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1<sup>ST</sup> READING 07/16/2024

2<sup>ND</sup> READING 08/06/2024

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09/24/2024 12:06:11 PM  
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

SEP 24 2024

ORDINANCE NO. 2024-16

*Jenny Slupin*  
AUDITOR DEKALB COUNTY

**AN ORDINANCE FOR THE ANNEXATION OF TERRITORY  
INTO THE CITY OF AUBURN**

**SUMMARY**

This ordinance annexes 78± acres of land, known as the Thomas L. Smith CR35 Annexation Area, into the City of Auburn.

<u>    X    </u>	Recorder's Office	<u>    X    </u>	Publish Public Hearing
<u>    X    </u>	Auditor's Office	_____	
<u>    X    </u>	Clerk's Office	<u>    X    </u>	Publish O/R after adoption
<u>    X    </u>	Building Department		
_____	Engineering Department		
_____	DeKalb County Plan Commission		
<u>    X    </u>	Internet Code Site – Council Ordinance		

Tx:4095514

DocId:8128534



**ORDINANCE NO. 2024-16**

**AN ORDINANCE FOR THE ANNEXATION OF TERRITORY  
INTO THE CITY OF AUBURN**

**WHEREAS**, a Petition for Annexation into the City of Auburn was filed by the following contiguous landowners: Thomas Lee Smith and Catherine Ann Smith, Trustees of the Smith Living Trust, for a 17.55 acre parcel of land located at the southeast corner of State Road 8 and County Road 35; Financial Building, LLC for a .83 acre parcel of land located at 4571 County Road 35; Felke Properties, LLC for a .83 acre parcel of land located south of 4571 County Road 35; TCS Properties of DeKalb County, Inc. for a 40.01 acre parcel of land located on the east side of County Road 35, south of the Cliff Metcalf County Drain; and Thomas Lee Smith and Catherine Ann Smith, Trustees of the Smith Living Trust, for a 16.62 acre parcel of land located on the west side of County Road 35 south of the Hunter's Glen subdivision, all combined parcels totaling 78± acres and known as the Thomas L. Smith CR 35 Annexation Area; and

**WHEREAS**, a Fiscal Plan has been prepared and adopted by Resolution in accordance with Indiana Code 36-4-4-3.1 IC; and

**WHEREAS**, the annexation area exceeds the contiguity requirements of IC 36-4-4-1.5; and

**WHEREAS**, the Common Council of the City of Auburn has determined annexation of the area to be in the best interest of future growth and development of the community; and

**WHEREAS**, said Petition for Annexation is a Super Voluntary Annexation, because all property owners have requested and consented to be annexed into the City limits of the City of Auburn, Indiana.

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

**Section I:**

The following described real estate located in DeKalb County, Indiana, is hereby annexed into the City of Auburn, a map of which is attached as Exhibit A:

Thomas Lee Smith and Catherine Ann Smith, Trustees of the Smith Living Trust (Parcel #17-06-34-100-004.000-024):

Sixty acres of land off of the west side of the northwest quarter of Section 34, Township 34 North, Range 13 East.  
EXCEPTING THEREFROM: A tract of land described as commencing at the North-west corner of the North-west

Quarter of Section thirty-four (34) Township Thirty four (34) North, Range thirteen (13) East; thence East two hundred and fifty feet (250); thence South two hundred (200) feet to the center of the highway; thence in Northwesterly direction along the center of said highway three hundred (300) feet; thence North forty (40) feet to the place of beginning.

ALSO EXCEPTING THEREFROM: Beginning at a point on the north line of Section 34, Township 34 North, Range 13 East, said point being 250 feet east of the northwest corner of said section 34 aforesaid township and range, thence east on the section line 730 feet, thence south 1 degree and 30 minutes east 728 feet to the center of the Indiana State Highway Number 8; then north 53 degrees and 30 minutes west on the center line of said highway 897 feet, then north parallel with the land lines 200 feet to the beginning point. Area 7.78 acres more or less.

ALSO EXCEPTING THEREFROM: Lot 1 and Lot 2 in the Replat of Plaza 35, a subdivision located in the northeast quarter, Section 34, Township 34 North, Range 13 East, DeKalb County, State of Indiana" as recorded in the DeKalb County Recorder's Office as Document number: 201903967

ALSO EXCEPTING THEREFROM: Part of the Northwest Quarter (1/4) of section Thirty- four (34), Township Thirty-four (34), Range Thirteen (13) East, Union Civil Township, DeKalb County, Indiana and more particularly described as follows:

Commencing at the Northwest corner of the Northwest Quarter (1/4) of said Section 34; thence South 2 degrees 09 minutes 28 seconds West (assumed bearing and basis of all bearings to follow in this description), 596.98 feet on and along the West line of said Northwest Quarter (1/4) to a railroad spike, said point being the true point of beginning of this description; thence South 87 degrees 50 minutes 32 seconds East, 295.16 feet normal to said West line to a 5/8 inch rebar; thence South 2 degrees 09 minutes 28 seconds West, 295.16 feet parallel with said West line to a 5/8 inch rebar; thence North 87 degrees 50 minutes 32 seconds West, 295.16 feet normal to said West line to a railroad spike on the West line of said Northwest Quarter (1/4); thence North 2 degrees 09 minutes 28 seconds East, 295.16 feet on and along said West line to the point of beginning, containing 2.000 acres.

ALSO EXCEPTING THEREFROM: A part of the Northwest Quarter of Section 34, Township 34 North, Range 13 East, DeKalb County, Indiana, described as follows: Commencing at the northwest corner of said section; thence south 2 degrees 09 minutes 28 seconds West 404.41 feet along the west line of said section; thence South 87 degrees 50 minutes 32 seconds East 20.00 feet to the east boundary of County Road 35 and the point of beginning of this description: thence North 2 degrees 09 minutes 28 seconds East 335.60 feet along the boundary of said County Road 35 to the southwestern boundary of said S.R. 8; thence South 53 degrees 00 minutes 00 seconds East 854.47 feet along the boundary of said S.R. 8; thence North 69 degrees 41 minutes 57 seconds West 104.40 feet; thence North 53 degrees 00 minutes 00 seconds West 305.89 feet; thence North 58 degrees 08 minutes 49 seconds West 284.75 feet; thence North 83 degrees 17 minutes 03 seconds West 67.36 feet; thence South 12 degrees 27 minutes 06 seconds West 204.40 feet to the point of beginning and containing 0.870 acres, more or less.

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

A part of the Northwest Quarter (1/4) and a part of the Southwest Quarter (1/4) of Section Thirty-four (34), Township Thirty-four (34) North, Range Thirteen (13) east, Second Principal Meridian, Union Civil Township, DeKalb County, Indiana and being more particularly described per "original" survey by Michael C Kline Associates, Inc. Job No. 00107, dated May 1, 2002 as follows:

Beginning at the Southwest corner of the Northwest Quarter (1/4) of said Section 34, said point marked by a railroad spike; thence South 01 degrees 16 minutes 12 seconds east, 265.10 feet on and along the West line of the Southwest Quarter (1/4) of said Section 34 to a railroad spike; thence North 87 degrees 51 minutes 19 seconds east, 1586.72 feet to the westerly line of a tract of real estate described to the City of Auburn, Indiana in warranty Deed dated May 8, 2001 and recorded in the DeKalb County, Indiana Recorder's Office in Deed Record 232 at page 541, said point marked by a 5/8-inch rebar with cap marked "KLINE ASSOC. INC. #0043"; thence North 31 degrees 32 minutes 16 seconds East, 318.55 feet on and along the westerly line of said City of Auburn, Indiana tract to the North line of said Southwest Quarter (1/4); thence South 87 degrees 51 minutes 19 seconds West, 771.78 feet on and along the North line of said Southwest Quarter (1/4) to a 5/8-inch rebar marking the southwest corner of a tract of real estate described to Donald K. Inlow and Jeanette E. Inlow in said Recorder's Office in Deed record 229 page 29; thence North 00 degrees 59 minutes 26 seconds West, 1560.20 feet on and along the west line of said Inlow tract through a 5/8-inch rebar, being 15.00 feet south of the existing centerline of the Cliff Metcalf Regulated Open Drain No. 83-00-0, to the existing centerline of said Metcalf Drain; thence Southwesterly on and along the existing centerline of said Metcalf Drain the following four (4) courses and distances: South 63 degrees 24 minutes 21 seconds West, 240.00 feet; South 65 degrees 36 minutes 01 seconds west, 315.00 feet; South 51 degrees 12 minutes 49 seconds west, 200.00 feet; and South 57 degrees 16 minutes 46 seconds West, 380.71 feet, to the West line of said Northwest Quarter (1/4), said point marked by a railroad spike; thence South 00 degrees 59 minutes 26 seconds East (assumed bearing and basis of all bearings in this description), 1028.43 feet on and along the west line of said Northwest Quarter (1/4) to the point of beginning, containing, 40.000 acres.

Financial Building, LLC (Parcel #17-06-34-100-017.000-024):

Lot numbered One (1) in the Replat of Plaza 35, an addition to the City of Auburn, Indiana, according to the plat thereof, recorded as Document #201903967 in the office of the Recorder of DeKalb County, Indiana.

Felke Properties, Inc. (Parcel #17-06-34-100-019.000-024)

Lot numbered Two (2) in the Replat of Plaza 35, an addition to the City of Auburn, Indiana, according to the plat thereof, recorded as Document #201903967 in the office of the Recorder of DeKalb County, Indiana.

TCS Properties of DeKalb County, Inc. (Parcel #17-06-34-100-015.000-024):

A part of the Northwest Quarter (1/4) and a part of the Southwest Quarter (1/4) of Section Thirty-four (34), Township Thirty-four (34) North, Range Thirteen (13) East, Second Principal Meridian, Union Civil Township, DeKalb County, Indiana and being more particularly described per "original" survey by Michael C Kline Associates, Inc. Job No. 00107, dated May 1, 2002 as follows:

Beginning at the Southwest corner of the Northwest Quarter (1/4) of said Section 34, said point marked by a railroad spike; thence South 01 degrees 16 minutes 12 seconds East, 265.10 feet on and along the West line of the Southwest Quarter (1/4) of said Section 34 to a railroad spike; thence North 87 degrees 51 minutes 19 seconds East, 1586.72 feet to the westerly line of a tract of real estate described to the City of Auburn, Indiana in Warranty Deed dated May 8, 2001 and recorded in the DeKalb County, Indiana Recorder's Office in Deed Record 232 at page 541, said point marked by a 5/8-inch rebar with cap marked "KLINE ASSOC. INC. #0043"; thence North 31 degrees 32 minutes 16 seconds East, 318.55 feet on and along the westerly line of said City of Auburn, Indiana tract to the North line of said Southwest Quarter (1/4); thence South 87 degrees 51 minutes 19 seconds West, 771.78 feet on and along the North line of said Southwest Quarter (1/4) to a 5/8-inch rebar marking the Southwest corner of a tract of real estate described to Donald K. Inlow and Jeanette E. Inlow in said Recorder's Office in Deed Record 229 page 29; thence North 00 degrees 59 minutes 26 seconds West, 1560.20 feet on and along the west line of said Inlow tract through a 5/8-inch rebar, being 15.00 feet south of the existing centerline of the Cliff Metcalf Regulated Open Drain No. 83-00-0, to the existing centerline of said Metcalf Drain; thence Southwesterly on and along the existing centerline of said Metcalf Drain the following four (4) courses and distances:

South 63 degrees 24 minutes 21 seconds West, 240.00 feet;  
South 65 degrees 36 minutes 01 seconds West, 315.00 feet;  
South 51 degrees 12 minutes 49 seconds West, 200.00 feet; and  
South 57 degrees 16 minutes 46 seconds West, 380.71 feet, to the West line of said Northwest Quarter (1/4), said point marked by a railroad spike; thence South 00 degrees 59 minutes 26 seconds East (assumed bearing and basis of all bearings in this description), 1028.43 feet on and along the West line of said Northwest Quarter (1/4) to the point of beginning, containing, 40.000 acres.

Thomas Lee Smith and Catherine Ann Smith, Trustees of the Smith Living Trust (Parcel #17-06-33-200-007.000-024)

Part of the Northeast Quarter (1/4) 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:  
Commencing at the Northeast corner of the Northeast Quarter (1/4) of said Section 33 (Harrison monument found); thence South 02 degrees 09 minutes 28 seconds West (assumed bearing and the basis of all bearings to follow) 1682.28 feet along the East line of the Northeast Quarter (1/4) of said Section 33 to a railroad spike set on the existing centerline of the Cliff Metcalf Regulated Drain No. 83-00-0 and the true point of beginning of this description; thence along the centerline of said Cliff Metcalf Regulated Drain the following courses and distances: South 69 degrees 40 minutes 45 seconds West 15.38 feet; South 53 degrees 53 minutes 33 seconds West 118.89 feet; South 72 degrees 40 minutes 26 seconds West 41.20 feet; South 62 degrees 14 minutes 41 seconds West 101.26 feet; South 28 degrees 08 minutes 43 seconds West 95.68 feet; South 61 degrees 33 minutes 00 seconds West 166.72 feet; South 52 degrees 01 minutes 21 seconds West 345.68 feet; South 75 degrees 35 minutes 13 seconds West 85.74 feet; South 41 degrees 52 minutes 13 seconds West 201.96 feet; South 68 degrees 58 minutes 22 seconds West 274.74 feet; South 56 degrees 00 minutes 35 seconds West 380.79 feet to the South line of said Northeast Quarter (1/4); thence South 88 degrees 41 minutes 37 seconds East 1455.28 feet along the South line of said Northeast Quarter (1/4) to the East line of said Northeast Quarter (1/4) (railroad spike set); thence North 02 degrees 09 minutes 28 seconds East 1028.44 feet along said East line of said Northeast Quarter (1/4) to the point of beginning, containing 16.623 acres.

**Section II:**

In accordance with IC 36-4-3-2.5, the public highway and road rights-of-way contiguous to the annexed parcels shall be included in the annexed areas [includes Parcel #14-06-34-100-007. Does not include any portion of Parcel #14-06-34-100-002].

**Section III:**The annexation area shall be included in Council District 3.

**Section IV:**

The Clerk-Treasurer shall give notice of the passage of this Ordinance as is required by law (IC 36-4-3-22)

**Section V: BE IT FURTHER ORDAINED** that this Ordinance be in full force and effect after its passage by the Common Council and after the occurrence of all other actions required by law.

**PASSED AND ADOPTED** by the Common Council of the City of Auburn, Indiana, this 6<sup>th</sup> day of August, 2024.

  
James Finchum, Councilmember


**ATTEST:**

  
Lorrie K. Pontius, Clerk-Treasurer

Presented by me to the Mayor of the City of Auburn, Indiana, this 6<sup>th</sup> day of August, 2024.

  
LORRIE K. PONTIUS, Clerk-Treasurer

**APPROVED AND SIGNED** by me this 6<sup>th</sup> day of August, 2024.

  
DAVID E. CLARK, Mayor

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.

Lorrie K Pontius

Prepared by Lorrie K Pontius

**VOTING:**

**AYE**

**NAY**

Natalie DeWitt, President



Rod Williams



James Finchum



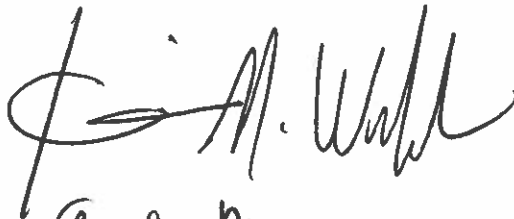
Dan Braun



David Bundy



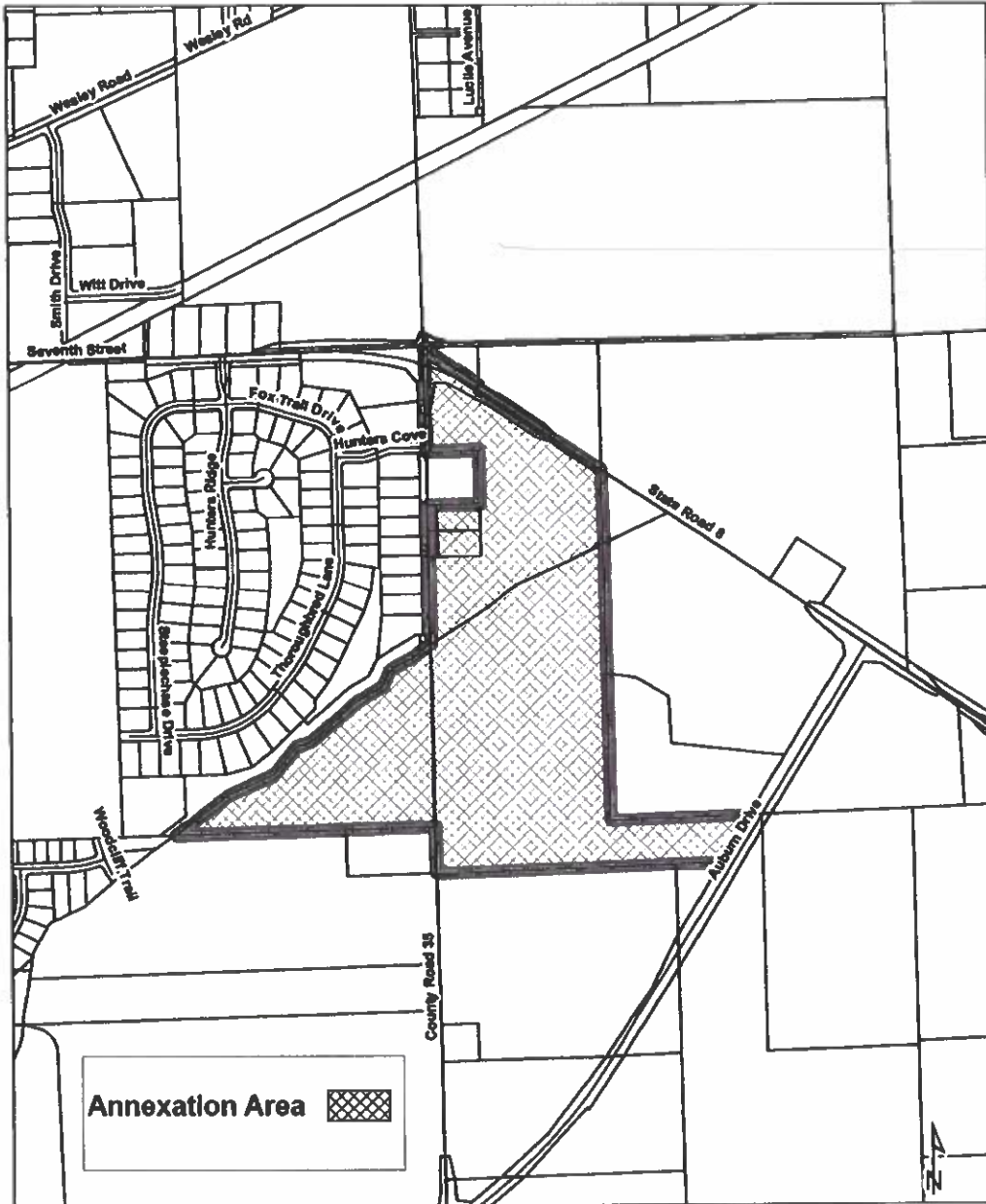
Kevin Webb



Emily Prosser



**EXHIBIT A**



**ORDINANCE NO. 2024-16**

**AN ORDINANCE FOR THE ANNEXATION OF TERRITORY  
INTO THE CITY OF AUBURN**

**SUMMARY**

This ordinance annexes 78± acres of land, known as the Thomas L. Smith CR35 Annexation Area, into the City of Auburn.

<u>    X    </u>	Recorder's Office	<u>    X    </u>	Publish Public Hearing
<u>    X    </u>	Auditor's Office	_____	
<u>    X    </u>	Clerk's Office	<u>    X    </u>	Publish O/R after adoption
<u>    X    </u>	Building Department		
_____	Engineering Department		
_____	DeKalb County Plan Commission		
<u>    X    </u>	Internet Code Site – Council Ordinance		

Legal Description  
Accepted  
Sep 24, 2024 By: JB  
G.I.S. Department - DeKalb Co