

ORDINANCE NO. 3467
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, (see Exhibit "A" attached hereto) and;

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

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:

PART of TRACT ONE

Part of the Northwest Quarter and also part of the West half of the Northeast Quarter, both Quarter-Sections being in Section 23 - Township 17 North - Range 10 East, Second Principal Meridian, Henry County, Indiana, and also Lots numbered 1,2,3,54,55,56, 57,58,59, all being in Tarrytown Addition of the City of New Castle, Indiana, as shown by the plat thereof, recorded in Plat Book 4 at Page 86 of the records in the Recorder's Office of Henry County, Indiana; also Lots Numbered 1, 2, 3, and 4 in Chambers and McIntyre's "Elmwood Subdivision" to the City of New Castle, Henry County, Indiana, as shown by the plat thereof, recorded in Plat Book 5 at Page 44 of the records in the Recorder's Office of Henry County, Indiana; also, all of that portion of "M" Avenue which lies east of 18th Street in the City of New Castle, Indiana, a portion of a platted alley which is bounded on the west by Lots 1,2, and 3 in Tarrytown Addition and on the east by Lots 54, 55, and 56 in Tarry town Addition to the City of New Castle, Indiana that portion of 19th Street which is bounded on the west by Lots 54, 55, and 56 in Tarrytown Addition, and on the east by Lots 57, 58, and 59 in Tarrytown Addition to the City of New Castle, Indiana, and that portion of a platted alley which is bounded on the west by Lots 57, 58, and 59 in Tarrytown Addition to the City of New Castle, Indiana, and on the east by Lot Number 1 in Elmwood Subdivision to the City of New Castle, Indiana, as shown vacated by Cause Number 38103 in the Clerk's Office of Henry County, Indiana, and being more particularly described as follows:

Commencing at Northwest comer of the Northwest Quarter of said Section 23; thence North 89 degrees 55 minutes 00 seconds East along the North line of said Northwest Quarter 803.54 feet (803.5 feet by previous survey); thence continuing North 89 degrees 55 minutes 00 seconds East along said North line 1850.74 feet (1851.00 feet by previous survey) to the Northeast comer of the Northwest Quarter of said Section 23; thence South 00 degrees 08 minutes 45 seconds West (South 00 degrees 04 minutes 23 seconds West by previous survey) along the East line of said Northwest Quarter 45.00 feet; thence North 89 degrees 40 minutes 51 seconds East parallel with the North line of the Northeast Quarter of said Section 23 a distance of 613.60 feet; thence South 00 degrees 00 minutes 24 seconds East 627.46 feet to the corporation line of the City of New Castle per 1908 annexation as described in

Commissioner's Record 12, Page 167 in the Office of Henry County and the Point of Beginning of this description; thence continuing South 00 degrees 00 minutes 24 seconds East 704.41 feet; thence South 89 degrees 46 minutes 15 seconds West 617.14 feet (South 89 degrees 52 minutes 54 seconds West 615.44 feet by previous survey) to the Northeast corner of Lot 20 in said Elmwood Subdivision; thence South 89 degrees 54 minutes 15 seconds West along the North line of said Elmwood subdivision 1085.60 feet (South 89 degrees 50 minutes 39 seconds West 1085.04 feet by previous survey) to the Northeast corner of Lot 4 in said Elmwood Subdivision; thence South 00 degrees 16 minutes 05 seconds West along the East line of said Lot 4 a distance of 286.36 feet (South 00 degrees 21 minutes 53 seconds West 288.47 feet by previous survey) to the Southwest corner of said Lot 4; thence South 89 degrees 54 minutes 15 seconds West along the South lines of Lots 4, 3, 2, and 1 a distance of 271.08 (South 89 degrees 41 minutes 17 seconds West 270-94 feet by previous survey) feet to the Southwest corner of Lot 1 in said Elmwood Subdivision; thence North 00 degrees 19 minutes 15 seconds East along the West line of said Lot 1 a distance of 176.00 feet (North 00 degrees 25 minutes 00 seconds East 178.86 feet by previous survey); thence South 89 degrees 54 minutes 15 seconds West along the South lines of Lots 59, 54, and 3 in Tarrytown Addition 499.83 feet (South 89 degrees 52 minutes 10 seconds West 502.50 feet by previous survey) to the East right of way line of 18th Street and the Southwest corner of said Lot 3; thence North 00 degrees 22 minutes 12 seconds East along said East right of way line and the West lines of Lots 3, 2, and 1 a distance of 156.76 feet (North 00 degrees 25 minutes 00 seconds East 156.75 feet by previous survey) to the North line of the South Half of said Northwest Quarter and the North line of said Tarrytown Addition, which point is also a southeasterly corner of real estate annexed to the City of New Castle as described in Commissioners Record 12, Page 167 in said Auditor's Office (the next 2 courses are along said corporation line);

(1) thence North 00 degrees 22 minutes 22 seconds East along the East right of way line of said 18th Street 660.00 feet, and

(2) thence North 89 degrees 55 minutes 00 seconds East 2468.61 feet to the Point of Beginning, containing 43-091 acres, more or less.

Common Address: 1817 "I" Ave.
New Castle, IN 47362

Section 2: **WARD**. The annexed territory is hereby assigned to the following municipal legislative district: Ward 1.

Section 3: **ZONING**. According to the records of the Henry County Planning Commission, this property is currently zoned for industrial use. The property will be taken into the City of New Castle and assigned as a general industrial zoning district, I-2. Further, all existing uses should be considered "pre-existing".

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 "E" being a map of said boundaries and Exhibit "F" being a written legal description. Said Exhibits "E" and "F" 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 ____ DAY OF _____, 2006.

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

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ATTEST:

Janice Lavarney,
Clerk-Treasurer

APPROVED BY ME THIS ____ DAY OF _____, 2006.

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