

ORDINANCE NO. 0-31-85

AN ORDINANCE ANNEXING CERTAIN UNINCORPORATED TERRITORY TO THE CITY OF FLORENCE, KENTUCKY (D.S.B. PARTNERSHIP PROPERTY)

WHEREAS, the City has previously enacted Ordinance No. 0-27-85 stating its intention to annex the hereinafter described unincorporated territory, and

DEC 15 1999

WHEREAS, the owner of such territory has duly waived the time period for protest of K.R.S. 81A.420(2) and (3) and such owner has duly waived the provisions of K.R.S. 81A.460, and such owner has consented to annexation and requested that the annexation proceed immediately.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF FLORENCE, KENTUCKY AS FOLLOWS:

SECTION I

That the hereinafter described property be and the same is hereby annexed to the City of Florence, Kentucky.

SECTION II

That the boundary of the territory hereby annexed is described as follows:

All that certain tract of land situate near the City of Florence, Boone County, Kentucky, and being more particularly bounded and described as follows:

Beginning at the point of intersection of the northerly right of way line of Industrial Highway and the westerly right of way line of U. S. Route 25 and running thence S 78° 51' 30" a distance of 150 feet to the true point of beginning of the parcel leased hereby; thence running S 78° 51' 30" W a distance of 140 feet to an iron pin; thence running N 11° 08' 30" W a distance of 402.21 feet; thence N 77° 16' E a distance of 279.29 feet to an iron pin in the westerly right of way line of U.S. Route 25; thence along said westerly said right of way line S 12° 44' E a distance of 260 feet; thence S 78° 51' 30" W a distance of 150 feet; thence S 12° 44' E a distance of 150 feet to the beginning, together with all appurtenances and easements thereunto belonging and subject to all existing restrictions.

SECTION III

That following the enactment and publication of this Ordinance, such territory shall become a part of the City of Florence, Kentucky for all purposes.

PASSED AND APPROVED ON FIRST READING THIS 27 DAY OF August, 1985.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 10<sup>th</sup> DAY OF Sept., 1985.

APPROVED:

*Ray A. Polk*  
MAYOR

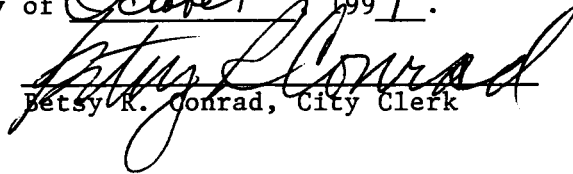
ATTEST:

*Henry Conrad*  
CITY CLERK

OVER

I, Betsy R. Conrad, City Clerk for the City of Florence, Kentucky, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 0-31-85 as same appears in the official records of my office.

Dated this 5<sup>th</sup> day of October, 1999.

  
Betsy R. Conrad, City Clerk

*City of Florence*



BETSY R. CONRAD  
City Clerk

June 5, 1985

Mr. Willie Mathis, Jr.  
Mathis, Dallas & Frohlich  
P. O. Box 6205  
Florence, KY 41042

Dear Mr. Mathis:

Enclosed please find copies of the as yet-unapproved minutes of the Regular Meeting of Florence City Council on May 28, 1985, title page and page three which includes the portion of the Mayor's Report with regard to your annexation request.

Also enclosed is a copy of the "unofficial minutes" of the June 4 meeting of the Administrative Committee.

I have received direction from City Attorney Hugh Skees and Administrative Committee Chairman Gilby Greene to include first reading of your ordinance on the agenda for June 11, 1985.

If I can be of any further assistance, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Betsy R. Conrad". The signature is written in black ink and is positioned above the typed name and title.

Betsy R. Conrad  
City Clerk

MATHIS, DALLAS & FROHLICH  
Attorneys at Law

MAY 28 1985

Willie Mathis, Jr., P.S.C.  
Stephen K. Dallas, P.S.C.  
Anthony W. Frohlich, P.S.C.  
David W. Martin, P.S.C.  
Terry R. Edwards, P.S.C.

Kentucky National Bank Bldg.  
19 North Main Street  
P.O. Box 98  
Walton, Kentucky 41094  
(606) 485-7727

Kentucky National Bank Bldg.  
7992 Dixie Highway  
P.O. Box 6205  
Florence, Kentucky 41042  
(606) 525-6161

May 23, 1985

Please Reply To:

Florence Office

Mayor Roger Rolfes  
Florence City Building  
Florence, Kentucky 41042

RE: D.S.B. Annexation

Dear Mayor Rolfes:

As a partner in D.S.B. Partnership, I would like to request that the City annex the property owned by us located in the vicinity of Industrial Road and U.S. 25, a copy of the legal description is furnished for your information.

This annexation request will not increase demands upon City services in any significant way. Annexation will, however, add revenue in the form of payroll taxes, bank shares tax, and real estate taxes. We are proud of the City of Florence and wish to be part of your dynamic growth.

This letter should also serve to inform you that we waive all statutory notice requirements, legal advertising, and any other publication requirements which may be required and which are within our power to waive in order to accomplish this matter as quickly and as inexpensively as possible.

Very truly yours,

  
WILLIE MATHIS, JR.

WMJr/bjm  
Enclosure

cc: Mr. Hugh O. Skees

Know All Men By These Presents:

CLERK'S OFFICE  
LONG ★ FORM  
DEED

That JOHNSTON RESTAURANT, INCORPORATED, a Kentucky Corporation

TWO HUNDRED THOUSAND (\$200,000.00) DOLLARS

and in consideration of / to them paid by the  
amounts herein, the receipt of which is acknowledged, do bargain, sell, and convey to:

DSB PARTNERSHIP, a Kentucky Partnership, its

successors

and assigns forever, the following described Real Estate, in the City of FLORENCE;

County of Boone and Commonwealth of Kentucky, to-wit:

Group No. 2049

Present Street Address 8048 Dixie Highway, Florence, Ky. 41042 Plat No. \_\_\_\_\_

Mailing Address 7515 Alexandria Pike, Alexandria, KY. 41001

All that certain tract of land situate near the City of Florence, Boone County, Kentucky, and being more particularly bounded and described as follows:

Beginning at the point of intersection of the northerly right of way line of Industrial Highway and the westerly right of way line of U.S. Route 25 and running thence S. 78° 51' 30" a distance of 150 feet to the true point of beginning of the parcel leased hereby; thence running S. 78° 51' 30" W. a distance of 140 feet to an iron pin; thence running N. 11° 08' 30" W. a distance of 402.21 feet; thence N. 77° 16' E. a distance of 279.29 feet to an iron pin in the westerly right of way line of U.S. Route 25; thence along said westerly; said right of way line S. 12° 44' E. a distance of 260 feet; thence S. 78° 51' 30" W. a distance of 150 feet; thence S. 12° 44' E. a distance of 150 feet to the beginning, together with all appurtenances and easements thereunto belonging, and subject to all existing restrictions.

The Grantor further conveys any and all interest it has in an easement granted by Ashland Oil and Refining Company to the Union Light, Heat & Power Company and B & K Auto Parts, Inc., dated May 29, 1965, and recorded in Miscellaneous Book 34, Page 128, Boone County Clerk's Records, Burlington, Kentucky, said easement granting a right of way to construct, reconstruct, operate, maintain, repair, replace and remove two (2) poles, together with all necessary and incidental wires, cables, anchors, grounding systems, counterpoises, fixtures and equipment for transmission and distribution of electrical energy, together with the right from time to time to add to the number of such wires, cables and other incidental fixtures and equipment for such purpose in, on, over, through and across a parcel of land situate in the City of Florence, in Boone County, Kentucky, and being more particularly bounded and described as follows:

A strip of land fifteen (15) feet in width, the centerline of which is more particularly described as follows:

Beginning at a point within an existing easement for the aforesaid purposes conveyed to The Union Light, Heat and Power Company, by instrument recorded in Miscellaneous Book 22, Page 482, said Clerk's Office, said point being on a line which is parallel to and 10.9 feet North of the North right of way line of Industrial Highway, measured perpendicular thereto, and South 78° 51' 30" West, 171.7 feet from the common line comprising the East boundary line of Ashland's property and the West right of way line of the Dixie Highway as measured along said parallel line; thence from said place of beginning North 15° 49' East, 45.6 feet to Point "A"; thence North 12° 44' West, 100.0 feet to a point.

Also beginning at the above described Point "A"; thence South 12° 44' East 51.0 feet, more or less to a point in the South boundary line of the grantor's property.

The property herein conveyed is subject to all restrictions and easements of record.

SOURCE OF TITLE: Being the same property conveyed to grantee herein by grantor, W & N Realty Company, a Kentucky Corporation, by deed dated 10/3/72 and recorded in Deed Book 200, page 404 of the Boone County Clerk's records at Burlington, Kentucky.

ALSO, see Deed of Correction dated May 20, 1982 and recorded in Deed Book \_\_\_\_\_, Page \_\_\_\_\_, of the Boone County Clerk's Records at Burlington, Kentucky.

Together with all the PRIVILEGES AND APPURTENANCES to the same belonging.

TO HAVE AND TO HOLD the same to the said

DSB PARTNERSHIP, a Kentucky Partnership, its

successors

/and assigns, forever, the Grantor its successors and assigns, HEREBY COVENANTING with the grantee its successors and assigns, that the TITLE so conveyed is CLEAR, FREE AND UNINCUMBERED, and that it will WARRANT AND DEFEND the same against all legal claims whatsoever.

IN WITNESS WHEREOF, The said Grantor JOHNSTON RESTAURANT, INCORPORATED,  
a Kentucky Corporation, by and through Madelaine Johnston, its President,  
and WALTER Johnston, its Secretary/Treasurer, pursuant to a duly  
passed Resolution of the Board of Directors dated May 22, 1982, have

hereunto set its hand, this 22<sup>nd</sup> day of MAY in the year 1982.

STAMPS

JOHNSTON RESTAURANT, INCORPORATED,	
a Kentucky Corporation	
_____	BY: <u>Madelaine Johnston</u> President
_____	<u>Walter Johnston</u> Secretary/Treasurer

State of Kentucky  
County of BOONE

The foregoing instrument was acknowledged before me this 22<sup>nd</sup> day of MAY, 1982  
by

Madelaine Johnston AND WALTER Johnston,

individually, and as President and Secretary/Treasurer, respectively of JOHNSTON

RESTAURANT, INCORPORATED, a Kentucky Corporation, to be their/its act and deed.

Mary Lou Blawie  
My Commission Expires 6/11/87  
NOTARY PUBLIC

(Title)