

ORDINANCE NO. 3312

AN ORDINANCE DECLARING CERTAIN PROPERTY NO LONGER
NEEDED FOR CITY GOVERNMENTAL PURPOSES AND AUTHORIZING
THE SALE OF SAID PROPERTY AND APPOINTING THE BOARD OF
PUBLIC WORKS AND SAFETY AS DISPOSING AGENT TO CONDUCT
SAID SALE AND EXECUTE ALL INSTRUMENTS TO EFFECT THE SALE THEREOF

WHEREAS, the City of New Castle is the owner of
certain vacant commercial property located within the City of
New Castle, Henry County, State of Indiana and commonly
described as follows, to-wit:

A PART OF LOT NUMBER 4; LOT NUMBER 5; A VACATED 16
FOOT ALLEY LYING BETWEEN LOTS NUMBER 4 AND 5; AND A
PART OF A VACATED 16.5 FOOT ALLEY LYING IMMEDIATELY
SOUTH OF LOTS NUMBERED 4 AND 5; ALL OF THE ABOVE BEING
IN BLOCK NUMBER 2 IN GEORGE LOWE'E ADDITION TO THE
CITY OF NEW CASTLE, HENRY COUNTY, INDIANA, AS SHOWN BY
THE PLAT THEREOF, RECORDED IN PLAT BOOK 3A, AT PAGE 38
OF THE RECORDS IN THE RECORDER'S OFFICE IN HENRY
COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS
FOLLOWS, TO WIT: BEGINNING AT AN IRON STAKE SET IN THE
NORTH LINE OF LOT NUMBER 4, BLOCK NUMBER 2 IN GEORGE
LOWE'S ADDITION TO THE CITY OF NEW CASTLE, HENRY
COUNTY, INDIANA, A DISTANCE OF 14.82 FEET WEST OF THE
NORTHEAST CORNER OF SAID LOT NUMBER 4, BLOCK NUMBER 2
IN SAID ADDITION; THENCE WEST ON AND ALONG THE SOUTH
LINE OF INDIANA AVENUE IN SAID CITY OF NEW CASTLE,
INDIANA, A DISTANCE OF 151.68 FEET TO THE NORTHWEST
CORNER OF LOT NUMBER 5 BLOCK NUMBER 2 IN SAID
ADDITION; THENCE SOUTHEASTERLY ON AND ALONG THE
EASTERLY RIGHT OF WAY LINE OF THE NICKEL PLATE
RAILROAD COMPANY, A DISTANCE OF 147.7 FEET, MORE OR
LESS TO THE CENTER LINE OF A NOW VACATED 16.5 FOOT
ALLEY; THENCE EAST ON AND ALONG THE CENTER LINE OF
SAID VACATED ALLEY; A DISTANCE OF 109.5 FEET; MORE OR
LESS TO AN IRON PIPE SET A DISTANCE OF 8.25 FEET SOUTH
AND 14.82 FEET WEST OF THE SOUTHWEST CORNER OF LOT
NUMBER 3, BLOCK NUMBER 2 IN SAID ADDITION; THENCE
NORTH 1140.25 FEET TO THE POINT OF BEGINNING, BE THE
SAME MORE OR LESS BUT SUBJECT TO ALL LEGAL HIGHWAYS
AND RAILROAD TRACTS.

(Commonly referred to as 1615 Indiana Avenue, New Castle,
Indiana.)

and;

WHEREAS, the said real estate has been appraised by
two (2) appraisers who are professionally engaged in making
appraisals, and licensed under I.C. 25-34-1; and

WHEREAS, this real estate is not needed for City
governmental purposes and it is therefore in the best interests
of the City of New Castle to sell said property; and

WHEREAS, the Board of Public Works and Safety, being
the Executive Branch of City Government, should act as the
disposal agent for said property as that term is used in I.C.
36-1-11-1 et seq.

NOW THEREFORE, BE IT ORDAINED by the Common Council of the City of New Castle, Indiana, as follows:

1. The Board of Public Works and Safety is hereby directed to sell the following described real estate located in Henry County, Indiana and more particularly described as follows, to-wit:

A PART OF LOT NUMBER 4; LOT NUMBER 5; A VACATED 16 FOOT ALLEY LYING BETWEEN LOTS NUMBER 4 AND 5; AND A PART OF A VACATED 16.5 FOOT ALLEY LYING IMMEDIATELY SOUTH OF LOTS NUMBERED 4 AND 5; ALL OF THE ABOVE BEING IN BLOCK NUMBER 2 IN GEORGE LOWE'E ADDITION TO THE CITY OF NEW CASTLE, HENRY COUNTY, INDIANA, AS SHOWN BY THE PLAT THEREOF, RECORDED IN PLAT BOOK 3A, AT PAGE 38 OF THE RECORDS IN THE RECORDER'S OFFICE IN HENRY COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT: BEGINNING AT AN IRON STAKE SET IN THE NORTH LINE OF LOT NUMBER 4, BLOCK NUMBER 2 IN GEORGE LOWE'S ADDITION TO THE CITY OF NEW CASTLE, HENRY COUNTY, INDIANA, A DISTANCE OF 14.82 FEET WEST OF THE NORTHEAST CORNER OF SAID LOT NUMBER 4, BLOCK NUMBER 2 IN SAID ADDITION; THENCE WEST ON AND ALONG THE SOUTH LINE OF INDIANA AVENUE IN SAID CITY OF NEW CASTLE, INDIANA, A DISTANCE OF 151.68 FEET TO THE NORTHWEST CORNER OF LOT NUMBER 5 BLOCK NUMBER 2 IN SAID ADDITION; THENCE SOUTHEASTERLY ON AND ALONG THE EASTERLY RIGHT OF WAY LINE OF THE NICKEL PLATE RAILROAD COMPANY, A DISTANCE OF 147.7 FEET, MORE OR LESS TO THE CENTER LINE OF A NOW VACATED 16.5 FOOT ALLEY; THENCE EAST ON AND ALONG THE CENTER LINE OF SAID VACATED ALLEY; A DISTANCE OF 109.5 FEET; MORE OR LESS TO AN IRON PIPE SET A DISTANCE OF 8.25 FEET SOUTH AND 14.82 FEET WEST OF THE SOUTHWEST CORNER OF LOT NUMBER 3, BLOCK NUMBER 2 IN SAID ADDITION; THENCE NORTH 1140.25 FEET TO THE POINT OF BEGINNING, BE THE SAME MORE OR LESS BUT SUBJECT TO ALL LEGAL HIGHWAYS AND RAILROAD TRACTS.

(Commonly known as 1615 Indiana Avenue, See Exhibit "A" attached.)

2. That said real estate should be sold pursuant to the provisions of I.C. 36-1-11-4.

3. That the Board of Public Works and Safety of the City of New Castle should act as the disposing agent, as that term is defined within I.C. 36-1-11-2(2). That as disposing agent, said Board of Public Works and Safety is further authorized to execute all necessary deeds and instruments to effect said sale and transfer title to the purchaser.

4. That the passage of this Ordinance shall be considered approval of the sale of the real estate by the City's fiscal body in conformity with the provisions of I.C. 36-1-11-3(c) (1)

5. Repealer. All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

6. Severability. Any provision herein contained which

is found by a court of competent jurisdiction to be unlawful or which, by operation, shall be inapplicable, shall be deemed omitted but the rest and remainder of this ordinance, to the extent feasible shall remain in full force and effect.

This Ordinance shall be effective immediately upon passage.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF NEW CASTLE THIS 15th DAY OF April, 2002.

Sherman Boles

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

AYE

NAY

Donna York
Billy Brown

Sam Dillman
Max L. Sutherland

Tom Tipp
Richard Hahn

ATTEST:

Janice Lavarney
Janice Lavarney,
Clerk-Treasurer

APPROVED BY ME THIS 15th DAY OF April, 2002.

Sherman Boles

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