

ORDINANCE NO. 12-16

AN ORDINANCE CONFIRMING ANNEXATION AS SET FORTH IN ORDINANCE 99-17 AND AMENDING THE DESCRIPTION AND PLAT TO CONFORM TO THE SECRETARY OF STATE'S REQUIREMENTS UNDER THE KENTUCKY REVISED STATUTES

WHEREAS, the City passed, according to law, an Ordinance (99-17) declaring an intent to annex certain property into the City of Mt. Washington on October 25, 1999 and

WHEREAS, said property was owed by the City and was part, together with that in Ordinance 99-17A, of what would be known as the City of Mt. Washington's Industrial Park, and

WHEREAS, more than 6 months have elapsed since the passing of said declaration of intent and no protests having been filed, and

WHEREAS, there were minor errors in the intent ordinance which are inconsequential as the City was merely annexing what it owned, and

WHEREAS, the Kentucky Secretary of State requires clear and accurate descriptions of property annexed, and

WHEREAS, the city has retained the services of a Registered Land Surveyor to correct such discrepancies, and

WHEREAS, the Surveyor has provided corrected descriptions and plats to the City which accurately reflect the property annexed to the City,

NOW THEREFORE, BE IT ORDAINED by the City of Mt. Washington, Bullitt County, Kentucky, as follows:

SECTION I: The City confirms and hereby Annexes the property set forth in Intent to Annex Ordinance 99-17 as described and depicted in the attached Registered Land Surveyor's corrected and certified plat attached hereto as Exhibit A.

SECTION II: Should any section, clause, line, paragraph or part of this ordinance be held unconstitutional or invalid for any reason, the same shall not affect the remainder of this ordinance.

SECTION III: The City Clerk is hereby authorized to publish this ordinance in accordance with the Kentucky revised Statutes.

SECTION IV: The City Clerk is hereby directed and authorized to cause the accurate map and description of the annexed prepared by the Registered Land Surveyor, together with a copy of this ordinance duly certified, to be recorded in the office of the Bullitt County Clerk, in the office of the Secretary of State, and in the Governor's Office for Local Development, and provide to the Bullitt County Court Clerk a list of names and addresses of those property owners and or registered voters,

if any within the annexed territory

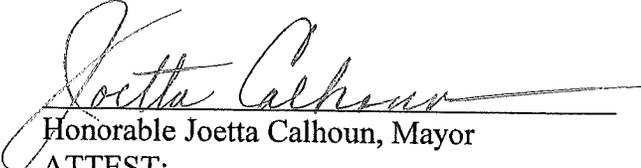
First Reading: November 26, 2012

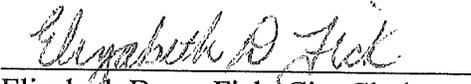
Second Reading: December 6, 2012

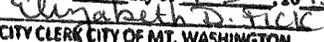
Adopted this 6<sup>th</sup> day of December, 2012

The Result of the roll call vote is as follows:

	YES	NO	ABSTAIN
BARRY ARMSTRONG	X	_____	_____
SHOT DOOLEY	X	_____	_____
GREG GENTRY	X	_____	_____
DENNIS GRIFFIN	_____	_____	_____
SANDRA HOCKENBURY	X	_____	_____
GAYLE TROUTMAN	X	_____	_____

  
Honorable Joetta Calhoun, Mayor  
ATTEST:

  
Elizabeth Dawn Fick, City Clerk

STATE OF KENTUCKY  
COUNTY OF BULLITT  
I, Elizabeth Fick, City Clerk of the City of Mt. Washington, do hereby certify that the foregoing contains a full, true and correct copy of Ord-12-16 as taken from and compared with the original records in my office of which I am Legal Custodian, adopted by the governing authority of said City of Mt. Washington at a meeting duly held on: 12/6/12 that said official action has not been modified, amended, revoked or repealed and is now in full force and effect.  
Witness my hand this 5 day of DEC, 20 12.  
  
CITY CLERK CITY OF MT. WASHINGTON

CITY OF MT. WASHINGTON  
ORDINANCE NO. 99- 17

AN ORDINANCE PROPOSING ANNEXATION OF UNINCORPORATED  
TERRITORY ADJOINING THE CITY OF MT. WASHINGTON,  
BULLITT COUNTY, KENTUCKY.

BE IT ORDAINED by the City Council of the City of Mt. Washington, Bullitt  
County, Kentucky, as follows:

**SECTION I:** The City Council of the City of Mt. Washington, Bullitt County,  
Kentucky, docs hereby ordain that it proposes to annex certain unincorporated territory to  
the City of Mt. Washington, Bullitt County, Kentucky, and such territory shall become a  
part of the City for all purposes under the laws of the Commonwealth of Kentucky, and  
such territory to be annexed is described as follows:

TRACT NO. 4. Beginning at an iron pipe in McClure's line in  
the northermost corner of Tract #2, hereinabove described; thence  
North 54 degrees West with McClures line 215.74 feet, and extending  
back South 40 degrees 45 minutes West between lines parallel of the  
same width throughout, 202 feet, the eastern line binding on the  
western line of said Tract #2.

TRACT NO. 5. Beginning in McClure's line at the northermost  
corner of Tract #4, hereinabove described; thence with McClure's line  
and the northeastern line of an 18 foot roadway, North 54 degrees  
West 1688.46 feet to a stone, corner to McClure and Margery D.  
Hughes line; thence with Hughes; line south 33 degrees west 394.68  
feet to a post; thence with another line of Hughes North 53 degrees  
West 948.42 feet to a post; thence with another line of said Hughes  
South 48 degrees West 1088.34 feet to a post, corner to Hughes and  
Bage Shelburne; thence with Shelburne's line South 44 degrees 45  
minutes West 1122.0 feet to an iron pipe, corner to Jesse Wheeler;  
thence with Wheeler's Northeast line, South 59 degrees 15 minutes  
East 1441.88 feet to an iron post, corner to Wheeler in Elmo Wyatt's  
line; thence with Wyatt's Northeastern line North 33 degrees East  
1102.20 feet to a stone; thence with Wyatt's Northeastern line South  
59 degrees 45 minutes East 1762.96 feet to an iron pipe at the  
Southwestern corner of Tract #2, hereinabove described; thence with  
the Northwestern line of said Tract #2, North 40 degrees 45 minutes  
East 979 feet to the Southernmost corner of Tract #4 above described;  
thence with the Southwestern line of said Tract #4, North 54 degrees  
West 215.74 Feet, and with the Northwestern line of said Tract #4,  
North 40 degrees 45 minutes East 202 feet to the point of beginning.

RECEIVED AND FILED  
DATE July 12, 2013

ALISON LUNDERGAN GRIMES  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
BY Handie Adkinson

TRACTS NO. 4 AND 5 BEING the same property conveyed to James V. Gardner, et. ux. by Leroy Holcomb, et. ux. by deed dated July 15, 1960 recorded in Dced Book 97, Page 637 in the Office of the Clerk of the Bullitt County Court.

**SECTION II:** This Ordinance is enacted pursuant to KRS 81A.400, et. seq. The reader is advised that one may have legal rights affected by this Ordinance. For advice concerning these rights, one should consult an attorney.

**SECTION III:** This Ordinance shall be published according to law.

**SECTION IV:** Should any section, clause, line, paragraph or part of this Ordinance be held unconstitutional or invalid for any reason, the same shall not affect the remainder of the Ordinance.

**SECTION V:** The City Clerk is hereby authorized to publish this Ordinance in accordance with the Kentucky Revised Statutes. The Mayor of the City of Mt. Washington, Bullitt County, Kentucky, is hereby directed and authorized to give notice of the annexation of this property to the Bullitt County Fiscal Court and to the Secretary of State, Commonwealth of Kentucky.

**SECTION VI:** The City Clerk is hereby directed and authorized to provide to the Bullitt County Court Clerk a map clearly delineating the boundaries of the area affected along with a list of the names and addresses of those property owners and/or registered voters. The City Clerk is further directed and authorized to provide to the Bullitt county Planning and Zoning Administrator a map clearly showing the zoning for this area and requesting from said administrator a public hearing to discuss said zoning recommendations of the City at a regular meeting of the Bullitt County Planning and Zoning Commission with said publication of meeting according to law.

**SECTION VII:** Within sixty (60) days of the publication of this Ordinance, \_\_\_\_\_, 1999, one may petition the Mayor of the City of Mt. Washington for opposition to this Ordinance by having fifty percent (50%) of the registered voters or owners of real property within the limits of the territory proposed to be annexed indicate their opposition to this Ordinance. Said petition must be delivered before \_\_\_\_\_, 1999, to the Mayor of the City of Mt. Washington, Ed Hilbert, at City Hall, 208 Snapp Street, P.O. Box 285, Mt. Washington, Kentucky 40047.

	Votes For	Votes Against	Abstentions
Barry Armstrong	_____ ✓ _____	_____	_____
Sam Biechler	_____ ✓ _____	_____	_____
Frank Sullivan	_____ ✓ _____	_____	_____
Debbie Smith	_____ ✓ _____	_____	_____

Brent Wheeler

✓

Ralph K. Lutes

✓

Given first reading at a regular meeting of the City Council of the City of Mt. Washington, Bullitt County, Kentucky, on the 15 day of ~~April~~ October, 1999. Given the second reading, voted upon and passed at a regular meeting of the City Council of the City of Mt. Washington, Bullitt County, Kentucky, on the 9 day of November 1999.

Ed Hilbert  
Hon. Ed Hilbert, Mayor

ATTESTED BY:

Gale Y. Park  
Gale Y. Park, City Clerk

STATE OF KENTUCKY  
COUNTY OF BULLITT  
I, Elizabeth Fick, City Clerk of the City of Mt. Washington, do hereby certify that the foregoing contains a full, true and correct copy of ORD 99-17 as taken from and compared with the original records in my office of which I am Legal Custodian, adopted by the governing authority of said City of Mt. Washington at a meeting duly held on: 11/8/99 that said official action has not been modified, amended, revoked or repealed and is now in full force and effect.  
Witness my hand this 5 day of FEB, 20 00.  
Elizabeth D. Fick  
CITY CLERK CITY OF MT. WASHINGTON

7161

This deed made and entered into this 22<sup>nd</sup> day of December, 1978 by and between James V. Gardner and Killa Gardner, his wife, 100 Landis Lane, Washington, Kentucky, first parties and Lyle Oaks, Inc., a Kentucky Corporation, 100 Landis Lane, Mt. Washington, Kentucky, second party.

WHEREAS, that for a valuable consideration, the receipt of which is hereby acknowledged, being a transfer of real estate, the fair market value of subject property for the purposes of affecting a 15% Tax Deferral Exchange under the Internal Revenue Code is \$105,000.00, which includes the land address assumed herein.

The first parties hereby sell and convey with covenant of general warranty unto the second party, its successors and assigns forever, the following described real estate located near Mt. Washington, Bullitt County, Kentucky:

TRACT NO. 4. Beginning at an iron pipe in McClure's line in the northeastern corner of Tract #2, hereinabove described; thence North 54 degrees West with McClure's line 215.74 feet, and extending back south 40 degrees 45 minutes West between lines parallel of the same width throughout, 202 feet, the eastern line binding on the western line of said Tract #2.

TRACT NO. 5. Beginning in McClure's line at the northernmost corner of Tract #4, hereinabove described; thence with McClure's line and the northeastern line of an 18 foot roadway, North 54 degrees West 1500.46 feet to a stone corner to McClure and Margery D. Hughes' line; thence with Hughes' line south 33 degrees West 191.60 feet to a post; thence with another line of Hughes' North 53 degrees East 549.42 feet to a post; thence with another line of said Hughes' South 40 degrees West 1000.24 feet to a post; corner to Hughes and Bage Shelburne; thence with Shelburne's line South 44 degrees 45 minutes West 1122.0 feet to an iron pipe, corner to Jesse Wheeler; thence with Wheeler's Merchant line, South 50 degrees 15 minutes East 144.60 feet to an iron post, corner to Wheeler in Bage Wyatt's line; thence with Wyatt's Northwestern line North 33 degrees East 1102.30 feet to a stone; thence with Wyatt's Northeastern line South 50 degrees 45 minutes East 1782.96 feet to an iron pipe at the southwestern corner of Tract #2, hereinabove described; thence with the Northwestern line of said Tract #2, North 40 degrees 45 minutes East 972 feet to the southernmost corner of Tract #4 above described; thence with the Southwestern line of said Tract #4, North 54 degrees West 215.74 feet and with the Northwestern line of said Tract #4, North 40 degrees 45 minutes East 202 feet to the point of beginning.

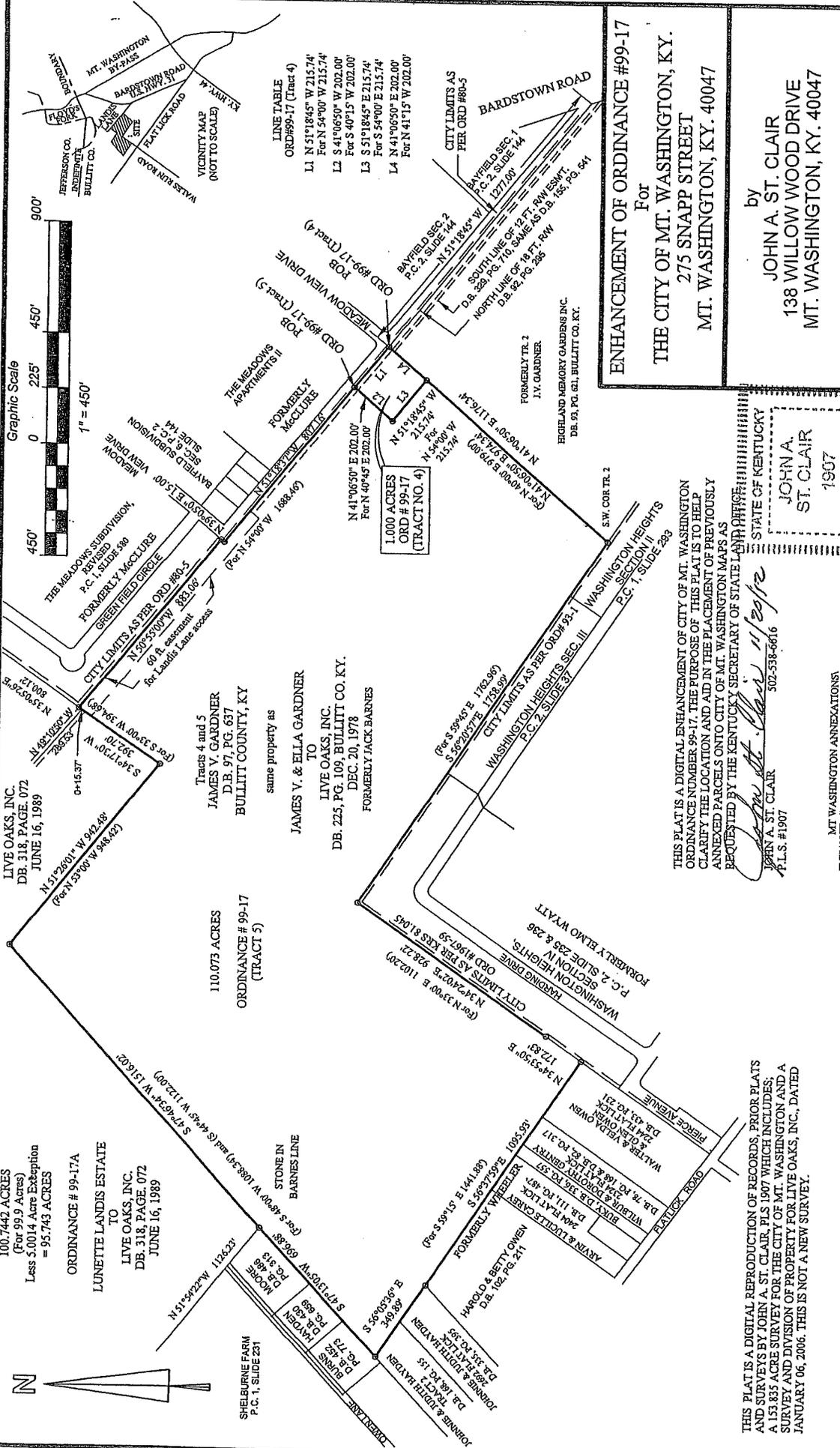
REC-9-19  
1978  
15  
100 Landis Lane  
Washington, KY 40394  
202-215-2108  
100-25-6433

MT. WASHINGTON ORDINANCE # 97-17



DUSH PIN SYMBOL @

LAT. 38° 03' 51.97N  
LONG. 85° 33' 19.55W



LINE TABLE  
ORD#99-17 (Tract 4)

L1	N 51° 18' 45" W 215.74'	For N 54° 00' W 215.74'
L2	S 41° 06' 50" W 202.00'	For S 40° 15' W 202.00'
L3	S 51° 18' 45" E 215.74'	For S 54° 00' E 215.74'
L4	N 41° 06' 50" E 202.00'	For N 41° 15' W 202.00'

ENHANCEMENT OF ORDINANCE #99-17  
For  
THE CITY OF MT. WASHINGTON, KY.  
275 SNAPP STREET  
MT. WASHINGTON, KY. 40047

by  
JOHN A. ST. CLAIR  
138 WILLOW WOOD DRIVE  
MT. WASHINGTON, KY. 40047

NOVEMBER 20, 2012  
1" = 450 FT.

THIS PLAT IS A DIGITAL REPRODUCTION OF RECORDS, PRIOR PLATS AND SURVEYS BY JOHN A. ST. CLAIR, PLS 1907 WHICH INCLUDES; A 151.835 ACRE SURVEY FOR THE CITY OF MT. WASHINGTON AND A SURVEY AND DIVISION OF PROPERTY FOR LIVE OAKS, INC., DATED JANUARY 06, 2006. THIS IS NOT A NEW SURVEY.

JOHN A. ST. CLAIR  
302-538-6616  
PLS #1907

MT WASHINGTON ANNOTATIONS  
ENHANCEMENTS/ORD#99-17 NW BUSINESS PARK

PROFESSIONAL  
LAND SURVEYOR

100.7442 ACRES  
(For 99.9 Acres)  
Less 5,0014 Acre Exemption  
= 95.743 ACRES

ORDINANCE # 99-17A  
LUNETTIE LANDIS ESTATE  
TO  
LIVE OAKS, INC.  
DB. 318, PAGE. 072  
JUNE 16, 1989

110.073 ACRES  
ORDINANCE # 99-17  
(TRACT 5)

Tracts 4 and 5  
JAMES V. GARDNER  
D.B. 97, PG. 637  
BULLITT COUNTY, KY

same property as  
JAMES V. & ELLA GARDNER  
TO  
LIVE OAKS, INC.  
DB. 225, PG. 109, BULLITT CO. KY.  
DEC. 20, 1978  
FORMERLY JACK BARNES



**John St. Clair, Land Surveyor**  
**138 Willow Wood Drive**  
**Mt. Washington, Ky. 40047**  
**Phone 502-538-6616, Cell 502-548-4715**  
**Email, [jj saint@windstream.net](mailto:jj saint@windstream.net)**

November 20, 2012

*Enhanced description for Mt Washington Ordinance 99-17 to revise, correct and clarify the original description written by persons unknown:*

*This property is located in the City of Mt. Washington, Ky., 1277 feet northwest of Old U.S. Highway 31 E-X and on the south side of the roadway now known as Landis Lane.*

**TRACT NO. 4.** *Beginning at a point in Landis Lane located North 51 degrees 18 minutes 45 seconds West 1277.00 feet from the west line of U. S. Highway 31-E-X and being the northwest corner of the property conveyed to Highland Memory Gardens Inc. by deed book 93, page 621 in the Bullitt County Clerk's office; (said corner was formerly known as the northwest corner of tract 2)*

*Thence with Landis Lane, the old McClure line and the city limits of Mt. Washington, Ky. as established by Ordinance Number 80-5, North 51 degrees 18 minutes 45 seconds West 215.74 feet to the northeast corner of tract 5 conveyed to J.V. Gardner and reconveyed to Live Oaks, Inc. by Deed Book 225, page 109 in the Bullitt County Clerk's office;*

*Thence leaving the roadway and following the line of tract 5, South 41 degrees 06 minutes 50 seconds West 202.00 feet, South 51 degrees 18 minutes 45 seconds East 215.74 feet to the west line of tract 2, currently Highland Memory Gardens Inc, thence North 41 degrees 06 minutes 50 seconds East 202.00 feet to the beginning containing 1.000 acre as per attached plat dated November 20, 2012 and titled "Enhancement of Ordinance #99-17" by John A. St. Clair, PLS # 1907.*

**TRACT NO. 5.** *Beginning at a point at the northwest corner of Tract 4 in the north line of an old 18 foot passway, (currently a part of Landis Lane), thence North 51 degrees 18 minutes 37 seconds West 807.16 feet, thence North 39 degrees 05 minutes East 15.00 feet to the southeast corner of The Meadows Subdivision Revised and recorded in Plat Cabinet 1, Slide 580 in the Bullitt County Clerk's office; Thence with the Meadows Subdivision Revised and the city limits of Mt. Washington, Ky. as established by Ordinance Number 80-5, North 50 degrees 55 minutes West 883.06 feet to the corner of the property conveyed to Live Oaks, Inc. by deed dated June 16, 1989 and recorded in deed book 318, page 072 in the Bullitt County Clerk's office;*

*Thence with the remainder of tract 5, South 34 degrees 17 minutes 30 seconds West 392.70 feet (for S33W 394.68 feet), North 51 degrees 26 minutes 01 seconds West 942.48 feet (for N53W 948.42 feet), thence South 47 degrees 46 minutes 34 seconds West 1516.02 feet to the southeast corner of the property conveyed to Live Oaks, Inc. and being the northeast corner of the old Shelburne Farm recorded in Plat Cabinet 1, Slide 231 in the Bullitt County Clerk's office;*

*Thence with the old Shelburne Farm line South 47 degrees 13 minutes 05 seconds West 696.88 feet to the northwest corner of tract 2 conveyed to Johnnie Hayden by deed book 168, page 155;*

*Thence South 56 degrees 05 minutes 36 seconds East 349.89 feet to the corner of another Johnnie Hayden tract recorded in Deed Book 335, Page 395 and also being the northwest corner of the Harold Owen property recorded in Deed Book 102, page 211; thence South 56 degrees 37 minutes 59 seconds East 1095.93 feet to the northeast corner of the property conveyed to Walter Owen, Velda Owen and*

*Glen Owen by Deed Book 433, page 231 and being in the west line of Washington Heights Section IV and recorded in Plat Cabinet 2, Slide 235 in the Bullitt County Clerk's office;*

*Thence with Washington Heights Section IV, North 34 degrees 53 minutes 50 seconds East, 172.83 feet and North 34 degrees 24 minutes 02 seconds East 928.22 feet (the last two calls for N33E 1102.20 feet) to the northwest corner of Washington Heights Section IV and the city limits of Mt. Washington, Ky. as established by Ordinance Number 67-59; thence with the northern line of Washington Heights Sections IV, III and II, and the city limits of Mt. Washington, Ky. as established by Ordinance Number 93-1, South 56 degrees 20 minutes 57 seconds East 1758.99 feet (for S 59 degrees 45 minutes E 1762.96 feet) to the southwest corner of tract 2, now known as Highland Memory Gardens, Inc.,*

*Thence North 41 degrees 06 minutes 50 seconds East 974.34 feet (for N40E 979.00 feet) to the southeast corner of tract 4 recorded in deed book 225, page 109;*

*Thence with tract 4, North 51 degrees 18 minutes 45 seconds West 215.74 feet and North 41 degrees 06 minutes 50 seconds East (for N 40 degrees 45 minutes E) 202.00 feet to the beginning containing 110.073 acres as per attached plat dated November 20, 2012 and titled "Enhancement of Ordinance #99-17" by John A. St. Clair, PLS # 1907.*

*Being a part of the property conveyed to James V. Gardner by deed book 97, page 637 in the Bullitt County Clerk's office and re-conveyed from Gardner to Live Oaks, Inc by deed book 225, page 109 in the Bullitt County Clerk's office. The original Ordinance No. 99-17 did not list the most current source of title.*

*Yours truly,*

*John St. Clair*  
**John St. Clair, Ky. PLS # 1907**

*MyDocuments\MtWashingtonAnnexations\Ord99-17\ResDescGardner.doc*

