

**CITY OF UNION, KENTUCKY  
ORDINANCE NO. 2017-15**

**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 DON GODERWIS, JR.* is the sole owner of the land herein proposed for annexation; and

*WHEREAS*, Don Goderwis, Jr. and the City of Union, Commonwealth of Kentucky previously entered into an Annexation Agreement dated October 2, 2017 whereby the Don Goderwis, Jr. consented to annexation of the said 1.0 acre tract; and

*WHEREAS*, Don Goderwis, Jr., as sole owner 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, Commonwealth of Kentucky, a copy of which are attached hereto and marked as **Exhibit "A"**; and

*WHEREAS*, the area hereby annexed is contiguous to the present boundaries of the City of Union, Commonwealth of Kentucky;

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

**SECTION I**

It is the intention that the hereinafter described unincorporated territory lying to the west and being adjacent to the present corporate limits of the City of Union, Commonwealth of 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 Union Town Overlay/Union Commercial, 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 2, 2017 between **Don Goderwis, Jr. and the City of Union, Commonwealth of Kentucky**, and which property is contiguous to and adjoins the present City of Union boundaries is annexed to and made a part of the incorporated territory of the City of Union, Kentucky, to wit:

*SEE EXHIBITS "B" and "C" Attached hereto*

**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**

The zoning of the subject property shall remain in effect without modification.

**FIRST READING:                      October 2, 2017**

**SECOND READING:                    October 11, 2017**

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


**APPROVED:**

  
\_\_\_\_\_  
**HON. LARRY K. SOLOMON, MAYOR**

**ATTEST:**

  
\_\_\_\_\_  
**DONNA WAHOFF                      CITY CLERK**

**THIS ORDINANCE PREPARED BY:**



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**GREG D. VOSS, ESQ. (KBA #73429)**  
 Attorney at Law  
 301 West Pike Street  
 Covington, KY 41011  
 Telephone: (859) 647-7777  
 Fax: (859) 647-7799

**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 three (3) pages of Ordinance No. 2017-15 is a true, correct and complete copy duly adopted by the City Commission at a duly convened meeting held on the 11 day of October, 2017, as appears in the official records of said City.

*WITNESS MY HAND and SEAL* this the 17<sup>th</sup> day of October, 2017.

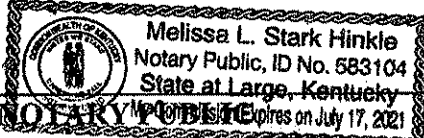
  


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**DONNA WAHOFF, CITY CLERK**  
**CITY OF UNION, KENTUCKY**

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

*SUBSCRIBED and SWORN* to before me, on this the 17 day of October, 2017 by **DONNA WAHOFF, City Clerk for the City of Union, Kentucky.**

  
 Melissa L. Stark Hinkle  
 Notary Public, ID No. 583104  
 State at Large, Kentucky  
 NOTARY PUBLIC Expires on July 17, 2021  
 Commonwealth of Kentucky  
 Notary ID# 583104

My Commission Expires: July 17 2021

**ANNEXATION AGREEMENT**

This Agreement made this 2<sup>ND</sup> day of October, 2017 between the **CITY OF UNION, KENTUCKY, HOME RULE CLASS**, and **DON GODERWIS, JR.** (hereinafter referred to as "**Goderwis**"):

**WHEREAS**, the City of Union, Boone County, Kentucky is desirous of annexing a parcel of property owned by Don Goderwis, Jr.; and

**WHEREAS**, the City of Union, Boone County, Kentucky is desirous of annexing the aforementioned property and Don Goderwis, Jr. is agreeable to a consensual annexation, pursuant to K.R.S. 81A.412, if certain conditions and considerations are met.


***NOW, THEREFORE, IT IS AGREED AS FOLLOWS:***

1. That the parties entered into an Annexation Agreement subject to the conditions set forth below, the undersigned, owner of approximately 1.0 acre tract described in the Plat and legal description attached hereto as Exhibit A (the property), hereby requests that the City of Union, Kentucky annex and make such property a part of the City of Union, Kentucky.

2. **GODERWIS** hereby certifies to the City of Union, Kentucky that he is the owner of the property by virtue of a deed recorded in Deed Book 801, Page 591 of the Boone County Clerk's records at Burlington, Kentucky.

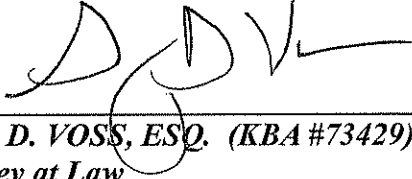
4. **GODERWIS** hereby waives his rights which he has or may have under provisions of K.R.S. 81A.420(2) and (3) and 81A.460 and hereby consent to and request immediate annexation of the property pursuant to K.R.S. 81A.412.

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

  
**HON. LARRY K. SOLOMON, MAYOR**

  
DON GODERWIS, JR.

**THIS INSTRUMENT PREPARED BY:**



**GREG D. VOSS, ESQ. (KBA #73429)**

*Attorney at Law*

301 West Pike Street

Covington, Kentucky 41011

Telephone: (859) 647-7777

Fax: (859) 647-7799

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B

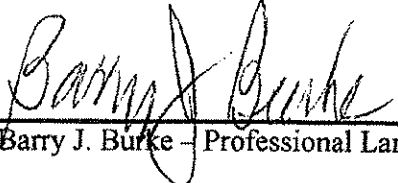
DESCRIPTION OF PROPOSED UNION ANNEXATION EXPANSION  
ANNEXATION ORDINANCE No. 2017-01 ABOUT 1.0 ACRE  
NORTHWESTERLY SIDE OF THE ORIGINAL ONE (1) SQUARE MILE  
UNION INCORPORATION BOUNDARY  
CITY OF UNION, KENTUCKY  
~~PER KRS 81.045 and KRS 81A.470~~

Located generally in Boone County, Kentucky and Group Number 2046 of the Boone County Clerk's Records, adjacent to and abutting the city limits or lines of the City of Union on the northwest side thereof and described particularly thus:

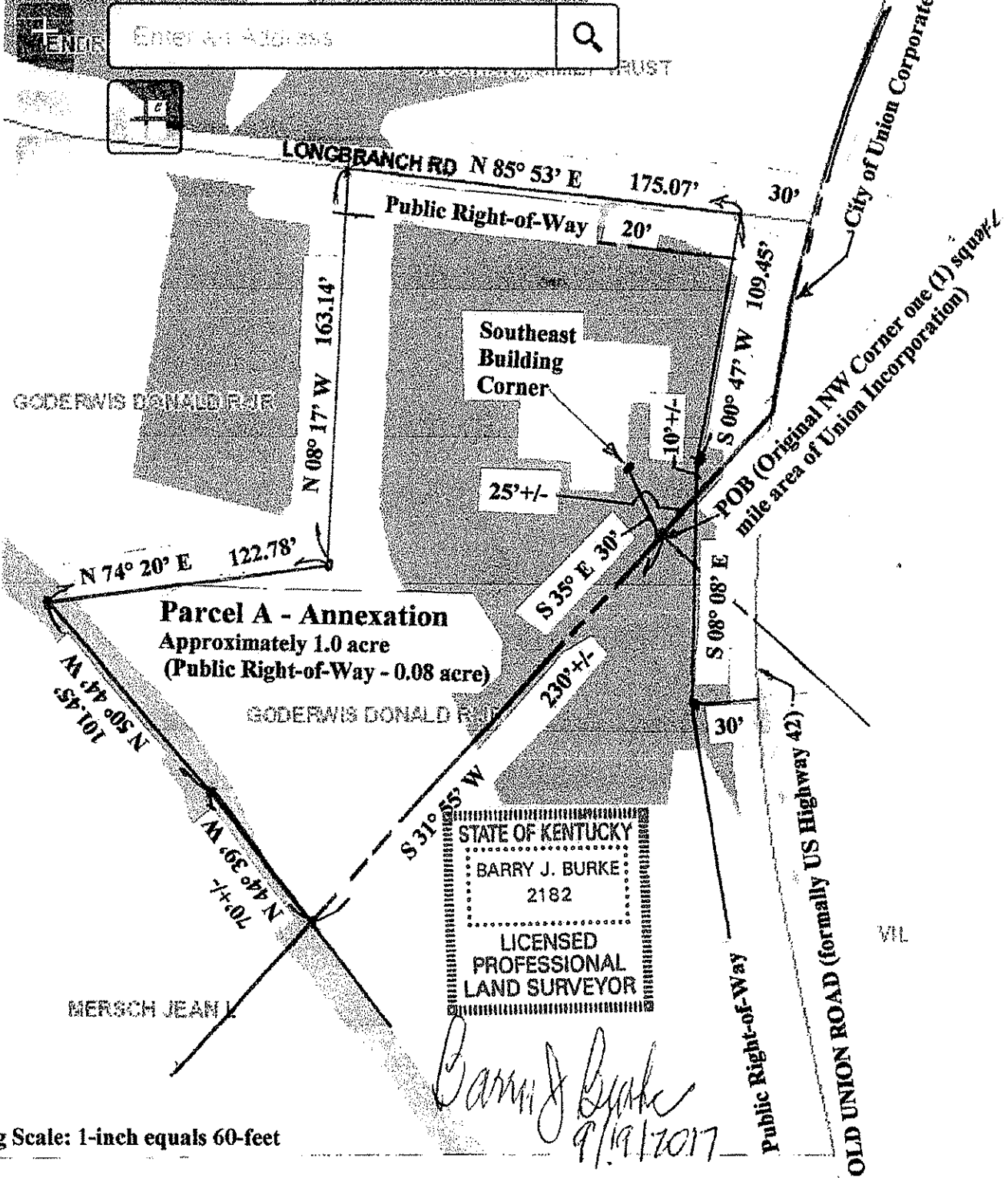
BEGINNING at the most northwesterly corner of the original one (1) square mile area of incorporation of the city of Union near Old Union Road (formally US Highway 42) and Long Branch Road, which said corner is located S 35° E, a distance of 30 feet from the southeast corner of the original Clinton Jones Service Station building; thence in a southwesterly direction and running with the original line of the one (1) square mile area of incorporation of the city of Union, S 31° 55' W (original corporate bearing), about 230 feet or sufficient to reach the southwesterly line of the Goderwis/Mersch tract near or in Fowler Fork Creek; thence running with the Goderwis tract line N 44° 39' W (1984 plat bearing), about 70 feet or sufficient to a point near or in the Creek; thence continuing with the Goderwis tract line N 50° 44' W, 101.45 feet to reach the most southwesterly corner of the Goderwis tract near or in the Creek; thence running away from the Creek and continuing with a common tract line of the Goderwis property N 74° 20' E, 122.78 feet to a corner; thence continuing with a common tract line of the Goderwis property N 08° 17' W, 163.14 feet to a point in the centerline of Long Branch Road; thence along the centerline of said road N 85° 53' E, 175.07 feet to a point about 30 feet west from the centerline of Old Union Road (formally US Highway 42); thence in a southwesterly direction along the right-of-way of Old Union Road (formally US Highway 42) S 00° 47' W, 109.45 feet to a point in the said right-of-way to a point; thence continuing along the right-of-way of Old Union Road S 08° 08' E about 10 feet or sufficient to a point within the original line of the one (1) square mile area of incorporation of the city of Union; thence in a southwesterly direction and running with the original line of the one (1) square mile area of incorporation of the city of Union, S 31° 55' W, about 25 feet or sufficient to the place of BEGINNING, containing about 1.0 acre and subject to legal highways (about 0.08 acre) and any easements of record.

Being a part of the same property conveyed by Clinton and Julia Jones to Howard L. and Janous Messer Sr. by an R.L. Morris LS survey plat and recorded in Deed Book 320 Page 310 on August 31, 1984; and, General Warranty Deed Book 801 Pages 591-593 for the transfer of the 2.00 acre tract from the Messers to Donald R. Goderwis, Jr. dated April 12<sup>th</sup>, 2001.

The above Description for a Non-Boundary Survey was prepared by Barry J. Burke PLS based upon a previous description of the original boundary of the city of City of Union Incorporation by Noel Walton LS dated 06/04/1981; and a boundary survey of the subject tract performed by R.L. Morris LS dated 05/05/1984.

  
Barry J. Burke - Professional Land Surveyor      2182      September 19, 2017  
KY PLS No,      Date

CITY OF UNION, KY **City of Union, Kentucky** Standard View



Drawing Scale: 1-inch equals 60-feet

*Barry J. Burke*  
 9/19/2017

City of Union, Kentucky Annexation Expansion 201 KAR 18:150 Section 13. Parcel A is a graphical representation of Donald R. Goderwis Jr. property by city of Union – Not a Boundary Survey or Land Transfer. Graphical degree of accuracy determined by previous Union Incorporation Boundary (i.e., 1854 and/or reauthorized in 1962 or 1969) and previous boundary survey plat by RL Morris PS dated 5/5/1984 (DB 801 Pages 591-593 dated April 12, 2001)

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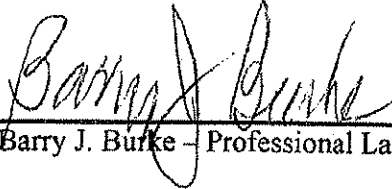
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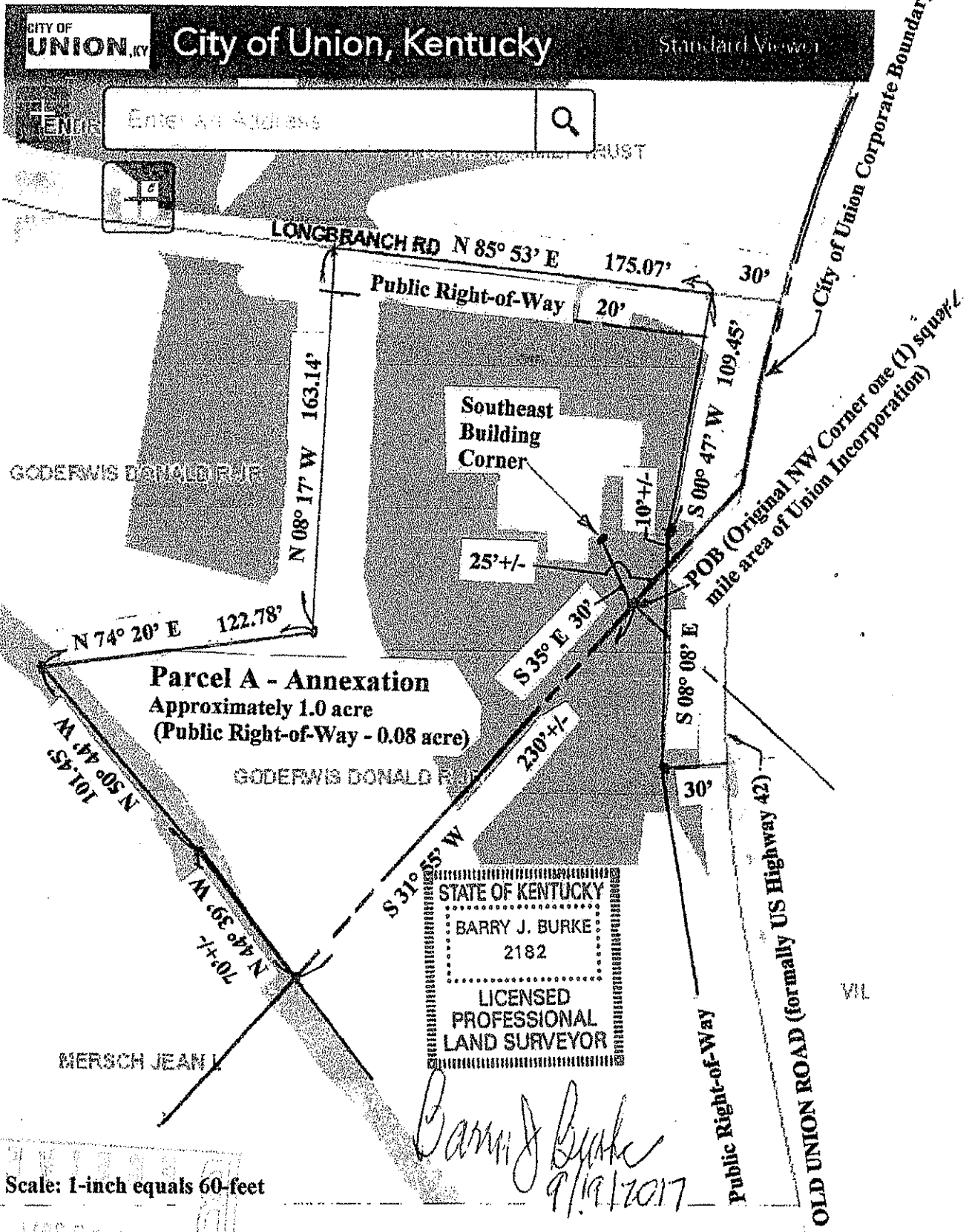
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Barry J. Burke - Professional Land Surveyor

2182  
KY PLS No,

September 19, 2017  
Date



Drawing Scale: 1-inch equals 60-feet

City of Union, Kentucky Annexation Expansion 201 KAR 18:150 Section 13. Parcel A is a graphical representation of Donald R. Goderwis Jr. property by city of Union – Not a Boundary Survey or Land Transfer. Graphical degree of accuracy determined by previous Union Incorporation Boundary (i.e., 1854 and/or reauthorized in 1962 or 1969) and previous boundary survey plat by RL Morris PS dated 5/5/1984 (DB 801 Pages 591-593 dated April 12, 2001)