

ORDINANCE NO. 0-3-06

AN ORDINANCE ANNEXING CERTAIN TERRITORY CONSISTING OF A PARCEL OF APPROXIMATELY .215 ACRE, A PART OF LOTS 32 AND 33 OF DILCREST MANOR SUBDIVISION, SECTION II, LOCATED AT 15 N. DILCREST DRIVE, ADJACENT TO THE CITY LIMITS. (THE DR. LAWRENCE & LOIS PAYNE PROPERTY)

WHEREAS, Lawrence B. Payne and Lois A. Payne, 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).

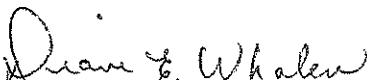
SECTION IV

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 14th DAY OF February, 2006
PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 28th DAY OF February, 2006

APPROVED:



MAYOR

ATTEST:



CITY CLERK

CITY OF FLORENCE, KENTUCKY
READING SUMMARY

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SUMMARY

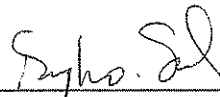
This Ordinance annexes and makes a part of the City a .215 acre parcel, a part of Lots 32 and 33 of Dilcrest Manor Subdivision, Section II, located at 15 N. Dilcrest Drive, adjacent to the City limits.

This annexation is in response to a request by Lawrence B. Payne and Lois A. Payne, the owners, to have the property become part of the City. The annexation will be complete upon second reading and publication of this Ordinance.

After annexation the property will remain subject to the same land use restrictions as applied prior to annexation.

CERTIFICATION

I hereby certify that the foregoing is a summary of the contents of the Ordinance titled above and that it was prepared by me this 18 day of JANUARY, 2006, and I am an attorney licensed to practice law in the Commonwealth of Kentucky.



HUGH O. SKEES, KBA#64730
SKEES, WILSON & DILLON, PLLC
7699 Ewing Blvd., P.O. Box 756
Florence, KY 41042-0756
Phone: (859) 371-7407
Fax: (859) 371-9872



VIOX & VIOX

Civil Engineers, Surveyors, and Landscape Architects

466 Erlanger Road
Erlanger, Kentucky 41018

Tel: 859.727.3293
Fax: 859.727.8452
www.vioxinc.com

January 12, 2006

PARCEL TO BE ANNEXED BY
THE CITY OF FLORENCE
CONTAINING 0.215 ACRES, MORE OR LESS

Beginning at a point in the north right-of-way line of North Dilcrest Drive at the most southwesterly corner of Lawrence B. Payne (Deed Book 207, page 589); thence leaving said right-of-way line N 19-54-16 W 156.96 feet to a point in the existing boundary of the City of Florence; thence with said existing boundary N 65-18-49 E 78.79 feet; thence S 05-37-51 E 178.06 feet to a point in the north right-of-way line of North Dilcrest Drive; thence with said right-of-way line containing 0.215 acre, more or less.

NOTE: THIS PLAT WAS PREPARED USING EXISTING DEEDS AND PLATS OF RECORD AND CURRENT BOONE COUNTY GIS INFORMATION. NO FIELD SURVEY WAS PERFORMED.

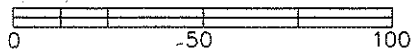
PLAT OF 0.215± ACRE
TO BE ANNEXED BY
THE CITY OF FLORENCE

BOONE COUNTY KENTUCKY

NORTH SIDE OF NORTH DILCREST DRIVE
WEST OF DILCREST DRIVE

JANUARY 1, 2006

SCALE: 1" = 50'



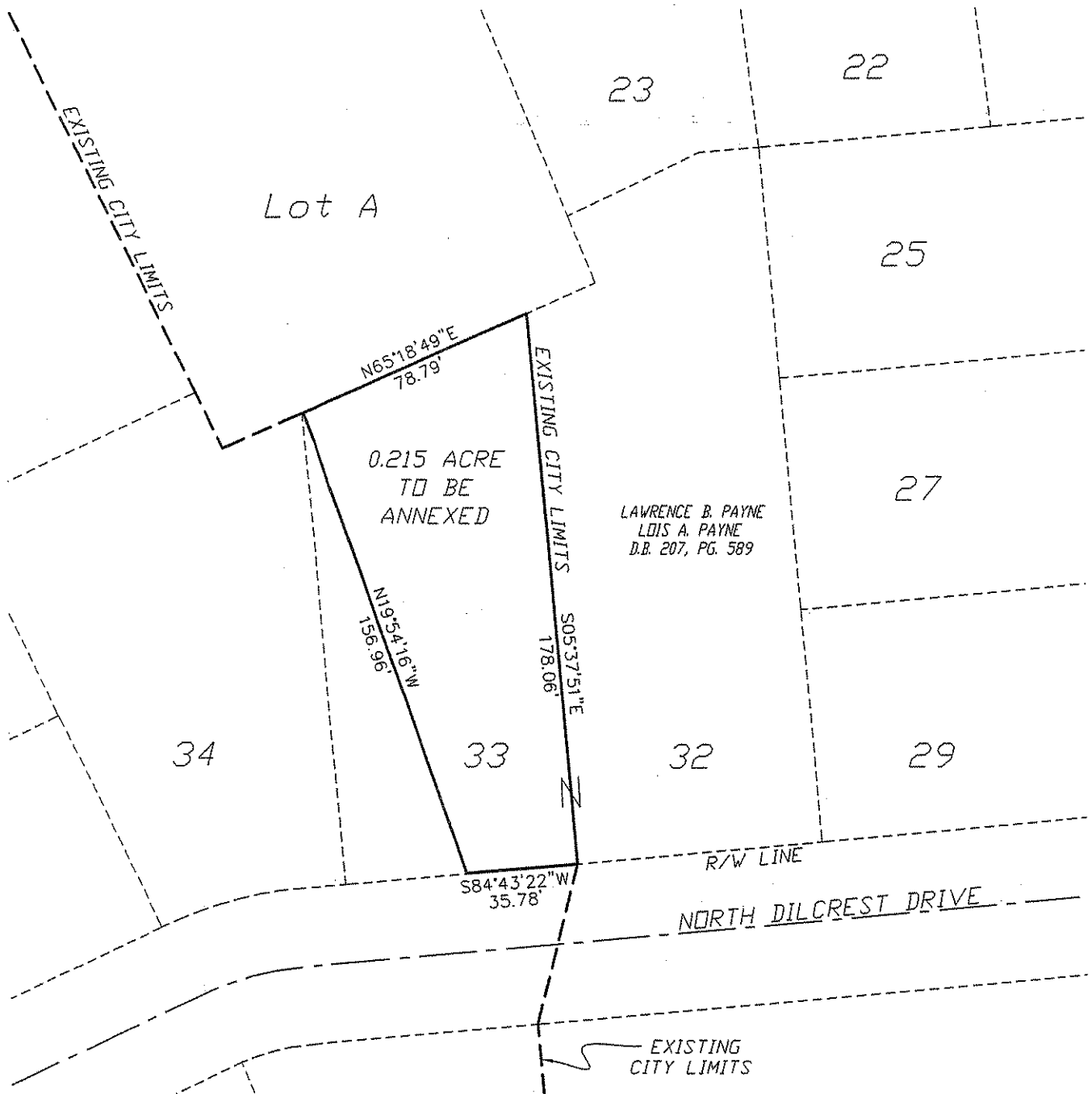
STATE of KENTUCKY
GREGORY A. LARISON
3357
LICENSED
PROFESSIONAL
LAND SURVEYOR

Greg Larison
11/12/06



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**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:

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).

Lawrence B. Payne *Lawrence B. Payne* 12-17-05
 Printed/Typed Name of Owner Signature Date

15 N DICKREST 859 371-1048
 Address Phone 859 525-7443

LOIS A. PAYNE *Lois A. Payne* 12-17-05
 Printed/Typed Name of Owner Signature Date

15 N DICKREST 859 371-1048
 Address Phone

 Printed/Typed Name of Owner Signature Date

 Address Phone

DEED

Property Transfer Tax Paid \$50.00
JERRY W. ROUSE, Clerk J.W. D.C.

KNOW ALL MEN BY THESE PRESENTS: That

JAMES L. KENDALL and ETTA L. KENDALL, his wife, and
JOYCE KENDALL, single, grantors,

for and in consideration of the sum of FIFTY THOUSAND (\$50,000.00) DOLLARS to them
paid by LAWRENCE B. PAYNE and LOIS A. PAYNE, his wife, grantees,

the receipt whereof is hereby acknowledged, do hereby bargain, sell and convey to the said grantees,
LAWRENCE B. PAYNE and LOIS A. PAYNE, his wife, and to the survivor of them,
his or her

heirs and assigns forever, the following described real estate, lying and being in Boone County, Kentucky to-wit:

Grantee Mailing Address 15 North Dilcrest, Florence, Kentucky Group No. 713

Present Street Address 15 North Dilcrest, Florence, Kentucky Plat No.

In the City of Florence and located on the North side of Dilcrest
Circle, and is described thus:

Beginning at a stake in the North right-of-way of North Dil-
crest Circle, said stake being a corner common to Lots 29 and 32; thence
with the rear of said Lots 25, 27 and 29, N 5-3-30 W. 225.0 feet to a
stake; thence S. 84-21-30 W. 19.24 feet to a stake; thence S 63-46-30
W. 15.83 feet to a stake; thence S 23-17-54 E. 24.04; thence S 65-18-49
W. 135.55 feet; thence S 19-54-16 E. 156.96 feet to a stake in the right-
of-way of North Dilcrest Circle; thence with said right-of-way N 84-21-30
E. 116.33 feet to the beginning. This description for part of Lot #33 and
part of Lot #32 of Dilcrest Manor Subdivision, Section II.

SOURCE OF TITLE:

Being the same property conveyed to the said James L. Kendall
and Joyce Kendall, when man and wife, by Franklin Florence and wife by
deed dated the 24th day of September, 1971, and recorded in Deed Book 194,
page 625, Boone County records.

Said James L. Kendall and Joyce Kendall were divorced from each
other by Decree of the Boone Circuit Court in Civil Action File Number
73-172, on October 3, 1973.

~~Being the same property conveyed to the grantor by
deed dated day of 10 and recorded in deed book page in the
office of the Clerk of the Boone County Court, Burlington, Kentucky.~~

Together with all the privileges and appurtenances to the same belonging. To have and to hold the same to the said
grantees, LAWRENCE B. PAYNE and LOIS A. PAYNE, his wife, and to the survivor
of them, his or her

STATE OF KENTUCKY

SCT.

County of Boone.

I, Charles L. Munson a Notary Public in and for the county and state aforesaid, do certify that the foregoing instrument of writing from JAMES L. KENDALL, et al,

LAWRENCE B. PAYNE and LOIS A. PAYNE, his wife, was this day presented to me in my county by the parties and then and there acknowledged by the said

JAMES L. KENDALL and EPTA L. KENDALL, his wife, to be

their act and deed. Whereupon the same and this certificate are certified to the proper office for record.

Given under my hand and seal of office this 13th day of March, 1974.

My Commission Expires: August 13, 1975.

Signature of Charles L. Munson, Notary Public.

STATE OF KENTUCKY

SCT.

County of Boone. Grant

I, a Notary Public in and for the county and state aforesaid, do certify that the foregoing instrument of writing from JAMES L. KENDALL, et al,

to LAWRENCE B. PAYNE and LOIS A. PAYNE, his wife, was this day presented to me in my county by the parties and then and there acknowledged by the said

JOYCE KENDALL to be

her act and deed. Whereupon the same and this certificate are certified to the proper office for record.

Given under my hand and seal of office this 13th day of March, 1974.

My Commission Expires: 12-22, 1974.

I certify that I drafted this deed.

Signature of William F. Threlkeld, Notary Public.

William F. Threlkeld, Attorney, Williamstown, Ky.

~~of ROUSE, MATHIS & BENSON, Attorneys, Walnut Grove, Ky.~~

Return to: Florence Bank
Florence, Ky.

No. 207 Page 589
Recording \$5.00 pd Stamps \$50.00 pd

Recorded in Deed Book

By [Signature] Clerk

Left for Record 12:55

Acknowledged

LAWRENCE B. PAYNE and LOIS A. PAYNE, his wife.

JAMES L. KENDALL, et al, RECEIVED DEC 27 2005

WARRANTY DEED

STATE OF KENTUCKY.

SCT.

County of Boone

I, JERRY W. ROUSE, Clerk of the County Court in and for the County and State aforesaid, do certify that the foregoing instrument of writing from JAMES L. KENDALL, et al,

to LAWRENCE B. PAYNE and LOIS A. PAYNE, his wife, was this 14th day of March, 1974 produced to me, certified as above and lodged for record at 12:55 o'clock P.M.

Whereupon, the same with foregoing and this certificate have been duly recorded in my office.

Given under my hand, this 14th day of March 1974.

Signature of Jerry W. Rouse, Clerk. By [Signature] D.C.