

**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 07-937, an Ordinance of the City of Cold Spring annexing certain areas of unincorporated territories within the County of Campbell.

Rita Seger  
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 23<sup>rd</sup> day of June, 2008.

April C. Robinson  
Notary Public  
State at Large

My Commission Expires: 10/27/2010

RECEIVED AND FILED  
DATE March 5, 2010  
\_\_\_\_\_  
\_\_\_\_\_  
TREY GRAYSON  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
BY Katie Adkinson

**COMMONWEALTH OF KENTUCKY  
CITY OF COLD SPRING  
ORDINANCE NO. 07-937**

**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, A CITY OF THE FIFTH CLASS  
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 a Settlement/Annexation Agreement, ordered by the Campbell Circuit Court, 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:

Situated in Campbell County, Kentucky lying at the Northeast corner of the intersection of US 27 and Low Gap Road and being more particularly described:

Beginning at a Railroad Spike set in the center of Low Gap Road at the Southeast corner of a 4.10 Acre Tract, common to Dalton; Thence along the center of Low Gap Road S 32° 48' 22" W 27.59' to a Railroad Spike set; thence leaving the centerline and along right of way calls N 51° 45' 58" W 22.90' to a 5/8" Rebar set, capped "Schultz 2777"; thence S. 60° 29' 02" W 62.80' to a 5/8" Rebar set; thence S 37° 23'02" W 114.15' to a 5/8" Rebar set, thence S 34° 37'02" W 93.70' to a 5/8' Rebar set at the right of way corner to US 27; thence along the US 27 right of way N 52°48'18" W 309.97' to a concrete monument found; thence N 53° 34'31" W 214.06° to a concrete monument found, thence N 58°32'54" W 131.34' to a 5/8' Rebar set at a 4' tall steel "T" post found, thence along the line of Summit Church of Christ as in Deed Book 232, Page 27 N 33°35'41" E 346.00 to a 5/8" Rebar set at a 4' tall steel "T" post found, thence with Poweleits' 5.3496 Acre Tract S 48° 01'26" E 405.83' to a 5/8' Rebar found, capped "Schultz 2777"; thence along Helton as in Deed Book 232, Page 571 S 49° 13'13" E 66.74' to a point; thence S 49°13'13" E 100.54' to a 5/8' Rebar set; thence along Dalton as in Deed Book 194, Page 394 S 55°44'08" E 147.02' to the POINT OF BEGINNING; said described tract containing 4.6857 Acres, more or less.

## **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**

The litigation captioned Poweleit v. City of Cold Spring, Campbell Circuit Court, Case No. 07-CI-150 having involved the annexation of the property and the parties, with the order of the Court, reaching a Settlement/Annexation Agreement, that the City Council of Cold Spring that adopts said Order of the Court and that the territory to be zoned shall be NC (Neighborhood Commercial), the attached map of the territory and Order of the Court and Settlement/Annexation Agreement are incorporated by reference herein and made a part hereof.

## **SECTION IV**

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 V**

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

**ADOPTED this 10th day of December, 2007.**

FIRST READING: Nov. 26, 2007 Vote 5, Yes; 0 No

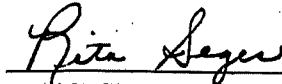
SECOND READING: Dec. 10, 2007 Vote 6, Yes; 0 No

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



**MARK STOEBER - Mayor**

ATTEST:

  
\_\_\_\_\_  
RITA SEGER, City Clerk

## DESCRIPTION OF SURVEY

A certain tract of land situated in Campbell County, Kentucky, and lying at the northeasterly corner of US 27 and Low Gap Road and being the property conveyed to Roanald A. and Joyce C. Poweleit Deed Book 276, Page 504, and being of record in the Campbell County Court Clerk's office in Alexandria, Kentucky, and being more particularly described as follows:

Unless stated otherwise, any monument referred to herein as a "pin and cap" is a set 1/2" diameter rebar, eighteen (18) inches in length, with a plastic cap stamped "W. R. Reis PLS 2597". All bearings stated herein are based on the bearing of record of the northwesterly line of Ronald and Joyce Poweleit (N 33 35 41 E) as recorded in DB 276, Pg 504 in the Campbell County Court Clerk's Office in Alexandria, Kentucky.

Beginning at a set MAG nail in Low Gap Road, said nail being a corner to Kenneth and Gloria Dalton (DB 267, Pg 573) and Poweleit; thence along Low Gap Road S 31 44 39 W, 27.22 feet to a set Mag nail; thence leaving said road, along the Ky DOT R/W. N 53 24 59 W, 21.63 feet to an existing concrete KyDOT R/W marker; thence S 61 00 07 W, 62.96 feet to a pin and cap; thence S 36 42 01 W, 114.15 feet to a pin and cap; thence S 33 54 18 W, 94.00 feet to an existing concrete KyDOT R/W marker; thence along the R/W of US 27 N 53 29 36 W, 309.70 feet to an existing concrete KyDOT R/W marker; thence N 54 14 05 W, 214.56 feet to an existing concrete KyDOT R/W marker (disturbed); thence N 59 12 46 W, 131.30 feet to an existing with no cap at a T-post' said pin being a corner to Summit Church of Christ, Inc. (DB 232, Pg 26); thence along the southeasterly line of Summit Church of Christ, Inc. N 33 35 41 E, 346.01 feet to an existing T-post; thence along the westerly line of Faye and Allen Kenneth Racke (DB 271, Pg 123) S 48 38 42 E, 401.72 feet to a point under a shed, a 5/8" pin with a plastic cap stamped Schults 2777 bears N 23 12 30E, 38.96 feet; thence along the westerly line of Howard Jr. and Stephanie Baxter (DB 284, Pg 781) S 49 50 29 E, 167.28 feet to a pin and cap; thence along the westerly line of Kenneth and Gloria Dalton (DB 267, Pg 573) S 56 21 49 E, 147.02 feet to the point of beginning and containing 4.68 acres of land more or less and being subject to easements of record.

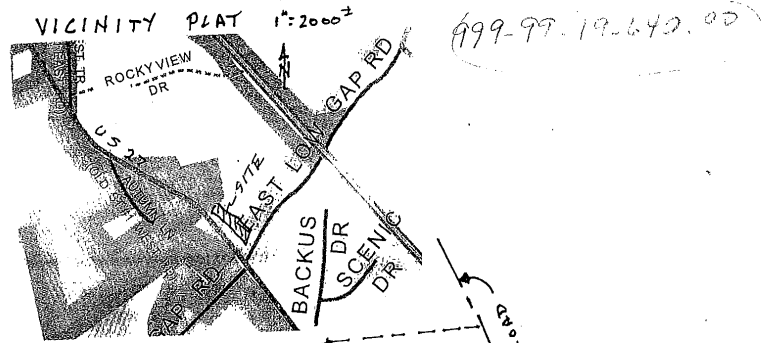
This description prepared from a physical survey conducted by William R. Reis P.L.S. 2597 on March 12, 2008.

**CITY CLERK CERTIFICATION**

I certify I am the duly certified city clerk of Cold Spring, Kentucky, and the foregoing pages of ordinance No. 07-937 is a true, correct, and complete copy duly adopted by the city commission at a duly convened meeting held on 12/10/07, all as appears in the official records of said city.

Witness, my hand and (seal or the seal of said city), this 23rd day of June, 2008.

Pat Seeger date 6/23/08  
signature of city clerk



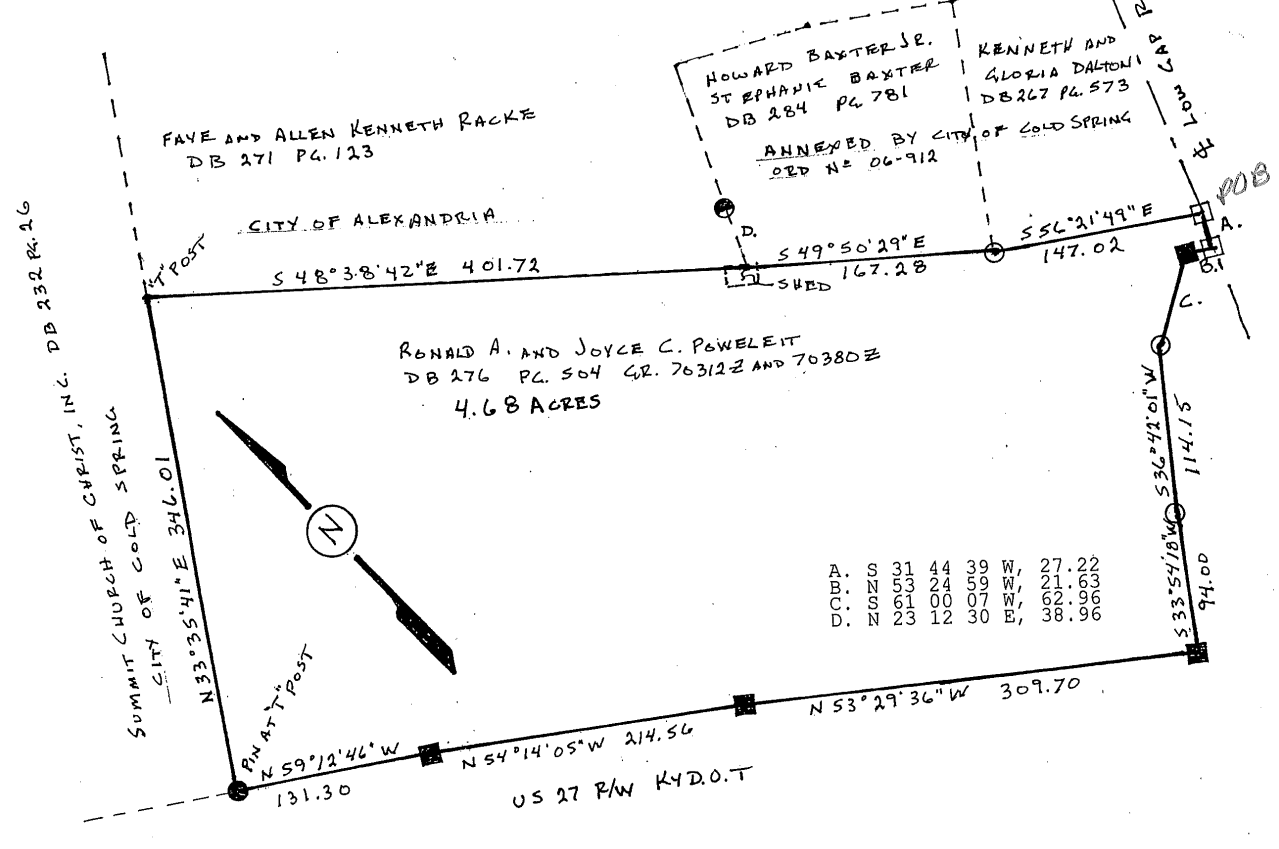
**PLAT OF ANNEXATION**  
for  
CITY OF COLD SPRING, KENTUCKY  
5694 East Alexandria Pike, Cold Spring, Ky 41076  
for property located at  
Us 27 & Low Gap Rd Cold Spring, Ky 41076  
Scale: 1"=100' Graphic Scale

Drawn By: William Reis  
Date: June 12, 2008  
Drawing Number: 2008-757E  
By: William R. Reis R.L.S. 2597(859)635-2869  
12794 Shaw Goetz Rd., Calif, Ky 41007

**SURVEYORS CERTIFICATE**

hereby certify that I am a duly qualified and Licensed Kentucky Surveyor in accordance with KRS 322 and that this plat depicts a survey performed by me, or under my direct supervision, in accordance with the Code of Professional Practice and Conduct for Professional Engineers and Professional Surveyors, by the method of random traverse with sideshots. The unadjusted precision ratio of the random traverse was 1:10,000. This survey was adjusted for closure. The survey as shown hereon is a Class A survey and the accuracy and precision of said survey meets all the specifications of this class. This plat meets or exceeds the minimum requirements of 201 KAR 18.150. The basis of the bearings on this plat is the bearing of record of the northwesterly line of Ronald and Joyce Poweleit (N 33 35 41 E) as recorded in DB 276, Pg 504 in the Campbell County Court Clerk's Office in Alexandria, Kentucky.

William R. Reis R.L.S. 2597 6.14.08  
William R. Reis date



- LEGEND**
- = A MAG nail set this survey.
  - = An existing concrete KyDOT R/W marker
  - = A 1/2" rebar with a plastic cap stamped W R Reis PLS 2597 set this survey.
  - = An existing 5/8" pin with no cap
  - ⊙ = An existing 5/8" pin with a cap stamped Schultz 2777