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CITY OF ELIZABETHTOWN

EDNA B. BERGER, MAYOR

CERTIFICATION

I, the undersigned, Mary Chaudoin, do hereby certify that I am the duly qualified and acting City Clerk of the City of Elizabethtown, Kentucky, and as such Clerk, I further certify that the attached is a true, correct and complete copy of Ordinance No. 11-2015 series duly adopted by the City Council of said City at a duly convened meeting held on September 8, 2015 and thereafter signed by the Mayor as evidence of her approval, and now in full force and effect, all as appear from the official records of said City Council in my possession and under my control.

WITNESS my hand and Seal of the City, as of this 9th day of September, 2015.

Mary Chaudoin

CITY CLERK

(Seal of the City)

RECEIVED AND FILED
DATE Sept. 21, 2015

ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Handie Anderson



ORDINANCE NO. 11-2015

AN ORDINANCE FOR THE CITY OF ELIZABETHTOWN, KENTUCKY
ANNEXING PROPERTY LOCATED AT THE INTERSECTION OF SOUTH RING
ROAD AND WESTERN KENTUCKY PARKWAY

WHEREAS, the property owned by the Commonwealth of Kentucky and Aulbach-Pence, LLC located at the intersection of South Ring Road and Western Kentucky Parkway is adjacent or contiguous to the City of Elizabethtown's boundaries;

WHEREAS, by reason of population density, commercial, industrial, institutional or governmental use of land, and/or subdivision of land, this property is suitable for development for urban purposes without reasonable delay.

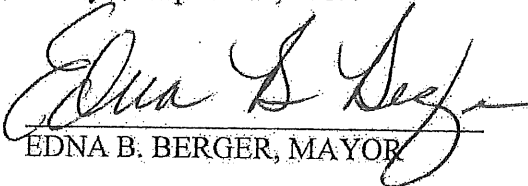
NOW, THEREFORE, BE IT ORDAINED by the City of Elizabethtown, Kentucky, that from and after the passage, approval, and publication of this Ordinance, property located at the intersection of South Ring Road and Western Kentucky Parkway and being more particularly described in attached Exhibit A (legal description) and Exhibit B (map) is annexed into the City of Elizabethtown. Said property shall be zoned as Commercial-4 (C-4) pursuant to recommendation of the City of Elizabethtown Planning Commission based on a public hearing conducted on August 11, 2015. The findings of fact of the Commission in support of this recommendation are adopted as if set out verbatim.

This action is taken for property owned by the Commonwealth of Kentucky and Aulbach-Pence, LLC and pursuant to their request and their consent (Exhibit C).


BE IT FURTHER ORDAINED that the Mayor of the City of Elizabethtown and/or her designate be and she is hereby authorized and directed to take all steps necessary to perfect this Ordinance.

READ THE FIRST TIME this 17th day of August, 2015.

READ, ADOPTED AND APPROVED this 8th day of September, 2015.


EDNA B. BERGER, MAYOR

ATTESTED TO:


MARY CHAUDOIN, CITY CLERK

ORDINANCE NO. 11-2015
EXHIBIT C – CONSENTS
PAGE 1 OF 3

ANNEXATION CONSENT

Comes, Aulbach Pence LLC, owner of property along the Western Kentucky Parkway (KY 9001) and South Ring Road (KY 3005), more specifically known as 600 & 601 South Ring Road and PVA # 204-00-00-009.02, 205-00-00-001, & 205-00-00-002 and gives consent to the annexation by the City of Elizabethtown of approximately 123 acres of their property along the Western Kentucky Parkway & South Ring Road.

Aulbach Pence LLC acknowledges and does not object to the commercial zoning district classification that will be effective upon the property through the annexation process. By consenting to the annexation, Aulbach Pence LLC as the current property owner (Deed Book 1405 Page 347) does understand and agrees to waive their objection to the annexation, agrees to waive any notice of the annexation to allow them to file an objection and agrees to waive any waiting period for the finalization of the annexation as may be noted in KRS 81A.

Aulbach Pence LLC further acknowledges that there will be cost allocations for public utilities (sanitary sewer) established by the City of Elizabethtown for said property that shall be paid to the City of Elizabethtown. Aulbach Pence LLC agrees to pay the City of Elizabethtown the full allocation amount for the extension of sanitary sewer applicable to their annexed property which is currently estimated to be \$ 24,000.00. The allocation amount shall be paid to the City by Aulbach Pence LLC upon the completion of the construction of said utilities (public sanitary sewer).

Aulbach Pence LLC further agrees to provide any required drainage and utility easements for the extension of said utilities (public sanitary sewer) onto, through and across their annexed property.

Aulbach Pence LLC further agrees to pay for the further extension of public sanitary sewer through and across their property at their expense per improvement plans to be approved by the City of Elizabethtown in conformance with applicable City policies and regulations.

Aulbach Pence LLC further agrees to pay for the expenses incurred by the City of Elizabethtown associated with the preparation of the annexation ordinance relating to the required boundary survey and legal description for the annexation of said property.

ORDINANCE NO. 11-2015
EXHIBIT C - CONSENTS
PAGE 2 OF 3

Annexation Consent
Aulbach Pence, LLC
Page 2

Mike Pence, MEMBER
Aulbach Pence LLC

STATE OF KENTUCKY
COUNTY OF HARDIN

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED before me by
Mike Pence as a representative of Aulbach Pence, LLC, this the
29th day of June, 2015.

April M. McLean
NOTARY PUBLIC


My Commission Expires: 10-3-17
Notary ID: 498272

June 26, 2015

ORDINANCE NO. 11-2015
EXHIBIT C - CONSENTS
PAGE 3 OF 3

ANNEXATION CONSENT


Comes Patty Dunaway, Chief District Engineer, KY Transportation Cabinet, Department of Highways, District 4 Office, in her official capacity as a representative for the Commonwealth of Kentucky as owner of property (right-of-way of KY 3005, also known as South Ring Road) and gives consent to the annexation by the City of Elizabethtown of said street right-of-way, and further acknowledges and does not object to the zoning district classification that will be effective upon said property through the annexation process. By consenting to the annexation the Commonwealth of Kentucky (property owner) understands and agrees to waive their objection to the annexation, agrees to waive any notice required to file an objection and agrees to waive any waiting period for the finalization of the annexation as may be noted in KRS 81A.



Patty Dunaway, KTC
Chief District Engineer
Commonwealth of Kentucky

STATE OF KENTUCKY
COUNTY OF HARDIN

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED before me by Patty Dunaway,
representative of the Commonwealth of Kentucky, KY Transportation Cabinet this the 11 day of
February, 2015.



NOTARY PUBLIC 478839
My Commission Expires: 11-20-16

February 10, 2015

**PROPERTY OWNER
ANNEXATION-ORDINANCE #11-2015**

<u>PROPERTY OWNER</u>	<u>PROPERTY ADDRESS</u>	<u>PVA NUMBER</u>
Aulbach-Pence, LLC	South Ring Road	204-00-00-009.02 205-00-00-001 205-00-00-002
Kentucky Department of Transportation	right-of-way of KY 3005	204-00-00-009.03

All properties annexed are vacant.

ORDINANCE NO. 11-2015
EXHIBIT A – LEGAL DESCRIPTION
PAGE 1 OF 2

Ordinance No. 11-2015
Exhibit A
Property Description
132.029 Acre Tract

A certain tract of land lying and being in Hardin Co., Ky. on the east side of the Western Kentucky Parkway and on the north and south sides of Ky. Hwy. 3005 (Ring Road) and being more particularly bounded and described as follows:

All references to a rebar (set) are ½" X 18" steel rebar's set or found with ID cap #3383.

BEGINNING at a rebar (set) in the east right-of-way of the Western Ky. Parkway and in the east line of the current Elizabethtown city limits (Ordinance No. 24-2014). Said rebar being a corner to the Overall Land Limited Partnership tracts (D.B.1179, Pg.176). Said rebar having a KY State Plane South Zone Coordinate of: N: 2122699.37; E: 1601070.17.

Thence with the south lines of Overall as follows: S 80°39'09" E a distance of 246.22' to a rebar (set);

Thence S 09°31'30" W a distance of 1554.33' to a rebar (set);

Thence S 77°10'25" E a distance of 1118.86' to a rebar (set);

Thence S 78°45'51" E a distance of 139.28' to a wood fence post;

Thence S 12°34'22" E a distance of 291.90' to a rebar (set);

Thence S 68°46'28" E a distance of 1907.04' to a rebar (set) on the east side of a 16' ingress/egress easement.

Thence with said easement; a curve turning to the left with an arc length of 18.38', with a radius of 40.77', with a chord bearing of S 49°48'56" W and a chord length of 18.22' to a rebar (set), said rebar being a corner to the David Reed tract (D.B.707, Pg.98).

Thence with Reed as follows: N 68°46'28" W a distance of 1906.87' to a rebar (set);

Thence N 12°34'22" W a distance of 290.02' to a rebar (set);

Thence N 78°45'51" W a distance of 131.55' to a rebar (set), said rebar being the northwest corner of Reed.

Thence continuing with Reed and then Robert Johnson (D.B.809, Pg.510) and then James Lancaster (D.B.830, Pg.257) as follows: S 20°50'04" W a distance of 688.19' to a rebar (set);

Thence S 21°03'31" W a distance of 312.71' to a rebar (set);

Thence S 21°03'31" W a distance of 1433.04' to a ½ rebar (found) with ID cap #2032, said rebar being in the north line of the William Hart tract (D.B.774, Pg.71).

Thence with Hart as follows: N 77°13'33" W a distance of 1064.05' to a ½" rebar (found) with ID cap #2032;

Thence N 64°48'01" W a distance of 576.96' to a ½" rebar (found) with ID cap #2032, said rebar being in the east line of the Wendall Huffer tract (D.B.293, Pg.87).

Thence with Huffer as follows: N 19°44'29" E a distance of 569.95' to a rebar (set);

Thence N 68°50'21" W a distance of 1404.51' to a rebar (set) in the east right-of-way of the Western Ky. Parkway.

Thence with the parkway; N 59°37'37" E a distance of 176.03' to a rebar (set), said rebar being in the east line of the current Elizabethtown City Limits (Ordinance no. 24-2014).

Thence continuing with the east right-of-way of the Western Ky. Parkway and the current Elizabethtown City Limits as follows: N 61°13'38" E a distance of 400.11' to a rebar (set);

Thence N 61°48'02" E a distance of 300.17' to a rebar (set);

Thence N 59°53'29" E a distance of 600.00' to a rebar (set);

ORDINANCE NO. 11-2015
EXHIBIT A – LEGAL DESCRIPTION
PAGE 2 OF 2

Thence N 65°36'07" E a distance of 201.00' to an unmarked point in concrete around a brace post;
Thence N 71°12'04" E a distance of 203.96' to a rebar (set);
Thence S 88°19'15" E a distance of 151.08' to a rebar (set) on the south side of Ky. 3005 (Ring Road).
Thence with the south side of Ring Road; S 52°33'16" E a distance of 450.00' to a rebar (set) at the current end of Ring Road.
Thence crossing Ring Road; N 37°26'43" E a distance of 300.00' to a rebar (set) on the north side of said road;
Thence N 52°33'16" W a distance of 550.00' to a rebar (set) back in the east right-of-way of the Western Ky. Parkway.
Thence with the Parkway as follows: N 10°57'55" E a distance of 286.74' to a rebar (set);
Thence N 17°26'44" E a distance of 200.00' to a rebar (set);
Thence N 14°35'00" E a distance of 200.25' to a rebar (set);
Thence N 22°40'25" E a distance of 289.07' to a rebar (set);
Thence N 30°12'46" E a distance of 485.56' to a rebar (set);
Thence N 32°39'37" E a distance of 76.29' TO THE POINT OF BEGINNING.

CONTAINING: 132.029 ACRES more or less according to a survey made by Clemons & Associates Land Surveying on the 11th day of February, 2015. Darren Clemons Ky. P.L.S. 3383. Subject to any and all rights-of-way, appurtenances, restrictions, and/or easements in effect to date.

STATE OF KENTUCKY
DARREN L.
CLEMONS
3383
LICENSED
PROFESSIONAL
LAND SURVEYOR

Darren L. Clemons

8-13-15

ORDINANCE NO. 11-2015
EXHIBIT B - MAP

Maps are on file with the original Ordinance.

OVERSIZE MAP INCLUDED WITH
SUBMISSION.

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