

COUNCIL
TONY BISHOP
MATT DENEEN
MARTY E. FULKERSON
JULIA SPRINGSTEEN
CINDY D. WALKER
VIRGIL WILLOUGHBY



200 West Dixie Avenue
P.O. Box 550
Elizabethtown, KY 42702
(270) 765-6121
Fax: (270) 737-5362
Web Site: www.ETOWNKY.ORG

CITY OF ELIZABETHTOWN
JEFFREY H. GREGORY, MAYOR

CERTIFICATION

I, the undersigned, Jessica J. Graham, 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. 31-2022 series duly adopted by the City Council of said City at a duly convened meeting held on November 7, 2022 and thereafter signed by the Mayor as evidence of his 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 8th day of November 2022.





JESSICA J. GRAHAM, CITY CLERK

RECEIVED AND FILED
DATE November 15, 2022

MICHAEL G. ADAMS
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Kandis Adkins



ORDINANCE NO. 31-2022

**AN ORDINANCE FOR THE CITY OF ELIZABETHTOWN, KENTUCKY
ANNEXING PROPERTY LOCATED AT SOUTH DIXIE AVENUE**

WHEREAS, the property owned by John Nichols located at South Dixie Avenue is adjacent or contiguous to the City of Elizabethtown's existing boundaries; and,

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 unreasonable 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 South Dixie Avenue, being known as PVA #222-00-00-011 as being more particularly described in the attached Exhibit A and shown on Exhibit B (map) is annexed into the City of Elizabethtown. Said property shall be zoned as Regional Commercial (C-3) pursuant to the recommendation of the City of Elizabethtown Planning Commission based on a public hearing conducted on September 27, 2022. The findings of fact of the Commission in support of this recommendation are adopted as if set out verbatim and attached (Exhibit C).

This action is taken for property owned by John Nichols pursuant to his request and consent. The Commonwealth of KY has also given consent to the annexation of a portion of US 31W. (Exhibit D).

BE IT FURTHER ORDAINED that the Mayor of the City of Elizabethtown and/or his designee is hereby authorized and directed to take all steps necessary to perfect this Ordinance, including notifying all appropriate agencies of this annexation.

BE IT FURTHER ORDAINED that this Ordinance be published in summary form.

READ THE FIRST TIME this 17th day of October 2022.

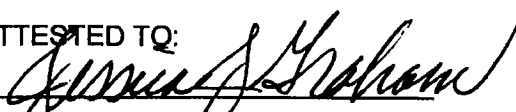
READ, ADOPTED AND APPROVED this 7th day of November 2022.

Published in summary November 12, 2022.



JEFFREY H. GREGORY, MAYOR

ATTESTED TO:



JESSICA J. GRAHAM, CITY CLERK

**EXHIBIT A
ORDINANCE NO. 31-2022
LEGAL DESCRIPTION**

**Legal Description Nichols Annexation Ordinance
31-2022 Exhibit "A"**

Beginning at a set 1/2"X24" rebar with an id cap stamped K.A. Givan, PLS #3590, in the west right of way line of S Dixie Highway (31W), being a corner to Lot 1 South End Commercial Park, Plat Cabinet 1, Sheet 2312, and being the northeast corner to T. W. Smith Enterprises LLC, Deed Book 921, Page 616; and the southeast corner to John Nichols property Deed Book 975, Page 281; thence running with the current corporate limit of Elizabethtown, N 78°30'26" W passing a found 5/8" rebar with ID cap stamped Sibole PLS #3889 at a distance of 300.03', the northwest corner to T. W. Smith property and the northeast corner to Lot 3 South End Commercial Park and Stucki Roller Bearing Company, Deed Book 1372, Page 399, passing another found 5/8" rebar with ID cap as aforesaid at a distance of 272.12', being the northwest corner to Lot 3 and Stucki Roller Bearing Company and the northeast corner to Lot 5B amended record plat of South End Commercial Park, Plat Cabinet 1, Sheet 6458 and the Stucki Roller Bearing Company Deed Book 1478, Page 1513, passing another found Iron Pin being a 1/2" rebar with no identification cap at a distance of 200.05', being the northwest corner to Stucki Roller Bearing Company and Lot 5B and the northeast corner to Lot 5A of aforesaid amended record plat and Spectraleaf LLC Deed Book 1476, Page 1398 a total distance of 1455.07' to a set 1/2"X24" rebar with ID cap stamped K.A. Givan PLS #3590, in the east right of way line of Interstate I-65, and being the northwest corner of Lot 5A and Spectraleaf LLC ; thence leaving the current corporate limit line and with the right of way of Interstate I-65. N 00°58'54" E a distance of 152.32' to a set rebar as aforesaid; thence N 05°01'56" E a distance of 282.61' to a set rebar as aforesaid; thence N 09°46'13" E a distance of 727.37' to a found 3/4" iron pipe southwest corner to Buchanan Property Group LLC, Deed Book 1416, Page 522; thence leaving said right of way and with the Buchanan Property Group LLC, and with the current corporate limit S 79°20'09" E a distance of 1520.62' to a set rebar aforesaid, in the west right of way line of S. Dixie Highway and the southeast corner of the Buchanan Property Group LLC and the northeast corner to Nichols; thence with S. Dixie Highway and leaving the current corporate limit, S 10°42'46" W a distance of 1179.72'; which is the point of beginning, containing 40.348 acres.

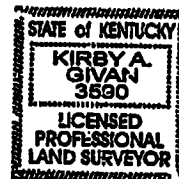


Kirby A. Givan
12/19/22

**Legal Description Nichols Annexation Ordinance
31-2022 Exhibit "A"**

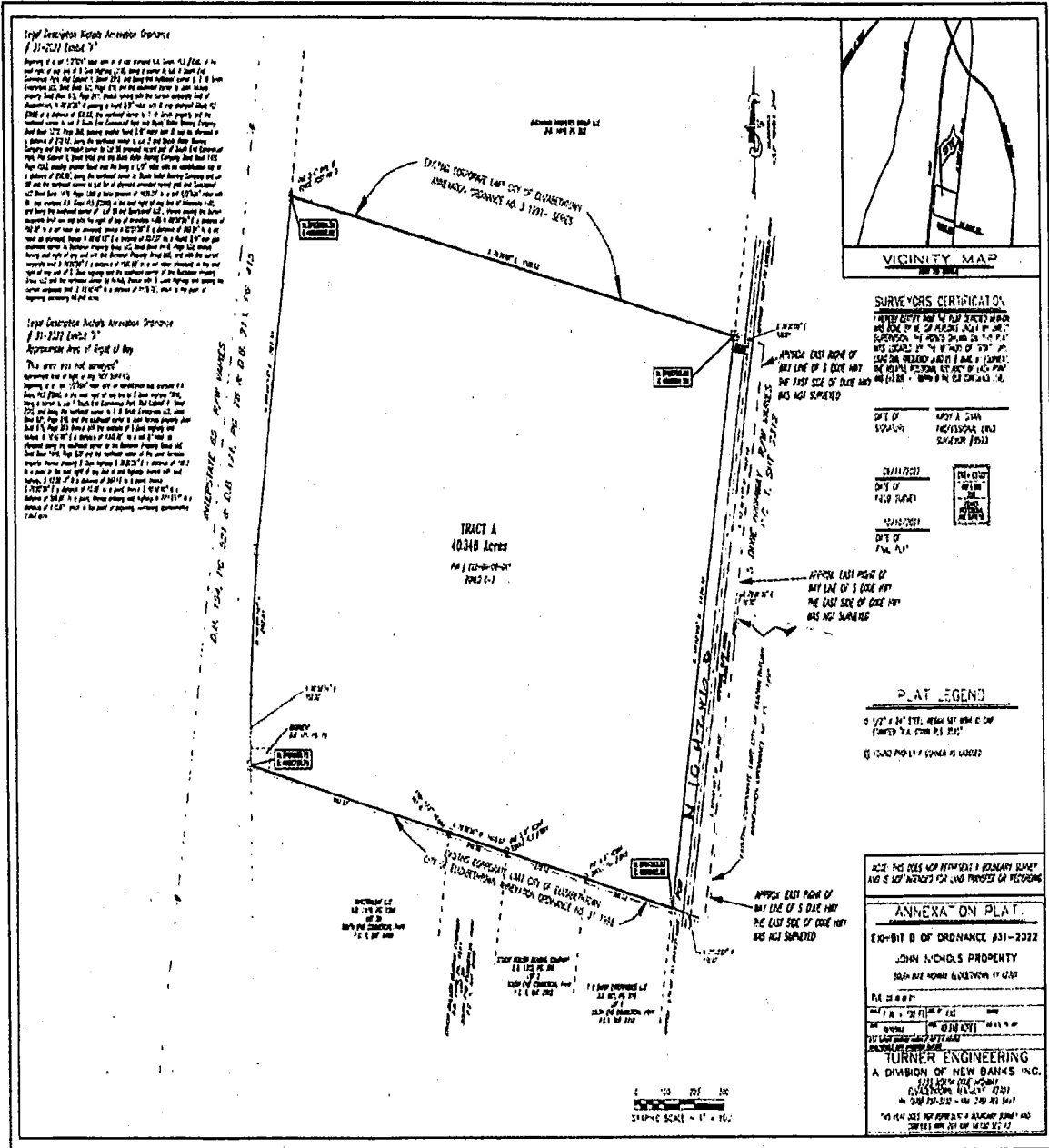
Approximate Area of Right of Way (NOT SURVEYED)

Beginning at a set 1/2"X24" rebar with an identification cap stamped K.A. Givan, PLS #3590, in the west right of way line of S Dixie Highway (31W), being a corner to Lot 1 South End Commercial Park, Plat Cabinet 1, Sheet 2312, and being the northeast corner to T. W. Smith Enterprises LLC, Deed Book 921, Page 616, and the southeast corner to John Nichols property Deed Book 975, Page 261; thence with the westside of S Dixie Highway and Nichols, N 10°42'48" E a distance of 1179.72' to a set 1/2" rebar as aforesaid, being the southeast corner to the Buchanan Property Group LLC, Deed Book 1416, Page 522 and the northeast corner of the John Nichols property; thence crossing S Dixie Highway S 79°20'09" E a distance of 100.01' to a point in the east right of way line of said highway; thence with said highway, S 10°38'17" W a distance of 597.19' to a point; thence S 79°20'39" E a distance of 10.00' to a point; thence S 10°42'45" W a distance of 588.60' to a point; thence crossing said highway N 77°13'57" W a distance of 110.87'; which is the point of beginning, containing approximately 2.863 acre.



Kirby A. Givan
10/19/22

EXHIBIT B ORDINANCE NO. 31-2022 MAP



**EXHIBIT C
ORDINANCE NO. 31.2022
FINDINGS OF FACT**

FINDINGS OF FACT

Zoning Docket #2022-PC-25

The Elizabethtown Planning Commission's recommendation to zone the property included in the proposed annexation on the west side of South Dixie Avenue, approximately 1,000 feet north of Budco Lane, as Regional Commercial (C-3) is based on the testimony given at the public hearing.

The Commission determined that the proposed zoning designation was in agreement with the comprehensive plan *Envision Elizabethtown 2040*, which was made a part of the official record of the proceeding through the staff presentation. The provisions of the Comprehensive Plan that are relevant to the recommended approval of this request and other findings are as follows:

1. Major utilities have been put in place or are being upgraded (water and sanitary sewer).
2. Access to the area is from US 31W, the major arterial in the City and access will be improved with the extension of South Ring Road to US 31W in the future.
3. The property proposed for annexation can provide a transition between commercial and industrial uses.
4. The site lies within the Southeast Quadrant Sub Area 12.

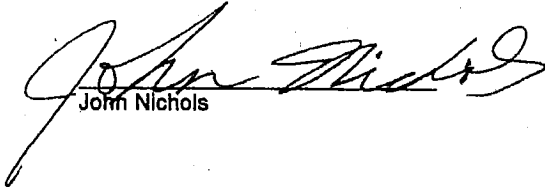
**EXHIBIT D
ORDINANCE NO. 31-2022
CONSENT**

CONSENT TO ANNEXATION

Comes John Nichols, as owners of property located along South Dixie Highway, more specifically known as PVA # 222-00-00-011 and gives consent to the annexation by the City of Elizabethtown of approximately 40 acres of property fronting along South Dixie Highway. The property is recorded in Deed Book 975 Pages 261-264 in the office of the Hardin County Clerk.

John Nichols further 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, the property owner understands and agrees to waive his objection to the annexation, agrees to waive any notice of the annexation to allow him to file an objection and waives any waiting period for the finalization of the annexation as may be noted in KRS 81A.

John Nichols 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, annexation map and legal description for the annexation of said property.


John Nichols

STATE OF KENTUCKY
COUNTY OF HARDIN

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED before me by John Nichols, this the 1st day of August 2022.


NOTARY PUBLIC

My Commission Expires: 11-15-2022
Notary ID: 1012080

ANNEXATION CONSENT

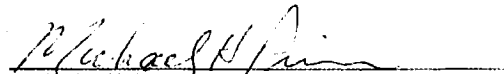
Comes Bradley Bottoms, Chief District Engineer, KY Transportation Cabinet, Department of Highways, District 4 Office, in his official capacity as a representative for the Commonwealth of Kentucky as owner of property (right-of-way of US 31W, also known as South Dixie Highway) and gives consent to the 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.



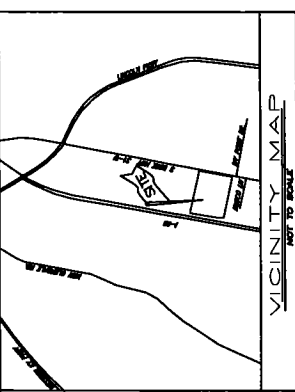
Bradley Bottoms, KyTC
Chief District Engineer
Commonwealth of Kentucky

STATE OF KENTUCKY
COUNTY OF HARDIN

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED before me by Bradley Bottoms, representative of the Commonwealth of Kentucky, KY Transportation Cabinet this the 16th day of Sept, 2022.


NOTARY PUBLIC

My Commission Expires: July 31, 2026
Notary ID: KNP 53557



SURVEYORS CERTIFICATION

I, the undersigned, being duly qualified and sworn, have personally supervised the survey shown on this plat, and the same was conducted by the method of "TRIP" GPS. The relative positional accuracy of each point was $\pm(4.0/288 + 10ppm)$ @ the 95% confidence level.

DATE - RETURNED	08/14/2022
DATE - FIELD SURVEY	10/10/2021
DATE OF FINAL PLAT	10/10/2021

KIRBY A. GIVAN
PROFESSIONAL LAND SURVEYOR #2590

PLAT LEGEND

□ 1/2" X 2-1/2" STEEL REBAR SET WITH 10 COP
STAMPED "K.A. GIVAN PLS 3590"

◎ FOUND PROPERTY CORNER AS LABELED

ANNEXATION PLAT

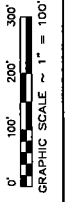
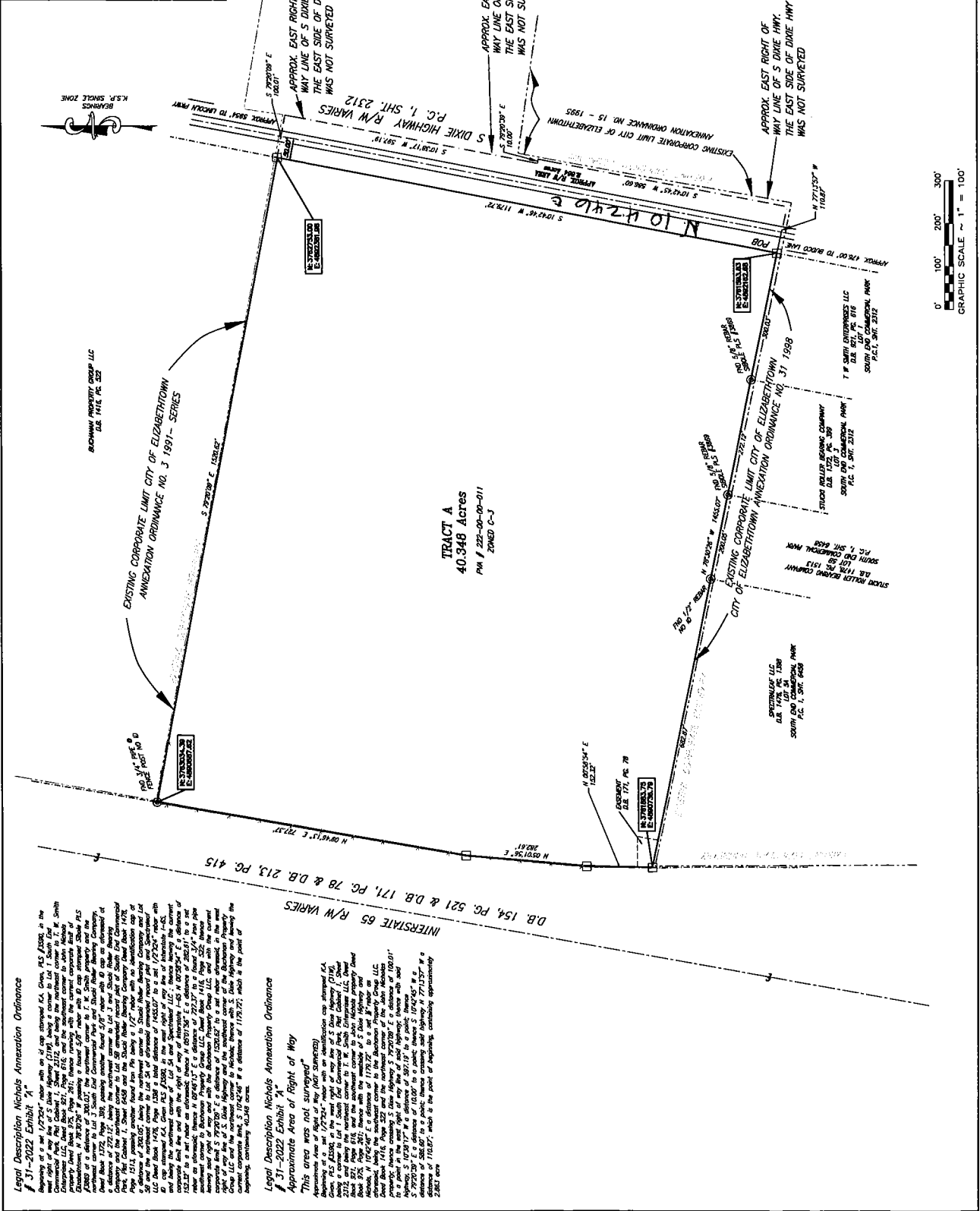
EXHIBIT B OF ORDINANCE #31-2022

JOHN NICHOLS PROPERTY
SOUTH DIXIE HIGHWAY, ELIZABETHTOWN, NY 42701

PAR: 259-00-00-011	AREA OF: 403.348 ACRES
TOTAL IN: 100 FT	SCALE: AS SHOWN

TURNER ENGINEERING
A DIVISION OF NEW BANKS INC.
ELIZABETHTOWN, KY 42701
PH: (270) 737-3322 - FAX: (270) 760-5987

THIS PLAT DOES NOT REPRESENT A BOUNDARY SURVEY AND COMPLIES WITH 201 MAP 18-150 SEC 13



Legal Description Nichols Annexation Ordinance # 31-2022 Exhibit A

The parcel shown on this plat is a portion of a larger parcel known as Parcel 259-00-00-011, which is a portion of a larger parcel known as Parcel 259-00-00-011, which is a portion of a larger parcel known as Parcel 259-00-00-011...

Legal Description Nichols Annexation Ordinance # 31-2022 Exhibit A

Approximate Area of Right of Way
This area was not surveyed

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Kirby A. Givan
10/19/22

**Legal Description Nichols Annexation Ordinance
31-2022 Exhibit "A"**

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STATE of KENTUCKY
KIRBY A.
GIVAN
3590
LICENSED
PROFESSIONAL
LAND SURVEYOR
Kirby A. Givan
10/19/22

OVERSIZE MAP INCLUDED WITH
SUBMISSION.

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