CITY OF SHEPHERDSVILLE

634 CONESTOGA PARKWAY SHEPHERDSVILLE, KY 40165

MAYOR JOSÉ CUBERO

CITY CLERK BRENDA WEIDEKAMP CITY COUNCIL

BONNIE ENLOW MIKE HIBBARD PAULA MANGUS JENNIFER MENDEZ FAITH PORTMAN BRAD WHITTAKER

CERTIFICATION: KRS 81A.470 FILINGS

I, Brenda Weidekamp, certify that I am City Clerk of the City of Shepherdsville, Bullitt County, Kentucky, and I do hereby certify that Ordinance 023-038 is a true, correct and complete copy properly adopted by the City Council at a duly convened meeting held on the 10th day of July 2023 as it appears in the official records of the City of Shepherdsville.

Witness my hand and seal of the City of Shepherdsville, Kentucky this 26th day of July 2023.

City Seal:

RECEIVED AND FILED
DATE OCTOBER 2, 2023

MICHAEL G. ADAMS
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY

TEL: (502) 543-2923 FAX: (502) 414-2346



Mayor - jcubero@shepherdsvilleky.gov Clerk - bweidekamp@shepherdsvilleky.gov Website: shepherdsvilleky.gov

ORDINANCE 023-038

AN ORDINANCE PURSUANT TO KRS 81A.412 ANNEXING INTO THE CITY OF SHEPHERDSVILLE, BULLITT COUNTY, KENTUCKY, BY CONSENT OF ALL PROPERTY OWNERS, 33.220 +/- ACRES OF PROPERTY LOCATED AT THE NORTHEAST INTERSECTION OF PRESTON HIGHWAY AND CHAPEZE LANE ALL AS MORE PARTICULARLY DESCRIBED AND ILLUSTRATED IN AND ON EXHIBITS TO THIS ORDINANCE.

SUMMARY

- 1. Annexes, and makes part of the City, five tracts totaling approximately 33.220 +/-acres that are contiguous or adjacent to the City's boundaries by request and written consent of all property owners of record of all properties.
- 2. The properties which are the subject of this ordinance are located at and known as:
 - A. 3606 S. Preston Highway, Shepherdsville, Kentucky 40165 identified by the Bullitt County Property Valuation Administrator as Parcel ID 047-000-00-15;
 - B. 3614 S. Preston Highway, Shepherdsville, Kentucky 40165 identified by the Bullitt County Property Valuation Administrator as Parcel ID 047-000-00-16:
 - C. Chapeze Lane, Shepherdsville, Kentucky 40165 identified by the Bullitt County Property Valuation Administrator as Parcel ID 047-000-00-016C;
 - D. Chapeze Lane, Shepherdsville, Kentucky 40165 identified by the Bullitt County Property Valuation Administrator as Parcel ID 047-000-00-016A; and
 - E. 150 Chapeze Lane, Shepherdsville, Kentucky 40165 identified by the Bullitt County Property Valuation Administrator as Parcel ID 047-000-00-016B.
- 3. Incorporates by reference as if fully set forth in the ordinance, the Exhibits that describe and illustrate the properties which are the subject of this ordinance.
- 4. Provides that after annexation, the properties will remain subject to the same land use restrictions as applied prior to annexation.
- 5. Provides for repeal of inconsistent laws, severability of provisions, and an effective date upon passage and publication.

SUMMARY PREPARED BY:

(1) (1)

KATHERINE'S DOZIER, CITY ATTORNEY

ORDINANCE NO. 023-038

AN ORDINANCE PURSUANT TO KRS 81A.412 ANNEXING INTO THE CITY OF SHEPHERDSVILLE, BULLITT COUNTY, KENTUCKY, BY CONSENT OF ALL PROPERTY OWNERS, 33.220 +/- ACRES OF PROPERTY LOCATED AT THE NORTHEAST INTERSECTION OF PRESTON HIGHWAY AND CHAPEZE LANE ALL AS MORE PARTICULARLY DESCRIBED IN AND ON EXHIBITS TO THIS ORDINANCE.

WHEREAS pursuant to KRS 81A.410 and KRS 81A.412, the City of Shepherdsville may annex any area meeting the requirements of annexation if each of the owners of record of the land to be annexed gives prior consent in writing to the annexation; and

WHEREAS pursuant to 23RS SB141, the City of Shepherdsville has provided written notice to the Bullitt County Fiscal Court at least 45 days prior to enacting a final ordinance annexing the property;

WHEREAS each of the owners of the Properties to be annexed have requested and consented in writing to the annexation; and

WHEREAS the City of Shepherdsville hereby declares it desirable to annex the property as described herein; and

WHEREAS the proposed property to be annexed is adjacent to or contiguous to the City, and the property is urban in character or suitable for development for urban purposes without unreasonable delay;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF SHEPHERDSVILLE, BULLITT COUNTY, KENTUCKY PURSUANT TO KRS 81A.412:

SECTION ONE: The unincorporated properties ("Properties") which are the subject of this ordinance consist of real estate located at and known as:

- A. 3606 S. Preston Highway, Shepherdsville, Kentucky 40165 identified by the Bullitt County Property Valuation Administrator as Parcel ID 047-000-00-15, which real estate and improvements were conveyed to Sherry Raskin and Michael Raskin in Bullitt County Deed Book 958, Page 481 of the Bullitt County Clerk's records in Shepherdsville, Kentucky;
- B. 3614 S. Preston Highway, Shepherdsville, Kentucky 40165 identified by the Bullitt County Property Valuation Administrator as Parcel ID 047-000-00-16, which real estate

and improvements were conveyed to Sherry Raskin and Michael Raskin in Bullitt County Deed Book 860, Page 058 of the Bullitt County Clerk's records in Shepherdsville, Kentucky;

- C. Chapeze Lane, Shepherdsville, Kentucky 40165 identified by the Bullitt County Property Valuation Administrator as Parcel ID 047-000-00-016C, which real estate and improvements were conveyed to Myra Minton and Michael Minton in Bullitt County Deed Book 536, Page 554 of the Bullitt County Clerk's records in Shepherdsville, Kentucky;
- D. Chapeze Lane, Shepherdsville, Kentucky 40165 identified by the Bullitt County Property Valuation Administrator as Parcel ID 047-000-00-016A, which real estate and improvements were conveyed to Earlene Minton and Michael Minton in Bullitt County Deed Book 358, Page 048 of the Bullitt County Clerk's records in Shepherdsville, Kentucky; and
- E. 150 Chapeze Lane, Shepherdsville, Kentucky 40165 identified by the Bullitt County Property Valuation Administrator as Parcel ID 047-000-00-016B, which real estate and improvements were conveyed to Earlene Minton and Michael Minton in Bullitt County Deed Book 358, Page 298 of the Bullitt County Clerk's records in Shepherdsville, Kentucky.

SECTION TWO: The Properties which are the subject of this ordinance are described and illustrated in and on the Exhibits to this ordinance, all of which are incorporated by reference herein as if fully set forth herein.

SECTION THREE: The Properties which are the subject of this ordinance are contiguous to or adjacent to the City's boundaries at the time this annexation proceeding is begun and, by reason of present, potential, or future population density, commercial, industrial, institutional, or governmental use of land, or subdivision of land, is urban in character and suitable for development for urban purposes without unreasonable delay. The City hereby declares it desirable to annex the unincorporated Properties. No part of the Properties to be annexed are included within the boundary of another incorporated city.

SECTION FOUR: Pursuant to 23RS SB141, the City has provided written notice to the Bullitt County Fiscal Court at least forty-five (45) days prior to enacting a final ordinance annexing the Properties which are subject to this ordinance.

SECTION FIVE: Since the Owners of Record of the Properties to be annexed have given prior consent in writing to the annexation, the City shall not be required to enact the notification ordinance required by KRS 81A.420(1) or to comply with the notice requirements of KRS 81A.425, and it shall not be required to wait the sixty (60) day period provided for in KRS 81A.420(2) prior to enacting a final ordinance annexing the Properties. Pursuant to KRS 81A.412, the City does hereby enact this single ordinance annexing the Properties described in this ordinance.

SECTION SIX: The Properties which are the subject of this ordinance are hereby annexed into the City limits of the City of Shepherdsville, in Bullitt County, Kentucky, for all purposes.

SECTION SEVEN: The City elects not to follow the procedure provided for in KRS 100.209 prior to the adoption of the ordinance of annexation, therefore the newly annexed Properties shall remain subject to the same land restrictions, if any, as applied to it prior to annexation until those restrictions might be changed by zoning map amendment in accordance with KRS Chapter 100.

SECTION EIGHT: The provisions of this ordinance are hereby declared severable, and if any section, clause, line, paragraph, or part of this ordinance shall for any reason be declared invalid or unconstitutional, the same shall not affect validity of the remainder of this ordinance.

SECTION NINE: All prior ordinances or parts of any prior ordinance in conflict herewith are hereby repealed.

SECTION TEN: This ordinance is adopted in accordance with KRS 83A.060 in that it was introduced and given first reading on June 26th, 2023 and given second reading and passed on July 24th, 2023 and shall be in full force and effect upon publication in summary pursuant to KRS Chapter 424.

Motion to Approve: Faith Portman

Second: Jennifer Mendez

	Yes	No	Abstain
Bonnie Enlow	X		
Brad Whittaker	X		
Jennifer Mendez	X		
Faith Portman	X		
Mike Hibbard	X		
Paula Mangus		X	
Motion Carried: 5 Yes – 1 No			

CITY OF SHEPHERDSVILLE, KY

JOSE CUBERO, MAYOR

ATTEST:

Brenda Weidekamp, CITY CLERK

APPROVED AS TO FORM AND LEGALITY:

KATHERINE S. DOZIER, CITY ATTORNEY

CONSENT TO ANNEXATION BY THE CITY OF SHEPHERDSVILLE

Come now Myra Minton and Michael Minton and hereby state as follows:

- 1. Myra Minton and Michael Minton request and consent to annexation of the Property located at Chapeze Lane (more specifically described in Paragraph 3 below) in the City of Shepherdsville, Kentucky (the "City") pursuant to KRS 81A.412. Myra Minton and Michael Minton shall be prohibited from opposing said annexation. In the event that Myra Minton and/or Michael Minton, or anyone acting on their behalf, execute a remonstrance petition opposing said annexation, their signatures shall be deemed invalid and of no effect pursuant to KRS 81A.420.
- 2. Myra Minton and Michael Minton are the sole owners of the Property.
- 3. The description of the Property is more particularly described as follows:

SEE DESCRIPTION OF PROPERTY ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

- 4. Myra Minton and Michael Minton have been advised and fully understand that by signing this consent they are relieving the City, its employees, officers, agents, and representatives of any obligation to enact a notification ordinance required by KRS 81A.420 or to publicize any proposed annexation.
- 5. Myra Minton and Michael Minton acknowledge and understand that the City shall not be required to wait sixty (60) days before enacting an ordinance actually annexing the Property into the City and that the City may adopt a final annexation ordinance in a single ordinance.
- 6. Myra Minton and Michael Minton acknowledge and understand that upon the enactment of the above referenced ordinance the Property shall become a part of the City pursuant to KRS 81A.412.
- 7. Myra Minton and Michael Minton acknowledge and understand that the Property may not be

- assigned a zoning designation in accordance with their wishes, and Mrya Minton and Michael Minton release the City, its employees, officers, agents, and representatives from any liability associated with the annexation and zoning of the Property.
- 8. Myra Minton and Michael Minton shall not transfer the Property or any portion thereof without first notifying the City in writing and advising the proposed transferee of the terms hereof. Myra Minton and Michael Minton shall not transfer the Property or any portion thereof until the transferee executes a similar document which releases the City, its employees, officers, agents, and representatives from any and all liability arising out of the annexation and zoning of the Property.
- 9. This Consent to Annexation shall be perpetual and shall run with the Property and shall be binding upon Myra Minton and Michael Minton, their heirs, successors and/or assigns.
- 10. Myra Minton and Michael Minton certify that the Property is not part of an agricultural district established pursuant to KRS 262.850 and that the Property will not be included hereafter in an agricultural district. In the event that Myra Minton and/or Michael Minton, or anyone acting on their behalf, execute a petition to include the Property in an agricultural district, their signatures shall be deemed invalid and of no effect, and the Property shall not be included in the agricultural district.
- In the event that the Property are in an agricultural district, this document, "Consent to Annexation" will serve as written authorization to decertify/remove the Property as described herein from any agricultural district established by KRS 262.850, latest revisions. At the City's request, Myra Minton and Michael Minton shall provide a letter requesting decertification of said agricultural district.
- 12. Any existing non-conforming uses or structures waived from the application of said applicable

 Ordinances are identified as the following:

NONE

- 13. Myra Minton and Michael Minton hereby authorize the City, their employees, officers, agents, and representatives the right of entry onto the Property described in Paragraph 3 above, to perform the necessary task and functions to accomplish the annexation, i.e., field survey work.
- 14. Myra Minton and Michael Minton acknowledge that they are in receipt of a copy of Title 15 of the City of Shepherdsville Code of Ordinances entitled "Land Usage," and all amendments thereto and shall comply therewith.
- 15. Myra Minton and Michael Minton acknowledge and understand that the City is required to give written notice to fiscal court at least forty-five (45) days prior to enacting a final ordinance actually annexing the Property into the City.

Myra Minton	(o 22 - 23) Date
Michael Minton	<u>(o - 22 - 23</u> Date
This instrument prepared by:	
City Attorney for the City of Shepherdsville	

CONSENT TO ANNEXATION BY THE CITY OF SHEPHERDSVILLE

Come now Sherry Raskin and Michael Raskin and hereby state as follows:

- 1. Sherry Raskin and Michael Raskin request and consent to annexation of the Properties located at 3606 and 3614 S. Preston Highway (more specifically described in Paragraph 3 below) in the City of Shepherdsville, Kentucky (the "City") pursuant to KRS 81A.412. Sherry Raskin and Michael Raskin shall be prohibited from opposing said annexation. In the event that Sherry Raskin and/or Michael Raskin, or anyone acting on their behalf, execute a remonstrance petition opposing said annexation, their signatures shall be deemed invalid and of no effect pursuant to KRS 81A.420.
- 2. Sherry Raskin and Michael Raskin are the sole owners of the Properties.
- 3. The description of the Properties is more particularly described as follows:

SEE DESCRIPTION OF PROPERTY ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

- 4. Sherry Raskin and Michael Raskin have been advised and fully understand that by signing this consent they are relieving the City, its employees, officers, agents, and representatives of any obligation to enact a notification ordinance required by KRS 81A.420 or to publicize any proposed annexation.
- 5. Sherry Raskin and Michael Raskin acknowledge and understand that the City shall not be required to wait sixty (60) days before enacting an ordinance actually annexing the Properties into the City and that the City may adopt a final annexation ordinance in a single ordinance.
- 6. Sherry Raskin and Michael Raskin acknowledge and understand that upon the enactment of the above referenced ordinance the Properties shall become a part of the City pursuant to KRS 81A.412.

- 7. Sherry Raskin and Michael Raskin acknowledge and understand that the Properties may not be assigned a zoning designation in accordance with their wishes, and Sherry Raskin and Michael Raskin release the City, its employees, officers, agents, and representatives from any liability associated with the annexation and zoning of the Properties.
- 8. Sherry Raskin and Michael Raskin shall not transfer the Properties or any portion thereof without first notifying the City in writing and advising the proposed transferee of the terms hereof. Sherry Raskin and Michael Raskin shall not transfer the Properties or any portion thereof until the transferee executes a similar document which releases the City, its employees, officers, agents and representatives from any and all liability arising out of the annexation and zoning of the Properties.
- 9. This Consent to Annexation shall be perpetual and shall run with the Properties and shall be binding upon Sherry Raskin and Michael Raskin, their heirs, successors and/or assigns.
- 10. Sherry Raskin and Michael Raskin certify that the Properties are not part of an agricultural district established pursuant to KRS 262.850 and that the Properties will not be included hereafter in an agricultural district. In the event that Sherry Raskin and/or Michael Raskin, or anyone acting on their behalf, execute a petition to include the Properties in an agricultural district, their signatures shall be deemed invalid and of no effect, and the Properties shall not be included in the agricultural district.
- In the event that the Properties are in an agricultural district, this document, "Consent to Annexation" will serve as written authorization to decertify/remove the Properties as described herein from any agricultural district established by KRS 262.850, latest revisions. At the City's request, Sherry Raskin and Michael Raskin shall provide a letter requesting decertification of said agricultural district.
- 12. Any existing non-conforming uses or structures waived from the application of said applicable

Ordinances are identified as the following:

NONE

- Sherry Raskin and Michael Raskin hereby authorize the City, their employees, officers, agents, 13. and representatives the right of entry onto the Properties described in Paragraph 3 above, to perform the necessary task and functions to accomplish the annexation, i.e., field survey work.
- Sherry Raskin and Michael Raskin acknowledge that they are in receipt of a copy of Title 15 of 14. the City of Shepherdsville Code of Ordinances entitled "Land Usage," and all amendments thereto and shall comply therewith.
- Sherry Raskin and Michael Raskin acknowledge and understand that the City is required to give 15. written notice to fiscal court at least forty-five (45) days prior to enacting a final ordinance actually annexing the Properties into the City.

6/22/23
Date
6/22/23

This instrument prepared by:

Attorney for the City of Shepherdsville



CINCINNATI COLUMBUS DAYTON LOUISVILLE 1100 Envoy Circle Louisville, KY 40299 phone ► 502.365.9950 www.kleingers.com

June 16th, 2023

Annexation Legal Description For Annexation to the City of Shepherdsville, Kentucky 33.220 Acres

Situated in Bullitt County, Kentucky and being all of the parcel conveyed to Sherry L & Michael M Raskin in Deed Book 958, Page 481, all of the parcel conveyed to Sherry Lynn & Michael Mester Raskin in Deed Book 860, Page 58, all of the parcel conveyed to Myra & Michael Minton in Deed Book 536, Page 554, all of the parcel conveyed to Earlene & Michael Minton in Deed Book 358, Page 298, and all of the parcel conveyed to Earlene & Michael Minton in Deed Book 358, Page 48, and being more particularly described as follows:

Beginning at a 1/2" iron pin set at the Northeast intersection of the Easterly right-of-way of Kentucky Highway 61 (Preston Highway) and the Northerly right-of-way of Chapeze Lane;

Thence along the Easterly right-of-way of Kentucky Highway 61 for the following two (2) courses:

- 1. North 15°41'00" West a distance of 141.76 feet to a 1/2" iron pin set;
- 2. Thence North 17°21'45" West, passing a 5/8" iron pin without a cap at 1073.24 feet, passing a 5/8" iron pin found without a cap at 1397.42 feet, a total distance of 1517.40 feet to a 1/2" iron pin set at the Southwesterly corner of a parcel of land conveyed to Steve A & Jeanett S Skaggs as recorded in Deed Book 355, Page 161;

Thence along the Southerly line of Skaggs North 71°08'21" East a distance of 218.06 feet to a 1" O.D. Iron Pipe along the Southwesterly line of a parcel of land conveyed to Exeter 3524 Preston LLC as recorded in Deed Book 1307, Page 480;

Thence along the Southwesterly line of Exeter for the following four (4) courses:

- 1. South 62°31'39" East, passing a 1" O.D. iron pipe found at 83.24 feet, a total distance of 165.93 feet to a 5/8" iron pin found with cap stamped 'SRW 3018';
- 2. Thence South 62°34'35" East a distance of 332.28 feet to a leaning 5/8" iron pin found without a cap;
- 3. Thence South 62°34'35" East a distance of 605.21 feet to a 5/8" iron pin found without a cap;
- 4. South 63°01'57" East a distance of 773.96 feet to a 5/8" iron pin found with cap stamped 'SRW 3018', being along the Northwesterly line of a parcel of land conveyed to Charles Edwin & Peggy Ann Dawson as recorded in Deed Book 743, Page 170;

Thence along the Northerly line of Dawson for the following four (4) courses:

- 1. South 04°32'12" West a distance of 8.89 feet to a 5/8" iron pin found with a cap stamped 'SRW 3018':
- 2. Thence South 61°09'48" West a distance of 858.59 feet to a leaning 3/8" iron pin found without a cap;
- 3. Thence South 61°53'21" West a distance of 347.41 feet to a 3/8" iron pin found without a cap;
- 4. Thence South 16°21'51' West a distance of 190.00 feet to a 1/2" iron pin set along the Northerly right-of-way of Chapeze Lane;



Thence along the Northerly right-of-way of Chapeze Lane for the following two (2) courses:

1. South 88°36'05" West a distance of 108.00 feet to a 1/2" iron pin set;

1. Thence South 81°32'40" West a distance of 165.42 feet to the Point of Beginning.

The above-described parcel containing 33.220 acres, more or less, and being subject to easements, restrictions, and right-of-ways of record.

Bearings are based on the Kentucky State Plane Coordinate System North Zone (1601) as derived from the KYTC VRS (Virtual Reference Station) System.

The above description is based on a field survey performed by the Kleingers Group, Inc. and completed on June 15th, 2023, under the supervision of Christopher D. Morris, Professional Land Surveyor No. 4202. All iron pins set are 18" long, 1/2" diameter with cap stamped 'C.D. MORRIS LS-4202".

STATE OF KENTUCKY

STATE OF KENTUCKY

ASSOCIATION

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LICENSED

LAND SURVEYOR

LAND SURVEYOR

UNIVERSED

LAND SURVEYOR

UNIVERSED

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