

Received electronically 05/24/2024

1ST READING 06/04/2024

2ND READING 06/18/2024

SOLELY FOR PURPOSE OF RECORDING NOT
TO TRANSFER TITLE OF OWNERSHIP

202403074

07/03/2024 01:40:14 PM

RECORDER OF DEKALB CO, IN

LETA HULLINGER

RECORDED AS PRESENTED

FEE AMOUNT: 25.00

JUL 03 2024

Susan Stipan
AUDITOR DEKALB COUNTY

ORDINANCE NO. 2024-10
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 north-south alley right-of-way adjacent to 714 Hazel Street.

The right-of-way proposed to be vacated includes a portion of the sixteen-foot (16') north-south alley right-of-way between Lot 8, lot 9, Lot 15 and Lot 16 in W.O. Kuhlman's Addition to Auburn, Indiana, platted and recorded in 1923.

- | | | | |
|-------------------------------------|---|-------------------------------------|----------------------------|
| <input checked="" type="checkbox"/> | Recorder's Office | <input checked="" type="checkbox"/> | Publish Public Hearing |
| <input type="checkbox"/> | Auditor's Office | <input type="checkbox"/> | |
| <input type="checkbox"/> | Clerk's Office | <input checked="" type="checkbox"/> | Publish O/R after Adoption |
| <input type="checkbox"/> | Other | <input type="checkbox"/> | |
| <input checked="" type="checkbox"/> | Building Department | | |
| <input checked="" type="checkbox"/> | Engineering Department | | |
| <input type="checkbox"/> | DeKalb County Plan Commission | | |
| <input checked="" type="checkbox"/> | Internet Code Site - Council Ordinances | | |

Recorder Received July 3 10:29 AM
Delivered to: Auditor/ma 10:30 AM
Delivered to: _____ m

Tx:4094112
DocId:8126766



ORDINANCE NO. 2024-10
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 Caleb Decker; and

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

A section of the sixteen-foot (16') north-south alley right-of-way located between Lot 8, Lot 9, Lot 15 and Lot 16 as platted as part of W.O. Kuhlman's Addition to Auburn, Indiana, excluding the south three feet (3') of the alley right-of-way located between Lot 9 and Lot 16 in W.O. Kuhlman's Addition to Auburn, Indiana.

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

WHEREAS, a Public Hearing was held on June 4, 2024 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 June 18, 2024, 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.

The remaining 16' north-south alley right-of-way platted in W.O. Kuhlman's Addition to the City of Auburn, Indiana, shall remain as originally platted in 1923.

Section 3.

Once this document is executed and recorded, the entire vacated right-of-way located between Lot 8 and Lot 15 shall be conveyed to Caleb W. Decker as the owner of the adjacent

Lot 15 in W.O. Kuhlman’s Addition to Auburn, Indiana, as per the agreement attached as Exhibit B, between Caleb W. Decker and Tony Patrick and Candace Elik, owners of the adjacent Lot 8 in W.O. Kuhlman’s Addition to Auburn, Indiana, who has consented to the vacation of the 16’ north-south alley right-of-way and consented to all of the vacated land area adjacent to their property being conveyed to Caleb W. Decker.

Section 4.

Once this document is executed and recorded, the east half of the vacated right-of-way adjacent to Lot 9 in W.O. Kuhlman’s Addition to Auburn, Indiana shall be conveyed to John and Rosalie Fugate as the owner of the adjacent Lot 9 in W.O. Kuhlman’s Addition to Auburn, Indiana, and the west half of the vacated right-of-way adjacent to Lot 16 in W.O. Kuhlman’s Addition to Auburn, Indiana shall be conveyed to Caleb W. Decker as the owner of the adjacent Lot 16 in W.O. Kuhlman’s Addition to Auburn, Indiana; excluding the south three feet (3’) of the alley right-of-way located between Lot 9 and Lot 16 in W.O. Kuhlman’s Addition to Auburn, 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.

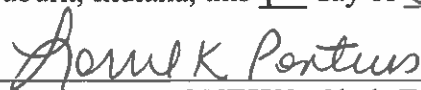
PASSED AND ADOPTED by the Common Council of the City of Auburn, Indiana, this 18th day of June, 2024.


James Finchum, Council Member

ATTEST:


Lorrie K. Pontius, Clerk-Treasurer

Presented by me to the Mayor of the City of Auburn, Indiana, this 18th day of June, 2024.


LORRIE K. PONTIUS, Clerk-Treasurer

APPROVED AND SIGNED by me this 18th day of June, 2024.


DAVID E. CLARK, JR, Mayor

VOTING:

AYE

NAY

Natalie DeWitt, President



Rod Williams



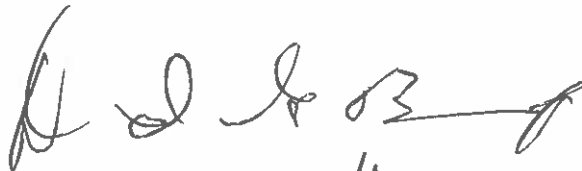
James Finchum



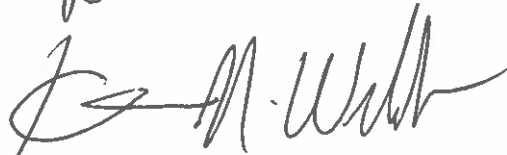
Dan Braun



David Bundy



Kevin Webb



Emily Prosser




Exhibit A

1st READING _____
2nd READING _____



A section of the sixteen foot (16') north-south alley right-of-way located between Lot 8, Lot 9, Lot 15 and Lot 16 in W.O. Kuhlman's Addition to Auburn, Indiana, excluding the south three feet (3') of the alley right-of-way located between Lot 9 and Lot 16 in W.O. Kuhlman's Addition to Auburn, Indiana.

ALLEY VACATION REQUEST


714 Hazel Street

As owner(s) of the property common known as 711 Dallas Street, and legally described as Lot Numbered Eight (8) in W.O. Kuhlman's Addition to Auburn, Indiana, I do hereby consent that the east one-half of the vacated sixteen foot (16') alley located west of and adjacent to my property be transferred to Caleb W. Decker, as owner of the adjacent property to the west, common known as 714 Hazel Street and legally described at Lot Numbered Fifteen (15) in W.O. Kuhlman's Addition to Auburn, Indiana. I acknowledge Caleb Decker would obtain ownership of the entire sixteen foot (16') vacated alley adjacent to my property.

Signed this 23 day of May, 2024.



Property Owner



Property Owner