


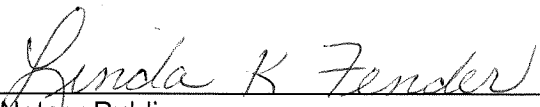
City of Independence, Kentucky  
**CERTIFICATION OF CITY RECORD**

I, the undersigned, do hereby certify that I am the duly qualified and acting City Clerk of the City of Independence, Kentucky, and as such City Clerk I further certify that the foregoing is a true, correct and complete copy of **Ordinance No. 2004-O-27** duly adopted by the City Council of the City of Independence on the 20<sup>th</sup> day of December 2004 and signed by the Mayor as evidence of the approval thereof, and now in full force and effect, all as appears from the official records of the City of Independence in my possession and under my control.

WITNESS my hand and the Seal of the City as of the 8th day of April 2005.

  
\_\_\_\_\_  
Patricia H. Taney, City Clerk  
City of Independence, Kentucky

Subscribed and sworn to before me by Patricia H. Taney, City Clerk, this, the 28<sup>th</sup> day of June, 2005.

  
\_\_\_\_\_  
Notary Public  
My Commission Expires on Feb 25, 2008

RECEIVED AND FILED  
DATE August 7, 2006  
\_\_\_\_\_  
TREY GRAYSON  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
BY Garlie Allison

**ORDINANCE NO. 2004-O-27**

**AN ORDINANCE OF THE CITY OF INDEPENDENCE, KENTON COUNTY, KENTUCKY, ANNEXING THE FREEDOM PARK, LLC AND DIVERSIFIED BUILDERS, INC. PROPERTY CONSISTING OF APPROXIMATELY 8.6+/- ACRES AT FREEDOM TRAIL AND MADISON PIKE.**

**WHEREAS**, FREEDOM PARK, LLC and DIVERSIFIED BUILDERS, INC. are the Owners of approximately 8.6+/- acres of property contiguous to the City limits of the City of Independence, adjacent to Freedom Park Subdivision, and is located to the east of Freedom Trail, and extending to Madison Pike;

**WHEREAS**, pursuant to Kentucky Revised Statutes 81A.212, FREEDOM PARK, LLC and DIVERSIFIED BUILDERS, INC. have consented and requested the City of Independence to annex the property to the City; and

**WHEREAS**, The City of Independence hereby declares it desirable to annex the unincorporated territory to the City.

**NOW THEREFORE**, BE IT ORDAINED BY THE CITY OF INDEPENDENCE, KENTON COUNTY, KENTUCKY, AS FOLLOWS:

**Section 1.** The unincorporated territory which is the subject of this Ordinance, is approximately 8.6+/- acres of property owned by the FREEDOM PARK, LLC and DIVERSIFIED BUILDERS, INC., is adjacent to Freedom Park Subdivision, and is located to the east of Freedom Trail and extends to Madison Pike.

**Section 2.** The unincorporated territory which is the subject of this Ordinance is described in Exhibit 'A', and is illustrated in Exhibit 'B', both attached to this Ordinance. The Exhibits accurately define the boundary of the unincorporated territory proposed to be annexed.

**Section 3.** The unincorporated territory which is the subject of this Ordinance in Exhibits 'A' and 'B', consists of approximately 8.6+/- acres of property, is contiguous to the City's boundaries at the time this annexation proceeding is begun and, by reason of present, potential or future population density, commercial, industrial, institutional, or governmental use of the land, or subdivision of land, is urban in character or suitable for development for urban purposes without unreasonable delay. The City hereby declares it desirable to annex the unincorporated territory. No part of the area to be annexed is included within the boundary of another incorporated city.

**Section 4.** Since the owner of record of the land to be annexed has given prior consent in writing to the annexation, the City shall not be required to enact the notification ordinance required by KRS 81A.420 (1) or to comply with the notice requirements of KRS 81A.425, and it shall not be required to wait the sixty (60) day period provided for in KRS 81A.420 (2) prior to enacting a final ordinance annexing the area. Pursuant to KRS 81A.412, the City does hereby enact this single ordinance finally annexing the land described in this ordinance.

**Section 5.** The property which is the subject of this ordinance, consisting of approximately 8.6+/- acres of property is hereby annexed into the City limits of the City of Independence, Kenton County, Kentucky, for all purposes.

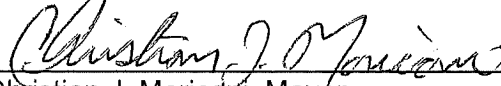
**Section 6.** The City elects not to follow the procedure provided for in KRS 100.209 prior to the adoption of the ordinance of annexation, therefore the newly annexed territory shall remain subject to the same land use restrictions, as applied to it prior to annexation until those restrictions are changed by zoning map amendments or other regulations in accordance with KRS Chapter 100. The property is currently zoned Residential One-C (R-1C).

**Section 7.** This ordinance shall be effective upon its adoption and approval according to law, and publication thereafter.

**Section 8.** All ordinances or parts of any ordinances in conflict herewith, to the extent of the conflict, if any, are hereby repealed.

**Section 9.** The foregoing Ordinance was read, passed and adopted by the Council of the City of Independence, Kentucky, meeting in regular session on the 6<sup>th</sup> day of December 2004, and in special session on the 20<sup>th</sup> day of December 2004, with 6 Yes votes, 0 No votes, and 0 Abstentions, and was thereafter approved by the Mayor and ordered published in Summary according to law.

APPROVED:

  
Christian J. Moriconi, Mayor

ATTEST:

  
Patricia H. Taney, City Clerk

PUBLISHED: 1-13-2005

THE CINCINNATI ENQUIRER  
THE CINCINNATI POST  
THE KENTUCKY POST

312 ELM STREET  
CINCINNATI, OHIO 45202-2739  
(513) 721-2700

AFFIDAVIT

( CASE NUMBER ) PATRICIA H  
( CAPTION COPY ) ORD # 2004-0-27  
( QUOTED COST ) \$259.85  
( AD # ) 59101  
( ORDER # ) \*\*\*\*\*

STATE OF OHIO, SS.  
HAMILTON COUNTY,

City of Independence, Ky.  
ORDINANCE NO. 2004-0-27 AN ORDINANCE OF THE CITY OF INDEPENDENCE, KENTON COUNTY, KENTUCKY, ANNEXING THE FREEDOM PARK, LLC AND DIVERSIFIED BUILDERS, INC. PROPERTY CONSISTING OF APPROXIMATELY 8.6+/- ACRES AT FREEDOM TRAIL AND MADISON PIKE. WHEREAS, FREEDOM PARK, LLC and DIVERSIFIED BUILDERS, INC. are the Owners of approximately 8.6+/- acres of property contiguous to the City limits of the City of Independence, adjacent to Freedom Park Subdivision, and is located to the east of Freedom Trail, and extending to Madison Pike; WHEREAS, pursuant to Kentucky Revised Statutes 81A.212, FREEDOM PARK, LLC and DIVERSIFIED BUILDERS, INC. have consented and requested the City of Independence to annex the property to the City; and WHEREAS, The City of Independence hereby declares it desirable to annex the unincorporated territory to the City. NOW THEREFORE, BE IT ORDAINED BY THE CITY OF INDEPENDENCE, KENTON COUNTY, KENTUCKY, AS FOLLOWS: Section 1. The unincorporated territory which is the subject of this Ordinance, is approximately 8.6+/- acres of property owned by the FREEDOM PARK, LLC and DIVERSIFIED BUILDERS, INC., is adjacent to Freedom Park Subdivision, and is located to the east of Freedom Trail and extends to Madison Pike. Section 2. The unincorporated territory which is the subject of this Ordinance is described in Exhibit 'A', and is illustrated in Exhibit 'B', both attached to this Ordinance. The Exhibits accurately define the boundary of the unincorporated territory proposed to be annexed. Section 3. The unincorporated territory which is the subject of this Ordinance in Exhibits 'A' and 'B', consists of approximately 8.6+/- acres of property, is contiguous to the City's boundaries at the time this annexation proceeding is begun and, by reason of present, potential or future population density, commercial, industrial, institutional, or governmental use of the land, or subdivision of land, is urban in character or suitable for development for urban purposes without unreasonable delay.

PERSONALLY APPEARED BEFORE ME,  
  
A NOTARY PUBLIC, IN AND FOR HAMILTON  
COUNTY, OHIO *Patricia H. Sabers*  
  
WHO, BEING DULY SWORN, SAYS THAT THE  
  
ANNEXED ADVERTISEMENT WAS PUBLISHED  
  
IN THE  
  
KENTUCKY POST

DAILY NEWSPAPERS 1 TIMES TO WIT:

*1/13/05*

*Patricia H. Sabers*  
AFFIANT

SWORN TO AND SUBSCRIBED BEFORE ME THIS

*17th* DAY OF *January* 2005

*Anita L. Alexander*  
NOTARY PUBLIC

ANITA L. ALEXANDER

Notary Public, State of Ohio  
My Commission Expires Aug. 7, 2005



**CONSENT TO ANNEXATION  
FREEDOM PARK, LLC  
DIVERSIFIED BUILDERS, INC.**

The undersigned are property owners of the approximately 8.6+/- acres of property contiguous to the City limits of the City of Independence, adjacent to Freedom Park Subdivision, and which is located to the east of Freedom Trail, and extending to Madison Pike, that have requested the City of Independence to annex.

The unincorporated territory which is the subject of this Consent is described in Exhibit 'A', and is illustrated in Exhibit 'B', both attached to this Consent.

**FREEDOM PARK, LLC**

**DIVERSIFIED BUILDERS, INC.**

By: Thomas Schreiber  
Tom Schreiber, Authorized Member

By: Thomas Schreiber  
Tom Schreiber, Authorized Officer

Civil Engineers  
Land Surveyors  
Planners

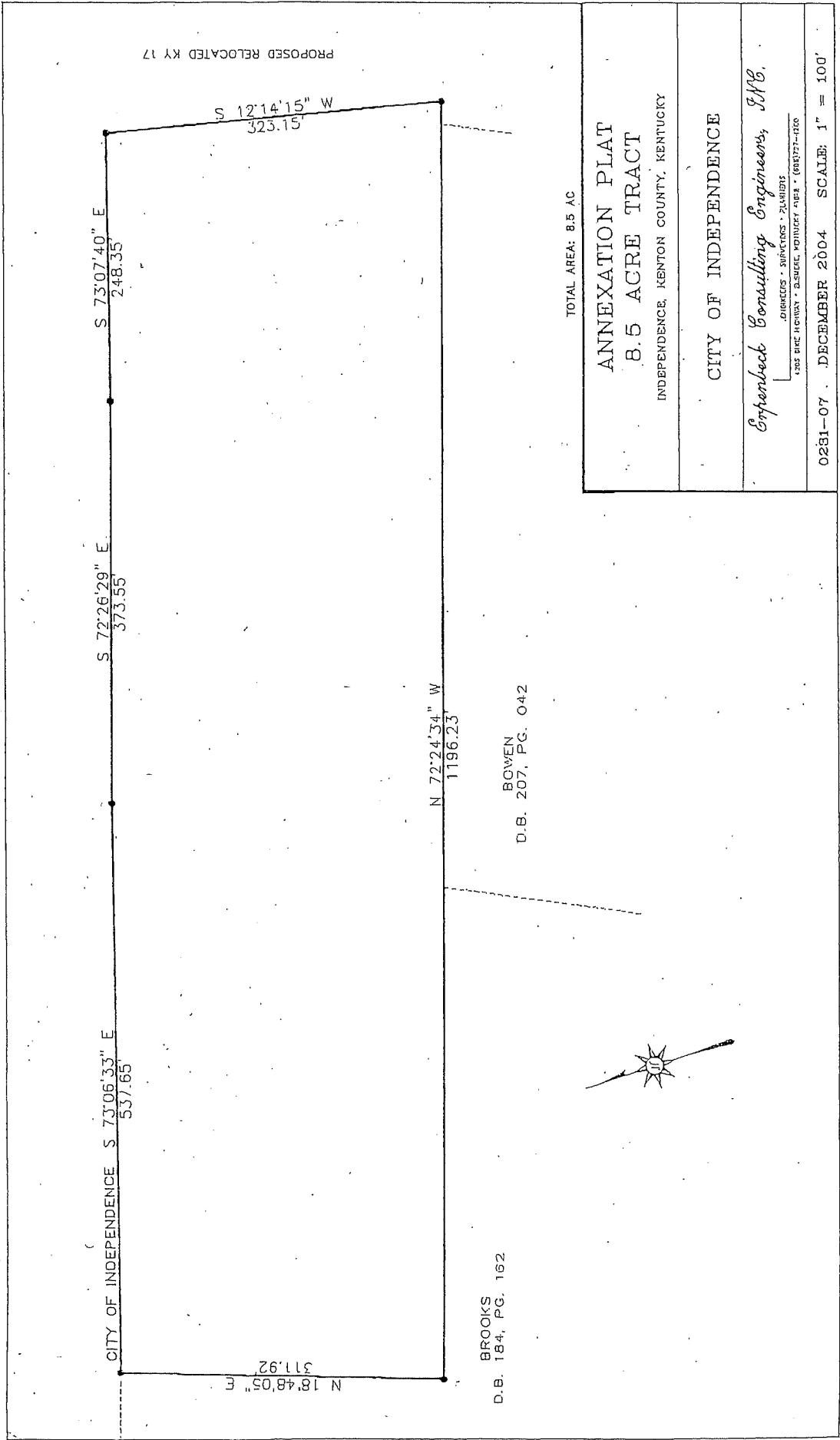


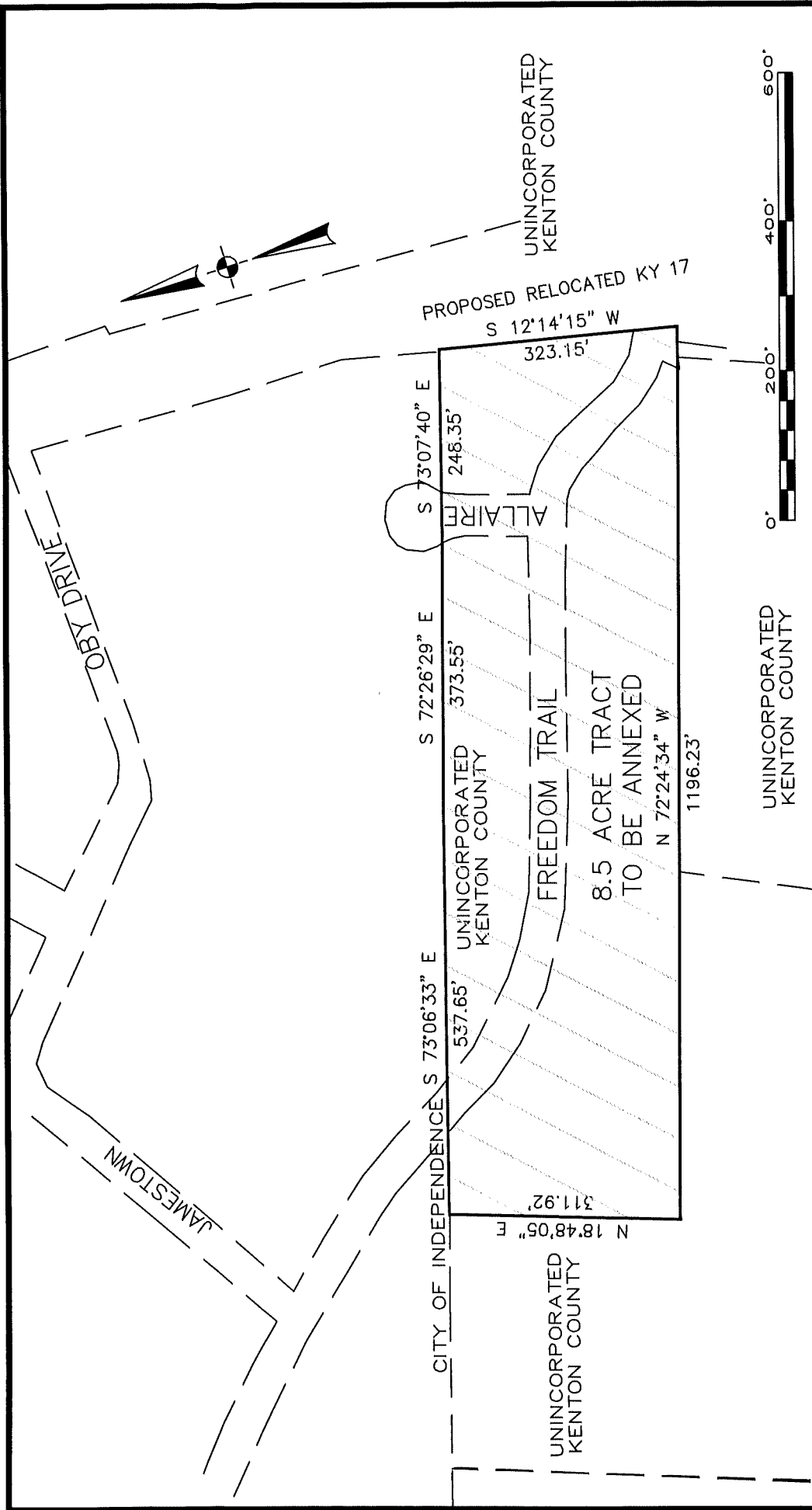
## LEGAL DESCRIPTION

Being a tract of land located south of the City of Independence and west of the proposed relocated KY 17 in unincorporated Kenton County and being more particularly described as follows:

Beginning at a point in the City of Independence south line at its intersection with north east corner of Brooks (DE 184 PG 162); thence with said city limits for the following three calls S73°06'33"E 537.65 feet; thence S72°26'29"E 373.55 feet; thence S73°07'40"E 248.35 feet to a point in the west right of way line of the proposed relocated KY 17; thence with said right of way S12°14'15"W 323.15 feet; thence leaving said right of way and continuing with that north line of Bowen (DB 207 PG042) and Brooks (DB 184 PG 162) and its projection to the said right of way N72°24'34"W 1,196.23 feet to a corner of Brooks; thence with Brooks line N18°48'05"E 311.92 feet to the point of beginning,  
Containing 8.5 Acres +/-

27





<p>ANNEXATION TO CITY OF INDEPENDENCE 8.5 ACRE TRACT RELOCATED KENTUCKY RT. 17</p>	
<p>CITY OF INDEPENDENCE MADISON PIKE INDEPENDENCE, KENTUCKY</p>	
<p>Civil Engineers Land Surveyors Planners</p>	<p><b>ECE</b> Erpenbeck Consulting Engineers, Inc. www.erpenbeckengineers.com</p>
<p>4205 Dixie Highway Elsmere, Kentucky 41018 859.727.4200 fax 859.342.5852</p>	
<p>DECEMBER 2004</p>	<p>SCALE 1" = 200' 0231</p>

THIS PLAT HAS BEEN PREPARED BY ME OR UNDER MY DIRECTION.  
THIS PLAT DOES NOT MEET THE STANDARDS OF PRACTICE  
AS SPECIFIED IN 201 KAR 18:150. NO FIELD SURVEY HAS BEEN  
PERFORMED AND NO MONUMENTS HAVE BEEN SET. THE  
PURPOSE OF THIS DRAWING IS TO COMPLY WITH KRS 81A.470.

STATE OF KENTUCKY  
ROBERT WESTERMEYER  
2031  
LICENSED  
PROFESSIONAL  
LAND SURVEYOR

REVISED JULY 2006



