

ORDINANCE NO. 0-2-13

AN ORDINANCE ANNEXING CERTAIN TERRITORY CONSISTING OF A PARCEL OF APPROXIMATELY 1.3425 ACRES LOCATED AT THE TERMINUS OF UTTERBACK ROAD APPROXIMATELY 130 FEET WEST OF HOPEFUL CHURCH ROAD, AND TO THE IMMEDIATE NORTH AND EAST OF THE PROPERTIES AT 8820 AND 8830 BOONE VALLEY DRIVE, ADJACENT TO THE CITY LIMITS. (BUTLER PROPERTY)

WHEREAS, Michael C. Butler and Andra L. Butler, 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 26th DAY OF February, 2013.
PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED
THIS 16th DAY OF April, 2013.

APPROVED:

Diane E Whalen
MAYOR

ATTEST:

[Signature]
CITY CLERK

Legal Description
February 8, 2011

GRANTOR: GLORIA S. LUEBBERS
GRANTEE: MICHAEL C. BUTLER & ANDRA L. BUTLER
1.3425 acres – A portion of PIDN 062.00-00-024.00

A certain 1.3425 acre tract of land located in the Commonwealth of Kentucky, the County of Boone, between Pleasant Valley Road (KY 237), and Hopeful Church Road (KY 842), approximately 0.3 miles north of US 42 and east of the Boone Valley Subdivision and being more particularly described as follows:

All referenced deeds and plats below are of record in the Boone County Records office in Burlington, KY. Source of bearing is based upon the Northern Kentucky Control Monuments NKC 027, NKC 027 AZ, and NKC 033.

Beginning at Northern Kentucky Control Monument NKC 027 located on the northwest bridge abutment on Hopeful Church Road (KY 842), said bridge passes over Utterback Creek.

Thence, North 74° 59' 25" West for 516.67 feet to a set ½" iron pin and yellow cap, PLS #3494 at the base of a corner post; said course passes through the lands of Joseph Parker and Brenda Parker, deed book 205 page 191 and continues to a corner of said Parker and the north corner of the lands of the grantor, Gloria S. Luebbers, deed book 366, page 254.

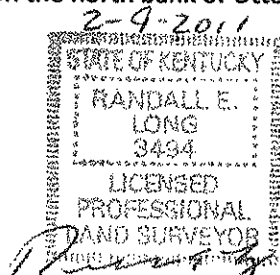
Thence, South 59° 15' 54" East for 97.00 feet to a set ½" iron pin and yellow cap, PLS #3494; said course runs along the east line of the grantor's tract a west line of the lands of said Parker to the REAL POINT of BEGINNING for the parcel described herein.

Thence, South 59° 15' 54" East for 489.67 feet to a point in Utterback Creek and the north line of a 40 foot right of way of Utterback Creek Road; said course continues along the east line of the grantor and the west line of the lands of Parker, passing a set ½" iron pin and yellow witness cap at 349.67.

Thence, South 59° 22' 46" West for 41.50 feet to a point in Utterback Creek; said course continues along the north right of way of Utterback Creek Road and Utterback Creek to a point in the east line of the lands of Michael C. Butler and Andra L. Butler, deed book 716 page 75, passing a set cross notch in the east and west 'curbs' of a small bridge at 15.00 feet and at 26.50 feet, said bridge crosses Utterback Creek and accesses the parcel described herein.

Thence, North 58° 14' 17" West for 17.77 feet to a set ½" iron pin and yellow cap, PLS #3494; said course leaves the north right of way of Utterback Creek Road and Utterback Creek to a point being a common corner of the lands of said Bulter on the north bank of Utterback Creek.

Butler's Non-Buildable Lot (1.3425 acres)
Boone Valley Road
Florence, KY 41042
CP BO 11 01



EXHIBIT

"A"

Thence continuing along the lands of Butler for the following three (3) calls:

South 68° 00' 22" West for 192.99 feet to a found 5/8" iron pin and cap, Cooper #3262, passing a found 5/8" witness pin and cap, Cooper #3262, at 16.16 feet;

North 58° 55' 23" West for 213.46 feet to a set MAG Spike in a driveway;

South 31° 04' 37" West for 18.42 feet to a set 1/2" iron pin and cap, PLS #3494, said course crosses said driveway.

Thence, leaving the lands of said Butler and continues through the lands of the grantor for the following three (3) calls:

North 08° 12' 57" West for 25.00 feet to a set 1/2" iron pin and yellow cap, PLS #3494;

North 27° 22' 28" East for 100.00 feet to a set 1/2" iron pin and yellow cap, PLS #3494;

North 30° 44' 06" East for 87.56 feet to the Real Point of Beginning, said course passes back over said driveway and runs five feet north of the center of a concrete pad for a utility box.

The parcel described herein being a portion of the lands conveyed to the grantor by Gerald M. Wilson and Jacqueline Wilson, on June 3, 1987, and recorded in deed book 366 page 254 in the Boone County records room in Burlington, KY and contains 1.3425 acres.

The property described herein subject to conditions, restrictions, and easements of record.

This survey was performed by Randall Long Land Surveying.

2-9-2011
STATE OF KENTUCKY
RANDALL E.
LONG
3494
LICENSED
PROFESSIONAL
LAND SURVEYOR
Randall E. Long

Butler's Non-Buildable Lot (1.3425 acres)
Boone Valley Road
Florence, KY 41042
CP BO 11 01

Legal Description
February 8, 2011

20' WIDE ACCESS & UTILITY EASEMENT

8,800.72 SQ.FT. -- A PORTION OF PIDN 062.00-00-024.00

A certain 8,800.72 sq. ft. tract of land located in the Commonwealth of Kentucky, the County of Boone, between Pleasant Valley Road (KY 237), and Hopeful Church Road (KY 842), approximately 0.3 miles north of US 42 and east of the Boone Valley Subdivision and being more particularly described as follows:

All referenced deeds and plats below are of record in the Boone County Records office in Burlington, KY. Source of bearing is based upon the Northern Kentucky Control Monuments NKC 027, NKC 027 AZ, and NKC 033.

Beginning at west corner of the lands of the grantor, Gloria S. Luebbers, deed book 366 page 254, at the east end of Boone Valley Drive.

Thence, through the lands of the grantor for the following eight (8) calls:

- (L1) North 64° 23' 33" East for 201.37 feet to a point;
- (L2) North 77° 25' 07" East for 50.80 feet to a point;
- (L3) South 75° 10' 23" East for 30.35 feet to a point;
- (L4) South 30° 54' 30" East for 33.67 feet to a point;
- (L5) South 05° 47' 34" West for 34.19 feet to a point;
- (L6) South 27° 08' 49" West for 85.18 feet to a point;
- (L7) South 16° 45' 23" West for 12.50 feet to a point;
- (L8) South 04° 25' 44" West for 9.23 feet to a point in an easterly line of Michael C. Butler and Andra L. Butler, deed book 716 page 75.

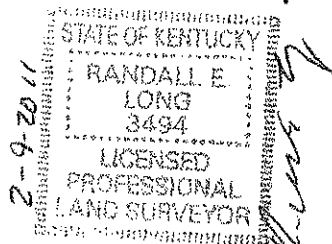
Thence, along the lines of Butler for the next (2) calls:

- (L9) North 58° 55' 23" West for 6.87 feet to a set MAG Spike in the driveway at the north corner of the lands of Butler;
- (L10) South 31° 04' 37" West for 23.41 feet to a point.

Thence, leaving the lands of Butler and continuing through the lands of the grantor for the following nine (9) calls:

- (L11) North 09° 32' 02" West for 13.95 feet to a point;
- (L12) North 04° 25' 44" East for 15.69 feet to a point;
- (L13) North 16° 45' 23" East for 16.48 feet to a point;
- (L14) North 27° 08' 49" East for 83.23 feet to a point;

Access and Utility Easement
Luebbers & Butler Properties
Florence, KY 41042
CP BO 11 01



- (L15) North 05° 47' 34" East for 23.79 feet to a point;
- (L16) North 30° 54' 30" West for 18.91 feet to a point;
- (L17) North 75° 10' 23" West for 17.34 feet to a point;
- (L18) South 77° 25' 07" West for 43.66 feet to a point;
- (L19) South 64° 24' 05" West for 197.86 feet to a point in the west line of the grantor and the easterly right of way of Boone Valley Road;

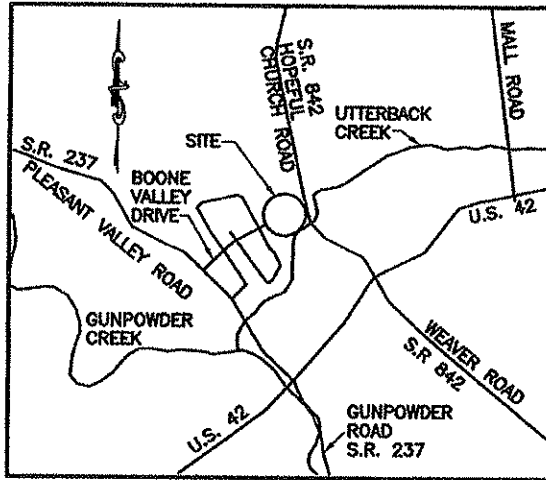
Thence, (L20) North 29° 02' 56" West for 20.00 feet to the point of beginning;

The tract described herein being part of the lands conveyed to Gloria S. Luebbers by Gerald M. Wilson and Jacqueline Wilson, on June 3, 1987, and recorded in deed book 366 page 254 in the Boone County records room in Burlington, KY and contains 8,800.72 sq. ft.

2-9-2011
STATE OF KENTUCKY
RANDALL E.
LONG
3494
LICENSED
PROFESSIONAL
LAND SURVEYOR

Access and Utility Easement
Luebbers & Butler Properties
Florence, KY 41042
CP BO 11 01

VICINITY MAP



CLIENT
MICHAEL C. BUTLER &
ANDRA L. BUTLER
8820 BOONE VALLEY DR.
FLORENCE, KY 41042

OWNER OF RECORD
GLORIA S. LUEBBERS
8830 BOONE VALLEY DR.
FLORENCE, KY 41042

BOONE COUNTY PLANNING COMMISSION APPROVAL
CERTIFICATE
APPROVED FOR RECORDING THE TRANSFER OF
PROPERTY ONLY BY THE BOONE COUNTY PLANNING
COMMISSION THIS 1 DAY OF MARCH
2011.

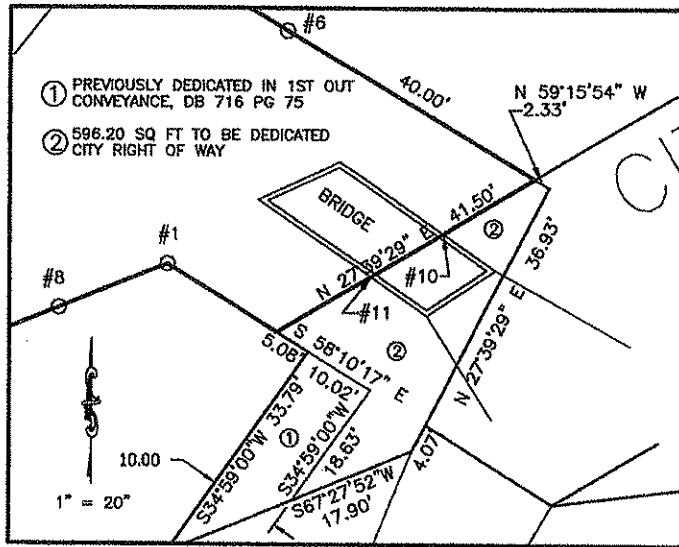
Kenn Brannon 3-1-11
CHAIRMAN'S SIGNATURE DATE

This parcel, in and of itself, does not meet
the existing Boone County zoning regulations
for use as a buildable site.

Date 3-1-11 Current Zoning SR-1/PO

SR-1/PO
3-1-11
GVS P & Z Code No. 4928

DETAIL 'A'



COUNTY CLERK'S STAMP

LAND SURVEYOR'S CERTIFICATE & NON-BUILDABLE LOT CERTIFICATE

I HEREBY CERTIFY THAT THE SURVEY DEPICTED BY THIS PLAT WAS DONE BY PERSONS UNDER MY DIRECT SUPERVISION IN JANUARY OF 2011 BY THE METHOD OF GPS USING NORTHERN KENTUCKY CONTROL MONUMENTS FOR LOCALIZATION, WHICH RESULTED IN RESIDUAL ERRORS OF LESS THAN 0.07 FEET. THE SURVEY SHOWN HEREON IS A CLASS A SURVEY. THIS PLAT OF SURVEY COMPLIES WITH ALL REQUIREMENTS OF THE BOONE COUNTY ZONING AND SUBDIVISION REGULATIONS.

I FURTHER CERTIFY THAT THIS PLAT OF LAND IN AND OF ITSELF DOES NOT MEET THE CURRENT ZONING REGULATIONS FOR USE AND IS BEING TRANSFERRED FOR NON-BUILDING PURPOSES.

Randall E. Long 2-9-11
DATE:
RANDALL E. LONG, PLS #3484
RANDALL LONG LAND SURVEYING
10146 FALCON RIDGE DRIVE
INDEPENDENCE, KY 41051
PHONE: (859) 750-5700
FAX: (859) 746-1026

2-9-2011
STATE OF KENTUCKY
RANDALL E.
LONG
3484
LICENSED
PROFESSIONAL
LAND SURVEYOR



CONVEYANCE PLAT

DRAWN REL	DATE 01/31/11	Lands of Gloria S. Luebbers
APPROVED REL	DATE 1/31/2011	8830 Boone Valley Dr. Boone County, KY
SCALE 1" = 20'	SHEET 1 of 3	PROJECT NO. CP BO 11 01

EXHIBIT "B"

2-9-2011

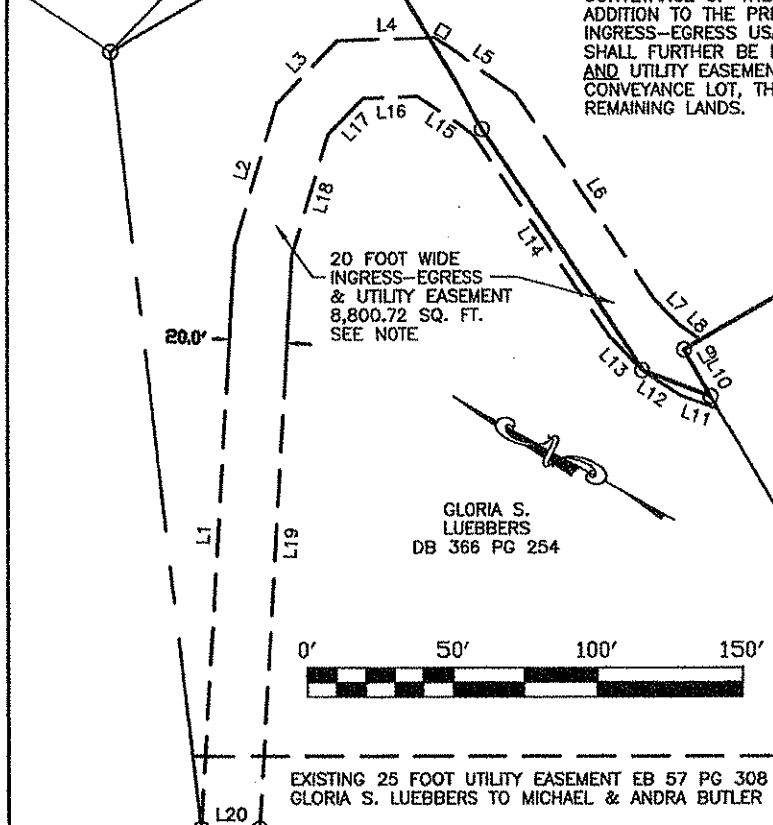
STATE OF KENTUCKY
 RANDALL E. LONG
 3434
 LICENSED PROFESSIONAL LAND SURVEYOR

FROM NORTH
 OF PARENT

CONTROL TIE LINE
 PARENT TRACT TO

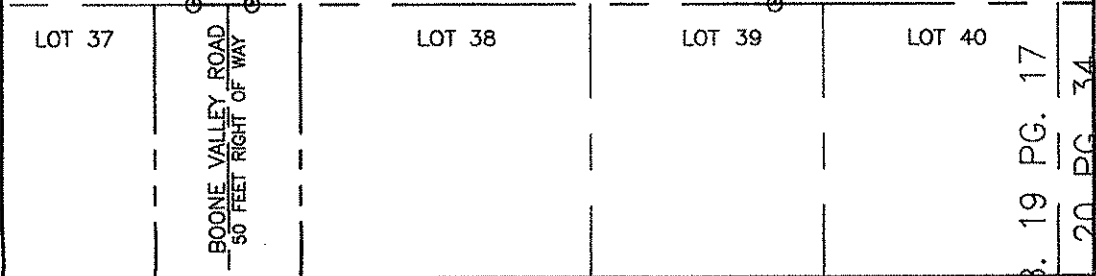
PARCEL TO BE CONVEYED
 AS A NON-BUILDABLE LOT
 1.3425 ACRES

NOTE:
 THE PURPOSE OF THIS EASEMENT PLAT IS TO
 DEFINE A LOCATION OF THE "20 WIDE ACCESS
 EASEMENT ACROSS LUEBBERS 3.9 AC FOR
 PURPOSES OF INGRESS-EGRESS. DEFINED BY
 AGREEMENT PER AFFECTED PARTIES." AS STATED
 ON THE PLAT EXHIBIT OF DEED BOOK 716
 PAGE 75 AS PART OF THE 1ST OUT
 CONVEYANCE OF THE SUBJECT PROPERTY. IN
 ADDITION TO THE PREVIOUSLY AGREED
 INGRESS-EGRESS USAGE, THIS TRACT OF LAND
 SHALL FURTHER BE DEFINED AS AN ACCESS
 AND UTILITY EASEMENT FOR THE 1ST OUT
 CONVEYANCE LOT, THE NEW PARCEL, AND THE
 REMAINING LANDS.



MICHAEL C. BUTLER &
 ANDRA L. BUTLER
 DB 716 PG 75

LINE	BEARING	DISTANCE
L1	N 64°23'33" E	201.37'
L2	N 77°25'07" E	50.80'
L3	S 75°10'23" E	30.35'
L4	S 30°54'30" E	33.87'
L5	S 05°47'34" W	34.19'
L6	S 27°08'49" W	85.18'
L7	S 16°45'23" W	12.50'
L8	S 04°25'44" W	9.23'
L9	N 58°55'23" W	6.87'
L10	S 31°04'37" W	23.41'
L11	N 09°32'02" E	13.95'
L12	N 04°25'44" E	15.69'
L13	N 16°45'23" E	16.48'
L14	N 27°08'49" E	83.23'
L15	N 05°47'34" E	23.79'
L16	N 30°54'30" W	18.91'
L17	N 75°10'23" W	17.34'
L18	S 77°25'07" W	43.66'
L19	S 64°24'05" W	197.86'
L20	N 29°02'56" W	20.00'



RLLS
 Randall Long Land Surveying



CONVEYANCE PLAT

DRAWN REL	DATE 01/31/11	Lands of Gloria S. Luebbers
APPROVED REL	DATE 1/31/2011	8830 Boone Valley Dr. Boone County, KY
SCALE 1" = 50'	SHEET 3 of 3	PROJECT NO. CP 00 11 01

P & Z Code No. 4928