

ORDINANCE NO. 0-8-06

AN ORDINANCE ANNEXING CERTAIN TERRITORY CONSISTING OF A PARCEL OF APPROXIMATELY 1.3074 ACRES LOCATED ALONG SUNNYBROOK DRIVE, SOUTH OF ITS INTERSECTION WITH WEAVER ROAD, ADJACENT TO THE CITY LIMITS. (SMI-SUNNYBROOK, LLC, PROPERTY, ORDINANCE NO. 0-8-00)

WHEREAS, SMI-SUNNYBROOK, LLC, being the owner of record of the hereinafter described territory (the "territory"), has requested that the City of Florence, Kentucky (the "City") annex the territory and, pursuant to K.R.S. 81A.412, the owner has 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 owner of record of the territory has 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 11<sup>th</sup> DAY OF April, 2006.  
PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 25<sup>th</sup> DAY OF April, 2006.

APPROVED:

Dean S. Whalen  
MAYOR

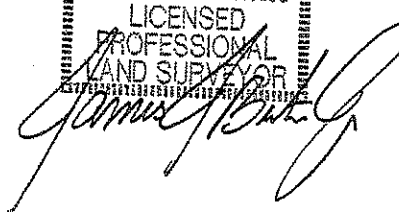
ATTEST:

LEGAL DESCRIPTION  
 1.3074 ACRES TO BE ANNEXED

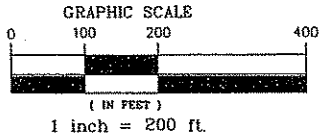
- Situated in the Commonwealth of Kentucky, Boone County, being part of the land heretofore conveyed to SMI-Sunnybrook, LLC. as recorded in Deed Book 893; Page 422 of the Boone County deed records on file in Burlington, KY, and being more particularly described as follows:
- Beginning at a northerly corner of a tract of land heretofore conveyed to Mt.Zion Limited Partnership as recorded in Deed Book 652, Page 090 of said County Records;
- Thence along the easterly line of a tract of land heretofore conveyed to Lawrence & Kathleen Whitis As recorded in Deed Book 320, Page 248 of said County Records, **N 15°22'51" W 122.17** feet to the centerline of Sunnybrook Drive;
- Thence along the centerline of said road the following eight (8) courses:
1. **N 46°33'38" E 43.03** feet;
  2. **N 30°37'32" E 104.29** feet;
  3. **N 31°54'44" E 98.71** feet;
  4. **N 32°45'27" E 266.45** feet;
  5. **N 32°49'55" E 277.80** feet;
  6. **N 37°14'25" E 66.23** feet;
  7. **N 39°35'47" E 83.37** feet;
  8. **N 35°49'05" E 2.14** feet to the southerly line of a 50' service road as recorded in Deed Book 552, Page 227 of said County Records;
- Thence along the southerly line of said service road, **S 59°38'17" E 19.41** feet to the easterly line of a Tract of land claimed be Case No. 01-C1-640, **N 29°53'48" W 1023.51** feet to the point of beginning.
- Containing **1.3074** acres of land, more or less, subject to easements, conditions, covenants, restrictions, and rights-of-way of record.

The above description and bearing system is based on the northerly line of parcel as recorded in Deed Book 652, Page 090. It is further based on a field survey made by One Eleven Engineering and Surveying, PLLC. dated 08-20-05.

STATE OF KENTUCKY  
 JAMES J.  
 BERTRAM  
 3423  
 LICENSED  
 PROFESSIONAL  
 LAND SURVEYOR



BASED ON THE NORTHERLY LINE OF PARCEL AS RECORDED IN DEED BOOK 652 PAGE 90.



### CITY CLERK CERTIFICATION

I CERTIFY I AM THE DULY QUALIFIED CITY CLERK OF THE CITY OF \_\_\_\_\_, KENTUCKY, AND THE FOREGOING \_\_\_\_\_ PAGES OF ORDINANCE No. \_\_\_\_\_ IS A TRUE, CORRECT AND COMPLETE COPY DULY ADOPTED BY THE CITY COMMISSION AT A DULY CONVENED MEETING HELD ON \_\_\_\_\_ ALL AS APPEARS IN THE OFFICIAL RECORDS OF SAID CITY.

WITNESS, MY HAND AND (SEAL OR THE SEAL OF SAID CITY), THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2006

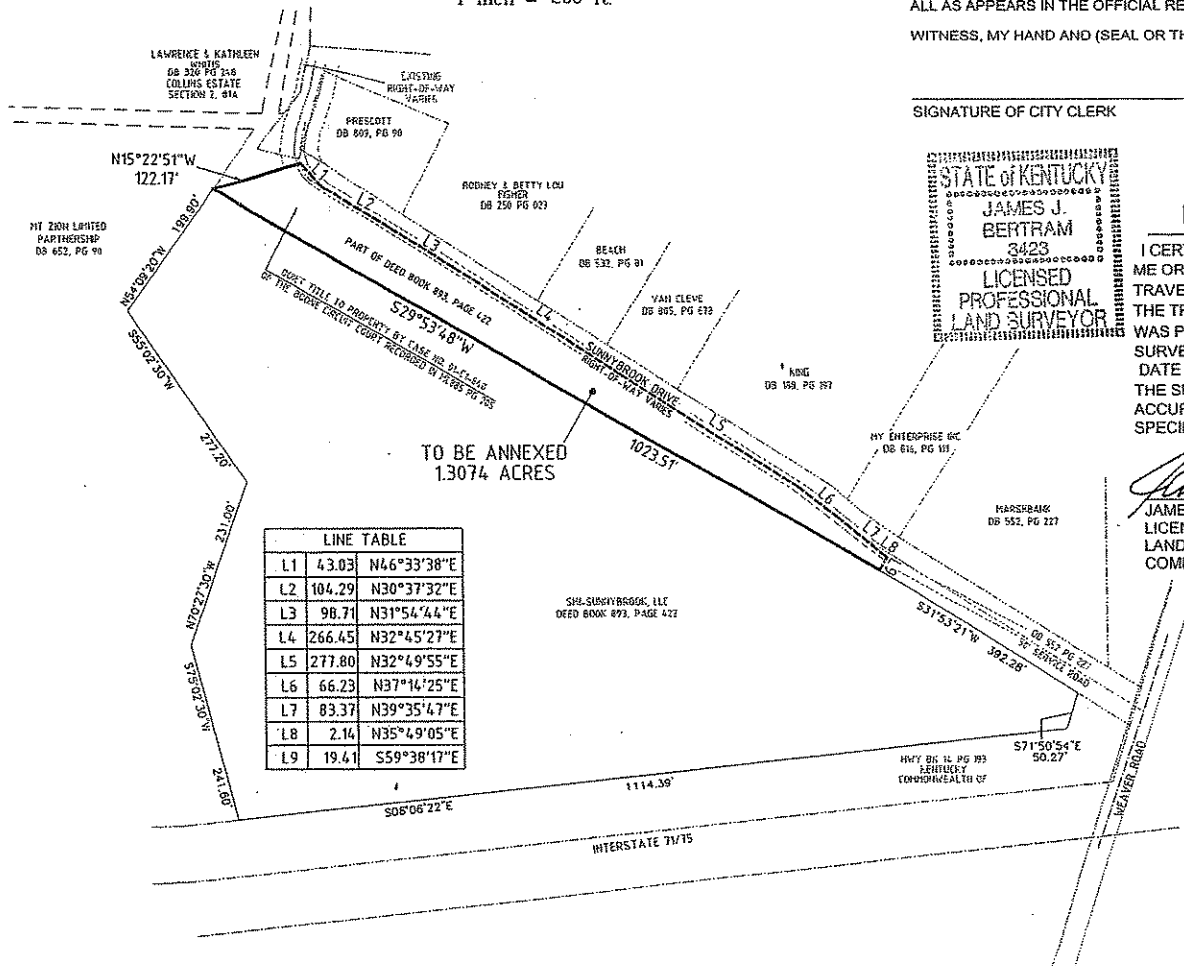
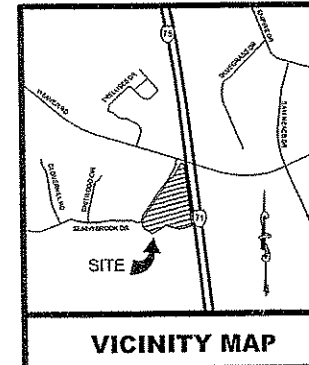
SIGNATURE OF CITY CLERK

STATE OF KENTUCKY  
**JAMES J. BERTRAM**  
 3423  
 LICENSED PROFESSIONAL LAND SURVEYOR

### LAND SURVEYOR'S CERTIFICATE

I CERTIFY THAT THIS PLAT DEPICTS A SURVEY MADE BY ME OR UNDER MY SUPERVISION, BY THE METHOD OF RANDOM TRAVERSE WITH SIDE SHOTS. THE UNADJUSTED PRECISION RATIO OF THE TRAVERSE WAS 1:459,294 AND WAS NOT ADJUSTED. THE SURVEY WAS PREPARED IN ACCORDANCE WITH THE KENTUCKY MINIMUM SURVEYING STANDARDS.  
 DATE OF FIELD SURVEY: 02-21-05  
 THE SURVEY SHOWN HEREON IS A CLASS "A" SURVEY AND THE ACCURACY AND PRECISION OF SAID SURVEY MEETS ALL THE SPECIFICATIONS OF THIS CLASS

*James J. Bertram* 3/24/06  
 DATE  
**JAMES J. BERTRAM,**  
 LICENSED PROFESSIONAL  
 LAND SURVEYOR #3423 IN THE  
 COMMONWEALTH OF KENTUCKY



TO BE ANNEXED  
 1.3074 ACRES

LINE TABLE		
L1	43.03	N46°33'38"E
L2	104.29	N30°37'32"E
L3	98.71	N31°54'44"E
L4	266.45	N32°45'27"E
L5	277.80	N32°49'55"E
L6	66.23	N37°16'25"E
L7	83.37	N39°35'47"E
L8	2.14	N35°49'05"E
L9	19.41	S59°38'17"E

**one**  
 Engineering Surveying  
**Elevate**  
 5294 Madison Pike  
 Independence, KY 41051  
 859 363-9025  
 Fax: 859 363-9125  
 © 2006 ONE ELEVATE SURVEYING PLLC  
 CLIENT/OWNER  
 SMI-SUNNYBROOK LLC  
 P.O. BOX 139  
 UNION, KENTUCKY 41091

GROUP NUMBER: 2048B

**ANNEXATION PLAT**  
**SUNNYBROOK DRIVE**  
**CITY OF FLORENCE**  
**BOONE COUNTY, KENTUCKY**

DRAWING TITLE	PROJECT TITLE
SCALE	DATE
1"=200'	1/23/06
DRAWN BY	CHECKED BY
MCRO	JBER
PROJECT NO.	FILE
E-04-018	ANNEX
SHEET	1 of 1

EXHIBIT "B"

March, 21<sup>st</sup> 2006

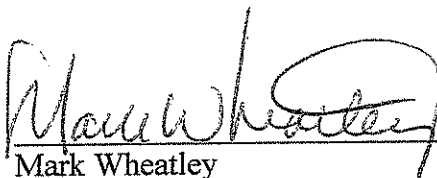
City of Florence  
Joe Christofield  
8100 Ewing Blvd.  
Florence, KY 41012

Dear Mr. Christofield,

SMI-Sunnybrook, LLC. 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.

Sincerely,


SMI-Sunnybrook, LLC.  
P.O. Box 139  
Union, Kentucky 41091

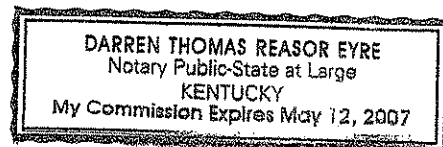
 3/22/06  
Mark Wheatley Date:

Title: Member

STATE OF KENTUCKY, COUNTY OF KENTON \_\_\_\_\_ :

The foregoing instrument was acknowledged before me this 22 day, of MARCH, 2006 by,  
MARK WHEATLEY, MEMBER OF SMI-SUNNYBROOK, LLC

  
Notary Public  
KENTON County, Kentucky  
My commission expires: MAY 12, 2007





**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).

SMI- SUNNYBROOK LLC  
 MARK WHEATLEY (MEMBER) Mark Wheatley 3/24/06  
 Printed/Typed Name of Owner Signature Date

P.O. BOX 139 UNION KY 41091 859-750-6299  
 Address Phone

\_\_\_\_\_  
 Printed/Typed Name of Owner Signature Date

\_\_\_\_\_  
 Address Phone

\_\_\_\_\_  
 Printed/Typed Name of Owner Signature Date

\_\_\_\_\_  
 Address Phone