

September 20, 2006

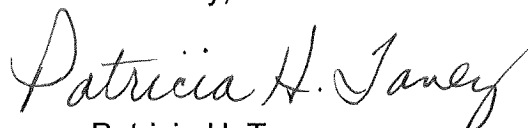
OFFICE OF THE SECRETARY OF STATE  
Attn: Kandie Adkinson, Administrative Supvr.  
Land Office Division  
Suite 152, State Capitol  
700 Capital Avenue  
Frankfort KY 40601-3493

RECEIVED AND FILED  
DATE October 2, 2006  
\_\_\_\_\_  
TREY GRAYSON  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
BY Kandie Adkinson

Enclosed is Ordinance Number 2004-O-17, which annexes certain unincorporated territories, lying contiguous and adjacent to the City of Independence. City council adopted this ordinance at its regular council meeting that was held on Monday, September 13, 2004. Attached to the ordinance are the legal description of the parcels annexed and the surveyor's certified map. Since I am unsure if this was originally sent to your office in 2004, I am sending it again.

If you need anything further or have questions regarding this annexation, please don't hesitate to call me at 859-356-5302.

Sincerely,

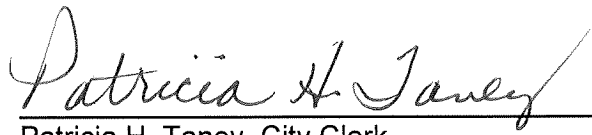
  
Patricia H. Taney  
City Clerk

pht/  
Attachment


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-17** duly adopted by the City Council of the City of Independence on the 13<sup>th</sup> day of September 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 20<sup>th</sup> day of September 2006.

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

Subscribed and sworn to before me by Patricia H. Taney, City Clerk, this, the 20<sup>th</sup> day of September 2006.

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

RECEIVED AND FILED  
DATE October 2, 2006

TREY GRAYSON  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
BY 

**ORDINANCE NO. 2004-O-17**

**AN ORDINANCE OF THE CITY OF INDEPENDENCE, IN KENTON COUNTY, KENTUCKY, ANNEXING THE MULLINS/FREEDOM PARK, LLC PROPERTY CONSISTING OF APPROXIMATELY 56 ACRES, WHICH PROPERTY IS THE SUBJECT OF A REZONING IN ORDINANCE 2004-O-16.**

**WHEREAS**, Freedom Park, LLC, owner by contract, and Margaret Mullins, property owner (hereinafter "OWNERS"), have requested the City of Independence to annex and zone the Margaret Mullins property located at 11527 Wilson Road, Independence, Kentucky (approximately 56 acres), pursuant to KRS 100.209 and KRS 81A.412;

**WHEREAS**, on Monday, June 7<sup>th</sup>, the City Council of the City of Independence voted unanimously to proceed with a voluntary annexation/zoning of the aforesaid Margaret Mullins property;

**WHEREAS**, the Kenton County & Municipal Planning & Zoning Commission has held a public hearing and made its recommendation, and the City of Independence has adopted Ordinance 2004-O-16, thereby rezoning the property; 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, IN KENTON COUNTY, KENTUCKY, AS FOLLOWS:

**Section 1.** The unincorporated territory which is the subject of this Ordinance, is approximately 56 acres of property owned by the Margaret Mullins, under contract to Freedom Park, LLC, and is located at 11527 Wilson Road, Independence, Kentucky.

**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 56 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 56 acres of property is hereby annexed into the City limits of the City of Independence, in Kenton County, Kentucky; for all purposes.

**Section 6.** The City has elected to follow the procedure provided for in KRS 100.209 (1), and has adopted Ordinance 2004-O-16 prior to the adoption of this Ordinance of Annexation, therefore the newly annexed territory shall be subject to the land use and other zoning restrictions as set forth in that Ordinance.

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

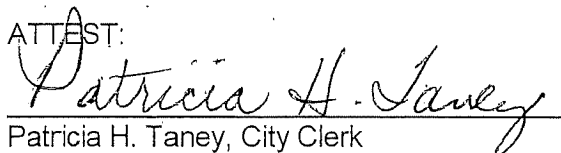
**Section 8.** All ordinances or parts of any ordinances in conflict herewith, to the extent of the conflict, if any, are hereby repealed.

**Section 9.** The foregoing Ordinance was read, passed and adopted by the Council of the City of Independence, Kentucky, meeting in Regular Sessions on the 2nd day of August, 2004, and on the 13<sup>th</sup> day of September, 2004, with five (5) yes votes, one (1) no vote, and zero (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: September 22, 2004

June 10, 2004

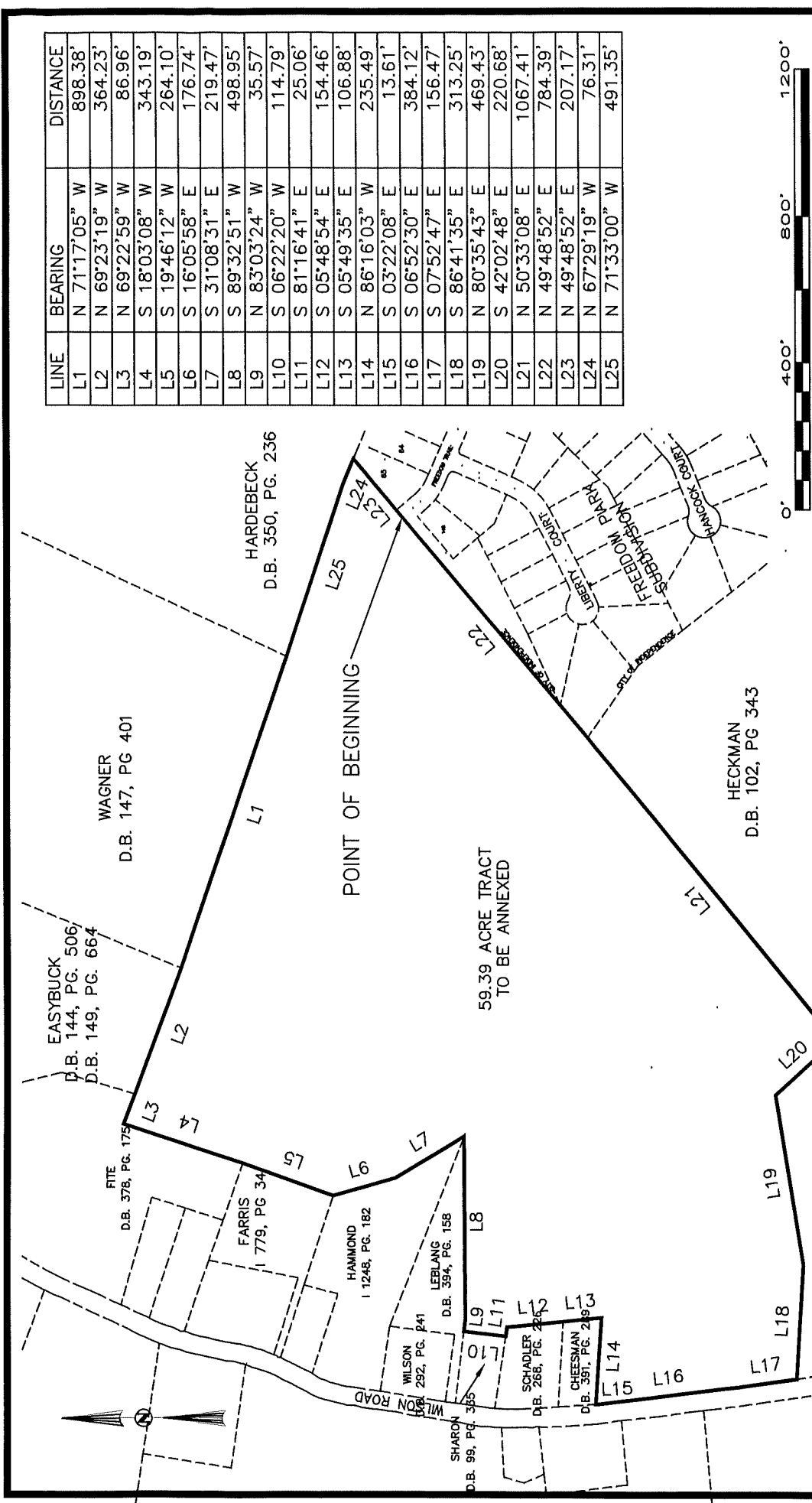
## **LEGAL DESCRIPTION**

### **Parcel to be annexed by the City of Independence**

Being a parcel located along the east side of Wilson Road and north of the existing city limits line and being more particularly described as follows:

Beginning at a point in the center of Freedom Trail, Section Twelve, Freedom Park and in the existing City of Independence line; thence with the existing city limits and Freedom Park N 49° 48' 52" E, 207.17 to a point in the line with Hardbeck (DB 350, page 236) thence leaving the city limits of Independence and with Hardbeck N 67° 29' 19" W, 76.31 feet to a point; thence N 71° 33' W, 491.35 feet to a corner with Wagner (DB 147, page 401); thence with Wagner N 71° 17' 05" W, 898.38 feet to a corner with Easybuck (DB 144 & 149, page 506 & 664); thence with Easybuck N 69° 23' 19" W, 364.23 feet to a corner with Fite (DB 378, page 175); thence with Fite N 69° 22' 59" W, 86.96 feet to a point; thence S 18° 03' 08" W, 343.19 feet to corner with Farris (DB 779, page 34); thence with Farris S 19° 46' 12" W, 264.10 feet to a corner with Hammond (DB I1248, page 182); thence with Hammond S 16° 05' 58" E, 176.74 feet to a point; thence S 31° 08' 31" E, 219.47 feet to a corner with Leblang (DB 394, page 158) S 89° 32' 51" W, 498.95 feet to a point; thence N 83° 03' 24" W, 35.57 feet to a corner with Sharon (DB 99, page 335); thence with Sharon S 06° 22' 20" W, 114.79 feet to a point in the line with Schadler (DB 268, page 226); thence with Schadler S 81° 16' 41" E, 25.06 feet to a point; thence S 05° 48' 54" E, 154.46 feet to a corner with Cheesman (DB 391, page 289) thence with Cheesman S 05° 49' 35" E, 106.88 feet to a point; thence N 86° 16' 03" W, 235.49 feet to a point in the east right of way line Wilson Road; thence with the east right of way line S 03° 22' 08" E, 13.61 feet to a point; thence S 06° 52' 30" E, 384.12 feet to a point; thence S 07° 52' 47" E, 156.47 feet to a corner with Scott (I413, page 206); thence leaving said east right of way and with Scott S 86° 41' 35" E, 313.25 feet to a point; thence N 80° 35' 43" E, 469.43 feet to a point; thence S 42° 02' 48" E, 220.68 feet to a corner with Endres (DB 339, page 240) and in the line with Heckman (DB 102, page 343) thence with Heckman N 50° 33' 08" E, 1067.41 feet to a corner with the Freedom Park Subdivision and Lot 141 Section Twelve, said point also being in the existing line of the City of Independence; thence with Freedom Park Subdivision and the City of Independence N 49° 48' 52" E, 784.39 feet to the point of beginning.  
Containing 59.39 Acres.

Beginning at the same property as described in Deed Book I 730, page 151 as recorded in the County Clerk's office at Independence, Kentucky.



## ANNEXATION TO THE CITY OF INDEPENDENCE

59.39 ACRES  
WILSON ROAD

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THE CITY OF INDEPENDENCE  
MADISON PIKE  
INDEPENDENCE, KENTUCKY

**ECE** Erpenbeck  
Consulting  
Engineers, Inc.  
4205 Dixie Highway  
Elsmere, Kentucky 41018  
859.727.4200 fax 859.342.5852  
www.erpenbeckengineers.com

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Civil Engineers  
Land Surveyors  
Planners

JUNE 2004 SCALE 1" = 400' 0455

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.

LICENSED PROFESSIONAL LAND SURVEYOR  
*Robert T. Thompson*  
 23303