

CITY CLERK CERTIFICATION

STATE OF KENTUCKY)
)
COUNTY OF SCOTT)

I, the undersigned, being duly appointed and acting as the City Clerk of the City of Georgetown, Kentucky, hereby certify that the foregoing is a true, correct, and complete copy of Ordinance No. 2024-24 duly adopted by the Georgetown City Council at a duly convened public meeting held on December 9, 2024 all as appears in the official records of said City.

IN TESTIMONY WHEREOF, witness my hand and the Seal of said City on this the 2nd day of January 2025.

Signed: Tracie Hoffman
Tracie Hoffman, City Clerk -Treasurer

RECEIVED AND FILED
DATE January 27, 2025

MICHAEL G. ADAMS
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Tracie Hoffman

CITY OF GEORGETOWN

ORDINANCE NO. 2024 - 24

AN ORDINANCE ANNEXING INTO THE CITY OF GEORGETOWN CERTAIN REAL PROPERTY CONTAINING APPROXIMATELY 10.44 +/- ACRES, LOCATED AT OR AROUND 656 DELAPLAIN ROAD IN SCOTT COUNTY, KENTUCKY.

SUMMARY

1. Annexes into Georgetown city limits, by written consent of the property owner in accordance with KRS 81A.412, approximately 10.44 +/- acres of property located at or around 656 Delaplain Road in Scott County, KY.
2. Provides for repeal of inconsistent laws, severability of provisions, and an effective date upon passage and publication.

The full text of Ordinance 2024-24 is available for examination in the City Clerk's Office, 629 North Broadway, Georgetown, Kentucky 40324 or at www.georgetownky.gov.

PUBLICLY INTRODUCED AND READ FIRST TIME: November 25, 2024

PUBLICLY READ SECOND TIME AND PASSED: December 9, 2024

APPROVED: *Burney Jenkins*
Burney Jenkins (Dec 11, 2024 11:18 EST)
Burney Jenkins, Mayor

ATTEST: *Tracie Hoffman*
Tracie Hoffman, City Clerk

I, Emilee A. Buttrum, hereby certify I am an Attorney licensed to practice law in the Commonwealth of Kentucky. My office is located at 117 N. Water Street, Georgetown, Kentucky 40324. I further certify the foregoing Summary of Ordinance 2024 - 24, of the City of Georgetown, Kentucky, was prepared in accordance with the requirements of KRS 83A.060(9) and is a true and accurate summary of the contents of said Ordinance.

Emilee A. Buttrum
Emilee A. Buttrum (Dec 12, 2024 07:35 EST)
Emilee A. Buttrum

CITY OF GEORGETOWN

ORDINANCE NO. 2024-24

AN ORDINANCE ANNEXING INTO THE CITY OF GEORGETOWN CERTAIN REAL PROPERTY CONTAINING APPROXIMATELY 10.44 +/- ACRES, LOCATED AT OR AROUND 656 DELAPLAIN ROAD IN SCOTT COUNTY, KENTUCKY.

SPONSORS: Greg Hampton and Mark Showalter

WHEREAS, the Georgetown-Scott County Planning Commission approved the "Amended Preliminary Development Plan" for File Number PSP-2023-38 with Condition of Approval #1 being that the subject project site must be annexed into the City of Georgetown prior to approval of the "Final Development Plan"; and

WHEREAS, KCKY 1, LLC, property owner of record of the tract of land to be annexed, has given prior written consent to the annexation of the Property, as evidenced by the "Consent to Annexation" form attached hereto as Exhibit A; 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 in accordance with KRS 81A.410.

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, Kentucky:

Deed Book 377, Page 464
Portion of Tract 1 of
Plat Cabinet 1, Slide 174
656 Delaplain Road
Georgetown, Scott County, Kentucky

Being a portion of Tract 1 of Conner Farm, as recorded in Plat Cabinet 1, Slide 174 and being more particularly described as:

Being a parcel of land in Georgetown, Scott County, Kentucky located at the northwest corner of the intersection of Delaplain Road and Sims Pike and being more particularly described as:

Beginning at a MAG Nail with steel I.D. washer (set, PLS 3350) in the center line of said Delaplain Road, said point being the southeast corner of Decision Resources, LLC & Online Transport, Inc. (Deed Book 395, Page 175 - Parcel No 1); said point having Kentucky State Plane Coordinates of N(Y) = 3,988,954.91', E(X) = 5,267,773.68' [KY Single Zone, NAD 83 (2011), US Survey Feet]; thence with the easterly line of said Decision Resources, LLC & Online Transport, Inc., for three (3) calls:

North 02°19'25" East a distance of 555.38 feet to a 24" long - 5/8" diameter rebar with aluminum surveyor's cap (set, PLS 3350); thence

North 87°07'34" West a distance of 69.31 feet to a 24" long - 5/8" diameter rebar with aluminum surveyor's cap (set, PLS 3350); thence

North 05°41'16" East a distance of 232.68 feet to a 5/8" rebar (found), said point being the southwest corner of Decision Resources, LLC & Online Transport, Inc. (Deed Book 395, Page 175 - Parcel No. 2; Tract 1 of Plat Cabinet 5, Slide 1983); thence with the southerly line of said Decision Resources, LLC & Online Transport, Inc.,

South 82°43'14" East a distance of 640.83 feet to a MAG Nail with steel I.D. washer (set, PLS 3350) in the center line of the aforementioned Sims Pike, said point being witnessed by a 1/2" Pipe with cap (PLS 1765) found N 82°43'14" W 22.41 feet from said corner; thence with the center line of said Sims Pike, for three (3) calls:

South S 00°57'22" E East a distance of 50.63 feet to a MAG Nail with steel I.D. washer (set, PLS 3350); thence

South 01°29'06" West a distance of 129.65 feet to a MAG Nail with steel I.D. washer (set, PLS 3350); thence

South 02°57'01" West a distance of 344.16 feet to a MAG Nail with steel I.D. washer (set, PLS 3350) on the line of the right-of-way of said Sims Pike conveyed to the Commonwealth of Kentucky for the use and benefit of the Transportation Cabinet, Department of Highways (Deed Book 168, Page 157); thence with said right-of-way line of Sims Pike, for three (3) calls:

North 89°18'06" West a distance of 31.40 feet to a 24" long - 5/8" diameter rebar with aluminum surveyor's cap (set, PLS 3350); thence

South 09°14'44" West a distance of 202.24 feet to a 24" long - 5/8" diameter rebar with aluminum surveyor's cap (set, PLS 3350); thence

South S 00°42'53" W West a distance of 29.84 feet to a 24" long - 5/8" diameter rebar with aluminum surveyor's cap (set, PLS 3350) in the center line of the aforementioned Delaplain Road, as extended from the west (not the current, physical center line); thence with the extended center line of said Delaplain Road,

North 85°12'14" West a distance of 529.38 feet to a MAG Nail with steel I.D. washer (set, PLS 3350); which is the Point of Beginning, having an area of 454,952.5 square feet or 10.4443 acres.

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 be in full force and effect upon lawful passage and publication.

PUBLICLY INTRODUCED AND READ FIRST TIME: November 25, 2024

PUBLICLY READ SECOND TIME AND PASSED: December 9, 2024

APPROVED: Burney Jenkins
Burney Jenkins (Dec 11, 2024 11:18 EST)
Burney Jenkins, Mayor

ATTEST: Tracie Hoffman
Tracie Hoffman, City Clerk

CONSENT TO ANNEXATION

THIS CONSENT TO ANNEXATION, made and entered into this 19th day of November, 2024, by and between KCKY 1, LLC, whose address is 6311 Stoner Drive, Greenfield, IN 46140 ("Grantor") and the CITY OF GEORGETOWN, KENTUCKY ("Grantee") 100 N. Court Street, Georgetown, KY 40324;

WHEREAS, at its November 9, 2023 meeting, the Planning Commission approved the Amended Preliminary Development Plan for the Grantor's property located at 656 Old Delaplain Road, Georgetown, KY 40324 (the "Property"), subject to certain Conditions of Approval;

WHEREAS, Condition #1 stated that "Prior to approval of the Final Development Plan, the Project Site [Property] must be annexed to the City of Georgetown";

WHEREAS, in accordance therewith, Grantor wishes and requests the Property to be annexed to the City of Georgetown, and Grantor releases Grantee from any liability associated with the annexation of the Property.

IT IS THEREFORE AGREED AS FOLLOWS:

1. Grantor hereby requests and consents to annexation of the Property into the City of Georgetown, Kentucky pursuant to KRS 81A.412. Grantor shall be prohibited from opposing said annexation. In the event Grantor executes a remonstrance petition opposing said annexation, its signature shall be deemed invalid and of no effect pursuant to KRS 81A.420.

2. Grantor hereby releases 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 of the Property.

3. The Property is more particularly described as set forth on Exhibit A hereto.

4. **This Consent to Annexation shall be perpetual and shall run with the Property, and shall be binding upon Grantor, and its heirs and assigns.**

5. **Grantor certifies 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 Grantor executes a petition to include the Property in an agricultural district, its signature shall be deemed invalid and of no effect, and the Property shall not be included in the agricultural district.**

6. **In the event that the Property is in an agricultural district, this document "Consent to Annexation" 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.

7. Grantor shall not execute this form unless an accurate and legal description of the property to be annexed is provided in Section 3.

8. Any existing non-conforming uses or structures waived from the application of said applicable Ordinances are identified as the following: use of gravel for trailer storage and limited truck parking.

9. Grantor hereby authorizes 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.

10. Grantor hereby acknowledges that it is in receipt of a copy of Chapter 44 of the Georgetown Code of Ordinances, entitled "Zoning and Land Use."

11. Prior to the Annexation of the property, Grantor shall comply with Chapter 44 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.

GRANTOR:

KCKY 1, LLC

By:



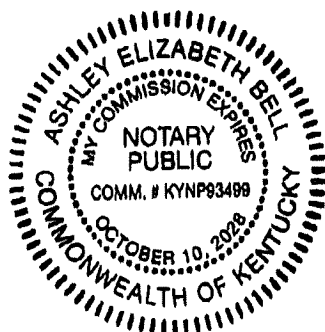
Samuel T. Hamlin, Director of Operations

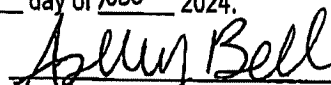
COMMONWEALTH OF KENTUCKY)

COUNTY OF SCOTT)

SS:

I, the undersigned NOTARY PUBLIC, do hereby certify that the foregoing was subscribed, sworn to, and acknowledged before me by Samuel T. Hamlin, as Director of Operations for KCKY 1, LLC, a Kentucky limited liability company, on this the 21 day of Nov 2024.




NOTARY PUBLIC

Name: Ashley Bell
My Commission expires: 10-10-2028
Notary Number (if any): _____

CITY OF GEORGETOWN:

By: [Signature]

Print Name: Burney Jenkins

Its: Mayor

COMMONWEALTH OF KENTUCKY)

COUNTY OF Scott)

SS:

I, the undersigned NOTARY PUBLIC, do hereby certify that the foregoing was subscribed, sworn to, and acknowledged before me by Burney Jenkins, the Mayor of the City of Georgetown, Kentucky, on this the 21st day of June 2024.

[Signature]
NOTARY PUBLIC

Name: Wendy Linale Robinson

My Commission Expires: 10/9/2025

Notary Number (if any): 38252

PREPARED BY:

[Signature]
John N. Billings, Esq.
Billings Law Firm, PLLC
145 Constitution Street
Lexington KY 40507
(859) 225-5240 – telephone
(859) 225-5241 – facsimile
nbillings@blfky.com

EXHIBIT A
Property Description

Deed Book 377, Page 464
Portion of Tract 1 of
Plat Cabinet 1, Slide 174
656 Delaplain Road
Georgetown, Scott County, Kentucky

Being a portion of Tract 1 of Conner Farm, as recorded in Plat Cabinet 1, Slide 174 and being more particularly described as:

Being a parcel of land in Georgetown, Scott County, Kentucky located at the northwest corner of the intersection of Delaplain Road and Sims Pike and being more particularly described as:

Beginning at a MAG Nail with steel I.D. washer (set, PLS 3350) in the center line of said Delaplain Road, said point being the southeast corner of Decision Resources, LLC & Online Transport, Inc. (Deed Book 395, Page 175 - Parcel No 1); said point having Kentucky State Plane Coordinates of N(Y) = 3,988,954.91', E(X) = 5,267,773.88' [KY Single Zone, NAD 83 (2011), US Survey Feet]; thence with the easterly line of said Decision Resources, LLC & Online Transport, Inc., for three (3) calls:

North 02°19'25" East a distance of 555.38 feet to a 24" long - 5/8" diameter rebar with aluminum surveyor's cap (set, PLS 3350); thence

North 87°07'34" West a distance of 69.31 feet to a 24" long - 5/8" diameter rebar with aluminum surveyor's cap (set, PLS 3350); thence

North 05°41'16" East a distance of 232.68 feet to a 5/8" rebar (found), said point being the southwest corner of Decision Resources, LLC & Online Transport, Inc. (Deed Book 395, Page 175 - Parcel No. 2; Tract 1 of Plat Cabinet 5, Slide 1983); thence with the southerly line of said Decision Resources, LLC & Online Transport, Inc.,

South 82°43'14" East a distance of 640.83 feet to a MAG Nail with steel I.D. washer (set, PLS 3350) in the center line of the aforementioned Sims Pike, said point being witnessed by a 1/2" Pipe with cap (PLS 1765) found N 82°43'14" W 22.41 feet from said corner; thence with the center line of said Sims Pike, for three (3) calls:

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Decision Resources, LLC

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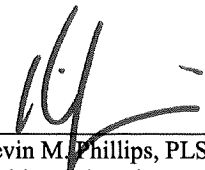
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North 85°12'14" West a distance of 529.38 feet to a MAG Nail with steel I.D. washer (set, PLS 3350); which is the Point of Beginning, having an area of 454,952.5 square feet or 10.4443 acres.

The bearings and coordinates used in the description above being based on KY State Plane Coordinates, KY North Zone, NAD 83 (2011) as determined by a GNSS survey to the site using a Carlson BRx7 receiver and the KYTC VRS system.

The description above being based on a survey of the property by Kevin M. Phillips, PLS 3350, Endris Engineering, PSC, 771 Enterprise Drive, Lexington, KY 40510 concluded on October 29, 2021.




Kevin M. Phillips, PLS 3350
Endris Engineering, PSC
771 Enterprise Drive
Lexington, KY 40510

November 11, 2024
Date

OVERSIZE MAP INCLUDED WITH
SUBMISSION.

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