

COUNCIL BILL NO. 1863**INTRODUCED BY: Edward Walsh****ORDINANCE NO. 1767****AN ORDINANCE**

AN ORDINANCE OF THE CITY OF DUBOIS AMENDING CHAPTER 21 OF THE CODE OF ORDINANCES OF THE CITY OF DUBOIS BY ADDING TO PART 15, A SECTION VACATING A PORTION OF TOM MIX DRIVE.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Council of the City of DuBois in Council assembled, and it is hereby enacted an ordained by authority of the same as follows:

Section 1 That a portion of the right-of-way for the roadway known as Tom Mix Drive is hereby declared vacated. Said area is described as follows:

BEGINNING at an existing iron pipe on the northern Right-of-Way for Tom Mix Drive (50' R/W), said iron pipe being the southeast corner of lands now or formerly of Laurel Manufacturing, Inc. (recorded in Deed Book Vol. 1866, page 277) and the southwest corner of lands now or formerly of HPM Industries, Inc. (recorded in Deed Book Vol. 1856, page 101 and described as the First Parcel, dated May 7, 1997);

THENCE South 74° 50' 00" East along lands now or formerly of HPM Industries, Inc. and along the northern Right-of-Way for Tom Mix Drive, a distance of 206.70 feet to an existing iron pipe;

THENCE South 15° 10' 00" West along lands now or formerly of HPM Industries, Inc., (the Second Parcel described in Deed Book Vol. 1856, page 101, dated May 7, 1997) and lands of The City of DuBois (Mitigation Area Two) a distance of 505.00 feet to an existing rebar;

THENCE along lands of The City of DuBois (Mitigation Area Two) by a curve to the right, said curve having a radius of 125.00 feet and an arc length of 196.35 feet, said arc having a chord bearing of South 60° 10' 00" West a chord distance of 176.78 feet to an existing rebar;

THENCE North 74° 50' 00" West along other lands of The City of DuBois (Mitigation Area Two) a distance of 195.84 feet to an existing rebar;

THENCE North 15° 10' 00" East along lands of the City of DuBois (Mitigation Area Two) a distance of 50.00 feet to an existing rebar;

THENCE South 74° 50' 00" East along lands now or formerly of RMP Real Estate, LLC (recorded as Instrument Number 201003818, dated March 30, 2010) a distance of 195.84 feet to an existing rebar;

THENCE along lands now or formerly of RMP Real Estate, LLC, by a curve to the left, said curve having a radius of 75.00 feet and an arc length of 117.81 feet, said arc having a chord bearing of North 60° 10' 00" East a chord distance of 106.07 feet to an existing rebar;

THENCE North 15° 10' 00" East along lands now or formerly of RMP Real Estate, LLC, a distance of 380.00 feet to an existing rebar;

THENCE along lands now or formerly of RMP Real Estate, LLC, by a curve to the Left, said curve having a radius 75.00 feet and an arc length of 117.81 feet, said arc having a chord bearing of North 29° 50' 00" West chord distance of 106.07 feet to a point;

THENCE North 74° 50' 00" West along lands now or formerly of RMP Real Estate,

LLC, a distance of 81.70 feet to an existing rebar;

THENCE North 15° 10' 00" East through Tom Mix Drive a distance of 50.00 feet to the place of beginning. CONTAINING 51,938 square feet or 1.19 Acres.

SECTION 2. Reserving from the above-described description the right of ingress, egress and regress over the same by the City of DuBois for access to other lands of the City of DuBois (Mitigation Area Two) as well as the right to ingress, egress and regress for HPM Industries, Inc., its successors and assigns, subject to the rights of any holders of utility easements or other rights-of-way over the above-described vacated right-of-way.

SECTION 3. All other Ordinances or parts of Ordinances or Resolutions in conflict herewith be and the same are herewith repealed. All other provisions of Chapter 21 of the Code of Ordinances not in conflict herewith are hereby reaffirmed and re-ratified as if set forth at length herein.

SECTION 4. The within Ordinance shall be effective upon final enactment hereof.

Ordained and enacted by the City Council of the City of DuBois in lawful session assembled

this 25th day of April, 2011.

ATTEST:

CITY OF DUBOIS



City Manager




Mayor and President of Council

PASSED BY COUNCIL:

April 25th, 2011

APPROVED:



City Manager