

RECEIVED AND FILED
DATE December 15, 2005

TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY [Signature]



CERTIFICATION

I, Karen M. Barto, City Clerk of the City of Alexandria, Kentucky, a municipal corporation of the fourth class, hereby certify, as custodian of the City records, that this copy is a true and correct copy of **Ordinance 2005-17**, which is lodged in the official City records.

[Signature]
KAREN M. BARTO

COMMONWEALTH OF KENTUCKY
COUNTY OF Campbell

The foregoing instrument was sworn to and acknowledged before me this 6th day of December, 2005, KAREN M. BARTO, City Clerk for the City of Alexandria, Kentucky, a municipal corporation of the fourth class.

[Signature]
NOTARY PUBLIC

My Commission Expires: 2-7-09

My Jurisdiction Is: Ky state at large

ORIGINAL

ORDINANCE NO. 2005-17

AN ORDINANCE OF THE CITY OF ALEXANDRIA, IN CAMPBELL COUNTY, KENTUCKY, ANNEXING CERTAIN REAL ESTATE ALONG THE NORTHERN BOUNDARY OF THE CITY, AND BEING THE "RACKE" PROPERTY LOCATED ON THE NORTHERLY SIDE OF LOWGAP ROAD, EAST OF ITS INTERSECTION WITH US 27, CONSISTING OF APPROXIMATELY 5.3496+/- ACRES, ALL AS MORE PARTICULARLY DESCRIBED AND ILLUSTRATED IN THE EXHIBITS ATTACHED TO THIS ORDINANCE.

WHEREAS, the Owner(s) of 5.3496+/- acres of property is contiguous to the City limits of the City of Alexandria, on the northerly side of Low Gap Road, east of its intersection with US 27;

WHEREAS, pursuant to Kentucky Revised Statutes 81A.412, the owner(s) has consented and requested the City of Alexandria to annex the property to the City; and

WHEREAS, The City of Alexandria hereby declares that it desirable to annex the unincorporated territory to the City.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF ALEXANDRIA, CAMPBELL COUNTY, KENTUCKY, AS FOLLOWS:

Section 1. The unincorporated property which is the subject of this Ordinance consists of approximately 5.3496+/- acres of land owned by Margaret E. Stranko, Ronald A. Poweleit, Michael D. Poweleit, Myrna J. Torres and Fay and Allen Kenneth Racke (sometimes called the "Racke" Property), an Affidavit Pursuant to KRS 382.135 is recorded in Book 004, page 201 of the Campbell County Clerk's records in Alexandria, Kentucky and a deed is recorded in Deed Book 271, page 123 of the aforesaid Clerk's records, and being the remainder of property described in Deed Book 91, Page 546 of the aforesaid Clerk's records, and which is identified as PVA Parcel 999-99-19-639.00. The Property is on the northerly side of Low Gap Road, east of its intersection with US 27.

Section 2. The unincorporated territory which is the subject of this Ordinance is described in Exhibit 'A', and is illustrated in Exhibit 'B', both attached to this Ordinance and incorporated herein by reference. The Exhibits accurately define the boundary of the unincorporated territory proposed to be annexed and shows its zoning.

Section 3. The unincorporated territory which is the subject of this Ordinance in Exhibits 'A' and 'B', consists of approximately 5.3496+/- acres of property, is contiguous to the City's boundaries at the time this annexation proceeding is begun and, by reason of present, potential or future population density, commercial, industrial, institutional, or governmental use of the land, or subdivision of land, is urban in character or suitable for development for urban purposes without unreasonable delay. The City hereby declares it desirable to annex the unincorporated territory. No part of the area to be annexed is included within the boundary of another incorporated city.

Section 4. Since the owner(s) of record of the land to be annexed has given prior consent in writing to the annexation, the City shall not be required to enact the notification ordinance required by KRS 81A.420(1) or to comply with the notice requirements of KRS

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81A.425, and it shall not be required to wait the sixty (60) day period provided for in KRS 81A.420(2) prior to enacting a final ordinance annexing the area. Pursuant to KRS 81A.412, the City does hereby enact this single ordinance finally annexing the land described in this ordinance.

Section 5. The property which is the subject of this ordinance, consisting of approximately 5.3496+/- acres of property is hereby annexed into the City limits of the City of Alexandria, Campbell County, Kentucky, for all purposes.

Section 6. The City elects not to follow the procedure provided for in KRS 100.209 prior to the adoption of the ordinance of annexation, therefore the newly annexed territory shall remain subject to the same land use restrictions, if any, as applied to it prior to annexation until those restrictions are changed by zoning map amendments or other regulations in accordance with KRS Chapter 100.

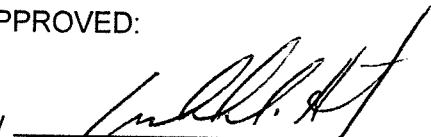
Section 7. This ordinance shall be effective upon its adoption and approval according to law, and publication thereafter.

Section 8. All ordinances or parts of any ordinances in conflict herewith, to the extent of the conflict, if any, are hereby repealed.

Section 9. The foregoing Ordinance was read, passed and adopted by the Council of the City of Alexandria, Kentucky, meeting in regular sessions on the 15th day of September, 2005, and on the 6th day of OCTOBER, 2005, with 6 Yes votes, 0 No votes, and 0 Abstentions, and was thereafter approved by the Mayor and ordered published in Summary according to law.

APPROVED:

By


~~MAYOR DANIEL M. MCGINLEY~~

W. DAVID HART, INTERIM MAYOR

ATTEST:



CLERK KAREN M. BARTO

PUBLISHED: 10/13/2005

BOOK 0271 PAGE 124

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ATTACHMENT A

DESCRIPTION OF SURVEY

ARTHUR POWELEIT

5.3496 ACRES

REMAINDER OF DEED BOOK 91, PAGE 546

Being situated in Campbell County, Kentucky lying along the north side of Low Gap Road approximately 500' east of the intersection with US 27, and being more particularly described:

Beginning at a Railroad Spike set in the center of Low Gap Road at the southeast corner to the original 9 Acre Poweleit Tract, common to Arcadia Acres as shown on Plat Slide 434 B; Thence along the center of Low Gap Road S 20°30'00" W 36.00' to a Railroad Spike set; Thence leaving the roadway and with the west side of a 35' wide passway and the line of Dalton as in Deed Book 194, Page 394, See Deed Book 118, Page 129 for plat of Passway, N 52°45'00" W 104.00' to a 5/8" Rebar found, capped "Schultz 2777"; Thence along Helton as in Deed Book 232, Page 571 N 52°45'00" W 100.00' to a 5/8" Rebar found, capped "Schultz 2777"; Thence N 62°39'54" W 92.05' to a 5/8" Rebar capped "Schultz 2777"; Thence S 23°49'56" W 142.47' to a 5/8" Rebar found, crossing a 5/8" Rebar found at 103.81' both capped "Schultz 2777"; Thence along Ron Poweleit as in Deed Book 157, Page 557 N 48°01'26" W 405.83' to a 5/8" Rebar set, capped "Schultz 2777", at a 4' tall steel "T" post found at an existing wire fence; Thence along the line of Summit Church of Christ as in Deed Book 232, Page 27 N 33°35'40" E 163.93' to a Stone with a cut found; Thence N 12°58'09" W 377.89' to a 1/2" Rebar found capped "873"; Thence along the Thomer Tracts as in Deed Book 184, Page 200 N 68°28'14" E 444.79' to a 5/8" Rebar set, capped "Schultz 2777"; Thence along Thomer as in Deed Book 91, Page 544 S 12°29'39" W 692.65' to a 5/8" Rebar set at a fence corner; Thence S 52°34'47" E 435.95' to POINT OF BEGINNING; said described tract containing 5.3496 Acres, more or less.

EXHIBIT

A

**DESCRIPTION OF SURVEY
CITY OF ALEXANDRIA ANNEXATION
POWELEIT PROPERTY
5.3496 ACRES**

Being situated in the Commonwealth of Kentucky, County of Campbell lying along the north side of Low Gap Road approximately 500' east of US 27, and being more particularly described:

Note any point referred to as 5/8" rebar set is a 5/8" rebar 24" long with a yellow cap stamped "2777 SCHULTZ".

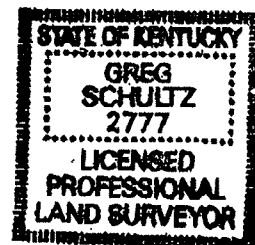
Beginning at a railroad spike set in the center of Low Gap Road at the southeast corner to the original 9 Acre Poweleit Tract, common corner to Arcadia Acres as shown on Plat Slide 434 B, and within the undefined right of way annexed by the City of Alexandria by Ordinance 6-89 Parcel II; Thence along the center of Low Gap Road S 20°30'00" W, a distance of 36.00' to a railroad spike set; Thence leaving the roadway (and undetermined width right of way for Low Gap Road), with west side of a 35' passway (see Deed Book 118, Page 129 for plat of private passway) and the line of Dalton as in Deed Book 194, Page 394 N 52°45'00" W, a distance of 104.00' to a 5/8" rebar found, capped "Schultz 2777"; Thence along Helton as in Deed Book 232, Page 571 N 52°45'00" W, a distance of 100.00' to a 5/8" rebar found capped "Schultz 2777"; Thence N 62°39'54" W, a distance of 92.05' to a 5/8" rebar found, capped "Schultz 2777"; Thence S 23°49'56" W, a distance of 142.47' to a 5/8" rebar found, crossing a 5/8" rebar found at 103.81' both capped "Schultz 2777"; Thence along Ron Poweleit as in Deed Book 157, Page 557 N 48°01'26" W, a distance of 405.83' to a 5/8" rebar set, capped "Schultz 2777" at a 4' tall steel "T" post found at an existing wire fence; Thence along the line of Summit Church of Christ as in Deed Book 232, Page 27 N 33°35'40" E, a distance of 163.93' to a stone found with a cut; Thence N 12°58'09" W, a distance of 377.89' to a 1/2" rebar found capped "873"; Thence along the Thomer Tracts as in Deed Book 184, Page 200 N 68°28'14" E, a distance of 444.79' to a 5/8" rebar set, capped "Schultz 2777"; Thence along Thomer as in Deed Book 91, Page 544 S 12°29'39" W, a distance of 692.65' to a 5/8" rebar set, capped "Schultz 2777" at a fence corner; Thence S 52°34'47" E, a distance of 435.95' to the POINT OF BEGINNING; said described tract containing 5.3496 Acres, more or less.

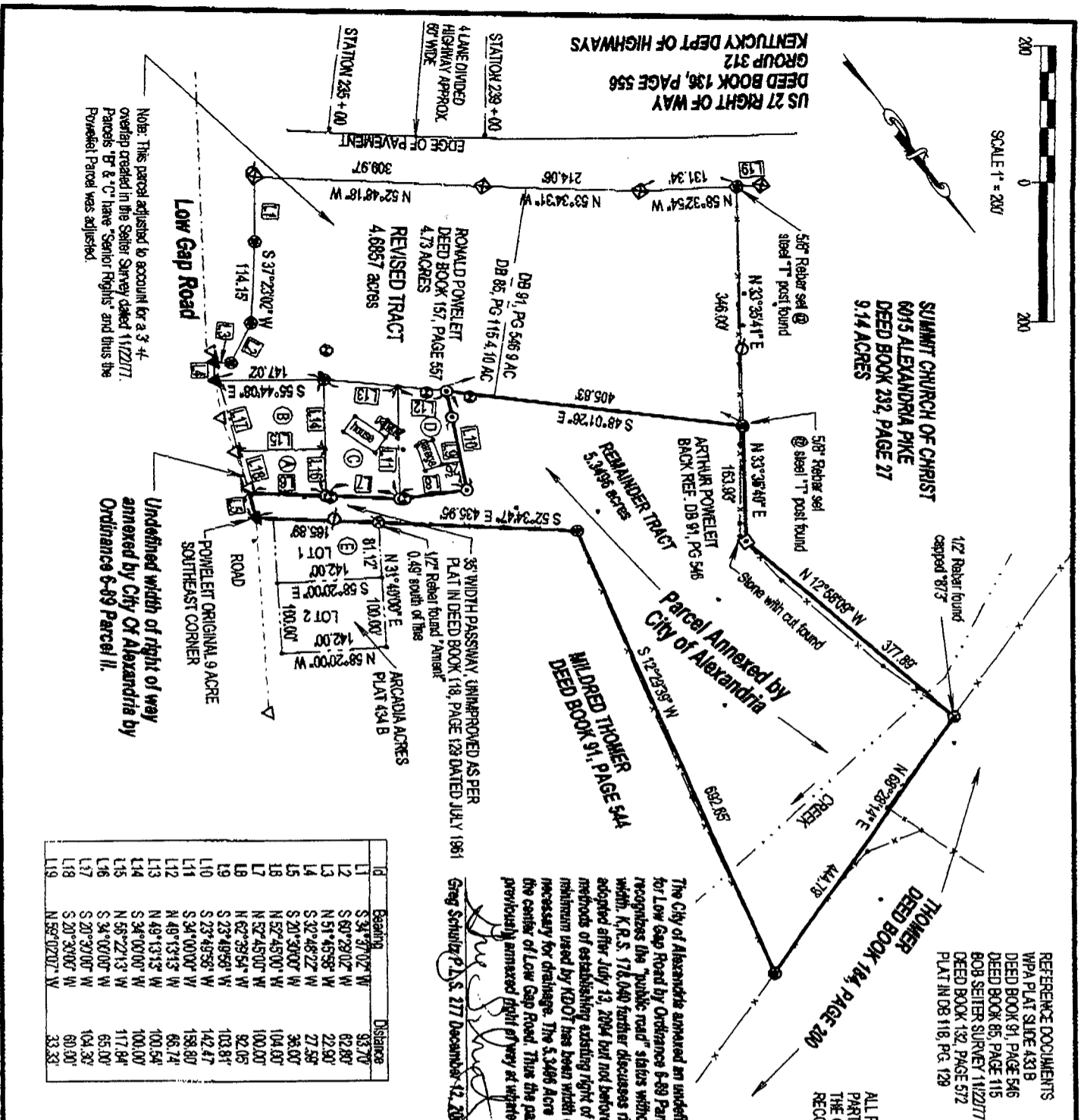
Subject to easements of record and not of record.

Being the result of a survey and attached plat by Gregory C. Schultz Professional Surveyor Number 2777, dated January 11, 1999.

Greg Schultz

12/12/05





Note: This parcel adjusted to account for a 3'-4" overlap created in the Seller Survey dated 11/22/17. Parcels 'B' & 'C' have "Senior Rights" and thus the Powellet Parcel was adjusted.

Undefined width of right of way annexed by City Of Alexandria by Ordinance 6-89 Parcel II.

REFERENCE DOCUMENTS
 WPA PLAT SLIDE 431B
 DEED BOOK 91, PAGE 546
 DEED BOOK 85, PAGE 115
 ROB SETTER SURVEY 11/22/17
 DEED BOOK 157, PAGE 572
 PLAT IN DB 118, PG. 128

CURRENT OR FORMER OWNERS:
 A = KENNETH DALTON DB 194, PG. 394
 PARCEL #2 0.18 ACRES
 B = KENNETH DALTON DB 194, PG. 394
 PARCEL #2 0.30 ACRES
 C = BILLY HEITON DB 282, PG. 571
 ORIGINAL 0.3711 ACRES
 D = BILLY HEITON DB 323 PG. 574
 0.2711 ACRE LAND ADDITION 11/1/2017
 E = TODD WEMER DB 185, PG. 390

The City of Alexandria annexed an undefined width of "right of way" for Low Gap Road by Ordinance 6-89 Parcel II, K.R.S. 78.025 recognizes the "public road" status without defining right of way width. K.R.S. 178.040 further discusses right of way width for roads adopted after July 13, 2004 but not before. KDOT has used various methods of establishing existing right of way widths in the past. The minimum used by KDOT has been width of pavement plus area necessary for drainage. The 5.3466 Acre Tract annexed is described to the center of Low Gap Road. Thus the parcel would be adjacent to the previously annexed right of way at whatever width.

Greg Schultz P.L.S. #2777 December 12, 2025

ID	Bearing	Distance
L1	S 34° 07' 02" W	93.70
L2	S 60° 28' 02" W	82.80
L3	N 51° 45' 58" W	22.90
L4	S 32° 48' 22" W	27.58
L5	S 20° 30' 00" W	36.00
L6	N 57° 45' 00" W	104.00
L7	N 57° 45' 00" W	100.00
L8	N 62° 39' 54" W	92.05
L9	S 23° 49' 56" W	102.81
L10	S 23° 49' 56" W	142.47
L11	S 34° 00' 00" W	158.80
L12	N 49° 13' 15" W	66.74
L13	N 49° 13' 15" W	100.54
L14	S 34° 00' 00" W	100.00
L15	N 58° 22' 13" W	117.84
L16	S 34° 00' 00" W	65.00
L17	S 20° 30' 00" W	104.30
L18	S 20° 30' 00" W	80.00
L19	N 58° 02' 07" W	33.33

LEGEND

☒	POWER POLE
△	NAIL SET
●	5/8" REBAR SET, CAPPED "2777"
⊕	1/2" REBAR FD.
⊖	STONE WITH CUT FD.
⊙	5/8" REBAR FD.
⊚	RAILROAD SPIKE SET
⊛	COND. RAIL MON. FD.
⊜	STEEL "T" POST FD.

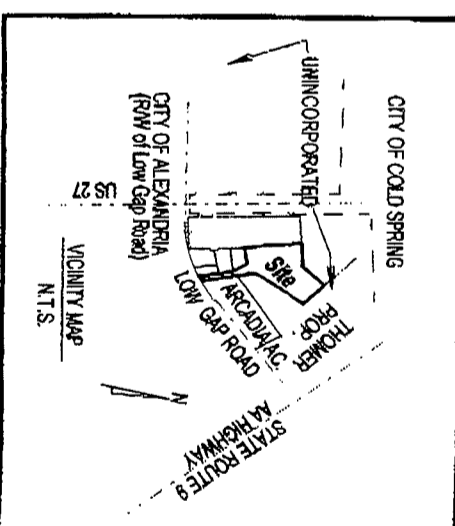
THIS SURVEY
 --- EXISTING PROPERTY LINE
 --- EXISTING WIRE FENCE
 --- CREEK
 --- CENTER PAVEMENT



The survey represented on this plat is a replacement survey and no new delineations were created in 1999.
 Greg Schultz P.L.S. #2777

I hereby certify that the survey depicted by this plat was done under my supervision by the method of random traverses, with stations. The unadjusted precision ratios of the traverses were 1:19058 & 1:12916 and they were not adjusted. The survey as shown hereon is a Class "A" survey per 201 KAR 18.150 and the accuracy and precision of said survey meets all the specifications of this class. The bearings are based on those in Deed Book 282, Page 571.

Gregory C. Schultz
 P.L.S. #2777
 January 11, 1998
 date of survey December 15, 1998



SURVEY OF REMAINING TRACTS LOCATED @ THE NORTHEAST CORNER OF US 27 AND LOW GAP ROAD IN CAMPBELL COUNTY

PLAT OF PREVIOUS SURVEY MODIFIED FOR: CITY OF ALEXANDRIA, 8330 WEST MAIN STREET ALEXANDRIA, KY 41001

SURVEY BY: GREGORY C. SCHULTZ PROFESSIONAL SURVEYOR #2777 10130 LABRADOR LANE ALEXANDRIA, KY 41001 859-391-8361