

ORDINANCE NO. 3640

**AN ORDINANCE TO VACATE A CERTAIN ALLEY LOCATED IN
NEW CASTLE, HENRY COUNTY, INDIANA**

WHEREAS, there is an alley utilized as a public right-of-way, a portion of which is twenty foot (20') in width and lies immediately north of Lot 28 in Elliott Heirs Addition to the City of New Castle running east and west along the north boundary of said Lot, which then makes a ninety degree (90°) angle turn to the south and runs north and south along the west side of said Lot 28 and is adjacent to and runs along the east side of Lot 17 of said Addition; and,

WHEREAS, said right-of-way is not needed by the City of New Castle as a public right-of-way; and,

WHEREAS, said right-of-way is not used for the purpose of ingress and egress; and,

WHEREAS, the vacation of this right-of-way as described will not hinder the growth or orderly development of the neighborhood in which it is located or in which it is contiguous. The vacation will not make access to the lands of any persons by means of public way difficult or inconvenient, and the vacation will not hinder the public's access to a church, school or other public building or place, and the vacation will not hinder the use of the public right-of-way by the neighborhood in which it is located or to which it is contiguous; and,

WHEREAS, the contiguous property owners have received notice pursuant to the provisions of the appropriate Indiana statutes regarding the petition and hearings thereon.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NEW CASTLE, INDIANA that a certain alley or right-of-way described hereinbelow be vacated. The unimproved right-of-way is located in the corporate limits of the City of New Castle and more particularly described as follows, to-wit:

A right-of-way which commences on the west side of South 6th Street and runs to the west approximately 99.62 ft. immediately north of and adjacent to Lot 28 in the Elliott Heirs Addition to the City of New Castle and then makes a ninety degree (90°) turn to the south running approximately 56 feet to the south immediately west of and adjacent to Lot 28 and immediately east of and adjacent to Lot 17 both in said Elliott Heirs Addition to the City of New Castle, Indiana.

PUBLIC UTILITY EASEMENT RETAINED AND RESERVED: The City of New Castle expressly reserves and retains an easement to maintain, install, improve and construct public utility facilities over and under the land hereby vacated. **THIS VACATION IS SUBJECT TO A PERPETUAL EASEMENT FOR PUBLIC UTILITY PURPOSES RESERVED BY THE CITY OF NEW CASTLE, INDIANA.** The City of New Castle shall have the unqualified right to construct, add-to, maintain, replace and rebuild current or future public utilities on the land described above and vacated for public ingress and egress purposes by this ordinance. The

Exhibits included: The attached Exhibits "A" and "B" are attached hereto, incorporated herein and made a part of this ordinance.

REPEALER: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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.

EFFECTIVE DATE: This Ordinance shall become effective immediately upon passage and publication as provided for by law.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF NEW CASTLE THIS ____ DAY OF _____, 2011.

Jim Small, Presiding
Officer, Common Council, City
of New Castle, Indiana

AYE

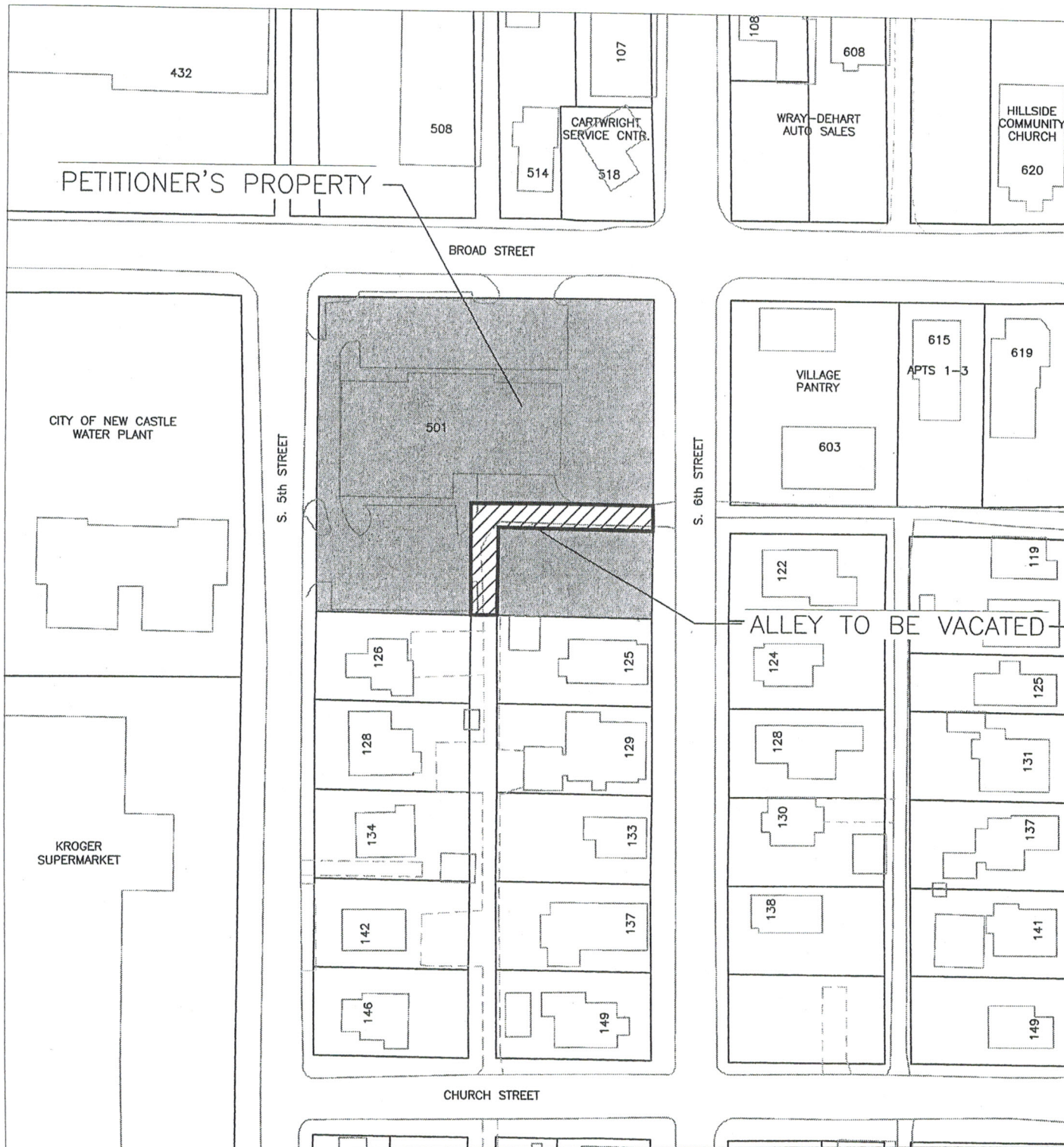
NAY

ATTEST:

Janice Lavarney,
Clerk-Treasurer

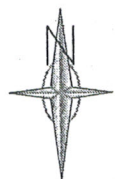
APPROVED BY ME THIS ____ DAY OF _____, 2011.

Jim Small, Mayor of the City
Of New Castle, Indiana



PROPOSED ALLEY VACATION

EXHIBIT A



SCALE: NONE

BROAD STREET

50' R/W

N 89°47'34" W
264.07' MEAS (265' PLAT)

214.09' MEAS
(215.00' PLAT)

53.75' PLAT

53.52' M

53.52' M
53.75' PLAT

53.52' M
53.75' PLAT

53.52' M
53.75' PLAT
PIPE FD

CAPPED REBAR SET

WARRANTY DEED
INSTR #201104733
"I GROUP LLC"
±0.813 AC

CAPPED REBAR SET

FORMER STRUCTURE
THIS AREA
FOUNDATION MAY REMAIN

CURB (TYPICAL)

COVERED ENT

WALK

WALK

16

15

14

13

1 STY BUILDING

ASHTON REBAR FD

BLDG ON LINE

30.00' CONC

40.0'

53.75' PLAT 53.56' M WALK 53.56' M

53.56' M UTIL POLE 53.75' PLAT

VACATED ALLEY

"MAG" NAIL SET

20' ALLEY

100' PLAT 99.62' M

99.62' 100' PLAT

WARRANTY DEED
INSTR #201104733
"I GROUP LLC"

QC DEED
INSTR #200405264
"RANCHO RELAXO, LLC"

100' PLAT AREA LT 99.65' M

99.65' M

FENCE ±1' N

UTIL POLE

CAPPED REBAR SET

REBAR FD

18

QC DEED
INSTR #20083783
"PORTER"

27

QC DEED
INSTR #200907519
"CLAYBORN"

100' PLAT

99.68' M

99.68' M

5' ALLEY

6TH STREET

50' R/W

N 00°12'59" E
536.36'

(536' PLAT)

EXHIBIT B