

City of Union



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January 26, 2006

Ms. Kandie Adkinson
Administrative Supervisor-Land Office Division
Office of the Secretary of State
700 Capital Avenue, Suite 152, State Capitol
Frankfort, KY 40601-3493

RE: Ordinance No. 2005-005

Dear Ms. Adkinson:

In reference to your letter dated December 29, 2005, please find the following documents enclosed:

- Legal Description for property annexation prepared by Riegler Engineering, LLC, dated January 23, 2006.
- City of Union Ordinance No. 2005-005.
- Annexation Plat dated January 1, 2006.

These documents replace those that were submitted on 8/30/05 and 10/25/05, and should complete the statutory requirements for submission of Annexation Ordinance No. 2005-005.

If you require anything further, please let us know.

Sincerely,



Kathy Porter
City Clerk/Treasurer

Enclosures

Cc: Bill Wolejsza, Governor's Office for Local Development
Marilyn K. Rouse, Boone County Clerk
Robbie Rudolph, Secretary, Revenue Cabinet
Steve Gay, Boone County GIS Director
Kevin T. Wall, Zoning Services Director

RECEIVED AND FILED
DATE January 27, 2006

TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Kandie Adkinson

CERTIFICATION: KRS 81A.470 FILINGS

I certify I am the duly qualified City Clerk of the City of Union, Kentucky, and the foregoing six (6) pages of Ordinance No. 2005-005 are true, correct and complete copies duly adopted by the City Commission at a duly convened meeting held on the 8th day of August 2005, all as appears in the official records of said City.

WITNESS, my hand and seal of said City, this 17th day of August 2005.

Kathy Porter

Kathy Porter, Union, KY
City Clerk/Treasurer

Seal (Notarial or City Seal)



CITY OF UNION, KENTUCKY
ORDINANCE NO. 2005-005

TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Gandie Adkins

AN ORDINANCE ANNEXING INCORPORATED TERRITORY OF THE CITY OF UNION, KENTUCKY, CERTAIN UNINCORPORATED TERRITORY ADJACENT TO THE PRESENT BOUNDARIES OF THE CITY OF UNION.

WHEREAS, James R. Wright and Sherri Wright, Husband and Wife and Gavin W. Rees and Sheila C. Rees, Husband and Wife, have consented, in writing, to the annexation thereby permitting the City of Union, pursuant to KRS 81A.412 to waive the Notification Ordinance set forth in KRS 81A.420(1) annexing to the City of Union, the territory described below, and

WHEREAS, the area hereby annexed is contiguous to the present boundary of the City of Union.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF UNION, KENTUCKY:

SECTION I

That the requirements of the Kentucky Revised Statutes having been met in all respects the territory as hereinafter specifically bounded and described is hereby annexed and made a part of the incorporated territory of the City of Union, Kentucky, to-wit:

GROUP NO. 582
PIDN: 064.00-00-002.00
Plat No. Z04-585-BB

TRACT ONE: (10350 U.S. 42, Union)

Being part of Lot No. 2 and all of Lot No. 4 of Albert Acres Subdivision recorded in Plat Book 4, Page 10 of the Boone County Clerk's Records at Burlington, Kentucky, and being more particularly described as follows:

Beginning at the Northeast corner of Lot No. 3 and the Northwest corner of Lot No. 4; thence North 79 degrees 38' East 119.5 feet; thence North 85 degrees 14'

East 208 feet to the Northeast corner of Lot No. 4; thence South 1 degree 25' East 464.3 feet along the west line of Lot No. 5; thence South 33 degrees 14' East 52.7 feet; thence with the South line of Lot No. 6 South 85 degrees 29' West 498.8 feet to the southeast corner of Lot No. 6; thence South with the east line of Lot No. 6 and the west line of Lot No. 7 projected southwardly south 4 degrees 31' East, 460.1 feet to a point in the south line of Lot No. 2; thence with the south line of Lot No. 2 south 85 degrees 29' west 964.07 feet to the southwest corner of Lot No. 2; thence with the west line of Lot No. 2 North 5 degrees 26' West 675 feet to the Northwest corner of Lot No. 2; thence with the south line of Lot No. 3 North 84 degrees 34' East 119 feet to the southeast corner of Lot No. 3 North 84 degrees 34' East 119.0 feet; thence with the west line of Lot No. 4 North 1 degree 28' East 286.4 feet to the place of beginning.

Together with and subject to easements and restrictions of record and all legal highways.

SAVE AND EXCEPT all of the property conveyed by Jerry L. Rogers and Deborah K. Rogers, husband and wife to the commonwealth of Kentucky, for the use and benefit of the Transportation Cabinet, Department of Highways in the Deed dated January 15, 2002 and recorded in Highway Deed book 18, Page 289 of the Boone County Clerk's records at Burlington, Kentucky.

ALSO SAVE AND EXCEPT THE FOLLOWING: (DEED BOOK 554, PAGE 243):

Located in Boone County, Kentucky, lying on the southerly side of Frogtown Road (Kentucky Highway 536) being a part of Lot No. 2 and 4 of the Albert Acres Subdivision recorded in Plat Book 4, page 10 of the Boone County Clerk's Office at Burlington, Kentucky and is described as follows:

Beginning at an iron pin (set) in the southerly right-of-way line of Frogtown Road (30 feet from centerline) at its intersection with the common line of Lots 4 and 5 of Albert Acres Subdivision; thence with the line of Lots 4, 5 and 2 S 01-25-00 E 454.28 feet to an iron pin (set) corner of Lots 5 and 2; thence with a new division of Lots 2 and 4 N 26-23-30 W, 127.79 feet to an iron pin (set); thence N 49-06-20 W 71.41 feet to an iron pin (set); thence S 84-34-06 W 42.80 feet to an iron pin (set); thence N 04-21-24 W 284.15 feet to an iron pin (set) in the right-of-way N 85-15-00 E 164.49 feet to the point of beginning containing 1.1819 acres and being subject to all right-of-ways and easements of record. This legal description and the plat which is attached hereto and incorporated herein by reference as prepared by Timothy R. McNeely, registered Land Surveyor L.S. 2030.

Also subject to and benefited by a 25 foot wide access strip as more particularly described in Exhibit "B" attached hereto and incorporated herein by reference.

TRACT TWO:

GROUP NO. 582

Located in Boone County, Kentucky, lying on the southerly side of Frogtown Road (Kentucky Highway 536) being a part of Lot No. 2 and 4 of Albert Acres Subdivision recorded in Plat Book 4, Page 10 in the Boone County Clerk's office at Burlington, Kentucky and is described as follows:

Beginning at an iron pin (set) in the southerly right-of-way line of Frogtown Road (30 feet from centerline) at its intersection with the common line of Lots 4 and 5 of Albert Acres Subdivision; thence with the line of Lots 4, 5 and 2 S01-25-00 E 454.28 feet to an iron pin (set) corner of Lots 5 and 2; thence with a new division of Lots 2 and 4 N 26-23-30 W 127.79 feet to an iron pin (set); thence N 49-06-20 W 71.41 feet to an iron pin (set); thence S 84-04-06 W. 42.96 feet to an iron pin (set); thence N 04-21-24 W 284.15 feet to an iron pin in the right-of-way N 85-15-00 E 164.49 feet to the point of beginning containing 1.1819 acres and being subject to all right-of-ways and easements of record. This legal description and the plat which is attached hereto and incorporated herein by reference was prepared by Timothy R. McNeely, Registered Land Surveyor, L.S. #2030.

Also subject to and benefited by a 25-foot wide access strip as more particularly described in Exhibit "B" attached hereto and incorporated herein by reference.

Also subject to and benefited by Declaration of Restrictions, Covenants and Conditions to be recorded separately.

TRACT THREE:

Lying and being on Boone County, Kentucky and being all of Lot No. Three (3) as shown on the plat of Albert Acres Subdivision of record in the county Court Clerk's Office of Boone County, Kentucky, in Plat Book No. 4, Page 10.

Less and except that property conveyed to the Commonwealth of Kentucky, Department of Highway, in Highway Deed Book 19, Page 56 Boone County Clerk's records, Burlington, Kentucky.

Subject to all easements and restrictions of record.

TRACT FOUR:

GROUP 582

Being all of Lot No. 5 as shown on the Plat of Albert Acres Subdivision, and recorded in Plat book 4, Page 10 in the Office of the Boone County Court Clerk, Burlington, Kentucky.

Subject to easements and restrictions of record.

Legal Description for:

Property Annexation

Prepared by:

Riegler Engineering, LLC

January 23, 2006

All references to lot numbers, unless noted otherwise, in the following descriptions refer to the Albert Acres Subdivision, Plat Book 4, Page 10, as recorded in the Boone County Recorders office in Burlington, KY. All tract numbers refer to the City of Union Ordinance 2005-005.

TRACT ONE: (10350 U.S. 42, Union)

A certain tract of land in the City of Union, Boone County, Kentucky, said tract of land lies on the East of US 42/127 and on the South of Frogtown Road and being more particularly described as follows:

BEGINNING at a point in the Southerly right of way of Frogtown Road at its intersection with the common line of Lots 3 and 4 of Albert Acres Subdivision;

Thence with the Southerly Right of Way of Frogtown Road N 82°26'09" E 163.57 feet to a set ½" iron pin and cap (PLS 3494) said point being the common right of way corner of James R. & Sherri Wright (Deed Book 883, Page 659) and Gavin W. & Shelia Rees (Deed Book 554, Page 243);

Thence leaving said right of way and along a division line of the lands of Wright and Rees through Lot 4, S 05°02'57" E 276.11 feet to a set ½" iron pin and cap (PLS 3494) said point being corner of Lots 2 and 4;

Thence with the lands of Gavin W. & Shelia Rees (Deed Book 554, Page 243) along the south line of lot 4, N 83°52'35" E 42.98 feet to a point;

Thence leaving lot 4 and continuing along the lands of Rees through lot 2, S 49°47'53" E 71.41 feet to a point;

Thence S 27°05'03" E 127.79 feet a found ½" iron pin and cap (cap damaged) at the common corner of the lands of Gavin W. & Shelia Rees (Deed Book 554, Page 243) and James R. Wright and Sherri Wright (Deed Book 894, Page 802 & Deed Book 883, Page 659, said point being the corner of lots 2 and 5;

Thence leaving the lands of Rees and with the line of Lots 2 and 5 the following two calls:

S 33°55'33" E 52.70 feet to a point;

N 86°09'43" E 297.22 feet to a found 1½" iron pipe at the common corner of Lots 2, 5 and 6, said lot 6 being the lands of Zering Homes (Deed Book 736, Page 54);

Thence leaving lot 5 and continuing along the south line of lot 6, N 85°18'38" E 199.65 feet to a found 1" pipe at the corner of Lot 6;

Thence leaving said corner of Lot 6, through Lot 2 along the Westerly line of Zering Homes, Inc. (Deed Book 736, Page 54) S 05°15'37" E 460.25 feet to a found ½" iron pin and cap (PLS 3275) in the south line of Lot 2, the North Line of Cool Springs Subdivision, Section 4 and the northeast corner of Lot 30 of Cool Springs Subdivision;

Thence with the Northerly line of the Cool Springs Subdivision and the Southerly line of Lot 2 S 85°09'47" W 955.81 feet to a set ½" iron pin and cap (PLS 3494) in the easterly right of way of US 42 and the common corner of Lot 1 of Cool Springs Subdivision and Lot 2;

Thence with Easterly right of way line of US 42 and the Westerly line of Lot 2 the following five calls:

N 04°23'25" W 384.70 feet to a found right of way monument (with hole in disk);

N 85°39'02" E 55.77 feet to a found right of way monument;

N 04°34'09" W 190.65 feet to a found right of way monument;

S 81°35'31" W 55.18 feet to a found ½" iron pin and cap (PLS 3494);

N 04°20'58" W 102.06 feet to a point being the corner of Lots 2 and 3;

Thence leaving said right of way of US 42 and with the line of Lots 2 and 3 N 83°52'35" E 91.43 feet to a point being the common corner of Lots 2, 3 and 4;

Thence with the line of Lots 3 and 4 N 00°47'47" E 273.95 feet to the Point of Beginning, containing 12.9516 Acres.

Together with and subject to easements and restrictions of record and all legal highways.

TRACT TWO:

A certain tract of land in the City of Union, Boone County, Kentucky, said tract of land lies on the East of US 42/127 and on the South of Frogtown Road and being more particularly described as follows:

Beginning at a set ½" iron pin and cap (PLS 3494) in the southerly right of way line of Frogtown Road at the common corner of James R. & Sherri Wright (Deed Book 883, Page 659) and Gavin W. & Sheila Rees (Deed Book 554, Page 243), a division line of Lot 4 of Albert Acres Subdivision;

Thence with said right of way of Frogtown Road N 82°26'09"E 164.55 feet to a found right of way monument at the common corner of the lands of Gavin W. & Shelia Rees (Deed Book 554, Page 243) and Lot 5;

Thence leaving said right of way and with the line of Gavin W. & Shelia Rees (Deed Book 554, Page 243) and Lot 5 S 02°06'33" E 452.29 feet to a found ½" iron pin and cap (cap damaged) at the common corner of Gavin W. & Shelia Rees (Deed Book 554, Page 243) and Lots 2 and 5;

Thence leaving lot 5 with the line of Gavin W. & Shelia Rees (Deed Book 554, Page 243) through Lot 2 for the following two calls:

N 27°05'03" W 127.79 feet to a point;

N 49°47'53" W 71.41 feet to a point in the south line of Lot 4;

Thence continuing along the south line of Lot 4, S 83°52'35" W 42.98 feet to a set ½" iron pin and cap (PLS 3494) at the common corner of James & Sherri Wright (Deed Book 883, Page 659), Gavin W. & Sheila Rees (Deed Book 554, Page 243) and Lot 2;

Thence leaving Lot 2 and through lot 4 with the line of James R. & Sherri Wright (Deed Book 883, Page 659) and Gavin W. & Shelia Rees (Deed Book 554, Page 243) N 05°02'57" W 276.11 feet to the Point of Beginning, containing 1.1731 Acres.

Also subject to and benefited by Declaration of Restrictions, Covenants and Conditions to be recorded separately.

Also subject to and benefited by a 25-foot wide access strip, lying entirely within Lot 2 and Tract 1, as more particularly described in Exhibit "B" and incorporated herein by reference:

Exhibit B – Access strip - from deed book 554 page 243

Description of a 25 foot wide access strip for Homeowner's agreement

Beginning a an iron pin (set) in the Easterly right-of-way line of U.S. Highway 42, said point being S 05-26-00 E 72.69 feet from the common corner of Lots 2 and 3 of the Albert Acres Subdivision;

Thence N 83-04-15 E 80.28 feet to an iron pin (set);
Thence N 68-21-50 E 107.03 feet to an iron pin (set);
Thence N 66-49-58 E 133.67 feet to an iron pin (set);
Thence N 84-34-08 E 42.98 feet to an iron pin (set);
Thence S 49-06-20 E 71.41 feet to an iron pin (set);
Thence S 26-23-30 E 127.79 feet to an iron pin (set);
Thence S 34-05-13 E 52.77 feet to an iron pin (set);
Thence S 86-56-15 W 34.92 feet to an iron pin (set);

Thence N 26-23-30 W 161.24 feet to an iron pin (set);
Thence N 49-06-20 W 41.25 feet to an iron pin (set);
Thence S 88-51-56 W 57.67 feet to an iron pin (set);
Thence S 66-50-00 W 110.00 feet to an iron pin (set);
Thence S 68-21-50 W 110.59 feet to an iron pin (set);
Thence S 83-04-15 W 84.15 feet to an iron pin (set); in the right-of-way of the U.S. Highway No. 42; thence with said right-of-way line N 05-26-00 W 25.01 feet to the point of beginning. Containing 0.3517 acres.

TRACT THREE:

A certain tract of land in the City of Union, Boone County, Kentucky, said tract of land lies on the East of US 42/127 and on the South of Frogtown Road and being more particularly described as follows:

Beginning at a point in the Southerly right of way of Frogtown Road at the common corner of Lots 3 and 4 of the Albert Acres Subdivision;

Thence with said line of Lots 3 and 4, S 00°47'47" W 273.95 feet to a point being the common corner of Lots 2, 3 and 4;

Thence with the line of Lots 2 and 3, S 83°52'35" W 91.43 feet to a point in the Easterly right of way line of US 42;

Thence with said right of way N 04°20'58" W 229.57 feet to a set ½" iron pin and cap (PLS 3494) in the easterly right of way of US 42 and the Southerly right of way of Frogtown Road;

Thence with said right of way of Frogtown Road the following three calls:

N 37°37'16" E 44.14 feet to a found right of way monument (with hole in disk);

N 75°38'08" E 71.11 feet to a found right of way monument (with hole in disk);

N 82°26'09" E 16.43 feet to the Point of Beginning, containing 0.6206 Acres.

Subject to all easements and restrictions of record.

TRACT FOUR:

A certain tract of land in the City of Union, Boone County, Kentucky, said tract of land lies on the East of US 42/127 and on the South of Frogtown Road and being more particularly described as follows:

Beginning at a set ½" iron pin and cap (PLS3494) in the Southerly right of way of Frogtown Road at the common corner of Lots 5 and 6 of the Albert Acres Subdivision;

Thence leaving said right of way and with the line of Lots 5 and 6, S 05°12'39" E 503.71 feet to a found 1½" iron pipe at the common corner of Lots 2, 5 and 6;

Thence with the line of Lots 2 and 5, S 86°09'43" W 297.22 feet to a point at the common corner of Lots 2 and 5;

SECTION II

That the above-described territory is the subject of a zone change application before the Boone County Planning Commission and that the City of Union, Kentucky has made no determination regarding said application; however, pursuant to KRS 81A.412 and KRS 100.209, a zoning map amendment is attached hereto and marked as *Exhibit "A"*.

SECTION III

That the above-described territory shall become part of the City of Union for all purposes upon passage of this Ordinance and same is suitable for development for urban purposes without unreasonable delay and that no part of the area to be annexed is included within the boundaries of another incorporated area.

SECTION IV

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holdings shall not effect the validity of the remaining portions hereof.

PASSED AND APPROVED ON FIRST READING THIS 9th DAY OF May, 2005.

PASSED AND APPROVED ON SECOND READING THIS 8th DAY OF AUGUST, 2005.

Same to become effective when published pursuant to KRS CHAPTER 424.

Don Kirby
DON KIRBY, MAYOR
CITY OF UNION, KENTUCKY

ATTEST:

Kathy Porter
KATHY PORTER, CITY CLERK

OVERSIZE MAP INCLUDED WITH
SUBMISSION.

To research the map, contact the
Office of Secretary of State
or the County Clerk.