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Clerk-Treasurer Office  
Auburn, Indiana

**ORDINANCE NO. 2014-04**

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

**SUMMARY**

This ordinance proposes to amend a portion of the zoning map of the City of Auburn by changing the zoning of R-2 Single-Family Residential District to C-2 General Commercial District. The City of Auburn Plan Commission by certification recommends this change.

_____ 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

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**ORDINANCE NO. 2014-04**

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

**WHEREAS**, the Plan Commission of the City of Auburn has recommended rezoning certain real estate located in the City of Auburn, Auburn, Indiana and

**WHEREAS**, the Plan Commission of the City of Auburn has certified the action recommending rezoning of certain real estate in the City of Auburn, Indiana,

**WHEREAS**, Indiana Code Section 36-7-4-607 provides for changing R-2 district to C-2 district by way of Amending the zoning map, and

**NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF  
THE CITY OF AUBURN, INDIANA:**

**Section I.**

The Zoning Map of the City of Auburn shall be amended to change the zoning from R-2 Single-Family Residential District to C-2 General Commercial District the following described real estate located in DeKalb County, Indiana, to-wit:

**GENERAL DESCRIPTIONS FOR R-2 Single-Family Residential District to C-2 General Commercial District DISTRICT ZONING.**

**AREA 1**

1751 Wesley Road

Legal Description:

Commencing at a Harrison Monument marking the Southwest corner of the Southeast Quarter of Section 28, Township 34 North, Range 13 East, Union Civil Township, DeKalb County, Indiana; thence North 01 degree 29 minutes 38 seconds East (an assumed bearing and basis of all bearings herein described), along the West line of said Southeast Quarter, a distance of 670.20 feet to a 5/8 inch rebar marking the POINT OF BEGINNING.

Thence South 89 degrees 59 minutes 09 seconds East and parallel with the South line of said Southeast Quarter, a distance of 325.0 feet; North 01 degrees 29 minutes 38

seconds East and parallel with the West line of said Southeast Quarter, a distance of 554.70 feet to a Railroad Spike on the Centerline of County Road 40A; thence south 67 degrees 37 minutes 14 seconds West, along the Centerline of said County Road 40A, a distance of 355.29 feet to a Railroad Spike on the West line of said Southeast Quarter; thence South 01 degrees 29 minutes 38 seconds West along said West line, a distance of 419.30 feet, to the POINT OF BEGINNING containing 3.63 acres more or less.

AND

## AREA 2

1700 East Seventh Street

### Legal Description:

A tract of land located in the Southeast Quarter of Section 28, T34N, R13E, in DeKalb County, the State of Indiana, more fully described as follows:

COMMENCING at a Harrison Marker situated in the Southwest corner of said Southeast Quarter; Thence North 87 Degrees 49 Minutes 26 Seconds East (Indiana State Plane Coordinate System East Zone – GPS Grid Basis of Bearings), a distance of 325.00 feet along the South line of said Southeast Quarter to a Marker Spike with tag (FIRM 0042) in the Southwest corner of the tract of land described in the conveyance to DeKalb County, Indiana in DeKalb County Deed Record 203, page 494; Thence North 0 Degrees 42 Minutes 10 Seconds West, a distance of 670.20 feet along the West line of said DeKalb County tract to a Rebar stake with cap (FIRM 0042) in the Northwest corner thereof; Thence South 87 Degrees 49 Minutes 26 Seconds West, a distance of 325.00 feet along the South line of the tract of land described in the conveyance to Auburn Investments, LLC in DeKalb County Deed Record 218, page 249 to a Rebar stake with cap (Russell) in the Southwest corner thereof; Thence South 0 Degrees 42 Minutes 10 Seconds West, a distance of 670.20 feet along the West line of said Southeast Quarter to the PLACE OF COMMENCING, said tract containing 5.00 Acres, more or less, and being subject to all public road rights-of-way and to all easements of record.

The foregoing description was taken from a survey prepared by DA Brown Engineering Consultants on August 3, 2012 as Job Number 1206-03-00 1 and more accurately describes the real estate conveyed to Grantor in that certain Deed dated March 26, 1973 and recorded March 30, 1973 in the Office of the Recorder of DeKalb County, Indiana at Deed Record 154, Page 301, which historical legal description is as follows:

The following described real estate situate in DeKalb County, State of Indiana, to-wit:

Beginning at the South-west corner of the South-east Quarter of Section 28, Township 34 North, Range 13 East and from thence as follows, East on section line 325.0 feet, thence North parallel with quarter section line 670.2 feet, thence West parallel with section line 325.0 feet to quarter section line, thence South on quarter section line 670.2 feet to the place of beginning.

Enclosing an area containing 5.0 acres.

AND

### AREA 3

1313 East Seventh Street

#### Legal Description:

Part of the East Half (1/2) of the West Half (1/2) of Section Thirty-Three (33), Township Thirty-Four (34) North, Range Thirteen (13) East, Union Civil Township, DeKalb County, Indiana and more particularly described as follows: Beginning at a point on the North line of Section 33, said point being a railroad spike found North 89 degrees 12 minutes 55 seconds East (assumed bearing and basis of all bearings to follow), 130.00 feet from the Northwest corner of the East Half (1/2) of the West Half (1/2) of said Section 33; thence North 89 degrees 12 minutes 55 seconds East, 200.80 feet on and along said North line of Section 33 to a railroad spike set; thence South 00 degrees 13 minutes 27 seconds West, 677.26 feet to an iron rod set on the North right-of-way line of the former Pennsylvania Railroad; thence South 64 degrees 11 minutes 47 seconds West, 331.11 feet on and along said North right-of-way line of former Pennsylvania Railroad to an iron rod set on the east right-of-way line of Duesenberg Road; thence North 00 degrees 00 minutes 19 seconds East, 645.28 feet on and along said East right-of-way line of Duesenberg Road to an iron pipe found; thence North 89 degrees 13 minutes 15 seconds East, 100.01 feet to an iron pipe found; thence North 00 degrees 01 minutes 48 seconds West, 171.99 feet to the point of beginning. The above described tract of land is one and the same as that conveyed by Health Care Centers, Inc. to Somerset Corp. in Corporate Special (limited) Warranty Deed dated January 2, 1980 and recorded in DeKalb County, Indiana Recorder's Office at Deed Record 171, page 508.

#### EXCEPTING THEREFROM THE FOLLOWING DESCRIBED REAL ESTATE, TO-WIT:

A part of the East half of the West Half of Section 33, Township 34 North, Range 13 East, DeKalb County, Indiana, and being all that part of Deed Record 209 page 224, lying within the right of way lines depicted on the Route Survey Plat of Indiana Department of Transportation Project ST-J091 (C) recorded as Instrument #97-8988, in the Office of the Recorder of DeKalb County, Indiana, and particularly described as follows: Commencing at the northwest corner of the East half of the West half of said section; thence North 89 degrees 44 minutes 57 seconds East 39.625 meters (130.00 feet) along the north line of said section to the west line of the owners' land; thence South 0 degrees 39 minutes 06 seconds East 9.144 meters (25.00 feet) along said west line to the south boundary of S. R. 8 and the point of beginning of this description; thence North 89 degrees 44 minutes 47 seconds East 61.20 meters (200.80 feet) along the boundary of said S.R. 8 to the east line of the owners' land; thence South 0 degrees 39 minutes 06 seconds West 1.524 meters (5.00 feet) along said east line; thence south 89 degrees 44 minutes 47 seconds West 61.204 meters (200.80 feet) to the west line of the owners' land; thence North 0 degrees 39 minutes 06 seconds East 1.524 meters (5.00 feet) along said west line to the point of beginning and containing 0.0093 hectares (0.023 acres).

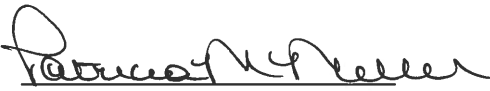
Attached as **Exhibit "A"** to this Ordinance is an aerial photo of the area, which further provides identification of the zoning area.

**BE IT FURTHER ORDAINED** that this Ordinance be in full force and effect from and after publication in a newspaper of general circulation in DeKalb County, Indiana.


**PASSED AND ADOPTED** by the Common Council of the City of Auburn, Indiana, this 18 day of March, 2014.

  
\_\_\_\_\_  
**JAMES FINCHUM**, Councilmember


**ATTEST:**

  
\_\_\_\_\_  
Patricia Miller  
Clerk-Treasurer

Presented by me to the Mayor of the City of Auburn, Indiana, this 18 day of March, 2014.

  
\_\_\_\_\_  
**PATRICIA MILLER**,  
Clerk-Treasurer

**APPROVED AND SIGNED** by me this 18 day of March, 2014.

  
\_\_\_\_\_  
**NORMAN E. YODER**,  
Mayor

**VOTING:**


**AYE**

**NAY**

Dennis (Matthew) K. Kruse II



James Finchum



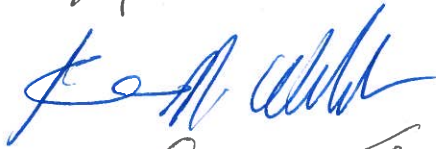
David Painter



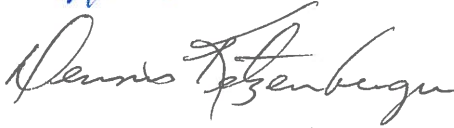
Michael Watson



Kevin Webb



Dennis Ketzenberger



Michael Walter



### EXHIBIT A

