

EDWARD J. POPPE
DIRECTOR



200 West Dixie Avenue
P. O. Box 550
Elizabethtown, KY 42702
(270) 765-6121
Fax: (270) 765-4954

CITY OF ELIZABETHTOWN
PLANNING AND DEVELOPMENT

December 10, 2012

Secretary of State
Kandie Adkinson
700 Capital Avenue
State Capital
Frankfort, Kentucky 40601

RECEIVED AND FILED
DATE December 13, 2012

ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Kandie Adkinson

Dear Kandie:

The City of Elizabethtown recently completed an annexation that added 1.432 acres along our southwestern boundary (street annexation only, no property). Under the provisions of KRS 81A.470 we are submitting the required ordinance (#26-2012) for your records. The ordinance has been certified by our City Clerk and a complete copy of the ordinance has been provided, including the description of the annexed area. We are also sending a map of the area signed and stamped by a licensed surveyor.

If you should have any questions, please feel free to contact our office at 270-765-6121, extension 4247.

Sincerely,

Edward J. Poppe, Director
Planning and Development

Enclosures



TIM C. WALKER
MAYOR



200 West Dixie Avenue
P. O. Box 550
Elizabethtown, KY 42702
(270) 765-6121
Fax: (270) 737-5362
Website: www.ctownky.org

CITY OF ELIZABETHTOWN

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. 26 - 2012 series duly adopted by the City Council of said City at a duly convened meeting held on December 3, 2012 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 5th day of December, 2012.

Mary Chaudoin
CITY CLERK

(Seal of the City)

RECEIVED AND FILED
DATE December 13, 2012

ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Kandice Adkins



ORDINANCE NO. 26-2012

**AN ORDINANCE FOR THE CITY OF ELIZABETHTOWN, KENTUCKY
ANNEXING THE RIGHT-OF-WAY OF HAYDEN SCHOOL ROAD**

WHEREAS, the right-of-way of Hayden School Road from St. Johns Road to the corporate limits of Elizabethtown is maintained by Hardin County Government and 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; and

WHEREAS, the annexation was initiated by the City of Elizabethtown based upon an agreement with Hardin County Government to annex this portion of right-of-way after improvements were made.

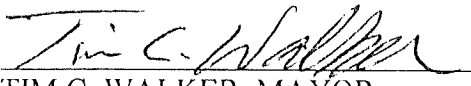
NOW, THEREFORE, BE IT ORDAINED by the City of Elizabethtown, Kentucky, that from and after the passage, approval, and publication of this Ordinance, that the right-of-way of Hayden School Road and being more particularly described in attached Exhibit A (legal description) and Exhibit B (map) is annexed into the City of Elizabethtown. Said property shall be zoned as Residential-2 (R-2).

This action is taken for right-of-way of Hayden School Road pursuant to an interlocal agreement between Hardin County Government and the City of Elizabethtown and consent by Hardin County Government (Exhibit C) and pursuant to recommendation of the City of Elizabethtown Planning Commission. The findings of fact of the Commission in support of this request are adopted as if set out verbatim.

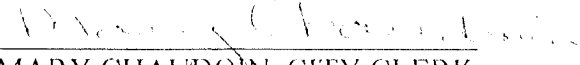
BE IT FURTHER ORDAINED that the Mayor of the City of Elizabethtown and/or his designate be and he is hereby authorized and directed to take all steps necessary to perfect this Ordinance.

READ THE FIRST TIME this 19th day of November, 2012.

READ, ADOPTED AND APPROVED this 3rd day of December, 2012.


TIM C. WALKER, MAYOR

ATTESTED TO:


MARY CHAUDOYN, CITY CLERK

ORDINANCE NO. 26-2012
LEGAL DESCRIPTION FOR ANNEXATION
EXHIBIT A
HAYDEN SCHOOL ROAD
ZONING: RESIDENTIAL-2 (R-2)

BEGINNING AT A FOUND IRON PIN WITH PLASTIC SURVEY CAP STAMPED "WISEMAN P.L.S. 3065" IN THE EXISTING CITY LIMITS OF THE CITY OF ELIZABETHTOWN AND ALSO BEING LOCATED IN THE WESTERLY RIGHT-OF-WAY LINE OF HAYDEN SCHOOL ROAD AND THE NORTHEASTERLY CORNER OF LOT 1A, ASHTON PARK SECTION 1 (PLAT CABINET 1 SHEET 3351) PROPERTY; THENCE WITH THE EXISTING CITY LIMITS OF THE CITY OF ELIZABETHTOWN AND THE NORTHERLY LINE OF LOT 1A, ASHTON PARK SECTION 1 N 71°45'18" W A DISTANCE OF 8.85' TO A POINT LOCATED AT THE SOUTHEASTERLY CORNER OF LOT 1 OF THE HORNBACK DIVISION SUBDIVISION (PLAT CABINET 1 SHEET 611) AND BEING THE ELMER AND RUTH HORNBACK PROPERTY (DEED BOOK 523 PAGE 328); THENCE ESTABLISHING A NEW LINE OF THE CITY LIMITS OF THE CITY OF ELIZABETHTOWN ALONG THE WESTERLY RIGHT-OF-WAY LINE OF HAYDEN SCHOOL ROAD AND THE EASTERLY LINE OF THE ELMER AND RUTH HORNBACK PROPERTY FOR (4) FOUR CALLS; N 21°14'18" E A DISTANCE OF 51.04' TO A POINT;

THENCE N 16°51'18" E A DISTANCE OF 45.00' TO A POINT;

THENCE N 13°48'18" E A DISTANCE OF 100.00' TO A POINT;

THENCE N 13°13'18" E A DISTANCE OF 115.00' TO A FOUND IRON PIN (NO CAP) LOCATED AT THE SOUTHEASTERLY CORNER OF LOT 2 OF THE HORNBACK DIVISION SUBDIVISION (PLAT CABINET 1 SHEET 611) AND BEING THE WILLIAM AND ROSA COX PROPERTY (DEED BOOK 1287 PAGE 594); THENCE CONTINUING THE NEW LINE OF THE CITY LIMITS OF THE CITY OF ELIZABETHTOWN ALONG THE WESTERLY RIGHT-OF-WAY LINE OF HAYDEN SCHOOL ROAD AND THE EASTERLY LINE OF THE WILLIAM AND ROSA COX PROPERTY N 13°13'18" E A DISTANCE OF 102.86' TO A FOUND IRON PIN (NO CAP) LOCATED AT THE SOUTHEASTERLY CORNER OF LOT 3 OF THE HORNBACK DIVISION SUBDIVISION (PLAT CABINET 1 SHEET 611) AND BEING THE BRIAN HUNLEY PROPERTY (DEED BOOK 1348 PAGE 375); THENCE CONTINUING THE NEW LINE OF THE CITY LIMITS OF THE CITY OF ELIZABETHTOWN ALONG THE WESTERLY RIGHT-OF-WAY LINE OF HAYDEN SCHOOL ROAD AND THE EASTERLY LINE OF THE BRIAN HUNLEY PROPERTY N 13°08'05" E A DISTANCE OF 132.25' TO A FOUND IRON PIN (NO CAP) LOCATED AT THE SOUTHEASTERLY CORNER OF THE ELMER AND ANDREA HORNBACK PROPERTY (DEED BOOK 531 PAGE 233); THENCE CONTINUING THE NEW LINE OF THE CITY LIMITS OF THE CITY OF ELIZABETHTOWN ALONG THE WESTERLY RIGHT-OF-WAY LINE OF HAYDEN SCHOOL ROAD AND THE EASTERLY LINE OF THE ELMER AND ANDREA HORNBACK PROPERTY N 12°58'24" E A DISTANCE OF 542.64' TO A 1 INCH DIAMETER PIPE LOCATED AT THE SOUTHEASTERLY CORNER OF THE GORDON AND NATELLA TUCKER PROPERTY (DEED BOOK 782 PAGE 249); THENCE CONTINUING THE NEW LINE OF THE CITY LIMITS OF THE CITY OF ELIZABETHTOWN ALONG THE WESTERLY RIGHT-OF-WAY LINE OF HAYDEN SCHOOL ROAD AND THE EASTERLY LINE OF THE GORDON AND NATELLA TUCKER PROPERTY N 12°54'24" E A DISTANCE OF 210.00' TO A POINT IN THE SOUTHERLY RIGHT-OF-WAY LINE OF KENTUCKY HIGHWAY 1357 (ST JOHN ROAD); THENCE CONTINUING THE NEW LINE OF THE CITY LIMITS OF THE CITY OF ELIZABETHTOWN ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF KENTUCKY 1357 (ST JOHN ROAD) AND CROSSING HAYDEN SCHOOL ROAD S 72°28'36" E A DISTANCE OF 47.02' TO A POINT IN THE EXISTING CITY LIMITS OF ELIZABETHTOWN LOCATED AT THE NORTHWESTERLY CORNER OF LOT 8A OF ELIZABETHTOWN-HARDIN COUNTY AIR PARK, SECTION 1 (PLAT CABINET 1 SHEET 4864) BEING THE PRESTON AND EVA JO BAILEY PROPERTY (DEED BOOK 328 PAGE 328); THENCE ALONG THE EXISTING CITY LIMITS OF THE CITY LIMITS OF THE CITY OF ELIZABETHTOWN ALONG THE EASTERLY RIGHT-OF-WAY LINE OF HAYDEN SCHOOL ROAD AND THE WESTERLY LINE OF THE PRESTON AND EVA JO BAILEY PROPERTY S 12°56'05" W A DISTANCE OF 656.02' TO A THREE FOURTHS INCH METAL BAR LOCATED AT THE NORTHWESTERLY CORNER OF LOT 9 ELIZABETHTOWN-HARDIN COUNTY AIR PARK, SECTION 1 (PLAT CABINET 1 SHEET 274B) AND

BEING THE JOHN AND LINDA BRADBURY PROPERTY (DEED BOOK 677 PAGE 332); **THENCE** CONTINUING ALONG THE EXISTING CITY LIMITS OF THE CITY OF ELIZABETHTOWN ALONG THE EASTERLY RIGHT-OF-WAY LINE OF HAYDEN SCHOOL ROAD AND THE WESTERLY LINE OF THE JOHN AND LINDA BRADBURY PROPERTY **S 12°50'46" W A DISTANCE OF 345.85' TO A FOUND IRON PIN (NO CAP)** LOCATED AT THE NORTHWESTERLY CORNER OF LOT 10B ELIZABETHTOWN-HARDIN COUNTY AIR PARK, SECTION 1 (PLAT CABINET 1 SHEET 1201) AND BEING THE BETTY BROWN RAGLAND PROPERTY (DEED BOOK 886 PAGE 486); **THENCE** CONTINUING ALONG THE EXISTING CITY LIMITS OF THE CITY OF ELIZABETHTOWN ALONG THE EASTERLY RIGHT-OF-WAY LINE OF HAYDEN SCHOOL ROAD AND THE WESTERLY LINE OF THE BETTY BROWN RAGLAND PROPERTY **S 13°36'22" W A DISTANCE OF 295.13' TO A FOUND IRON WITH WITH YELLOW PLASTIC SURVEY CAP STAMPED "TURNER P.L.S. 2153"** LOCATED AT THE NORTHWESTERLY CORNER OF LOT 10A OF ELIZABETHTOWN-HARDIN COUNTY AIR PARK, SECTION 1 (PLAT CABINET 1 SHEET 1201) AND BEING THE DONOVAN BISHOP PROPERTY (DEED BOOK 719 PAGE 173); **THENCE** CONTINUING ALONG THE EXISTING CITY LIMITS OF THE CITY OF ELIZABETHTOWN ALONG THE EASTERLY RIGHT-OF-WAY LINE OF HAYDEN SCHOOL ROAD AND THE WESTERLY LINE OF THE DONOVAN BISHOP PROPERTY **S 37°41'12" W A DISTANCE OF 18.83' TO A POINT** LOCATED IN THE EASTERLY RIGHT-OF-WAY LINE OF HAYDEN SCHOOL ROAD; **THENCE** CONTINUING ALONG THE EXISTING CITY LIMITS OF THE CITY OF ELIZABETHTOWN AND CROSSING HAYDEN SCHOOL ROAD **N 52°21'32" W A DISTANCE OF 45.17' TO THE POINT OF BEGINNING AND CONTAINING 1.432 ACRES.**

STATE OF KENTUCKY
MICHAEL P. VILMINS
8472
LICENSED
PROFESSIONAL
LAND SURVEYOR
Nov 15, 2012

LEGEND

- EXISTING IRON PIN STAMPED "WISEMAN 3065"
- ⊙ EXISTING IRON PIN STAMPED "TURNER 2153"
- EXISTING IRON PIN NO CAP
- △ CALCULATED POINT
- 1" PIPE
- 3/4" METAL BAR



GORDON & NATELLA TUCKER
PROPERTY
(D.B. 782 PG. 249)
PVA MAP #166-00-00-022

ELMER & ANDREA HORNBACK
PROPERTY
(D.B. 531 PG. 233)
PVA MAP #166-00-00-023

PRESTON & EVA JO BAILEY
PROPERTY
(D.B. 328 PG. 328)
LOT 8A ELIZABETHTOWN-HARDIN COUNTY
AIR PARK SECTION 1
(P.C. 1 SHT. 4864)
PVA MAP #185-00-00-057

JOHN & LINDA BRADBURY
PROPERTY
(D.B. 677 PG. 332)
LOT 9
ELIZABETHTOWN-HARDIN COUNTY
AIR PARK SECTION 1
(P.C. 1 SHT. 2748)
PVA MAP #186-00-00-020

BETTY BROWN RANGLAND
PROPERTY
(D.B. 886 PG. 486)
LOT 10B
ELIZABETHTOWN-HARDIN COUNTY
AIR PARK SECTION 1
(P.C. 1 SHT. 1201)
PVA MAP #186-00-00-019.01

DONOVAN BISHOP
PROPERTY
(D.B. 719 PG. 173)
LOT 10A
ELIZABETHTOWN-HARDIN COUNTY AIR PARK SEC. 1
(P.C. 1 SHT. 1201)
PVA MAP #186-00-00-019

ST JOHN ROAD
(KY HWY 1357)

HAYDEN SCHOOL ROAD
EXISTING CITY LIMITS ORDINANCE # 11-1977

BEARING SYSTEM NOTE

THE BEARINGS & DISTANCES AS SHOWN HEREON ARE RELATIVE TO THE CITY OF ELIZABETHTOWN GEODETIC CONTROL NETWORK, (KY. SOUTH ZONE NAD83).

NOTE

THIS ANNEXATION DRAWING IS TO BE USED AS A GRAPHIC DEPICTION ONLY, AND SHALL NOT IN ANY WAY BE CONSTRUED OR USED AS A BOUNDARY SURVEY

LAND SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE GRAPHIC DEPICTION OF THE AREA SHOWN HEREON FOR ANNEXATION BY THE CITY OF ELIZABETHTOWN WAS PREPARED BY ME FROM EXISTING DOCUMENTS OF RECORD. THE INFORMATION, TO THE BEST OF MY KNOWLEDGE AND BELIEF, IS ADEQUATE FOR THE PURPOSE OF DEFINING THE AREA ANNEXED FOR MAPPING PURPOSES.

Nov 15, 2012 *Michael P. Billings*
DATE MICHAEL P. BILLINGS LS 3472

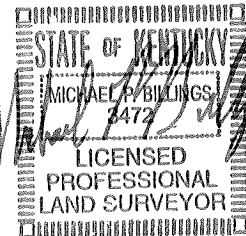


EXHIBIT B

PROPOSED ZONING: R-2

TOTAL AREA PROPOSED FOR ANNEXATION:
62377 SF (1.432 AC)

**HAYDEN SCHOOL ROAD
RIGHT OF WAY**

SCALE: 1" = 200' DATE: NOVEMBER 15, 2012

D:\PROJECTS\ETOWN\ANNEXATIONS\HAYDEN-SCHOOL-ROAD\HAYDEN-SCHOOL-ROAD-ANNEX.DWG

ANNEXATION DRAWING Nov 15, 2012
CITY OF ELIZABETHTOWN
ORDINANCE NO. 26-2012
NOVEMBER 2012

ENGINEERING DESIGN GROUP, INC.
315 SOUTH MULBERRY STREET
P.O. BOX 2484
ELIZABETHTOWN, KY. 42702-2484
(270) 769-1436

ORDINANCE NO. 26-2012
EXHIBIT C – AGREEMENT & CONSENT
PAGE 1 OF 4

INTERLOCAL AGREEMENT
BETWEEN COUNTY OF HARDIN AND THE CITY OF ELIZABETHTOWN
FOR THE PURPOSE OF PROVIDING FOR THE IMPROVEMENT AND
THE ON-GOING MAINTENANCE OF HAYDEN SCHOOL ROAD

This Interlocal Agreement is entered into this the 27th day of March, 2012 by and between the County of Hardin (County) and the City of Elizabethtown (City) for the purpose of providing for the improvement and the on-going maintenance of a certain section of Hayden School Road.

WHEREAS, the City and County wish to provide for the safe and efficient movement of traffic along Hayden School Road between St. John Road and the corporate limits of Elizabethtown, and

WHEREAS, the County has agreed to make certain improvements to the section of Hayden School Road herein described, in cooperation with the developers of Ashton Park Subdivision (Silver Gate Properties), and

WHEREAS, the Elizabethtown Planning Commission has identified the need for improvements to said section of road in relation to the approval of Ashton Park Subdivision.

Now, therefore, the City and County in order to achieve the mutual goals stated above, do hereby agree as follows:

ORDINANCE NO. 26-2012
EXHIBIT C – AGREEMENT & CONSENT
PAGE 2 OF 4

1. County will make improvements to Hayden School Road between St. John Road and the corporate limits of Elizabethtown according to plans prepared by the City of Elizabethtown Engineering Department including all drainage and paving enhancements.

2. City will annex and accept for maintenance that section of Hayden School Road between St. John Road and corporate limits of Elizabethtown after completion of said improvements.

3. This Agreement pertains to the section of Hayden School Road between St. John Road and the corporate limits of Elizabethtown, said limits being some 1,320 feet from St. John Road as measured along the roadway. Further, this Agreement contains the entire understanding of the parties with respect to its subject matter and may only be amended by a written agreement signed and by both parties.

4. County will provide equipment and labor only for said improvements.

5. All materials necessary for said improvements will be paid for by Silver Gate Properties. County will identify all materials and materials suppliers needed for said improvements. Silver Gate Properties will secure payment method with said suppliers as to insure delivery of said materials within 10 day of order placement by County. County shall order and coordinate delivery of all materials as needed for the road improvement.

6. Schedule for construction shall be prepared by County. All work shall be completed within one year from entry of this agreement.

ORDINANCE NO. 26-2012
EXHIBIT C – AGREEMENT & CONSENT
PAGE 3 OF 4

7. County understands that all Rights of Way have been acquired for said improvements. County is not responsible for any costs associated with the acquisition of additional Rights of Way if needed.

8. Said improvements will impact four existing driveways. County is not responsible for pre-construction coordination with the individual property owners. City will coordinate any such necessary pre-construction preparation and notice to impacted property owners.

9. County understands that utility relocation is not required as part of said improvements. Should utility relocation be necessary, County is not responsible for the cost of said relocation.

10. County will final grade shoulders and ditches in accordance with the design plans. Disturbed areas will be seeded and strawed upon completion of work. County makes no guarantee of actual grass coverage.

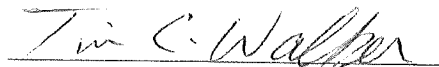
11. This Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Kentucky.

12. If any part or provision of this Agreement is deemed by a court of competent jurisdiction to be void or unenforceable, any remaining provisions shall be enforced to the greatest extent possible to effect the intent of this Agreement.

In WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first written above.



County of Hardin, Kentucky
Harry L. Berry
Hardin County Judge/Executive

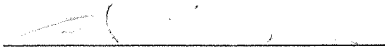


City of Elizabethtown, Kentucky

ORDINANCE NO. 26-2012
EXHIBIT C – AGREEMENT & CONSENT
PAGE 4 OF 4

CONSENT TO ANNEXATION

Comes, Harry Berry, Judge-Executive for Hardin County government, owner of the right-of-way of Hayden School Road and gives consent to the annexation by the City of Elizabethtown of approximately 1.4 acres of right-of-way of Hayden School Road, said right-of-way being approximately 1300 feet in length. Hardin County government further acknowledges and does not object to the residential zoning district classification that will be effective upon the property through the annexation process. By consenting to the annexation Hardin County government as the current property owner does understand and agrees to waive their objection to the annexation, waive any notice of the annexation to allow them to file an objection and waive any waiting period for the finalization of the annexation as may be noted in KRS 81A.

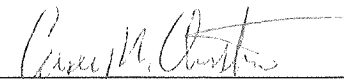


Harry L. Berry
Hardin County Judge/Executive

STATE OF KENTUCKY
COUNTY OF HARDIN

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED before

me by Harry Berry, Judge-Executive for Hardin County, this the 1st day of October, 2012.



NOTARY PUBLIC
My Commission Expires: July 31, 2016
Notary ID: 471620