

ORDINANCE NO. 95-001

AN ORDINANCE PROPOSING TO ANNEX TO 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, LYING SOUTH OF THE PRESENT CORPORATE LIMITS OF THE CITY OF UNION, KENTUCKY.

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

It is the intention 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 and made a part of the corporate territory of the City of Union, Kentucky pursuant to the applicable Kentucky Revised Statutes and particularly Chapter 81A.

SECTION II

The hereinafter described unincorporated territory is zoned Rural Suburban (RS) which is the territory's present zoning and the zoning under which it would remain when annexed.

SECTION III

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

GROUP 2055

Situate in Boone County, Kentucky and lying along the westerly side of U.S. #42 and along the northerly side of Rice Pike and being more particularly described as follows:

BEGINNING at a point on the westerly right-of-way line of U.S. #42 and being the Grantor's northeasterly corner; thence along said right-of-way line, S 20 33' 06" W, 503.01 feet to an iron pin (set); thence along a new line (set); thence N 59 37' 13" W, 72.65 feet to an iron pin (set); thence N 84 15' 26" W, 388.73 feet to an iron pin (set); thence S 42 07' 00" W, 225.51 feet to an iron pin (set); thence S 04 07' 00" W, 367.74 feet to an iron pin (set); thence S 14 38' 34" W, 192.44 feet to an iron pin (set); thence N 80 20' 27" W, 162.98 feet to a point in

a pond; thence S 39 33' 02" W, 160.45 feet to an iron pin (set); thence S 21 32' 53" W, 293.06 feet to a point on the Grantor's southerly line and passing an iron pin (set) at 272.04 feet; thence along the Grantor's southerly line N 86 21' 54" W, 1663.73 feet to the Grantor's westerly line, N 05 08' 57" E, 239.00 feet to an angle point in the fenceline and passing an iron pin (set) at 20.01 feet; thence continuing along the Grantor's westerly line N 29 08' 57" E 1456.80 feet to an angle point in the fenceline; thence along the Grantor's westerly line, N 13 01' 00" E, 136.00 feet to a fence corner at the Grantor's northwesterly corner; thence along the Grantor's northerly line, S 85 18' 23" E, 1910.02 feet to a point in the fenceline; thence continuing along the Grantor's northerly line, S 84 29' 06" E, 191.38 feet to a point in the fenceline; thence with the Grantor's northerly line S 63 32' 19" E, 262.65 feet to the point of beginning. Containing 74.8973 acres, excluding 0.7653 acre to be dedicated as public right-of-way and shown on the attached plat as R/W Parcel "A".

SECTION IV

A map showing the zoning that will be effective for the annexed area is attached and made a part of this Ordinance.

SECTION V

Notice is hereby given that pursuant to KRS 81A.420 that if within sixty (60) days after the publication of the annexation ordinance herein or on or before _____, fifty percent (50%) of the resident voters or owner of real property within the limits of the territory proposed to be annexed as indicated above petition the Mayor of Union in opposition to the proposal, an election shall be held at the next regular election to determine whether or not the said territory shall be annexed.

SECTION VI

If the Mayor of the City of Union receives a petition as described in Section V on or before _____ the Mayor of the City of Union shall deliver a certified copy of the ordinance as indicated herein to the County Clerk of Boone County who shall have prepared to be placed before the voters in each precinct embraced in whole or in part within the territory described herein to be annexed to Union the following question:

"Are you in favor of being annexed to the City of Union?"

If only part of any precinct is embraced within the territory proposed to be annexed only persons who reside within the territory proposed to be annexed shall be permitted to vote. The Boone County Clerk shall cause the Sheriff or Sheriffs to deliver to the

election officers in each precinct in the appropriate counties copies of the ordinances proposing the annex.

If less than fifty-five percent (55%) of the qualified voters in the area to be annexed oppose annexation, the unincorporated area of Boone County shall become a part of the City.

If fifty-five percent (55%) or more of the qualified voters in the area to be annexed oppose annexation, the ordinance proposing annexation herein shall become ineffectual for any purpose.

If not less than sixty (60) days after the enactment of the within ordinance, if no petition has been received by the Mayor as set out hereinabove, or within sixty (60) days of the certification of election results in which less than fifty-five percent (55%) of the qualified voters in the area oppose annexation, the City Council of the City of Union may enact an ordinance annexing to the City the territory described in the ordinance herein.

SECTION VII

If the Mayor receives a petition in opposition to the proposal the City of Union may proceed to annex any land contained in the area proposed to be annexed which is contiguous to the borders of the City, if the owner of such land consents to the annexation.

SECTION VIII

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 effect the validity of the remaining portions hereof.

PASSED AND APPROVED ON FIRST READING THIS 9th DAY OF January, 1995.

PASSED AND APPROVED ON SECOND READING THIS 13th DAY OF February, 1995.

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


WARREN S. MOORE, MAYOR

ATTEST:


NANCY L. SELLERS, CITY CLERK

