	90° 00' 00"	100.00	S 0° 00' 00" W	100.00	90° 00' 00"
100.00	N 0° 00' 00" W	100.00	90° 00' 00"	100.00	S 0° 00' 00" W	100.00	90° 00' 00"
100.00	N 0° 00' 00" W	100.00	90° 00' 00"	100.00	S 0° 00' 00" W	100.00	90° 00' 00"

- NOTES:**
- All monumentation shown as set have yellow plastic identification caps where possible. (KLINE 50365)
 - Occupation and/or possession lines appear to be consistent with the established property lines unless otherwise noted.
 - No documented references to the origin of found monuments are available, unless noted on the plat and in Surveyor's Report.
 - Last date of field work: February 8, 1995

Unimproved McNair Lane right-of-way to be vacated

OWNER/DEVELOPER:
PHEASANT RUN I JOINT VENTURE
P.O. BOX 427
CORONA, INDIANA 46790
(219) 281-2500

According to Article 1, Rule 12, Section 7, of the Indiana Administrative Code, this survey, based on the theoretical uncertainty is defined as a Class A survey.

14083
RECEIVED FOR RECORD
IN RECORD BOOK A File No. 110
AUG 17 1995
J. C. Kline
Surveyor of Daviess Co.

FINAL

MICHAEL C. KLINE ASSOCIATES, INC.
ENGINEERING & SURVEYING
15 S. 82nd ST.
JAY, INDIANA 47528
PH 317-881-1111
FAX 317-881-1112

DRAWN BY: J.L.T. SCALE: 1"=100'
DATE: 8-07-95 JOB NO. 44110 2ND FILE 44110