

**ORDINANCE NO. 2014-13**

**VACATING A PORTION OF AN ALLEYWAY NEAR 12th STREET  
LOCATED IN THE CITY OF AUBURN, INDIANA**

**WHEREAS**, a petition was filed with the City of Auburn, Indiana to vacate a portion of an alleyway that runs from 12<sup>th</sup> Street to the south onto the property owned by DeKalb County Central United School District and dead ending at the McKenney-Harrison Elementary School north side parking lot; and

**WHEREAS**, a public hearing of the City of Auburn Common Council was held on the 21<sup>st</sup> day of October at 6:00 P.M. at the Auburn Common Council Chambers regarding the petition for vacation, and

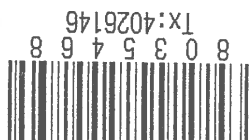
**WHEREAS**, the adjoining landowners have been given proper notice of said hearing; and

**WHEREAS**, a first reading of the ordinance was held on October 7, 2014 and a second and final reading was held on October 21, 2014; and

**WHEREAS**, after due consideration and opportunity for public notice and comment;

Solely for purpose of recording  
not to transfer title of ownership  
*John W. Fetterman*  
Auditor DeKalb County

10/29/14



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

**Section 1.**

The alleyway to be vacated is identified on the Miller Land Surveying, Inc. Survey of May 5, 2014 by Brett R. Miller (said survey is incorporated by reference herein). The vacated portion of the alleyway begins at Twelfth Street between lots 41 and 40 of the Brandt & Ashley Addition of the City of Auburn, Indiana and travels north onto the real estate of McKenny-Harrison Elementary School, which is owned by DeKalb County Central United School District. The width of the vacated alley is approximately 12 feet in width. The area is vacated in favor of DeKalb County Central United School District. The entire vacated area of the alleyway is located on property used as a parking lot by McKenney-Harrison Elementary School.

**Section 2.**

The alleyway is located on the north side of the real estate adjacent to 12<sup>th</sup> Street and is located on the McKenney-Harrison Elementary School property. The entire real estate encompassing McKenney-Harrison Elementary School is legally described as follows:

A part of the North West quarter of Section Thirty two (32) in Township Thirty four (34) North of Range Thirteen (13) East bounded on the west by the West line of said Section thirty two on the north by land owned by George Brandt on the East by the east boundary line of the Western addition to the Town of Auburn and on the South by land owned by William McIntire said premises hereby conveyed containing five (5) acres of land.

Together with:

Lots numbered forty five (45), forty six (46), forty seven (47), and forty eight (48), in Brandt and Ashley's Addition to the Town of Auburn in said DeKalb County.

Except therefrom:

A right of way for construction, maintenance and operation of a public street over the North twenty two (22) feet of Lots numbered forty five (45), forty six (46), forty seven (47), and forty eight (48), in Brandt and Ashley's Addition to the City of Auburn, Indiana, as the same were originally platted.

Except therefrom:

That portion of Indiana Street (Rail Road Street) and Fourteenth Street (Church Street) right-of-ways that are depicted on the recorded plat of Fluke's Addition to the Town of Auburn, DeKalb County, Indiana and McIntyre's Addition to the Town of Auburn, DeKalb County, Indiana.

Also:

Lots numbered forty four (44) Brandt and Ashley's Addition to the Town of Auburn in said DeKalb County.

Also:

Lots numbered nine (9) ten (10) and eleven (11) in McIntyre's Addition to the Town of Auburn, in said DeKalb County.

**Section 3.**

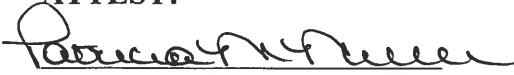
The City of Auburn and all utilities serving said real estate described herein shall retain an easement over the vacated alleyway for the purpose of maintaining any current or future utilities.

**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.

  
James Finchum, Councilmember

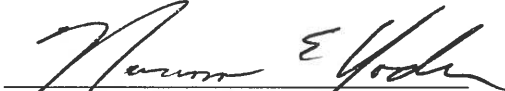
**ATTEST:**

  
Patricia Miller, Clerk-Treasurer

Presented by me to the Mayor of the City of Auburn, Indiana, this 21<sup>st</sup> day of October, 2014.

  
PATRICIA MILLER, Clerk-Treasurer

APPROVED AND SIGNED by me this 21<sup>st</sup> day of October, 2014.

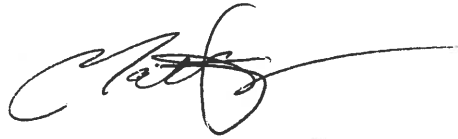
  
NORMAN E. YODER, Mayor

VOTING:

AYE

NAY

Matthew (Dennis) Kruse



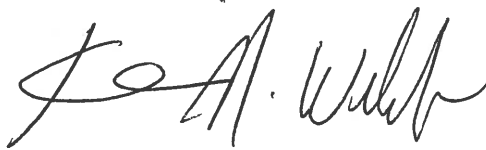
Michael Watson



David Painter



Kevin Webb

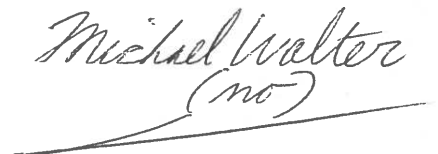


James Finchum

Denny Ketzenberger



Michael Walter

  
(no)

I affirm, under the penalties of perjury,  
that I have taken reasonable care to  
redact each social security number in  
this document, unless required by law.

Tina M. Shupe Mayor