

**CITY OF UNION, KENTUCKY**  
**ORDINANCE NO. 2009- 011**

**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*, **ARLINGHAUS I LLC, Successor In Interest As a result of a Merger with Arlinghaus Builders, Inc. (hereinafter "Arlinghaus")** are the sole owners of the land herein proposed for annexation; and

*WHEREAS*, Arlinghaus and the City of Union, Kentucky previously entered into an Annexation Agreement on October 5, 2009 whereby Arlinghaus consented to annexation of the said 20.309 acres; and

*WHEREAS*, Arlinghaus, 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.

### 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 October 5, 2009 between **ARLINGHAUS I LLC, Successor In Interest As a result of a Merger with Arlinghaus Builders, Inc. 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:

Being located Boone County, Kentucky, and being part of the parcel described in Deed Book 779, Page 178 in the Boone County Clerk's Office and being more particularly described as follows:

Beginning at the intersection of the existing City Limits of the City of Union and the north line of Arlinghaus (D.B. 779, pg. 178); thence with the existing City Limits S. 33 degrees 09' 48" W 1473.50 feet to the west line of Arlinghaus; thence with the perimeter of the parcel described in D.B. 779, pg. 178 for five calls N 04 degrees 32' 56" E. 695.85 feet; thence N 87 degrees 07'32" W. 913.54 feet; thence N. 39 degrees 29'59" E. 775.70 feet; thence S. 84 degrees 52'22" E. 1094.81 feet; thence S 85 degrees 10'58" E. 79.70 feet to the point of beginning and containing 20.309 acres.

### 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 5<sup>th</sup> day of October, 2009.**

**PASSED AND APPROVED ON SECOND READING THIS THE 2<sup>nd</sup> DAY OF NOVEMBER, 2009**


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

  
\_\_\_\_\_  
**DONALD KIRBY, MAYOR**

**ATTEST:**

  
\_\_\_\_\_  
**KATHY PORTER, CITY CLERK**

**THIS ORDINANCE PREPARED BY:**

  
\_\_\_\_\_  
**GREG D. VOSS (KBA #73429)**  
Attorney at Law  
2922 Washington Square  
P.O. Box 232  
Burlington, Kentucky 41005  
(859) 344-1141

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

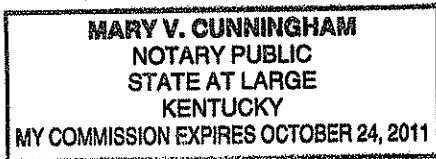
I certify I am the duly qualified City Clerk of the City of Union, Kentucky and the foregoing four (4) pages of Ordinance No. 2009- 011 is a true, correct and complete copy duly adopted by the City Commission at a duly convened meeting held on 2<sup>nd</sup> day of November, 2009, as appears in the official records of said City.

*WITNESS MY HAND and SEAL* this the 2<sup>nd</sup> day of November, 2009

Kathy Porter  
KATHY PORTER, CITY CLERK  
CITY OF UNION, KENTUCKY

**COMMONWEALTH OF KENTUCKY  
COUNTY OF BOONE**

*SUBSCRIBED and SWORN* to before me, on this the 10<sup>th</sup> day of November, 2009 by **KATHY PORTER, City Clerk for the City of Union, Kentucky.**



Mary V. Cunningham  
NOTARY PUBLIC  
Commonwealth of Kentucky

My Commission Expires: 10/24/2011

## ANNEXATION AGREEMENT

This Agreement made between the *CITY OF UNION, KENTUCKY* and *ARLINGHAUS I, LLC, a Kentucky Corporation*, (hereinafter referred to as "*Arlinghaus*");

1. Subject to the conditions set forth below, the undersigned, owners of the approximate 20.309 acre tract described in the Plat and legal description attached hereto as Exhibits A and B, respectively (the Property), which is the balance of Westbrook Subdivision, hereby requests that the City of Union, Kentucky annex and make such property a part of the City of Union, Kentucky.

2. *ARLINGHAUS* hereby certifies to the City of Union, Kentucky that they are the owners of the property, by virtue of a merger with **Arlinghaus Builders, Inc.**

3. *ARLINGHAUS* hereby waives its rights which it has or may have under provisions of K.R.S. 81A.420(2) and (3) and 81A.460 and hereby consents to and requests immediate annexation of the property pursuant to K.R.S. 81A.412.

4. The foregoing request and waiver by *ARLINGHAUS* is subject to the condition that the City of Union agrees not to change or alter the zoning of the property after annexation.

  
\_\_\_\_\_  
**DONALD KIRBY, MAYOR**  
**CITY OF UNION, KENTUCKY**

ARLINGHAUS I, LLC,  
A Kentucky Corporation

BY: Robert Schneider

TITLE: Vice President

ATTEST

Kathy Porter  
KATHY PORTER, CITY CLERK

THIS INSTRUMENT PREPARED BY:

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

December 20, 2007

**ANNEXATION TO THE CITY OF UNION**

**20.309 Acres**

**Boone County, Kentucky**

Being located in Boone County, Kentucky and being part of the parcel described in D.B. 779, pg. 178 in the Boone County Clerk's Office and being more particularly described as follows:

Beginning at the intersection of the existing City Limits of the City of Union and the north line of Arlinghaus (D.B. 779, pg. 178); thence with the existing City Limits S 33°09'48" W, 1473.50 feet to the west line of Arlinghaus; thence with the perimeter of the parcel described in D.B. 779, pg. 178 for five calls N 04°32'56" E, 695.85 feet; thence N 87°07'32" W, 913.54 feet; thence N 39°29'59" E, 775.70 feet; thence S 84°52'22" E, 1094.81 feet; thence S 85°10'58" E, 79.70 feet to the point of beginning and containing 20.309 acres.

BIG BONE LICK AND CINCINNATI ROAD  
 N 39°29'59" E  
 715.70'

KAHMANN  
 D.B. 616, PG. 65

BARRETT  
 D.B. 243, PG. 28

S 85°10'58" E  
 79.70'

LIGHTNER  
 D.B. 358, PG. 220

S 84°52'22" E  
 1094.81'

CORNER POST

CORNER POST

20.309 ACRES

POINT OF BEGINNING

CORNER POST

913.54'  
 N 87°07'32" W

CORNER POST

S 33°09'48" W  
 1473.50'

ARLINGHAUS  
 D.B. 779, PG. 178

CENTERLINE  
 OLD UNION ROAD  
 (OLD U.S. 42)

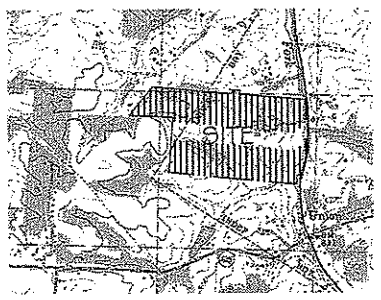
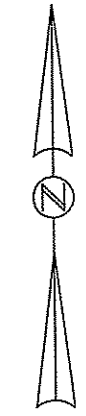
GLENCAIRON CORPORATION  
 D.B. 798, PG. 489

N 04°32'56" E  
 695.185'

UNINCORPORATED BOONE COUNTY  
 CITY OF UNION

CORNER POST

HUNTINGTON NATIONAL BANK, TRUSTEE  
 UNDER AGREEMENT WITH MORELAND N. BLAINE  
 D.B. 673, PG. 237




VICINITY MAP

THIS PLAT HAS BEEN PREPARED BY ME OR UNDER MY DIRECTION.  
 THIS PLAT DOES NOT MEET THE STANDARDS OF PRACTICE  
 AS SPECIFIED IN 201 KAR 18:150. NO FIELD SURVEY HAS BEEN  
 PERFORMED AND NO MONUMENTS HAVE BEEN SET. THE  
 PURPOSE OF THIS DRAWING IS TO COMPLY WITH KRS 81A.470.

*Robert T. Westermeyer*

STATE OF KENTUCKY  
 ROBERT T. WESTERMAYER  
 2931  
 LICENSED PROFESSIONAL LAND SURVEYOR

<b>ANNEXATION TO          THE CITY OF UNION          BIG BONE LICK AND CINCINNATI ROAD</b>	
<b>ARLINGHAUS BUILDERS, LLC          142 BARNWOOD          EDGEWOOD, KENTUCKY 41017</b>	
Civil Engineers Land Surveyors Planners	 Erpenbeck Consulting Engineers, Inc. www.erpenbeckengineers.com
4205 Dixie Highway Elsmere, Kentucky 41018 859.727.4200 fax 859.342.5852	
<b>DECEMBER 2007 SCALE 1"=500' 0514\ANNEXATION</b>	

**CITY OF UNION, KENTUCKY**  
**ORDINANCE NO. 2009- 011**  
**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**, **ARLINGHAUS I LLC, Successor In Interest As a result of a Merger with Arlinghaus Builders, Inc.** (hereinafter "Arlinghaus") are the sole owners of the land herein proposed for annexation; and

**WHEREAS**, Arlinghaus and the City of Union, Kentucky previously entered into an Annexation Agreement on October 5, 2009 whereby Arlinghaus consented to annexation of the said 20.309 acres; and

**WHEREAS**, Arlinghaus, 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.

**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 October 5, 2009 between **ARLINGHAUS I LLC, Successor In Interest As a result of a Merger with Arlinghaus Builders, Inc. 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:

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**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 5<sup>th</sup> day of October, 2009.**

**PASSED AND APPROVED ON SECOND READING THIS THE 2<sup>nd</sup> DAY OF NOVEMBER, 2009**

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

*Donald Kirby*

**DONALD KIRBY, MAYOR**

ATTEST

*Kathy Porter*

**KATHY PORTER, CITY CLERK**  
**THIS ORDINANCE PREPARED BY:**

**GREG D. VOSS (KBA #73429)**  
Attorney at Law  
2922 Washington Square  
P.O. Box 232  
Burlington, Kentucky 41005  
(859) 344-1141

**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. 2009- 011 is a true, correct and complete copy duly adopted by the City Commission at a duly convened meeting held on 2nd day of November, 2009, as appears in the official records of said City.

**WITNESS MY HAND and SEAL** this the 2nd day of November, 2009

*Kathy Porter*

**KATHY PORTER, CITY CLERK**  
**CITY OF UNION, KENTUCKY**

**COMMONWEALTH OF KENTUCKY**  
**COUNTY OF BOONE**

**SUBSCRIBED and SWORN** to before me, on this the 10th day of November, 2009 by **KATHY PORTER, City Clerk for the City of Union, Kentucky.**

MARY V. CUNNINGHAM  
NOTARY PUBLIC  
STATE AT LARGE  
KENTUCKY  
MY COMMISSION EXPIRES OCTOBER 24, 2011

*Mary V. Cunningham*  
NOTARY PUBLIC  
Commonwealth of Kentucky

My Commission Expires 10/24/2011

**ANNEXATION AGREEMENT**

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**ARLINGHAUS I, LLC,**  
A Kentucky Corporation

BY: *Bob Shuman*  
TITLE: Vice president

ATTEST *Kathy Porter*  
KATHY PORTER, CITY CLERK

**DONALD KIRBY, MAYOR**  
**CITY OF UNION, KENTUCKY**

THIS INSTRUMENT PREPARED BY:

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

**ECE** Engineers  
Consulting  
Engineers, Inc.

December 20, 2007

**ANNEXATION TO THE CITY OF UNION**  
20.309 Acres  
Boone County, Kentucky

