

ORDINANCE NO. 3320
AN ORDINANCE ANNEXING CERTAIN TERRITORY
TO THE CITY OF NEW CASTLE, 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 date herein 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, the territory to be annexed consists of three parcels of real estate are bordered on their eastern side by Indiana State Road 3. The territory will extend south from the current southernmost corporate limits of the City of New Castle. The southernmost property is owned by Oak Trees, LLC. This property is developed and is the site of the New Castle GM Center. Robert Oakley, General Partner of Oak Trees, LLC and president of the New Castle GM Center, Inc., has made a formal request that the real estate owned by Oak Trees, LLC be annexed so that it might connect to City water and sewer lines. The parcel immediately north of the parcel owned by Oak Trees LLC is a parcel owned by Wal-Mart Stores East, LP. That owner also desires to connect to City water and sewer lines. It has by the signing of a contract with the City indicated its desire to be annexed when possible. This parcel is in the process of development for commercial purposes. The third parcel and the parcel north of that owned by Wal-Mart is owned by Nelson Building Corp. of Carmel, Indiana. This parcel is vacant. The parcels owned by Oak Trees, LLC and Wal-Mart Stores East, LP make up more than fifty-one percent (51%) of the area to be annexed and more than fifty-one percent (51%) of the assessed value of the area to be annexed.

WHEREAS, the connection of these business properties to City water and sewer lines greatly enhances the value of the properties and makes their further development possible, it is in their best interest that they be annexed.

WHEREAS, the owners of the two southernmost properties have agreed at their expense to extend the water and sewer lines to their properties, it is in the best interest of the City that they be allowed to do so if that it will expand the City's service area to the benefit of all rate payers.

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. 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:

(See Exhibit "1" which contains the complete legal description of the three parcels to be annexed. Said exhibit is attached hereto, incorporated herein, and made a part hereof.)

Section 2: SPECIAL TERMS AND CONDITIONS. In order to insure that this annexation is equitable to the property owners and the 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 existing City water lines and sewer lines as soon as same are installed by the commercial developers so that they might immediately proceed with the further development of their real estate. That the only charge to those commercial developers shall be those charges as established by the rate ordinances for users of the water and sewer utilities as well as the applicable inspection and connection fees. 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 herein.

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

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

Section 5: PUBLICATION. Upon passage of this ordinance it shall be published pursuant to the manner prescribed in I.C.36-4-3-7.

Section 6: 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 7: REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 8: 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 9: 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 7th DAY OF October, 2002.

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

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NAY

<u>Andrew H. York</u>	_____
<u>Bohdy Jordan</u>	_____
<u>Lang D. Abner</u>	_____
<u>Max L. Sutherland</u>	_____
<u>Louise Pierce</u>	_____
<u>Tom D. Pipp</u>	_____
<u>Richard Hahn</u>	_____

ATTEST:

Janice Lavernway
Janice Lavernway,
Clerk-Treasurer

APPROVED BY ME THIS 7th DAY OF October, 2002.

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