

CITY OF FLORENCE, KENTUCKY
SUMMARY OF ORDINANCE NO. 0-6-15

The City of Florence, Kentucky, enacted on second reading Ordinance No. 0-6-15 on April 14, 2015. The title of this Ordinance is as follows:
ORDINANCE NO. 0-6-15


AN ORDINANCE RELATING TO THE CLOSING OF A PORTION OF EXISTING PUBLIC RIGHT-OF-WAY FOR A PUBLIC WAY LOCATED WITHIN THE CITY OF FLORENCE, KENTUCKY, ON THE WEST SIDE OF MEL'S LANE AND SOUTH OF BILL WENTZ DRIVE AS PART OF GUNPOWDER CENTRE DEVELOPMENT IN THE CITY OF FLORENCE, KENTUCKY; THE CITY OF FLORENCE HAVING DETERMINED THAT THIS CLOSING OF THIS PORTION OF THE EXISTING PUBLIC RIGHT-OF-WAY IS IN THE INTEREST OF PUBLIC SAFETY OF VEHICULAR TRAFFIC ACCESSING THIS DEVELOPMENT THROUGH GUNPOWDER ROAD; FURTHER, THIS CLOSING OF THIS PORTION OF EXISTING PUBLIC RIGHT-OF-WAY IS PURSUANT TO KRS 82.405(2) AS THE SOLE MEMBER AND OWNER OF ALL PROPERTY IN OR ABUTTING THIS PORTION TO BE CLOSED HAS REQUESTED AND CONSENTED TO THIS CLOSING BY A WRITTEN NOTARIZED CONSENT; AND THE CITY OF FLORENCE, KENTUCKY, HAS PROVIDED WRITTEN NOTICE OF THE PROPOSED CLOSING TO THIS SOLE PROPERTY OWNER.

This Ordinance provides for the closing of a public way consisting of a 0.016 acre parcel on the west side of Mel's Lane and south of Bill Wentz Drive. This closure is pursuant to the request of Gunpowder Properties, LLC, the owner of all property abutting the public way to be closed.

The full text of Ordinance No. 0-6-15, including its exhibits, is available for examination in the office of the City Clerk of the City of Florence, Kentucky, in the Florence Government Center, 8100 Ewing Blvd., Florence, Kentucky, during regular office hours.

CERTIFICATION

I hereby certify that the foregoing is a summary of the contents of Ordinance No. 0-6-15 and that it has been prepared by me on the 13th day of March, 2015, and I am an attorney licensed to practice law in the Commonwealth of Kentucky.



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WHEREAS, a 0.016 acre portion of existing right-of-way on the West Side of Mel's Lane and south of Bill Wentz Drive, has been requested to be closed by the only property owner of that portion to be closed, that owner being Gunpowder Properties, LLC, a copy of this written request and consent properly notarized, being attached and marked Exhibit "1" and incorporated herein by reference as if fully set out, and

WHEREAS, the purpose for this closing is to enhance and better serve public safety concerns for vehicular traffic accessing this development within Gunpowder Centre, and an engineering description prepared by Viox & Viox, Inc., for this 0.016 acre right-of-way parcel to be vacated and closed, being attached marked Exhibit "2" and incorporated herein by reference as if fully set out, and

WHEREAS, the City of Florence, Kentucky, has complied with KRS 82.405(2) and all other applicable law to enact this Ordinance for the purpose of closing this portion of existing public right-of-way and has given written notice of this proposed closing to Richard E. Wentz, as the sole member and owner of Gunpowder Properties, LLC.

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

SECTION I

That the 0.016 parcel serving as a portion of existing right-of-way as set forth on Exhibit "3" and described on Exhibit "2" shall be and is hereby adopted and approved, it having been determined that the closing or vacation of this portion of the existing public right of way would improve and enhance public safety for vehicular traffic.

SECTION II

It is further hereby determined and found by the City of Florence, Kentucky, that Gunpowder Properties, LLC, is the owner of all of the property in or abutting that portion of the public way to be closed herein and that Richard E. Wentz is the sole member and owner of Gunpowder Properties, LLC.

SECTION III

It is further hereby found and determined that Richard E. Wentz for and on behalf of Gunpowder Properties, LLC, has submitted its written notarized consent to the closing of this portion of the existing public way as shown on Exhibit "1", and incorporated herein by reference as if fully set out.

SECTION IV

Further, the City of Florence, Kentucky, has determined and found that it has provided written notice pursuant to KRS 82.405 to Gunpowder Properties, LLC, as the sole property owner for that portion of property in or abutting the public way that is closed herein, Richard E. Wentz, being the sole owner and member of Gunpowder Properties, LLC, a copy of this Notice being attached, marked Exhibit "4" and incorporated herein by reference.

SECTION V

Accordingly, this Ordinance is enacted to declare the portion of the existing public way as described herein to be closed without any further action and this Ordinance shall be recorded in the Office of the County Clerk for Boone County, Kentucky, in which the City of Florence, Kentucky, is located.


PASSED AND APPROVED ON FIRST READING THIS 24th DAY OF March, 2015.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 14th DAY OF April, 2015.

APPROVED:

ATTEST:


CITY CLERK


MAYOR

February 16, 2015

Gunpowder Properties, LLC
23 Leathers Lane
Ft. Mitchell, KY 41017

Mr. Joshua J. Hunt
Public Services 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:

As part of the redevelopment of Gunpowder Centre located in Florence, Boone County, Kentucky, a portion of an existing right-of-way needs to be vacated.

As the property owners of abutting property, we hereby consent to the closing of a portion of the right-of-way, as legally described on the legal description attached hereto, and as depicted on the Right-of-Way Vacation Plat also attached hereto.

GUNPOWDER PROPERTIES, LLC

By: Richard E. Wentz

Its: sole member

State of Kentucky

County of Boone

The foregoing was acknowledged before me this 19 day of 2015, by Richard E. Wentz, the Sole member of Gunpowder Properties, LLC, a Kentucky limited liability company, on behalf of the company.

(NOTARY SEAL)

Pamela Howard 444950
Notary Public
My commission expires: 6/15/2015

Exhibit "1"

**DESCRIPTION OF 0.016 ACRE
RIGHT-OF-WAY PARCEL TO BE VACATED**

Located in Boone County, Kentucky, lying on the southwest side of Bill Wentz Drive and Mel's Lane 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 "PLS 3357." All bearings referred to herein are based upon the Gunpowder Centre Subdivision, Section 3 (Plat Cabinet 5, Slide 306)

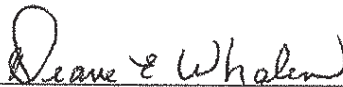
Beginning at an iron pin (set) at the most southerly right-of-way corner at the terminus of Bill Wentz Drive; thence with the right-of-way terminus of Bill Wentz Drive N49°37'04"W 25.00 feet to an iron pin (set); thence with the west right-of-way line of Bill Wentz Drive N40°22'56"E 1.34 feet to an iron pin (set); thence with a curve to the left having a radius of 24.50 feet, an arc length of 38.48 feet, and a chord bearing and distance of N04°37'04"W 34.65 feet to an iron pin (set) in the southerly right-of-way line of Mel's Lane; thence with the proposed right-of-way line of Mel's Lane and Bill Wentz Drive S49°37'04"E 30.64 feet to a M.A.G. nail and washer (set); thence with a curve to the right having a radius of 82.83 feet, an arc length of 24.13 feet, and a chord bearing and distance of S19°43'37"E 24.04 feet to an iron pin (set) in the existing easterly right-of-way of Bill Wentz Drive; thence with said right-of-way and with a curve to the left having a radius of 49.50 feet, an arc length of 14.05 feet, and a chord bearing and distance of S48°30'43"W 14.00 feet to the point of beginning containing 0.016 acres and being subject to all right-of-ways and easements of record.

This description was prepared from a new survey made by Gregory A. Larison, PLS 3357, for Viox & Viox, Inc., December 1, 2014.

NOTICE

Notice is hereby given to Gunpowder Properties, LLC, through its sole member and owner, Richard E. Wentz, that the City of Florence, Kentucky, will consider passage of an Ordinance to close a portion of existing public right-of-way on the west side of Mel's Lane and south side of Bill Wentz Drive. The City of Florence will consider such an Ordinance on first reading on the 24 day of March, 2015, at a meeting of the City Council for the City of Florence, Kentucky. That meeting will be held at the Florence Government Center, 8100 Ewing Blvd., Florence, Kentucky, at 7:00 p.m., local time.

Sincerely,



HON. DIANE E. WHALEN, MAYOR
CITY OF FLORENCE, KENTUCKY

- Exhibit '4' -