

RECEIVED AND FILED
DATE January 29, 2021

MICHAEL G. ADAMS
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Kandice Adkins

CERTIFICATION

This is to certify that this is a true and accurate copy of Ordinance No. 2020-04, that it was in fact introduced and given first reading by unanimous vote of the Lebanon City Council on December 7, 2020 at a duly convened meeting of the Council, and was in fact approved for passage by unanimous vote of the Lebanon City Council, and given second reading by unanimous vote on January 11, 2021 at a duly convened meeting of the Council, and was in fact published in the January 20, 2021 issue of The Lebanon Enterprise.

WITNESS, my hand and the Seal of Lebanon Kentucky, this day of 20th day of January, 2021.

Gina N. Wheatley
Gina N. Wheatley, City Clerk

ORDINANCE NO. 2020-04

AN ORDINANCE ANNEXING INTO THE CITY OF LEBANON, KENTUCKY, CERTAIN UNINCORPORATED TERRITORY BELONGING TO NEWCOMB OIL CO, LLC, LYING ON AND CONTIGUOUS TO PORTIONS OF THE CITY'S NORTHWESTERN BOUNDARY AND LOCATED ON HIGHWAY 55 (1720 & 1830 SPRINGFIELD HIGHWAY), DEFINING THE BOUNDARIES OF THE TERRITORY TO BE ANNEXED AND DECLARING SUCH ANNEXATION TO BE DESIRABLE, AND APPROVING ZONING CLASSIFICATION AS B-2 (GENERAL BUSINESS).

WHEREAS, the City of Lebanon has been presented with written requests pursuant to KRS 81A.412, by Newcomb Oil Co., LLC, owner of record of the parcel of land described below to annex into the City all of its property located along and contiguous to portions of the City's northwestern boundary and located on HWY 55, identified as 1830 Springfield Highway, Lebanon, KY and 1720 Springfield Highway, Lebanon, KY, and more particularly described at Exhibit A, which lands qualify for annexation pursuant to KRS 81A.410, and

WHEREAS, the City Council deems it desirable to annex said land and declares same to be urban in character or subject to governmental use and suitable for urban purposes without unreasonable delay, and

WHEREAS, no part of said property proposed to be annexed lies within the boundary of any other incorporated City, and

WHEREAS, City of Lebanon Planning and Zoning Commission approved the assignment of a zone classification/change from unzoned territory to B-2 on November 23, 2020, and the City has properly advertised and herein considers on the record the findings so made by the Planning & Zoning Commission with respect to the property described below;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEBANON, KENTUCKY:

SECTION I

That the property described on Exhibit A, which property is embraced within the County of Marion and which is located on HWY 55 (Springfield Highway) and contiguous to portions of the City's northwestern boundary shall be, and the same hereby are, annexed into and included within the boundaries of the City of Lebanon, Kentucky.

SECTION II

That this annexation is made at the request of Newcomb Oil Co., LLC, a Kentucky Limited Liability Company, by and through its authorized representatives, and Newcomb Oil Co., LLC, is the owner of said property and having filed its written consent, pursuant to KRS 81A.412, the 60-day waiting period and the notice requirements have been waived.

SECTION III

The recommendation of the City of Lebanon Planning & Zoning Commission is hereby adopted based upon the record therein and the zoning classification assigned this property is hereby changed from unzoned territory to B-2 (General Business).

SECTION IV

That the City Clerk and/or other City officials are hereby authorized and directed to take such action as shall be necessary in order to amend the City map, post speed limits and other required signs, and such other action as may be necessary and desirable as a result of this annexation.

SECTION V

All Ordinances or parts of Ordinances or Municipal Orders in conflict herewith are expressly repealed, but only to the extent of such conflict.

SECTION VI

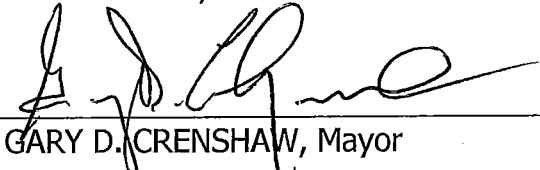
If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION VII

This Ordinance shall become effective upon its second reading, passage and publication.

CITY OF LEBANON, KENTUCKY

BY: _____


GARY D. CRENSHAW, Mayor

ATTEST:

By GINA N. WHEATLEY, City Clerk
GINA N. WHEATLEY, City Clerk

First reading given December 7, 2020.

Second reading given January 11, 2021.

Published in The Lebanon Enterprise on January 20, 2021.

GINA N. WHEATLEY, City Clerk
GINA N. WHEATLEY, City Clerk

Exhibit A

Newcomb Oil Co LLC -
DB 333, PG 810

A certain parcel of land located in the Commonwealth of Kentucky, County of Marion, being a portion of that tract of land conveyed to James L. Young Jr., et ux., as recorded in Deed Book 192, Page 525. All set re-bars are 5/8" x 18" with a blue identification cap stamped #2488;

Beginning at re-bar set on the north right of way of highway '55', corner with Lynn Wimsatt et ux. (Deed Book 198, Page 345), said re-bar is located N 10° 20' 17" E, a distance of 37.90' from the southeast corner of the metal shop located on the Lynn Wimsatt property; thence N 40° 34' 14" W, a distance of 434.06' with Wimsatt to a found 1/2" re-bar; thence N 49° 25' 46" E, a distance of 115.57' with a new division line to a set re-bar; thence S 40° 34' 14" E, a distance of 319.78' with same to a re-bar set on the north right of way of highway '55'; thence S 04° 45' 05" W, a distance of 162.53' with said highway to the POINT OF BEGINNING; said described tract containing 1.000 acre by a survey performed by Nathaniel A. Phipps under the direct supervision of T. A. Phipps, completed this 14 day of August, 2007.

Being the same property acquired by Newcomb Oil Co., LLC, by Deed from Christopher Lynn Wimsatt, et ux., dated December 30, 2019, and recorded in Deed Book 333, Page 810, in the Marion County Clerk's office.

Newcomb Oil Co LLC -
DB 334, PG 825

PVA Map No. 055-023-01 - 1720 Springfield Highway, Lebanon, Kentucky 40033

PARCEL ONE:

BEGINNING at an iron post on the edge of the right of way of said highway, which post is as measured along the edge of the side of right of way 419 feet from a post at a corner to Smothers. The following described boundary is the part of the farm containing the residence. Beginning at an iron post on the edge of the right of way of the said highway; thence leaving the highway with a new line N. 44 degrees 15' W. 360 feet to iron post, N. 44 E. 282 feet with the plank fence to a post, containing the plank fence S. 45 E. 186 feet to a post on the edge of the right of way of the highway; thence with the edge of the said right of way S. 13 degrees 15' W. 336 feet to the point of beginning, containing 1.77 acres, more or less.

THERE IS EXCEPTED HEREFROM AND NOT CONVEYED HEREBY that property conveyed by Imogene Clark to the Commonwealth of Kentucky, Transportation Cabinet, Department of Highways, by Master Commissioner Deed date June 15, 2009, and of record in the Commissioner=s Deed Book 10, Page 450, in the aforesaid Clerk's office and being more particularly described as follows:

PARCEL NO. 42, TRACT A

Being a tract of land in Marion County, Kentucky, fronting the west side of KY55 (Spalding Avenue), located approximately 730 feet northeast of the proposed alignment of Lebanon Bypass and more particularly described as follows:

Beginning at a point in the existing right of way line of KY55 (Spalding Avenue), said point being 80.00 feet left of KY55 (Spalding Avenue) at Station 57+22.23; thence North 47 degrees 18 minutes 30 seconds West a distance of 98.67 feet to a point 163.90 feet left of KY55 (Spalding Avenue) at Station 57+74.16; thence with the proposed right of way line North 8 degrees 30 minutes 07 seconds East a distance of 25.86 feet to a point 165.00 feet left of KY55 (Spalding Avenue) at Station 58+00.00; thence continuing with the proposed right of way line North 52 degrees 55 minutes 31 seconds East a distance of 67.27 feet to a point 120.00 feet left of KY55 (Spalding Avenue) at Station 58+50.00; thence continuing with the proposed right of way line South 79 degrees 03 minutes 40 seconds East a distance of 40.00 feet to a point 80.00 feet left of KY55 (Spalding Avenue) at Station 58+50.00' thence South 10 degrees 56 minutes 20 seconds West a distance of 127.77 feet to a point 80.00 feet left of KY55 (Spalding Avenue) at Station 57+22.23 and point of beginning, and containing 0.172 acres (7,486 square feet).

The above-described Parcel No. 42, Tract A, is being acquired as permanent right of way in fee simply and not merely for highway of right of way purposes.

PARCEL TWO:

The corridor described as "Tract #1C" upon that plat of record in Plat Cabinet 3, Slide 527, in the Marion County Clerk's office, such tract being more particularly described as follows:

TRACT #1C: A certain parcel of land located in the Commonwealth of Kentucky, County of Marion, being a portion of that tract of land conveyed to James 'Spunk' Young, Jr., by Deed of record in Deed Book 192, Page 525. All set re-bars are 5/8" x 18" with a blue identification cap stamped #2488.

BEGINNING a re-bar set on the west side of Highway 55 (Lis Pendens 18/433), corner with Imogene Clark (Deed Book 101, Page 254, but only as to that portion that was reserved in Deed Book 192, Page 525). Thence S11°57'58"W, a distance of 13.04' with said highway to a set re-bar. Thence N44°27'06"W, a distance of 266.45' leaving said highway with a new division line to set re-bar. Thence N45°37'20"E, a distance of 13.19' with same to a found 1/2" re-bar, corner with Clark. Thence S43°56'19"E, a distance of 259.23' with Clark to the POINT OF BEGINNING; said described tract containing 0.072 acres by survey performed by Nathaniel A. Phipps under the direct supervision of T.A. Phipps, completed July 24, 2008.

(Title Examiner Notes: Certain restrictive covenants and imposed conditions initially applicable to the above-described real property may have been reserved or extinguished by Deed and Exchange of Convents dated March 16, 2009, and recorded in Deed Book 275, Page 650, in the Marion County Clerk's office.)

Being the same property acquired by Newcomb Oil Co., LLC, by Deed from Work, LLC, dated March 6, 2020, and recorded in Deed Book 334, Page 825, in the Marion County Clerk's office.

KWM

ENGINEERING & SURVEYING, LLC

335 N. WOODLAWN AVE., LEBANON, KY 40033
BUSINESS: (270) 692-0089
MOBILE: (270) 590-4603
kwm.nk@windstream.net

Lebanon, Kentucky Annexation Description NOC – KY 55 – Annexation



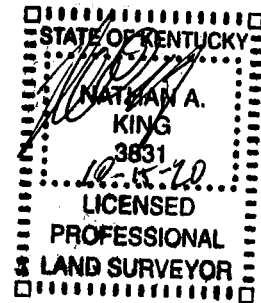
Description of a **2.69 +/- Acre** annexation, in two tracts, located in the State of Kentucky, County of Marion & located adjacent to the northwest boundary of the City of Lebanon (per Annexation Ordinance 08-17 – which includes Tract 1 of NOC – KY 55 property). This annexation consists of Tracts 2 & 3 of the property addressed as 1830 Springfield Highway, which sits along the west frontage road of KY 55 (Springfield Hwy) just outside of the Lebanon ByPass (KY 2154). This Description is for the corresponding plat titled “NOC – KY 55 – Annexation”, by Nathan King, KWM Engineering & Land Surveying.

Tract 2: Newcomb Oil Co., LLC (DB 333; PG 810)

Beginning at a point having a Kentucky State Plane Coordinate (KY South – KY 1602) of N: 2,099,256.31, E: 1,784,908.72, said point being at the southeast corner of Tract 1 (Newcomb Oil Co., LLC (DB 333; PG 405)) and the northeast corner of Tract 2 (Newcomb Oil Co., LLC (DB 333; PG 810)), also being a corner of the City of Lebanon per Ordinance 08-17 and in the west R/W of a frontage road along KY 55; THENCE leaving the frontage road and following along Tract 1 and Ordinance 08-17, **N44°04'31"W, 318.6'** to a point; THENCE with same, **S45°59'19"W, 115.58'** to a point, corner to Caj'n Investments, LLC. (DB 309; PG 808) and Chris Wimsatt (DB 304; PG 173), both un-incorporated areas of Marion County; THENCE leaving Ordinance 08-17 with the Wimsatt line, **S44°01'37"E, 432.96'** to a point in the R/W on the west side of the frontage road of KY 55; THENCE with said R/W, **N01°21'59"E, 162.72'** to the POINT OF BEGINNING and Containing **1.00 +/- acres**, as shown as Tract 2 on a plat by Nathan King, PLS #3831, with KWM Engineering & Land Surveying, on 01/10/2020 titled “NOC – KY 55 – Annexation”.

Tract 3: Newcomb Oil Co., LLC (DB 334; PG 825)

Beginning at a point having a Kentucky State Plane Coordinate (KY South – KY 1602) of N: 2,099,522.51, E: 1,784,940.34, said point being at the northeast corner of Tract 1 (Newcomb Oil Co., LLC (DB 333; PG 405)) and the southeast corner of Tract 3 (Newcomb Oil Co., LLC (DB 334; PG 825)), also being a corner of the City of Lebanon per Ordinance 08-17 and in the west R/W of a frontage road along KY 55; THENCE leaving Ordinance 08-17, with said R/W, N08°30'23"E, 31.84' to a point; THENCE with same, N53°02'57"E, 67.60' to a point; THENCE with same, S78°54'34"E, 39.87' to a point at the intersection of said frontage road & KY Hwy 55; THENCE with the R/W of KY 55, N11°02'09"E, 216.00' to a point, a corner common to Thomas & Amanda Carrico (DB 328; PG 312), an un-incorporated area of Marion County; THENCE leaving said R/W, with the Carrico line, N48°57'00"W, 185.56' to a point; THENCE with same, S41°46'45"W, 282.04' to a point, a corner common to said Tract 1 and Ordinance 08-17; THENCE with Tract 1 and the boundary of the City of Lebanon Ordinance 08-17, S42°13'32"W, 13.22' to a point; THENCE with same, S47°56'35"E, 266.04' to the POINT OF BEGINNING and Containing **1.69 +/- acres**, as shown as Tract 3 on a plat by Nathan King, PLS #3831, with KWM Engineering & Land Surveying, on 01/10/2020 titled "NOC – KY 55 – Annexation".



OVERSIZE MAP INCLUDED WITH
SUBMISSION.

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