

ORDINANCE NO. 3311
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, 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 one hundred percent (100%) of the owners of said territory, and;

WHEREAS, said territory is located outside of, but contiguous to, this municipality, and;

WHEREAS, the owner has indicated a desire to develop said property and in so doing, comply with the laws, rules and regulations of the City of New Castle regarding development.

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:

A PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER AND PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 17 NORTH, RANGE 10 EAST, DESCRIBED AS FOLLOWS:

BEGINNING AT AN EXISTING P.K. NAIL ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 17 NORTH, RANGE 10 EAST, SAID POINT BEING SOUTH 89 DEGREES 58 MINUTES 36 SECONDS EAST (ASSUMED BEARING) 72.60 FEET FROM THE NORTHWEST CORNER OF THE SAID QUARTER-QUARTER SECTION; THENCE CONTINUING SOUTH 89 DEGREES 58 MINUTES 36 SECONDS EAST ALONG THE NORTH LINE OF THE SAID QUARTER SECTION A DISTANCE OF 1,724.00 FEET TO A MAGNETIC NAIL (SET) ON THE WEST RIGHT-OF-WAY LINE OF THE FORMER C.C.C. & ST. LOUIS RAILROAD; THENCE SOUTH 00 DEGREE 05 MINUTES 23 SECONDS WEST ALONG THE WEST RIGHT-OF-WAY LINE OF SAID RAILROAD A DISTANCE OF 1,067.37 FEET TO AN EXISTING IRON ROD; THENCE NORTH 89 DEGREES 54 MINUTES 55 SECONDS WEST A DISTANCE OF 706.21 FEET (706.60 FEET DEED DISTANCE) TO AN EXISTING IRON ROD ON THE EASTERLY RIGHT-OF-WAY LINE OF THE I. N. C. & E. TRACTION COMPANY LINE; THENCE NORTH 43 DEGREES 36 MINUTES 00 SECOND WEST ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID TRACTION LINE A DISTANCE OF 1,473.45 FEET (1,473.65 FEET DEED DISTANCE) TO THE POINT OF BEGINNING.

BEING A PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER AND PART OF THE SOUTHWEST QUARTER OF THE

NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 17 NORTH,
RANGE 10 EAST, AND CONTAINING 29.759 ACRES, MORE OR
LESS. SUBJECT TO LEGAL RIGHTS-OF-WAY.

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

Section 3: 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 "A"
being a map of said boundaries and Exhibit "B" being a written
legal description. Said Exhibits "A" and "B" are attached
hereto and made a part hereof.

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

Section 5: 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 6: REPEALER. All ordinances or parts of
ordinances in conflict herewith are hereby repealed.

Section 7: 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 8: 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 1st DAY OF April, 2002.

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

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NAY

Donna York
[Signature]
Max L. Lutterland
Louise Pierce

Barry Gordon
[Signature]
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Richard Hahn