

ORDINANCE NO. 2015 - 3

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF ROCKPORT OF
SPENCER COUNTY, INDIANA, VACATING A PORTION OF SIXTH STREET,
CITY OF ROCKPORT

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF ROCKPORT,
INDIANA, THAT:

SECTION 1. It is the finding of this Council, after a public hearing held on March 3, 2015, that adequate reason exists for the vacation of that portion of a Sixth Street contiguous to the real estate owned by Holiday Foods & Groceries, Inc., ("**Public Right-of-Way**"), located in Spencer County, State of Indiana, more particularly described as follows, to-wit:

Part of Sixth Street lying south of Jefferson Street and north of Washington Street and lying west of Lot 45 in Wright and Griffith's Donation to the Town of Rockport, as per plat thereof, recorded in Plat Book 3, Pages 2 and 3, more particularly described as follows:
Commencing at the Northwest corner of said Lot 45; thence along the west line of said Lot 45, South 00 degrees 01 minutes 37 seconds East 11.31 feet, said point being the point of beginning; thence continuing along said west line and the extended west line of said Lot 45, South 00 degrees 01 minutes 37 seconds East 154.03 feet; thence North 89 degrees 59 minutes 54 seconds West 16.99 feet; thence North 00 degrees 01 minutes 52 seconds West 17.95 feet; thence North 89 degrees 58 minutes 08 seconds East 8.48 feet; thence North 00 degrees 01 minutes 52 seconds West 10.00 feet; thence South 89 degrees 58 minutes 08 seconds West 8.48 feet; thence North 00 degrees 01 minute 52 seconds West 126.28 feet; thence South 89 degrees 19 minutes 45 seconds East 17.00 feet to the point of beginning containing 2534 square feet.

Excepting that portion of Sixth Street already vacated and recorded in Court Order Book 10, Page 513.

Said area to be vacated after excepting out Sixth Street that has already been vacated being 1862 square feet.

It is the further finding of this Council that proper notice of the hearing of a hearing of the Petition to Vacate a Portion of Sixth Street was published in the Spencer County Journal on February 19, 2015, and that notice by certified mail-return receipt requested has been given to all abutting landowners, and no one has appeared to object to the vacation of the Public Right-of-Way. That the Public Right-of-Way is not required or used by the public and no public benefit is derived from the continuous existence of said Public Right-of-Way. That Holiday Foods &

Groceries, Inc. and Housing Authority Rockport own the real estate on both sides of the Public Right-of-Way and no adjacent property owner will be affected by the petitioned vacation of said Public Right-of-Way and the vacation of said Public Right-of-Way will not diminish the value of any other real estate located in the vicinity thereof. That no public utilities are known to exist within said Public Right-of-Way, but that should any such utilities exist the same shall remain in place. That the proposed vacation of said Public Right-of-Way will not hinder the growth or orderly development of the neighborhood; will not hinder the use of a public way by the neighborhood; will not hinder access to a church, school or public building or place and will not make access to other property difficult or inconvenient. That no reason exists for the continued existence of said Public Right-of-Way and the same should now be vacated.

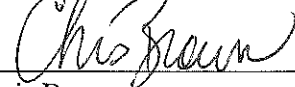
SECTION 2. The portion of Sixth Street as herein described shall be and is vacated, subject however to the continuing perpetual easement as to any public utilities which are now located within the boundaries thereof.

SECTION 3. Legal title in and to said real estate and Public Right-of-Way shall be and is hereby vested in Holiday Foods & Groceries, Inc.

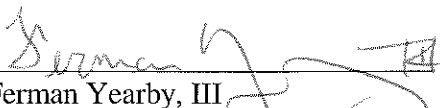
SECTION 4. This Ordinance shall be in full force and effect from and after its adoption.

Passed and adopted by the Common Council of the City of Rockport, Indiana on the 3rd day of March 2015.

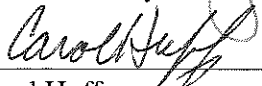
Common Council:



Chris Brown

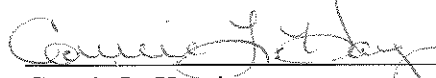


Ferman Yearby, III




Carol Huff

Robert C. Mack



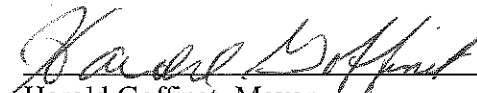
Connie L. Hargis

Presented by me to the Mayor of the City of Rockport, Indiana on the 6th day of March, 2015 at 2:00 o'clock p.m.



Susie Roberts,
Clerk-Treasurer

Approved and signed by me this 6 day of March, 2015 at 2 o'clock p.m.



Harold Goffinet, Mayor
City of Rockport

DEED CROSS REFERENCE: Deed Record 158 page 498, Instrument No. 88-2439

ORDINANCE NO. 2015-4

AN ORDINANCE AMENDING THE SCHEDULE
OF SEWER RATES AND CHARGES TO BE COLLECTED
BY THE CITY OF ROCKPORT FROM THE OWNERS
OF PROPERTY SERVED BY THE SEWAGE WORKS OF THE CITY

WHEREAS, the City of Rockport, Indiana ("City") has heretofore constructed and has in operation a sewage treatment facility for the purpose of collecting and disposing in a sanitary manner the sewage works of the City; and

WHEREAS, the Common Council desires to construct additions and improvements to its sewage works and issue sewage works revenue bonds in order to better service the property owners served by the sewage treatment works of the City; and

WHEREAS, IC 36-9-23 provides that a municipal legislative body shall, by ordinance, establish just and equitable fees for the services rendered by the sewage works; and

WHEREAS, the Common Council finds that, based upon the advice of its financial advisor, the existing sewage rates and charges are insufficient to enable the City to properly operate and maintain its sewage treatment works facility, pay debt service on its bonds, and fund additions and improvements to the system; and

WHEREAS, the Common Council finds that the rates and charges set forth herein are reasonable and just and are based upon the cost of providing service to the customers of the sewage works; and

WHEREAS, the existing sewage rates and charges are set forth in Ordinance No. 1993-3, adopted on June 3, 1993, as amended by Ordinance No. 2000-2, adopted on June 6, 2000 ("2000 Ordinance"), and as further amended by Ordinance No. 2001-6, adopted on September 11, 2001 (collectively, "Outstanding Rate Ordinance"), and the Common Council finds that it is necessary to amend such Outstanding Rate Ordinance and repeal the rates and charges set forth therein to the extent they conflict with the rates and charges set forth herein;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF ROCKPORT, INDIANA:

Section 1. Section 1 of the Outstanding Rate Ordinance is hereby amended and restated as follows:

For the use of and services rendered by the sewage works, rates and charges shall be collected from the owner of each and every lot, parcel of real estate or building that is connected with the City's sanitary sewage system or otherwise discharges sanitary sewage, industrial waste, water or other liquids, either directly or indirectly, into the sanitary sewage system of the City, including users outside the

corporate limits, which rates and charges are payable as hereinafter provided and shall be in an amount determinable as follows:

A. The sewage rates and charges shall be based on the quantity of water used on or in the property or premises subject to such rates and charges as the same may be measured by the water meter there in use, except as otherwise provided in this ordinance. Sewage service rates, based upon the amount of water used, shall be as follows:

<u>Metered Consumption</u>		<u>Monthly Rate Per 1,000 Gallons</u>
First	5,000 gallons	\$10.17
Next	10,000 gallons	7.95
Over	15,000 gallons	6.27

Users located outside the corporate boundaries of the City shall pay, in addition to the above metered rates, a monthly variable rate surcharge of \$2.28 per 1,000 gallons.

The surcharge results in a percentage difference, as compared to the monthly rates per 1,000 gallons, of 22.4% for the first 5,000 gallons, 28.7% for the next 10,000 gallons and 36.4% for over 15,000 gallons.

B. The minimum charge for sewage treatment service for any user, whether a metered water consumer, a flat rate water consumer, or not a water consumer, shall be as follows:

<u>Minimum Charge (3,000 Gallons Allowed)</u>	<u>Per Month</u>
Inside City	\$30.51
Outside City	37.35

The Outside City per month minimum charge results in a percentage difference, as compared to the monthly minimum charge for Inside City, of 22.4%.

C. For the services rendered to the City, the City shall be subject to the same rates and charges as hereinbefore provided or to charges and rates established in harmony therewith.

Section 2. Section 2 of the 2000 Ordinance which reads as follows: "In addition to all existing rates and charges of the sewage works, all users connecting to the sewage works after the date of adoption of this ordinance shall be assessed on a monthly basis an availability surcharge of \$1.80 per 1,000 gallons, with a minimum usage of 3,000 gallons per month per each meter" is hereby repealed.

Section 3. All provisions of the Outstanding Rate Ordinance not amended by this ordinance shall remain in full force and effect.

Section 4. Section 1 of the Original Rate Ordinance shall remain in full force and effect until May 1, 2015, at which time the current Section 1 of the Original Rate Ordinance shall

be deemed repealed and the amendment thereof adopted by this ordinance shall immediately take effect.

Section 5. This ordinance shall be in full force and effect from and after its passage and after its execution by the Mayor.

Passed and adopted by the Common Council of the City of Rockport this 7TH day of APRIL, 2015.

COMMON COUNCIL

Harold Goffert
Presiding Officer

Attest:

Annie Roberts
Clerk-Treasurer

Presented by me to the Mayor of the City of Rockport this 7th day of April, 2015 at 6:05 p.m.

Annie Roberts
Clerk-Treasurer

Signed and approved by me, the Mayor of the City of Rockport, this 7TH day of APRIL, 2015 at 6:05 P.m.

Harold Goffert
Mayor