

Alley Closures
in Chambers Heights
Added IN GLS
9-23-15

CITY OF WALTON, KENTUCKY
ORDINANCE NO. 2015-09

AN ORDINANCE CLOSING TWO PUBLIC ALLEYS LOCATED GENERALLY ON THE SOUTH SIDE OF EDWARDS AVENUE AND ON THE EAST SIDE OF MULBERRY STREET.

WHEREAS, a request has been received by the City Council of the City of Walton from property owners requesting that two public alleys be closed, said alleys being located generally on the south side of Edwards Avenue and on the east side of Mulberry Street, as more particularly described on Exhibit "A" and Exhibit "B" attached hereto; and,

WHEREAS, the public alleys described on Exhibit "A" and Exhibit "B" attached hereto are no longer in use and serve no beneficial purpose to the citizens and residents of the City of Walton; and,

WHEREAS, the City of Walton has complied with all of the statutory provisions for closing a public way pursuant to KRS 82.405;

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

SECTION ONE

The City Council of the City of Walton makes the following findings of fact:

A. The City of Walton has identified all of the property owners abutting the public alleys to be closed, namely: Melvin Brumley and Bonnie Brumley, owners of the property located at 16 Edwards Avenue; Ersel M. Anderson and Donetta A. Anderson, owners of the property located at 14 Edwards Avenue; and Sisters of St. Joseph the Worker, Inc., owners of the property located at 1 St. Joseph Lane.

B. Written notice of the proposed closing of the public alleys was given to the aforementioned property owners by the City Attorney.

C. The property owners abutting the public alleys have given their written notarized consent to the closing, with copies of said written consents being attached hereto as Exhibit "C" in the aggregate.

BOONE COUNTY CLERK
KENTUCKY
2015 SEP 22 PM 1:31

Return to:

Timothy M. Noyes
Noyes & McMain, PLLC
8667 US Hwy 42, Suite 300
Union KY 41091

SECTION TWO

The public alleys located generally on the south side of Edwards Avenue and on the east side of Mulberry Street, and more particularly described on Exhibit "A" and Exhibit "B", attached hereto and incorporated herein by reference, are hereby closed.

SECTION THREE

This Ordinance shall become effective upon passage and publication as required by law.

SECTION FOUR

Upon passage and publication, this Ordinance shall be recorded in the records of the Boone County Clerk.

APPROVED AND PASSED on first reading by 6 Members of City Council on the 10TH day of AUGUST, 2015.

APPROVED AND PASSED on second reading by 6 Members of City Council on the 26TH day of AUGUST, 2015.

DATE OF PUBLICATION: SEPTEMBER 10, 2015.

APPROVED:



Mark S. Carnahan, Mayor

ATTEST:



Peggy Gray, City Clerk



VIOX & VIOX

Civil Engineers, Surveyors and Landscape Architects

466 Erlanger Road
Erlanger, Kentucky 41018

Tel: 859.727.3293
Fax: 859.727.8452
www.vioxinc.com

June 22, 2015

PARCEL "A" DESCRIPTION OF 0.107 ACRE

Located in Walton, Boone County, Kentucky and being part of an un-named alley located on the south side of Edwards Avenue and the east side of Mulberry Street as shown on the plat of Clark's Addition to the Town of Walton recorded in Plat Book 1, page 39 in the office of the Boone County Clerk at Burlington, Kentucky and is more particularly described as follows:

Unless otherwise stated, any monument referred to herein as an iron pin (set) is a 1/2 inch diameter rebar eighteen inches in length with a plastic cap stamped "PLS 3357". All bearings referred to herein are based upon the Kentucky State Plane Coordinate System, North Zone, North American Datum of 1983(2011).

Beginning at an existing concrete marker in the south right-of-way line of Edwards Avenue, 25.00 feet as measured perpendicular to the centerline, at the most northeasterly corner of Lot B-7 of the Clark's Addition to the Town of Walton;

THENCE with said right-of-way line North 57°54'39" East a distance of 8.20 feet to an iron pin (set) and the TRUE POINT OF BEGINNING;

THENCE continuing with said right-of-way line North 57°54'39" East a distance of 8.20 feet to an iron pin (set) at the most westerly corner of Lot B-1;

THENCE with the west line of Lots B-1 through Lot B-6 South 43°39'18" East a distance of 295.00 feet to an iron pin (set) in the north line of Lot 1 of the Edwards Heights Addition to Walton (Plat Book 2, page 6);

THENCE with the north line of Lot 1 South 57°54'39" West a distance of 16.40 feet to an iron pin (set) at the most easterly corner of Lot B-12 of the Clark Addition to the Town of Walton;

THENCE with the east line of Lots B-12, B-11 and B-10 North 43°39'18" West a distance of 128.60 feet to an iron pin (set);

THENCE continuing with the north line of Lot B-10 South 57°54'39" West a distance of 150.00 feet to an iron pin (set) in the east right-of-way line of Mulberry Street, 25.00 feet as measured perpendicular to the centerline;

THENCE with said right-of-way line North 43°39'18" West a distance of 8.20 feet to an iron pin (set) in the centerline of an un-named alley;

THENCE with said centerline North 57°54'39" East a distance of 158.20 feet to an iron pin (set);

THENCE North 43°39'18" West a distance of 158.20 feet to the TRUE POINT OF BEGINNING containing 0.107 acre.

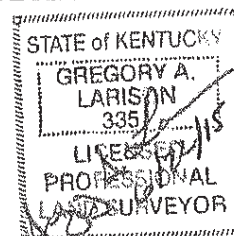


Exhibit "B"



VIOX & VIOX

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June 22, 2015

PARCEL "B" DESCRIPTION OF 0.048 ACRE

Located in Walton, Boone County, Kentucky and being part of an un-named alley located on the south side of Edwards Avenue and the east side of Mulberry Street as shown on the plat of Clark's Addition to the Town of Walton recorded in Plat Book 1, page 39 in the office of the Boone County Clerk at Burlington, Kentucky and is more particularly described as follows:

Unless otherwise stated, any monument referred to herein as an iron pin (set) is a 1/2 inch diameter rebar eighteen inches in length with a plastic cap stamped "PLS 3357". All bearings referred to herein are based upon the Kentucky State Plane Coordinate System, North Zone, North American Datum of 1983(2011).

Beginning at an existing concrete marker in the south right-of-way line of Edwards Avenue, 25.00 feet as measured perpendicular to the centerline, at the most northeasterly corner of Lot B-7 of the Clark's Addition to the Town of Walton;

THENCE with said right-of-way line North 57°54'39" East a distance of 8.20 feet to an iron pin (set) in the centerline of an un-named alley;

THENCE with said centerline South 43°39'18" East a distance of 158.20 feet to an iron pin (set);

THENCE South 57°54'39" West a distance of 108.20 feet to an iron pin (set);

THENCE leaving said centerline North 43°39'18" West a distance of 8.20 feet to an iron pin (set) at the most southerly corner of Lot B-8;

THENCE with the line of Lot B-8 and Lot B-7 North 57°54'39" East a distance of 100.00 feet to an iron pin (set);

THENCE continuing with the line of Lot B-7 North 43°39'18" West a distance of 150.00 feet to the point of beginning containing 0.048 acre.

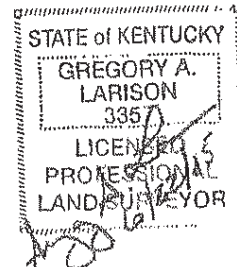


Exhibit "B"



VIOX & VIOX

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June 22, 2015

PARCEL "C" DESCRIPTION OF 0.009 ACRE

Located in Walton, Boone County, Kentucky and being part of an un-named alley located on the south side of Edwards Avenue and the east side of Mulberry Street as shown on the plat of Clark's Addition to the Town of Walton recorded in Plat Book 1, page 39 in the office of the Boone County Clerk at Burlington, Kentucky and is more particularly described as follows:

Unless otherwise stated, any monument referred to herein as an iron pin (set) is a 1/2 inch diameter rebar eighteen inches in length with a plastic cap stamped "PLS 3357". All bearings referred to herein are based upon the Kentucky State Plane Coordinate System, North Zone, North American Datum of 1983(2011).

Beginning at an iron pin (set) in the east right-of-way line of Mulberry Street, 25.00 feet as measured perpendicular to the centerline, and the north right-of-way line an un-named alley at the most southwesterly corner of Lot B-9 of the Clark's Addition to the Town of Walton;

THENCE with said north right-of-way line North 57°54'39" East a distance of 50.00 feet to an iron pin (set);

THENCE South 43°39'18" East a distance of 8.20 feet to an iron pin (set) in the centerline of said alley;

THENCE with said centerline South 57°54'39" West a distance of 50.00 feet to an iron pin (set) in the east right-of-way line of Mulberry Street;

THENCE with said right-of-way line North 43°39'18" West a distance of 8.20 feet to the point of beginning containing 0.009 acre.

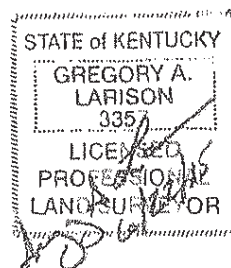


Exhibit "B"

CONSENT TO CLOSING PUBLIC WAY

Comes now Ersel M. Anderson and Donetta A. Anderson, husband and wife, owner(s) of real property located at 14 Edwards Avenue, Walton, KY 41094, and hereby grant their consent to close the public alleys located in the City of Walton, Kentucky, adjacent to Edwards Avenue and Mulberry Street, as shown on the plat attached hereto as Exhibit "A" and more particularly described on the legal descriptions attached hereto as Exhibit "B".

Ersel M. Anderson
ERSEL M. ANDERSON

7-11-15
DATE

Donetta A. Anderson
DONETTA A. ANDERSON

7-11-15
DATE

COMMONWEALTH OF KENTUCKY
COUNTY OF BOONE

Subscribed, sworn to and acknowledged before me, by Ersel M. Anderson and Donetta A. Anderson, as their free and voluntary act and deed this 11 day of July, 2015.

Daryl D. McElroy
NOTARY PUBLIC STATE-AT-LARGE
My Commission Expires: 8-7-16
Notary ID: 471645

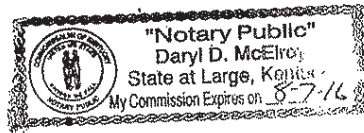


Exhibit "C"

CONSENT TO CLOSING PUBLIC WAY

Comes now Melvin Brumley and Bonnie Brumley, husband and wife, owner(s) of real property located at 16 Edwards Avenue, Walton, KY 41094, and hereby grant their consent to close the public alleys located in the City of Walton, Kentucky, adjacent to Edwards Avenue and Mulberry Street, as shown on the plat attached hereto as Exhibit "A" and more particularly described on the legal descriptions attached hereto as Exhibit "B".

Melvin Brumley
MELVIN BRUMLEY

7/3/15
DATE

Bonnie Brumley
BONNIE BRUMLEY

7/3/15
DATE

COMMONWEALTH OF KENTUCKY
COUNTY OF BOONE

Subscribed, sworn to and acknowledged before me, by Melvin Brumley and Bonnie Brumley, as their free and voluntary act and deed this 3 day of July, 2015.

Sister Mary Catherine Korte, S.F.W.
NOTARY PUBLIC STATE-AT-LARGE
My Commission Expires: July 19, 2018
Notary ID: 574989

Exhibit "C"

CONSENT TO CLOSING PUBLIC WAY

Comes now Sisters of St. Joseph the Worker, Inc., owner(s) of real property located at 1 St. Joseph Lane, Walton, KY 41094, and hereby grant their consent to close the public alleys located in the City of Walton, Kentucky, adjacent to Edwards Avenue and Mulberry Street, as shown on the plat attached hereto as Exhibit "A" and more particularly described on the legal descriptions attached hereto as Exhibit "B".

Sisters of St. Joseph the Worker, Inc.

By: Sisters of St. Joseph the Worker
Name: Sister Patricia Jean Cushing
Title: Vicar General

COMMONWEALTH OF KENTUCKY
COUNTY OF BOONE

Subscribed, sworn to and acknowledged before me, by Sister Patricia Jean Cushing, as Vicar General of Sisters of St. Joseph the Worker, Inc. as his/her free and voluntary act and deed this 3 day of July, 2015.

Sister Mary Catherine Korte, S.M.
NOTARY PUBLIC STATE-AT-LARGE
My Commission Expires: July 19, 2018
Notary ID: 514989

Exhibit "C"