

1ST READING 10/17/2023
2ND READING 11/07/2023

Received 9/28/2023

ORDINANCE NO. 2023-21
AN ORDINANCE VACATING RIGHT-OF-WAY
IN THE CITY OF AUBURN, INDIANA

202306002
11/30/2023 02:55:21 PM
RECORDER OF DEKALB CO, IN
LETA HULLINGER
RECORDED AS PRESENTED
FEE AMOUNT: 25.00

In accordance with the provisions set forth in Indiana Code §36-7-3-12, this ordinance shall vacate a portion of the platted northwesterly-southeasterly oriented Melony Lane right-of-way adjacent to 300 Melony Lane.

The right-of-way proposed to be vacated includes a portion of the northwesterly-southeasterly oriented Melony Lane right-of-way in the Woodcrest Addition to the City of Auburn, Indiana, platted and recorded in 1955. Water and Storm Sewer facilities have been constructed along this section of the right-of-way.

The City of Auburn shall maintain access to existing infrastructure within the right-of-way proposed to be vacated via a newly established public utility easement over the vacated right-of-way.

<u> X </u>	Recorder's Office	<u> X </u>	Publish Public Hearing
<u> X </u>	Auditor's Office	<u> 10/17/2023 @ 6:00pm </u>	
<u> </u>	Clerk's Office	<u> X </u>	Publish O/R after Adoption
<u> </u>	Other	<u> </u>	
<u> X </u>	Building Department		
<u> X </u>	Engineering Department		
<u> </u>	DeKalb County Plan Commission		
<u> X </u>	Internet Code Site – Council Ordinances		

SOLELY FOR PURPOSE OF RECORDING NOT
TO TRANSFER TITLE OF OWNERSHIP

NOV 30 2023

Jenny Stepan
AUDITOR DEKALB COUNTY



1ST READING 10/17/2023
2ND READING 11/07/2023

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**ORDINANCE NO. 2023-21
AN ORDINANCE VACATING RIGHT-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 northwesterly-southeasterly oriented Melony Lane right-of-way adjacent to 300 Melony Lane.

The right-of-way proposed to be vacated includes a portion of the northwesterly-southeasterly oriented Melony Lane right-of-way in the Woodcrest Addition to the City of Auburn, Indiana, platted and recorded in 1955. Water and Storm Sewer facilities have been constructed along this section of the right-of-way.

The City of Auburn shall maintain access to existing infrastructure within the right-of-way proposed to be vacated via a newly established public utility easement over the vacated right-of-way.

- | | | | |
|---------------|---|--------------------------------|----------------------------|
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| <u> X </u> | Building Department | | |
| <u> X </u> | Engineering Department | | |
| <u> </u> | DeKalb County Plan Commission | | |
| <u> X </u> | Internet Code Site - Council Ordinances | | |

**LEGAL DESCRIPTION
ACCEPTED
Nov 29, 2023 By: JB
G.I.S. DEPARTMENT - DEKALB CO**

ORDINANCE NO. 2023-21
AN ORDINANCE VACATING RIGHTS-OF-WAY
IN THE CITY OF AUBURN, INDIANA

WHEREAS, a petition to vacate certain public right-of-way has been filed by the City of Auburn, Indiana; and

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

A portion of the Melony Lane public right of way in Woodcrest Addition to the City of Auburn, DeKalb County, Indiana, according to the plat thereof recorded in Plat Book 4 at page 123 in the Office of the Recorder of DeKalb County, Indiana, being more particularly described as follows:

Beginning at the intersection of the easterly extended south right of way line of Roger Drive in said plat of Woodcrest Addition and the southerly extended east right of way line of said Melony Lane (being that portion of Melony Lane adjacent to Lots 19 and 20 in said plat of Woodcrest Addition); thence Southeasterly parallel with the easterly right of way line of said Melony Lane (being that portion of Melony Lane adjacent to Lot 20 in said plat of Woodcrest Addition) to the intersection of the easterly extended south line of Lot 21 in said plat of Woodcrest Addition; thence Easterly along said easterly extended south line of Lot 21 in said plat of Woodcrest Addition to the intersection of the east right of way line of said Melony Lane; thence Northerly along said east right of way line of Melony Lane to the most southerly corner of aforesaid Lot 20 in said plat of Woodcrest Addition; thence Northwesterly along the easterly right of way line of said Melony Lane (being that portion of Melony Lane adjacent to said Lot 20) to the southwest corner of said Lot 20; thence Southerly along the southerly extended east right of way line of said Melony Lane (being that portion of Melony Lane adjacent to Lots 19 and 20 in said plat of Woodcrest Addition) to the point of beginning.

WHEREAS, said portion of right-of-way is unimproved regarding street pavement infrastructure; and

WHEREAS, a Public Hearing was held on October 17, 2023 at 6:00 PM by the City of Auburn Common Council in the Norman E. Yoder Council Chambers regarding the petition for the right-of-way vacation request; 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 will be held on November 7, 2023, 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 right-of-way to be vacated is illustrated in Exhibit A, consisting of one (1) page, which is attached hereto and made a part hereof further setting forth the area being vacated.

Section 2.

A utility and drainage easement shall be retained over the full length and width of the vacated right-of-way area for the installation, repair, and/or maintenance of utilities and drainage systems.

Section 3.

The remaining northwesterly-southeasterly oriented Melony Lane street right-of-way platted in the Woodcrest Addition to the City of Auburn, Indiana, shall remain as originally platted in 1955.

Section 4.

Once this document is executed and recorded, the entire portion of the vacated right-of-way shall be conveyed to Constance Cook and Peter Cook as the owner of the adjacent Lot Numbered 20 and the south fifty feet of Lot 19 in Woodcrest Addition, DeKalb County, Indiana.

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 7 day of November, 2023.



James Finchum, Council Member

ATTEST:



Patricia Miller, Clerk-Treasurer

Presented by me to the Mayor of the City of Auburn, Indiana, this 7 day of November, 2023.



PATRICIA MILLER, Clerk-Treasurer

APPROVED AND SIGNED by me this 7 day of November, 2023.



MICHAEL D. LEY, Mayor

VOTING:

AYE

NAY

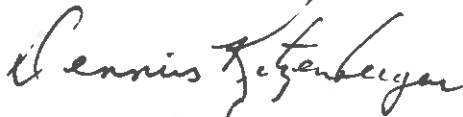
Natalie DeWitt, President



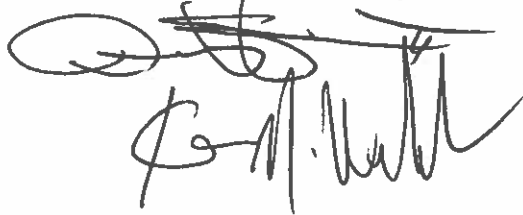
James Finchum



Dennis Ketzenberger



Dennis K. Kruse II



Kevin Webb

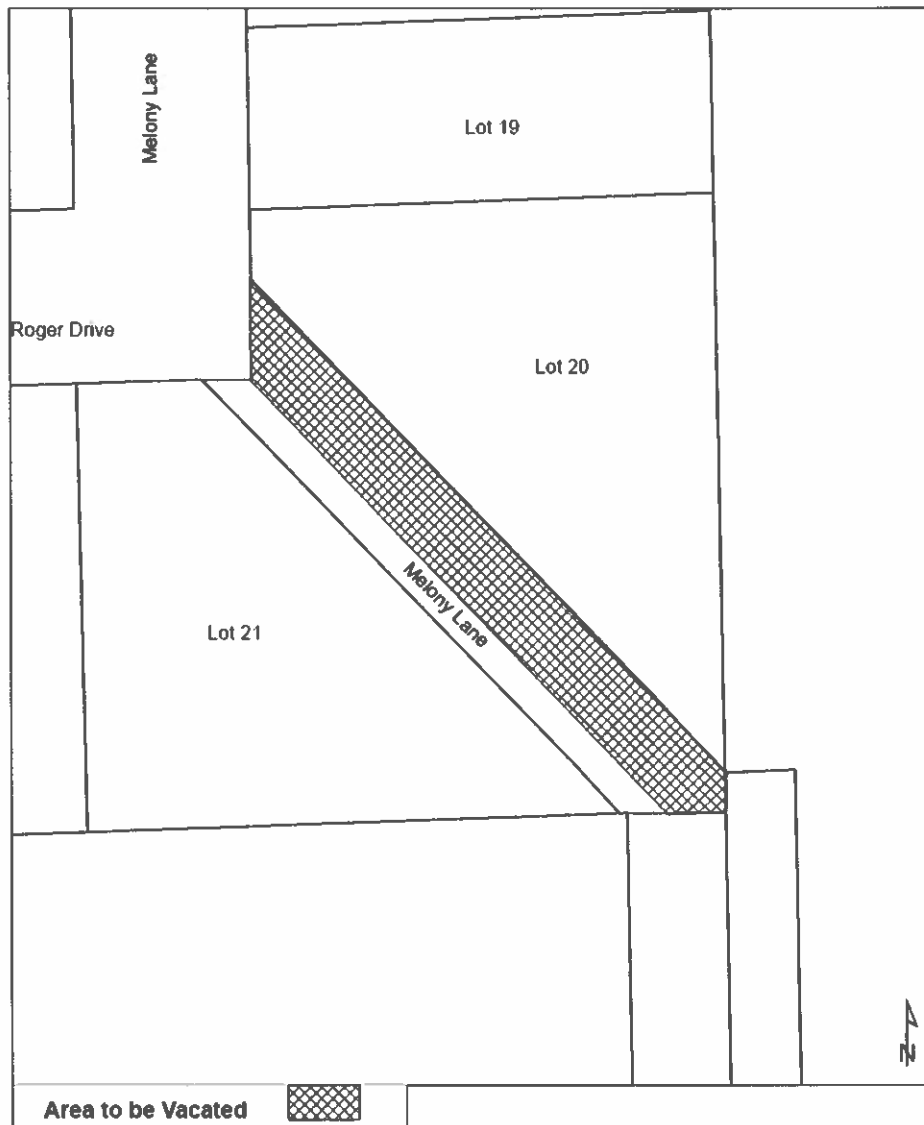


David Bundy

Emily Prosser



Exhibit A



Melony Lane Vacation Description

A portion of the Melony Lane public right of way in Woodcrest Addition to the City of Auburn, DeKalb County, Indiana, according to the plat thereof recorded in Plat Book 4 at page 123 in the Office of the Recorder of DeKalb County, Indiana, being more particularly described as follows:

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CITY OF AUBURN - COMMON
COUNCIL

NOTICE OF PUBLIC HEARING TO
VACATE PUBLIC RIGHT-OF-WAY

The City of Auburn Common Council will hold a Public Hearing on Tuesday, October 17, 2023 at 6:00 PM in the Norman E. Yoder Council Chambers, Auburn City Hall, 206 East Ninth Street, Auburn, Indiana. At the Public Hearing, the Common Council will consider a request filed by the Mayor of the City of Auburn, Indiana to vacate a portion of the northwesterly-southeasterly oriented Melony Lane right-of-way in the Woodcrest Addition to the City of Auburn, Indiana. The portion of Melony Lane requested to be vacated is located adjacent to and immediately west of 300 Melony Lane and is south of Roger Drive. The described portion of the Melony Lane right-of-way was platted as part of the Woodcrest Addition to the City of Auburn, recorded in 1955.

The complete file on this project, including a map and detailed description of the right-of-way to be vacated, is available for review between 8 AM and 4 PM local time Monday through Friday in the City of Auburn's Department of Building, Planning, and Development located in Auburn City Hall at 210 South Cedar Street, Auburn, Indiana.

The Public Hearing is open to all and the opportunity to speak will be offered to all. Written comments filed with the Clerk-Treasurer of the City of Auburn prior to the Public Hearing will be considered. Written comments may be submitted to clerktreasurer@ci.auburn.in.us, or mailed or hand-delivered to the Department of Building, Planning and Development, 210 South Cedar Street, PO Box 506, Auburn IN 46706. Written comments will also be accepted during the Public Hearing. The hearing may be continued from time to time as necessary.

The City of Auburn will make reasonable accommodations to people with disabilities. Any person with special needs should contact the ADA Coordinator, Bill Brandon at (260)925-6455 or the Clerk-Treasurer's Office at (260)925-6450 at least 72 hours before the scheduled meeting to discuss necessary special accommodations.

Questions about the annexation should be directed to the Department of Building, Planning and Development at (260)925-6449 or bpd@ci.auburn.in.us

10/5, 2023, hspaxlp

Column Software PBC
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Bill to
 City of Auburn

Invoice number 495F158A-0075
 Notice ID Fqy9WVfLptT QToNaw6I0
 Order Number
 Publisher The Star
 Date of issue Sep 29, 2023
 Date due Oct 29, 2023
 Amount due **\$31.36**

Description	Qty	Unit price	Amount
10/05/2023: Government Legals Notice	1	31.36	31.36

=== Notes ===

Notice Name: PH Notice vacate right of way Melony Lane

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Tax	0.00
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STATE OF INDIANA
DEKALB COUNTY

Advertiser City of Auburn
Notice ID Fgy9WVfLptTQToNaw6I0

THE STAR

I, Ann Saggars, of lawful age, state that I am the legal clerk for the above named paper in the city of Auburn. The Star is a daily newspaper of general circulation printed and published in said County and State. The notice herewith attached was published in said daily edition of the newspaper on the following date(s):

Thursday, October 5, 2023

Additionally, The Star has a Web site and this public notice was posted on the same day as it published in the newspaper.

Date: _____

Legal Clerk

CITY OF AUBURN – COMMON
COUNCIL

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10/5, 2023, hspaxlp