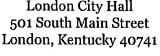


### City Clerk's Office

London City Hall 501 South Main Street





katelin.mcpeek@londonky.gov



#### **CETIFICATION: KRS 81A.470 FILINGS** CTA, LLC AND COMMONWEALTH OF KENTUCKY (STATE ROUTE 25 AND STATE ROUTE **1006 RIGHT OF WAYS) PROPERTIES ANNEXATION**

I certify am the duly qualified City Clerk of the City of London, Kentucky, and the following nine textual pages of Ordinance No. 2023-35 dated September 5, 2023 is a true, correct and complete copy duly adopted by the City of London City Council as a final annexation ordinance at a duly convened meeting held on September 5, 2023 all as appears in the official records of said City.

WITNESS, my hand and (Seal or the Seal of said City) this \_20th day of September, 2023.

Katelin McPeek, City Clerk of City of

London, Kentucky

RECEIVED AND FILED DATE OCTOPOLY 10, COZZ

MICHAEL G. ADAMS SECRETARY OF STATE COMMONWEALTH OF KENTUCKY. BY TULLY

## COMMONWEALTH OF KENTUCKY CITY OF LONDON ORDINANCE NO. 2023-35

AN ORDINANCE FINALLY ANNEXING AN AREA OF PROPERTY IN THE RIGHT-OF-WAY OF KENTUCKY STATE ROUTE 25 AND STATE ROUTE 1006 OWNED BY THE COMMONWEALTH OF KENTUCKY, DEPARTMENT OF TRANSPORTATION AND CTA, LLC

#### BE IT ORDAINED BY THE CITY OF LONDON, KENTUCKY AS FOLLOWS:

WHEREAS, the City of London, Kentucky has:

- The City of London held a First Reading of Ordinance No. 2023-06 on March 11, 2023 and had a Second Reading on April 10, 2023, both of which were passed by this City Council and said was published in the Sentinel-Echo on April 19, 2023.
- 2. The City of London Zoning and Planning Commission scheduled a public hearing on June 29, 2023 at 6:00 p.m. (EDT) at 501 South Main Street, London, Ky., pursuant to Section 201.3 of the City of London Zoning Ordinance for zoning of all of this property. Proper advance statutory notice was mailed first class mail to the Commonwealth of Kentucky and the Property owner who requested the voluntary annexation; notice was also given to adjoining property owners on June 5, 2023 pursuant to KRS 100.212; a sign was posted giving notice of the public hearing, as was newspaper notice of the public hearing.
- 3. The map of the area to be annexed is attached hereto as Exhibit A. There are three (3) tracts of property: the roadway areas of SR 1006 and SR 25, a small tract of property owned by the Commonwealth of Kentucky that is not roadway and the property owned by CTA, LLC. The map of the area was prepared by Curtis Felts, Registered Land Surveyor, of Kentucky Surveys, Inc., on December 13, 2022 and is identified as Exhibit A hereto.
- 4. Exhibits B and C are survey descriptions of the tracts of property owned by the Commonwealth of Kentucky and CTA, LLC. These were prepared by Curtis Felts, Registered Land Surveyor, of Kentucky Surveys, Inc., on December 22, 2022.
- 5. Exhibits A, B, and C are attached hereto and incorporated herein and made a part of this written and approved Ordinance.

- 6. Because this property, with the exception of the property owned by the Commonwealth of Kentucky, is a voluntary annexation; notice of the right to petition against said annexation is not applicable. The City Council has no knowledge of opposition by the Commonwealth of Kentucky to the annexation of this property. CTA, LLC requested that their privately owned property be annexed and is not opposed to the annexation.
- 7. The City Council has determined that the area hereinafter described is desirable to be annexed, and the property owner has requested to be annexed, the same property being in an unincorporated area accurately described below and accurately depicted on an Annexation Map prepared by a Kentucky-licensed surveyor dated the 13<sup>th</sup> day of December, 2022 (the "Annexation Map Sheet"), a part of which is adjacent and/or contiguous to the preexisting boundaries of the City of London, Kentucky as established by Ordinance No. 984.
- 8. The City Council of the City of London after a determined that this area described below in particular survey descriptions contained in EXHIBITS B and C, and be annexed into the corporate city limits of the City of London, Kentucky, so that the City of London might expand and to allow for the possibility of further annexation of business and residential as desired. The City Council finds that this annexation is a voluntary annexation, and has been considered at previous City Council Meetings, and that CTA, LLC is the sole owner of the property described herein, except for the roadway areas.
- The City Council, in compliance with KRS 81A.410(1)(b), finds the entire territory to be annexed by reason of commercial use of land, is urban in character or suitable for development for urban purposes without unreasonable delay.
- 10. The City Council, based on the Annexation Map, finds the property territory is owned by CTA, LLC., being of record in the Laurel County Court Clerk's Office and containing approximately 1.831 acres. The property owned by the Commonwealth of Kentucky is approximately 0.029 acres.
- 11. The City Council, based on the Annexation Map, finds no part of the territory to be annexed to be in an Agricultural District as the term is used in KRS 262.850.

- 12. The City Council, based on documents and correspondence of record, finds the territory proposed to be annexed has access to services of multiple utilities and all of this property is presently used as commercial property.
- 13. The City Council, based on the Annexation Maps and descriptions, and photographic evidence of record, finds there are no homes in the area to be annexed, but that the annexation of this property will allow for further economic and commercial development in the greater London area.
- 14. The City Council, based on photographs of record, finds there is no electrical substations in the area to be annexed.
- 15. The City Council, based on aerial photographs of record, finds there are no residential homes in the area to be annexed.
- 16. The City Council, based on the Annexation Map, and photographic evidence of record finds this property is contiguous to the present City of London boundaries.
- 17. The City Council, based on the Annexation Map, and photographic evidence of record, finds the area to be annexed is commercial property owned by CTA, LLC., and that the area of property owned by the Commonwealth of Kentucky is in a commercial area, but is owned by a government.
- 18. The City of London Zoning Commission recommended that the CTA property be zoned Commercial- 2 ("C-2") and that the property owned by the Commonwealth be zoned Governmental ("G").
- 19. The City Council, based on the Annexation Map, and photographic evidence of record finds there are numerous businesses and commercial properties on and near the CTA, LLC property proposed to be annexed, evidencing the urban character of development in the vicinity.
- 20. The City Council has reviewed a Map, as well as survey descriptions, prepared by Kentucky Surveys, Inc., reflecting the present boundaries of the City of London and the location of the property to be annexed.
- 21. The City Council further finds that all of the foregoing adjudicative facts support annexation of the subject territory being in compliance with KRS 81A.410(1) as being

urban in character or suitable for urban development purposes without unreasonable

delay.

22. The City Council is aware of no evidence to indicate utility infrastructure owned by

another city is in the territory proposed for annexation.

23. This property is not in any other boundary of an incorporated city.

All of these above findings are in keeping with KRS 81A.410 and KRS 81A.412 and other

applicable Kentucky law.

For such reasons:

1. The property owned by CTA, LLC and described herein is intended to be annexed into the

City of London with all appropriate notice provided in compliance with KRS 81A.425, The

properties (SR 1006 and SR 25 and the 0.029 acres) owned by the Commonwealth of

Kentucky and the property owned by CTA, LLC are intended to be annexed into the City

of London, with all appropriate notices provided in compliance with KRS 81A.425.

2. The property to be annexed is more particularly described on the attached and

incorporated EXHIBITS A, B and C and those descriptions are incorporated herein as a

part of this Ordinance as if copied in their entirety.

3. All requirements of the Kentucky Secretary of State shall be met, in keeping with

Kentucky law.

4. The City of London Planning Map shall be amended to reflect the addition of this

property into the City of London with the zoning reflected as stated herein.

5. This Final Annexation Ordinance shall become effective immediately upon publication.

FIRST READING DATE: <u>AUGUST 23, 2023</u> SECOND READING DATE: <u>SEPTEMBER 5, 2023</u>

PUBLICATION DATE: <u>SEPTEMBER 13, 2023</u>

DATE: 9/6/2023

Katelin McPeek, City Clerk

DATE: 9/6/2023

A motion to approve the aforement Ordinance was made by Councilperson Donnie Philpot, and seconded by Councilperson Holly Little, on **First Reading** on **August 23, 2023** at a duly called and noticed meeting of the City Council. The following Members of the City Council voted in favor of such Ordinance: Councilperson Donnie Philpot, Councilperson Holly Little, Councilperson Justin Young, Councilperson Stacy Benge, Councilperson Kip Jervis and Councilperson Kelly Greene, and the following Members of the City Council, if any, voted against said Ordinance: none.

A motion to approve the aforement Ordinance was made by Councilperson Stacy Benge, and seconded by Councilperson Donnie Philpot, on **Second Reading** on **September 5, 2023** at a duly called and noticed meeting of the City Council. The following Members of the City Council voted in favor of such Ordinance: Councilperson Donnie Philpot, Councilperson Holly Little, Councilperson Justin Young, Councilperson Stacy Benge, Councilperson Kip Jervis and Councilperson Kelly Greene, and the following Members of the City Council, if any, voted against said Ordinance: none.

# METES AND BOUNDS DESCRIPTION FOR CITY OF LONDON, KY ANNEXATION ORDINANCE NO. 2023-35

(WITH SURVEYOR SIGNATURE AND STAMP)

ORDINANCE #2023-35
DESCRIPTION
TRACT 1 Annexation

A certain tract located two-hundred twenty (220.0) feet northwest from the approximate intersection of State Route #1006 commonly known as Old Whitley Road and U.S. Route #25, commonly known as South Laurel Road, and more particularly described as follows:

All hereinafter coordinates are referenced from Kentucky State Plane Coordinate System, South Zone, and referenced from the 1983 North American Datum. All hereinafter bearings and distances are referenced to the Kentucky State Plane Grid System.

**BEGINNING** at an aluminum monument located fifty (50) feet west from the approximate centerline of U.S. Route #25, commonly known as South Laurel Road. (Commonwealth of Kentucky – Deed Book 088, Page 626), having a State Plane Coordinate of **1,919,762.27 NORTH** and **2,132,434.58 EAST**; Said aluminum monument also being a corner of the existing London City Limits (Ordinance No. 984), and also being a property corner of the Commonwealth of Kentucky (Deed Book 129, Page 041), and CTA, LLC (Deed Book 75, Page 416 – now or formerly):

Thence, leaving the CTA, LLC, property boundary corner and with the west right of way, of U.S. Route #25 and the existing London City Limits (Ordinance No. 984), **SOUTH 22 DEGREES 52 MINUTES 40 SECONDS EAST 40.17 FEET (L18)**; Said corner also begin a corner to CTA, LLC (Deed Book 757, Page 411 - now or formerly).

Thence, leaving the west right-of-way of U.S. Route #25 and the existing London City Limits (Ordinance No. 984) and with the CTA, LLC property boundary line **SOUTH 25 DEGREES 26 MINUTES 17 SECONDS WEST 45.37 FEET (L19)**: Said corner disc beaute a property boundary corner of CTA, LLC. (Deed Book 769, Page 102 - now or former's ...

Thence, continuing with the CTA, LLC, property boundary lines, the following bearing and distances:

NORTH 15 DEGREES 39 MINUTES 02 SECONDS WEST 45.65 FEET (L20): NORTH 25 DEGREES 26 MINUTES 17 SECONDS EAST 37.68 FEET (L21), to the corner of the BEGINNING containing 0.029 ACRE more or less, by calculation. This can annexation description was prepared from survey plat maps, deeds, highway right of was plans, GPS field data and information provided by the City of London, Kentucky dated December 22, 2022, by Kentucky Surveys, Inc., Curtis J. Felts, Licensed Professional Surveyor #3431.

DEC. 22, 2022

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ORDINANCE #2023 35 DESCRIPTION TRACT 2 Annexation

A certain tract located at the northwest intersection of State Route #1006 commonly known as Old Whitley Road and U.S. Route #25, commonly known as South Laurel Road, and more particularly described as follows:

All hereinafter coordinates are referenced from Kentucky State Plane Coordinate System, South Zone, and referenced from the 1983 North American Datum. All hereinafter bearings and distances are referenced to the Kentucky State Plane Grid System.

**BEGINNING** at a right of way monument located approximately thirty three (33) feet west from the approximate centerline of U.S. Route #25, commonly known as South Laurel Road, (Commonwealth of Kentucky – Deed Book 088, Page 626), having a State Plane Coordinate of **1,919,933.16 NORTH** and **2,132,381.31 EAST**: Said right of way monument also being a corner of the existing London City Limits (Ordinance No. 984), and also being a property corner of Treasure Cove Properties, LLC. (Deed Book 784, Page 30) – now or formerly), and CTA, LLC. (Deed Book 757, Page 416 – now or formerly);

Thence, leaving the Treasure Cove Properties. LLC, property boundary corner and with the west right of way of U.S. Route #25, and with the property boundary lines of CTA, LLC, and the London City Limits (Ordinance No. 984), the following bearings and distances: SOUTH 15 DEGREES 48 MINUTES 33 SECONDS EAST 141.17 FEET (L1), located lifty and feet west from the approximate centerline of U.S. Route #25; SOUTH 22 DEGREES 53 MINUTES 32 SECONDS EAST 38.07 FEET (L2); Said corner discharge a property boundary corner of Commonwealth of Kentucky (Deed Book 129, Page 03); now or formerly);

Thence, leaving the west right of way line of U.S. Route (2), and the condon City Limits (Ordinance No. 984), and with the Commonwealth of Kentucky and the CTA, LLC., property boundary line, **SOUTH 25 DEGREES 26 MINUTES 17 SECONDS WEST 37.68 FEET (L3)**, Said corner also being a corner of CTA, LLC, (Deed Book, 709, Page 102 - now or former v).

Thence, continuing with the Commonwealth or Kentucky and the CTA, LLC, property boundary line, **SOUTH 15 DEGREES 39 MINUTES 02 SECONDS EAST 45.65 FEET (L4)**. Said corner also being a property boundary corner of CTA, LLC, (Deed Book 757, Page 1... now or formerly);

Thence, continuing with the Commonwealth of Keritucky and the CTA, LLC property boundary line, **NORTH 25 DEGREES 26 MINUTES 17 SECONDS EAST 45.37 FEET (L5)**. Said corner also being a property boundary corner of U.S. Route #25, CTA, LLC., and the London City Limits (Ordinance No. 984);

Thence, continuing with west right-of way of U.S. Route #25, CTA, LLC, and the existing London City Limits (Ordinance No. 984), the following bearings and distances; SOUTH 22 DEGREES 53 MINUTES 12 SECONDS EAST 86.78 FEET (L6); Said corner also being a property boundary corner of Commonwealth of Kentucky (Deed Book 368, Page 141); SOUTH OO DEGREES 28 MINUTES 18 SECONDS WEST 133.37 FEET (L7), having a State Plane Coordinate of 1.919,511.93 NORTH and 2.432.482.84 EAST;

Thence, leaving the west right-of-way line of U.S. Route #25 and the existing London City Limits (Ordinance #984) and with the north right of way line of State Route #1006, the following bearings and distances;

SOUTH 66 DEGREES 40 MINUTES 28 SECONDS WEST 97.71 FEET (L8); SOUTH 52 DEGREES 28 MINUTES 17 SECONDS WEST 108.69 FEET (L9); NORTH 35 DEGREES 27 MINUTES 02 SECONDS WEST 5.67 FEET (L10); Said corner also located on the southeast right of way line of Jamieson Lane and being a property boundary corner of Commonwealth of Kentucky (Deed Book 129, Pages 039.041.043 — now or formerly);

Thence, leaving the north right of -way line of State Route #1006 with Jamneson Lane right of-way, the CTA, LLC., and Commonwealth of Kentucky property boundary lines, the tollowing bearings and distances:

NORTH 24 DEGREES 45 MINUTES 04 SECONDS EAST 195.87 FEET (L11).

NORTH 64 DEGREES 33 MINUTES 43 SECONDS WEST 30.00 FEET (L12).

NORTH 64 DEGREES 33 MINUTES 30 SECONDS WEST 30.01 FEET (L13);

SOUTH 24 DEGREES 45 MINUTES 11 SECONDS WEST 25.93 FEET (L14). Said corner also being a property boundary corner of Jamieson Construction Company. Inc. (Deerl Book 328, Page 90 - now or formerly).

Thence, leaving the Commonwealth of Kentucky property boundary corner and partly were the east right of way line of Jamieson Lane and with the CTA, LLC, and Jamieson Construction Company, Inc, property boundary line, NORTH 38 DEGREES 32 MINUTES 55 SECONDS WEST 329.43 FEET (L15), to a sixty (60) inch sycamore; Said sycamore being a property boundary corner of Treasure Cove Properties, LLC:

Thence, leaving the Janueson Construction Company, Inc. property boundary corner and with the CTA, LLC and Treasure Cove Properties. LLC property boundary lines the lollower bearings and distances;

SOUTH 87 DEGREES 14 MINUTES 33 SECONDS EAST 113.49 FEET (L16). NORTH 59 DEGREES 41 MINUTES 43 SECONDS EAST 176.81 FEET (L17), to the content of the BEGINNING containing 1.831 ACRE more or less, by calculation. This city annexative description was prepared from survey plat maps, deeds, highway right of way plans, GPs field data and information provided by the City of London Kentucky, dated December 22, 2022, by Kentucky Surveys, Inc., Curtis J. Felts, Licensed Professional Surveyor 9.3434

1.06.1.3 (11) DEC. 22, 2022

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