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**ORDINANCE NO. 2017-05**

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

**SUMMARY**

An ordinance amending the Zoning Map of the City of Auburn, Indiana.

_____ 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. 2017-05**

**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; and

**WHEREAS**, the City of Auburn Plan Commission has conducted a Public Hearing on April 11, 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 April 11, 2017 meeting forwarded a favorable recommendation to the Auburn Common Council by a vote of nine in favor and zero opposed concerning the rezoning of certain 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, and

**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 zoning of the tract of land bound by County Road 11A, County Road 427, and County Road 23 shall be changed to the C-2 (General Commercial) District. The legal description is attached hereto as Exhibit A, and the tract of land is illustrated in Exhibit B, also attached hereto.*

**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

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

**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**

Dennis (Matthew) K. Kruse II

James Finchum

Wayne Madden

Michael Watson

Kevin Webb

Dennis Ketzenberger

Michael Walter

## EXHIBIT A

### *Legal Description*

*A tract of land located in the Southwest Quarter and in the Northwest Quarter of Section 7, T33N, R13E, in DeKalb County, the State of Indiana, more fully described as follows:*

**COMMENCING** at a Marker Spike with tag (FIRM 0042) situated in the Northwest corner of said Southwest Quarter; Thence South 00 Degrees 34 Minutes 27 Seconds East (Indiana State Plane Coordinate System East Zone-GPS Grid Basis of Bearings), a distance of 141.24 feet along the West line of said Southwest Quarter to a Marker Spike with tag (FIRM 0042) in the **TRUE POINT OF BEGINNING**; Thence North 89 Degrees 25 Minutes 33 Seconds East, a distance of 25.00 feet along the South right-of-way line of County Road 11A as described in the conveyance to the Board of County Commissioners of DeKalb County, Indiana in DeKalb County Document No. 201400325 to a Rebar stake with cap (FIRM 0042); Thence North 13 Degrees 27 Minutes 40 Seconds East, a distance of 112.73 feet along said South right-of-way line to a Rebar stake with cap (FIRM 0042); Thence North 65 Degrees 45 Minutes 02 Seconds East, a distance of 197.48 feet along said South right-of-way line to a Rebar stake with cap (FIRM 0042) in the beginning of a tangent circular arc; Thence Easterly, a distance of 322.47 feet along said South right-of-way line (being a circular arc that is concave Southerly, having a radius measuring 422.20 feet, having a central angle measuring 43 Degrees 45 Minutes 42 Seconds, and having a long chord bearing North 87 Degrees 37 Minutes 53 Seconds East and measuring 314.69 feet) to a Rebar stake with cap (FIRM 0042) in the beginning of a tangent line; Thence South 70 Degrees 29 Minutes 16 Seconds East, a distance of 7.68 feet along said South right-of-way line to a Rebar stake with cap (FIRM 0042); Thence South 14 Degrees 54 Minutes 01 Seconds West, for a distance of 97.67 feet along the West right-of-way line of County Road 427 to a Rebar stake with cap (FIRM 0042) in the beginning of a nontangent circular arc; Thence Southwesterly, a distance of 906.68 feet along said West right-of-way line (being a circular arc that is concave Southeasterly, having a radius measuring 2914.79 feet, having a central angle measuring 17 Degrees 49 Minutes 21 Seconds, and having a long chord bearing South 27 Degrees 31 Minutes 39 Seconds West and measuring 903.03 feet) to a Rebar stake with cap (FIRM 0042) in the beginning of a nontangent line; Thence North 71 Degrees 23 Minutes 02 Seconds West, a distance of 83.36 feet along said West right-of-way line as described in the conveyance to the Board of County Commissioners referenced above to a Rebar stake with cap (FIRM 0042); Thence South 89 Degrees 26 Minutes 56 Seconds West, a distance of 25.00 feet to a Marker Spike with tag (FIRM 0042); Thence North 00 Degrees 33 Minutes 04 Seconds West, a distance of 502.05 feet along the West line of said Southwest Quarter to a Harrison Marker situated in the Northeast corner of the Southeast Quarter of Section 12, T33N, R12E; Thence North 00 Degrees 34 Minutes 27 Seconds West, a distance of 165.35 feet along the West line of said Southwest Quarter to the **POINT OF BEGINNING**, said tract containing 6.163 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 #33-13-07-03 as prepared by D.A. Brown Engineering Consultants, Inc., 5419 County Road 427, Suite C, Auburn, Indiana 46706.

**EXHIBIT B**

