

RECEIVED AND FILED
DATE August 10, 2016

CITY OF GEORGETOWN
ORDINANCE NO. 16-007

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

AN ORDINANCE ANNEXING INTO THE CITY OF GEORGETOWN A TRACT OF LAND CONTAINING 5.927 ACRES LOCATED AT THE SOUTHEAST QUADRANT OF DELAPLAIN ROAD AND BARKLEY LANE IN SCOTT COUNTY, KENTUCKY

SPONSOR: Council Member David Lusby

WHEREAS, OTIS S. WELLS and WILMA A. WELLS, his wife, of 112 Barkley Lane, Georgetown, Kentucky 40324, and JUDITH ANN WELLS, a single person, of 106 Barkley Lane, Georgetown, Kentucky 40324, ("Grantors"), property owners of record of the tract of land to be annexed, have given prior written consent to the annexation of the Property; and

WHEREAS, CYRON HOLDINGS, LLC, a Nevada limited liability company, with a mailing address of 444 East Main Street, Suite 303, Lexington, Kentucky, 40507, is under contract with the Grantors to purchase the Property described hereinafter ("Property") and has co-executed the consent to annexation; and

WHEREAS, the Property is contiguous to the existing city limits of the City of Georgetown and is urban in character and suitable for development for urban purposes without unreasonable delay.

NOW, THEREFORE, Be it ordained by the City of Georgetown, Kentucky:

SECTION ONE

Pursuant to KRS 81A.412, the Georgetown City Council hereby annexes the following unincorporated area of Scott County into the City limits of the City of Georgetown:

A tract of land containing 5.927 acres located at the southeast quadrant of Delaplain Road and Barkley Lane in Scott County, Kentucky as more particularly described in Exhibits A and B, attached hereto and incorporated by reference herein.

SECTION TWO

If any section, subsection, sentence, clause or phrase of this ordinance is held unconstitutional or otherwise invalid, such infirmity shall not affect the validity of the remaining portions of this ordinance.

SECTION THREE


All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

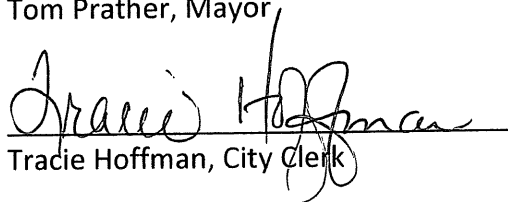
SECTION FOUR

This ordinance shall take effect after its passage and publication according to law.

PUBLICLY INTRODUCED AND READ FIRST TIME: June 13, 2016

PUBLICLY READ SECOND TIME AND PASSED: June 27, 2016

APPROVED: 
Tom Prather, Mayor

ATTEST: 
Tracie Hoffman, City Clerk

CONSENT TO ANNEXATION,
RELEASE AND RESTRICTIVE COVENANT

THIS CONSENT TO ANNEXATION, RELEASE AND RESTRICTIVE COVENANT made and entered into this 7th day of June, 2016, by and between OTIS S. WELLS and WILMA A. WELLS, his wife, of 112 Barkley Lane, Georgetown, Kentucky 40324, JUDITH ANN WELLS, a single person, of 106 Barkley Lane, Georgetown, Kentucky 40324, and CYRON HOLDINGS, LLC, a Nevada limited liability company, with a mailing address of 444 East Main Street, Suite 303, Lexington, Kentucky, 40507 ("Grantors") and the CITY OF GEORGETOWN, KENTUCKY ("Grantee") 100 Court Street, Georgetown, KY 40324;

WHEREAS, Grantors have requested Grantee to provide municipal services and/or water sewer services, as they become available, to Grantors' property located at 112 and 106 Barkley Lane, Georgetown, Kentucky 40324 (the 'Property'), more specifically described below, into the City of Georgetown, Kentucky; and

WHEREAS, in consideration of the Grantee's providing of future municipal services and/or water sewer services to the Property, Grantors have requested Grantee to annex the Property; and

WHEREAS, in further consideration of the Grantee's providing future municipal services and/or water sewer services to the Property, Grantors acknowledge that the Property may not be assigned a zoning designation in accordance with Grantors' wishes, and Grantors release Grantee from any liability associated with the annexation and zoning of the Property.

IT IS THEREFORE AGREED AS FOLLOWS:

1. Grantors hereby request and consent to annexation of the Property into the City of Georgetown, Kentucky pursuant to KRS 81A.412. Grantors shall be prohibited from opposing said annexation. In the event Grantors execute a remonstrance petition opposing said annexation, their signatures shall be deemed invalid and of no effect pursuant to KRS 81A.420.
2. Grantors hereby release the City of Georgetown ("Grantee"), the Georgetown-Scott County Planning Commission, Georgetown Municipal Water and Sewer Service, and their respective agents, officers, employees and representatives, from any and all claims arising out of or related in any way to the annexation and zoning of the Property.

3. The Property is more particularly described as follows:

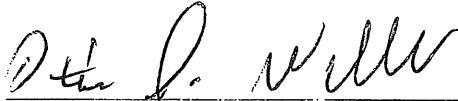
All that certain tract or parcel of land, lying and being in Scott County, Kentucky and situated in the southeast quadrant of Delaplain Road and Barkley Lane, more particularly described as follows:

Beginning at the intersection of the center of Delaplain Road and center of Barkley Lane (N 280,963.408, E 1,561,915.691), thence with said Delaplain Road two calls as follows: (1) S.86°18'34"E. 211.40 feet, (2) S.86°42'43"E. 126.53 feet to a corner common with Richard Groff and Betsy Groff (Deed Book 346, page 723)(Slide 1183); thence with said Groff S.05°32'58"E. 668.98 feet to a found iron pin, a corner common with the City of Georgetown, KY (Deed Book 254, page 602)(Plat Cabinet 7, Slide 328)and the existing city limits as shown in City of Georgetown Ordinance No. 89-003; thence with said City and said city limits N.71°42'09"W. 557.86 feet to a found spike in the center of Barkley Lane; thence with said Lane N.14°00'49"E. 527.26 feet to the beginning, containing an area of 5.927 acres, more or less, according to a survey by Robert L. Baldwin, PE, PLS, Baldwin Engineering Corporation, P O Box 4315, Winchester, KY 40392-4315 on March 7, 2016. Reference is also made to a Transfer/Consolidation Plat recorded in Slide 1475 and prepared by Thoroughbred Engineering, Inc. dated 04-06-95.

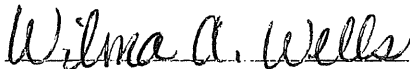
4. Grantors shall not transfer the Property or any portion thereof without first notifying Grantee in writing and advising the proposed transferee of the terms hereof. Grantors shall not transfer the Property or any portion thereof until their transferee executes a similar document which releases the above released parties from any and all liability arising out of the annexation and zoning of the Property.
5. This Consent to Annexation, Release and Restrictive Covenant shall be perpetual and shall run with the Property, and shall be binding upon Grantors, and their heirs and assigns.
6. Grantors certify that the Property is not a part of an agricultural district established pursuant to KRS 262.850 and that the Property will not be included hereafter in an agricultural district. In the event Grantors execute a petition to include the Property in an agricultural district, their signatures shall be deemed invalid and of no effect, and the Property shall not be included in the agricultural district.
7. In the event that the Property is in an agricultural district, this document "Consent to Annexation, Release and Restrictive Covenant" will serve as written authorization to decertify and/or remove the Property as described herein from any agricultural district established by KRS 262.850, latest revisions. At the Grantee's request, the Grantor shall provide a letter requesting decertification of said agricultural district.

8. Grantors hereby certify that the Consent to Annexation, Release and Restrictive Covenant form will also serve as their intent to annex property which may not be fully described or outlined in the property description found in subsection 3 of this form. The Grantors further certify and agree that the signing of a Consent to Annexation, Release and Restrictive Covenant form without a specific description does not void nor invalidate the Consent to Annexation, Release and Restrictive Covenant signed by the Grantor but does provide their intent to sign a subsequent document which specifically outlines through a metes and bounds description of the property to be included in the annexation.
9. Any existing non-conforming uses or structures waived from the application of said applicable Ordinances are identified as the following: NONE.
10. Grantors hereby authorize the City of Georgetown ("Grantee"), the Georgetown-Scott County Planning Commission, Georgetown Municipal Water and Sewer Service, their employees, officers, agents and representatives the right of entry onto the property described in Subsection 3 above to perform the necessary task and functions to accomplish the annexation, i.e., field survey work.
11. Grantors hereby acknowledge that they are in receipt of a copy of Title 20 of the Georgetown Code of Ordinances, entitled "Zoning and Land Use".
12. Prior to the Annexation of the property Grantors shall comply with Title 20 of the Georgetown Code of Ordinances entitled "Zoning and Land Use", and all amendments thereto if the Property is or subsequently becomes a part of Georgetown Municipal Water and Sewer Service's water/sewer service areas.


GRANTORS:



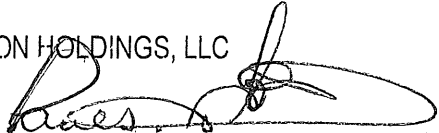
 OTIS S. WELLS



 WILMA A. WELLS



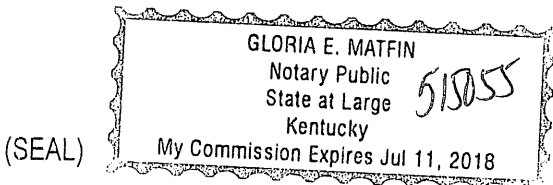
 JUDITH ANN WELLS

CYRON HOLDINGS, LLC
 BY 

 ITS CEO

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF SCOTT)

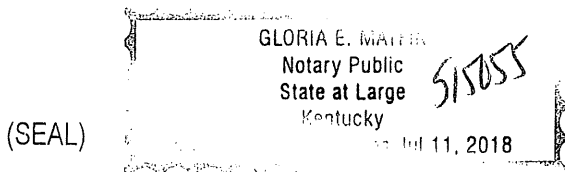
Subscribed and sworn to before me by OTIS S. WELLS and WILMA A. WELLS, husband and wife, this 1st day of June, 2016.



Gloria E. Matfin
NOTARY PUBLIC
My Commission expires: 7-11-18

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF SCOTT)

Subscribed and sworn to before me by JUDITH ANN WELLS, a single person, this 1st day of June, 2016.



Gloria E. Matfin
NOTARY PUBLIC
My Commission expires: 7-11-18

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF SCOTT)

Subscribed and sworn to before me by Paul McQuirter, the CEO (title) of CYRON HOLDINGS, LLC, a Nevada limited liability company, this 31st day of May, 2016.

(SEAL)

Barbara M. Christopher
NOTARY PUBLIC
My Commission expires: March 7, 2019
IO No 528668

GRANTEE:

CITY OF GEORGETOWN

BY IGNATH

ITS Mayor

COMMONWEALTH OF KENTUCKY)

COUNTY OF SCOTT)

Subscribed and sworn to before me by TOM PRATHER the

MAYOR (title) of the City of Georgetown, this 7 day of JUNE,
2016.

(SEAL)

Wendee Jackson

NOTARY PUBLIC #515791

My Commission expires: 7-23-2018

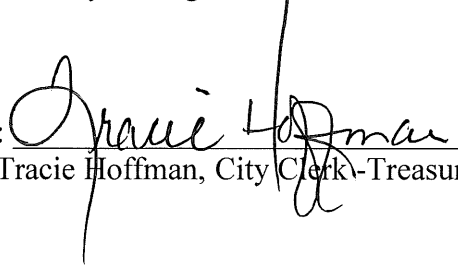
Prepared by:

Andrew S. Hartley
City Attorney, Georgetown Kentucky
100 Court Street
Georgetown, Kentucky 40324
(502) 863-9800

STATE OF KENTUCKY)
(SCT.
COUNTY OF SCOTT)

I, Clerk of the City of Georgetown, Kentucky, and as such custodian of the Seal and all the records of or pertaining to said City, do hereby certify the foregoing to be a true and accurate copy of ordinance number 16-007.

IN TESTIMONY WHEREOF, witness my hand, the Seal of said City on this the 8th day of August 2016

Signed: 
Tracie Hoffman, City Clerk-Treasurer

BEC BALDWIN ENGINEERING CORPORATION

116 South Highland Street P.O. Box 4315
Winchester, Kentucky 40392-4315
(859) 744-6943 (phone)

CONSULTING ENGINEERS
becrlb@att.net (e-mail)
(859) 744-2558 (fax)

May 26, 2016

File No. 16-5396

Ordinance No. 2016-007
City of Georgetown, KY

Description annexation of 106 & 112 Barkley Lane

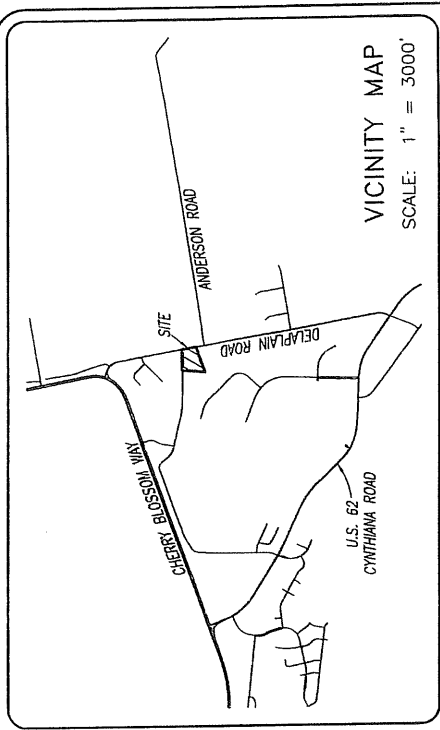
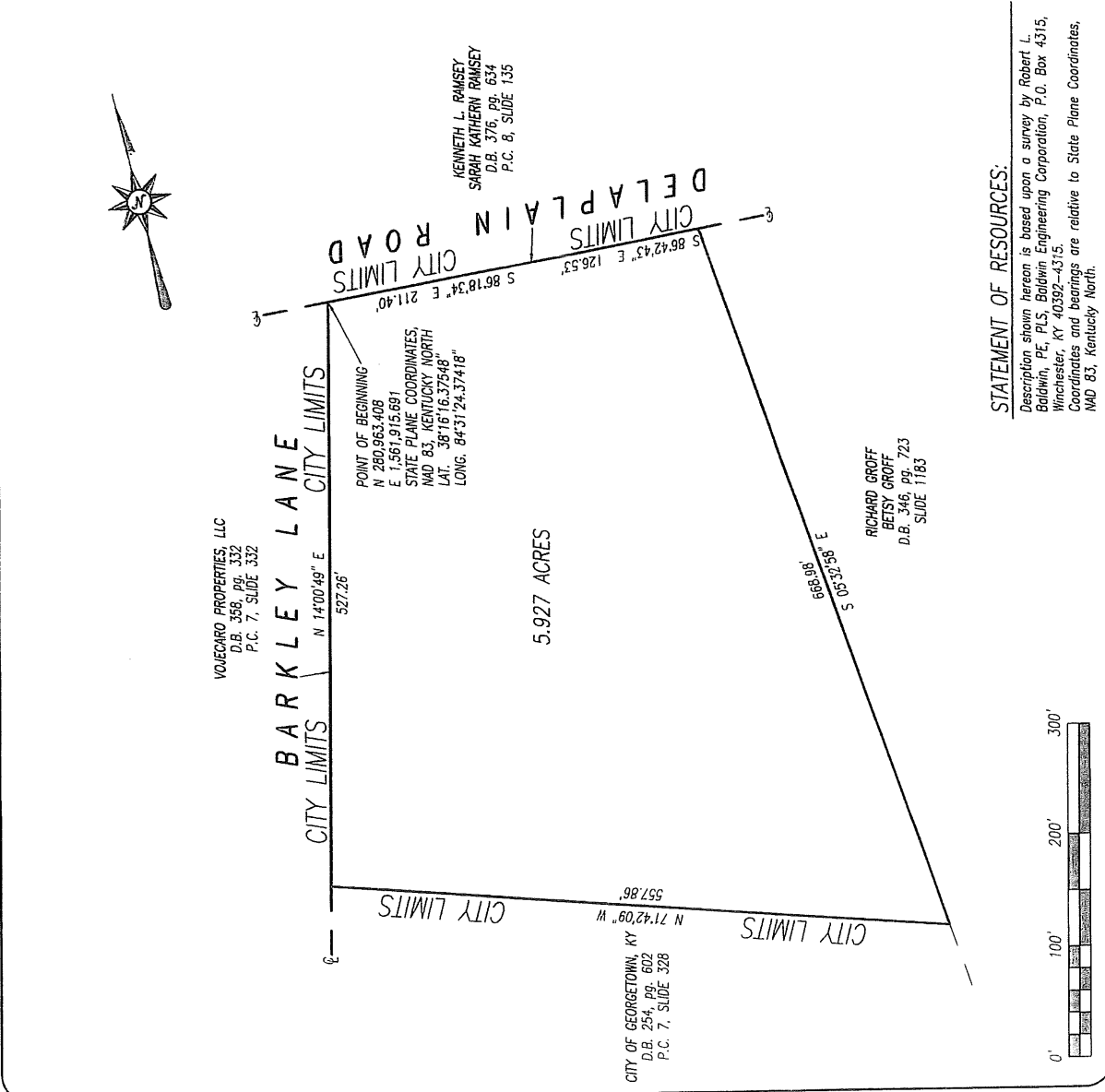
All that certain tract or parcel of land, lying and being in Scott County, Kentucky and situated in the southeast quadrant of Delaplain Road and Barkley Lane, more particularly described as follows:

Beginning at the intersection of the center of Delaplain Road and center of Barkley Lane (N 280,963.408, E 1,561,915.691), thence with said Delaplain Road two calls as follows: (1) S.86°18'34"E. 211.40 feet, (2) S.86°42'43"E. 126.53 feet to a corner common with Richard Groff and Betsy Groff (Deed Book 346, page 723)(Slide 1183); thence with said Groff S.05°32'58"E. 668.98 feet to a found iron pin, a corner common with the City of Georgetown, KY (Deed Book 254, page 602)(Plat Cabinet 7, Slide 328)and the existing city limits as shown in City of Georgetown Ordinance No. 89-003; thence with said City and said city limits N.71°42'09"W. 557.86 feet to a found spike in the center of Barkley Lane; thence with said Lane N.14°00'49"E. 527.26 feet to the beginning, containing an area of 5.927 acres, more or less, according to a survey by Robert L. Baldwin, PE, PLS, Baldwin Engineering Corporation, P O Box 4315, Winchester, KY 40392-4315 on March 7, 2016. Reference is also made to a Transfer/Consolidation Plat recorded in Slide 1475 and prepared by Thoroughbred Engineering, Inc. dated 04-06-95.

C:\MISC\CYRON-DES-2016.DOC

STATE OF KENTUCKY
ROBERT L.
BALDWIN
1966
LICENSED
PROFESSIONAL
LAND SURVEYOR

Exhibit A



LAND SURVEYOR'S CERTIFICATION

I hereby certify this plat was prepared by me, or under my direct supervision, and that all information included on this plat is true and correct to the best of my knowledge and belief. The information contained here was computed for the City of Georgetown, Kentucky, Ordinance No. 2016-007. This plat depicts an annexation of a tract or parcel of land contiguous to the existing corporate limits of the City of Georgetown, Kentucky and has been filed in the Scott County Circuit Clerk's Office. This plat does not represent an actual survey on the ground and is prepared for informational purposes only. No monuments were set or verified in the preparation of this plat.

Robert L. Baldwin
Date
5/26/16
Robert L. Baldwin, KY PLS 1366
116 S. Highland St. P.O. Box 4315
Winchester, Kentucky 40392-4315

F:\SCOTT\CYROM\ANNEX.DWG PLOTTED: 5/26/16 @ 8:50 BY HLB

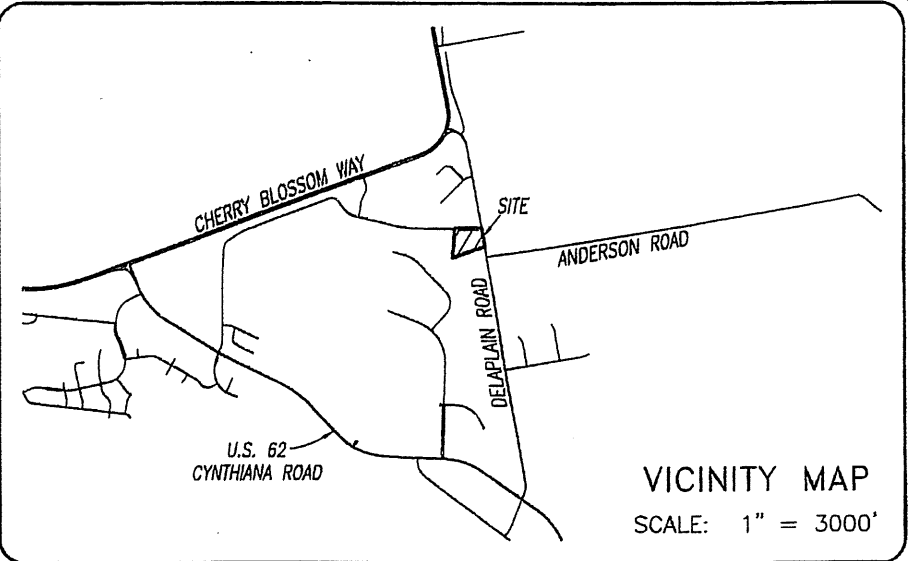
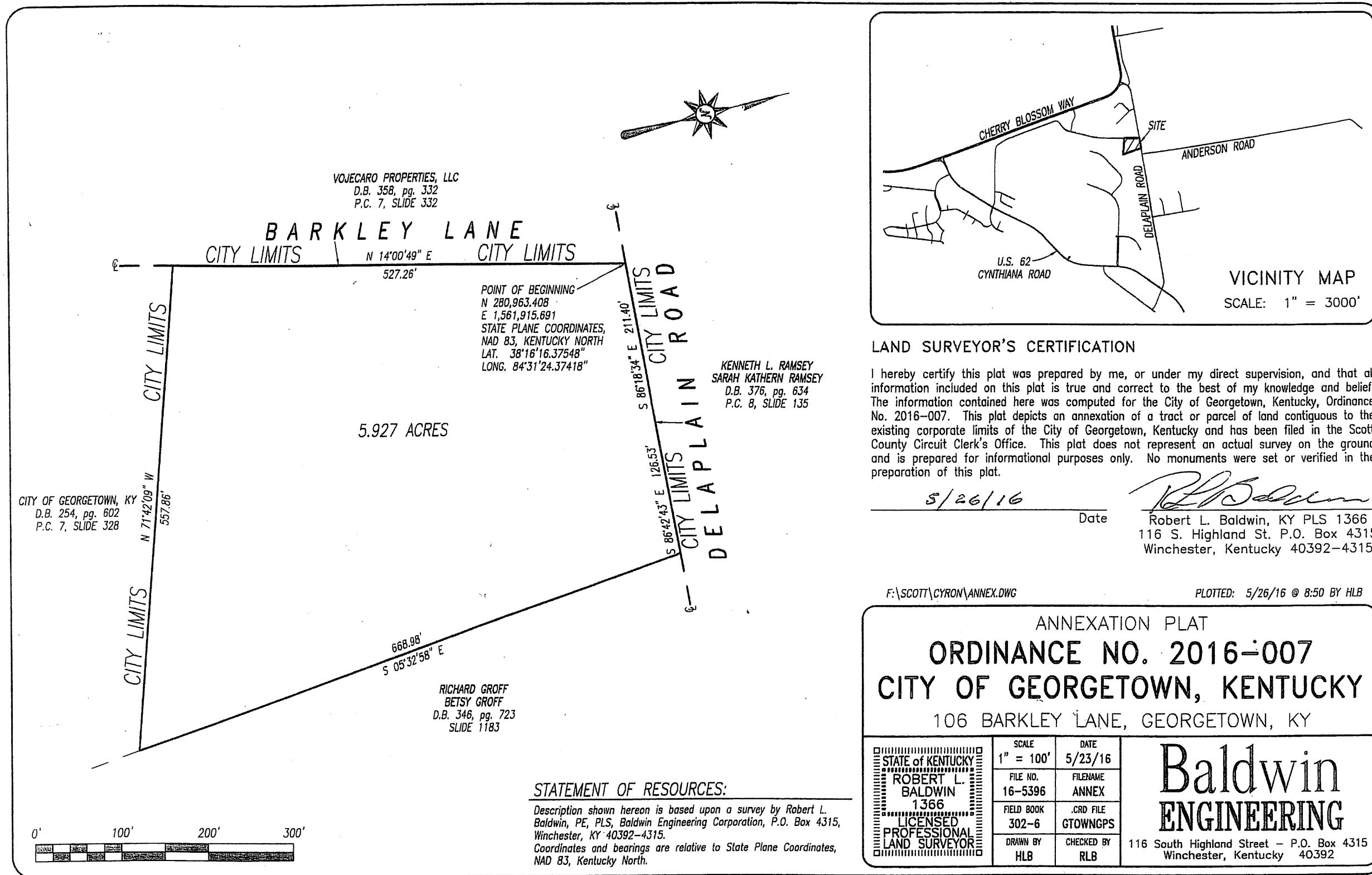
ANNEXATION PLAT

ORDINANCE NO. 2016-007
CITY OF GEORGETOWN, KENTUCKY
106 BARKLEY LANE, GEORGETOWN, KY

STATE OF KENTUCKY	SCALE	DATE
ROBERT L. BALDWIN	1" = 100'	5/23/16
1366	FILE NO.	FILENAME
LICENSED PROFESSIONAL LAND SURVEYOR	16-5396	ANNEX
	FIELD BOOK	GRID FILE
	302-6	GTOWNGPS
	DRAWN BY	CHECKED BY
	HLB	RLB


Baldwin ENGINEERING
116 South Highland Street - P.O. Box 4315
Winchester, Kentucky 40392

Exhibit A



LAND SURVEYOR'S CERTIFICATION

I hereby certify this plat was prepared by me, or under my direct supervision, and that all information included on this plat is true and correct to the best of my knowledge and belief. The information contained here was computed for the City of Georgetown, Kentucky, Ordinance No. 2016-007. This plat depicts an annexation of a tract or parcel of land contiguous to the existing corporate limits of the City of Georgetown, Kentucky and has been filed in the Scott County Circuit Clerk's Office. This plat does not represent an actual survey on the ground and is prepared for informational purposes only. No monuments were set or verified in the preparation of this plat.

5/26/16 Date 
Robert L. Baldwin, KY PLS 1366
116 S. Highland St. P.O. Box 4315
Winchester, Kentucky 40392-4315

F:\SCOTT\CYRON\ANNEX.DWG PLOTTED: 5/26/16 @ 8:50 BY HLB

ANNEXATION PLAT
ORDINANCE NO. 2016-007
CITY OF GEORGETOWN, KENTUCKY
106 BARKLEY LANE, GEORGETOWN, KY

STATE OF KENTUCKY ROBERT L. BALDWIN 1366 LICENSED PROFESSIONAL LAND SURVEYOR	SCALE 1" = 100'	DATE 5/23/16
	FILE NO. 16-5396	FILENAME ANNEX
	FIELD BOOK 302-6	.CRD FILE GTOWNGPS
	DRAWN BY HLB	CHECKED BY RLB

Baldwin ENGINEERING
116 South Highland Street - P.O. Box 4315
Winchester, Kentucky 40392

STATEMENT OF RESOURCES:
Description shown hereon is based upon a survey by Robert L. Baldwin, PE, PLS, Baldwin Engineering Corporation, P.O. Box 4315, Winchester, KY 40392-4315. Coordinates and bearings are relative to State Plane Coordinates, NAD 83, Kentucky North.