

RECEIVED AND FILED
DATE Sept. 1, 2022

CITY OF SHELBYVILLE
ORDINANCE NO. 2022-08-09

MICHAEL G. ADAMS
SECRETARY OF STATE

AN ORDINANCE ANNEXING REAL PROPERTY TO THE COMMONWEALTH OF KENTUCKY
CITY OF SHELBYVILLE AND ADOPTING A ZONE CHANGE By: Kendra Adkinson

BE IT ORDAINED BY THE CITY OF SHELBYVILLE, KENTUCKY:

SECTION ONE: The City of Shelbyville finds that certain real property owned by John Michael Phillips and Sabina Phillips and located on Zaring Mill Road in Shelby County, Kentucky, which is more particularly described herein, is contiguous to the City of Shelbyville, and is suitable for development for urban purposes without unreasonable delay. The Shelbyville City Council further finds that said property is not included within the bounds of any other incorporated city, that the owners of said property have executed a written consent to be annexed within the limits of the City of Shelbyville, and that it is desirable that said property be annexed into the City of Shelbyville and be zoned in accordance with a recommendation from the Triple S Planning and Zoning Commission.

SECTION TWO: Based upon the aforementioned findings, there is hereby annexed to the City of Shelbyville, and its boundary line is extended so as to include within the limits of the City of Shelbyville, the property described as follows:

Property owned by John Michael Phillips and Sabina Phillips and located on Zaring Mill Road in Shelby County, which is more particularly described in **Appendix A** (which includes a Request and Consent to Annex letter from the property owners) to this Ordinance, and which Appendix is incorporated by reference herein as if set forth in its entirety.

Further, this Ordinance adopts the Findings of Fact approved and the Recommendation made by the Triple S Planning and Zoning Commission with regards to the zoning of said property, as set forth in **Appendix B** to this Ordinance, and which Appendix is incorporated by reference herein as if set forth in its entirety.

This ordinance may be published in summary.

Introduced, seconded and given first reading at a duly convened meeting of the City Council of the City of Shelbyville on the 3rd day of March 2022.

Given a second reading and enacted at a duly convened meeting of the City Council of the City of Shelbyville on the 9th day of August 2022.



David B. Eaton, Mayor

ATTEST:



Carla Wainscott, City Clerk

I, Carla Wainscott, City Clerk, City of Shelbyville, Kentucky, do hereby certify that the foregoing is a true and accurate copy of City of Shelbyville Ordinance No. 2022-08-09.

Carla Wainscott

Carla Wainscott, City Clerk

Date: *30 August 2022*

APPENDIX A

January 19, 2022

Mayor David B. Eaton
City of Shelbyville
315 Washington Street
Shelbyville, Kentucky 40065

Re: Request and Consent to Annex

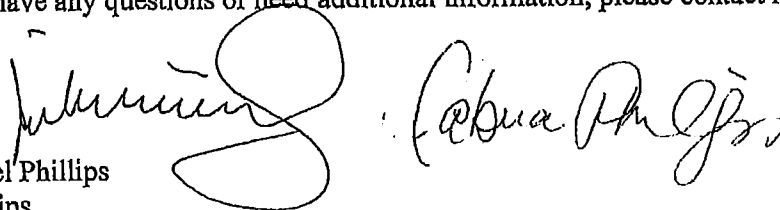
Dear Mayor Eaton:

Pursuant to KRS 81A.412, John Michael and Sabina Phillips request that the property we currently own located between 1691 and 1693 Zaring Mill Road, in Shelby County, Kentucky, being PVA tax lots 041-00-051 and 041-00-054, identified more specifically in the attached property description and plat, be annexed into the City of Shelbyville. This request and consent to annex is made conditional upon and subject to the conveyance of the property in a pending sale. Please consider this letter to be our official Request and Consent to Annex for the purpose stated herein.

We appreciate your consideration of this request and initiating the process for annexation. Should you have any questions or need additional information, please contact me as necessary.

Sincerely,

John Michael Phillips
Sabina Phillips

Handwritten signatures of John Michael Phillips and Sabina Phillips. The signature of John Michael Phillips is on the left, and the signature of Sabina Phillips is on the right.

January 25, 2022

BOUNDARY DESCRIPTION

Phillips Property
Zaring Mill Road, Shelby County, KY

Being a tract of land situated on the west side of Zaring Mill Road (KY-2861) and the north side of Interstate-64 in Shelby County Kentucky and being more particularly described as follows:

PARCEL A


Beginning at a found concrete right-of-way monument in the west right-of-way of Zaring Mill Road (60 feet from centerline) and the north right-of-way of Interstate-64 (150 feet from centerline); thence with the north right-of-way of Interstate-64 for the following three calls: thence N 88°46'52" W a distance of 344.16' to a set iron pin (1/2" rebar 18" in length with plastic cap stamped PLS 4113 and being typical of all set rebar this survey unless otherwise noted); thence with a curve turning to the right with an arc length of 1304.62', with a radius of 11,968.86', with a chord bearing of N 85°22'20" W, with a chord length of 1303.98' to a set iron pin; thence N 81°59'48" W a distance of 105.59' to the center of the creek and being a point in the east line of 7631 Lewiston Inc. as recorded in Deed Book 612 Page 169; thence with 7631 Lewiston Inc. and the center of the creek for the following nine calls: thence N 10°43'43" W a distance of 134.82'; thence N 37°44'42" W a distance of 218.50'; thence N 18°21'22" W a distance of 400.00'; thence N 26°50'30" W a distance of 660.00'; thence N 36°54'05" W a distance of 460.00'; thence N 20°35'06" W a distance of 314.50'; thence N 15°11'12" W a distance of 494.00'; thence N 39°36'21" W a distance of 145.00'; thence leaving the creek center S 68°04'53" W a distance of 82.50' to a found 1" pipe; thence continuing with 7631 Lewiston Inc. for seven calls: thence N 74°43'45" W a distance of 356.74' to a found 1" pipe; thence S 60°57'29" W a distance of 415.47' to a set iron pin; thence S 52°19'09" W a distance of 440.33' to a found 1" pipe; thence N 22°39'05" W a distance of 1027.40' to a set iron pin; thence N 47°28'42" E a distance of 410.52' to a set iron pin; thence S 86°18'10" E a distance of 1290.01' to a found iron pin (PLS 2123) and being the southwest corner of T and T Land Company LLC as recorded in Deed Book 526 Page 447; thence with T and T Land Company LLC S 86°28'07" E a distance of 1611.12' to a found iron pin in the west line of Michael Lentini as recorded in Deed Book 614 Page 723; thence with Lentini S 00°08'11" W a distance of 401.24' to a found iron pin being the northwest corner of Paul and Deborah Master as recorded in Deed Book 619 Page 405; thence with Masters S 00°04'39" E a distance of

543.05' to a found iron pin; thence with Masters N 89°55'21" E a distance of 519.65' to a found iron pin (PLS 2123); thence with Masters S 82°42'16" E a distance of 629.38' to a found iron pin (PLS 2123) in the west right-of-way of Zaring Mill Road (30 feet from centerline); thence with the west right-of-way of Zaring Mill Road for the following eight calls: S 10°06'11" E a distance of 382.81' to a set iron pin; thence S 09°18'30" E a distance of 295.04' to a set iron pin; thence with a curve turning to the right with an arc length of 347.74', with a radius of 4,421.31', with a chord bearing of S 07°59'38" E, with a chord length of 347.65' to a set iron pin (30 feet from centerline); thence S 88°47'33" W a distance of 10.04' to a set iron pin (40 feet from centerline at disturbed concrete right-of-way monument); thence with a curve turning to the right with an arc length of 318.09', with a radius of 2,980.00', with a chord bearing of S 02°01'01" E, with a chord length of 317.94' to a set iron pin; thence N 88°52'02" W a distance of 10.00' to a set iron pin (50 feet from centerline); thence S 01°08'55" W a distance of 656.15' to a set iron pin; thence N 86°33'53" W a distance of 10.00' to a set iron pin (60 feet from centerline); thence S 01°01'46" W a distance of 278.31' to the point of beginning and containing 184.04 acres as surveyed by William H. Hagan (#4113) and Hagan Engineering, PLLC in January 2022. (see attached Exhibit A)

This property is subject to all easements, rights-of-way, appurtenances, and/or restrictions apparent or of record.

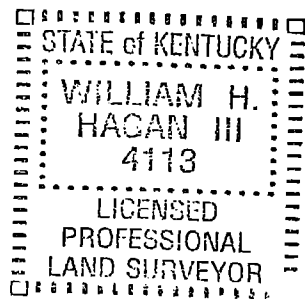
Being the same property conveyed to John Michael Phillips and Sabina Phillips as described in Deed Book 569, Page 730 and Deed Book 647 Page 789 as recorded in the Office of the Shelby County Clerk.

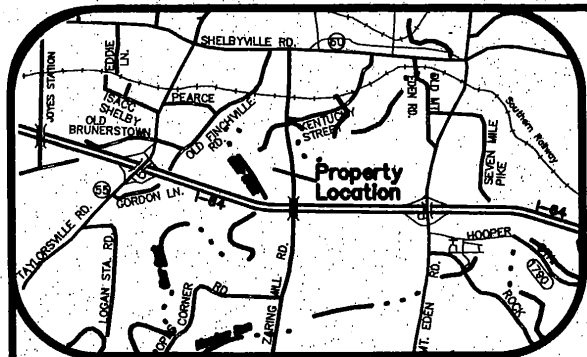
I hereby certify that this survey was prepared by me or under my direct supervision and complies with the standards of practice for surveying in the state of Kentucky as set forth in 201 KAR 18:150.



William H. Hagan III PLS 4113

1/25/22
Date





VICINITY MAP

Bearings were based on GNSS observations recorded on December 21 & 23, 2021 and January 5, 2022. See GPS note on the face of this plat.

GLOBAL POSITIONING SYSTEM NOTE

This Survey was performed using a Spectra Precision Epoch 85, multi-frequency GNSS receiver. The type of GPS survey employed was:

STATIC L1+L2: Horizontal Accuracy = 3mm + 0.1 ppm RMS x D
 Vertical Accuracy = 3.5mm + 0.4 ppm RMS x D
 RTK L1/L1+L2: Horizontal Accuracy = 8mm + 0.5ppm RMS x D
 Vertical Accuracy = 15mm + 0.5ppm RMS x D

Horizontal Datum: NAD 83 - KY Single Zone
 Vertical Datum: N/A
 Geoid Model: 07-2012 B

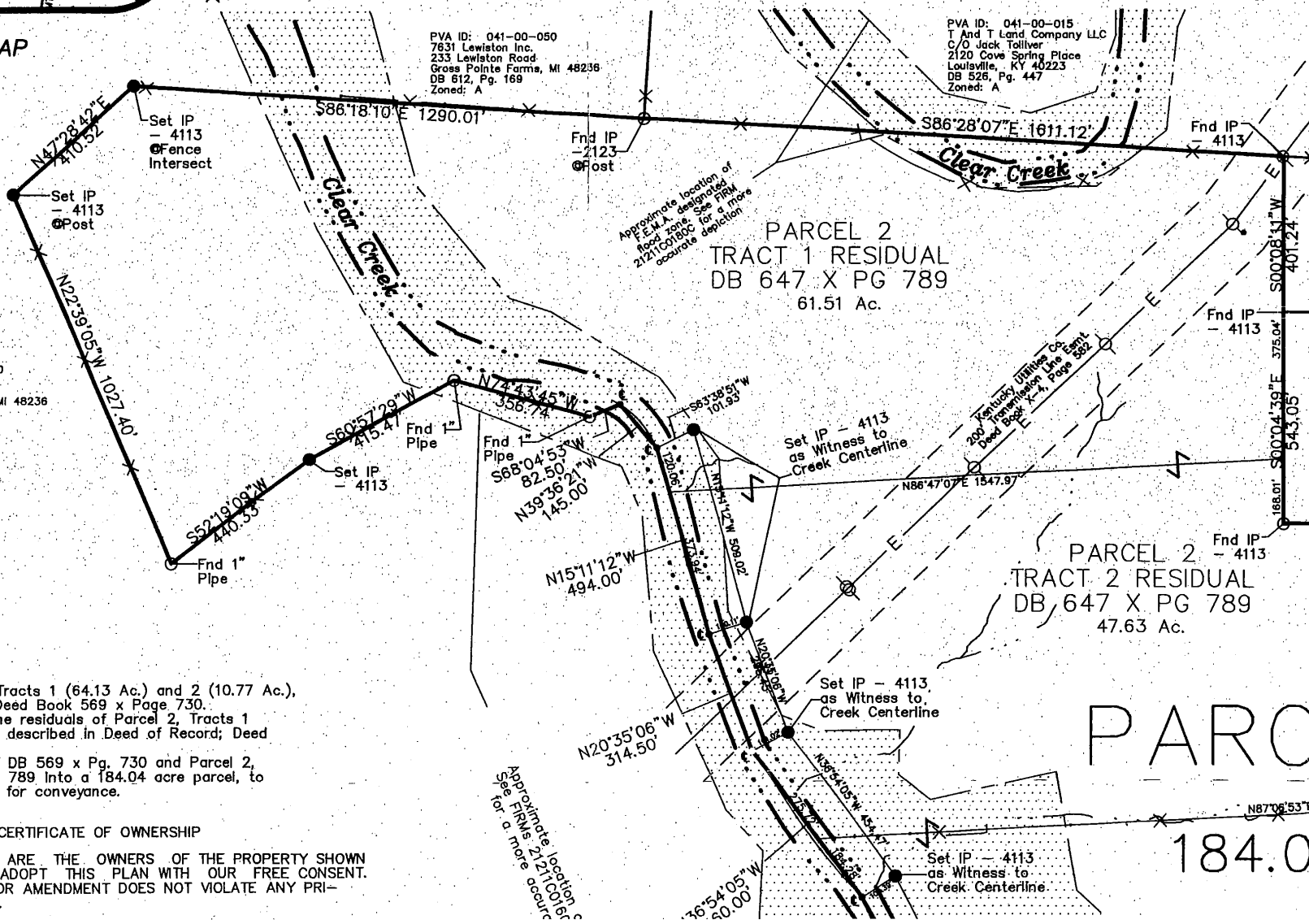
GENERAL NOTES:

1. Surveyor has made no investigation or independent for easements of record, encumbrances, restrictive ownership title evidence, or any other facts that an current title exam may disclose.
2. This survey is subject to all easements and rights on the face of plat or of record.
3. Unless plat is signed and stamped by Surveyor it is not valid. This survey is made on the date indicated to the face of this plat below.

PVA ID: 041-00-050
 7631 Lewiston Inc.
 233 Lewiston Road
 Gross Pointe Farms, MI 48236
 DB 612, Pg. 169.
 Zoned: A

PVA ID: 041-00-050
 7631 Lewiston Inc.
 233 Lewiston Road
 Gross Pointe Farms, MI 48236
 DB 612, Pg. 169
 Zoned: A

PVA ID: 041-00-015
 T And T Land Company LLC
 C/O Jack Tolliver
 2120 Cove Spring Place
 Louisville, KY 40223
 DB 528, Pg. 447
 Zoned: A



PURPOSE OF PLAT:

1. To retrace the boundaries of Tracts 1 (64.13 Ac.) and 2 (10.77 Ac.), described in Deed of Record; Deed Book 569 x Page 730.
2. To retrace the boundaries of the residuals of Parcel 2, Tracts 1 (61.51 Ac.) and 2 (47.63 Ac.), described in Deed of Record; Deed Book 647 x Page 789.
3. To consolidate Tracts 1 & 2 of DB 569 x Pg. 730 and Parcel 2, Tracts 1 & 2 of DB 647 x Pg. 789 into a 184.04 acre parcel, to be known now as PARCEL "A", for conveyance.

CERTIFICATE OF OWNERSHIP

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN HEREON AND THAT WE HEREBY ADOPT THIS PLAN WITH OUR FREE CONSENT. THIS DIVISION, CONSOLIDATION, OR AMENDMENT DOES NOT VIOLATE ANY PRIVATE SUBDIVISION RESTRICTIONS.

PARC

184.0

POSITIONING SYSTEM NOTE

formed using a Spectra Precision Epoch 85;
S receiver. The type of GPS survey employed was:

Horizontal Accuracy = $3mm + 0.1 ppm RMS \times D$
Vertical Accuracy = $3.5mm + 0.4 ppm RMS \times D$

Horizontal Accuracy = $8mm + 0.5 ppm RMS \times D$
Vertical Accuracy = $15mm + 0.5 ppm RMS \times D$

NAD 83 - KY Single Zone

1A

2012 B

GENERAL NOTES:

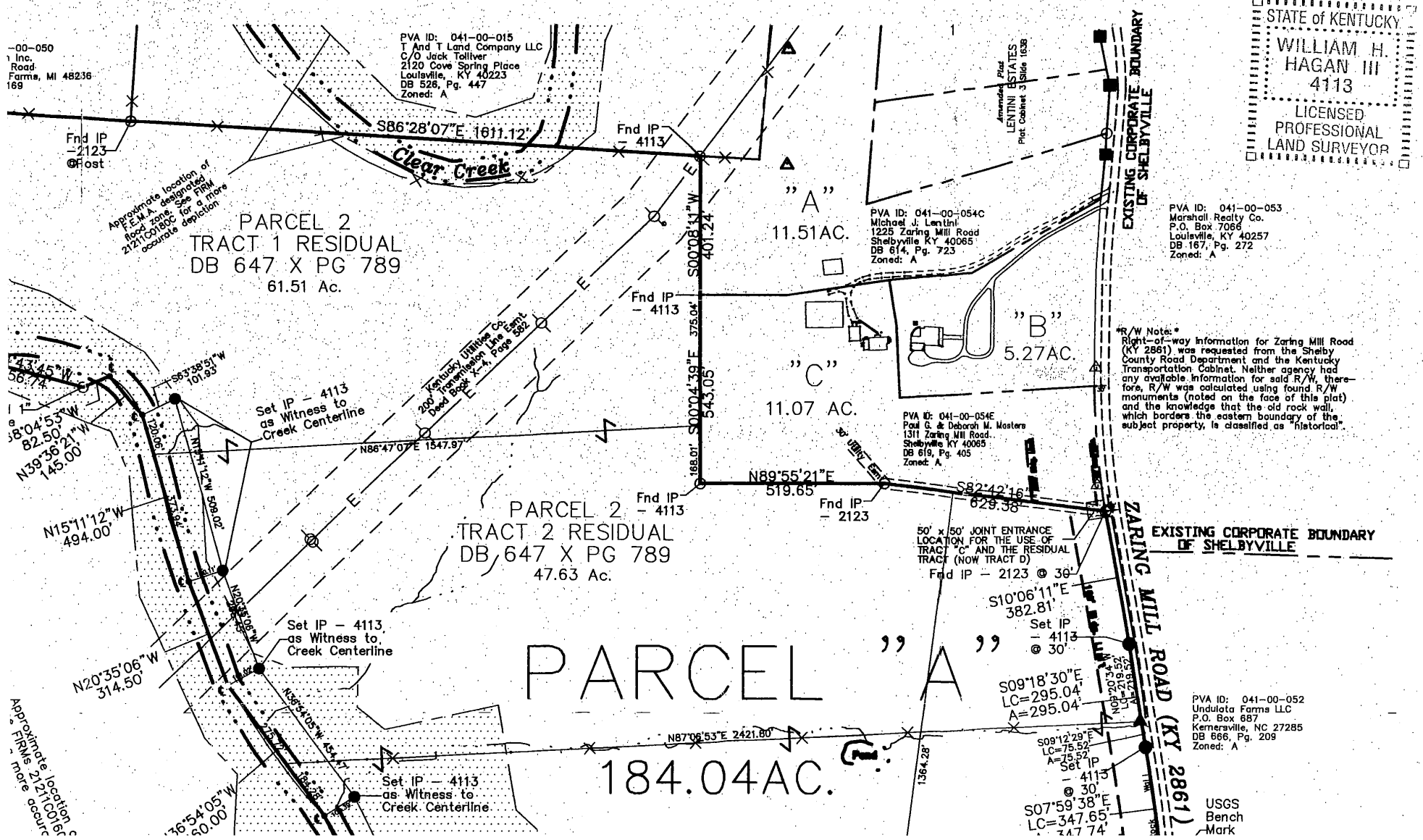
1. Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants ownership title evidence, or any other facts that an accurate and current title exam may disclose.
2. This survey is subject to all easements and rights of ways shown on the face of plat or of record.
3. Unless plat is signed and stamped by Surveyor it is void and null. This survey is made on the date indicated to the owner/client listed below.

LAND SURVEYORS CERTIFICATE OF ACCURACY

I HEREBY CERTIFY THAT THE PLAT SHOWN HEREON DEPICTS A SURVEY MADE BY ME, OR UNDER MY DIRECT SUPERVISION BY THE METHOD OF RTK (N) MEASUREMENT, UTILIZING A DUAL FREQUENCY GNSS RECEIVER. THE RELATIVE POSITIONAL ACCURACY EXCEEDS $\pm 0.05'' (100 PPM)$. SEE GPS NOTE ON THE FACE OF THE PLAT FOR ADDITIONAL GNSS INFORMATION. THE SURVEY SHOWN HEREON IS AN URBAN/RURAL CLASS SURVEY AND THE ACCURACY AND PRECISION OF SAID SURVEY MEETS ALL THE SPECIFICATIONS OF THIS CLASS. THIS SURVEY COMPLIES WITH 201 KAR 18:150.

DATE 1/25/22

PROFESSIONAL LAND SURVEYOR



STATE OF KENTUCKY
 WILLIAM H. HAGAN III
 4113
 LICENSED PROFESSIONAL LAND SURVEYOR

PVA ID: 041-00-053
 Marshall Realty Co.
 P.O. Box 7066
 Louisville, KY 40257
 DB 167, Pg. 272
 Zoned: A

PVA ID: 041-00-054C
 Michael J. Lentini
 1225 Zaring Mill Road
 Shelbyville KY 40065
 DB 614, Pg. 723
 Zoned: A

PVA ID: 041-00-054E
 Paul G. & Deborah M. Masters
 1311 Zaring Mill Road
 Shelbyville KY 40065
 DB 619, Pg. 405
 Zoned: A

R/W Note:
 Right-of-way information for Zaring Mill Road (KY 2861) was requested from the Shelby County Road Department and the Kentucky Transportation Cabinet. Neither agency had any available information for said R/W, therefore, R/W was calculated using found R/W monuments (noted on the face of this plat) and the knowledge that the old rock wall, which borders the eastern boundary of the subject property, is classified as "historical".

EXISTING CORPORATE BOUNDARY OF SHELBYVILLE

PVA ID: 041-00-052
 Undulata Farms LLC
 P.O. Box 687
 Kellersville, NC 27285
 DB 686, Pg. 209
 Zoned: A

USGS
 Bench
 Mark

UNDARY AND ANNEXATION PLAT

PARCEL "A"

184.04 AC.

TRACT 1
DB 569 X PG 730
64.13 Ac.

TRACT 2
DB 569 X PG 730
10.77 Ac.

EXISTING CORPORATE BOUNDARY OF SHELBYVILLE
INTERSTATE 64 - 300' R/W

Deed Book 146 x Page 524
Commonwealth of Kentucky
Department of Highways
Plan & Profile - SP 106-806-30

N20°35'06"W 314.50'
Set IP - 4113, as Witness to Creek Centerline

N36°54'05"W 460.00'
Set IP - 4113, as Witness to Creek Centerline

N26°50'30"W 660.00'
Set IP - 4113, as Witness to Creek Centerline

N18°21'22"W 400.00'
Set IP - 4113, as Witness to Creek Centerline

N37°44'42"W 218.50'
Set IP - 4113, as Witness to Creek Centerline

N10°43'43"W 134.82'
Set IP - 4113, as Witness to Creek Centerline

N87°06'53"E 2421.80'
Set IP - 4113, as Witness to Creek Centerline

N18°21'22"W 400.00'
Set IP - 4113, as Witness to Creek Centerline

N81°59'48"W LC=105.59' A=105.59'
Set IP - 4113, as Witness to Creek Centerline

N85°22'20"W LC=1303.98' A=1304.62'
Set IP - 4113, as Witness to Creek Centerline

S10°06'11"E 382.81'
Set IP - 4113 @ 30'

S09°18'30"E LC=295.04' A=295.04'
Set IP - 4113 @ 30'

S09°12'29"E LC=75.52' A=75.52'
Set IP - 4113 @ 30'

S07°59'38"E LC=347.65' A=347.74'
Set IP - 4113 @ 30'

S88°47'33"W 10.04'
Set IP - 4113 @ 40'

S02°01'01"E LC=317.94' A=318.09'
Set IP - 4113 @ 30'

N88°52'02"W 10.00'
Set IP - 4113 @ 40'

N86°33'53"W 70.14'
Set IP - 4113 @ 40' & 50'

N87°32'29"W 1849.38'
Set IP - 4113 @ 50'

N85°22'20"W LC=1303.98' A=1304.62'
Set IP - 4113 @ 150'

S01°01'46"W 278.31'
Set IP - 4113 @ 150'

N88°46'52"W 344.16'
Set IP - 4113 @ 150'

PVA ID: 041-00-052
Undulata Farms LLC
P.O. Box 687
Kernersville, NC 27285
DB 866, Pg. 209
Zoned: A

USGS Bench Mark
Fnd Concrete RW Monument @ 40'

N88°47'33"E 70.14'
Set IP - 4113 @ 30'

Fnd Concrete RW Monument @ 40'

S88°52'02"E 80.00'
Set IP - 4113 @ 40' & 50'

Fnd Concrete RW Monument @ 40'

S86°33'53"E 90.25'
Set IP - 4113 @ 40'

Fnd Concrete RW Monument @ 40'

S86°33'53"E 90.25'
Set IP - 4113 @ 40'

Fnd Concrete RW Monument @ 60'

(P.D.B. N-3955472.339
E-5057908.076)

AGRICULTURAL BOUNDARY A
PARCEL "A"

of PARCEL "A" are located in a F.E.M.A designated 211C0160C, 21211C0180C, & 21211C0190C, all effectively re aforementioned FIRMS for a more accurate depiction. easement that runs along and parallel to Clear Creek, line, that is not shown on this plat as it is encompassed