

**CITY OF UNION, KENTUCKY**  
**ORDINANCE NO. 2018- 12**

**AN ORDINANCE ORDERING THE PARTIAL CLOSURE OF THE 0.020 ACRE  
PORTION OF PROSPERITY COURT IN UNION, KENTUCKY**

*WHEREAS*, K.R.S. 82.405 provides a procedure for the closure in whole or in part of a public way within the City of Union, Kentucky, and

*WHEREAS*, Set out in the Plat of Harmony Subdivision, Section 6 recorded in Plat cabinet 5, Slide 402 of the Boone County Clerk's Records in Burlington, Kentucky, there is a public way known as Prosperity Court; and

*WHEREAS*, the City Commission for the City of Union, Kentucky has determined that it is necessary for a 0.020 portion of Prosperity Court located in the City of Union, Kentucky to be closed, as shown on *Exhibit "A-1" and "A-2"*;

*WHEREAS*, the City of Union, Kentucky identified all of the property owners abutting the public way or a portion thereof; and

*WHEREAS*, written notice of the proposed partial closing was given to all property owners in or abutting the public way, or a portion thereof; and

*WHEREAS*, all property owners in or abutting the public way or a portion thereof have now given their written, notarized consent to the closing, and copies of the consents are attached hereto and marked *Exhibit "B"*

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

**SECTION I**

That the City Commission having met all of the requirements as provided in K.R.S. 82.405 hereby declares the 0.020 acre portion of the public way known as Prosperity Court as

shown Section 6 recorded in Plat cabinet 5, Slide 402 of the Boone County Clerk's Records is hereby closed, and more particularly described in *Exhibit "A-1" and "A-2"*

**SECTION II**


This Ordinance shall be in effect upon passage and publication as required, and shall be recorded in the Boone County Clerk's Office at Burlington, Kentucky as required by K.R.S. 82.405 (2)(c).

**SECTION III**

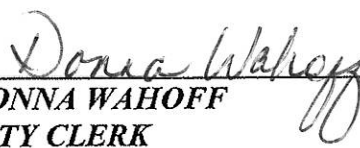
**FIRST READING APPROVED:** September 4, 2018

**SECOND READING APPROVED:** October 1, 2018

***APPROVED:***

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

***ATTEST:***

  
**DONNA WAHOFF**  
**CITY CLERK**



**VIOX & VIOX**  
Civil Engineers, Surveyors, and Landscape Architects

466 Erlanger Road | 215B Main Street  
Erlanger, Kentucky 41018 | Millford, Ohio 45150

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July 30, 2018

**DESCRIPTION OF 0.020 ACRE  
RIGHT-OF-WAY PARCEL  
TO BE VACATED**

Located in Union, Boone County, Kentucky, lying on the west side of Dawns Light, at its intersection with Prosperity Court and being part of the right-of-way dedicated by the plat of Harmony Subdivision, Section 6 recorded in Plat Cabinet 5, Slide 402, in the Boone County Clerk's office 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, NAD83 (2011).

**BEGINNING**, at an iron pin (set) at the intersection of the westerly right-of-way line of Dawns Light, 12.50 feet as measured perpendicular to the centerline, and the southerly right-of-way line of Prosperity Court;

**THENCE**, with the southerly right-of-way line of Prosperity Court and with a curve to the left having a radius of 24.50 feet, an arc length of 38.81 feet and a chord bearing and distance of N40°16'58"W 34.88 feet to an iron pin (set) in the westerly right-of-way terminus of Prosperity Court;

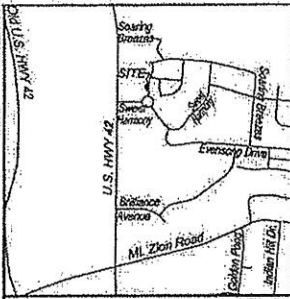
**THENCE**, with said right-of-way terminus N06°30'47"E 25.02 feet to an iron pin (set) in the northerly right-of-way line of Prosperity Court;

**THENCE**, with said right-of-way line and with a curve to the left having a radius of 24.50 feet, an arc length of 38.19 feet and a chord bearing and distance of N49°44'42"E 34.44 feet to an iron pin (set);

**THENCE**, through the right-of-way S05°05'36"W 74.01 feet to the **POINT OF BEGINNING CONTAINING 0.020 ACRE.**

This description was prepared from a new survey made by Gregory A. Larison, PLS 3357, for Viox & Viox, Inc., July 30, 2018.

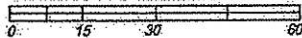




VICINITY MAP  
SCALE: 1"=2000'  
GROUP NO.:  
ZONE: RSE/UTO

DATE OF SURVEY: 7/30/18

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	38.19'	24.50'	89°18'11"	N49°44'42"E	34.44'
C2	38.81'	24.50'	90°45'04"	N40°16'58"W	34.88'
C3	49.65'	170.62'	16°40'20"	N13°25'46"E	49.47'

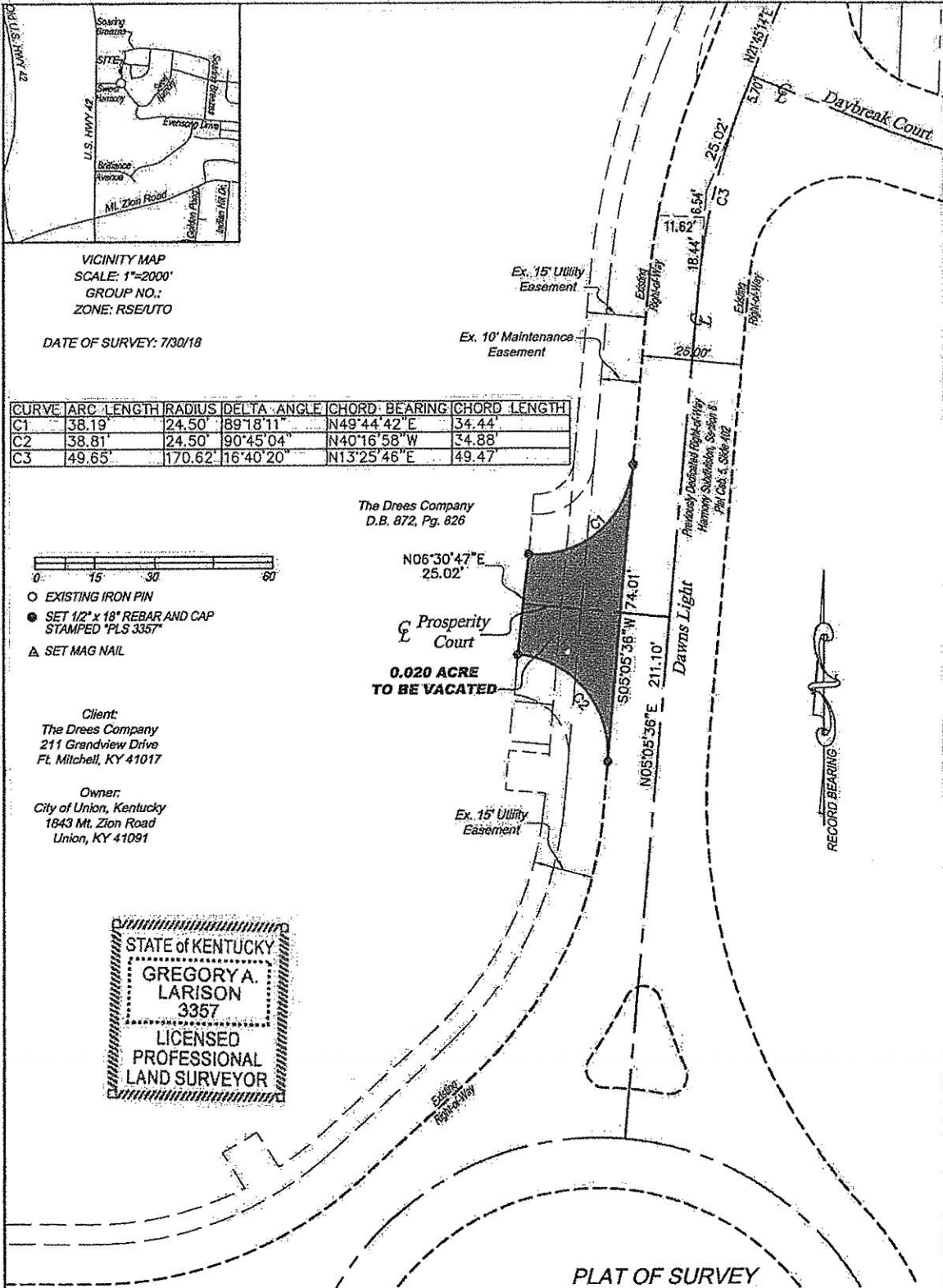


- EXISTING IRON PIN
- SET 1/2" x 18" REBAR AND CAP STAMPED "PLS 3357"
- ▲ SET MAG NAIL

Client:  
The Drees Company  
211 Grandview Drive  
Fl. Mitchell, KY 41017

Owner:  
City of Union, Kentucky  
1843 Mt. Zion Road  
Union, KY 41091

STATE OF KENTUCKY  
GREGORY A. LARSON  
3357  
LICENSED PROFESSIONAL LAND SURVEYOR



PLAT OF SURVEY  
0.020 ACRES  
TO BE VACATED

UNION, BOONE COUNTY, KENTUCKY

WEST SIDE OF DAWNS LIGHT  
SOUTH OF DAYBREAK COURT

JULY 26, 2018 SCALE: 1"=30'

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 at least 1:10,000 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.

*[Signature]*  
P.L.S. 3357

8/16/18  
DATE



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466 Erlanger Road • Erlanger, Kentucky 41018  
Ph (859) 727-3293 • Fax (859) 727-8452 • www.vioxinc.com

CONSENT TO CLOSE STREET

The Drees Company, a Kentucky Company, by and through Phyllis Taylor, its ASST. SECRETARY, having first been duly cautioned and sworn state as follows:

1. That the *Drees Company*, was conveyed in Deed Book 872, Page 826 of the Boone County Clerk's Records in Burlington, Kentucky and is the current owner of certain real estate which abuts a public way known as Prosperity Court as set forth in Plat Cabinet 5 Slide 402;

2. That said real estate abuts a certain portion of Prosperity Court and is more fully described *Exhibits "A-1" and "A-2"* attached hereto;

3. Said Prosperity Court was dedicated to public use in said Plat Cabinet 5, Slide 402 of the aforesaid Boone County Clerk's records;

4. That the City of Union, Kentucky, pursuant to K.R.S. 82.405 has determined that a 0.020 acre portion of Prosperity Court as described on *Exhibits "A-1" and "A-2"*, should be closed;

5. That as the sole property owner to that portion of Prosperity Drive, and pursuant to K.R.S. 82.405, the Drees Company hereby consents to the 0.020 acre closing of that portion of Prosperity Court as described in *Exhibits "A-1" and "A-2"*.

***FURTHER THE AFFLIANTS SAYETH NAUGHT.***

***THE DREES COMPANY, A KENTUCKY  
CORPORATION***

BY: Phyllis Taylor  
TITLE: ASST. SECRETARY

**COMMONWEALTH OF KENTUCKY  
COUNTY OF BOONE**

*SUBSCRIBED and SWORN* to before me, a Notary Public, by the **DREES COMPANY**,  
*A Kentucky Corporation*, by and through *Donna R. Wahoff*, its *ASST. SECRETARY*, on  
this the *5<sup>th</sup>* day of *November*, 2018.



**NOTARY PUBLIC**  
**Commonwealth of Kentucky**  
**Notary ID#** \_\_\_\_\_

*Donna R. Wahoff*

My Commission Expires: *7/17/20/21*

**EXHIBIT "B"**