

**CITY OF WALTON, KENTUCKY**  
**ORDINANCE NO. 2007-09**

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY OF APPROXIMATELY 22.5 ACRES IN BOONE COUNTY AND KENTON COUNTY LOCATED AT 13110 DIXIE HIGHWAY.

WHEREAS, Christopher C. Combs and Betty B. Combs, being the owners of record of the hereinafter described real property have requested that the City of Walton annex said real property and, pursuant to KRS 81A.412, said owners have given written consent to such annexation; and,

WHEREAS, the City of Walton has determined that it is desirable to annex the real property; and,

WHEREAS, the Boone County Planning Commission and the Kenton County and Municipal Planning and Zoning Commission have previously established the zoning for the real property; and,

WHEREAS, neither the owner of the property nor the City of Walton have requested a change in zoning of the property;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WALTON, KENTUCKY, as follows:**

**SECTION ONE**

The City of Walton finds that the real property meets the requirements of KRS 81A.410, in that it is contiguous to the boundaries of the City, it is suitable for development for urban purposes without unreasonable delay, and that it is not included within the boundary of another incorporated city.

**SECTION TWO**

The real property owned by Christopher C. Combs and Betty B. Combs, consisting of 22.5812 acres located along the west side of U.S. Highway 25 (Dixie Highway) in Boone County and Kenton County, with an address of 13110 Dixie Highway, Walton, KY 41094 and which is more particularly described on Exhibit "A" attached hereto and incorporated herein by reference, is annexed and made a part of the corporate territory of the City of Walton, Kentucky for all purposes.

**SECTION THREE**

The current zoning of the real property shall remain unchanged until changed in accordance with the provisions of KRS Chapter 100.

**SECTION FOUR**


This ordinance shall be in full force and effect after adoption and publication in accordance with applicable law.

APPROVED AND PASSED on first reading by 6 Members of City Council on the 13th day of August, 2007.

APPROVED AND PASSED on second reading by 6 Members of City Council on the 10<sup>TH</sup> day of SEPTEMBER, 2007.

DATE OF PUBLICATION: 9.20.2007.

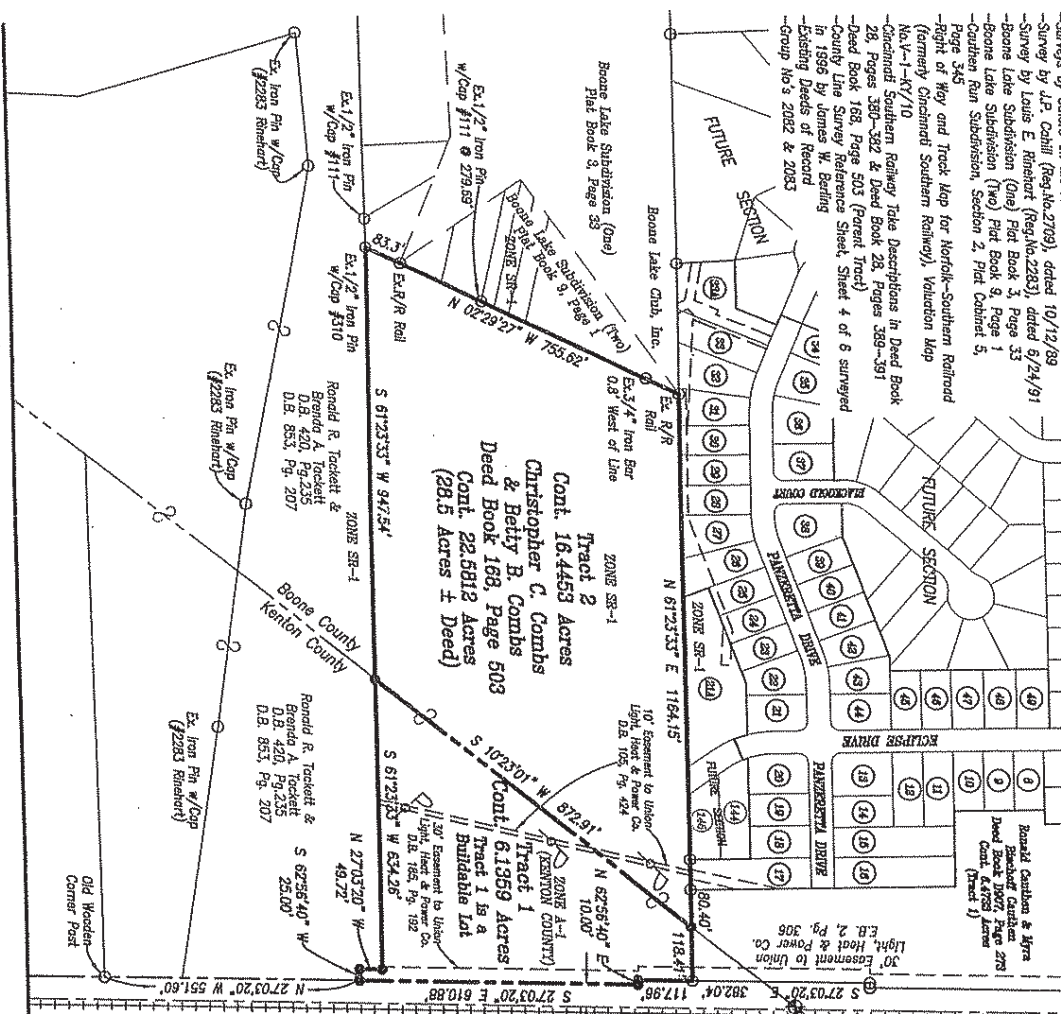
APPROVED:

  
\_\_\_\_\_  
Phillip W. Trzop, Mayor

ATTEST:

  
\_\_\_\_\_  
Peggy Gray, City Clerk

**REFERENCES:**  
 -Survey by others on file in this office.  
 -Survey by J.D. Cahill (Reg.No.2709), dated 10/12/89  
 -Survey by Louis E. Rinehart (Reg.No.2283), dated 6/24/91  
 -Boone Lake Subdivision (One) Plat Book 3, Page 33  
 -Boone Lake Subdivision (Two) Plat Book 9, Page 1  
 -Coulton Run Subdivision, Section 2, Plat Cabinet 5, Page 345  
 -Right of Way and Track Map for Norfolk-Southern Railroad (Formerly Cincinnati Southern Railway), Valuation Map No.1-KT/10  
 -Cincinnati Southern Railway Take Descriptions in Dead Book 28, Pages 380-382 & Dead Book 28, Pages 389-391  
 -Dead Book 168, Page 503 (Parent Tract)  
 -County Line Survey Reference Sheet, Sheet 4 of 6 surveyed in 1996 by James W. Bunting  
 -Existing Deeds of Record  
 -Group No's 2082 & 2083



**LEGEND**

- Set 5/8" x 24" Iron Pin w/Cap otherwise noted: #3510, unless otherwise noted.
- Existing Iron Pin w/Cap unless otherwise noted.
- Ex. County Line Monument (No.27) N-493217.47 E:189915.85 (NAD 27) N-493251.204 E:185949.575 (NAD 83)

**Graphic Scale 1"=300'**

300' 600'

Bearings based on the Kentucky State Plane Coordinate System, North Zone Grid, NAD 83 per Boone County GIS

**BOONE COUNTY PLANNING COMMISSION APPROVAL CERTIFICATE**

APPROVED FOR RECORDING THE TRANSFER OF PROPERTY ONLY BY THE BOONE COUNTY PLANNING COMMISSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2007.

Chairman's Signature \_\_\_\_\_

**FOR BUILDABLE LOTS**

**LAND SURVEYOR'S CERTIFICATE**

I certify that I have examined the records of the Boone County Court Clerk and find that this is the first conveyance made under the present ownership of the parent tract.

*Dennis T. Dinkelacker* 2-19-07  
 Signature of Land Surveyor Date

**LAND SURVEYOR'S CERTIFICATE**

I, Dennis T. Dinkelacker, a Licensed Professional Land Surveyor in the Commonwealth of Kentucky certify that the plat represents a survey completed by me or under my direct supervision on this date and that the survey was performed in accordance with the Kentucky Minimum Standards for Surveys in effect for this date. The locations and dimensions shown herein were established from available evidence, record documents, lines of occupation and measurements on the ground. The survey was performed by random and rigid traverses, with an undisturbed closure of 1:58,800 and the courses have not been adjusted for closure. The survey as shown herein is a Class A survey and the accuracy and precision of said survey meets all the specifications of this class. The basis of bearings is as shown.

*Dennis T. Dinkelacker*  
 Land Surveyor's Signature

Date 2-19-07

**STATE OF KENTUCKY**  
**DENNIS T. DINKELACKER**  
 3510  
**PROFESSIONAL LAND SURVEYOR**

**EXHIBIT PLAT**  
 22.6812 ACRES  
**Christopher C. Combs & Betty B. Combs**  
 Located in  
**City of Walton**  
**Boone County, Kentucky**

Date: 02/09/07  
 Scale: 1" = 300'  
 Job No.: 689293  
 Drawn by: DM  
 Checked by: DM

**LAND CONSULTANTS**  
 The Engineering Group  
 The Surveying Group  
 The Planning Group  
 Land Plan, Survey, and Estimate Planning  
 201 WEST HILLMAN STREET  
 WARRIANDON, KY 40355  
 (812) 537-2145  
 Fax: (812) 537-4901  
 Ohio: (614) 537-2145  
 Ohio: (614) 537-2145  
 Toll-Free: (800) 537-2145

ACAD Name: RA\656-Coulton Run Dev\2007\01-Combs Prop\DRAWINGS\EXHIBIT PLAT\EXHIBIT.dwg

**LEGAL DESCRIPTION**  
**22.5812 ACRES**

Situated in Boone County, Commonwealth of Kentucky and being located approximately 0.3' ± mile South of the intersection of Relocated US 25 and Old South Main Street and lying on the Western side of the Norfolk-Southern Railroad (formerly Cincinnati Southern Railway) and also lying South of the City of Walton and being more particularly described as follows:

**Beginning** at an iron pin with cap (D.T. Dinkelacker #3510) at a corner common with the lands owned by Christopher C. Combs and Betty C. Combs as recorded in Deed Book 168, Page 503 and a corner of a 6.4733 acre tract, owned by Ronald Cauthen and Myra Bischoff Cauthen as recorded in Deed Book D907, Page 273 of the Boone County, Kentucky Records, in Burlington Kentucky; said point also lying in the existing Western right of way line of the Norfolk-Southern Railroad (formerly Cincinnati Southern Railway) as recorded in Deed Book 28, Pages 389 through 391 of the aforesaid records; thence with the Eastern line of said Combs and the Western line of said Norfolk-Southern Railroad the following three courses and distances:

South 27 degrees 03 minutes 20 seconds East a distance of 117.96 feet to an iron pin with cap (D.T. Dinkelacker #3510);

North 62 degrees 56 minutes 40 seconds East a distance of 10.00 feet to an iron pin with cap (D.T. Dinkelacker #3510);

South 27 degrees 03 minutes 20 seconds East a distance of 610.88 feet to an iron pin with cap (D.T. Dinkelacker #3510) to a corner common with the lands of said Combs and the lands now or formerly owned by Ronald R. Tackett and Brenda A. Tackett as recorded in Deed Book 420, Page 235 and Deed Book 853, Page 207 of the aforesaid records; thence leaving the Western line of said Norfolk-Southern Railroad, with the common lines of said Combs and said Tackett, the following three courses and distances:

South 62 degrees 56 minutes 40 seconds West a distance of 25.00 feet to an iron pin with cap (D.T. Dinkelacker #3510);

North 27 degrees 03 minutes 20 seconds West a distance of 49.72 feet to an iron pin with cap (D.T. Dinkelacker #3510);

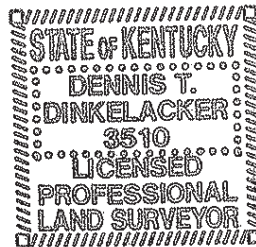
South 61 degrees 23 minutes 33 seconds West, passing an iron pin with cap #3510 at the Boone/Kenton County line at 634.26 feet, a total distance of 1581.80 feet to a ½" iron pin with cap #310 at a corner common with said Combs and Boone Lake Subdivision, Number Two as recorded in Plat Book 9, Page 1 of the aforesaid records; thence with the Western line of said Combs and the Eastern line of said Boone Lake Subdivision, Number Two, North 02 degrees 29 minutes 27 seconds West, passing a railroad rail at 83.3 feet and passing a ½ inch iron pin with cap #111 at 279.69 feet, a total distance of 755.62 feet to a railroad rail at the Northwest corner of said Combs; said railroad rail also lying in the Southern line of Lot 31 of Cauthen Run Subdivision, Section 2 as recorded in Plat Cabinet 5, Page 345 of the aforesaid records; thence with the Northern line of said Combs and the Southern line of said Cauthen Run Subdivision, Section 2, North 61 degrees 23 minutes 33 seconds East, passing an iron pin with cap #3510 at the Boone/Kenton County Line at 1164.15 feet, a total distance of 1282.56 feet to the **Point of Beginning**.

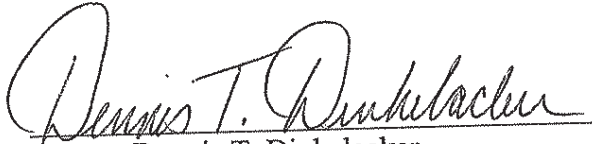
Containing 22.5812 acres, more or less, (28.5 acres-Deed) and being subject to a thirty (30) foot gas line easement to Union Light, Heat & Power Company as recorded in Deed Book 185, Page 192 and also being subject to a ten (10) foot electric line easement to Union Light, Heat & Power Company as recorded in Deed Book 105, Page 424 of the Independence, Kenton County, Kentucky, Records and also being recorded in Miscellaneous Book 1, Page 77 of the Boone County, Kentucky, Records.

Bearings based on the Kentucky State Plane Coordinate System, North Zone Grid, NAD '83 as determined from GPS observations from G.I.S. Monument No.NKC095.

The above description is based on a field survey made by Dennis T. Dinkelacker, Kentucky Licensed Professional Land Surveyor #3510, dated March 05, 2007 and is intended to better describe the remaining lands conveyed to Christopher C. Combs and Betty B. Combs as recorded in Deed Book 168, Page 503 of the Boone County, Kentucky, Records in Burlington.

Land Consultants  
201 West William Street  
Lawrenceburg, Indiana 47025



  
Dennis T. Dinkelacker

8/2/07  
Date

### CERTIFICATION OF CITY CLERK

I, Peggy Gray, hereby certify: That I am the duly qualified City Clerk of the City of Walton, Kentucky; that the foregoing Ordinance is a true copy of an Ordinance given its first read on August 13, 2007 and given its second reading and enacted by City Council on September 10, 2007; that Ordinance 2007-09 has been published as required by law; that said meetings were duly held in accordance with applicable requirements of Kentucky laws, including KRS 61.810, 61.815, 61.820 and 61.825; that a quorum was present at each of said meetings; that said Ordinance has not been modified, amended or repealed, and is now in full force and effect; and that Ordinance 2007-09 appears as a matter of public record in the City of Walton Ordinance Book.

IN WITNESS WHEREOF, I have hereto set my hand as City Clerk and the official seal of the City of Walton, Kentucky, on this 20<sup>th</sup> day of September, 2007.

  
Peggy Gray, City Clerk