

RECEIVED AND FILED

DATE November 18, 2016

ALISON LUNDERGAN GRIMES  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
BY Hendrie Johnson

COMMONWEALTH OF KENTUCKY  
CITY OF ERLANGER  
ORDINANCE NO. 2440

AN ORDINANCE ANNEXING CERTAIN UNINCORPORATED  
TERRITORIES WITHIN THE COUNTY OF KENTON,  
KENTUCKY AND CONTIGUOUS TO THE PRESENT BOUNDARY  
LINES OF THE CITY OF ERLANGER, KENTUCKY, 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 an annexation agreement, 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 ERLANGER, KENTUCKY:**

**SECTION I**

That the City of Erlanger does hereby and herewith annex to its present boundaries and include the same within the territorial limits of the City of Erlanger, Kenton County, Kentucky, the following described unincorporated land and area, located in the County of Kenton, Commonwealth of Kentucky, lying on the east side of Turkeyfoot Road (State Route 1303) approximately 650 feet south of Misty Creek Drive and is more particularly described as follows:

SEE ATTACHED EXHIBIT "A", Legal Description, "B", Plat

**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 16<sup>th</sup> day of August, 2016.

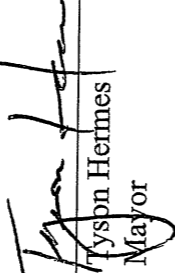
1<sup>st</sup> Reading - August 2, 2016

2<sup>nd</sup> Reading - August 16, 2016

Vote: 10, Yes, 0, No

City of Erlanger,  
Kenton County, Kentucky

By: \_\_\_\_\_

  
Tyson Hermes  
Mayor

## ANNEXATION AGREEMENT

Whereas, the City of Erlanger, Kenton County, Kentucky is desirous of annexing a parcel of property owned by The Drees Company and Charles and Dorothy Hayes; and

Whereas, the property owners have publicly stated their intention to challenge any and all nonconsensual annexation ordinances by the City of Erlanger pursuant to Kentucky Revised Statute 81A.420....

Whereas, the City of Erlanger is still desirous of annexing the aforementioned property and The Drees Company and Charles and Dorothy Hayes are agreeable to a consensual annexation, pursuant to Kentucky Revised Statute 81A.412, if certain conditions and considerations are met.

### Now Therefore it is Agreed as Follows:

1. That Drees Company and Charles and Dorothy Hayes (hereinafter "Property Owners") are agreeable and this Agreement shall serve as notice of their intent and/or consent to be annexed into the City of Erlanger pursuant to Kentucky Revised Statute 81A.412. A description and plat of said land to be annexed is attached hereto as Exhibits "A" and "B" and incorporated by reference herein.
2. That while said annexation will occur upon passage of an ordinance annexing the aforementioned property, no significant city services will be provided to Property Owners during The Drees Company's development of the property. The purpose of this annexation is so that future property owners will enjoy services from the City of Erlanger, including but not limited to, police protection and public works. Furthermore, The Drees Company acknowledges and agrees that being part of the City of Erlanger is positive for their development and assists in the sale of homes.
3. In as much that no services will be provided until the property is ultimately transferred the parties agree for each calendar year that the Drees company is the title owner of any parcel, home, and/or any other dwelling, the property shall have an assessed value for Erlanger tax purposes of \$0. This determination shall be made based on the title owner of the property as of January 1 of each year. Absent a prior transfer, this abatement for The Drees Company shall continue until December 31, 2020. Beginning January 1, 2021, The Drees Company shall pay ad valorem taxes.

All property owned by Charles and Dorothy Hayes, shall have an assessed value for Erlanger tax purposes of \$0, until December 31, 2020. Beginning January 1, 2021, Charles and Dorothy Hayes shall pay ad valorem taxes. Upon annexation, the Hayes shall receive all city services, and while they are receiving services, this represents an arms-length negotiation of a consensual annexation for which the cooperation and consent of the Hayes allowed for the annexation of the entire tract of property.



Properties within Annexation Area

016-30-12-001.01	Turkeyfoot Road	Drees Company 211 Grandview Drive Fort Mitchell, KY 41017-2790
016-30-12-001.02	3445 Turkeyfoot Road	Charles S. & Dorothy F. Hayes 3445 Turkeyfoot Road Erlanger, KY 41018-2670
016-30-12-001.07	3443 Turkeyfoot Road	Drees Company 211 Grandview Drive Fort Mitchell, KY 41017-2790
016-30-12-001.08	Turkeyfoot Road	Drees Company 211 Grandview Drive Fort Mitchell, KY 41017-2790

PLAT OF 12.073 ACRES  
TO BE ANNEXED BY  
ERLANGER, KENTUCKY

KENTON COUNTY KENTUCKY

WEST SIDE OF TURKEYFOOT ROAD  
650' ± SOUTH OF MISTY CREEK DRIVE

FEBRUARY 22, 2016 SCALE: 1"=100'

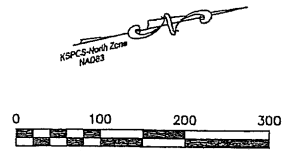


This plat was prepared using existing deeds of record, City of Erlanger, Kentucky Ordinances 1246, 1437 and 2276, unrecorded maps in the possession of the City Engineer, James H. Viox, III, and existing GIS data obtained from Planning and Development Services of Kenton County.

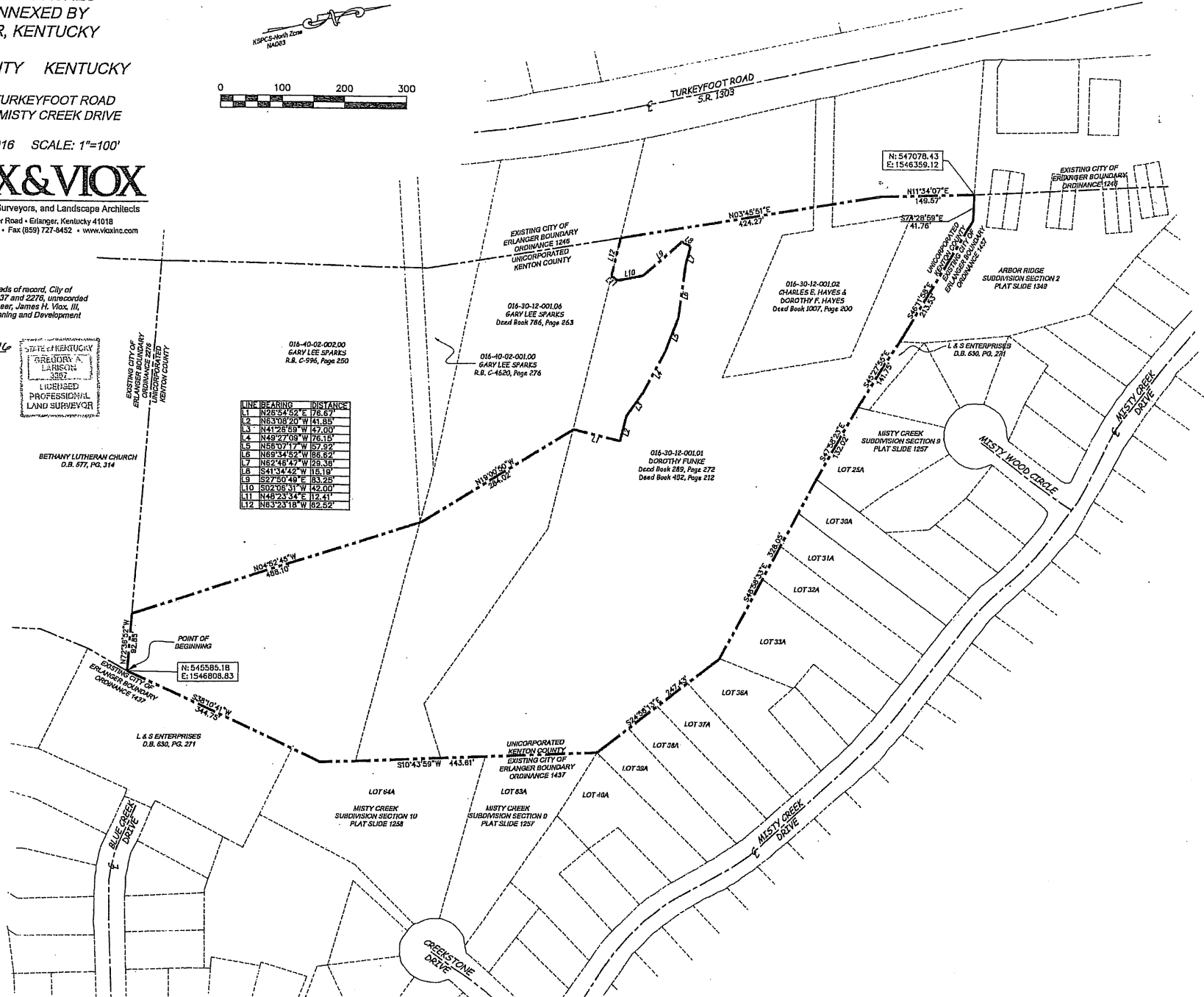
*Gregory A. Larson* 2/22/16  
PLS 3357 Date



BETHANY LUTHERAN CHURCH  
D.B. 571, PG. 314



LINE	BEARING	DISTANCE
L1	N26°54'52"E	76.67
L2	N63°09'20"W	41.85
L3	N41°28'59"W	42.00
L4	N49°27'09"W	76.15
L5	N58°07'17"W	57.82
L6	N85°34'52"W	98.92
L7	N82°46'47"W	29.38
L8	S41°34'42"W	15.19
L9	S27°00'40"E	83.28
L10	S02°06'31"W	42.00
L11	N48°23'34"E	12.41
L12	N63°23'18"W	182.52



**CERTIFICATION**

The undersigned, Sherry Hoffman, City Clerk of the City of Erlanger, in Kenton County, Kentucky, hereby certifies as follows:

1. The foregoing Ordinance No. 2440 was introduced in writing and read to the City Council for the City of Erlanger at regular or special meetings thereof on the 2nd day of August, 2016, and at which quorums were present; and said ordinance was enacted by the City Council of the City of Erlanger upon the affirmative vote of at least a majority of a quorum thereof, at the meeting thereof on the 16th day of August, 2016, with the vote of each member of the City Council entered upon the official record of such meeting; and
2. After the passage and adoption of the foregoing Ordinance by the City Council of the City of Erlanger, it was submitted to the Mayor of the City of Erlanger who approved said Ordinance by affixing his signature thereto within ten (10) days after the submission thereof to him; and
3. The foregoing Ordinance was published on the 25th day of August, 2016, in THE KENTUCKY ENQUIRER, a newspaper qualified therefore, pursuant to the provisions of K.R.S. Chapter 424.

  
Sherry Hoffman  
City Clerk

SUMMARY OF ORDINANCE

The City of Erlanger, Kentucky, at a meeting held on August 16, 2016 adopted the following Ordinance No. 2440 :

**AN ORDINANCE OF THE CITY OF ERLANGER IN KENTON COUNTY KENTUCKY ANNEXING CERTAIN UNINCORPORATED TERRITORIES WITHIN THE COUNTY OF KENTON, KENTUCKY AND CONTIGUOUS TO THE PRESENT BOUNDARY LINES OF THE CITY OF ERLANGER, KENTUCKY AND DEFINING BY METES AND BOUNDS THE TERRITORY ANNEXED.**

The purpose of the Ordinance is for the City of Erlanger to consensually annex to its present boundaries and include the same within the territorial limits of the City of Erlanger, Kenton County, Kentucky, property lying on the east side of Turkeyfoot Rd (State Route 1303) approximately 650 feet south of Misty Creek Drive and containing 12.073 acres.

This Ordinance is being published in the Title and Summary. A complete copy of the Ordinance may be reviewed at the office of the City Clerk, City of Erlanger, Kentucky.

CITY OF ERLANGER, KENTUCKY  
By: /s/ Sherry Hoffman City Clerk

Prepared and Certified by:

*/s/ Jack S. Gatlin*  
Jack S. Gatlin (88899)  
GATLIN VOELKER, PLLC  
Chamber Office Park  
2400 Chamber Center Drive, Suite 203  
Ft. Mitchell, KY 41017  
(859) 781-9100  
jgatlin@gatinvoelker.com  
**Attorney for City of Erlanger**





**SUMMARY OF ORDINANCE**

The City of Erlanger, Kentucky, at a meeting held on/August 18, 2016 adopted the following Ordinance No. 2240.

**AN ORDINANCE OF THE CITY OF ERLANGER IN KENTON COUNTY, KENTUCKY, ANNEXING CERTAIN UNINCORPORATED TERRITORIES WITHIN THE COUNTY OF KENTON, KENTUCKY AND CONTIGUOUS TO THE PRESENT BOUNDARY LINES OF THE CITY OF ERLANGER, KENTUCKY AND DEFINING BY METES AND BOUNDS THE TERRITORY ANNEXED.**

The purpose of the Ordinance is for the City of Erlanger to consensually annex to its present boundaries and include the same within the territorial limits of the City of Erlanger, Kenton County, Kentucky, property lying on the east side of Turkeyfoot Rd (State Route 1303) approximately 650 feet south of Wisky Creek Drive and containing 12.073 acres.

This Ordinance is being published in the Title and Summary. A complete copy of the Ordinance may be reviewed at the office of the City Clerk, City of Erlanger, Kentucky.

**CITY OF ERLANGER, KENTUCKY**  
Sherry Hoffman, City Clerk

Prepared and Certified by:  
Jack S. Gartin (8899)  
GATEIN VOELKER PLLC  
Chamber Office Park  
2400 Chamber Center Drive, Suite 200  
Erlanger, KY 41017  
(859) 781-9100  
gartin@gateinvoelker.com  
August 16, 2016



# VIOX & VIOX

Civil Engineers, Surveyors, and Landscape Architects

466 Erlanger Road  
Erlanger, Kentucky 41018

Tel: 859.727.3293

Fax: 859.727.8452

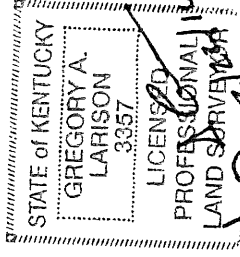
www.vioxinc.com

February 22, 2016

**PARCEL TO BE ANNEXED BY  
ERLANGER, KENTUCKY  
DESCRIPTION OF 12.073 ACRES**

Located in Kenton County, Kentucky, lying on the east side of Turkeyfoot Road (State Route 1303) approximately 650 feet south of Misty Creek Drive and is more particularly described as follows:

Beginning at a point at the common corner of L & S Enterprises (Deed Book 630, page 271), Bethany Lutheran Church (Deed Book 577, page 314), and Gary Lee Sparks (Record Book C-996, Page 250) and in the existing western corporation line of the City of Erlanger, Kentucky (Ordinance 1437) and the existing northern corporation line of the City of Erlanger, Kentucky (Ordinance 2276); thence with the northern line of the Bethany Lutheran Church and the existing corporation line of the City of Erlanger, Kentucky N 72°36'52" W a distance of 92.85 feet to a point; thence leaving the corporation line of the City of Erlanger, Kentucky and through the property of Gary Lee Sparks (Record Book C-996, Page 250) N 04°52'45" W a distance of 488.10 feet to a point; thence N 19°00'50" W a distance of 284.02 feet to a point in the southern line of Dorothy Funke (Deed Book 289, page 272 and Deed Book 452, Page 212); thence through the lands of Funke N 26°54'52" E a distance of 76.67 feet to a point; thence N 63°08'20" W a distance of 41.85 feet to a point; thence N 41°26'59" W a distance of 47.00 feet to a point; thence N 49°27'09" W a distance of 76.15 feet to a point; thence N 56°07'17" W a distance of 57.92 feet to a point; thence N 69°34'52" W a distance of 86.62 feet to a point; thence N 62°46'47" W a distance of 29.36 feet to a point; thence S 41°34'42" W a distance of 15.19 feet to a point; thence S 27°50'49" E a distance of 83.25 feet to a point; thence S 02°06'31" W a distance of 42.00 feet to a point; thence S 48°23'34" W a distance of 12.41 feet to a point in the common line of Funke and Sparks; thence with said common line N 63°23'18" W a distance of 62.52 feet to a point in the eastern corporation line of the City of Erlanger, Kentucky (Ordinance 1246); thence with the eastern line of the City of Erlanger N 03°45'51" E a distance of 424.27 feet to a point; thence N 11°34'07" E a distance of 149.57 feet to a point in the north line of Dorothy Funke, the south line of Arbor Ridge Subdivision, Section 2 (Plat Slide 1349) and in the southern corporation line of the City of Erlanger, Kentucky (Ordinance 1437); thence with the common line of Funke, Arbor Ridge Subdivision, Section 2 and the existing corporation line of the City of Erlanger S 74°28'59" E a distance of 41.76 feet to a point; thence S 46°11'58" E a distance of 213.53 feet to a point at the common corner of Funke and L & S Enterprises (Deed Book 630, page 271); thence with the common line of Funke and L & S Enterprises and continuing with the existing corporation line of the City of Erlanger, Kentucky S 45°27'55" E a distance of 141.75 feet to a point at the common corner of Funke and Misty Creek Subdivision, Section 9 (Plat Slide 1257); thence with the common line of Funke, Misty Creek Subdivision, Section 9 and continuing with the existing corporation line of the City of Erlanger, Kentucky S 47°58'23" E a distance of 132.02 feet to a point; thence S 48°58'33" E a distance of 328.05 feet to a point; thence S 24°58'13" E a distance of 247.43 feet to a point; thence continuing with the common line of Funke, Sparks, Misty Creek Subdivision, Section 9, Misty Creek Subdivision, Section 10 (Plat Slide 1258) and the existing corporation line of the City of Erlanger, Kentucky S 10°43'59" W a distance of 443.61 feet to a point; thence continuing with the common line of Sparks, L & S Enterprises, Misty Creek Subdivision, Section 10 and the existing corporation line of the City of Erlanger S 38°10'41" W a distance of 344.75 feet to the point of beginning containing 12.073 acres.



PLAT OF 12.073 ACRES  
TO BE ANNEXED BY  
ERLANGER, KENTUCKY

KENTON COUNTY KENTUCKY

EAST SIDE OF TURKEYFOOT ROAD  
650' ± SOUTH OF MISTY CREEK DRIVE

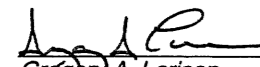
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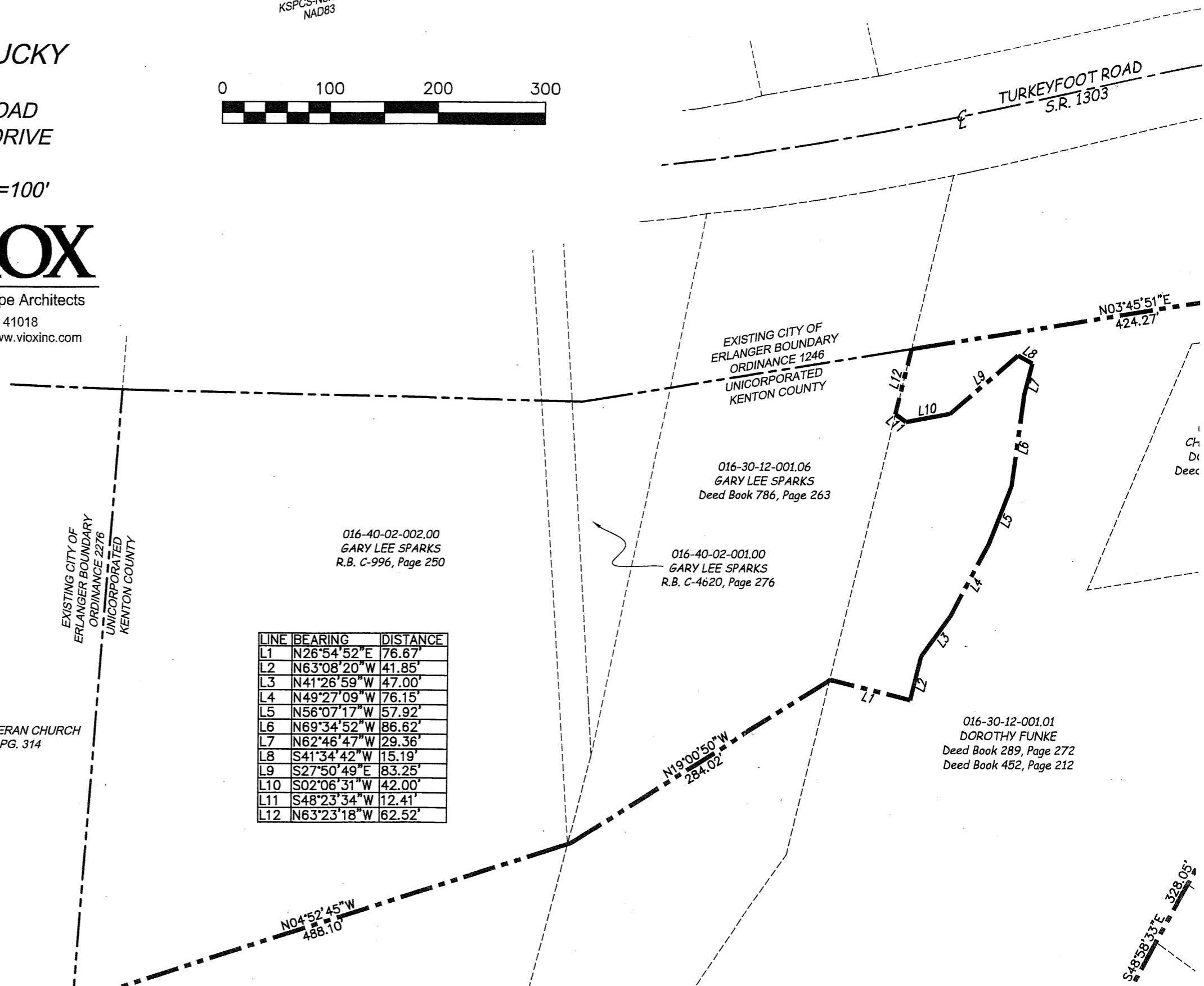
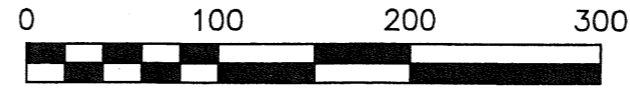
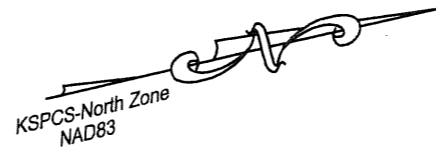


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This plat was prepared using existing deeds of record, City of Erlanger, Kentucky Ordinances 1246, 1437 and 2276, unrecorded maps in the possession of the City Engineer, James H. Viox, III, and existing GIS data obtained from Planning and Development Services of Kenton County.

 2/22/16  
Gregory A. Larison Date  
PLS 3357



LINE	BEARING	DISTANCE
L1	N26°54'52"E	76.67'
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BETHANY LUTHERAN CHURCH  
D.B. 577, PG. 314

N04°52'45"W  
488.10'

N19°00'50"W  
284.02'

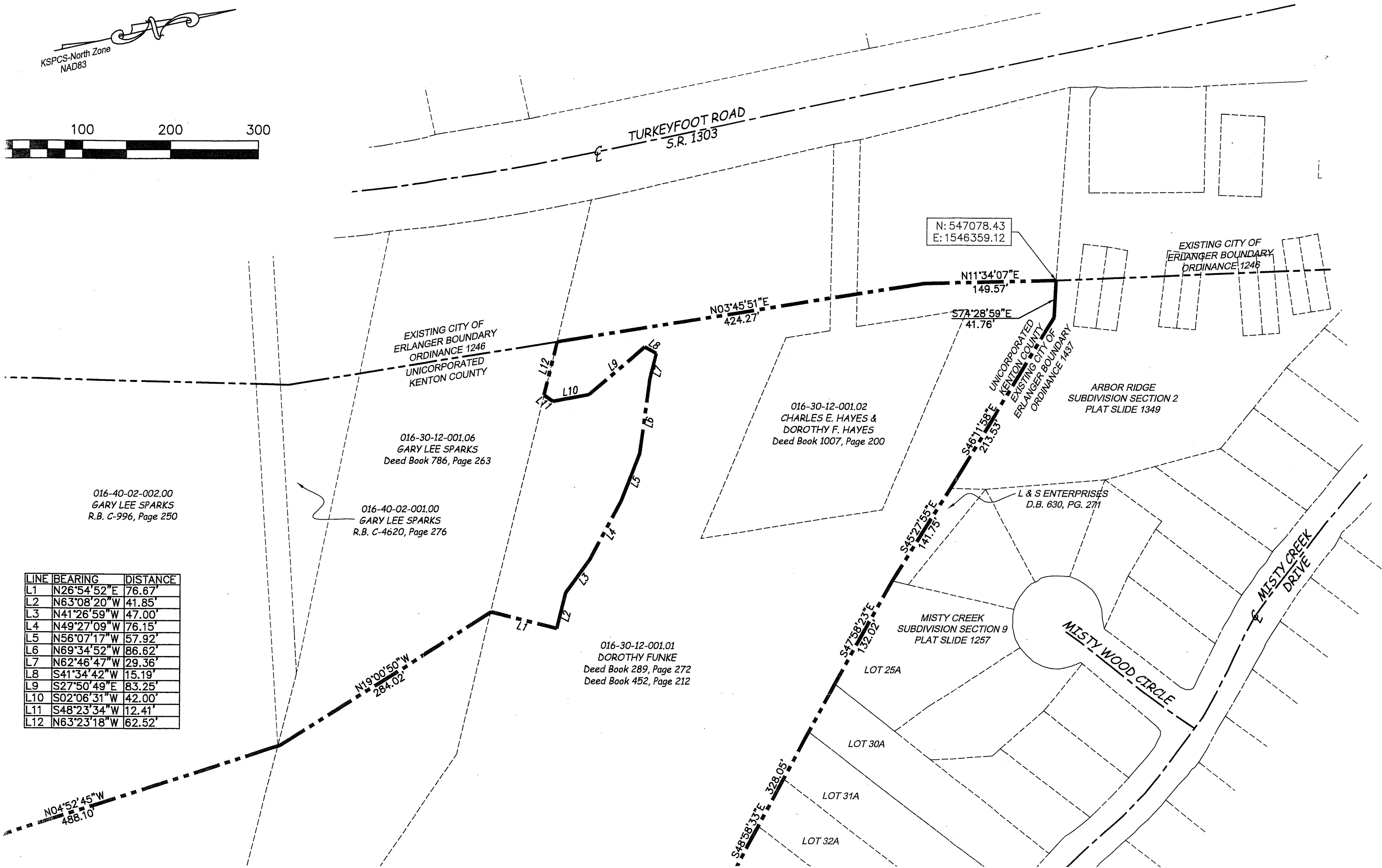
S48°58'33"E  
328.05'

CH  
DI  
DEED

KSPCS-North Zone  
NAD83



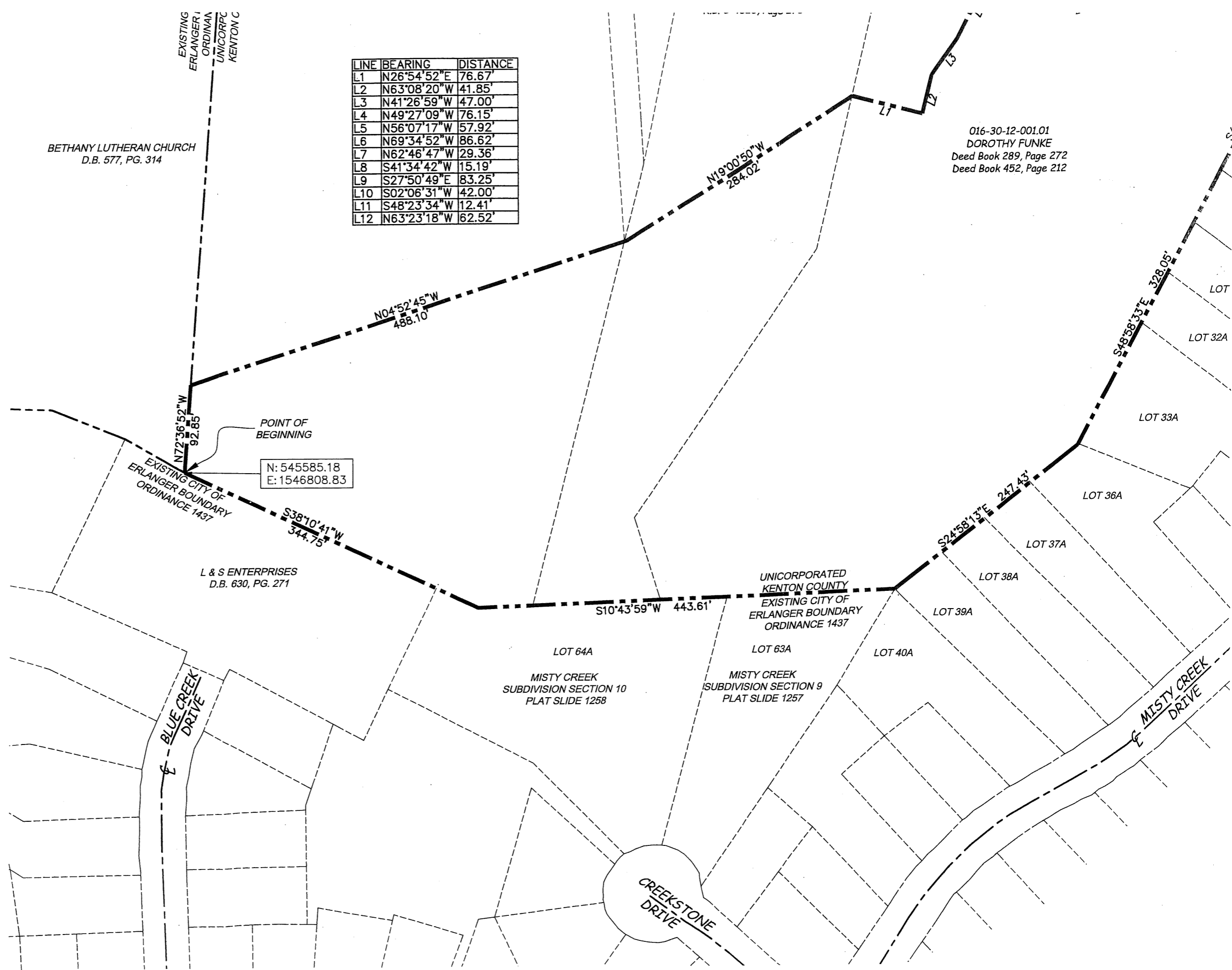
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BETHANY LUTHERAN CHURCH  
D.B. 577, PG. 314

016-30-12-001.01  
DOROTHY FUNKE  
Deed Book 289, Page 272  
Deed Book 452, Page 212



RING	DISTANCE
54°52'E	76.67'
08°20'W	41.85'
26°59'W	47.00'
27°09'W	76.15'
07°17'W	57.92'
34°52'W	86.62'
46°47'W	29.36'
34°42'W	15.19'
50°49'E	83.25'
06°31'W	42.00'
23°34'W	12.41'
23°18'W	62.52'

016-30-12-001.01  
 DOROTHY FUNKE  
 Deed Book 289, Page 272  
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