

ORDINANCE NO. 3465

**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 one hundred percent (100%) of the owners of said territory, and

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

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:

LOTS 6, 7 AND 12 IN THE DEER VIEW ADDITION TO THE CITY OF NEW CASTLE INDIANA.

Common Addresses:

Lot 6: 1915 S. Spiceland Pike, New Castle, IN 47362

Lot 7: 2339 S. Spiceland Pike, New Castle, IN 47362

Lot 12: 2385 S. Spiceland Pike, New Castle, IN 47362

See Exhibit "A" in two parts which is a survey of the parcel to be annexed and the legal description of said parcel. Said Exhibit "A" is attached hereto, incorporated herein, and made a part hereof. Also, see Exhibit "B" which is a map showing the location of the property to be annexed. Said map being Exhibit "B" 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 4.

Section 3: **ZONING**. According to the records of the Henry County Planning Commission, this property is currently zoned rural residential. The property will be taken into the City of

New Castle and assigned zoning district R-1. 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 "C" being a map of said boundaries and Exhibit "D" being a written legal description. Said Exhibits "C" and "D" 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 as soon as same are installed by the developers so that they might immediately proceed with further development of their real estate. The only charge to those commercial developers shall be those charges as established by the rate ordinances for users of 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.

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 ____ DAY OF _____, 2006.

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

AYE

NAY

ATTEST:

Janice Lavarney,
Clerk-Treasurer

APPROVED BY ME THIS _____ DAY OF _____, 2006.

City

Tom Nipp, Mayor of the
Of New Castle, Indiana