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RECORDER OF DEKALB CO, IN

LETA HULLINGER

RECORDED AS PRESENTED

FEE AMOUNT: 25.00

SOLELY FOR PURPOSE OF RECORDING NOT
TO TRANSFER TITLE OF OWNERSHIP

JUL 02 2024

Erin Steyer
AUDITOR DEKALB COUNTY

ORDINANCE NO. 2024-11
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 east-west alley right-of-way located south of 606 Phillip Street.

The right-of-way proposed to be vacated includes that portion of the twenty-foot (20') east-west alley right-of-way located between Lot 27 and Lot 28 in Caruth's Addition to the City of Auburn, Indiana.

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> </u> | Auditor's Office | <u> </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 | | |



ORDINANCE NO. 2024-11
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 Andrew Brown; and

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

The twenty-foot (20') east-west alley right-of-way located between Lot 27 and Lot 28 in Caruth'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.

A utility 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.

Section 3.

The remaining twenty-foot (20') east-west alley right-of-way platted between Lot 5 and Lot 6 in Caruth's Addition to the City of Auburn, Indiana shall remain as originally platted.

Section 4.

Once this document is executed and recorded, the north one-half of the vacated right-of-way


shall be conveyed to Andrew T. Brown and Kelsi R. Zerns as the owner of the adjacent Lot 28 in Caruth's Addition to Auburn, Indiana, and the south one-half of the vacated right-of-way shall be conveyed to Danielle Lumba as the owner of the adjacent Lot 27 in Caruth'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.

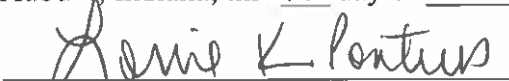
PASSED AND ADOPTED by the Common Council of the City of Auburn, Indiana, this 18th day of June, 2024.


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



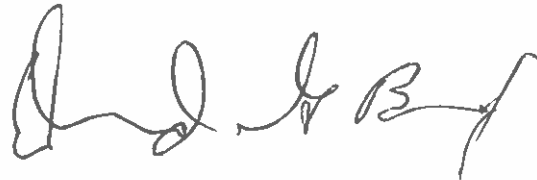
James Finchum



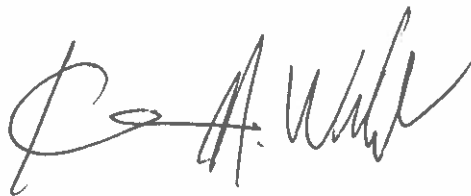
Dan Braun



David Bundy



Kevin Webb



Emily Prosser

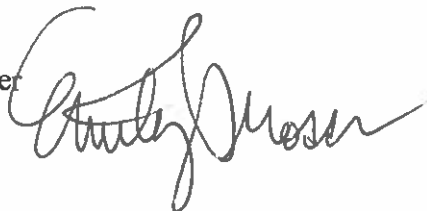


Exhibit A



The twenty-foot (20') east-west alley right-of- located between Lot 27 and Lot 28 in Caruth's Addition to Auburn, Indiana.