Received 8/23/2016
Clerk-Treasurer email

ORDINANCE NO. 2016-11
AN ORDINANCE VACATING UNIMPROVED ALLEY RIGHT-OF-WAY
OFF OF WEST ENSLEY AVENUE
IN THE CITY OF AUBURN, INDIANA

SUMMARY

This ordinance vacates an unimproved alley extending south from W. Ensley Avenue in accordance with Indiana Code §36-7-13-12. The alley is 16½ feet wide by 132 feet long and located between Lot 4 (503 W Ensley) and Lot 5 (505 W Ensley) in Ensley's Fourth Addition to the City of Auburn, Indiana.

The City of Auburn shall retain a public utility easement over said real estate 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*.

X	Recorder's Office	X	Publish Public Hearing
	Auditor's Office		Tuesday, September 20, 2016
	Clerk's Office	X	Publish O/R after Adoption
	Other		

X	Building Department
X	Engineering Department
	DeKalb County Plan Commission
X	Internet Code Site – Council Ordinances

ORDINANCE NO. 2016-11
AN ORDINANCE VACATING UNIMPROVED ALLEY RIGHT-OF-WAY
OFF OF WEST ENSLEY AVENUE
IN THE CITY OF AUBURN, INDIANA

WHEREAS, a request to vacate certain undeveloped public rights-of-way has been made to the City of Auburn, Indiana and said request has been formalized into a petition by the Department of Building, Planning and Development;

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

An unimproved alley platted as part of Ensley's Fourth Addition to the City of Auburn. The alley right-of-way is 16½ feet wide and 132 feet long and located between Lot 4 (503 W Ensley) and Lot 5 (505 W Ensley) in Ensley's Fourth Addition to the City of Auburn.

WHEREAS, a Public Hearing of the City of Auburn Common Council was held on September 20, 2016 at 6:00 PM in the Auburn Common 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 September 20, 2016, 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.
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 vacated right-of0way shall be awarded to each adjoining landowner.

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 vacated 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 website under the Council information at www.ci.auburn.in.us.

      PASSED AND ADOPTED by the Common Council of the City of Auburn, Indiana, this 20th day of September, 2016.

_____
      James Finchum, Councilmember

ATTEST:

_____
Patricia Miller, Clerk-Treasurer

Presented by me to the Mayor of the City of Auburn, Indiana, this 20th day of September, 2016.

_____
      PATRICIA MILLER, Clerk-Treasurer

APPROVED AND SIGNED by me this 20th day of September, 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

ENSLEY'S FOURTH ADDITION-to-AUBURN, INDIANA.

The above plat is to be known as Ensley's Fourth Addition to the town of Auburn, DeKalb Co., Indiana, and is located in the S.E.¼ of Section 31 Twp. 34 N., R 13 E in said county and state. The S.E. corner of Lot No 1 is at the intersection of the North Boundary line of the Right-of-Way of the Wabash Railroad and the West line of public highway on the east side of said section 31, and is 30' wide and 842½ feet North of the S.E. corner of said Section. The South line of all lots and streets is the North line of said Railroad Right-of-way, and the North line of all lots and streets is the South line of Ensley Avenue. The East line of Lot No 1 is said public highway. And the West line of Lot No 37 is the West line of said S.E. quarter. Lot No 1 is 132 feet in width on the North line, and 66 feet Wide on the South line; and Lot No 37 is 158 feet wide on the South line, and 93½ feet wide on the North line. All other lots are 66 feet Wide and 132 feet long. All the Streets are 66 feet Wide and all alleys are 16½ feet Wide.

In witness whereof the undersigned owners of the realestate covered by said Addition hereunto set our hands this ___ day of March A.D. 1891.

I.M. Zent and wife.
Wm H. Mitchel and wife.
Joseph Stafford and wife.
Nicholas Ensley and wife.
Joseph E. Ensley and wife.

Coppied from Plat Record No 3 page 189
See also plat Record No 2 Page 162.

Scale 1" = 200'