

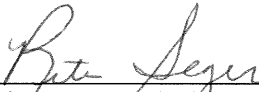
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City of Cold Spring


CERTIFICATION

Comes now Rita Seger, the duly appointed Clerk for the City of Cold Spring, Campbell County, Kentucky and certifies that the attached is a true and accurate copy of Ordinance 16-1030 an Ordinance of the City of Cold Spring annexing certain areas of unincorporated territories within the County of Campbell.



Rita Seger, Clerk


Subscribed to and sworn before me, a notary public, by Rita Seger, Clerk of the City of Cold Spring, Kentucky on this the 23rd day of January, 2017.



Notary Public
State at Large ID# 569348

My Commission Expires: Dec. 1, 2020

RECEIVED AND FILED
DATE January 26, 2017

ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY 

**COMMONWEALTH OF KENTUCKY
CITY OF COLD SPRING
ORDINANCE NO. 16-1030**

**AN ORDINANCE ANNEXING CERTAIN UNINCORPORATED
TERRITORIES WITHIN THE COUNTY OF CAMPBELL, KENTUCKY
AND CONTIGUOUS TO THE PRESENT BOUNDARY LINES OF THE
CITY OF COLD SPRING, KENTUCKY, AND DEFINING BY METES AND
BOUNDS THE TERRITORY ANNEXED**

WHEREAS, Kentucky Revised Statute 81A.410 authorizes and delegates city legislative bodies the authority to annex territories; and

WHEREAS, Kentucky Revised Statute 81A.412 provides the manner in which said annexation should be accomplished through the consent of the property owner; and

WHEREAS, the property owner, by way of an annexation and development plan agreement, has provided written consent to the annexation; and

WHEREAS, the property herein described is adjacent to and contiguous to the city's boundaries; and

WHEREAS, by reason of population density, commercial, industrial, institutional or governmental use of land, or subdivision of land, said property is urban in character or suitable for urban purposes without unreasonable delay; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF COLD SPRING, KENTUCKY:

SECTION I

That the City of Cold Spring does hereby and herewith annex to its present boundaries and include the same within the territorial limits of the City of Cold Spring, Campbell County, Kentucky, the following described unincorporated land and area, located in the County of Campbell, Commonwealth of Kentucky, to-wit:

Please see attached legal description which is attached hereto and incorporated by reference herein as Exhibit A, as well as a survey plat for recording purposes which is attached as Exhibit B.

SECTION II

The City Council of the City of Cold Spring finds that the aforementioned territory is by reason of population density, commercial, industrial, institutional or governmental use of land, or subdivision of land, is urban in character or suitable for development for urban purposes without unreasonable delay.

SECTION III

That any section, or part of any section, or any provision of this Ordinance which is declared invalid by a Court of appropriate jurisdiction, for any reason, such declaration shall not invalidate, or adversely affect, the remainder of this Ordinance.

SECTION IV

That this ordinance shall take effect and be in full force from and after its passage, publication and recording, according to law.

ADOPTED this 12th day of September 2016.


FIRST READING: August 22, 2016

Vote 5 , Yes; 0 No

SECOND READING: September 12, 2016


Vote 6 , Yes; 0 No

**CITY OF COLD SPRING
CAMPBELL COUNTY, KENTUCKY**



DAVID ANGELO PENQUE - Mayor

ATTEST:



Rita Seger, City Clerk

ANNEXATION AND DEVELOPMENT PLAN AGREEMENT

This Annexation and Development Plan Agreement is between the City of Cold Spring, a city in Campbell County, Kentucky, its successors and assigns, all of which shall hereinafter be identified and referred to collectively as the "CITY"; and, a real estate investor, their successors and assigns, all of whom shall hereinafter be identified and referred to collectively as the "DEVELOPERS".

Whereas, Developers are, or intend to be, the owners of an approximate 4.149 acre tract close to the proposed Matinee Boulevard, between U.S. 27 and Boulder View, all of which is more particularly described in the metes and bounds description attached hereto as Exhibit "A." "Properties." The property subject to this agreement lies solely within unincorporated Campbell County. The property does contain additional property which is in the City of Cold Spring and borders U.S. 27 and is presently zoned SDA and is not subject to this Agreement in that it is already in the City.

Whereas, the City desirous of annexing a parcel of property owned by the Developers.

Whereas, the owners of the Properties have consented to the annexation.

Whereas, the Developers and Owners have publicly stated their intention to challenge any and all nonconsensual annexation ordinances by the City of Cold Spring pursuant to Kentucky Revised Statute 81A.420.

Whereas, the City is still desirous of annexing the aforementioned property and the Developers are agreeable to a consensual annexation, pursuant to Kentucky Revised Statute 81A.412, if certain conditions and considerations of this Agreement are met.

Whereas, the City is entering into this Agreement in order to effectuate the annexation of the property set forth in this agreement.

Whereas, the present zoning is consistent with the density for the type of residential development proposed by the Developers.

Whereas, the Developers and Owners are agreeable to annexation, with the current zoning designation as set forth in the current Campbell County Zoning Ordinance, which zones the property R-1C, so long as certain considerations and conditions of this Agreement are met, including a condition of the parcel being annexed upon the adoption and approval of the conveyance for the minor subdivision of five (5) lots by conveyance plat, said plan is attached hereto and marked as Exhibit "B," outlining the construction of five (5) lots, with private drive accessing said lots, from the proposed Matinee Boulevard, regardless of one said roadway is constructed by the City.

Whereas, the Developers are agreeable and provide execution of this Agreement which shall serve as the Developers consent/consideration to annexation, per KRS 81A.412, so long as the conveyance for the minor subdivision of five (5) lots by conveyance plat, and the proposed Matinee Boulevard even until such a time is built, constituting the adjoining right of way, consistent with the plan attached hereto as Exhibit "B," is adopted and made a part of this Annexation and Development Plan Agreement, which shall govern the development of the site in question.

Whereas, the City, pursuant to it's legislative powers has determined that expanding the cities boundaries, increasing the property tax base of the city, providing needed infrastructure improvements to residents of the city, authorize the execution of the

Annexation and Development Plan Agreement, providing certain considerations and conditions for the development of the site in question.

Whereas, in further support of this Annexation and Development Plan Agreement, the City makes a finding that the economic, physical, and social nature of the property, as well as the ability to provide basic infrastructure to affected landowners, has substantially altered the character of the area in question, necessitating execution of this Annexation and Development Plan Agreement to insure certain rights and responsibilities of each of the parties, as well as the residential property owners are provided for.

Now, Therefore, the Developers and the City hereby agree to the following Annexation and Development Plan Agreement for the 4.149 acre parcel, as a condition of the adoption of the Stage I Development plan as proposed by the Developers:

Section 1.0-Definition-Final Development Plan

For purposes of the Annexation and Development Plan Agreement the parties hereto acknowledge and agree that the words “Final Development Plan” shall mean the conveyance for the minor subdivision of five (5) lots by conveyance plat, said plan is attached hereto and marked as Exhibit “B,” outlining the construction of five (5) lots, with private drive accessing said lots off the proposed Matinee Boulevard, regardless of when built, and allowing for existing connection off the private drive to the south if need be. Exhibit B may be subsequently supplemented pursuant to the provisions of this Agreement to effectuate the purpose and intent of this Agreement.

Section 2.0-Development, Improvement and Use of the 4.149 Acres

The Development, Improvement and use of the 4.149 acres shall only contain permitted and accessory uses as set forth in current Campbell County Zoning Ordinance.

Furthermore, the development, improvement and use of the 4.149 acres shall be limited to that described in the Development Plan, (Exhibit "B" of this Agreement), and shall be in conformity therewith, and in conformity with this Agreement and all laws, rules and regulations of the United States of America, Commonwealth of Kentucky, County of Campbell, the City and the Cold Spring Planning and Zoning Commission, including, without limitation, all zoning and property maintenance ordinances of the City, the subdivision regulations of the Cold Spring Planning and Zoning Commission, with the exception of the construction of a private drive, the Kentucky Building Code and the Kentucky Standards of Safety, with the provisions of this Agreement prevailing, to the extent allowed by law, over any other law, rule or regulation in conflict therewith.

Section 3.0-Consensual Annexation

The Developer, by execution of this Agreement and the Owners by execution of a separate consent, provide written notice and consent to the Annexation of the subject 4.149 acre parcel pursuant to KRS 81A.412. Such consent is contingent and dependent upon final annexation and conveyance for the minor subdivision of five (5) lots by conveyance plat, said plan is attached hereto and marked as Exhibit "B," outlining the construction of five (5) lots, with private drive accessing said lots, off the proposed Matinee Boulevard, regardless of when built, if needed the developer may use its prior development's private drive to the South.

Section 4.0-Recordation of Agreement/Running with the Land.

This Agreement shall be recorded in the office of the Campbell County Clerk and shall run with the land. Furthermore, the conveyance plat filed herein shall contain a

notation that the roadways within said development are private drives, not subject to City Maintenance, so that future owners shall know that the roadways are not City maintained.

Section 5.0-Severability

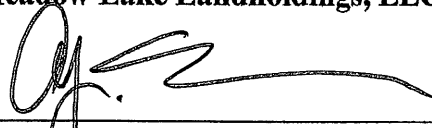
Any section or provision of this Agreement which is declared invalid by a court of competent jurisdiction for any reason, such declaration shall not invalidate, or adversely affect, the remainder of this Agreement.

Section 6.0-Entire Agreement

This Annexation and Development Plan Agreement, as well as the accompanying Exhibits, constitute the complete and entire Agreement of the parties.

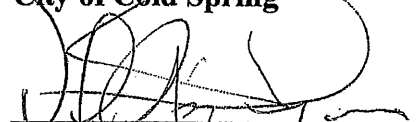
In Witness Whereof, this Annexation and Development Plan Agreement has been signed on the dates indicated by Andy Smith, Member, Meadow Lake Landholdings, LLC and David Angelo Penque, as the Mayor of the City of Cold Spring, pursuant to the City Council's authorization thereof.

Meadow Lake Landholdings, LLC



Andy Smith, Member

City of Cold Spring



David Angelo Penque, Mayor

COMMONWEALTH OF KENTUCKY]
COUNTY OF CAMPBELL] Sect.

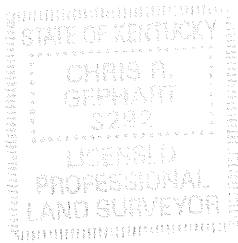
Subscribed and Sworn to before me, a Notary Public, by Andy Smith, on this
13 day of ~~August~~ September 2016.

Beta M. Seger ID# 505312
Notary Public
State at Large
My Commission Expires: 2/16/18

COMMONWEALTH OF KENTUCKY]
COUNTY OF CAMPBELL] Sect.

Subscribed and Sworn to before me, a Notary Public, by David Angelo Penque,
Mayor, on this 22nd day of August 2016.

Beta M. Seger ID # 505312
Notary Public
State at Large
My Commission Expires: 2/16/18



Chris R. Gephart
12-5-16



Date: May 17, 2016
Description: Annexation Parcel
4.149 Acres
Location: Alexandria Pike
Campbell County, KY

Situated in the County of Campbell, Commonwealth of Kentucky, and being part of a 9.2398 acre tract conveyed to Meadow Lake Landholdings LLC in Deed Book 317, Page 324 (Alexandria) and Deed Book 772, Page 879 (Newport) of the Campbell County Clerk's Records at Alexandria and Newport and being more particularly described as follows:

Begin at a found 1/2" iron pin at the Nouttheast corner of a tract conveyed to Roger F & Margaret A Keller in Deed Book 311, page 535 (Alexanderia), the same being on the existing West right-of-way line of Murnan Road (R/W varies) and the existing West right-of-way line of Alexandria Pike (U.S. 27), said corner being South 55° 05' 46" East, 140.00 feet from the centerline intersection of Alexandria Pike and Murnan Road; thence, leaving said right-of-way lines of Alexandria Pike and Murnan Road and with the North line of said Roger F. & Margaret A. Keller tract, South 79° 31' 42" West, 506.22 feet to the **TRUE POINT OF BEGINNING**;

thence, from the TRUE POINT OF BEGINNING, continuing with said North line of Roger F. & Margaret A. Keller, South 79° 31' 42" West, passing a found 5/8" iron pin with cap (Chris Gephart PLS 3292) at 68.57 feet, a total distance of 664.19 feet to a found 1/2" iron pin with cap (LS #3381) being on the East line of Granite Spring Subdivision, Section 12 as recorded in Cabinet E, Slide 431A & 431B (Newport);

thence, leaving said Roger F. & Margaret A. Keller, with said East line of Granite Spring Subdivision, Section 12, North 09° 43' 13" West, 302.05 feet to a found 1/2" iron pin (LS #797 LS #1781) being on the South line of a tract of land conveyed to Silverwoods Apartments, LLC as recorded in Deed Book 768, Page 845 (Newport);

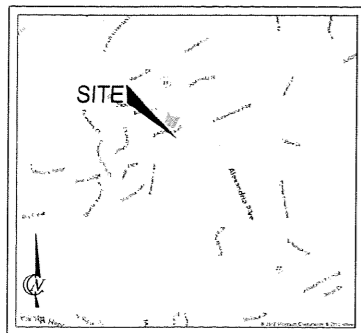
thence, leaving said Granite Spring Subdivision, Section 12 and with said South line of Silverwoods Apartments, LLC, North 64° 10' 56" East, passing a found 1/2" iron pin at 248.12 feet, a total distance of 345.28 feet;

thence, leaving said South line of Silverwoods Apartments, LLC, through the lands of Meadowlake Land Holdings LLC, as recorded in Deed Book 317, Page 324 (Alexandria) and Deed Book 772, Page 879 (Newport), South 50° 13' 40" East, 511.73 feet to the TRUE POINT OF BEGINNING, containing 4.149 acres of land and subject to all easements and rights-of-way of record.

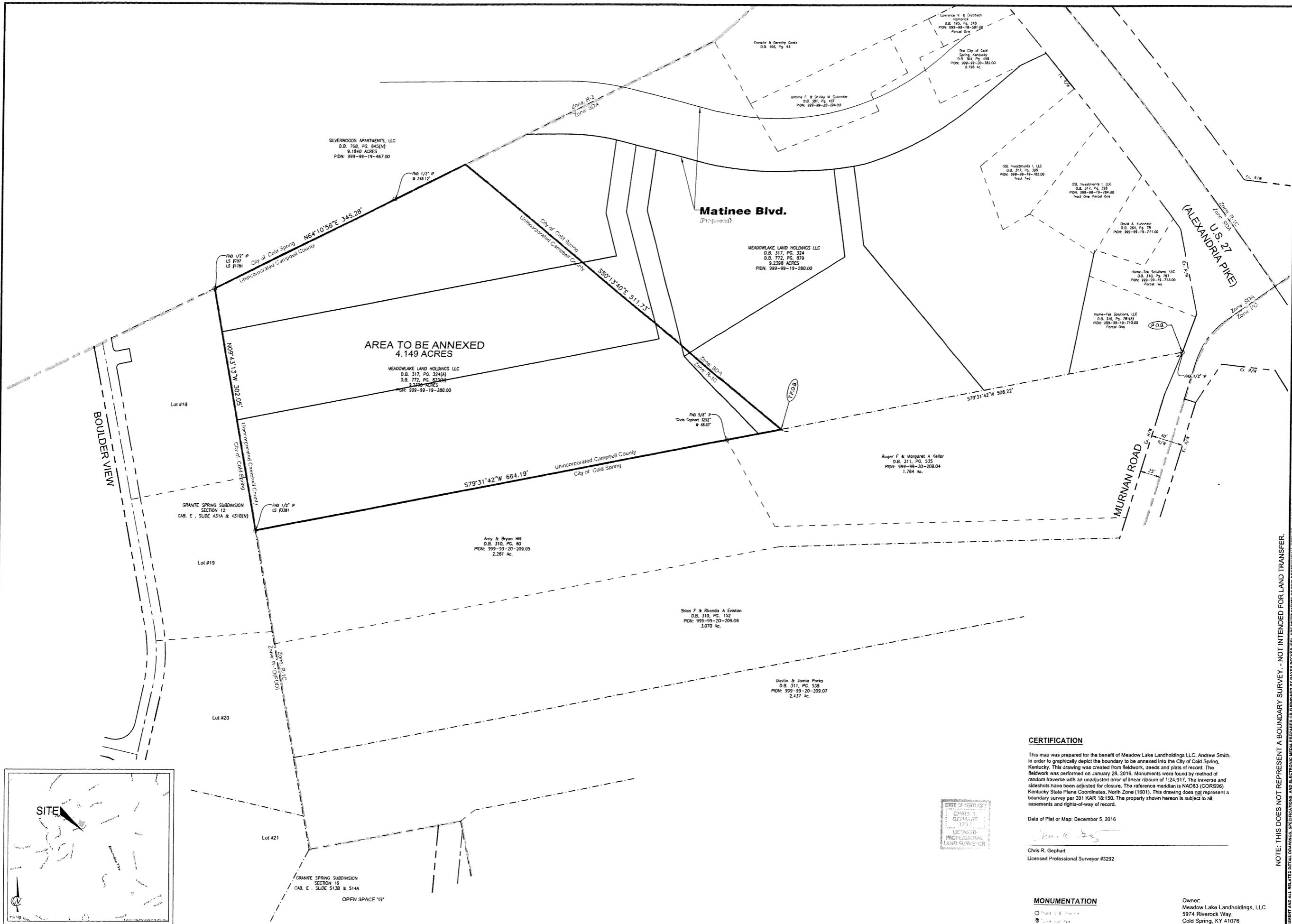
The reference meridian is based on NAD83 (CORS96) Kentucky State Plane coordinates, North Zone (1601). Prior Instrument Reference: Deed Book 317, Page 324(A), Deed Book 772, Page 879(N)

The above description was prepared on May 26, 2016 from fieldwork, deeds and plats of record and does not represent a boundary survey per 201 KAR 18:150 and is not intended for land transfer.

Plot time: Dec 05, 2016 - 3:10pm
 Drawing name: J:\001815-0098\DWG\15-0098 AX.dwg - Layout Tab: Annexation



VICINITY MAP - NTS



CERTIFICATION
 This map was prepared for the benefit of Meadow Lake Landholdings LLC, Andrew Smith, in order to graphically depict the boundary to be annexed into the City of Cold Spring, Kentucky. This drawing was created from fieldwork, deeds and plats of record. The fieldwork was performed on January 28, 2016. Monuments were found by method of random traverse with an unadjusted error of linear closure of 1:24,917. The traverse and sideshots have been adjusted for closure. The reference meridian is NAD83 (CORS96) Kentucky State Plane Coordinates, North Zone (1601). This drawing does not represent a boundary survey per 201 KAR 18:150. The property shown hereon is subject to all easements and rights-of-way of record.

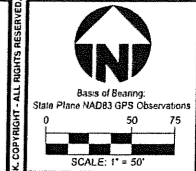
Date of Plat or Map: December 5, 2016

Chris R. Gephart
 Chris R. Gephart
 Licensed Professional Surveyor #3292

MONUMENTATION
 3" x 3" x 3" Iron
 2" x 2" x 2" Iron
 1" x 1" x 1" Iron
 1/2" x 1/2" x 1/2" Iron
 1/4" x 1/4" x 1/4" Iron

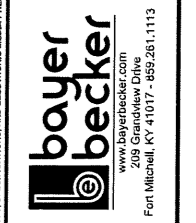
Owner:
 Meadow Lake Landholdings, LLC
 5974 Riverrock Way,
 Cold Spring, KY 41076

NOTE: THIS DOES NOT REPRESENT A BOUNDARY SURVEY. - NOT INTENDED FOR LAND TRANSFER.



Item	Revision Description	Date	Drawn	CHK	DATE	CHK
1	Added Proposed Property Lines		AVY	RTK		

MEADOW LAKE LANDHOLDINGS, LLC
 4314 ALEXANDRIA PIKE
 CAMPBELL COUNTY, KENTUCKY
 ANNEXATION MAP



Drawing: 15-0098 AX
 Drawn by: TJS
 Checked by: CRG
 Issue Date: 5/26/2016
 Sheet: 1 of 1

OVERSIZE MAP INCLUDED WITH
SUBMISSION.

To research the map, contact the
Office of Secretary of State
or the County Clerk.