

ORDINANCE TO VACATE A PUBLIC ALLEY

Whereas, Steve D. Stinson and Arlene Stinson have filed their Petition to Vacate a portion of a public street commonly known as Beacon Street in the city of New Castle, Indiana, with the Common Council of the city of New Castle, Indiana, which street was shown as being established in Plat Book 7, page 34 of the Records of the Henry County Recorder's Office.

That the following is a description of the property vacated:

A strip of ground which is approximately 128.66 feet in length and 50 feet in width. Beginning at the Southeast corner of Lot 20 in York's 1st Addition to the City of New Castle, Indiana, thence running Northeasterly along the East property line of said Lot 20, 128.66 feet to the South property line of the N.Y.C. & St. L. Railway (commonly known as the Nickle Plate Line), thence Southeasterly along said property line 50 feet more or less to the Northwest Corner of Lot 19 in York's 1st Addition, thence Southwesterly along the West property lines of Lots 19, 20 and a portion of Lot 17 of said Addition 128.66 feet, then Northwesterly 50 feet to the Point of Beginning. Containing 0.148 Acres more or less.

Subject to an easement reserved by the New Castle Public Utility Department for repairs and maintenance of its storm sewer system.

Whereas, Steve D. Stinson and Arlene Stinson are owners of land which abuts the property vacated; and

Whereas, a public hearing was held, after due notice was given as required by law on _____, 2003.

Whereas, the vacation will not hinder the growth or orderly development of the neighborhood in which it is located; it will not make access to the lands of any person by public way difficult or inconvenient; it will not hinder the public's access to any church, school, or other public building or place; and it will not hinder the use of any public way by the neighborhood in which it is located or by which it is contiguous.

Now, Therefore, Be it Ordained by the Common Council of the City of New Castle, Indiana, as follows:

Section 1. That the Public Way on Beacon Street more particularly described as follows:

A strip of ground which is approximately 128.66 feet in length and 50 feet in width. Beginning at the Southeast corner of Lot 20 in York's 1st Addition to the City of New Castle, Indiana, thence running Northeasterly along the East property line of said Lot 20, 128.66 feet to the South property line of the N.Y.C. & St. L. Railway (commonly known as the Nickle Plate Line), thence Southeasterly along said property line 50 feet more or less to the Northwest Corner of Lot 19 in York's 1st Addition, thence Southwesterly along the West property lines of Lots 19, 20 and a portion of Lot 17 of said Addition 128.66 feet, then Northwesterly 50 feet to the Point of Beginning. Containing 0.148 Acres more or less.

Subject to an easement reserved by the New Castle Public Utility Department for repairs and maintenance of its storm sewer system.

is hereby vacated as a public way.

Section 2. That the vacated part of the public way described herein shall be subject to the right of any and all public utilities to construct, add to, maintain, replace, and renew any facilities to be located in the area vacated with the same rights with respect to said facilities as if this vacation proceeding had not been had.

Section 3. That this ordinance shall be in full force and effect from and after its passage by the Common Council of the City of New Castle, Indiana.

ADOPTED BY the Common Council of the City of New Castle, Indiana, this 19th day of May, 2003.

Sherman Boles
Sherman Boles, Presiding Officer
Common Council, City of New Castle, Indiana

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NAY

ATTEST:

Jan Lavarney
Jan Lavarney, Clerk Treasurer

APPROVED BY ME THIS 19th DAY OF May, 2003.

Sherman Boles
Sherman Boles, Mayor of the City of
New Castle, Indiana