



CERTIFICATION

Comes now Robin Morency, 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 23-1089 an Ordinance of the City of Cold Spring annexing certain areas of unincorporated territories within the County of Campbell.

Robin Morency
Robin Morency, City Clerk

Subscribed to and sworn before me, a notary public, by Robin Morency, City Clerk of the City of Cold Spring, Kentucky on this 22nd day of February, 2024.

Heather Markus
Notary Public
State at Large

RECEIVED AND FILED
DATE February 22, 2024

MICHAEL G. ADAMS
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Tara W.

HEATHER L. MARKUS
NOTARY PUBLIC
STATE AT LARGE
KENTUCKY
COMMISSION # KYNP268
MY COMMISSION EXPIRES JANUARY 19, 2028

ORIGINAL

**COMMONWEALTH OF KENTUCKY
CITY OF COLD SPRING
ORDINANCE NO. 23-1089**

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; DESIGNATING THE ZONING CLASSIFICATION OF THE PROPERTY TO BE ANNEXED TO MIXED USE PLAN DEVELOPMENT (MUPD) AND HIGHWAY COMMERCIAL 2 (HC-2) AFTER COMPLIANCE WITH THE PROVISIONS OF KRS 100.209, AT THE TIME THE ANNEXATION OF THE PROPERTY IS FINAL

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 owners have provided written consent to the annexation, through the execution of the Consent to Annex attached as Exhibit C (the "Consent"); and

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

WHEREAS, the City of Cold Spring, Kentucky (the "City") through compliance with the provisions of KRS 100.209 may designate the zoning classification of the property to be annexed; and

WHEREAS, the City is willing to annex the property, subject to the terms of an Annexation Agreement (the "Agreement"); and

WHEREAS, pursuant to Resolution R-79-23, the Campbell County Fiscal Court concurred with the annexation; 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

A. That the City of Cold Spring, Kentucky, 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, an approximately 27-acre parcel more particularly identified as follow:

SEE ATTACHED EXHIBIT "A", Legal Description, and EXHIBIT "B", Plat of the property being annexed.

B. That the Property at the time it is annexed into the City shall have a zoning classification of Mixed Use Plant Development ("MUPD") or Highway Commercial 2 ("HC2") in accordance with the City's Zoning Map and Zoning Ordinance, and in accordance with the terms of the Agreement; and that prior to the adoption of this Ordinance the City has submitted an application to the City of Cold Spring, Kentucky Planning Commission (the "Planning Commission") in accordance with the provisions of KRS 100.209 to conduct the required public hearing and processes to have the Property zoned as MUPD or HC2, in accordance with the terms of the Agreement, including the Concept Plan attached as exhibits to the Agreement.

C. That the City hereby approves the zoning classification of the Property to MUPD or HC2, and approves the Concept Plan related to the development of the Property as attached to the Agreement and as approved by the Planning Commission.

SECTION II

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

Adopted this 12 day of February, 2024.

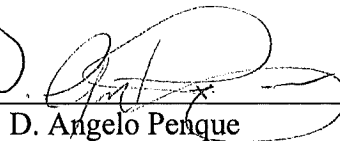
1st Reading – August 1, 2023

Vote: 6 yes – 0 no

2nd Reading – February 12, 2024

Vote: 5 yes - 0 no

By: _____


D. Angelo Penque

Mayor

EXHIBIT A

Legal Description

DESCRIPTION: Annexation Parcel 'A'

LOCATION: Rocky View Drive, Harvest Trail, & US 27

DATE: June 14, 2023

Situated in the Unincorporated County of Campbell, Commonwealth of Kentucky, lying on the East side of US 27 and Harvest Trail at the South end of Rocky View Drive, being part of the 35.87 acre tract conveyed to Calabrazo, Inc. in Deed Book 256, Page 624, all of Lots 14 and 15 of Ridgewood Subdivision, Section C (No Plat Found) conveyed to Calabrazo, Inc. in Deed Book 257, Page 97, all of Parcels 1, 2, and 3 conveyed to Richard A. Haglage in Deed Book 316, Page 662, all of Parcels One and Three conveyed to DCH Properties L.L.C. and Tune Row Properties, LLC in Deed Book 343, Page 874, all of the 1.01 acre tract conveyed to Frances Roach in Deed Book 136, Page 213, all of the 1.0142 acre tract conveyed to AA Property Development, Ltd. in Deed Book 298, Page 264, and all of Parcels 1 and 2 conveyed to Barbara G. and Jerry Watts in Deed Book 209, Page 211 of the Campbell County Clerk's Records at Alexandria, Kentucky and being more particularly described as follows:

Begin at the Northwest corner of a 0.757 acre tract conveyed to David Wayne and Jennifer Marie Fields in Deed Book 237, Page 306, being Lot 1 of Ridgewood Subdivision, Section A (Plat 72A), said point being on the existing South right-of-way line of Rocky View Drive (R/W Varies) approximately 995 feet West of its intersection with the centerline of KY Hwy. 9 and being the TRUE POINT OF BEGINNING;

thence, from the TRUE POINT OF BEGINNING, departing the existing South right-of-way line of said Rocky View Drive and with the West line of said 0.757 acre tract, the following two courses:
South 36° 41' 38" West, 31.48 feet;

thence, South 19° 37' 18" East, 325.16 feet to a point on the North line of a 34.4505 acre tract conveyed to Steven J. Woeste, Donna M. Pickett, and Alan J. Woeste, Co-trustees, in Deed Book 350, Page 476;

thence, departing said 0.757 acre tract and with the North line of said 34.4505 acre tract, South 70° 38' 47" West, 87.38 feet to the Northeast corner of a 20.5646 acre tract conveyed to Bonnie L. and James M. Pickett, Trustees, in Deed Book 289, Page 423;

thence, departing said 34.4505 acre tract and with the North line of said 20.5646 acre tract, South 70° 36' 56" West, 1535.29 feet a point on the existing East right-of-way line of US 27 (R/W Varies);

thence, departing said 20.5646 acre tract and with existing East right-of way line of said US 27, the following four courses: North 33° 49' 07" West, 68.46 feet;

thence, North 29° 21' 11" West, 322.69 feet;

thence, North 01° 28' 30" West, 162.49 feet;

thence, North 88° 57' 32" West, 26.40 feet to a point in the centerline of Harvest Trail;

thence, departing the existing East right-of way line of said US 27 and with centerline of said Harvest Trail, the following five courses: North 05° 16' 48" East, 132.08 feet;

thence, North 00° 36' 18" East, 76.25 feet;

thence, North 10° 41' 57" West, 10.97 feet;

thence, North 12° 27' 05" West, 186.69 feet;

thence, North 24° 33' 21" West, 19.06 feet to the Southwest corner of a 1.001 acre tract conveyed to Robert N. and Deborah Rottman in Deed Book 165, Page 154;

thence, departing the centerline of said Harvest Trail and with the South line of said 1.001 acre tract and an 11.7 acre tract conveyed to Jerry and Barbara G Watts in Deed Book 162, Page 430, North

EXHIBIT B

Plat of Annexed Property

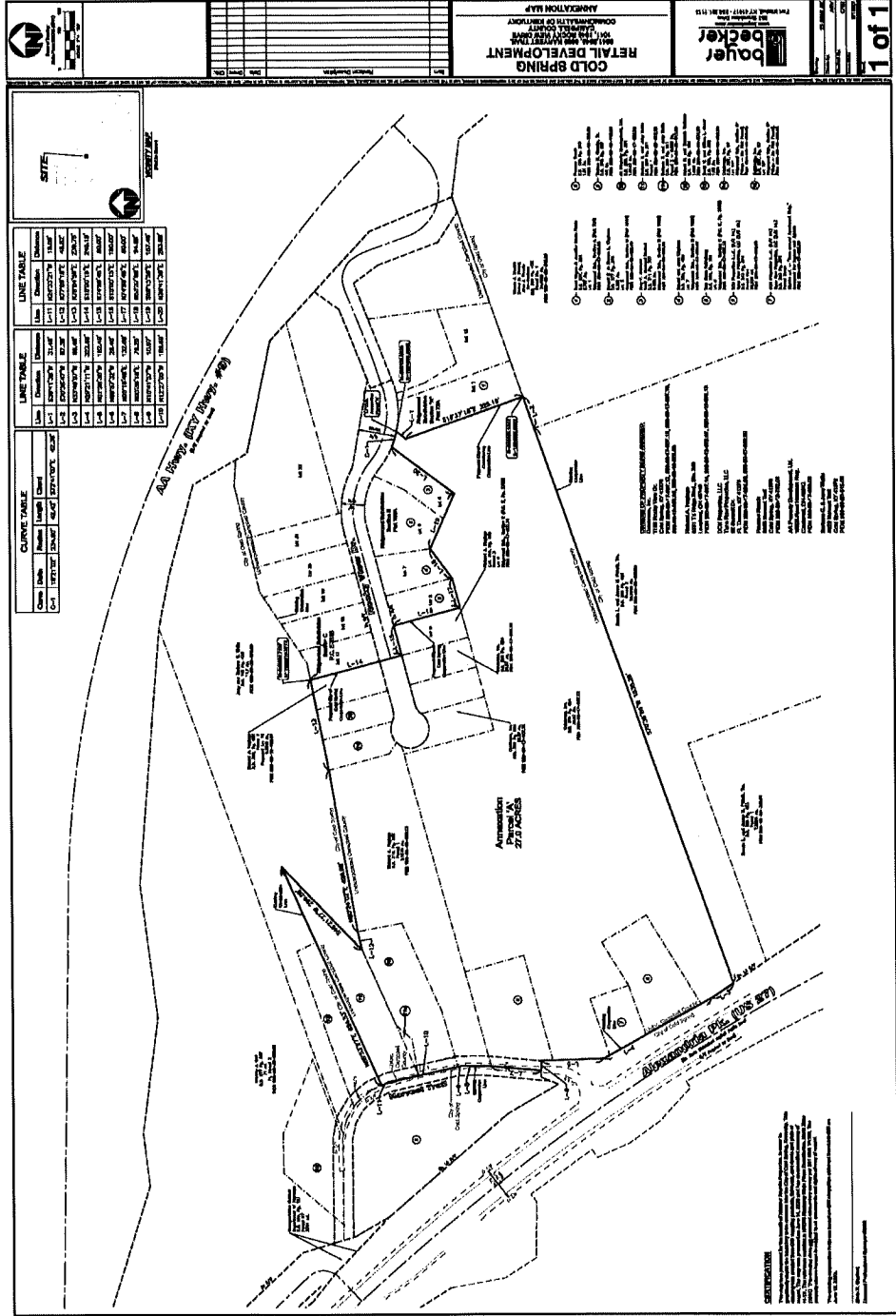


EXHIBIT C
Consents to Annex

EXHIBIT C

Consent to Annex

CONSENT TO ANNEX

Whereas, the City of Cold Spring, Campbell County, Kentucky (the "City") is desirous of annexing a parcel of property located along Alexandria Pike, Cold Spring, Kentucky, more particularly described in the legal description and plat attached as Exhibits "A" and "B" (the "Property"), owned by the persons listed on Exhibit "C" (the "Property Owners"), which property is subject to a purchase agreement with MAP Acquisitions, LLC, an Ohio limited liability company ("Midland"), and

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

Whereas, the City and Midland have entered into an Annexation Agreement (the "Annexation Agreement") related to the development of the Property, which includes a commitment to rezone the Property as set forth in the Annexation Agreement, in accordance with the provisions of KRS 100.209 at the time the annexation of the Property is effective; and

Whereas, the City is still desirous of annexing the aforementioned property and the Property Owners and Midland are agreeable to a consensual annexation, pursuant to Kentucky Revised Statute 81A.412, if certain conditions and considerations, as set forth in this Consent to Annex.


Now, Therefore, it is Agreed as Follows:

1. That the Property Owners are agreeable and this Consent to Annex shall serve as notice of their intent and/or consent to be annexed into the City pursuant to Kentucky Revised Statute 81A.412, but subject to the conditions that prior to the annexation of the Property being complete the City shall, pursuant to the provision of KRS 100.209 submit an application to the City of Cold Spring, Kentucky Planning Commission to have the Property zoned as Mixed Use Planned Development ("MUPD") or Highway Commercial Two ("HC-2"), when the annexation is complete, but subject to the Concept Plan to be approved as part of the rezoning process as referenced in the Annexation Agreement, and that subject to the condition that the Annexation and rezoning of the Property shall not be effective until the Property has been acquired by Midland. A description and plat of the Property to be annexed is attached hereto as Exhibits A and B and incorporated by reference herein.

2. The purpose of this annexation is so that the Property Owners, Midland and its assigns will enjoy services from the City, including but not limited to, police protection and public works. Furthermore, the Property Owners acknowledge and agree that being part of the City is positive for the plan to develop the Property in accordance with the Annexation Agreement.

3. This Consent to Annex constitutes the entire agreement of the Parties and may not be modified.

City of Cold Spring, Kentucky

By: 
D. Angelo Penque, Mayor

Consent to this Annexation:

MAP Acquisitions, LLC, an Ohio
liability company


By: _____
Name: _____
Its: _____

Property Owner Consents are on Exhibit C.

EXHIBIT C

Executed Consents by Property Owners


DCH Properties, LLC, a Kentucky
limited liability company

By:  Clayton Horan 07/21/23
Clayton Thomas Horan
Member

Calabraze Inc., a Kentucky limited
liability company

By: _____
Ralph Chilelli Sr. by Anthony Chilelli, Executor

Tune Row Properties, LLC, a Kentucky
limited liability company

By:  Vincent A Bonhaus 07/22/23
Vince Allen Bonhaus
Member

AA Property Development Co., LLC,
an Ohio limited liability company

By: _____
Gary Land

EXHIBIT C

Executed Consents by Property Owners

DCH Properties, LLC, a Kentucky
limited liability company

By: _____
Clayton Thomas Horan
Member

Calabrazze Inc., a Kentucky limited
liability company

By: Ralph Chilelli Sr. by Anthony Chilelli (EX)
Ralph Chilelli Sr. by Anthony Chilelli, Executor

Tune Row Properties, LLC, a Kentucky
limited liability company

By: _____
Vince Allen Bonhaus
Member

AA Property Development Co., LLC,
an Ohio limited liability company

By: _____
Gary Land

EXHIBIT C

Executed Consents by Property Owners

DCH Properties, LLC, a Kentucky
limited liability company

By: _____
Clayton Thomas Horan
Member

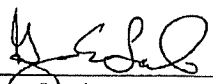
Calabraze Inc., a Kentucky limited
liability company

By: _____
Ralph Chillelli Sr. by Anthony Chillelli, Executor

Tune Row Properties, LLC, a Kentucky
limited liability company

By: _____
Vince Allen Bonhaus
Member

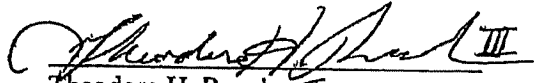
AA Property Development Co., LLC,
an Ohio limited liability company

By:  _____
Greg Land

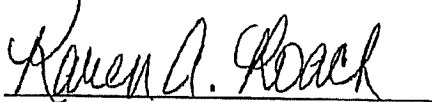


Patrick Roach, single

Theodore H. Roach^{III} and Karen A. Roach,
a married couple

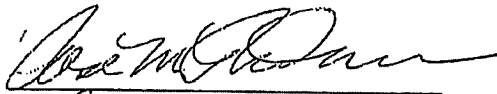


Theodore H. Roach, III



Karen A. Roach

Rose M. Redmond^{an} and Sean E. Redmond^{an}
a married couple



Rose M. Redmond-an



Sean E. Redmond-an

Richard Harlage and Kathleen L. Harlage
a married couple

Richard Harlage

Kathleen L. Harlage

Jerry Watts and Barbara Watts,
a married couple

Jerry Watts

Barbara Watts

Patrick Roach, single

Theodore H. Roach and Karen A. Roach,
a married couple

Theodore H. Roach


Karen A. Roach

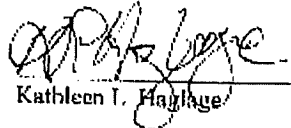
Rose M. Redmond and Sean F. Redmond,
a married couple

Rose M. Redmond

Sean E. Redmond

Richard Haglage and Kathleen L. Haglage
a married couple


Richard Haglage


Kathleen L. Haglage

Jerry Watts and Barbara Watts,
a married couple

Jerry Watts

Barbara Watts

Patrick Roach, single

Theodore H. Roach and Karen A. Roach,
a married couple

Theodore H. Roach

Karen A. Roach

Rose M. Redmond and Sean E. Redmond,
a married couple

Rose M. Redmond

Sean E. Redmond

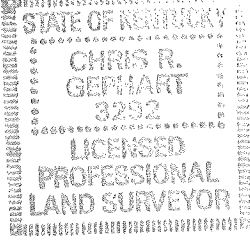
Richard Harlage and Kathleen E. Harlage
a married couple

Richard Harlage

Kathleen E. Harlage

Henry Watts and Barbara Watts
a married couple





Chris R. Gephart
2-6-24

bayerbecker.com
513.336.6600
mason | cincinnati | oxford | fort mitchell

DESCRIPTION:

Annexation Parcel 'A'

LOCATION:

Rocky View Drive, Harvest Trail, & US 27

DATE:

February 6, 2024

Situated in the Unincorporated County of Campbell, Commonwealth of Kentucky, lying on the East side of US 27 and Harvest Trail at the West end of Rocky View Drive, being part of the 35.87 acre tract conveyed to Calabraze, Inc. in Deed Book 256, Page 624, all of Lots 14 and 15 of Ridgewood Subdivision, Section C (No Plat Found) conveyed to Calabraze, Inc. in Deed Book 257, Page 97, all of Parcels 1, 2, and 3 conveyed to Rocky View Properties, LLC in Deed Book 362, Page 56, all of Parcels One and Three conveyed to DCH Properties L.L.C. and Tune Row Properties, LLC in Deed Book 343, Page 874, all of the 1.01 acre tract conveyed to Frances Roach in Will Book 8, Page 815, all of the 1.0142 acre tract conveyed to AA Property Development, Ltd. in Deed Book 298, Page 264, and all of Parcels 1 and 2 conveyed to Barbara G. and Jerry Watts in Deed Book 209, Page 211 of the Campbell County Clerk's Records at Alexandria, Kentucky and being more particularly described as follows:

Begin at the Northwest corner of a 0.757 acre tract conveyed to David Wayne and Jennifer Marie Fields in Deed Book 237, Page 306, being Lot 1 of Ridgewood Subdivision, Section A (Plat 72A), said point being on the existing South right-of-way line of Rocky View Drive (R/W Varies) approximately 995 feet West of its intersection with the centerline of KY Hwy. 9 and being the TRUE POINT OF BEGINNING;

thence, from the TRUE POINT OF BEGINNING, departing the existing South right-of-way line of said Rocky View Drive and with the West line of said 0.757 acre tract, the following two courses: South 36° 41' 38" West, 31.48 feet;

thence, South 19° 37' 18" East, 325.16 feet to a point on the North line of a 34.4505 acre tract conveyed to Steven J. Woeste, Donna M. Pickett, and Alan J. Woeste, Co-trustees, in Deed Book 350, Page 476;

thence, departing said 0.757 acre tract and with the North line of said 34.4505 acre tract, South 70° 38' 47" West, 87.38 feet to the Northeast corner of a 20.5646 acre tract conveyed to Bonnie L. and James M. Pickett, Trustees, in Deed Book 289, Page 423;

thence, departing said 34.4505 acre tract and with the North line of said 20.5646 acre tract, South 70° 36' 56" West, 1535.29 feet a point on the existing East right-of-way line of US 27 (R/W Varies);

thence, departing said 20.5646 acre tract and with existing East right-of way line of said US 27, the following four courses: North 33° 49' 07" West, 68.46 feet;

thence, North 29° 21' 11" West, 322.69 feet;

thence, North 01° 28' 30" West, 162.49 feet;

thence, North 88° 57' 32" West, 26.40 feet to a point in the centerline of Harvest Trail;

thence, departing the existing East right-of way line of said US 27 and with centerline of said Harvest Trail, the following five courses: North 05° 16' 48" East, 132.08 feet;

thence, North 00° 36' 18" East, 76.25 feet;

thence, North 10° 41' 57" West, 10.97 feet;

thence, North 12° 27' 05" West, 186.69 feet;

thence, North 24° 33' 21" West, 19.06 feet to the Southwest corner of a 1.001 acre tract conveyed to Robert N. and Deborah Rottman in Deed Book 165, Page 154;

thence, departing the centerline of said Harvest Trail and with the South line of said 1.001 acre tract and an 11.7 acre tract conveyed to Jerry and Barbara G Watts in Deed Book 162, Page 430, North 65° 53' 27" East, 624.53;

thence, with the West and South lines of said 11.7 acre tract, the following four courses: South 46° 21' 27" West, 299.08;

thence, North 77° 09' 18" East, 48.82;

thence, North 80° 24' 02" East, 426.98;

thence, North 78° 54' 59" East, 239.75 feet to the Northwest corner of Lot 17 of Ridgewood Subdivision, Section C (Plat 218B);

thence, departing said 11.7 acre tract and with the West line of said Lot 17, South 15° 00' 15" East, 245.10 feet to a point on the existing South right-of-way line of said Rocky View Drive (60' R/W);

thence, with the existing South right-of-way line of said Rocky View Drive, North 74° 59' 45" East, 80.00 feet to the Northwest corner of Lot 8 of said Ridgewood Subdivision, Section C;

thence, departing the existing South right-of-way line of said Rocky View Drive and with the West line of said Lot 8, South 15° 00' 15" East, 180.00 feet to the Southwest corner of said Lot 8;

thence, with the South line of said Lot 8, North 74° 59' 45" East, 80.00 feet to the Southwest corner of Lot 7 of Ridgewood Subdivision, Section B (Plat 166A);

thence, with the South line of said Lot 7, North 53° 37' 08" East, 94.89 feet to the Southwest corner of Lot 6 of said Ridgewood Subdivision, Section B;

thence, with the South lines of Lots 5 and 6 of said Ridgewood Subdivision, Section B, South 66° 15' 56" East, 157.46 feet to the Southeast corner of said Lot 5;

thence, with the Southeast line of said Lot 5, North 36° 41' 38" East, 203.08 feet to a point on the existing South right-of-way line of said Rocky View Drive, said point being the Northeast corner of said Lot 5;

thence, departing said Lot 5 and with the existing South right-of-way line of said Rocky View Drive, along a curve to the left, having a central angle of 10° 21' 02", a radius of 234.80 feet, an arc length of 42.42 feet, and a chord bearing South 72° 41' 07" East, 42.36 feet to the TRUE POINT OF BEGINNING.

Containing 27.0 acres of land, more or less, and subject to all easements and rights of ways of record.

The reference meridian is based on NAD83 (2011) Kentucky State Plane coordinates, North Zone (1601).

The above description was prepared for annexation purposes under the direction of Chris R. Gephart, Licensed Professional Land Surveyor #3292 in the Commonwealth of Kentucky.

Prior Instrument Reference: Deed Book 256, Page 624
Deed Book 257, Page 97
Deed Book 362, Page 56
Deed Book 343, Page 874
Will Book 8, Page 815
Deed Book 298, Page 264
Deed Book 209, Page 211

OVERSIZE MAP INCLUDED WITH
SUBMISSION.

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