

Received 11/13/2017
Clerk-Treasurer email
Auburn, IN

**ORDINANCE NO. 2017-19
AN ORDINANCE VACATING RIGHT-OF-WAY
IN THE CITY OF AUBURN, INDIANA**

SUMMARY

This ordinance vacates a portion of West Thirteenth Street in the Western Addition to the City of Auburn in accordance with Indiana Code §36-7-3-12.

The right-of-way proposed to be vacated includes the 300 block of West Thirteenth Street from South Van Buren Street to what was formerly Van Auken Street. The City of Auburn shall retain a public utility easement over said real estate to maintain existing utility infrastructure in accordance with Indiana Code §36-7-3-16. A full copy of said ordinance is available for inspection at the office of the Clerk-Treasurer, City of Auburn or on the City of Auburn's internet website at www.ci.auburn.in.us.

<u> X </u>	Recorder's Office	<u> X </u>	Publish Public Hearing
<u> </u>	Auditor's Office	<u> </u>	Tuesday, December 5, 2017
<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		

**ORDINANCE NO. 2017-19
AN ORDINANCE VACATING RIGHT-OF-WAY
IN THE CITY OF AUBURN, INDIANA**

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

The 300 block of West Thirteenth Street from South Van Buren Street to what was formerly Van Auken Street. The street right-of-way is 66-feet wide and 297 feet long.

WHEREAS, a Public Hearing was held on December 5, 2017 at 6:00 PM by the City of Auburn Common Council in the City Council Chambers regarding the right-of-way vacation; 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 was held on December 5, 2017, 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.

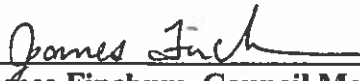
The right-of-way to be vacated is illustrated in Exhibit A, consisting of two (2) pages, which is attached hereto and made a part hereof further setting forth the area being vacated.

Section 2.

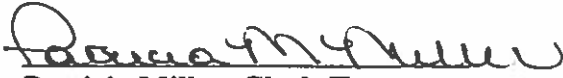
The Municipal City of Auburn shall retain an easement across the vacated right-of-way for the purpose of maintaining existing utility infrastructure. The Municipal City of Auburn shall have the right to maintain and repair existing utilities within said vacated right-of-way but shall not install any additional utilities.

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. A full and complete copy of the Ordinance shall be kept on the City of Auburn website under the Council information at www.ci.auburn.in.us.

PASSED AND ADOPTED by the Common Council of the City of Auburn,
Indiana, this 5 day of December, 2017.


James Finchum, Council Member


ATTEST:


Patricia Miller, Clerk-Treasurer

Presented by me to the Mayor of the City of Auburn, Indiana, this 5 day of
December, 2017.


PATRICIA MILLER, Clerk-Treasurer

APPROVED AND SIGNED by me this 5 day of December, 2017.


NORMAN E. YODER, Mayor

VOTING:

AYE

NAY

James Finchum

James Finch

Dennis Ketzenberger

Dennis Ketzenberger

Dennis (Matthew) K. Kruse II

Dennis (Matthew) K. Kruse II

Wayne Madden

Wayne A. Madden

Michael Walter

Michael Walter (nay)

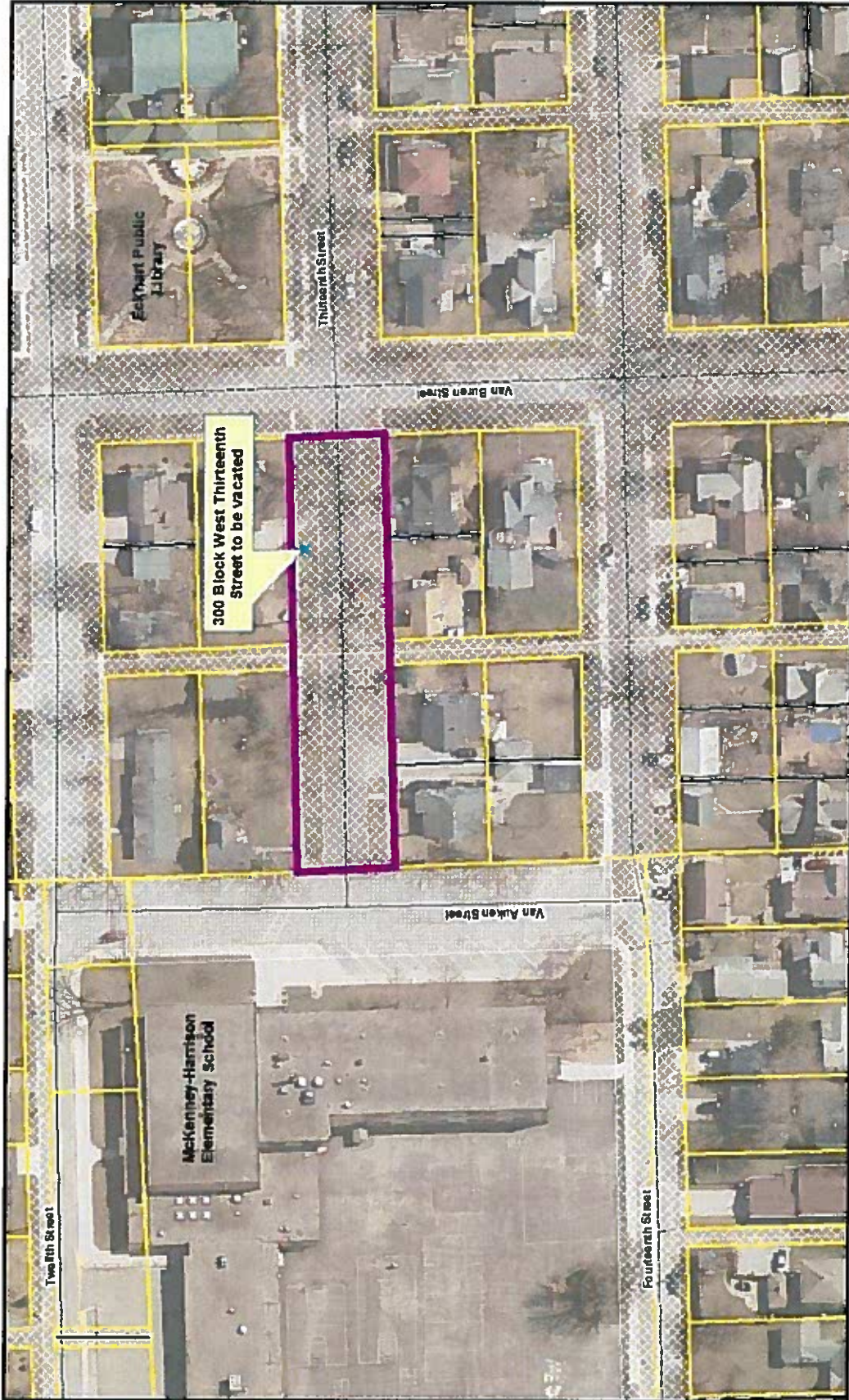
Michael Watson

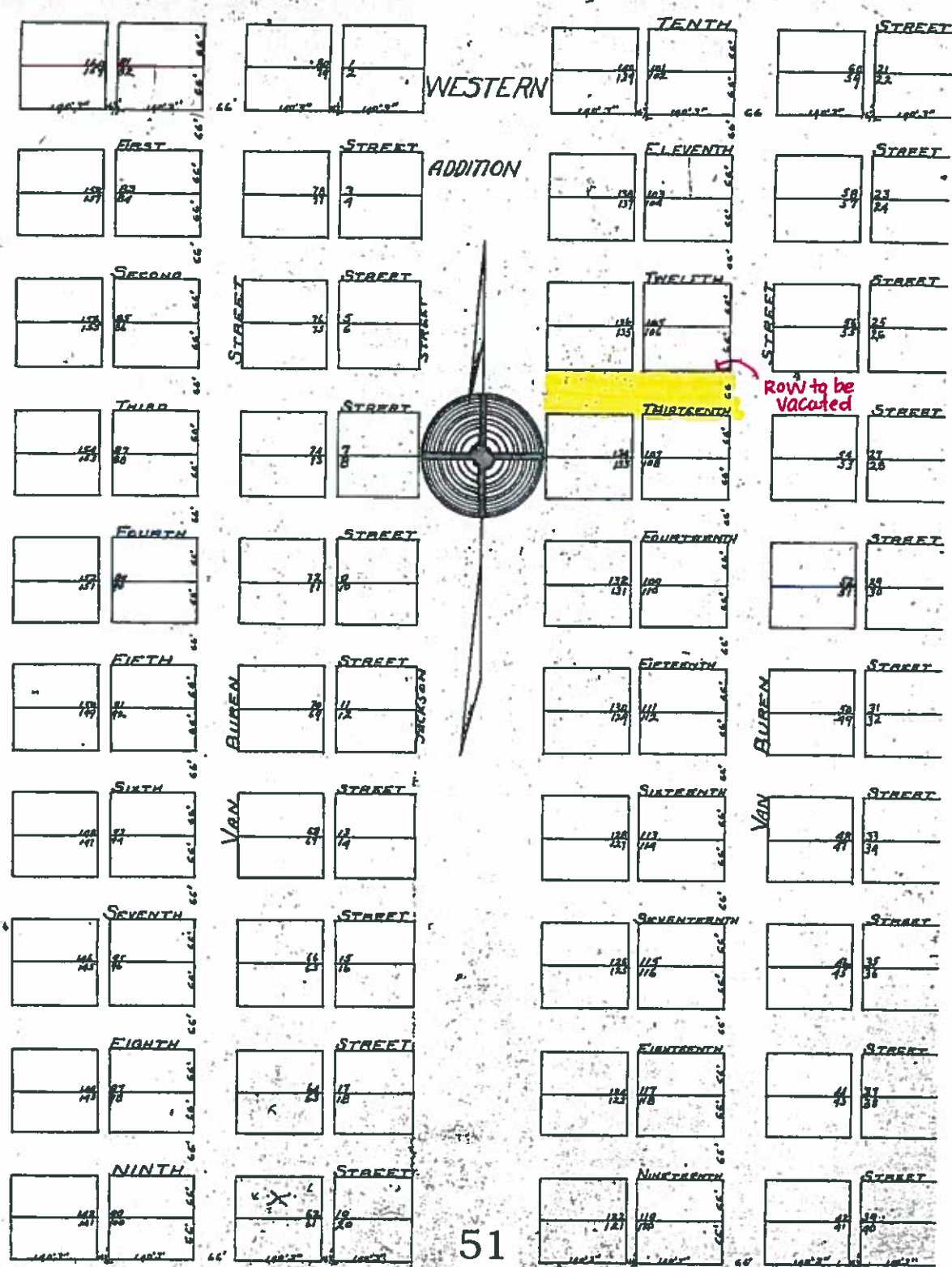
Michael Watson

Kevin Webb

Kevin Webb

Exhibit A





THE WESTERN ADDITION TO THE TOWN OF BUREAU IS LOCATED IN THE SW 1/4 SEC. 29 AND IN THE NW 1/4 SEC. 32, T. 34 N., R. 13 E., IN DONALD COUNTY, INDIANA, AND IS Laid

THEY SHOULD BE USED FOR ANY OTHER PURPOSE THAN FOR THE ERECTION OF CHURCHES THEREON, AND RELIGIOUS BUILDINGS SHALL REVERT TO THE DONORS AND PROVIDED FURTHER THAT TO ANY INTEREST FOR THE SAME DENOMINATION OR CHRISTIANS
 RECORDED JAN. 27, 1838
 JOHN SPENCER