

**CITY OF FLORENCE, KENTUCKY  
READING SUMMARY**

**ORDINANCE O-3-22**


**AN ORDINANCE TO CLOSE AND ABANDON A PORTION OF EXCESS RIGHT-OF-WAY FOR A PUBLIC WAY, BEING PART OF AN ALLEY ON THE NORTHWEST SIDE OF MAIN STREET, NORTHEAST OF SHELBY STREET IN THE CITY OF FLORENCE, KENTUCKY PURSUANT TO KRS 82.405(1) AND (2), THE CITY COUNCIL FOR THE CITY OF FLORENCE, KENTUCKY HAVING DETERMINED THAT ALL PROPERTY OWNERS IN OR ABUTTING THAT PORTION OF THE PUBLIC RIGHT-OF-WAY AGREE TO THAT CLOSING AND ABANDONMENT.**

**SUMMARY**

This Ordinance closes and abandons a portion of excess right-of-way as a public way, being part of an alley on the northwest side of Main Street, northeast of Shelby Street in the City of Florence, Kentucky. That tract of real estate being closed and abandoned herein reverts to the adjacent property owners.

**CERTIFICATION**

I hereby certify that the foregoing is a summary of the contents of the Ordinance titled above and that it was prepared by me this 19 day of April, 2022, and I am an attorney licensed to practice law in the Commonwealth of Kentucky.

  
\_\_\_\_\_  
HUGH O. SKEES, KBA#64730  
SKEES, WILSON & NIENABER, PLLC  
7699 Ewing Blvd., P.O. Box 756  
Florence, KY 41022-0756  
Phone: (859) 371-7407  
Fax: (859) 371-9872

**CITY OF FLORENCE, KENTUCKY  
ORDINANCE O-3-22**

**AN ORDINANCE TO CLOSE AND ABANDON A PORTION OF EXCESS RIGHT-OF-WAY FOR A PUBLIC WAY, BEING PART OF AN ALLEY ON THE NORTHWEST SIDE OF MAIN STREET, NORTHEAST OF SHELBY STREET IN THE CITY OF FLORENCE, KENTUCKY PURSUANT TO KRS 82.405(1) AND (2), THE CITY COUNCIL FOR THE CITY OF FLORENCE, KENTUCKY HAVING DETERMINED THAT ALL PROPERTY OWNERS IN OR ABUTTING THAT PORTION OF THE PUBLIC RIGHT-OF-WAY AGREE TO THAT CLOSING AND ABANDONMENT.**

**WHEREAS**, the City of Florence, Kentucky is a Home Rule City and a Kentucky Municipal Corporation that wishes to close or abandon a portion of excess public way, being part of an alley on the northwest side of Main Street, northeast of Shelby Street in the City of Florence, Kentucky pursuant to KRS 82.405(1) and (2), and

**WHEREAS**, the Florence City Council is the legislative body for the City of Florence, Kentucky under its Mayor-Council form of government and that legislative body has determined that all property owners in or abutting that portion of the public way described herein agree to this closing and abandonment of this public way and has made Findings of Fact set forth herein pursuant to KRS 82.405.

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

**SECTION I**

The City of Florence, Kentucky, through its Florence City Council as its legislative body hereby makes the following Findings of Fact pursuant to KRS 82.405(2):

(a) The public way being closed and abandoned herein is a tract of real estate, lying on the northwest side of Main Street, northeast of Shelby Street, and being part of an alley belonging to the City of Florence as recorded in Deed Book 21, Page 29, in the office of the Boone County Clerk at Burlington, Kentucky. That portion of the public way being closed and abandoned herein contains 0.045 acres, more or less, and is more particularly described in Exhibit "1" and shown on a plat prepared by Viox & Viox, Inc., dated February 24, 2022 attached as Exhibit "2".

(b) Further, the Florence City Council finds that all abutting property owners to the public way being closed and abandoned have been identified and notified in writing of this proceeding.

(c) The Florence City Council also finds that all property owners in or abutting that

portion of the public way described herein being closed and abandoned have given their written notarized consent to this closing and abandonment, a copy of those consents being attached hereto and marked as Exhibit "3" and incorporated herein by reference as is fully set out.

(d) All requirements of KRS 82.405 have been complied with in full.

## SECTION II

Based on the Findings of Fact set forth herein, the Florence City Council hereby enacts this Ordinance declaring that portion of the public way (Exhibits "1" and "2") set forth herein closed and abandoned and that this portion being closed and abandoned herein reverts to the adjacent property owners.

## SECTION III

Diane E. Whalen as Mayor shall be and is hereby authorized to execute on behalf of the City of Florence, Kentucky any and all documents necessary under KRS 82.405 and other applicable law.


## SECTION IV

Pursuant to KRS 82.405(2), this Ordinance shall be recorded in the office of the Boone County Clerk. Further, this Ordinance shall be published by posting on the City's internet website.

PASSED AND APPROVED ON FIRST READING THIS 19 DAY OF April, 2022.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 24 DAY OF April, 2022.

APPROVED:

  
\_\_\_\_\_  
Diane E. Whalen, Mayor

ATTEST:

  
\_\_\_\_\_  
Melissa Kramer, City Clerk



# VIOX & VIOX

Civil Engineers, Surveyors, and Landscape Architects

466 Erlanger Road | 602 Lila Avenue  
Erlanger, Kentucky 41018 | Millford, Ohio 45150  
Tel: 859.727.3293 | Tel: 513.576.1000  
Fax: 859.727.8452

www.vioxinc.com

March 22, 2022

## PARCEL "A" DESCRIPTION OF 0.012 ACRES

Located in Boone County, Kentucky, lying on the northwest side of Main Street, 120 feet northeast of Shelby Street, and being part of an alley belonging to City of Florence as recorded in Deed Book 21, page 29, 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 ½ inch diameter rebar eighteen inches in length with a plastic cap stamped "LARISON PLS 3357". All bearings referred to herein are based upon the Kentucky State Plane Coordinate System, North Zone, NAD83 (2011).

**BEGINNING** at an existing cross notch in the northwest right-of-way line of Main Street, at the most easterly corner of Mary Rose Mission, Inc. (Deed Book 1005, page 156) and in the southeast right-of-way line of said alley;

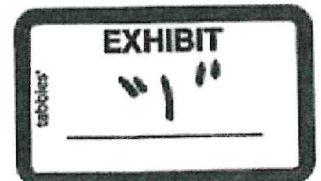
**THENCE** leaving the right-of-way line of Main Street and with the southwest right-of-way line of said alley and Mary Rose Mission, Inc. N 50°52'27" W a distance of 127.66 feet to an existing Mag nail at the most northerly common corner of said alley and Mary Rose Mission, Inc.;

**THENCE** with a new division of said alley for the following two (2) courses:

1. N 39°05'51" E a distance of 4.11 feet to a cross notch (set);
2. S 50°52'27" E a distance of 123.83 feet to an iron pin (set) in the southwest right-of-way line of Main Street;

**THENCE** with said right-of-way line S 03°53'54" E a distance of 5.62 feet to the **POINT OF BEGINNING**, containing 0.012 acres, more or less.

This description was prepared from a new survey made by Gregory A. Larison, PLS 3357, for Viox & Viox, Inc., March 16, 2022.





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March 22, 2022

## PARCEL "B" DESCRIPTION OF 0.011 ACRES

Located in Boone County, Kentucky, lying on the northwest side of Main Street, 120 feet northeast of Shelby Street, and being part of an alley belonging to City of Florence as recorded in Deed Book 21, page 29, 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 "LARISON PLS 3357". All bearings referred to herein are based upon the Kentucky State Plane Coordinate System, North Zone, NAD83 (2011).

**BEGINNING** at a point in the northwest right-of-way line of Main Street, at the most southerly corner of Brewer Family Revocable Trust (Deed Book 1159, page 314) and the northeast right-of-way line of said alley, witnessed by an existing Mag nail S 50°52'27" E at a distance of 5.00 feet;

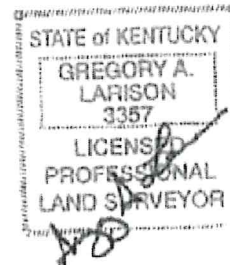
**THENCE** with the right-of-way line of Main Street S 03°53'54" E a distance of 5.61 feet to an iron pin (set);

**THENCE** leaving said right-of-way line and with a new division of said alley for the following two (2) courses:

1. N 50°52'27" W a distance of 123.83 feet to a cross notch (set);
2. N 39°07'33" E a distance of 4.10 feet to an existing Mag nail at the most westerly corner of Brewer Family Revocable trust and in the northeast right-of-way line of said alley;

**THENCE** with the line of Brewer Family Revocable Trust and said right-of-way line S 50°52'27" E a distance of 120.00 feet to the **POINT OF BEGINNING**, containing 0.011 acres, more or less.

This description was prepared from a new survey made by Gregory A. Larison, PLS 3357, for Viox & Viox, Inc., March 16, 2022.





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Erlanger, Kentucky 41018 | Milford, Ohio 45150  
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Fax: 859.727.8452

www.vioxinc.com

March 22, 2022

**PARCEL "C"**  
**DESCRIPTION OF 0.005 ACRES**

Located in Boone County, Kentucky, lying on the northwest side of Main Street, 120 feet northeast of Shelby Street, and being part of an alley belonging to City of Florence as recorded in Plat Book 21, page 29, 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 "LARISON PLS 3357". All bearings referred to herein are based upon the Kentucky State Plane Coordinate System, North Zone, NAD83 (2011).

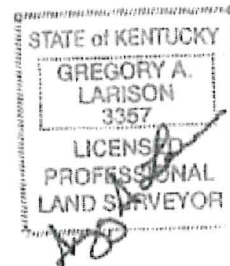
**BEGINNING** at an existing Mag nail at the most westerly corner of Brewer Family Revocable Trust (Deed Book 1159, page 314) and in the southeast right-of-way line of said alley;

**THENCE** with a new division of said alley for the following three (3) courses:

1. N 50°52'27" W a distance of 4.00 feet to a cross notch (set);
2. N 39°07'33" E a distance of 50.00 feet to a cross notch (set);
3. S 50°52'27" E a distance of 4.00 feet to an existing 1/2" iron pin at the most northerly common corner of Family Revocable Trust, and Diana & Brian Niceley (Deed Book 1125, page 80) and in the southeast right-of-way line of said alley;

**THENCE** with the line of Brewer Family Revocable Trust and said right-of-way line S 39°07'33" W a distance of 50.00 feet to the **POINT OF BEGINNING**, containing 0.005 acres, more or less.

This description was prepared from a new survey made by Gregory A. Larison, PLS 3357, for Viox & Viox, Inc., March 16, 2022.





# VIOX & VIOX

Civil Engineers, Surveyors, and Landscape Architects

466 Erlanger Road | 602 Lila Avenue  
Erlanger, Kentucky 41018 | Milford, Ohio 45150

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Fax: 859.727.8452

www.vioxinc.com

March 22, 2022

## PARCEL "D" DESCRIPTION OF 0.017 ACRES

Located in Boone County, Kentucky, lying on the northwest side of Main Street, 120 feet northeast of Shelby Street, and being part of an alley belonging to City of Florence as recorded in Plat Book 21, page 29, 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 ½ inch diameter rebar eighteen inches in length with a plastic cap stamped "LARISON PLS 3357". All bearings referred to herein are based upon the Kentucky State Plane Coordinate System, North Zone, NAD83 (2011).

**BEGINNING** at a cross notch (set) in the southwest right-of-way line of Girard Street, at the corner of Diana & Brian Niceley (Deed Book 1125, page 80) and in the southeast right-of-way line of said alley;

**THENCE** leaving the right-of-way line of Girard Street and with the line of Niceley and the southeast right-of-way line of said alley S 39°07'33" W a distance of 67.00 feet to an existing iron pin;

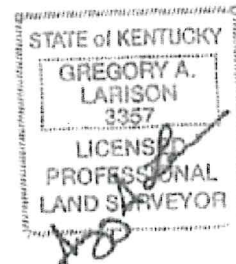
**THENCE** with a new division of the alley for the following three (3) courses:

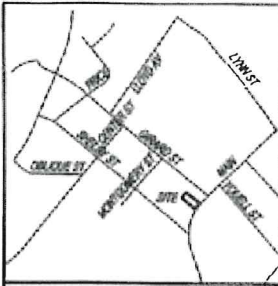
1. N 50°52'27" W a distance of 4.00 feet to a cross notch (set);
2. S 39°07'33" W a distance of 50.00 feet to a cross notch (set);
3. N 50°52'27" W a distance of 4.00 feet to a cross notch (set) at the corner of Nicely and in the northwest right-of-way line of said alley;

**THENCE** with the line of Niceley and said right-of-way line N 39°07'33" E a distance of 117.00 feet to a cross notch (set) in the southwest right-of-way line of Girard Street;

**THENCE** with the southwest right-of-way line of Girard Street S 50°52'54" E a distance of 8.00 feet to the **POINT OF BEGINNING**, containing 0.017 acres, more or less.

This description was prepared from a new survey made by Gregory A. Larison, PLS 3357, for Viox & Viox, Inc., March 16, 2022.





Owner:  
City of Florence  
8100 Ewing Boulevard  
Florence, KY 41042

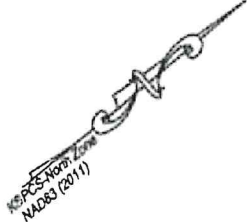
Client:  
Brewer Family Revocable Trust  
343 West Pike Street  
Covington, KY 41015

**LAND SURVEYOR'S CERTIFICATE**

I hereby certify that the survey depicted by this plat was done by persons under my direct supervision by the method of random traverse with sideshots. The unadjusted error of closure was 1:22,258 and was not adjusted. The survey as shown hereon is an Urban Survey and the accuracy and precision of said survey meets all the specifications of this class and complies with 201 KAR 18:150.

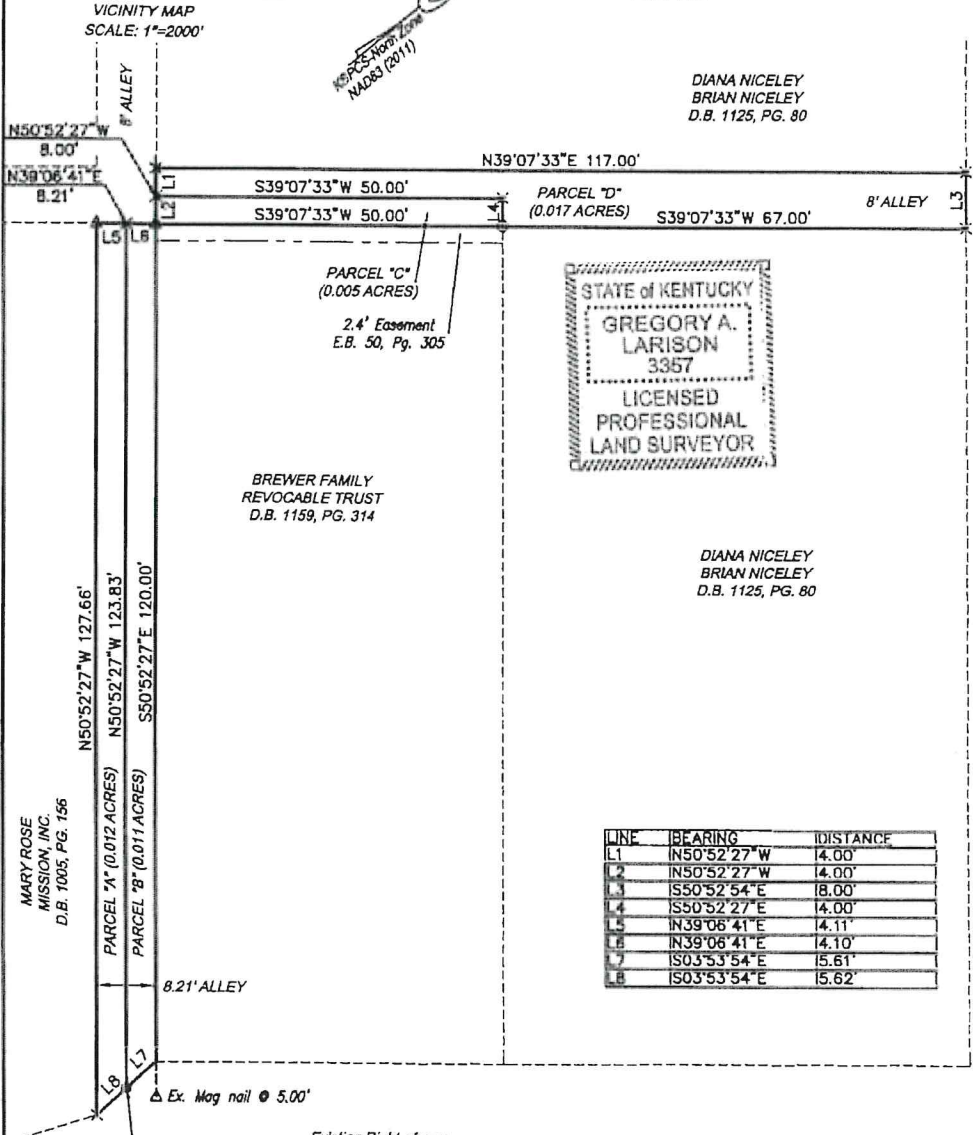
*Gregory A. Larison*  
Gregory A. Larison  
P.L.S. 3357

3/22/22  
DATE



DIANA NICELEY  
BRIAN NICELEY  
D.B. 1125, PG. 80

DIANA NICELEY  
BRIAN NICELEY  
D.B. 1125, PG. 80



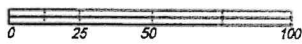
LINE	BEARING	DISTANCE
L1	N50°52'27" W	4.00'
L2	N50°52'27" W	4.00'
L3	S50°52'54" E	8.00'
L4	S50°52'27" E	4.00'
L5	N39°06'41" E	4.11'
L6	N39°06'41" E	4.10'
L7	S03°53'54" E	5.61'
L8	S03°53'54" E	5.62'

**PLAT OF SURVEY  
ALLEY TO BE VACATED**

FLORENCE BOONE COUNTY KENTUCKY

NORTHWEST SIDE OF MAIN STREET  
~120 FEET NORTHEAST OF SHELBY STREET

FEBRUARY 24, 2022 SCALE: 1"=20'  
Date of Survey: 3/21/22



- EXISTING IRON PIN
- × EXISTING CROSS NOTCH
- △ EXISTING MAG NAIL
- SET 1/2" x 18" REBAR AND CAP STAMPED "LARISON PLS 3357"
- ▲ SET MAG MAIL WITH WASHER STAMPED "LARISON PLS 3357"



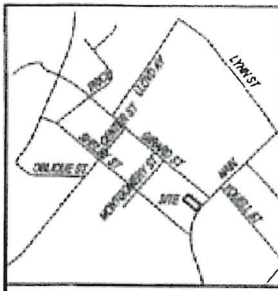
**VIOX & VIOX**

Civil Engineers, Surveyors, and Landscape Arch  
466 Erlanger Road • Erlanger, Kentucky 41018  
215B Main Street • Millford, Ohio 45150  
Ph Erlanger (508)727-3293 • Ph Millford (513)276-1000 • www.viox.com

Existing Right-of-way  
P.B. 21, PG. 29

GIRARD STREET





Owner:  
City of Florence  
8100 Ewing Boulevard  
Florence, KY 41042

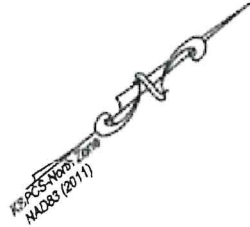
Client:  
Brewer Family Revocable Trust  
343 West Pike Street  
Covington, KY 41015

**LAND SURVEYOR'S CERTIFICATE**

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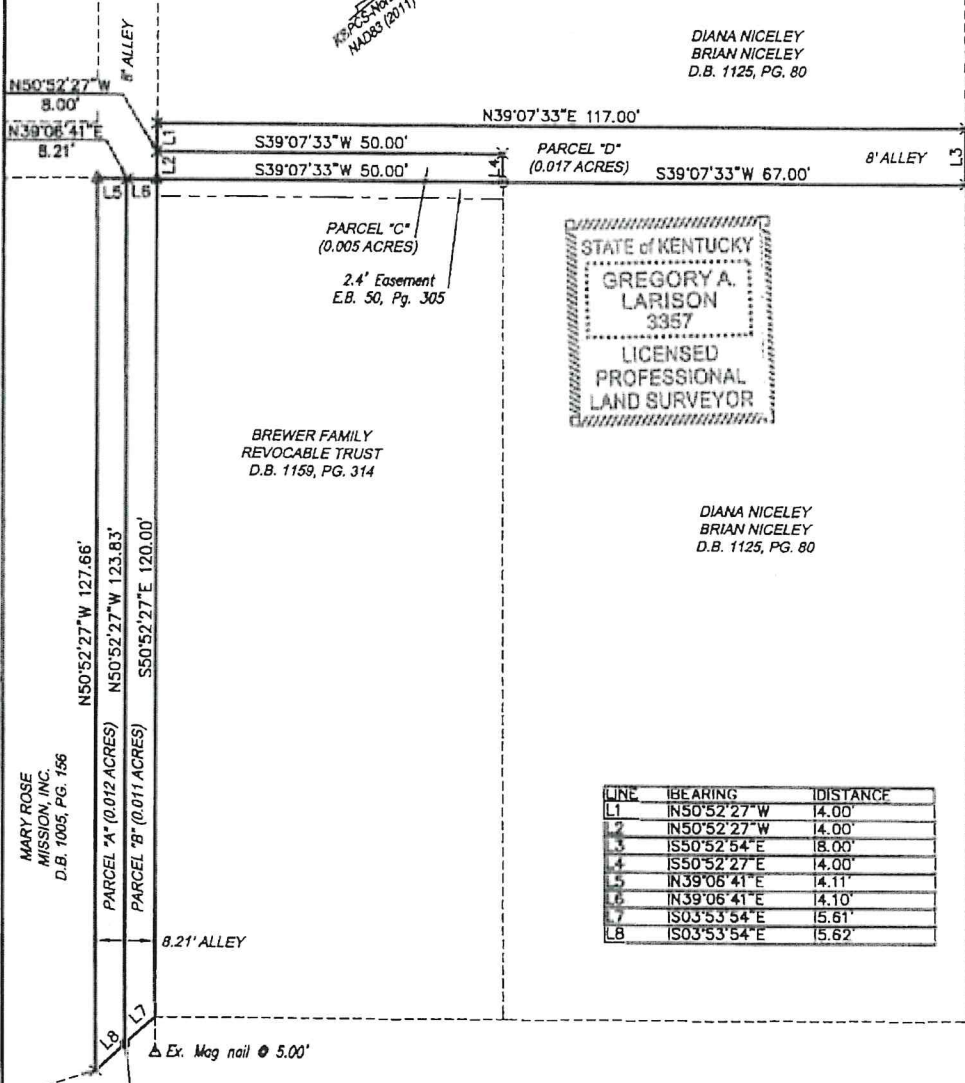
*Gregory A. Larison*  
Gregory A. Larison  
P.L.S. 3357

3/22/22  
DATE



DIANA NICELEY  
BRIAN NICELEY  
D.B. 1125, PG. 80

VICINITY MAP  
SCALE: 1"=2000'



DIANA NICELEY  
BRIAN NICELEY  
D.B. 1125, PG. 80

LINE	BEARING	DISTANCE
1	N50°52'27" W	4.00'
2	N50°52'27" W	4.00'
3	S50°52'54" E	8.00'
4	S50°52'27" E	4.00'
5	N39°06'41" E	4.11'
6	N39°06'41" E	4.10'
7	S03°53'54" E	15.61'
8	S03°53'54" E	15.62'

MARY ROSE  
MISSION, INC.  
D.B. 1005, PG. 156

Existing Right-of-way  
P.B. 21, PG. 29

GIRARD STREET

Ex. Mag nail  $\phi$  5.00'

Existing Right-of-way  
D.B. 21, PG. 29

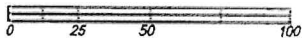
S03°53'54"E  
11.23'

**PLAT OF SURVEY  
ALLEY TO BE VACATED**

FLORENCE BOONE COUNTY KENTUCKY

NORTHWEST SIDE OF MAIN STREET  
~120 FEET NORTHEAST OF SHELBY STREET

FEBRUARY 24, 2022 SCALE: 1"=20'  
Date of Survey: 3/21/22



- EXISTING IRON PIN
- × EXISTING CROSS NOTCH
- △ EXISTING MAG NAIL
- SET 1/2" x 18" REBAR AND CAP STAMPED "LARISON PLS 3357"
- ▲ SET MAG NAIL WITH WASHER STAMPED "LARISON PLS 3357"



**VIOX & VIOX**

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215B Main Street • Milford, Ohio 45150  
Ph Erlanger (859)727-3293 • Ph Milford (513)578-1000 • www.vioxinc.com

March 11, 2022

Diana and Brian Niceley  
519 Winchester Drive  
Walton, KY 41094

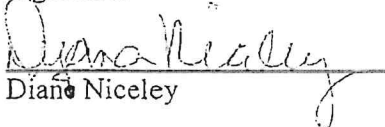
Mr. Joshua J. Hunt  
Administration Department  
Florence Government Center  
8100 Ewing Boulevard  
Florence, KY 41042

Re: Consent to a closing of a portion of Right-of-Way located in Florence, Kentucky

Dear Mr. Hunt:

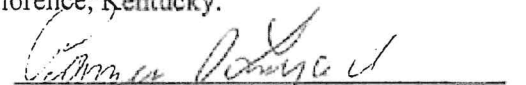
Pursuant to the ongoing conversations we have had regarding vacating a section of Right-of-way located at 264 Main Street, Florence, Boone County, Kentucky 41042, we hereby consent to the closing of a portion of the right-of-way, as legally depicted on the Right-of-Way Vacation Plat also attached hereto.

Signature:

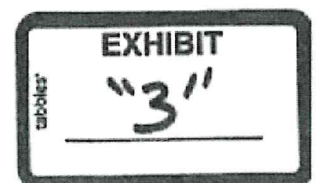
  
Diana Niceley

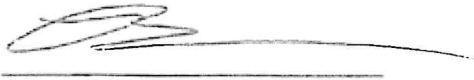
Commonwealth of Kentucky  
County of Boone

The foregoing was acknowledged before me this 02 day of March 2022, by  
Diana Niceley owner of 264 Main Street, Florence, Kentucky.

  
Notary Public  
My Commission Expires: 8/21/2023  
Notary ID#: 630017

Right of Way Vacation - 264 Main Street, Florence, KY 41042

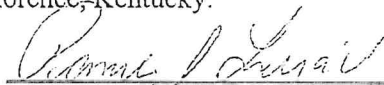




Brian Niceley

Commonwealth of Kentucky  
County of Boone

The foregoing was acknowledged before me this 22 day of March, 2022, by Brian Niceley owner of 264 Main Street, Florence, Kentucky.

  
\_\_\_\_\_  
Notary Public  
My Commission Expires: 1/26/2023  
Notary ID#: 63007

March 14, 2022

Mary Rose Mission, Inc.  
272 Main Street  
Florence, KY 41042

Mr. Joshua J. Hunt  
Administration Department  
Florence Government Center  
8100 Ewing Boulevard  
Florence, KY 41042

Re: Consent to a closing of a portion of Right-of-Way located in Florence, Kentucky

Dear Mr. Hunt:

Pursuant to the ongoing conversations we have had regarding vacating a section of Right-of-way located at 272 Main Street, Florence, Boone County, Kentucky 41042, we hereby consent to the closing of a portion of the right-of-way, as legally depicted on the Right-of-Way Vacation Plat also attached hereto.

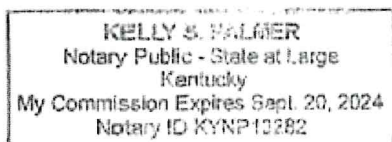
MARY ROSE MISSION INC.

By: Timothy A. Corrie

Title: President

Commonwealth of Kentucky  
County of Boone

The foregoing was acknowledged before me this 14<sup>th</sup> <sup>March</sup> day of 2022, by Timothy A Corrie  
the President of Mary Rose Mission, Inc., a Kentucky Corporation, on-behalf of the  
company.



Kelly S Palmer  
Notary Public  
My Commission Expires: 9/20/2024  
Notary ID#: KYNP13282

Brewer Family Revocable Trust  
343 W. Pike Street  
Covington, KY 41015

Mr. Joshua J. Hunt  
Administration Department  
Florence Government Center  
8100 Ewing Boulevard  
Florence, KY 41042

Re: Consent to a closing of a portion of Right-of-Way located in Florence, Kentucky

Dear Mr. Hunt:

Pursuant to the ongoing conversations we have had regarding vacating a section of Right-of-way located at 268 Main Street, Florence, Boone County, Kentucky 41042, we hereby consent to the closing of a portion of the right-of-way, as legally depicted on the Right-of-Way Vacation Plat also attached hereto.

BREWER FAMILY REVOCABLE TRUST


By:  \_\_\_\_\_

Title:      Trustee

Commonwealth of Kentucky  
County of Boone

The foregoing was acknowledged before me this 11<sup>th</sup> March day of 2022, by Jesse Brewer  
the Trustee of Brewer Family Revocable Trust, owner of 268 Main Street,  
Florence, Kentucky.



  
\_\_\_\_\_  
Notary Public  
My Commission Expires: 9-9-22  
Notary ID#: 608714



Owner:  
City of Florence  
8100 Ewing Boulevard  
Florence, KY 41042

Client:  
Brewer Family Revocable Trust  
343 West Pike Street  
Covington, KY 41015

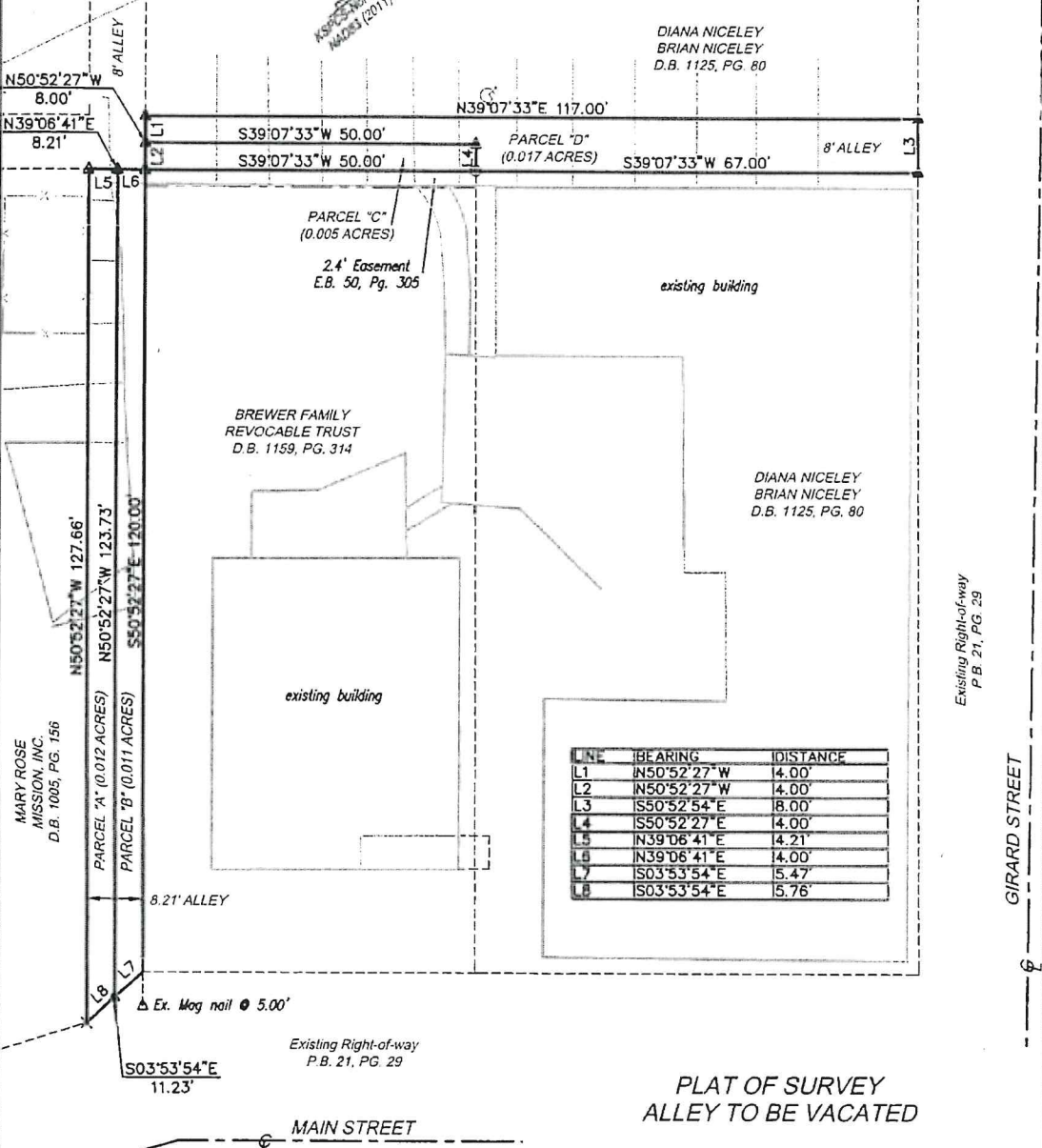
**LAND SURVEYOR'S CERTIFICATE**

I hereby certify that the survey depicted by this plat was done by persons under my direct supervision by the method of random traverse with sideshots. The unadjusted error of closure was 1.22,258 and was not adjusted. The survey as shown hereon is an Urban Survey and the accuracy and precision of said survey meets all the specifications of this class and complies with 201 KAR 18:150.

Gregory A. Larison  
P.L.S. 3357

DATE

VICINITY MAP  
SCALE: 1"=2000'

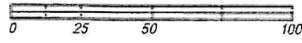


LINE	BEARING	DISTANCE
L1	N50°52'27"W	4.00'
L2	N50°52'27"W	4.00'
L3	S50°52'54"E	18.00'
L4	S50°52'27"E	4.00'
L5	N39°06'41"E	4.21'
L6	N39°06'41"E	4.00'
L7	S03°53'54"E	5.47'
L8	S03°53'54"E	5.76'

**PLAT OF SURVEY  
ALLEY TO BE VACATED**  
FLORENCE BOONE COUNTY KENTUCKY

NORTHWEST SIDE OF MAIN STREET  
~120 FEET NORTHEAST OF SHELBY STREET

FEBRUARY 24, 2022 SCALE: 1"=20'



- EXISTING IRON PIN
- × EXISTING CROSS NOTCH
- △ EXISTING MAG NAIL
- SET 1/2" x 18" REBAR AND CAP STAMPED "LARISON PLS 3357"
- ▲ SET MAG MAIL WITH WASHER STAMPED "LARISON PLS 3357"



**VIOX & VIOX**  
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