

ORDINANCE NO. 0-27-05

AN ORDINANCE ANNEXING CERTAIN TERRITORY CONSISTING OF A PARCEL OF APPROXIMATELY 7.451 ACRES LOCATED EAST OF I-75, SOUTH OF MT. ZION ROAD, GENERALLY BETWEEN SHERWOOD LAKES DRIVE AND INVESTMENT WAY, ADJACENT TO THE CITY LIMITS. (SPORTS OF ALL SORTS, INC./DGHK REALTY, LLC)

WHEREAS, Sports of All Sorts, Inc. and DGHK Realty, LLC, being the owners of record of the hereinafter described territory (the "territory"), have requested that the City of Florence, Kentucky (the "City") annex the territory and, pursuant to K.R.S. 81A.412, the owners have given written consent to such annexation; and

WHEREAS, the City has determined that it is desirable to annex the territory which is contiguous to the boundaries of the City, and

WHEREAS, pursuant to K.R.S. 100.209(1) the City makes the election that after annexation the territory shall remain subject to the same land use restrictions as applied to it prior to annexation until such restrictions are changed in accordance with K.R.S. Chapter 100.

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

SECTION I

The City finds that the hereinafter described unincorporated territory meets the requirements of K.R.S. 81A.410 and is as follows:

- (a.) Is contiguous to the boundaries of the City, and
- (b.) Is urban in character and suitable for development for urban purposes without unreasonable delay, and
- (c.) Is not included within the boundary of another incorporated city.

SECTION II

That the territory, described in Exhibit "A" and shown on Exhibit "B" each of which is attached hereto and incorporated herein by reference, shall be and the same is hereby annexed to the City of Florence, Kentucky.

SECTION III

The owners of record of the territory have filed with the City written consent to this annexation under K.R.S. 81A.412 and therefore, the following do not apply to this annexation: (a) the notification ordinance required by K.R.S. 81A. 420(1); (b) the notice requirement of K.R.S. 81A.425; and (c) the waiting period of K.R.S. 81A.420(2).

SECTION IV

Pursuant to K.R.S. 100.209(1) the territory shall, after annexation, remain subject to the same land use restrictions as applied to it prior to annexation, until those restrictions are changed in accordance with K.R.S. Chapter 100.

SECTION V

This ordinance shall be published in full.  
PASSED AND APPROVED ON FIRST READING THIS 18<sup>th</sup> DAY OF October, 2005.  
PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 8<sup>th</sup> DAY OF November, 2005.

APPROVED:

Drum & Whalen  
MAYOR

ATTEST:

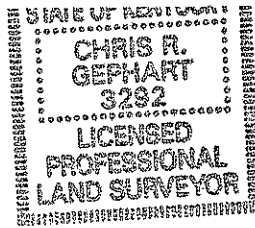
[Signature]  
CITY CLERK

**EXHIBIT**  
**“A”**



www.bayerbecker.com

engineers  
planners  
architects  
surveyors



*Chris R. Gehart*  
10-17-05

14 East Eighth Street  
Covington, KY 41011  
p.859.261.1113  
f.859.261.1710

DESCRIPTION: Annexation-7.451 acres  
LOCATION: Unincorporated Boone County, Kentucky  
DATE: October 12, 2005

Situated in the County of Boone, Commonwealth of Kentucky, located between Sherwood Lakes Dr. (private) and Demia Way (Ex. 50' R/W) and being all of Lot 3A and Lot 10 of Daniels Business Park, Section 2 as recorded in Plat Cabinet 5, Page 221; also being all of a 4.018 acre tract conveyed to Sports of All Sorts, Inc. in D.B. 852, Pg. 246 and also being part of a 2.770 acre tract conveyed to Sherwood Lakes Development, LLC in D.B. 867, Pg. 97 of the Boone County Clerk's Records at Burlington and more particularly described as follows:

Begin at a found iron pin at the Southwest corner of a 1.0 acre tract conveyed to Fifth Third Bank Northern Kentucky, Inc. in D.B. 776, Pg. 235, said point also being the Northwest corner of the above mentioned Lot 3A and the TRUE POINT OF BEGINNING;

thence from the TRUE POINT OF BEGINNING and with the North line of said Lot 3A South 89°53'12" East, 165.19 feet;

thence North 00°53'51" West, 29.05 feet to the common corner of Lot 3A and Lot 1 of Daniels Business Park, Section 1;

thence with the common line of Lot 3A and Lot 1 South 87°54'36" East, 161.80 feet to the existing West right-of-way-line of said Demia Way;

thence with said existing West right-of-way line South 02°00'29" West, 205.71 feet;

thence along a curve to the right having a radius of 125.00 feet, an arc length of 194.34 feet, a chord bearing South 46°32'49" West, and a chord distance of 175.35 feet;

thence North 88°54'51" West, 206.21 feet;

thence leaving said Demia Way and with the West line of said Daniels Business Park, Section 1 and the East line of the above mentioned 4.018 acre tract South 07°05'00" East, 25.81 feet;

thence South 06°21'00" West, 245.90 feet;

thence with the South line of the 4.018 acre tract North 89°01'00" West, 333.60 feet;

thence with the West line of the 4.018 acre tract North 00°59'00" East, 240.00 feet;

thence South 89°01'00" East, 25.07 feet to the centerline of Sherwood Lakes Drive;

thence with said centerline, North 00°59'00" East, 38.98 feet;

thence continuing with the West line of the 4.018 acre tract and also the West line of Lot 10 of Daniels Business Park, Section 2 North 01°07'50" West; 293.24 feet;

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700 Nilles Road  
Fairfield, OH 45014

14 East Eighth Street  
Covington, KY 41011

6900 Tylersville Road  
Mason, OH 45040

777 Eads Pkwy., Suite C  
Lawrenceburg, IN 47025

thence through the above mentioned 2.770 acre tract South 89°29'01" West, 27.99 feet;

thence with the West line of the 2.770 acre tract and the East line of a 1.257 acre tract conveyed to AFM 806 Inc. in D.B. 784, Pg. 418 North 00°30'59" West, 274.51 feet to the existing South right-of-way line of Mt. Zion Road;

thence with said existing right-of-way line North 88°00'57" East, 124.26 feet;

thence with the West line of a 0.4248 acre tract conveyed to Fleet Development Company, LLC in D.B. 713, Pg. 185 South 01°12'52" West, 147.02 feet;

thence with the South line of the 0.4248 acre tract North 89°20'00" East, 31.99 feet;

thence with the common line of Lot 10 and Lot 9 of Daniels Business Park, Section 2 South 00°40'00" East, 173.92 feet;

thence with the South line of said Lot 9 South 89°06'18" East, 55.39 feet;

thence with a curve to the left having a radius of 750.00 feet, an arc length of 104.43 feet, a chord bearing North 86°54'21" East, and a chord length of 104.35 feet;

thence North 82°55'00" East, 15.61 feet to the existing West right-of-way line of Investment Way;

thence through said Investment Way, North 83°03'48" East, 51.00 feet to the West line of said Lot 3A;

thence with said lot 3A North 06°56'11" West, 21.33 feet to the TRUE POINT OF BEGINNING.

Containing 7.451 acres of land and being subject to all easements and rights-of-way of record. The reference meridian of record is Plat Slide 459 and 459A.

The above description was prepared for annexation purposes only from a survey made on April 13, 2005 under the direction of Chris R. Gephart, Licensed Professional Land Surveyor #3292 in the Commonwealth of Kentucky. Monuments will not be set.

Prior Instrument Reference: Deed Book 824, Page 93  
Deed Book 852, Page 246  
Deed Book 867, Page 97

**EXHIBIT**  
**“B”**



**CONSENT TO ANNEXATION  
BY THE CITY OF FLORENCE, KENTUCKY**

The undersigned hereby consent to and request that the City of Florence, Kentucky, annex the real property which is described and shown on the legal description and plat which are attached hereto, and in connection therewith, the following representations are made to the City:

- a. All of the owners of record of said real property have signed below;
- b. The real property meets the requirements of K.R.S. 81A.410;
- c. Such annexation is consented to under the provisions of K.R.S. 81A.412 and it is acknowledged that by reason of such consent, the City shall not be required to (1) enact the notification ordinance of K.R.S. 81A.421(1); or (2) to comply with the notice requirements of K.R.S. 81A.425; or (3) to wait the 60 day period provided for in K.R.S. 81A.420(2). The City may accomplish this annexation by the enactment and publication of a single ordinance.

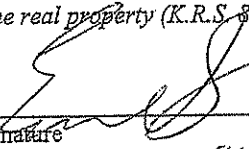
Pursuant to K.R.S. 100.209 as it affects zoning of such real estate after annexation, it is hereby requested: (check one)

- a.  That such real estate shall remain subject to the same land use restrictions as applied to it prior to annexation; or
- b.  That the City amend its Comprehensive Plan and official Zoning Map so that after annexation, such real property will have the following zone:  
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*NOTE: This consent to annexation must be signed by all owners of record. If the owners are married individuals, their spouses must sign. If the owners are corporations, LLC's, partnerships, etc., the authorized officers must sign, and a copy of the resolution authorizing execution must be attached.*

The following documents **MUST** be attached to this Consent.

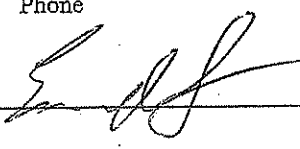
- a. A plat showing an accurate map of the real estate (K.R.S. 81A.470(1)); and
- b. A metes and bounds legal description of the real estate (K.R.S. 81A.470(1)); and
- c. Copies of the document(s) from which owners source of title is derived; and
- d. A list of the names and addresses of those property owners and registered voters who reside within the boundaries of the real property (K.R.S. 81A.475).

SPORTS OF ALL SORTS, INC  10/14/2005  
Printed/Typed Name of Owner Signature Date

10094 INVESTMENT WAY, FLORENCE, KY 41042 3715511 859-371-5511  
Address Phone

DGHK REALTY, LLC  10/14/2005  
Printed/Typed Name of Owner Signature Date

2024 MADISON AVENUE, COVINGTON KY 41014 2617200 859-261-7200  
Address Phone

SPORTS OF ALL SORTS, INC.  10/14/2005  
Printed/Typed Name of Owner Signature Date

2024 MADISON AVENUE, COVINGTON KY 41014 2617200  
Address Phone