

CITY OF UNION, KENTUCKY
ORDINANCE NO. 2007-001

AN ORDINANCE ANNEXING CERTAIN UNINCORPORATED TERRITORY
ADJACENT TO THE PRESENT BOUNDARIES OF THE CITY OF UNION,
KENTUCKY

WHEREAS, The City Commission of the City of Union, Kentucky 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.

WHEREAS, KENNETH THEISSEN and ALISON THEISSEN, Husband and Wife (hereinafter Theissen) and RICHARD FRANK HALTERMON and JOCELYN HALTERMON, Husband and Wife (hereinafter Haltermon) are the sole owners of the land herein proposed for annexation; and

WHEREAS, Theissen and Haltermon and the City of Union, Kentucky previously entered into an Annexation Agreement on January 8, 2007 whereby Theissen and Haltermon consented to annexation of the said 4.3736 acre and 4.3772 acre tracts respectively; and

WHEREAS, Theissen and Haltermon, as sole owners of the subject real property waived the statutory sixty (60) day period in which to file objections and have consented to the annexation of said real property by the City of Union, Kentucky, a copy of which is attached hereto and marked as Exhibit "A"; and

WHEREAS, the area hereby annexed is contiguous to the present boundaries 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 SR1 which is the territory's present zoning and the zoning under which it will remain when annexed.

RETURN TO: 4

SECTION III

That the requirements of the Kentucky Revised Statutes having been met in all respect, the hereinafter described territory, the same having been contemplated for annexation under the Annexation Agreement dated January 8, 2007 between **Kennthh Theissen and Alison Theissen, Husband and Wife and Richard Frank Haltermon and Jocelyn Haltermon, and the City of Union, Kentucky**, and which property is contiguous to and adjoins the present City of Union boundaries is annexed to and made a party of the incorporated territory of the City of Union, Kentucky, to wit:

GROUP 2056

PARCEL I 1409 Mt. Zion Road, Union, Kentucky

A certain tract of land lying and being on the South side of Mt. Zion Road and 1.0 miles east of U.S. Route #42 in Boone County, Kentucky, and more particularly described as follows, to-wit:

Unless stated otherwise, any monument referred to herein as an "iron pin set" is an 18" long by ½" diameter rebar with a yellow cap stamped "LS 3191". All bearings herein are referred to the deed of record.

BEGINNING at an iron pin found in the south right of way line of Mt. Zion Road, a corner to Richard and Jocelyn Haltermon (D.B. 346, Pg. 121); thence leaving said right of way line with the lines of Haltermon, S 03 degrees 52' 05" W – 274.88 feet to an iron pin found with no cap; thence, S 86 degrees 31' 48" E – 104.92 feet to 1" iron pipe found in the line of Thomas Lewis (D.B. 636, Pg. 75); thence with said line, S 03" 58' 13" W – 974.78 feet to a corner post, a corner to James Hedgecock (D.B. 356, Pg. 258); thence with said line, N 86 degrees 59' 45" W – 179.68 feet to an iron pin set; thence with new made lines partitioning the Grantor's property, N 04 degrees 24' 12" E – 1119.01 feet to an iron pin set; thence, N 20 degrees 11' 35" W – 89.95 feet to an iron pin set in the south right of way line of Mt. Zion Road; thence with said right of way line, N 67 degrees 39' 51" E – 114.45 feet to the place of beginning containing 4.3772 acres more or less exclusive of all right of ways or easements of record.

This description was prepared on November 3, 1999, from a survey made by Otey C. Brabston, Registered Land Surveyor, Lic. #3191.

GROUP NO. 2056

PARCEL II 1437 Mt. Zion Road, Union, Kentucky

A certain tract of land lying and being on the south side of Mt. Zion Road and 1.0 miles east of U.S. Route #42 in Boone County, Kentucky and more particularly described as follows, to-wit:

BOONE COUNTY
CEO75 PG 716

Unless stated otherwise, any monument referred to herein as an "iron pin set" is an 18 inch long by ½" diameter rebar with a yellow cap stamped "LS 3191". All bearings herein are referred to the deed of record.

BEGINNING at an iron pin found in the South right of way line of Mt. Zion Road, a corner to Kenneth & Allison Thiessen (Unrecorded Land Contract); thence with the lines of Thiessen S 03 degrees 01' 41" E – 224.94 feet to an iron pin found with a cap stamped "LS 3357 & LS 2030"; thence S 81 degrees 21' 44" W – 169.32 feet to an iron pin found with a cop stamped "LS 3357 & LS 2030" in the line of Lot 27 of the Mt. Zion Heights Subdivision (P.B. 14, Pg. 6); thence with the East line of said Subdivision, S 04 degrees, 07' 45" W – 934.20 feet to a corner post, a corner to James Hedgecock (D.B. 356, Pg. 258); thence with said line, S 86 degrees 59' 45" E – 188.63 feet to an iron pin set; thence with new made lines partitioning the Grantor's property, N. 04 degrees 24' 12" E – 1119.01 feet to an iron pin set; thence, N 20 degrees 11' 35" W – 89.95 feet to an iron pin set in the South right of way line of Mt. Zion Road; thence with said South right of way line, S 67 degrees 39' 51" W – 22.11 feet to the place of beginning containing 4.3736 acres more or less exclusive of all right of ways or easements of record.

This description was prepared on November 3, 1999 from a new survey made by Otey C. Brabston, Registered Land Surveyor Lic. #3191.

SECTION IV

The above described territory shall become part of the City of Union, Kentucky for all purposes upon passage of this Ordinance.

SECTION V

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

SECTION VI

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

PASSED AND APPROVED ON FIRST READING THIS THE 8th DAY OF JANUARY, 2007.

PASSED AND APPROVED ON SECOND READING THIS 12th DAY OF FEBRUARY, 2007.

SAME TO BECOME EFFECTIVE WHEN PUBLISHED PURSUANT TO K.R.S. CHAPTER 424.

Donald Kirby
DONALD KIRBY, MAYOR

ATTEST:

Kathy Porter
KATHY PORTER, CITY CLERK

RETURN TO

THIS ORDINANCE PREPARED BY:

G. D. Voss
GREG D. VOSS (KBA #73429)

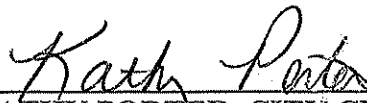
Attorney at Law
2922 Washington Square
P.O. Box 688
Burlington, Kentucky 41005
(859) 586-9955

BOONE COUNTY
CEO75 PG 718

CERTIFICATION: K.R.S. 81A.470 FILINGS

I certify I am the duly qualified City Clerk of the City of Union, Kentucky and the foregoing four (4) pages of Ordinance No. 2007-001 is a true, correct and complete copy duly adopted by the City Commission at a duly convened meeting held on 12th day of February, 2007, as appears in the official records of said City.

WITNESS MY HAND and SEAL this the 13th day of February, 2007.


KATHY PORTER, CITY CLERK
CITY OF UNION, KENTUCKY

**COMMONWEALTH OF KENTUCKY
COUNTY OF BOONE**

SUBSCRIBED and SWORN to before me, on this the 28th day of February, 2007 by **KATHY PORTER, City Clerk for the City of Union, Kentucky.**


NOTARY PUBLIC
Commonwealth of Kentucky

My Commission Expires: July 3, 2010

BOONE COUNTY
CEO75 PG 719

BOOK 770 PAGE 289

" This Plat shall be void if not filed with the Boone County Clerk for recording purposes within two (2) years of Planning Commission approval."

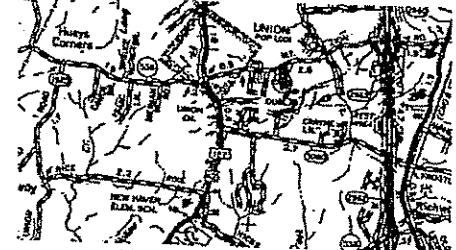
LINE	BEARING	DISTANCE
L1	N 87°39'51" E	114.45'
L2	S 03°52'05" W	274.88'
L3	S 86°31'48" E	104.92'
L4	N 20°11'35" W	89.95'
L5	S 67°39'51" W	22.11'
L6	S 03°01'41" E	224.94'
L7	S 81°21'44" W	169.32'
L8	N 04°07'04" E	199.98'
L9	N 70°16'29" E	149.98'
L10	N 59°16'19" E	126.59'
L11	S 03°45'00" W	348.03'

I hereby certify that the survey depicted on this plat was done by persons under my direct supervision by the method of random traverse with side shots. The unadjusted precision ratio of the traverse was 1:71,317 and was not adjusted. The survey as shown hereon is a Class B survey and the accuracy and precision of said survey meets all of the specifications of said class.

Oley C. Brabston 11/3/99
Oley C. Brabston P.L.S. #3191 Date:

I certify that I have examined the records of the Boone County Court Clerk and find that this is the third conveyance made under the present ownership and the parent tract since 1986 or from the adoption of KRS 100.

Oley C. Brabston 11/3/99
Oley C. Brabston P.L.S. #3191 Date:



VICINITY MAP N.T.S.
BOONE COUNTY PLANNING COMMISSION APPROVAL CERTIFICATE
Approved for recording the transfer of property only by the Boone County Planning Commission this 15th day of December, 1999.

Judy C. [Signature]
Graphic Scale Chairman's Signature



SURVEY FOR CONVEYANCE
ALFRED L. GAMBILL et al TO RICHARD & JOCELYN HALTERMON

Cahill INC. SURVEYORS
 BOUNDARY TOPOGRAPHIC

DATE: 9/29/1999	BOONE COUNTY
SCALE: 1" = 200'	DRAWING NUMBER: 99158AG
DRAWN BY: O.C.M.	REVISIONS:

ON SOUTH SIDE OF MT. ZION ROAD

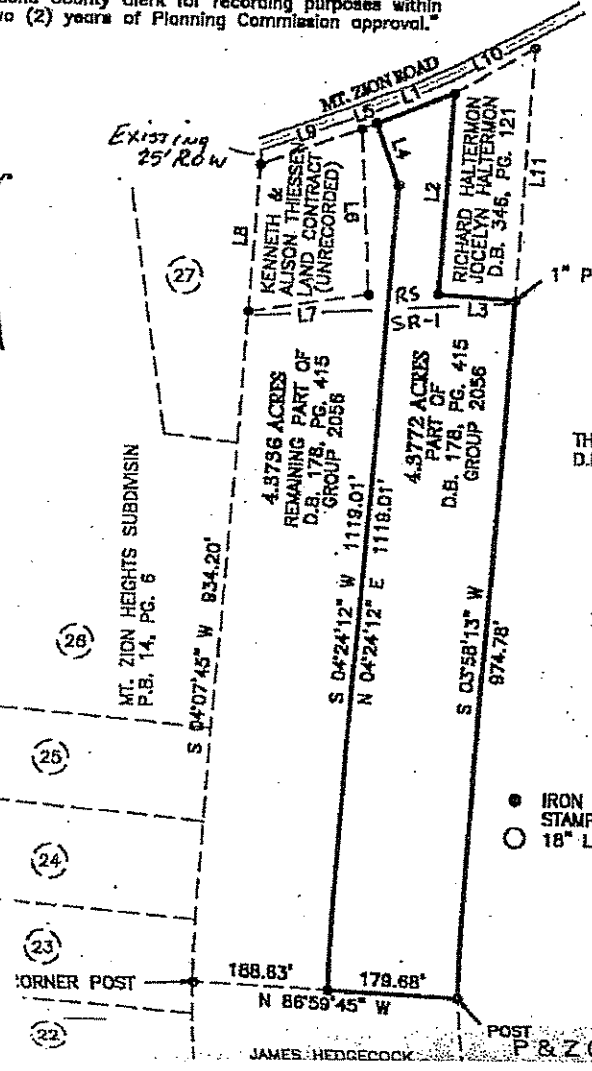
STATE OF KENTUCKY
 OLEY C. BRABSTON
 3191
 LICENSED PROFESSIONAL SURVEYOR

THOMAS LEWIS
D.B. 636, PG. 75

10.2463 ACRES

LEGEND

- IRON PIN FOUND WITH PLASTIC CAP STAMPED "LS 3357 & LS 2030" UNLESS OTHERWISE NOTED.
- 18" LONG REBAR WITH CAP STAMPED "LS 3191" SET



BOOK 770 PAGE 289

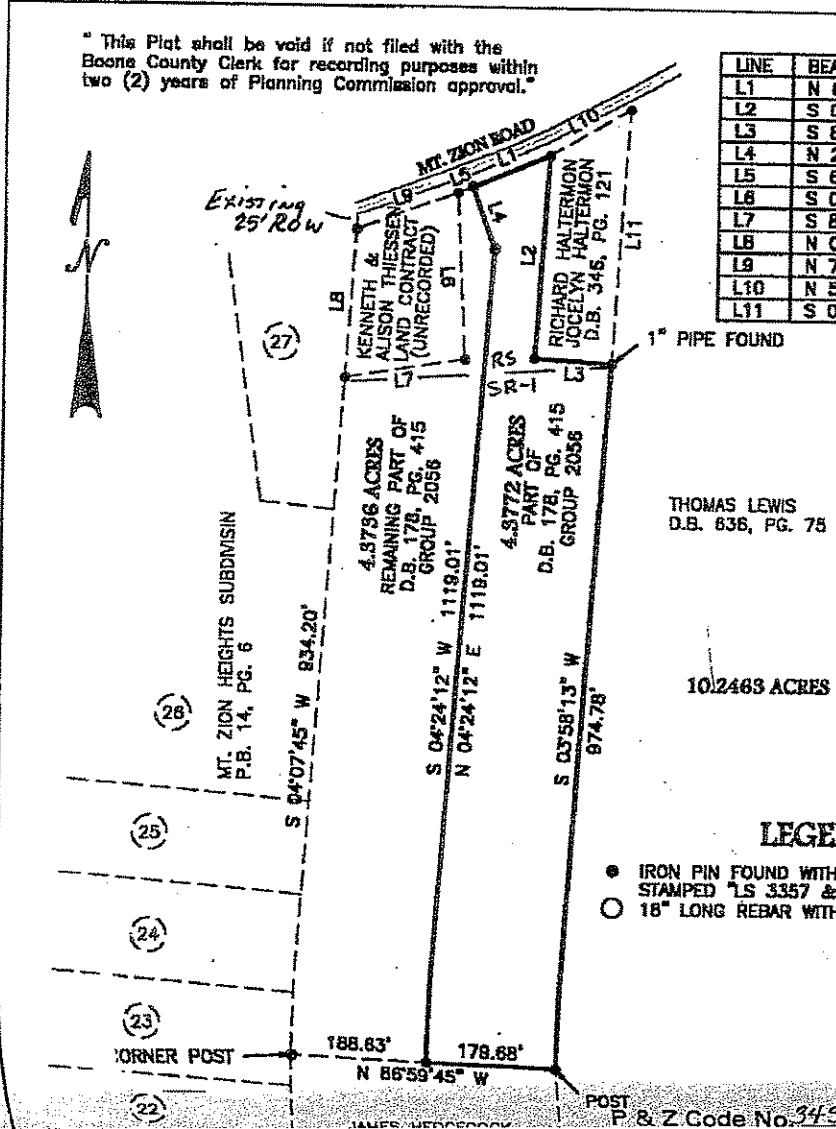
77

PLANNING NO: 921705
 RECORDING NO: 9811 03 5007 01523:190M
 COUNTY CLERK: BOONE COUNTY
 LIBRARY: BOONE COUNTY CLERK
 DEPUTY CLERK: ELLIENOR BROWN
 BOONE CENTER: MARCH 715 - 721

BOONE COUNTY
 CEO75 PG721

" This Plat shall be void if not filed with the Boone County Clerk for recording purposes within two (2) years of Planning Commission approval."

LINE	BEARING	DISTANCE
L1	N 87°39'51" E	114.45'
L2	S 03°52'05" W	274.88'
L3	S 86°31'48" E	104.92'
L4	N 20°11'35" W	89.95'
L5	S 87°39'51" W	22.11'
L6	S 03°01'41" E	224.94'
L7	S 81°21'44" W	169.32'
LB	N 04°07'04" E	199.96'
LS	N 70°16'29" E	149.98'
L10	N 59°16'19" E	126.59'
L11	S 03°45'00" W	348.03'

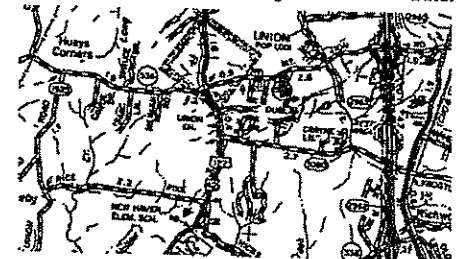


I hereby certify that the survey depicted on this plat was done by persons under my direct supervision by the method of random traverse with sideshots. The unadjusted precision ratio of the traverse was 1: 71,317 and was not adjusted. The survey as shown hereon is a Class B survey and the accuracy and precision of said survey meets all of the specifications of said class.

Oley C. Brabston 11/3/99
 Oley C. Brabston P.L.S. #3191 Date:

I certify that I have examined the records of the Boone County Court Clerk and find that this is the third conveyance made under the present ownership and the parent tract since 1888 or from the adoption of KRS 100.

Oley C. Brabston 11/3/99
 Oley C. Brabston P.L.S. #3191 Date:



BOONE COUNTY PLANNING COMMISSION APPROVAL CERTIFICATE
 Approved for recording the transfer of property only by the Boone County Planning Commission this 1st day of December, 1999.

Judy C. ...
 Chairman's Signature



- LEGEND**
- IRON PIN FOUND WITH PLASTIC CAP STAMPED "LS 3357 & LS 2030" UNLESS OTHERWISE NOTED.
 - 18" LONG REBAR WITH CAP STAMPED "LS 3191" SET

STATE OF KENTUCKY
 CITY OF BOONE
 BRABSTON
 3191
 LICENSED PROFESSIONAL SURVEYOR

SURVEY FOR CONVEYANCE
ALFRED L. GAMBILL, et al TO RICHARD & JOCELYN HALTERMON

Cahill INC. SURVEYORS
 BOUNDARY TOPOGRAPHIC

DATE: 9/29/1999	BOONE COUNTY
SCALE: 1" = 200'	DRAWING NUMBER: 98158AG
DRAWN BY: O.C.B.	REVISED:

ON SOUTH SIDE OF MT. ZION ROAD

P & Z Code No. 3450

" This Plat shall be void if not filed with the Boone County Clerk for recording purposes within two (2) years of Planning Commission approval."

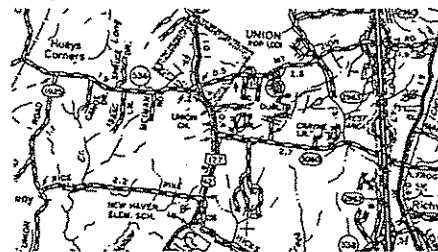
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L7	S 81°21'44" W	169.32'
L8	N 04°07'04" E	199.96'
L9	N 70°18'28" E	149.98'
L10	N 59°18'19" E	126.59'
L11	S 03°45'00" W	346.03'

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Otey C. Brabston 11/3/99
 Otey C. Brabston P.L.S. #3191 Date:

I certify that I have examined the records of the Boone County Court Clerk and find that this is the third conveyance made under the present ownership and the parent tract since 1866 or from the adoption of KRS 100.

Otey C. Brabston 11/3/99
 Otey C. Brabston P.L.S. #3191 Date:

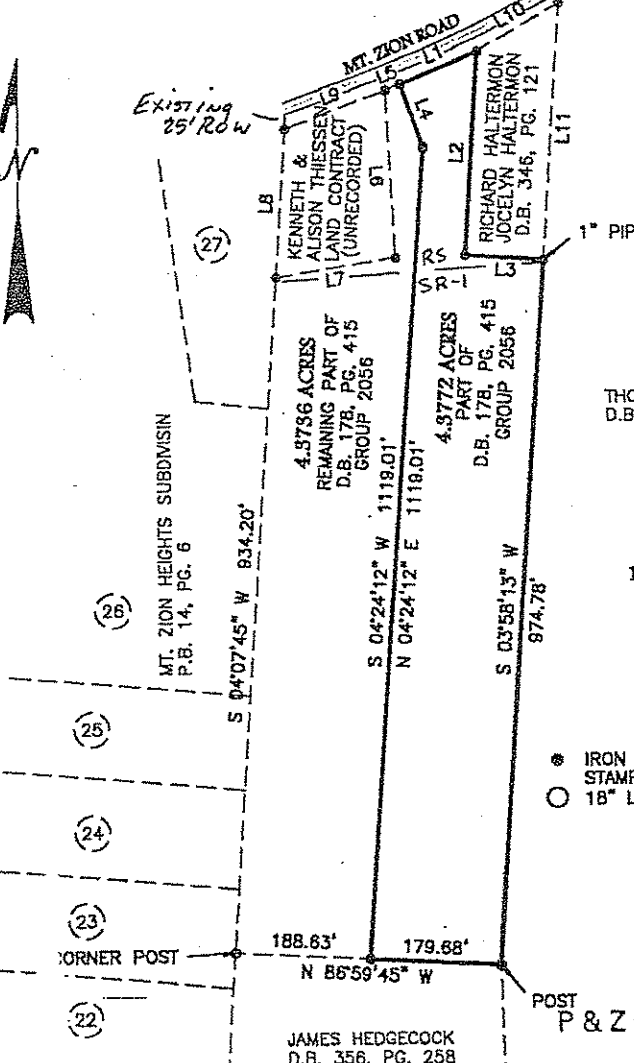
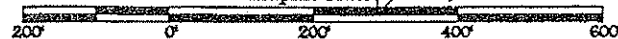


VICINITY MAP
N.T.S.

RS/SR-1
12-1-99
TRM

BOONE COUNTY PLANNING COMMISSION APPROVAL CERTIFICATE
 Approved for recording the transfer of property only by the Boone County Planning Commission this 1st day of December, 1999.

Judy C. Ant
 Chairman's Signature
 Graphic Scale



THOMAS LEWIS
D.B. 636, PG. 75

10.2463 ACRES

LEGEND

- IRON PIN FOUND WITH PLASTIC CAP STAMPED "LS 3357 & LS 2030" UNLESS OTHERWISE NOTED.
- 18" LONG REBAR WITH CAP STAMPED "LS 3191" SET

STATE OF KENTUCKY
 OTEY C. BRABSTON
 3191
 LICENSED PROFESSIONAL LAND SURVEYOR

SURVEY FOR CONVEYANCE
 ALFRED L. GAMBILL et al TO RICHARD & JOCELYN HALTERMON

Cahill INC SURVEYORS
 BOUNDARY TOPOGRAPHIC CONSTRUCTION STAKING CONTROL
 (606) 824-7702
 FAX: (606) 824-7712

DATE: 8/29/1999	BOONE COUNTY
SCALE: 1" = 200'	DRAWING NUMBER: 98156AG
DRAWN BY: O.C.B.	
REVISED:	

ON SOUTH SIDE OF MT. ZION ROAD
 1.0 MILES EAST OF U.S. RT. 42
CAHILL SURVEYORS, INC.
 12 NORTH MAIN ST., DRY RIDGE, KY 41035

JAMES HEDGECOCK
D.B. 356, PG. 258

POST P & Z Code No. 3457

Alison Theissen
ALISON THEISSEN

SIGNATURE

1/8/07
DATE

1437 Mt. Zion Rd. Union, Ky. 41091 859-384-4541
ADDRESS PHONE

Richard Frank Haltermon
RICHARD FRANK HALTERMON

SIGNATURE

1/8/07
DATE

1409 MT. ZION RD., UNION, KY 41091 859-384-3311
ADDRESS PHONE

Jocelyn Haltermon
JOCELYN HALTERMON

SIGNATURE

1/8/07
DATE

1409 Mt. Zion Rd, Union, Ky 41091 384-3311
ADDRESS PHONE

ANNEXATION AGREEMENT

This Agreement made between the City of Union, Kentucky and Kenneth Thiessen and Alison Thiessen, Husband and Wife, (hereinafter "Theissen") and Richard Frank Haltermon and Jocelyn Haltermon, Husband and Wife (hereinafter Haltermon):


1. Subject to the conditions set forth below, the undersigned, owners of the approximate 4.3736 acre tract and approximately 4.3772 acre tract described in the Plat and legal descriptions attached hereto as Exhibits A and B, respectively (the Property) hereby requests that the City of Union, annex and make such property a part of the City of Union, Kentucky.

2. Theissen and Haltermon hereby certify to the City of Union, Kentucky that they are the owners of the property.

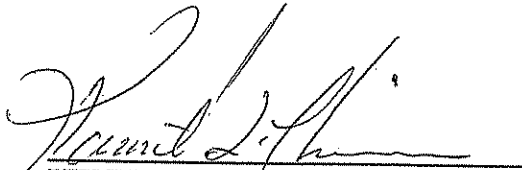
3. Theissen and Haltermon hereby waive their rights which they have or may have under provisions of K.R.S. 81A.420(2) and (3) and 81A.460 and hereby consent to and request immediate annexation of the property pursuant to K.R.S. 81A.412.

4. The foregoing request and wavier by the Theissens and Haltermons is subject to the condition that the City of Union agrees not to change or alter the zoning of the property after annexation including but not limited to that the subject real property shall remain exempt from those certain restrictions contained in the City of Union Ordinance No. 2005-009 regarding the use of All Terrain Vehicles (ATVs). The subject properties currently exceed five (5) acres; however, the properties may be reduced in size due to future eminent domain proceedings regarding the expansion of Mt. Zion Road. It is further understood this exemption shall remain in effect until such time as the subject property is sub-divided.

5. The City of Union, Kentucky also agrees to abate the City Property Taxes and exonerate the property owners for the regular City Property Taxes for the subject real estate for the calendar years 2006, 2007 and 2008 based on the fact that the property owners have paid prior years' taxes for the subject property and they are entitled to a tax credit for said payments.



DONALD KIRBY, MAYOR
CITY OF UNION, KENTUCKY



KENNETH THIESSEN



ALISON THIESSEN



RICHARD FRANK HALTERMON



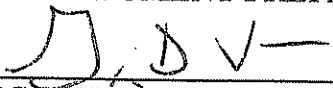
JOCELYN HALTERMON

ATTEST



KATHY PORTER, CITY CLERK

THIS INSTRUMENT PREPARED BY:



GREG D. VOSS (KBA #73429)
City Attorney, City of Union, Kentucky
2922 Washington Square
PO Box 688
Burlington, KY 41005
859-586-9955