

ROBERT A. WINTER, JR.

**Attorney at Law
P.O. Box 175883
Ft. Mitchell, Kentucky 41017
(859) 250-3337
(859) 331-0982 (fax)
robertawinterjr@gmail.com**

April 28, 2008

RECEIVED
APR 29 2008
SECRETARY OF STATE
COMMONWEALTH OF KY

HAND DELIVERY

Hon. Trey Grayson
Kentucky Secretary of State
Secretary of State Land Office
Capitol Annex, Room T40
700 Capital Avenue
Frankfort, KY 40601

Re: Land Transfer from The City of Fort Wright, Kentucky to
The City of Park Hills, Kentucky; compliance with KRS §81A.470

Dear Secretary Grayson:

I am the City Attorney for The City of Park Hills, Kentucky. I write to inform the Kentucky Secretary of State Land Office that an approximately 2.060 acre parcel was transferred from The City of Fort Wright, Kentucky to The City of Park Hills, Kentucky within the preceding 60 days. This parcel is located contiguous to both cities and adjacent to the Interstate 75 right-of-way.

In compliance with KRS §81A.470(1) and other applicable law, the original and one copy of following documents are submitted to your office for filing to consummate the transfer:

1. a certified copy of Park Hills Ordinance No. 1, 2008;
2. a certified copy of Fort Wright Ordinance No. 5 - 08;
3. a site plat and vicinity map of the parcel transferred prepared by Mr. Chris R. Gephart, Licensed Professional Land Surveyor 3292; and
4. a metes and bounds description of the parcel transferred prepared by Mr. Gephart.

As you can see, Mr. Gephart's plat and description depict the 2.060 acre parcel being transferred as a closed geometric figure and duly annotated with bearings and

Hon. Trey Grayson
April 28, 2008
Page 2

distances or sufficient curve data describing each line. Mr. Gephart also clearly states the location of the new existing municipal boundary between Fort Wright and Park

Hills, physical features with which the municipal boundary coincides, and the recorded deeds, plats, right-of-way plans, and other resources used to develop the documents depicting the municipal boundary.

Please file the original documents of record with your office and return the time-stamped copies to me in the enclosed self-addressed, stamped envelope provided for your convenience.

Thank you for your prompt attention to this matter. Please contact me if you have any questions, require any additional information, or need anything else.

Very truly yours,



Robert A. Winter, Jr.

Enclosures

cc: Sr. Mary Shauna Bankemper, SND, NDA President (w/enc.)
Hon. Michael J. Hellmann, Mayor, The City of Park Hills, Kentucky (w/enc.)
Hon. Juliet A. Alig, City Clerk, The City of Park Hills, Kentucky (w/enc.)
Hon. Gene Weaver, Mayor, The City of Ft. Wright, Kentucky (w/enc.)
Hon. Joyce Woods, City Clerk, The City of Ft. Wright, Kentucky (w/enc.)
Mr. Larry Klein, City Administrator, The City of Ft. Wright, Kentucky (w/enc.)
Peter J. Summe, Esq., City Attorney, The City of Ft. Wright, Kentucky (w/enc.)

CERTIFICATE OF CITY CLERK

I hereby certify that I am the duly qualified and acting City Clerk of the City of Fort Wright, Kentucky, and that the foregoing and attached constitutes an official copy of City Ordinance 5-08 of the Code of Ordinances of the City of Fort Wright, Kentucky.

IN TESTIMONY WHEREOF, witness my signature as City Clerk this
17th day of April, 2008.

Joyce Woods
City Clerk

RECEIVED AND FILED
DATE *April 29, 2008*

TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY *Kandice Adkins*

ORDINANCE 5 - 08

**AN ORDINANCE OF THE CITY OF FORT WRIGHT, KENTUCKY
TRANSFERING CERTAIN INCORPORATED AREA PRESENTLY
LYING WITHIN ITS BOUNDARIES TO THE CITY OF PARK HILLS,
KENTUCKY.**

WHEREAS, That the City of Fort Wright, Kenton County, Kentucky is a municipal corporation and city of the fourth class ("**Fort Wright**"); and

WHEREAS, That the City of Park Hills, Kenton County, Kentucky is a municipal corporation and city of the fourth class ("**Park Hills**"); and

WHEREAS, That Fort Wright and Park Hills share a common boundary; and

WHEREAS, That the real property described at Section 1 below (the "**Premises**"), is presently located within the boundaries of Fort Wright, is immediately adjacent to Park Hills, is owned in fee by the Sisters of Notre Dame, and contains no residents; and

WHEREAS, That the City Council of Fort Wright hereby determines that the Premises can be better served by the transfer contemplated hereby; and

WHEREAS, That Fort Wright consents and agrees to the transfer of the Premises to Park Hills, and Park Hills accepts the transfer; and

WHEREAS, That Fort Wright and Park Hills each received a written consent to the transfer of the Premises from the Sisters of Notre Dame, in the form attached hereto as Exhibit A, requesting that the Premises be transferred from Fort Wright to Park Hills; and

WHEREAS, That the terms, conditions and requirements of Kentucky Revised Statute §81.500, governing the transfer of incorporated areas between cities of the fourth class where the sole owner of record gives prior written consent, and other applicable law, have been or will be satisfied in the case of section (6) of the statute; and

WHEREAS, That the real property lying immediately adjacent to the Premises within Park Hills is zoned R-1FF, and that the Premises are presently zoned R-1FF by Fort Wright.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
PARK HILLS, KENTON COUNTY, KENTUCKY.**

SECTION I

That the following described Premises be, and they are, transferred from Fort Wright to Park Hills:

Situated in the County of Kenton, Commonwealth of Kentucky, and being part of Lot 'C' of Wright's Summit Subdivision, Section One as recorded on Plat Slides 1994 and 1994A, and all of a 0.82 acre tract conveyed to The Sisters of Notre Dame of Covington, Kentucky as recorded in Deed Book 1255, Page 172 of the Kenton County Clerk's Records at Covington and more particularly described as follows:

Begin at the Southeast corner of Lot 'D' of the above mentioned Wright's Summit Subdivision, Section One; thence with the common line of Lot 'C' of Wright's Summit Subdivision, Section One and a 6.55 acre tract and a 6.56 acre tract, both conveyed to The Sisters of Notre Dame of Covington, Kentucky in Deed Book 215, Page 578, South 75°28'49" East, 363.78 feet to the TRUE POINT OF BEGINNING;

thence from the TRUE POINT OF BEGINNING and with the common line of the above mentioned Lot 'C' of Wright's Summit Subdivision, Section One, and a tract conveyed to The Sisters of Notre Dame of Covington, Kentucky in Deed Book 206, Page 160 South 75°28'49" East, 356.45 feet to the North line of a 0.82 acre tract conveyed to The Sisters of Notre Dame of Covington, Kentucky in Deed Book 1255, Page 172;

thence with the North line of the above mentioned 0.82 acre tract and the South line of a tract conveyed to The Sisters of Notre Dame of Covington, Kentucky in Deed Book 206, Page 160 North 56°21'02" East, 38.30 feet to the Southeast line of a 33 ¾ Acres & 20 Poles tract conveyed to The Sisters of Notre Dame of Covington, Kentucky in Deed Book 215, Page 578;

thence with the common line of the above mentioned 0.82 acre tract, the 33 ¾ Acres & 20 Poles tract and also a tract conveyed to the Commonwealth of Kentucky in Deed Book 495, Pg. 30 South 29°30'19" East, 176.69 feet to a point on the existing North limited access right-of-way line of I-75;

thence with the common line of the above mentioned 0.82 acre tract and the North line of the existing North limited access right-of-way line of I-75 North 89°19'58" West, 10.12 feet;

thence continuing along a curve to the left having a radius of 4001.72 feet, an arc length of 396.41 feet, a chord bearing South 79°53'23" West, and a chord length of 396.24 feet;

thence North 33°31'00" West, 12.27 feet;

thence South 56°21'02" West, 69.83 feet;

thence leaving the existing North limited access right-of-way line of I-75 and through said Lot 'C' of Wright's Summit Subdivision, Section One North 00°12'20" East, 319.82 feet to the TRUE POINT OF BEGINNING.

Containing 2.060 acres of land and subject to all easements and rights-of-way of record. The reference meridian is Kentucky State Plane Coordinates, North Zone (1601).

The above description was prepared for annexation/transfer purposes only from a survey made on November 30, 2005 under the direction of Chris R. Gephart, Licensed Professional Land Surveyor #3292 in the Commonwealth of Kentucky.

Prior Instrument Reference: Plat Slides 1994 and 1994A
Vol. C880, Pg. 129
Vol. C2175, Pg. 267
D.B. 1255, Pg. 172

SECTION II

That there are no financial considerations between Fort Wright and Park Hills with regard to the Premises and the transfer contemplated hereby.

SECTION III

All issues with regard to taxes or revenues derived from the Premises have been resolved between Fort Wright and Park Hills.

SECTION IV

That prior to the transfer contemplated hereby, the Premises were zoned by Fort Wright in its R-1FF Zone.

SECTION V

That upon completion of the transfer contemplated by this Ordinance, the Premises will be zoned by Park Hills in its R-1FF Zone.

SECTION VI

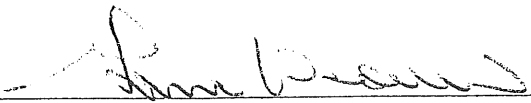
That no petition in support of the transfer contemplated by this Ordinance is required, since the Premises contain no residents and the property owner has consented in writing to the transfer.

SECTION VII


That this Ordinance take full force and effect upon publication, as required by KRS Chapter 424 and other applicable law, and upon compliance with KRS §81A.470 and KRS §81A.475.

Passed by the City Council this 2nd day of April 2008.

City of Fort Wright, Kentucky
A Municipal Corporation of the Fourth Class



Gene Weaver, Mayor

ATTEST: 

City Clerk

First Reading: 3-5-08
Second Reading: 4-2-08
Published: 4-9-08

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Sisters of Notre Dame

February 15, 2008

Hon. Michael J. Hellmann, Mayor
The City of Park Hills, Kentucky
1106 Amsterdam Road
Park Mills, KY 41011

Hon. Gene Weaver, Mayor
The City of Ft. Wright, Kentucky
409 Kyles Lane
Ft. Wright, KY 41011

Dear Mayors Weaver and Hellmann:

For purposes of Kentucky Revised Statutes Section 81.500(3) and other applicable law, please consider my letter as Notre Dame Academy's official consent to the transfer of a small area of our land from The City of Ft. Wright, Kentucky to The City of Park Hills, Kentucky. We are grateful for the wonderful working relationships we have had with both cities over the years and look forward to many more years of successful collaboration. Please feel free to contact Sr. Mary Shauna Bankemper if you have any questions to our consent to this transfer.

Sincerely,

Sr. Marla Monahan, SND

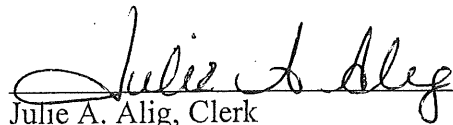
Sr. Marla Monahan, SND
Provincial

Sr. Shauna Bankemper, SND

Sr. Shauna Bankemper, SND
NDA President


Ord. 1, 2008

I, Julie A. Alig, City Clerk of Park Hills, Kentucky, hereby certify that this ordinance is a true copy of the ordinance approved and adopted by the City Council of Park Hills, Kentucky. This ordinance has been compared with the original ordinance in my custody and is correctly set forth herein.


Julie A. Alig, Clerk
City of Park Hills, Kentucky

Commonwealth of Kentucky
County of Kenton

Acknowledged before me by Julie A. Alig, Clerk of the City of Park Hills, this
23rd day of April, 2008


Notary Public
My Commission expires August 17, 2009

RECEIVED AND FILED
DATE April 29, 2008

TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Handie Adkinson

ORDINANCE NO. 1, 2008

AN ORDINANCE TRANSFERRING CERTAIN INCORPORATED AREA PRESENTLY WITHIN THE BOUNDARIES OF THE CITY OF FORT WRIGHT, KENTUCKY TO THE CITY OF PARK HILLS, KENTUCKY

WHEREAS, That the City of Fort Wright, Kenton County, Kentucky is a municipal corporation and city of the fourth class ("**Fort Wright**"); and

WHEREAS, That the City of Park Hills, Kenton County, Kentucky is a municipal corporation and city of the fourth class ("**Park Hills**"); and

WHEREAS, That Fort Wright and Park Hills share a common boundary; and

WHEREAS, That the real property described at Section 1 below (the "**Premises**") is presently located within the boundaries of Fort Wright, is immediately adjacent to Park Hills, is owned in fee by the Sisters of Notre Dame, and contains no residents; and

WHEREAS, That the city council of Park Hills determines that the Premises can be better served by it;

WHEREAS, That Fort Wright consents and agrees to the transfer of the Premises to Park Hills, and Park Hills accepts the transfer; and

WHEREAS, That Fort Wright and Park Hills each received a written consent to the transfer of the Premises from the Sisters of Notre Dame, in the form attached hereto as Exhibit A, requesting that the Premises be transferred from Fort Wright to Park Hills; and

WHEREAS, That the terms, conditions and requirements of Kentucky Revised Statute Section 81.500, governing the transfer of incorporated areas between cities of the fourth class where the sole owner of record gives prior written consent, and other applicable law, have been or will be satisfied in the case of section (6) of the statute; and

WHEREAS, That the real property lying immediately adjacent to the Premises within Park Hills is zoned R-1FF, and that the Premises are presently zoned R-1FF by Fort Wright.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF PARK HILLS, KENTUCKY as follows:

Section 1. That the following described incorporated territory be, and it is, transferred into The City of Park Hills, Kentucky from The City of Fort Wright, Kentucky:

Situated in the County of Kenton, Commonwealth of Kentucky, and being part of Lot 'C' of Wright's Summit Subdivision, Section One as recorded on Plat Slides 1994 and 1994A, and all of a 0.82 acre tract conveyed to The Sisters of Notre Dame of Covington, Kentucky as recorded in Deed Book 1255, Page 172 of the Kenton County Clerk's Records at Covington and more particularly described as follows:

Begin at the Southeast corner of Lot 'D' of the above mentioned Wright's Summit Subdivision, Section One; thence with the common line of Lot 'C' of Wright's Summit Subdivision, Section One and a 6.55 acre tract and a 6.56 acre tract, both conveyed to The Sisters of Notre Dame of Covington, Kentucky in Deed Book 215, Page 578, South 75°28'49" East, 363.78 feet to the TRUE POINT OF BEGINNING;

thence from the TRUE POINT OF BEGINNING and with the common line of the above mentioned Lot 'C' of Wright's Summit Subdivision, Section One, and a tract conveyed to The Sisters of Notre Dame of Covington, Kentucky in Deed Book 206, Page 160 South 75°28'49" East, 356.45 feet to the North line of a 0.82 acre tract conveyed to The Sisters of Notre Dame of Covington, Kentucky in Deed Book 1255, Page 172;

thence with the North line of the above mentioned 0.82 acre tract and the South line of a tract conveyed to The Sisters of Notre Dame of Covington, Kentucky in Deed Book 206, Page 160 North 56°21'02" East, 38.30 feet to the Southeast line of a 33 ³/₄ Acres & 20 Poles tract conveyed to The Sisters of Notre Dame of Covington, Kentucky in Deed Book 215, Page 578;

thence with the common line of the above mentioned 0.82 acre tract, the 33 ³/₄ Acres & 20 Poles tract and also a tract conveyed to the Commonwealth of Kentucky in Deed Book 495, Pg. 30 South 29°30'19" East, 176.69 feet to a point on the existing North limited access right-of-way line of I-75;

thence with the common line of the above mentioned 0.82 acre tract and the North line of the existing North limited access right-of-way line of I-75 North 89°19'58" West, 10.12 feet;

thence continuing along a curve to the left having a radius of 4001.72 feet, an arc length of 396.41 feet, a chord bearing South 79°53'23" West, and a chord length of 396.24 feet;

thence North 33°31'00" West, 12.27 feet;

thence South 56°21'02" West, 69.83 feet;

thence leaving the existing North limited access right-of-way line of I-75 and through said Lot 'C' of Wright's Summit Subdivision, Section One North 00°12'20" East, 319.82 feet to the TRUE POINT OF BEGINNING.

Containing 2.060 acres of land and subject to all easements and rights-of-way of record. The reference meridian is Kentucky State Plane Coordinates, North Zone (1601).

The above description was prepared for annexation/transfer purposes only from a survey made on November 30, 2005 under the direction of Chris R. Gephart, Licensed Professional Land Surveyor #3292 in the Commonwealth of Kentucky.

Prior Instrument Reference: Plat Slides 1994 and 1994A
 Vol. C880, Pg. 129
 Vol. C2175, Pg. 267
 D.B. 1255, Pg. 172

Section 2. That there are no financial considerations between Fort Wright and Park Hills with regard to the Premises and the transfer contemplated hereby.

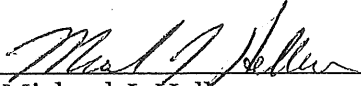
Section 3. All issues with regard to taxes or revenues from the Premises have been resolved.

Section 4. That prior to the transfer contemplated hereby, the Premises were zoned by Fort Wright in its R-1FF Zone.

Section 5. That upon completion of the transfer contemplated hereby, the Premises will be zoned by Park Hills in its R-1FF Zones.

Section 6. That no petition in support of the transfer contemplated by this Ordinance is required, since the Premises contains no residents and the property owner has consented in writing to the transfer.

Section 7. That this ordinance take full force and effect upon publication as required by KRS Chapter 424 and other applicable law, which may be in summary form, and upon compliance with KRS §81A.470 and KRS §81A.475.



Michael J. Hellmann
Mayor

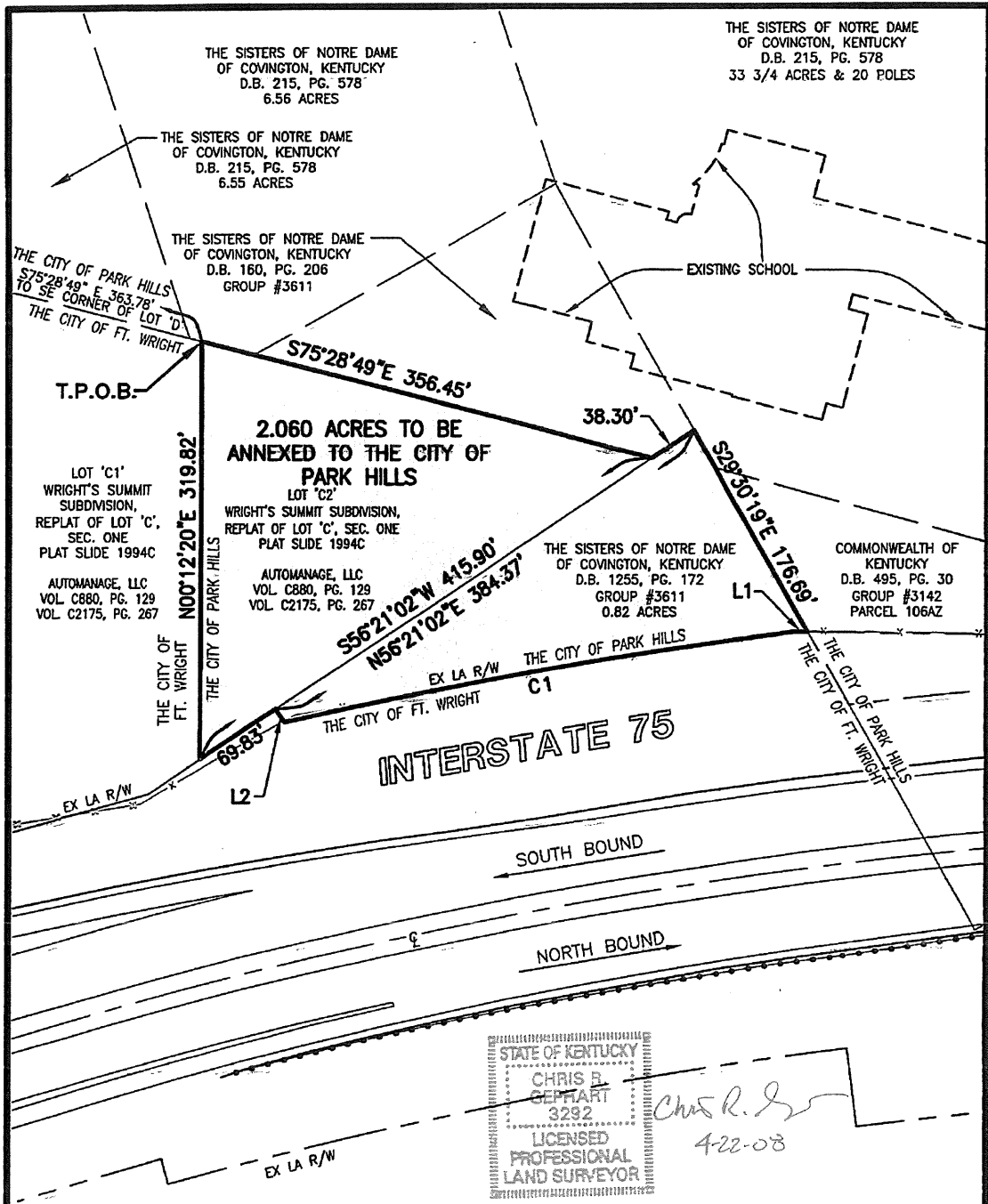
ATTEST:



City Clerk

First Reading: 3/10/08
Second Reading: 3/24/08
Passed: 3/24/08

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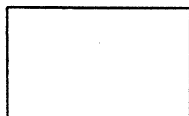
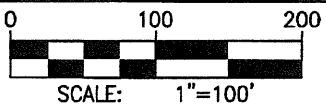


STATE OF KENTUCKY
 CHRIS B. GERTHART
 3292
 LICENSED PROFESSIONAL LAND SURVEYOR
Chris R. Gerthart
 4-22-08

Other documents used to determine the location of the existing city boundary:
 Joseph Schlosser Estate - Plat 283
 Richard Southgate Estate - Plat 273

NUMBER	RADIUS	ARC	CHORD DIRECTION	CHORD LENGTH
C1	4001.72'	396.41'	S79°53'23"W	396.24'

NUMBER	DIRECTION	DISTANCE
L1	N89°19'58"W	10.12'
L2	N33°31'00"W	12.27'

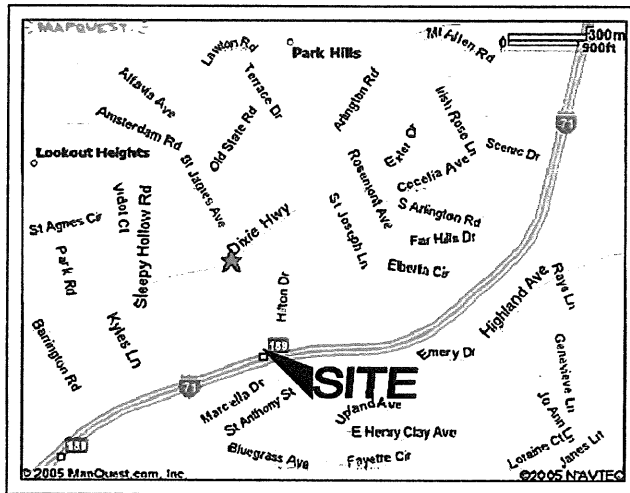


INDICATED AREA TO BE ANNEXED INTO THE CITY OF PARK HILLS FROM THE CITY OF FT. WRIGHT (2.060 AC.)

Drawing: 05K018-000-ID3
 Scale: 1"=100'
 Drawn by: ARV
 Checked By: CRG
 Issue Date: 4/22/08

MAP OF TERRITORY TO BE ANNEXED INTO THE CITY OF PARK HILLS
 DIXIE HIGHWAY AND WRIGHTSUMMIT PARKWAY
 KENTON COUNTY KENTUCKY
ANNEXATION PLAT

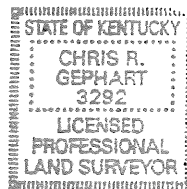
209 Grandview Drive
 Fort Mitchell, KY 41017 - 859.261.1113



VICINITY MAP

I, Chris R. Gephart, a Licensed Professional Land Surveyor in the Commonwealth of Kentucky, do hereby certify that the survey of the property on the attached plat was made under my direction on November 30, 2005 in accordance with the Kentucky Minimum Surveying Standards. Monuments were found or set as noted by method of random traverse with an unadjusted linear error of closure of 1:54,780. The traverse and sideshots have been adjusted. This survey and the property on which it is based meet the requirements of a Class A survey in the state of Kentucky. The reference meridian is Kentucky State Plane Coordinates, North Zone (1601). This tract is not for conveyance, but for annexation to the City of Park Hills, Kentucky.

Chris R. Gephart 4-22-08
 Chris R. Gephart Date
 Licensed Professional Land Surveyor 3292



OWNER:
 Automanage, LLC
 633 West 3rd Street
 Covington, KY 41011

OWNER:
 The Sisters of Notre Dame
 of Covington, Kentucky
 1601 Dixie Highway
 Covington, KY 41011

Drawing: 05K018-000-ID3
 Scale: N.T.S.
 Drawn by: ARV
 Checked By: CRG
 Issue Date: 4/22/08

**MAP OF TERRITORY TO BE ANNEXED INTO THE
 CITY OF PARK HILLS**
**DIXIE HIGHWAY AND
 WRIGHTSUMMIT PARKWAY
 KENTON COUNTY KENTUCKY**
ANNEXATION PLAT



209 Grandview Drive
 Fort Mitchell, KY 41017 - 859.261.1113



209 Grandview Drive
Fort Mitchell, KY 41017
P 859.261.1113
F 859.261.1710
www.bayerbecker.com

DESCRIPTION: 2.060 Acre Annexation Parcel
LOCATION: I-75 & Kyles Lane
DATE: February 7, 2008

Situated in the County of Kenton, Commonwealth of Kentucky, and being part of Lot 'C' of Wright's Summit Subdivision, Section One as recorded on Plat Slides 1994 and 1994A, and all of a 0.82 acre tract conveyed to The Sisters of Notre Dame of Covington, Kentucky as recorded in Deed Book 1255, Page 172 of the Kenton County Clerk's Records at Covington and more particularly described as follows:

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thence from the TRUE POINT OF BEGINNING and with the common line of the above mentioned Lot 'C' of Wright's Summit Subdivision, Section One, and a tract conveyed to The Sisters of Notre Dame of Covington, Kentucky in Deed Book 206, Page 160 South 75°28'49" East, 356.45 feet to the North line of a 0.82 acre tract conveyed to The Sisters of Notre Dame of Covington, Kentucky in Deed Book 1255, Page 172;

thence with the North line of the above mentioned 0.82 acre tract and the South line of a tract conveyed to The Sisters of Notre Dame of Covington, Kentucky in Deed Book 206, Page 160 North 56°21'02" East, 38.30 feet to the Southeast line of a 33 ¾ Acres & 20 Poles tract conveyed to The Sisters of Notre Dame of Covington, Kentucky in Deed Book 215, Page 578;

thence with the common line of the above mentioned 0.82 acre tract, the 33 ¾ Acres & 20 Poles tract and also a tract conveyed to the Commonwealth of Kentucky in Deed Book 495, Pg. 30 South 29°30'19" East, 176.69 feet to a point on the existing North limited access right-of-way line of I-75;

thence with the common line of the above mentioned 0.82 acre tract and the North line of the existing North limited access right-of-way line of I-75 North 89°19'58" West, 10.12 feet;

thence continuing along a curve to the left having a radius of 4001.72 feet, an arc length of 396.41 feet, a chord bearing South 79°53'23" West, and a chord length of 396.24 feet;

thence North 33°31'00" West, 12.27 feet;

thence South 56°21'02" West, 69.83 feet;

thence leaving the existing North limited access right-of-way line of I-75 and through said Lot 'C' of Wright's Summit Subdivision, Section One North 00°12'20" East, 319.82 feet to the TRUE POINT OF BEGINNING.

Containing 2.060 acres of land and subject to all easements and rights-of-way of record. The reference meridian is Kentucky State Plane Coordinates, North Zone (1601).

The above description was prepared for annexation purposes only from a survey made on November 30, 2005 under the direction of Chris R. Gephart, Licensed Professional Land Surveyor #3292 in the Commonwealth of Kentucky.

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