

ORDINANCE NO. 3499

AN ORDINANCE ANNEXING CERTAIN TERRITORY  
TO THE CITY OF NEW CASTLE, HENRY COUNTY, INDIANA

This ordinance of the City of New Castle, Henry County, Indiana, is an ordinance to annex certain real estate into its corporate boundaries. It is passed and adopted on the month and year hereinafter stated:

WHEREAS, the Common Council of the City of New Castle has determined that certain land located outside of but contiguous to the City of New Castle should be annexed, and

WHEREAS, it is in the best interest of the citizens of the City of New Castle and the owners of the land to be annexed and the public welfare generally to make such annexation, and

WHEREAS, a petition has been filed with the City of New Castle seeking the annexation of certain territory to said City of New Castle, Henry County, Indiana, and

WHEREAS, said petition is signed by all of the owners of said territory, and

WHEREAS, said territory is located outside of, but contiguous to, this municipality, and it is therefore in the best interest of the City and territory described herein that this annexation should occur.

Section 1: ANNEXATION. NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NEW CASTLE, HENRY COUNTY, INDIANA, that the following described real estate shall be annexed into the City of New Castle and shall be a part of said City of New Castle, all pursuant to I.C.36-4-3-5.1. Said real estate being annexed by this ordinance is located in Henry County, Indiana, is contiguous to the current boundaries of the City of New Castle, Henry County, Indiana, and is more particularly described as follows, to-wit:

Beginning at a pin at the southeast corner of tract deeded from J.M. Oxford to Alvis Gregory deed book 139, page 432, this point being 1163.33 feet south and 858.33 feet west of the northeast corner of section 10, township 17 north, range 10 east, thence west along north line of American Shovel addition 112.4 feet to the corner of Trainer Fence, thence north 8 degrees 42 minutes west 113.5 feet to a stake, thence north 85 degrees 05 minutes east 54.6 feet to a stake, thence north 81 degrees 40 minutes east 69.7 feet to a pin on the east line of the above tract, then south 2 degrees 40 minutes west 123.9 feet to beginning. Also, a 12 feet drive along the east side of the above tract 121.4 feet south from south line of Alabama Street.

ALSO: Beginning on the south line of Alabama Street at a stake and corner situate 159 feet east and 200 feet north of the south east corner of a tract of land conveyed by Charles Minnick to Ed Pierce and Pearl Pierce by deed recorded in deed record 127, page 99 Henry County, Indiana and running thence west along said line of Alabama Street 84 feet to a stake on the east line of a roadway; thence southerly along said east line 86 feet to a stake; thence east 73 feet to a



point 83 feet south of the beginning point; thence north 83 feet to the place of beginning containing 0.13 of an acre more or less.

ALSO: Beginning at a pipe on the south side of Alabama Street at northeast corner tract deeded from J.M. Oxford to Alvis Gregory deed book 132, page 432, this point being 963.33 feet south and 858.33 feet west of the northeast corner of section 10, township 17 north, range 10 east, thence west 66 feet to a pin, thence south 0 degrees 05 west 86.0 feet to a stake, thence north 81 degrees 40 minutes east 69.7 feet to a pin, thence north 2 degrees 10 minutes west 76.4 feet to a point of beginning.

ALSO: Beginning at a pin at the southeast corner of tract deeded from J. M. Oxford to Alvis Gregory deed book 139, page 432, this point being 1163.33 feet south and 858.33 feet west of the northeast corner section 10, township 17 north, range 10 east, thence north 2 degrees 40 minutes west 78.9 feet to a stake, thence east 12 feet to a stake thence north 2 degrees 10 minutes west 121.4 feet to a stake on the south side of Alabama Street thence east 35.0 feet to a pin thence south 15 degrees 20 minutes east 207.6 feet to a steel axle at the intersection of north line of American Shovel Addition and the east line of Watkins Street thence west 92.6 feet to point of beginning.

Commonly known as: 1403, 1405, 1411 and 1415 Alabama Street, New Castle, Indiana 47362

Also, see Exhibit "1" which is a map showing the location of the property to be annexed. Said map being Exhibit "2" is attached hereto, incorporated herein, and made a part hereof.

Section 2: WARD. The annexed territory is hereby assigned to the following municipal legislative district: Ward 3.

Section 3: ZONING. According to the records of the Henry County Planning Commission, this property is currently zoned residential. The property will be taken into the City of New Castle and assigned a zoning district. Further all existing uses shall be considered "grandfathered uses".

Section 4: CURRENT CORPORATE BOUNDARIES. The current definition of the corporate boundaries of the corporate boundaries of the City of New Castle is set forth in Exhibit "2" being a map of said boundaries and Exhibit "3" being a written legal description. Said Exhibits "2" and "3" are attached hereto, incorporated herein, and made a part hereof.

Section 5: SPECIAL TERMS AND CONDITIONS. In order to insure that this annexation is equitable to the property owners and residents of the municipality and the annexed territory, the City of New Castle shall extend its non-capital services (police, fire, plan commission, and building inspector) within four (4) months of this ordinance becoming effective. The City will allow the capital services (water and sewer lines) to be connected to the existing City sewer and water lines. The City has determined that its existing sewage treatment plant and water plant have sufficient capacity to serve the anticipated users of the area to be annexed.



Section 6: PUBLICATION. Upon passage of this ordinance it shall be published pursuant to the manner prescribed in I.C.36-4-3-7.

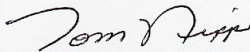
Section 7: FILING AND RECORDING. After publication and expiration of the remonstrance period, the Clerk-Treasurer of the City of New Castle shall file and record this ordinance pursuant to the provisions of I.C.36-4-3-22.

Section 8: REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 9: SEVERABILITY: Any provision herein contained which is found by a court of competent jurisdiction to be deemed to be unlawful or which by operation of law 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.

Section 10: 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 20<sup>th</sup> DAY OF February, 2007.



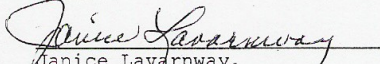
Tom Nipp, Presiding Officer,  
Common Council, City  
of New Castle, Indiana

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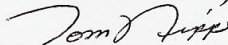
NAY

<u>Sandra York</u>	_____
<u>Daniel E. Hanna</u>	_____
<u>James B. Kedd</u>	_____
<u>Louise Pierce</u>	_____
<u>Jeff Hancock</u>	_____
<u>Richard Hiler</u>	_____

ATTEST:

  
Janice Lavarney,  
Clerk-Treasurer

APPROVED BY ME THIS 20<sup>th</sup> DAY OF February, 2007.



Tom Nipp, Mayor of the City  
Of New Castle, Indiana



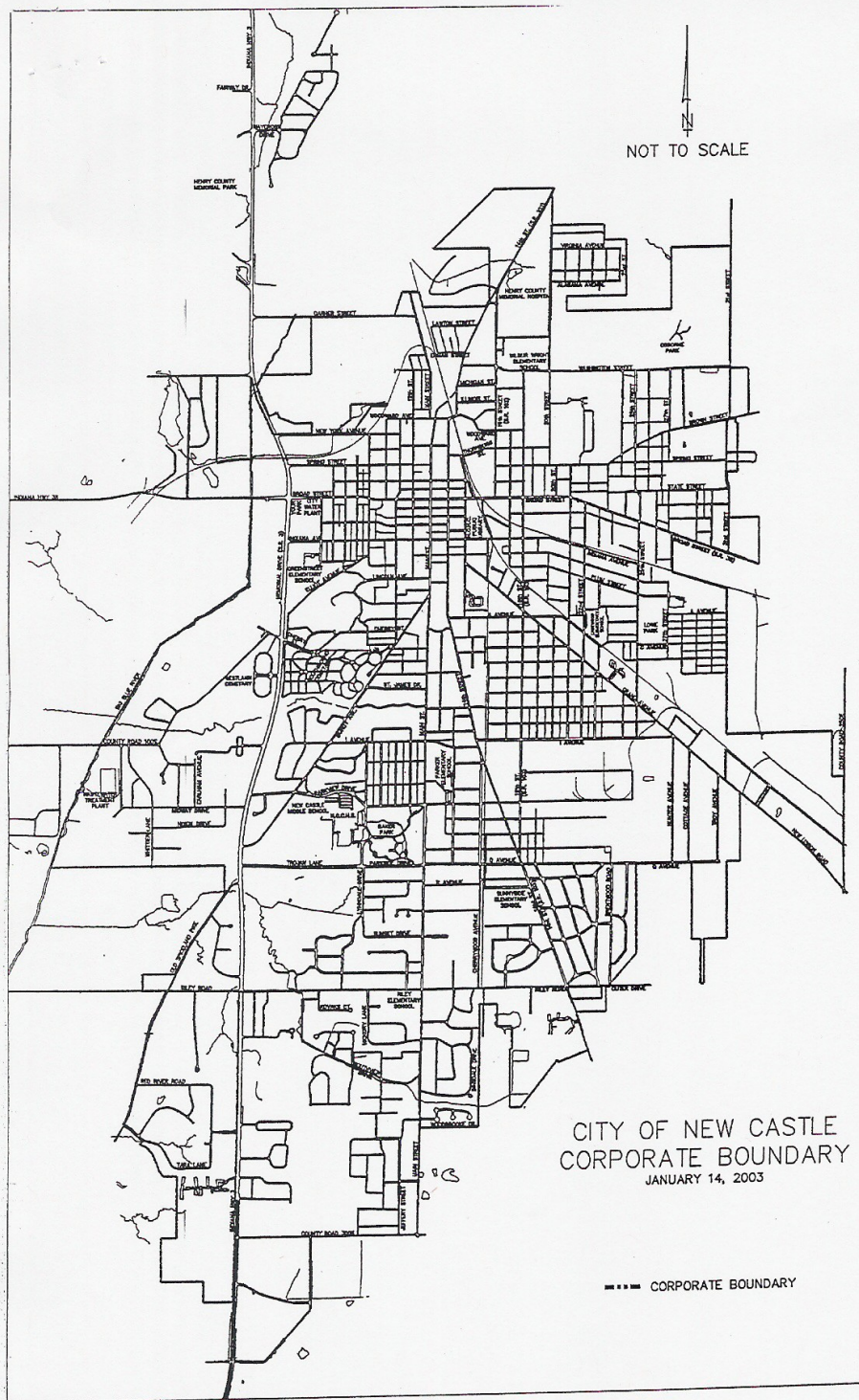


EXHIBIT 2