

CITY OF SHELBYVILLE
ORDINANCE NO. 2023-07-06

AN ORDINANCE ANNEXING PROPERTY
TO THE CITY OF SHELBYVILLE

BE IT ORDAINED BY THE CITY OF SHELBYVILLE, KENTUCKY:

SECTION ONE: The City of Shelbyville finds that certain property owned by CEAF, LLC, and 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, and 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.

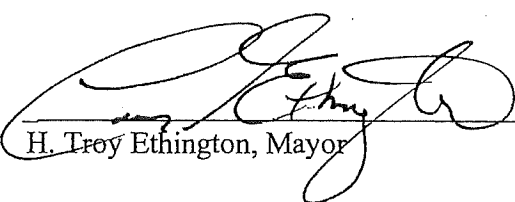
SECTION TWO: Based upon the aforementioned findings, there is hereby annexed to the City of Shelbyville, and its boundary line is extended so as to include within the limits of the City of Shelbyville, the property described as follows:

Property owned by CEAF, LLC, which is more particularly described in **Appendix A** (which includes an Agreement and Consent to Annexation signed by the property owner) to this Ordinance, and which Appendix is incorporated by reference herein as if set forth in its entirety.

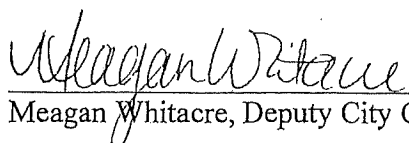
This ordinance may be published in summary.

Introduced, seconded and given first reading at a duly convened meeting of the City Council of the City of Shelbyville on the 22nd day of June, 2023.


Given a second reading and enacted at a duly convened meeting of the City Council of the City of Shelbyville on the 6th day of July, 2023.


H. Troy Ethington, Mayor

ATTEST:


Meagan Whitacre, Deputy City Clerk

RECEIVED AND FILED
DATE August 9, 2023

MICHAEL G. ADAMS
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY 

SHELBY COUNTY
D694 PG29

WATER AND/OR SEWER SERVICE
AGREEMENT AND CONSENT TO ANNEXATION

This is a Water and/or Sewer Service Agreement and Consent to Annexation between
CEAF, LLC, a Kentucky limited liability company, whose mailing address is 2105
Starmont Road, Louisville, Kentucky 40207

(hereinafter the "Property Owners") and the City of Shelbyville (hereinafter "City"), acting by and through its agent, the Shelbyville Municipal Water and Sewer Commission (hereinafter the "Commission") entered into this 7 day of December, 2021.

That for and in consideration of the Commission agreeing to extend water and/or sewer service to the property of the Property Owners located at Old Brunerstown Road (PVA 032-00-032) and more particularly described in deed dated _____ and found in Deed Book 683, Page 699, in the office of the Shelby County Court Clerk, the Property Owners hereby consent to the annexation of this property by the City at its option and at such time as the City determines it is in the best interest of the City; and in accordance with the provisions of City of Shelbyville Ordinance No. 97-08-21 (B) Section One, subsection 4(a) the Property Owners agree not to protest, oppose, remonstrate or petition against the annexation of this property for and in consideration of the extension of water and/or sewer service to the above referred to property. Property Owners further covenant and agree not to sue the City or Commission or any of its officers, agents, employees, or representatives or prosecute any action to which the City or Commission or any officer, agent, employee or representative of same is a party for or on account of the annexation of the property referred to above and that they waive their private right to assert the requirements of KRS 81A or any other legal requirements for annexation.

It is understood that this consent to annexation and waiver of protest to annexation is a covenant running with the land and shall be binding on all successors, assigns, heirs or personal representatives of the Property Owners.

Property Owners further represents and warrants that it is the only fee simple owner of the real property referred to above.

William Lusby (Property Owners)

(Property Owners)

David B. Eaton

Mayor David Eaton, Chairman
Shelbyville Water and Sewer Commission

DOCUMENT NO: 480547
RECORDED: January 06, 2022 11:43:00 AM
TOTAL FEES: \$46.00
COUNTY CLERK: SUE CAROLE PERRY
DEPUTY CLERK: ABBY DIETRICH
COUNTY: SHELBY COUNTY
BOOK: D694 PAGES: 29 - 30

SHELBY COUNTY
D694 PG30

STATE OF KENTUCKY
COUNTY OF SHELBY

Before me, the undersigned Notary Public, personally appeared the above-named _____

William Lussky

to me personally known or satisfactorily proving to me to be the signer of the foregoing instrument, who acknowledged that they did sign the foregoing Water and/or Sewer Service Agreement and Consent to Annexation, for the uses and purposes therein stated and said instrument is the act and

Given under my hand and seal of office, this 30 day of November, 2021

Shawna M. Dant

NOTARY PUBLIC, State-at-Large, KY

My Commission Expires: 12/15/2021

Identification No: 590495

STATE OF KENTUCKY
COUNTY OF SHELBY

Before me, the undersigned Notary Public, personally appeared the above-named Chairman of the Shelbyville Water and Sewer Commission, Mayor David Eaton, to me personally known, who acknowledged that he did sign the foregoing Water and/or Sewer Service Agreement and Consent to Annexation, for the uses and purposes therein stated and said instrument was the act and deed of said person.

Given under my hand and seal of office, this 7 day of December, 2021.

Shawna M. Dant

NOTARY PUBLIC, State-at-Large, KY

My Commission Expires: 7/18/2024

Identification No: KY NP 9606

This instrument was prepared by:

Neil S. Hackworth, Attorney
Zaring & Sullivan Law Office
600 Main Street
Shelbyville, Kentucky 40065

Neil S. Hackworth

I, Meagan Whitacre, Deputy City Clerk, City of Shelbyville, Kentucky, do hereby certify that the foregoing is a true and accurate copy of City of Shelbyville Ordinance No. 2023-07-06.

Meagan Whitacre

Meagan Whitacre, Deputy City Clerk

Date: July 12, 2023

May 31, 2023

BOUNDARY DESCRIPTION for ANNEXATION

CEAF, LLC (Windhurst II, Phase 2, Lot 6)
Old Brunerstown Road
Shelbyville, KY

Being a tract of land situated on the south side of Old Brunerstown Road and adjoining Interstate-64, and being approximately 2,500 feet west of the Taylorsville Road (KY-55) and Old Brunerstown Road intersection in Shelby County Kentucky and being more particularly described as follows:

Commencing at the Point of Beginning, said point being in the western terminus of Mortown Way as recorded in Plat Cabinet 8 Slide 359 (Windhurst II Phase 2); thence with the west line of Lot 18 Windhurst II Phase 2 S 10°28'17" E a distance of 329.93 feet to a point in the north right-of-way of I-64; thence with I-64 S 79°31'03" W a distance of 384.77 feet to a point; thence continuing with I-64 N 70°27'40" W a distance of 1,948.22 feet to a point; thence leaving the north right-of-way of I-64 N 03°36'53" E a distance of 23.41 feet to a point in the south right-of-way of Old Brunerstown Road; thence crossing Old Brunerstown Road N 03°36'53" E a distance of 138.64 to a point in the north right-of-way; thence with the north right-of-way of Old Brunerstown Road for the following three calls: N 70°35'57" E a distance of 1,210.80 feet to a point, N 70°35'57" E a distance of 160.00 feet to a point, N 70°35'57" E a distance of 609.89 feet to a point, thence crossing Old Brunerstown S 31°36'13" E a distance of 118.68 feet to a point in the west line of Lot 7 Windhurst II Phase 2; thence with Lot 7 S 12°21'29" E a distance of 998.87 feet to the point of beginning and containing 41.80 acres. See attached Annexation Exhibit.

The above described property is subject to any and all easements apparent or of record.

Being the same property conveyed to the CEAF, LLC as recorded in Deed Book 683 Page 699 (Plat Cabinet 8 Slide 359 – Lot 6) in the Shelby County Clerk's office.

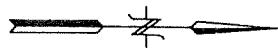
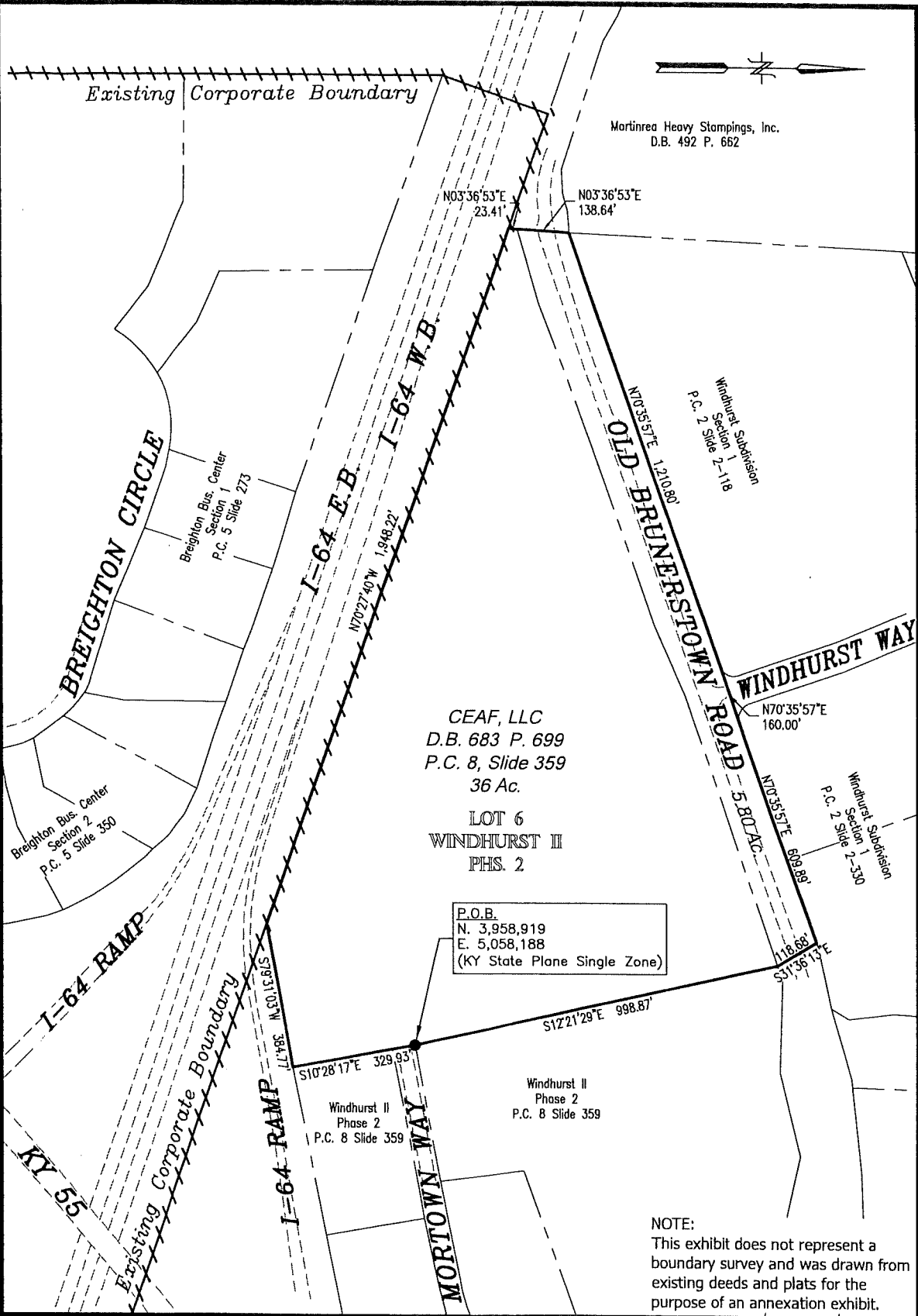
I hereby certify that this survey was prepared by me or under my direct supervision and does not comply with the standards of practice for surveying in the State of Kentucky as set forth in 201 KAR 18:150. Subject tracts and adjoining lands' deeds/plats of record were complied to provide an annexation boundary in KY State Plane Single Zone. This survey description and exhibit do comply with KRS 81A.470 – Annexation Requirements for the KY Secretary of State.

5/31/23

William H. Hagan III PLS 4113

Date

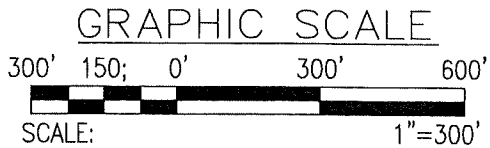
STATE of KENTUCKY
WILLIAM H.
HAGAN III
4113
LICENSED
PROFESSIONAL
LAND SURVEYOR



CEAF, LLC
 D.B. 683 P. 699
 P.C. 8, Slide 359
 36 Ac.
 LOT 6
 WINDHURST II
 PHS. 2

P.O.B.
 N. 3,958,919
 E. 5,058,188
 (KY State Plane Single Zone)

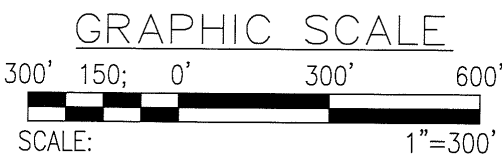
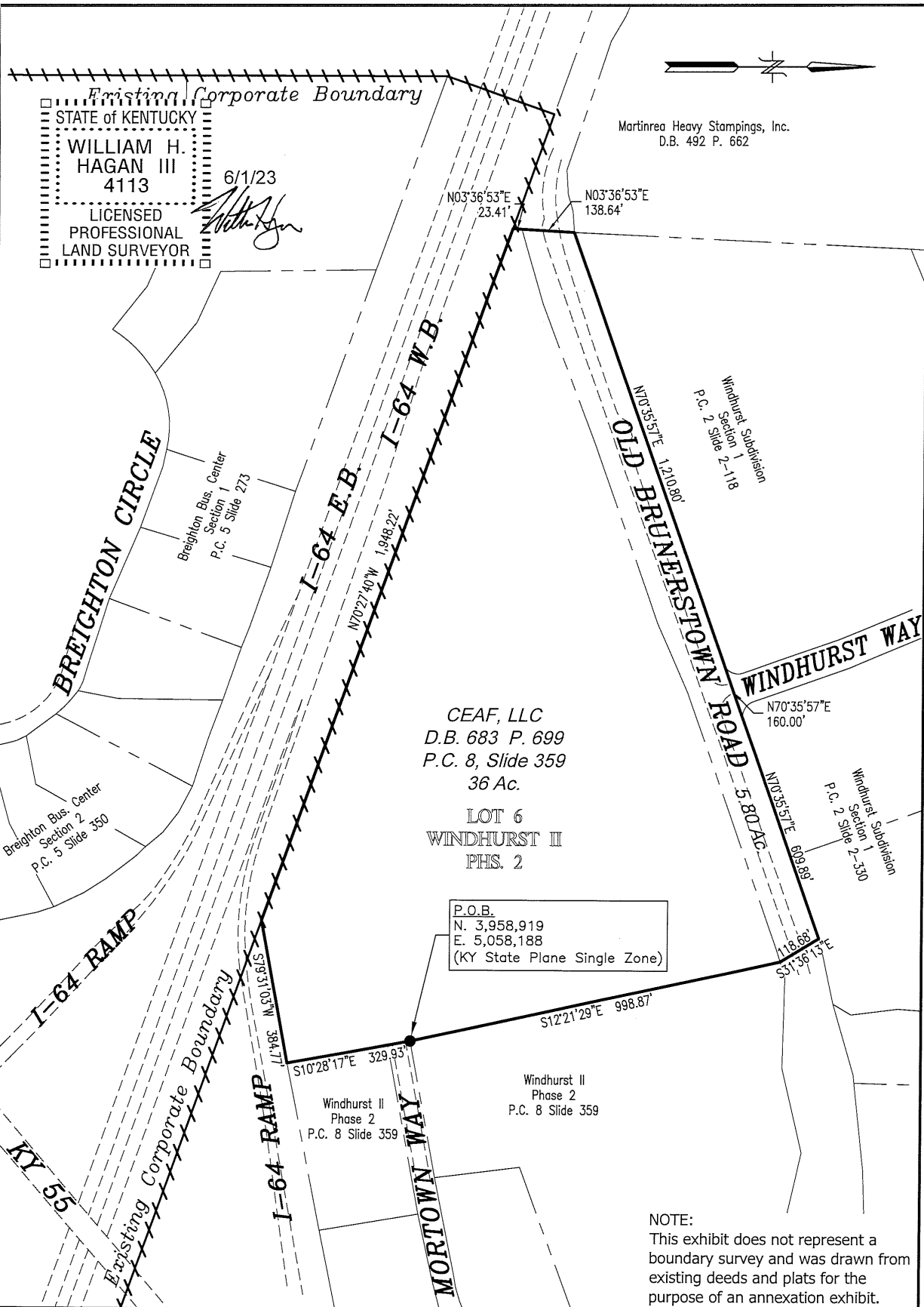
NOTE:
 This exhibit does not represent a boundary survey and was drawn from existing deeds and plats for the purpose of an annexation exhibit.



HAGAN
 ENGINEERING **PLLC**
 506 MAIN STREET
 SHELBYVILLE, KY 40065
 (502) 633-4365

Annexation Exhibit
 CEAF, LLC Property
 (41.80 ac.)

DATE: 5/31/2023



HAGAN
ENGINEERING PLLC

506 MAIN STREET
SHELBYVILLE, KY 40065
(502) 633-4365

Annexation Exhibit
CEAF, LLC Property
(41.80 ac.)

DATE: 5/31/2023