

ORDINANCE NO. 92-002

AN ORDINANCE PROPOSING TO ANNEX INTO AND MAKE A PART OF THE INCORPORATED TERRITORY OF THE CITY OF UNION, KENTUCKY, CERTAIN UNINCORPORATED TERRITORY ADJACENT TO THE PRESENT BOUNDARIES OF THE CITY OF UNION IN THE AREA COMMONLY REFERRED TO AS THE DREES HEMPSTEAD DEVELOPMENT TRACT, SAID TERRITORY PROPOSED FOR ANNEXATION LYING SOUTH OF THE PRESENT CORPORATE LIMITS OF THE CITY OF UNION, KENTUCKY.

WHEREAS, the City of Union has previously entered into an agreement with the Drees Company styled Annexation Agreement, dated August 14, 1990 and which was further supported by Resolution of the City of Union, No. 90-008, providing for an Annexation plan as well as setting forth guidelines to be followed by the parties in the development and use of the annexed property owned by the Drees Company, and

WHEREAS, the following described tract constitutes part of the premises contemplated by the parties under Resolution 90-008 and the Agreement of August 14, 1990, and

WHEREAS, the City Commission for the City of Union deems it to be in and for the best interest of its citizens and in the best interest of the resident voters and owners of real property within the limits of the territory proposed to be annexed that said territory becomes a part of the corporate territorial limits of the City of Union, Kentucky.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF UNION, KENTUCKY:

SECTION I

That the City of Union, Kentucky intends that the hereinafter described unincorporated territory lying to the south and being adjacent to the present corporate limits of the City of Union, Kentucky, be annexed to and made a part of the corporate territory of the City of Union, Kentucky.

SECTION II

That no public hearing before the Boone County Planning Commission will be requested by the City of Union, it being the intent of the City that the territory proposed for annexation shall remain subject to the same land use restrictions, if any, as apply to it prior to annexation.

SECTION III

The said territory hereby proposed to be annexed is bounded

and described as follows, to-wit:

GROUP NO. 2056

See attached Exhibit "A".

SECTION IV

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holdings shall not affect the validity of the remaining portions hereof.

PASSED AND APPROVED ON FIRST READING THIS 9TH DAY OF DECEMBER, 1991.

PASSED AND APPROVED ON SECOND READING THIS 13TH DAY OF JANUARY, 1992.

Same to become effective when published pursuant to KRS Chapter 424.

  
\_\_\_\_\_  
WARREN S. MOORE, MAYOR

ATTEST:

  
\_\_\_\_\_  
NANCY L. SELLERS, CITY CLERK

Published: February 6, 1992 - Boone Co. Recorder

EXHIBIT "A"

Located generally in Boone County Group #2056, about 1000 feet North of Kentucky Highway #536 at a point approximately 0.8 mile East of U.S. Highway #42 and described thus:

BEGINNING at a post on the Northwest corner of the tract described as 66 acres, more or less, in D.B. 91 at Page 200; thence, with exterior lines of said tract, S 4° 20' 30" W. 789.86 feet to a post a corner thereof; S. 84° 23' 10" E. 548.94 feet to a rebar a corner thereof; S. 5° 00' W., 995.09 feet to a rebar to be hereinafter referred to as point "A"; thence continuing with exterior lines of said tract; S. 86° 26' 5" E., 418.24 feet to a post; N. 4° 32' 5" E., 1099.58 feet to a nail in a post; S. 86° 26' E., 1718.81 feet to a rebar; N. 3° 57' 30" E., 24.42 feet to a post; S. 85° 4' 5" E., 550.94 feet to a post; N. 5° 4' 5" E., 687.05 feet to a post and N. 86° 18' 55" W., 3237.59 feet to the place of beginning, containing 63.4779 acres and subject to legal easements of record and in existence.

Also, granted herewith are such rights accruing to the grantor of a passway or outlet described in D.B. 91 at page 200. In the description in said deed book and page the passway is described as being "approximately 30 feet wide". The centerline of the existing roadway is described as follows:

BEGINNING at a point in the center of the existing roadway in the South line of the 63.4779 acres tract, which said point is 10 feet southeast along said line from point "A" identified above; thence along the center of said roadway, S. 5° 00' W., passing 8.5 feet East of the Northeast corner of the property described in D.B. 354 at Page 50 at 631.29 feet, and passing 10.8 feet West of the Southwest corner of an unnumbered lot of the Doan Division described in D.B. 87 at Page 471 at 977.8 feet, a total distance of 1002.8 feet to the centerline of Kentucky Highway #536.

This description was prepared by Noel Walton, Ky. Reg. P.E. & L.S., July 11, 1990, from surveys made by David G. Walton, Ky. Reg. P.E. & L.S.

The above described 63.4779 acres is subject to an easement granted by Arthur W. Martin and wife September 28, 1949 to Clarence Pace, his heirs and assigns, by instrument recorded in Deed Book 93, Page 245 and described as follows:

"A right-of-way on and over a certain piece of land owned by said party of the first part, as follows: a strip of land approximately 18 feet, (eighteen) wide running from the gate at the Southwest corner of the land of Martin, where it joins the lane known as Finnell Lane, which leads from the Frogtown Road to the Gate; thence Northeastwardly through Martin's Land along the ridge following the well defined road made of broken stone, to the gate of Pace in the line between the parties and being approximately Seven Hundred and Fifty (750) feet in length."

63-47

BOOK 434 PAGE 21

Jerry W. Rouse  
PROPERTY TRANSFER TAX PAID \$396.00  
JERRY W. ROUSE, CLERK

WARRANTY DEED

PROPERTY TRANSFER TAX PAID \$396.00  
Jerry W. Rouse

KNOW ALL MEN BY THESE PRESENTS: JERRY W. ROUSE, CLERK

That the Grantor, ARTHUR W. MARTIN, an unmarried widower, for and in consideration of the sum THREE HUNDRED NINETY-SIX THOUSAND (\$396,000.00) DOLLARS, to him paid by the grantee, THE DREES COMPANY, a Kentucky Corporation, the receipt whereof is hereby acknowledged, does hereby bargain, sell and convey to the said grantee, THE DREES COMPANY, its successors and assigns forever, the following described real estate, lying and being in Boone County, Kentucky, to-wit:

GRANTEE MAILING ADDRESS: 211 Grandview Drive  
Ft. Mitchell, Kentucky 41017

GRANTOR MAILING ADDRESS: 10100 Finnell Lane  
Union, Kentucky 41091

PROPERTY ADDRESS: 10100 Finnell Lane  
Union, Kentucky 41091

GROUP NUMBER: 2056

DESCRIPTION:

Located generally in Boone County Group #2056, about 1000 feet North of Kentucky Highway #536 at a point approximately 0.8 mile East of U.S. Highway #42 and described thus:

BEGINNING at a post on the Northwest corner of the tract described as 66 acres, more or less, in D.B. 91 at Page 200; thence, with exterior lines of said tract, S. 4° 20' 30" W. 789.86 feet to a post a corner thereof; S. 84° 23' 10" E. 548.94 feet to a rebar a corner thereof; S. 5° 00' W., 995.09 feet to a rebar to be hereinafter referred to as point "A"; thence continuing with exterior lines of said tract; S. 86° 26' 5" E., 418.24 feet to a post; N. 4° 32' 5" E., 1099.58 feet to a nail in a post; S. 86° 26' E., 1718.81 feet to a rebar; N. 3° 57' 30" E., 24.42 feet to a post; S. 85° 4' 5" E., 550.94 feet to a post; N. 5° 4' 5" E., 687.05 feet to a post and N. 86° 18' 55" W., 3237.59 feet to the place of beginning, containing 63.4779 acres and subject to legal easements of record and in existence.

Also, granted herewith are such rights accruing to the grantor of a passway or outlet described in D.B. 91 at page 200. In the description in said deed book and page the passway is described as being "approximately 30 feet wide". The centerline of the existing roadway is described as follows:

FOR LAND USE RESTRICTION SEE ALSO BK 430 PG 200

C-3-47

BOOK 434 PAGE 22

BEGINNING at a point in the center of the existing roadway in the South line of the 63.4779 acres tract, which said point is 10 feet southeast along said line from point "A" identified above; thence along the center of said roadway, S. 5. 00' W., passing 8.5 feet East of the Northeast corner of the property described in D.B. 354 at Page 50 at 631.29 feet, and passing 10.8 feet West of the Southwest corner of an unnumbered lot of the Doan Division described in D. B. 87 at Page 471 at 977.8 feet, a total distance of 1002.8 feet to the centerline of Kentucky Highway #536.

This description was prepared by Noel Walton, Ky. Reg. P.E. & L.S., July 11, 1990, from surveys made by David G. Walton, Ky. Reg. P.E. & L.S.

The above described 63.4779 acres is subject to an easement granted by Arthur W. Martin and wife September 28, 1949 to Clarence Pace, his heirs and assigns, by instrument recorded in Deed Book 93, Page 245 and described as follows:

"A right-of-way on and over a certain piece of land owned by said party of the first part, as follows: a strip of land approximately 18 feet, (eighteen) wide running from the gate at the Southwest corner of the land of Martin, where it joins the lane known as Finnell Lane, which leads from the Frogtown Road to the Gate; thence Northeastwardly through Martin's Land along the ridge following the well defined road made of broken stone, to the gate of Pace in the line between the parties and being approximately Seven Hundred and Fifty (750) feet in length."

SOURCE OF TITLE:

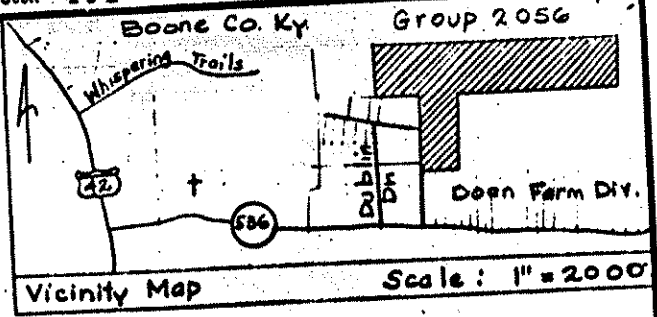
Being the same property conveyed to the Grantor and his late wife, Georgia Martin, by Mary E. Finnell by deed dated the 13th day of December, 1948, and recorded in Deed Book 91, Page 200, in the office of the clerk of the Boone County Court, Burlington, Kentucky. The said Georgia Martin died on the 29th day of September, 1984, and the Grantor herein became the fee simple owner of the subject property by virtue of the survivorship provisions in said deed.

STATEMENT IN COMPLIANCE WITH HB-422:

The Grantor and the Grantee hereby certify that the consideration expressed above is the full consideration paid for the said property.

Together with all of the privileges and appurtenances to the same belonging. To have and to hold the same to the said grantee, THE DREES COMPANY, a Kentucky Corporation, its successors and assigns forever, with covenants of general warranty.

63-47



The Dress Co.  
N 86° 18' 55" W 3237.59'

63.4779 AC.  
(excl. of passway)

Post N 6° 4' 5" E 687.05'  
Post S 85° 4' 5" E 550.94'

Post N 8° 57' 30" E 24.42'

1718.81'  
S 86° 26' E

N/F H.P. Bouge  
D.B. 9219  
(Clarence Pace)

Nail in post N 4° 32' 5" E 1099.58' Post

Doon Div.  
P.B. 4 P. 4

18' passway (exist.)  
(D.B. 93/145)

S 86° 26' 5" E 418.24'  
Post

D.B. 87/471  
E outlet (Finnell Le.)

Post S 54° 23' 10" E 548.94'  
Post S 5° 00' W 995.09' Pt. "A"

Paradise Acres s/d & Addns.  
R.B. G R 88

Post S 4° 20' 30" W 789.86'  
B.R.GIN DE.S.C.

Steel post  
Mon.

D.B. 35A P. 50  
P.B. 5 P. 42

FROGTOWN ROAD



\* = Rebars set



PLAT-SURVEY OF 63.4779 ACRES TRACT, NORTH SIDE OF KY.  
HIGHWAY #536 (FROGTOWN ROAD) FOR ARTHUR MARTIN

SCALE: 1" = 400'	APPROVED BY: F.B. 175 P. 13-14	DRAWN BY IB
DATE: 7/23/90		REVISED
Same property desc. in D.B. 91 p. 200, Grp. 2056, Boone Co. Clerk's records, Burlington, Ky.		
Walton & Walton — Civil Engineers — Surveyors Burlington, KY 41005 ••• Phone 588-1177		DRAWING NUMBER

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WHEREAS, the City of Union has previously entered into an agreement with the Dress Company styled Annexation Agreement, dated August 14, 1990 and which was further supported by Resolution of the City of Union, No. 90-008, providing for an Annexation plan as well as setting forth guidelines to be followed by the parties in the development and use of the annexed property owned by the Dress Company, and

WHEREAS, the following described tract constitutes part of the premises contemplated by the parties under Resolution 90-008 and the Agreement of August 14, 1990, and

WHEREAS, the City Commissioner for the City of Union deems it to be in and for the best interest of its citizens and in the best interest of the resident voters and owners of real property within the limits of the territory proposed to be annexed that said territory becomes a part of the corporate territorial limits of the City of Union, Kentucky.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF UNION, KENTUCKY:

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SECTION II

That no public hearing before the Boone County Planning Commission will be requested by the City of Union, it being the intent of the City that the territory proposed for annexation shall remain subject to the same land use restrictions, if any, as apply to it prior to annexation.

SECTION III

The said territory hereby proposed to be annexed is bounded and described as follows, to-wit:

GROUP NO. 2936

See attached Exhibit "A".

SECTION IV

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holdings shall not affect the validity of the remaining portions hereof.

PASSED AND APPROVED ON FIRST READING THIS 5TH DAY OF DECEMBER, 1991.

PASSED AND APPROVED ON SECOND READING THIS 15TH DAY OF JANUARY, 1992.

Same to become effective when published pursuant to KRS Chapter 424.

ATTEST: WARREN MOORE, MAYOR

NANCY LY ORLINS, CITY CLERK

Prospect Fax Note	7671	Date	2/11/96	# of pages	2
To	JAMES HORTON	From	Kathy Porter		
Outback	PRZ-615	Co.	City of Union		
Phone #	334-2196	Phone #	384-1571		
FAX #	334-2264	FAX #	384-7760		

Deed 92-002

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