

ORDINANCE NO. 3509

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

WHEREAS, there is a certain alley approximately fifteen (15) foot in width and approximately three hundred and thirty-three (333) feet in length commencing on the south edge of Broad Street and running south therefrom. Said unimproved alley is adjacent to and immediately west of Lots 5 and 6 of the Thomas Mullen addition to the City of New Castle, Indiana. Said alley is between South 25th Street to the west and South 26th Street to the east, and

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

WHEREAS, said alley not used for the purpose of ingress and egress or any other public purpose, and

WHEREAS, the vacation of this alley as described will not hinder the growth or orderly development of the neighborhood in which it is located or to 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 a public 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 the alley hereinbelow described be vacated.

The unimproved alley is located in the corporate limits of the City of New Castle and more particularly described as follows to-wit:

A certain alley approximately fifteen (15) foot in width and approximately three hundred and thirty-three (333) feet in length commencing on the south edge of Broad Street and running south therefrom. Said unimproved alley is adjacent to and immediately west of Lots 5 and 6 of the Thomas Mullen addition to the City of New Castle, Indiana. Said alley is between South 25th Street to the west and South 26th Street to the east.

(The unimproved alley herein vacated is depicted in a plat map which is attached hereto and incorporated herein as Exhibit "A".)

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 respect to said facilities as if this vacation proceeding had not been had.

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 _____, 2007.

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

AYE

NAY

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

ATTEST:

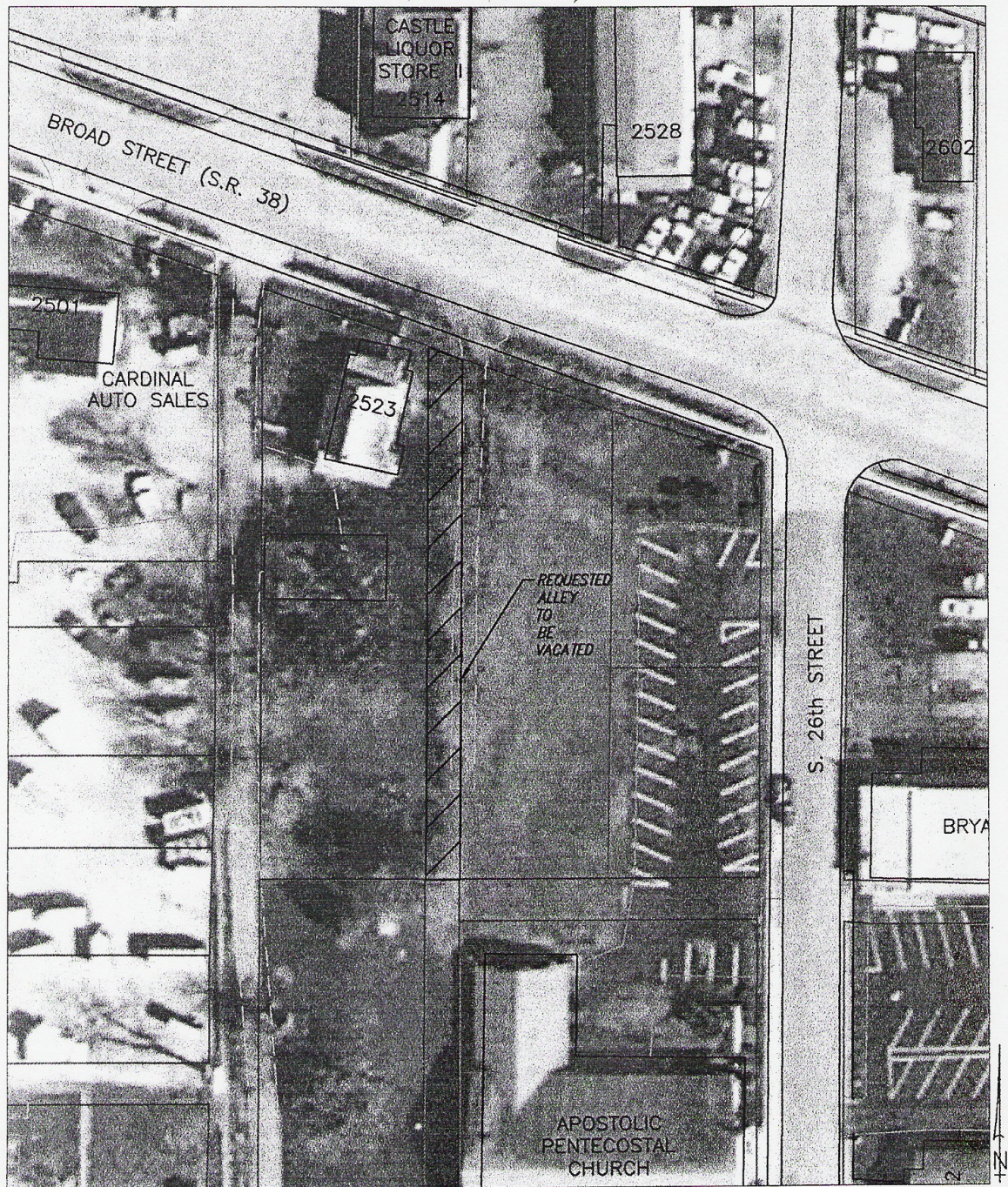
Janice Lavarney,
Clerk-Treasurer

APPROVED BY ME THIS ____ DAY OF _____, 2007.

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

030-82395-00
030-82396-00

030-46409-00
030-46405-00
030-46404-00
030-46406-00



PROPOSED ALLEY VACATION FOR
APOSTOLIC PENTECOSTAL CHURCH

SCALE: 1" = 50'

THOMAS MULLEN

