**ORDINANCE 17-1353**

AN ORDINANCE OF THE CITY OF WOODBURN, INDIANA

ESTABLISHING A PUBLIC WAY IN THE CITY OF WOODBURN, INDIANA

WHEREAS, The City of Woodburn (“City”) owns fee simple title to certain real estate in the corporate boundaries of the City of Woodburn, Indiana which are used for ingress and egress within the Woodburn Industrial Park, such real estate being legally described in Exhibit “A,” attached hereto and incorporated herein by reference (the “Street”);

WHEREAS, the City desires to establish and dedicate the Street as a public way of the City of Woodburn by way of this Ordinance for the purposes of providing for a point of ingress and egress for vehicular traffic within the Woodburn Industrial Park;

WHEREAS, Ind. Code § 36-9-2-5 allows a unit, including the City of Woodburn, to establish and operate public ways;

WHEREAS, I.C. 36-1-3-5 allows a unit, including the City of Woodburn, to exercise any power it has to the extent that the power that: (1) is not expressly denied by the Indiana Constitution or by statute; and (2) is not expressly granted to another entity;

WHEREAS, municipalities, including the City of Woodburn, are endowed with legislative sovereignty with respect to the regulation, maintenance, and layout of their streets.

NOW, THEREFORE, the City of Woodburn Indiana Common Council hereby ordains as follows:

**Section 1.** The Real Estate described in the attached Exhibit “A,” is hereby established and dedicated as a public way for the City of Woodburn, Indiana, with all rights to the public of ingress and egress in the Woodburn Industrial Park for the purposes of vehicular traffic over and on the Street.

**Section 2.** The City of Woodburn shall undertake such action as may be necessary to provide for the repair and maintenance of the Street and to the extent provided by law, to regulate and control the Street.

**Section 3.** No part of this Ordinance shall be interpreted to conflict with any local, state, or federal laws and all reasonable efforts should be made to harmonize the same. Should any section or part thereof of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole, or any other portion thereof other than that portion so declared to be invalid, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

Adopted and Ordained this 20th day of March, 2017.

**COMMON COUNCIL OF THE CITY OF WOODBURN, INDIANA**

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Daniel Watts, Councilman

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Mike Voirol, Councilman

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Dean Gerig, Councilman

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

John Renner, Councilman

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Michael Martin, Councilman

**AYES: \_\_\_\_\_\_\_\_\_\_**

**NAYS:\_\_\_\_\_\_\_\_\_\_**

ATTEST:

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Timothy Cummins, Clerk-Treasurer

**WAIVER OF SECOND READING**

On motion duly made and seconded, the second reading of the foregoing Ordinance was unanimously waived and the Ordinance was deemed effective as of the date of passage.

**COMMON COUNCIL OF THE**

**CITY OF WOODBURN, INDIANA**

By: By:

Daniel Watts, Councilman Dean Gerig, Councilman

By: By:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

John Renner, Councilman Mike Voirol, Councilman

By:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Michael Martin, Councilman

ATTEST:

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Timothy Cummins, Clerk-Treasurer

The foregoing Ordinance passed by the Council is signed and approved ( ) / not approved ( ) by me on the same date.

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Joseph Kelsey, Mayor of the City of Woodburn

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**Exhibit A**

Part of the Northwest Quarter of Section 21, Township 31 North, Range 15 East, of the Second Principal Meridian, Allen County, Indiana, more particularly described as follows:

Commencing at a P.K. Nail found at the northwest corner of said Northwest Quarter of Section 21, Township 31 North, Range 15 East; thence South 00 degrees, 00 minutes, 29 seconds East (assumed), a distance of 800.00 feet, along the centerline of State Road 101 also being the west line of the Northwest Quarter of Section 21, Township North, Range 15 East, to a P.K. Nail; thence North 89 degrees, 15 minutes, 23 seconds East, a distance of 40.00 feet to a 5/8-inch iron pin; thence South 00 degrees, 00 minutes, 29 seconds East, a distance of 398.51 feet along said easterly right-of-way line of State Road 101, to the Point of Beginning; thence North 89 degrees, 59 minutes, 30 seconds East, a distance of 120.00 feet; thence South 81 degrees, 15 minutes, 44 seconds East, a distance of 65.76 feet; thence North 89 degrees, 59 minutes, 30 seconds East, a distance of 804.81 feet; thence northeasterly along a curve concave to the north with a radius of 270.00 feet, an arc length of 144.05 feet, a chord length of 142.35 feet, a chord bearing of North 74 degrees, 42 minutes, 26 seconds East and an Interior angle of 30 degrees, 34 minutes, 10 seconds; thence North 59 degrees, 25 minutes, 21 seconds East, a distance of 650.42 feet; thence South 00 degrees, 01 minutes, 43 seconds West, a distance of 69.78 feet; thence South 59 degrees, 25 minutes, 21 seconds West, a distance of 614.81 feet; thence southwesterly along a curve concave to the north with a radius of 330.00 feet, an arc length of 176.07 feet, a chord length of 173.99 feet, a chord bearing of South 74 degrees, 42 minutes, 26 seconds West and an interior angle of 30 degrees, 34 minutes, 10 seconds; thence South 89 degrees, 59 minutes, 30 seconds West, a distance of 804.81 feet; thence South 81 degrees, 14 minutes, 44 seconds West, a distance of 65.76 feet; thence South 89 degrees, 59 minutes, 80 seconds West, a distance of 120.00 feet, to a point lying on said easterly right-of-way line of State Road 101; thence North 00 degrees, 00 minutes, 29 seconds West, a distance of 80.00 feet, along said easterly right-of-way line of State Road 101, to the Point of Beginning; containing 2.53 acres, more-or-less.

**AND**

Part of the Northwest Quarter of Section 21, Township 31 North, Range 15 East, Allen County, Indiana, more particularly described as follows:

COMMENCING at a Harrison Marker at the Northwest Quarter of Section 21, Township 31 North, Range 15 East, Allen County, Indiana; thence South 00 degrees 00 minutes 29 seconds East (deed bearing) along the West line of the Northwest Quarter of Section 21, Township 31 North, Range 15 East, a distance of 800.00 feet to a mag nail; thence continuing South 00 degrees 00 minutes 29 seconds East along the West line of the Northwest Quarter of Section 21, Township 31 North, Range 15 East, a distance of 477.65 feet; thence North 89 degrees 59 minutes 30 seconds East along the Southerly line of Roemer Drive as conveyed to Woodburn Development Corporation in the deed recorded as Document 95-007626 in the Office of the Recorder of Allen County, Indiana, a distance of 160.0 feet; thence North 81 degrees 14 minutes 44 seconds East along the Southerly line of Roemer Drive, a distance of 65.76 feet; thence North 89 degrees 59 minutes 30 seconds East along the Southerly line of Roemer Drive, a distance of 804.6 feet (804.81 feet, recorded) to a point of curvature; thence Northeasterly along the Southerly line of Roemer Drive on a curve to the left having a radius of 330.0 feet, a chord bearing of North 74 degrees 42 minutes 26 seconds East, a chord distance of 173.99 feet, an arc distance of 176.07 feet; thence North 59 degrees 25 minutes 21 seconds East along the Southerly line of Roemer Drive a distance of 615.17 feet to the Southeast corner of Roemer Drive, said point being the POINT OF BEGINNING; thence North 59 degrees 25 minutes 21 seconds East along the Northwesterly line of a tract of land conveyed to BMP Real Estate Holdings LLC as recorded in Document 2014033918 a distance of 377.57 feet to a point of curvature, said point being the North corner of the BMP Real Estate Holdings LLC tract; thence Northerly, Northeasterly, Southwesterly, and Southerly on a curve to the left having a radius of 60.0 feet, a chord bearing of North 75 degrees 34 minutes 39 seconds West, a chord distance of 84.85 feet, an arc distance of 282.74 feet to a non-tangent line; thence South 59 degrees 25 minutes 21 seconds West a distance of 282.12 feet to the Northeast corner of Roemer Drive; thence South 00 degrees 00 minutes West along the East line of Roemer Drive a distance of 60.0 feet to the point of beginning, containing 0.69 acres.