



CITY OF FLORENCE, KENTUCKY
READING SUMMARY

ORDINANCE NO. 0-16-11

AN ORDINANCE ANNEXING CERTAIN TERRITORY CONSISTING OF A 1.2973 ACRE PARCEL LOCATED ALONG THE SOUTHWEST LINE OF THE NEW SOUTH AIRFIELD CONNECTOR ROAD, ADJACENT TO THE CITY LIMITS. (CRIST PROPERTY)

SUMMARY

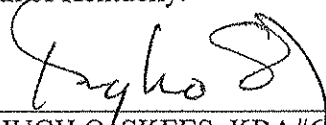
This Ordinance annexes and makes a part of the City a tract of approximately 1.2973 acre located along the southwest line of the new South Airfield Connector Road, adjacent to the city limits.

This annexation is in response to a request by RCDK Properties, LLC, the owner 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 19th day of August, 2011, 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 41022-0756
Phone: (859) 371-7407
Fax: (859) 371-9872

ORDINANCE NO. 076-11

AN ORDINANCE ANNEXING CERTAIN TERRITORY CONSISTING OF A 1.2973 ACRE PARCEL LOCATED ALONG THE SOUTHWEST LINE OF THE NEW SOUTH AIRFIELD CONNECTOR ROAD, ADJACENT TO THE CITY LIMITS. (CRIST PROPERTY)

WHEREAS, RCDK Properties, 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 23rd DAY OF August, 2011.
PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED
THIS 13th DAY OF September, 2011.

APPROVED:


MAYOR

ATTEST:


CITY CLERK



JAMES W. BERLING ENGINEERING, PLLC

Land Surveying • Site Development • Civil Engineering Services • Land Planning

KY License No. 5745

1671 PARK ROAD, SUITE ONE • FT. WRIGHT, KENTUCKY 41011 • (859) 331-9191 • FAX (859) 344-7422

Land Surveyor License KY 206

EXHIBIT "A"

RECEIVED

AUG 15 2011

August 3, 2011

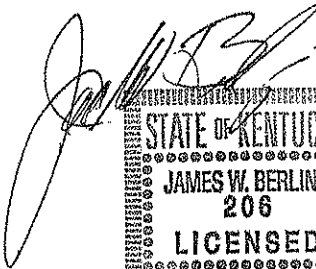
LEGAL DESCRIPTION

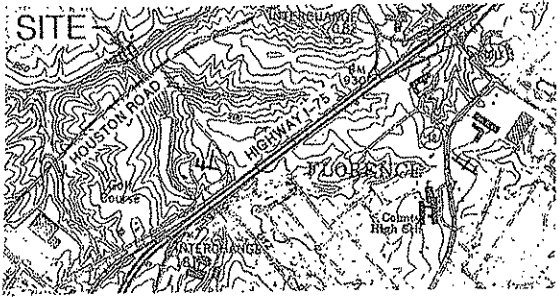
AREA TO BE ANNEXED TO THE
CITY OF FLORENCE, KENTUCKY

Being a 1.2973 acre parcel of land located in Boone County, Kentucky, said parcel being adjacent to the City of Florence, Kentucky property as described in Deed Book 922 at Page 691 and lying along the southwest line of the new South Airfield Connector Road, and being more particularly described as follows:

Beginning at the most easterly corner of the 1.50 acre parcel conveyed to the City of Florence, Kentucky by deed recorded in Deed Book 922 at Page 691 of the Boone County Clerk's records at Burlington, Kentucky; thence S 41° 13' 49" E along the southwest right of way line of the South Airfield Connector Road 179.79 feet to a point; thence leaving same and running through RCDK Properties, LLC S 53° 42' 00" W 44.99 feet, S 66° 47' 00" W 243.51 feet and S 74° 06' 00" W 261.47 feet to the east corner of Walmart Real Estate Business Trust as described in Deed Book 890 at Page 924 of said records; thence N 38° 57' 00" W along the northeast line of Walmart Real Estate Business Trust 12.00 feet to the south corner of the City of Florence, Kentucky property; thence N 51° 22' 00" E along the southeast line of the City of Florence, Kentucky 1.50 acre property, a distance of 512.78 feet to the place of beginning.

Containing 1.2973 Acres


STATE OF KENTUCKY
JAMES W. BERLING
206
LICENSED
LAND SURVEYOR



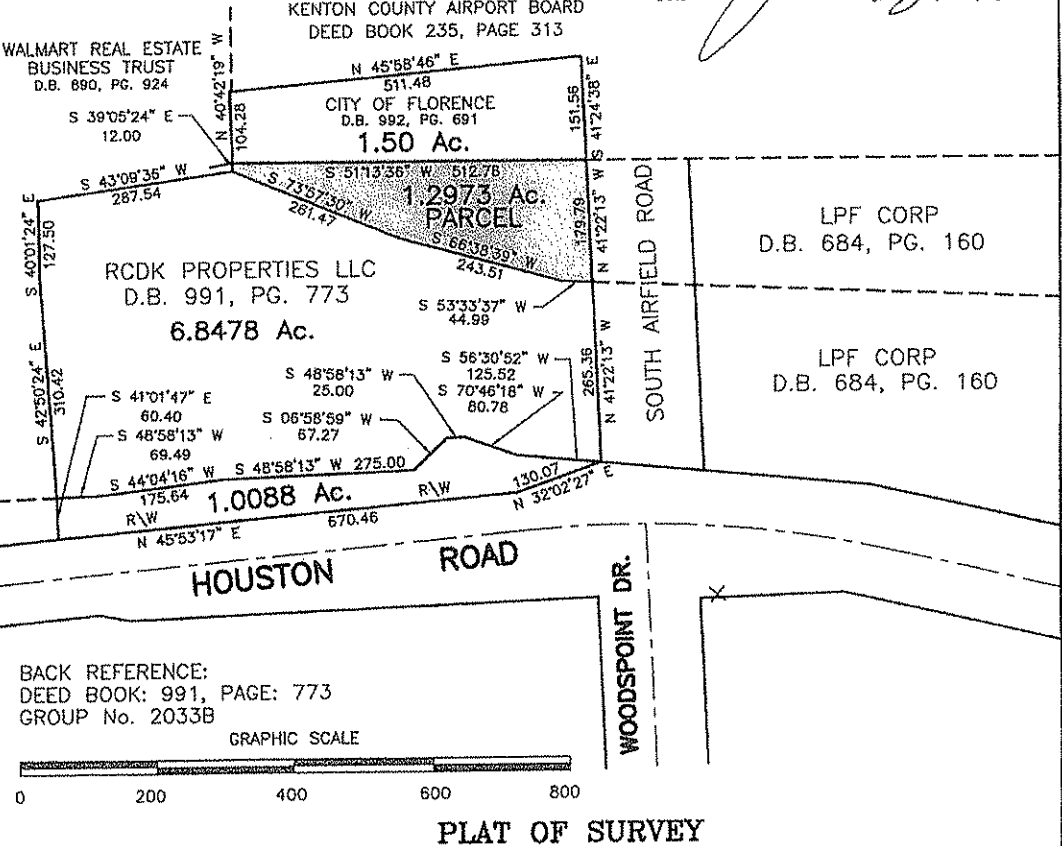
VICINITY MAP
1" = 2000'

LAND SURVEYOR'S CERTIFICATE

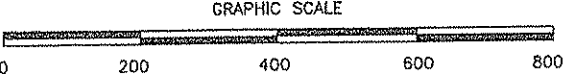
"I certify that this plat has been prepared by me or under my supervision in accordance with the Kentucky Minimum Surveying Standards, and complies with all requirements of the Boone County Zoning and Subdivision Regulations, and that dedicated areas including public ways or streets are currently owned by the property owner."

I certify that I have examined the records of the Boone County Clerk and find that this is the first Conveyance made under the present ownership and the parent tract since 1966 or from the adaption krs 100.

8/3/11
Date
James W. Berling, L.S., Ky. Reg. #206



BACK REFERENCE:
DEED BOOK: 991, PAGE: 773
GROUP No. 2033B



PLAT OF SURVEY

STATE OF KENTUCKY JAMES W. BERLING 206 LICENSED LAND SURVEYOR	RCDK PROPERTIES, L.L.C.	
	HOUSTON ROAD - FLORENCE, KY	
	DRAWN BY Chris D. Berling chrisberling@zoomtown.com	DATE 8/03/11
	JAMES W. BERLING KY. SURVEYOR No.206	SCALE 1" = 200'

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:

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).

RCDK PROPERTIES LLC

BY: Richard Crist, Member Richard Crist 8-4-11
 Printed/Typed Name of Owner Signature Date

8800 BANKERS ST. #3 859-283-2260
 Address Phone
FLORENCE, KY 41042

 Printed/Typed Name of Owner Signature Date

 Address Phone

 Printed/Typed Name of Owner Signature Date

 Address Phone

28

This instrument prepared
by Ziegler & Schneider, P.S.C.
Attorneys at Law

RETURN TO:

541 Buttermilk Pike, Suite 500
P.O. Box 175710

Covington, Kentucky 40175710
by Sharon Schneider Elliston, Attorney.
SHARON SCHNEIDER ELLISTON

RETURN TO

DEED

KNOW ALL PERSONS BY THIS INSTRUMENT:

That D.C. - KY 18, LLC, a Kentucky limited liability company,

the GRANTOR, for and in consideration of One (\$1.00) Dollar and other good and valuable consideration as certified to below, paid to the GRANTOR by the GRANTEE herein, the receipt of which is hereby acknowledged, does bargain, sell and convey to the following named GRANTEE,

RCDK Properties, LLC, a Kentucky limited liability company,

its successors and assigns forever, the following described real estate, in the County of Boone, and State of Kentucky, to wit:

Street Address: Parcel I (8.1451 acres) and Parcel II (1.0088 Acres)
Houston Road, Florence, KY 41042

Grantee's Address: 8800 Bankers Street, Suite 3, Florence, KY 41042

The in-care-of address to which the property tax bill for 2011 may be sent to:
8800 Bankers Street, Suite 3, Florence, KY 41042

Grantor's Address: 8800 Bankers Street, Suite 3, Florence, KY 41042

Group No: 2033B

PARCEL I:

Beginning at a point in the northwest right of way line of Houston Road, said point being the south corner of the grantor's property; thence along the southwest line of the grantor's property N-42°-42'-00"-W 310.42 feet, and N-39°-53'-00"-W 127.50 feet to the west corner thereof; thence N-43°-18'-00"-E along the grantor's northwest line 287.54 feet to a corner; thence N-52°-57'-00"-W along the southwest line of the 1.9273 acre tract conveyed to the grantor by the Kenton County Airport Board, a distance of 12.00 feet to a point; thence along the northwest line of said 1.9273 acre tract N-51°-22'-00"-E 512.78 feet to a point; thence S-41°-13'-49"-E along the northeast line of said 1.9273 acre tract 445.14 feet to a point in the northwest right of way line of Houston Road; thence along the northwest right of way line of Houston Road S-56°-39'-16"-W 125.52 feet, S-70°-54'-42"-W 80.78 feet, S-49°-06'-37"-W 25.00 feet, S-7°-07'-23"-W 62.27 feet, S-49°-06'-37"-W 275.00 feet, S-44°-12'-40"-W 175.64 feet, and S-49°-06'-37"-W 69.49 feet to the place of beginning.

Boone County
D991 PG 773

Containing 8.7751 Acres (6.8478 Acres + ~~1.9273~~ Acres)
1.2973

The correct acreage for this parcel is 8.1451 acres, which consists of 6.8478 acres + 1.2973 acres. The 1.2973 acres was mistakenly referred to in the previous deed as 1.9273 acres.

PARCEL II:

Beginning at a point in the existing northwest right of way line of Houston Road, said point being the intersection point of said right of way line with the northeast line of Ruth M. Doering et al, and the southwest line of Mary Ellen Foltz; thence S-40°-53'-23"-E along the southeasterly projection of said property line 60.40 feet to a point; thence along the proposed northwest right of way line of Houston Road N-46°-01'-41"-E 670.46 feet and N-32°-10'-51"-E 130.07 feet to a point in the existing right of way of said road, said point being a common corner of Mary Ellen Foltz and the Kenton County Airport Board; thence along the existing northwest right of way line of Houston Road S-56°-39'-16"-W 125.52 feet, S-70°-54'-42"-W 80.78 feet, S-49°-06'-37"-W 25.00 feet, S-7°-07'-23"-W 67.27 feet, S-49°-06'-37"-W 275.00 feet, S-44°-12'-40"-W 175.64 feet, and S-49°-06'-37"-W 69.49 feet to the place of beginning.

Containing 1.0088 Acres

Being the same property conveyed to the Grantor herein by deed recorded in Deed Book 758, page 265 and by Deed of Correction dated October 1, 2001 and recorded in Deed Book 815, page 34 of the Boone County Clerk's records at Burlington, Kentucky. ✓

SUBJECT to the conditions, restrictions and easements contained in deeds and instruments of record, ✓

Together with all the privileges and appurtenances to the same belonging. To have and to hold forever the same to the GRANTEE, in the fashion and manner stated above in the conveying clause, with covenants of general warranty, except all taxes and assessments due and payable in the year 2011 which are to be reasonably prorated as of the date of closing and which the GRANTEE assumes and agrees to pay.

GRANTOR and GRANTEE both certify, under oath, that the consideration of \$1,600,000.00** is the full consideration paid for the property and GRANTEE joins in this deed for the sole purpose of making this certificate about the consideration.

**Exempt from transfer tax pursuant to KRS 142.050(7)(k).

DATED this 1st day of April, 2011.

GRANTOR:

D.C. - KY 18, LLC, a Kentucky limited liability company

By: Richard D. Crist
Richard D. Crist, Member

GRANTEE:

RCDK Properties, LLC, a Kentucky limited liability company

By: RICHARD D. CRIST
Richard D. Crist, Member

STATE OF KENTUCKY, COUNTY OF BOONE (GRANTOR)

The foregoing instrument was sworn to and acknowledged before me this 1st day of April, 2011, by RICHARD D. CRIST as MEMBER OF D.C. - KY 18, LLC, a Kentucky limited liability company, for and on behalf of the company.

[Signature]
Notary Public
My Commission Expires: 6-27-13
My Jurisdiction Is: STATE AT LARGE

STATE OF KENTUCKY, COUNTY OF BOONE (GRANTEE)

The foregoing instrument was sworn to and acknowledged before me this 1st day of April, 2011, by RICHARD D. CRIST as MEMBER OF RCDK Properties, LLC, a Kentucky limited liability company, for and on behalf of the company.

[Signature]
Notary Public
My Commission Expires: 6-27-13
My Jurisdiction Is: STATE AT LARGE

P:\MLD\DEEDS\2011 DEEDS\RCDK PROPERTIES, LLC 04.05.11.DOCX

Boone County
D991 PG 775

DOCUMENT NO: 564774
RECORDED ON: APRIL 29, 2011 12:46:44PM
TOTAL FEES: \$17.00
BOOK: 29338
COUNTY CLERK: BERRY BROWN
COUNTY: BOONE COUNTY CLERK
DEPUTY CLERK: ALIE SPALDING
BOOK 0991 PAGES 773 - 775