

**CITY OF FLORENCE, KENTUCKY  
ORDINANCE O-16-20**

**AN ORDINANCE TO CLOSE AND ABANDON A PORTION OF EXCESS RIGHT-OF-WAY FOR A PUBLIC WAY ALONG AND NEAR THE INTERSECTION OF SHELBY STREET AND MAIN 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 WAY AGREE TO THAT CLOSING OR 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 along or near Shelby Street and Main 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 or 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 only property owner in or abutting that portion of the public way being closed or abandoned herein along or near Shelby Street and Main Street at their intersection is the City of Florence, Kentucky, by virtue of a deed to the City by deed recorded in Deed Book 1113, Page 111 of the Boone County Clerk's office in Burlington, Kentucky, that portion of the public way being closed or abandoned herein contains 0.025 acres, more or less, and is more particularly described in Exhibit "1" and shown on a plat prepared by Viox & Viox, Inc., dated August 20, 2020 attached as Exhibit "2".

(b) Further, the Florence City Council finds that written notice of this proposed closing or abandonment was given to all the property owners in or abutting that portion of this public way being closed or abandoned, the City of Florence being the sole property owner.

(c) The Florence City Council also finds that the City of Florence, Kentucky, through its duly authorized representative and being the sole property owner of that portion of the public way

described herein being closed or abandoned has given its written notarized consent to this closing or abandonment, a copy of that consent being attached, marked as Exhibit "3" and incorporated herein by reference as is fully set out.

**SECTION II**

As determined by the Florence City Council, the purpose of closing or abandoning this portion of the public way described herein is to establish and provide electric service to the abutting property owned by the City of Florence for the Shelby/Main Street Park as well as other property owned by the City of Florence, Kentucky, along Main Street. Based on the foregoing and the Findings of Fact set forth herein, the Florence City Council hereby enacts this Ordinance declaring that portion of the public way set forth herein closed and abandoned and that this portion being closed herein reverts to the adjacent owner, which is the City of Florence, Kentucky.

**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.

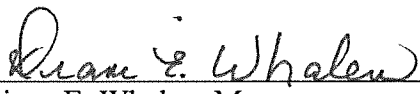
**SECTION IV**

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 24 DAY OF November, 2020.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 8 DAY OF December, 2020.

APPROVED:

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

ATTEST:

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



# VIOX & VIOX

Civil Engineers, Surveyors, and Landscape Architects

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

Tel: 859.727.3293 | Tel: 513.576.1000  
Fax: 859.727.8452

www.vioxinc.com

August 20, 2020

## DESCRIPTION OF 0.025 ACRE PORTION OF SHELBY STREET RIGHT-OF-WAY

Located on the side of Shelby Street and west side of Main Street and being part of the Shelby Street right-of-way as shown in Deed Book 21, page 29, in the office of the Boone County Clerk 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 existing iron pin with plastic cap stamped "Larison PLS 3357" at the southwest right of way intersection of Shelby Street and Main Street;

**THENCE** with the south right-of-way line of Shelby Street N 49°49'50" W a distance of 110.82 feet to a point, said point being S 39°57'12" W a distance of 0.7' from an existing iron bar;

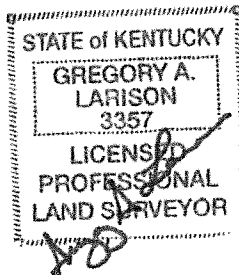
**THENCE** leaving said right-of-way line and with a curve turning to the left having an arc length of 49.62 feet, a radius of 125.16 feet, a chord bearing of S 61°11'17" E, and a chord length of 49.30 feet to an iron pin (set);

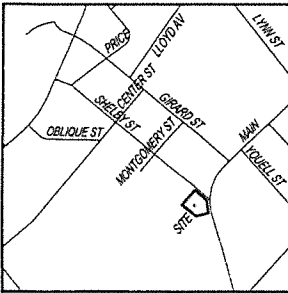
**THENCE** S 72°32'45" E a distance of 22.29 feet to an iron pin (set);

**THENCE** with a curve turning to the right having an arc length of 22.29 feet, a radius of 34.33 feet, a chord bearing of S 53°56'43" E, and a chord length of 21.90 feet to an iron pin (set);

**THENCE** S 05°06'22" E a distance of 28.26 feet to the point of beginning containing 0.025 acres, more or less.

This description was prepared from a new survey made by Gregory A. Larison, PLS 3357, for Viox & Viox, Inc., August 20, 2020.



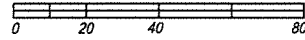


**LAND SURVEYOR'S CERTIFICATE**

I hereby certify that the survey depicted by this plan was done by persons under my direct supervision by the method of Global Positioning System. The relative positional accuracy exceeds  $\pm 0.05 + 100$  PPM. 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  
 KY PLS 3357  
 Date

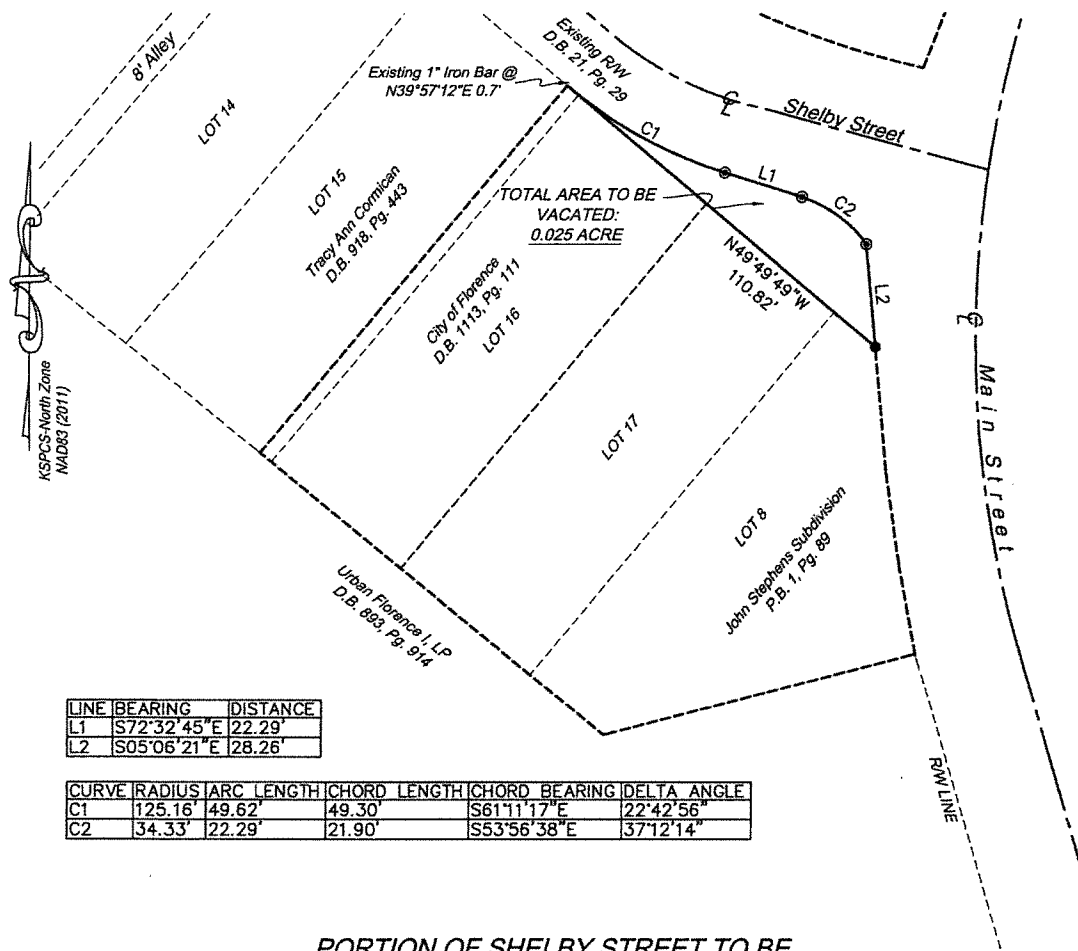
**GPS NOTES**  
 Equipment: Trimble R-8 GNSS Dual Frequency Receiver  
 Type of Survey: KY Virtual Reference Station via Cellphone  
 Network Adjusted Real Time Kinematic  
 Horizontal Datum: NAD-83(2011) KYSPCS North Zone  
 Vertical Datum: NAVD-88  
 Geoid: GEOID12A



- Existing 1/2" x 18" Iron Pin & Plastic Cap Stamped "Larison PLS 3357"
- ⊙ Set 1/2" x 18" Iron Pin & Plastic Cap Stamped "Larison PLS 3357"

VICINITY MAP  
 SCALE: 1"=2000'  
 DATE OF SURVEY:  
 08/20/20

STATE of KENTUCKY  
 GREGORY A. LARISON  
 3357  
 LICENSED PROFESSIONAL LAND SURVEYOR



LINE	BEARING	DISTANCE
L1	S72°32'45" E	22.29'
L2	S05°06'21" E	28.26'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	125.16'	49.62'	49.30'	S61°11'17" E	22°42'56"
C2	34.33'	22.29'	21.90'	S53°56'38" E	37°12'14"

**PORTION OF SHELBY STREET TO BE VACATED**  
**FLORENCE, BOONE COUNTY, KENTUCKY**  
 SOUTHWEST SIDE OF SHELBY STREET  
 NORTHWEST SIDE OF MAIN STREET  
 AUGUST 20, 2020 SCALE: 1"=40'

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



**VIOX & VIOX**  
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 Ph Erlanger (859)727-3293 • Ph Milford (513)576-1000 • www.vioxinc.com

**CITY OF FLORENCE, KENTUCKY WRITTEN NOTARIZED CONSENT PURSUANT TO KRS 82.405 AS THE ONLY ABUTTING PROPERTY OWNER TO THAT PORTION OF A PUBLIC WAY ALONG OR NEAR SHELBY STREET AND MAIN STREET AT THEIR INTERSECTION IN THE CITY OF FLORENCE, KENTUCKY.**

Comes now the City of Florence, Kentucky, by and through Diane E. Whalen, Mayor, for and on behalf of the City of Florence, Kentucky, to state as follows:

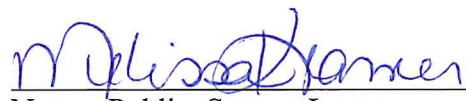
1. That the City Council as the Legislative Body for the City of Florence, Kentucky, has proposed to close a portion of the public way that is excess right-of-way for Shelby Street and Main Street near their intersection in the City of Florence, Kentucky, as authorized and pursuant to KRS 82.405.
2. That written notice has been given to the City of Florence, Kentucky, as the sole and only abutting property owner to that portion of this public way being proposed to be closed, the City of Florence having acquired this abutting property from Bessler Realty, LLC in Deed Book 1113, Page 111 of the Boone County Clerk's records in Burlington, Kentucky.
3. As Mayor, I, Diane E. Whalen, have been directed and authorized to act on behalf of the City of Florence, Kentucky, with regard to any and all documents necessary under KRS 82.405 to consent to this closing of a portion of this public way as described in the Written Notice required under KRS 82.405.
4. Further, this Written Notarized Consent to this closing is required by KRS 82.405 with copies being attached to an Ordinance for this closing.
5. A copy of the description for that portion of the public way proposed for closing to which the City of Florence hereby consents is attached together with a plat prepared by Viox & Viox, Inc.

Given under my hand this 8 day of December, 2020.

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

COMMONWEALTH OF KENTUCKY  
COUNTY OF BOONE

This Written Consent was subscribed, sworn to and acknowledged before me this <sup>8K</sup> day of December, 2020 by Hon. Diane E. Whalen as Mayor for and on behalf of the City of Florence, Kentucky.

  
\_\_\_\_\_  
Notary Public, State at Large  
My Commission Expires: 1/31/23  
ID#: 614837