

Ordinance 08-07

TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
Kandie Adkinson

**AN ORDINANCE ANNEXING TERRITORY LOCATED ALONG THE CITY'S
WESTERN BOUNDARY AND PRESENTLY IDENTIFIED AS 2040
CAMPBELLVILLE HIGHWAY, LEBANON, KY, AND APPROVING ZONING
CLASSIFICATION AS B-2 (GENERAL BUSINESS).**

WHEREAS, the territory annexed, approximately 0.4535 acres of land identified as Wal-Mart Stores East, LP Tracts I & II (formerly owned by McCarty) and more particularly identified as 2040 Campbellville Highway, Lebanon, KY, is contiguous to the City of Lebanon and of urban character or suitable for urban development without unreasonable delay; and,

WHEREAS, each of the owners of the territory annexed have consented to the annexation of the property into the City of Lebanon pursuant to KRS 81A.412; and,

WHEREAS, On April 1, 2008, the City of Lebanon City Council enacted Ordinance 08-03, declaring the desirability of this annexation and the City of Lebanon's intent to annex the below described territory pursuant to KRS Chapter 81A and KRS 100.209; and,

WHEREAS, the City of Lebanon Planning and Zoning Commission approved the assignment of a zone classification/change from unzoned territory to B-2 (General Business) on April 28, 2008, 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 of Lebanon, as follows:

1. The territory described below, a particular description of which is attached to this ordinance as Exhibit A and is fully incorporated into this ordinance, is hereby annexed into the City of Lebanon:

Exhibit A

2. 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) and a map reflecting the new zoning classification for said territory is attached hereto and incorporated herein by reference as Exhibit B pursuant to KRS 81A.412.

Exhibit B

3. The provisions of this Ordinance are hereby declared to be severable and, if any

section, phrase or provision shall for any reason, be declared invalid, such declaration of invalidity shall not affect the validity of the remainder of this Ordinance.

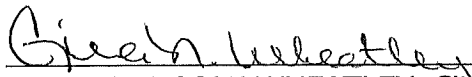
4. All prior Municipal Orders or Ordinance in conflict herewith are hereby repealed, but only to the extent of such conflict.
5. The Ordinance is adopted pursuant to KRS 83A.060 in that it was introduced on June 9, 2008, and given final reading on June 13, 2008, and said Ordinance shall be in full force and effect upon signature, recordation and publication in accordance with KRS Chapter 81A, KRS Chapter 100 and KRS Chapter 424.

CITY OF LEBANON, KENTUCKY

BY: 

GARY D. CRENSHAW, Mayor

Attest:


GINA JO NICOLE WHEATLEY, City Clerk

First Reading given June 9, 2008

Second Reading given June 13, 2008

Publication made on June 25, 2008


GINA JO NICOLE WHEATLEY, City Clerk

EXHIBIT A

(Legal Description)

TRACT I

All that certain real property located in Marion County, Kentucky, and being described as follows:

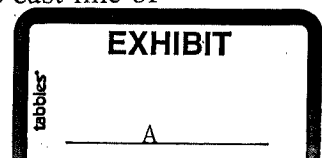
Located in Marion County, Kentucky, near the Southern edge of the City of Lebanon on the Lebanon and Campbellsville Highway, and Beginning at a right-of-way marker on the edge of said highway at a point near the Western edge of a driveway being used by the said property. Thence leaving the said highway with a line near the edge of said driveway South 18 degrees East 153 feet to a stake. Thence South 70 degrees West 100 feet to a stake; thence North 18 degrees West 149 feet to a point on the edge of the right-of-way of the highway. Thence with the edge of said right-of-way North 68 degrees East 100 feet to the point of beginning, containing 15,100 square feet, as per survey of June 12, 1987, by James Goatley, Registered Land Surveyor, No. 1119.

Tract I being more particularly described according to the survey made by Endris Engineering on October 30, 2007, as follows, to-wit:

Being all of that certain parcel between the unnamed David R. McCarty and Sara M. McCarty parcel (a 30' strip conveyed in Deed Book 258, Page 125) and Tract 3 on the Revised Minor Subdivision Plat of Hilpp Subdivision recorded in Plat Cabinet 3, Slide 427, and re-recorded in Plat Cabinet 3, Slide 458, in the Office of the Marion County Clerk, and being more particularly described by the survey made by Endris Engineering, on October 30, 2007, as follows to wit:

Being a parcel of land in Marion County, Kentucky, west of the City of Lebanon, approximately 2.0 miles west of the intersection of North Spalding Avenue (KY 55) and West Main Street (US 68) and being more particularly described as:

Beginning at a 24"-long, 5/8" rebar with plastic surveyor's cap (set, PLS 3350) at the northwest corner of a 30' strip of land owned by David R. & Sara M. McCarty (Deed Book 258, Page 125); thence with the west line of said 30' strip, South 19°27'18" East a distance of 153.00 feet to a 24"-long, 5/8" rebar with plastic surveyor's cap (set, PLS 3350), said point being in the north line of Tract 1, Minor Subdivision Plat of Hilpp Subdivision, currently owned by Wal-Mart Stores East, LP, (Deed Book 263, Page 727); thence leaving the west line of said 30' strip and with the north line of Tract 1, South 68°32'42" West a distance of 100.00 feet to a 24"-long, 5/8" rebar with plastic surveyor's cap (set, PLS 3350); thence continuing with the line of said Tract 1, North 19°27'18" West a distance of 1.19 feet to a 24"-long, 5/8" rebar with plastic surveyor's cap (set, PLS 3350) said point being the southeast corner of Tract 3, Minor Subdivision Plat of Hilpp Subdivision, and currently owned by Wal-Mart Stores East, LP, (Deed Book 263, Page 727); thence leaving the line of said Tract 1 and with the east line of said Tract 3, North 19°27'18" West a distance of 148.31 feet to the south line of the Campbellsville Road (US 68) right-of-way, said point referenced by a 5/8" rebar with plastic surveyor's cap (PLS 3623) found at South 03°19'10" West a distance of 0.30 feet from said corner; thence leaving the east line of



Tract 3 and with the south right-of-way of the Campbellsville Road (US 68) right-of-way, North $66^{\circ}32'42''$ East a distance of 100.18 feet to a 24"-long, 5/8" rebar with plastic surveyor's cap (set, PLS 3350); which is the Point of Beginning, having an area of 15,115.9 square feet, or 0.3470 acres.

The above-described parcel of land is based on a ground survey of the property conducted by Kevin M. Phillips of Endris Engineering, PSC, 771 Enterprise Drive, Lexington, Kentucky on October 30, 2007. The bearings are based on the plat of record for the subject property as recorded in Plat Cabinet 3, Slide 427 in the Office of the Marion County Clerk.

TRACT II

Being all of that certain unnamed parcel shown between the David R. McCarty and Sara M. McCarty lot (Deed Book 192, Page 721) and Tract 2 on the Revised Minor Subdivision Plat of Hilpp Subdivision recorded in Plat Cabinet 3, Slide 427, and re-recorded in Plat Cabinet 3, Slide 458, in the Office of the Marion County Clerk, and being more particularly described by the survey made by Endris Engineering on October 30, 2007, as follows, to wit:

Being a parcel of land in Marion County, Kentucky, west of the City of Lebanon, approximately 2.0 miles west of the intersection of North Spalding Avenue (KY 55) and West Main Street (US 68) and being more particularly described as:

Beginning at a 24"-long, 5/8" rebar with plastic surveyor's cap (set, PLS 3350) at the northeast corner of David R. & Sara M. McCarty (Deed Book 192, Page 721); thence leaving the line of said McCarty and with the US 68 right-of-way, North $75^{\circ}46'50''$ East a distance of 30.13 feet to a 24"-long, 5/8" rebar with plastic surveyor's cap (set, PLS 3350), said point being the northeast corner of the said unnamed parcel shown between the McCarty lot and Tract 2 on the Revised Minor Subdivision Plat of Hilpp Subdivision recorded in Plat Cabinet 3, Slide 427, and re-recorded in Plat Cabinet 3, Slide 458, in the Office of the Marion County Clerk; thence leaving the US 68 right-of-way and with the line between the unnamed lot and the aforementioned Tract 2, South $19^{\circ}27'18''$ East a distance of 156.26 feet to a 24"-long, 5/8" rebar with plastic surveyor's cap (set, PLS 3350), said point being in the north line of Tract 1 of the aforementioned Revised Minor Subdivision Plat of Hilpp Subdivision; thence leaving the line of said Tract 2 and with the north line of said Tract 1, South $81^{\circ}52'33''$ West a distance of 30.60 feet to a 24"-long, 5/8" rebar with plastic surveyor's cap (set, PLS 3350), said point being the southwest corner of the aforementioned McCarty property (Deed Book 192, Page 721); thence leaving the line of Tract 1 and with the east line of said McCarty, North $19^{\circ}27'18''$ West a distance of 153.00 feet to a 24"-long, 5/8" rebar with plastic surveyor's cap (set, PLS 3350); which is the Point of Beginning, having an area of 4638.9 square feet, or 0.1065 acres.

The above-described parcel of land is based on a ground survey of the property conducted by Kevin M. Phillips of Endris Engineering, PSC, 771 Enterprise Drive, Lexington, Kentucky on October 30, 2007. The bearings are based on the plat of record for the subject property as recorded in Plat Cabinet 3, Slide 427, and re-recorded in Plat Cabinet 3, Slide 458, in the Office of the Marion County Clerk.

Being the same property conveyed to Wal-Mart Stores East, LP, a Delaware limited partnership, by deed dated January 2, 2008, of record in Deed Book 269, page 181, in the Office of the Marion County Clerk.



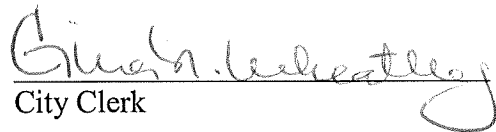
CITY OF LEBANON

GARY D. CRENSHAW
MAYOR

P.O. BOX 840
LEBANON, KY 40033
TEL. (270) 692-6272
FAX (270) 692-4638

I certify I am the duly qualified City Clerk of the City of Lebanon, Kentucky, and the foregoing five pages of Ordinance No. 08-07 is a true, correct and complete copy duly adopted by the City Council at a duly convened meeting held on June 13, 2008, all as appears in the official records of said City.

WITNESS, my hand the Seal of said City, this 18th day of September, 2008.


City Clerk

OVERSIZE MAP INCLUDED WITH
SUBMISSION.

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