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RVC

RECEIVED AND FILED
DATE January 10, 2019

**CITY OF UNION, KENTUCKY
ORDINANCE NO. 2018-09**

ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Kandice Adkinson

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

WHEREAS, The City Commission of the City of Union, Kentucky deems it to be in and for the best interest of its citizens and in the best interest of the resident voters and owners of real property within the limits of the territory proposed to be annexed that said territory becomes a part of the corporate territorial limits of the City of Union, Kentucky.

WHEREAS, the **DREES COMPANY**, *A Kentucky Corporation*, is the sole owner of the land herein proposed for annexation; and

WHEREAS, the **DREES COMPANY** previously executed an Annexation Consent on August 4, 2018 whereby the **Drees Company** consents to the annexation of the said 87.247 North Side of Frogtown Road approximately 950 feet east of U.S. Highway 42, Union Incorporation Boundary, City of Union, Kentucky; and

WHEREAS, the **DREES COMPANY**, is sole owner of the subject real property waived the statutory sixty (60) day period in which to file objections and have consented to the annexation of said real property by the City of Union, Kentucky, a copy of which is attached hereto and marked as **Exhibit "A"**; and

WHEREAS, the area hereby annexed is contiguous to the present boundaries of the City of Union, Kentucky;

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY COMISSION OF THE CITY OF UNION, KENTUCKY:

SECTION I

It is the intention that the hereinafter described unincorporated territory lying to the southwesterly and northwesterly sides, and being adjacent to the present corporate limits of the City of Union, Kentucky, be annexed and made a part of the corporate territory of the City of Union, Kentucky pursuant to the applicable Kentucky Revised Statues and particularly Chapter 81A.

SECTION II

The hereinafter described unincorporated territory is zoned SRI which is the territory's present zoning and the zoning under which it will remain when annexed.

**Boone County
MC1334 PG 880**

RETURN TO:
DONNA WAHOFF
City of Union
1843 Mt. Zion Rd.
Union, Ky 41091

SECTION III

The following items are conditions to the annexation between Drees and the City of Union Kentucky:

1. City of Union agrees to Abate any City Ad Valorem property taxes on HOA or acreage parcels as well as vacant developed but unsold Lots in the Traemore Subdivision. The first property tax assessment on any lot would only be after a third party closing and the subject real estate is deeded to a third party. Abatement does not expire during the duration of the development period.
2. The City shall establish "Lighting District" that includes all Duke Energy and/or Owen Rural Electric street light fixture installation and service and maintenance fees.
3. The City shall provide snow and ice removal services upon any streets where a resident has moved in their home, even if prior to the final layer of asphalt and completion of the street. Developer shall be responsible for keeping obstructions out of pavement area until final course is installed.
4. The City of Union will promptly accept any street for maintenance upon installation of the final layer of asphalt within the subdivision within 45 day from final paving on the street.

SECTION IV

That the requirements of the Kentucky Revised Statutes having been met in all respect, the hereinafter described territory, the same having been contemplated for annexation under the Annexation Consent dated August 4, 2018 by *The Drees Company and* which property is contiguous to and adjoins the present City of Union boundaries is annexed to and made a part of the incorporated territory of the City of Union, Kentucky, to wit:

**SEE LEGAL DESCRIPTION ATTACHED HEREIN
AS EXHIBIT "B"**

SECTION V

The above described territory shall become part of the City of Union, Kentucky for all purposes upon passage of this Ordinance.

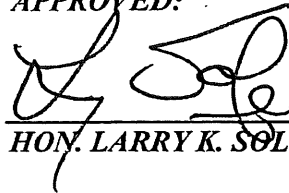
SECTION VI

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

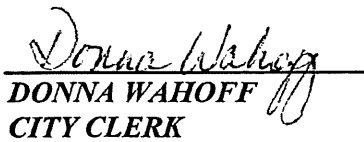
SECTION VII

A map showing the zoning that will be effective for the annexed area is attached and made a part of this Ordinance.

APPROVED:


HON. LARRY K. SOLOMON, MAYOR

ATTEST:


DONNA WAHOFF
CITY CLERK

FIRST READING APPROVED: August 6, 2018
SECOND READING APPROVED: September 4, 2018

CONSENT TO ANNEXATION

This Consent made this the 4th day of August, 2018 by ***DREES COMPANY, A Kentucky Corporation.***

WHEREAS, the City of Union, Boone County, Kentucky is desirous of annexing approximately 87.247 Acres on the North Side of Frogtown Road, approximately 950 feet east of U.S. Highway 42, owned by the Drees Company; and

WHEREAS, The Drees Company is agreeable to a consensual annexation pursuant to K.R.S. 81A.412.

NOW, THEREFORE, the Drees Company consents to annexation of its real property and further states as follows:

1. The undersigned, owner of approximately 87.247 Acres on the North Side of Frogtown Road, approximately 950 feet east of U.S. Highway 42, described in the Plat and legal description attached hereto as ***Exhibit "A"*** (the property), hereby requests that the City of Union, Kentucky annex and make such property a part of the City of Union, Kentucky subject to the conditions set forth below:

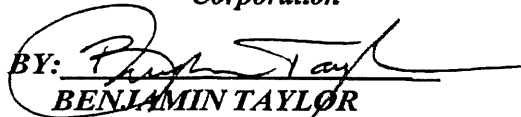
- a. City of Union agrees to Abate any City Ad Valorem property taxes on HOA or acreage parcels as well as vacant developed but unsold lots in the Traemore Subdivision. The first property tax assessment on any lot would only be after a third party closing and the subject real estate is deeded to a third party. Abatement does not expire during the duration of the development period.
- b. The City shall establish "Lighting District" that includes all Duke Energy and/or Owen Rural Electric street light fixture installation and service and maintenance fees.
- c. The City shall provide snow and ice removal services upon any streets where a resident has moved in their home, even if prior to the final layer of asphalt and completion of the street. Developer shall be responsible for keeping obstructions out of pavement area until final course is installed.

d. The City of Union will promptly accept any street for maintenance upon installation of the final layer of asphalt within the subdivision within 45 day from final paving on the street.

2. The Drees Company hereby certifies to the City of Union, Kentucky that it is the owner of the property which is a portion of the real property conveyed to it by virtue of a deed recorded in Deed Book 1111, Page 459 of the Boone County Clerk's records at Burlington, Kentucky.


3. The Drees Company hereby waives its rights which it has or may have under provisions of K.R.S. 81A.420(2) and (3) and 81A.460 and hereby consents to and request immediate annexation of the property pursuant to K.R.S. 81A.412.

**THE DREES COMPANY, A Kentucky
Corporation**

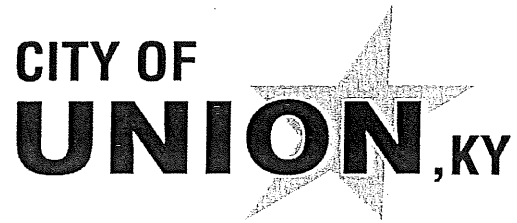
BY: 
BENJAMIN TAYLOR

**Assistant Secretary/Cincinnati Land
of the Drees Company, a Kentucky Corporation**

THIS INSTRUMENT PREPARED BY:


GREG D. VOSS, ESQ. (KBA #73429)
Attorney at Law
301 West Pike Street
Covington, Kentucky 41011
P.O. Box 606 Florence, KY 41022
Telephone: (859) 647-7777 ext. 101
Fax: (859) 647-7799

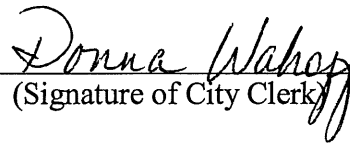
Boone County
MC1334 PG 884



CLERK CERTIFICATION

I certify I am the duly qualified City Clerk of the City of Union, Kentucky, and the following **9** pages of *Ordinance No. 2018-09* is a true, correct and complete copy duly adopted by the City Commission at a duly convened meeting held on **September 4th, 2018**, all as appears in the official records of said City.

WITNESS, my hand and Seal of the City of Union,
this 3rd day of December, 2018.



(Signature of City Clerk)



VIOX & VIOX

Civil Engineers, Surveyors, and Landscape Architects

466 Erlanger Road
Erlanger, Kentucky 41018

Tel: 859.727.3293

Fax: 859.727.8452

www.viox.com

February 21, 2017

DESCRIPTION OF 87.247 ACRES TO BE CONVEYED BY DIOCESE OF COVINGTON, KENTUCKY

Located in Boone County, Kentucky lying on the north side of Frogtown Road, approximately 950 feet east of U.S. Highway 42 and being a part of the same property conveyed to the grantor by deed recorded in Deed Book 152, page 294, in the office of the Boone County Clerk and is more particularly described as follows:

Unless otherwise stated, any monument referred to herein as an iron pin (set) is a ½ inch diameter rebar eighteen inches in length with a plastic cap stamped "LARISON PLS 3357." All bearings referred to herein are based upon the Kentucky State Plane Coordinate System, NAD83 (2011).

BEGINNING at an iron pin (set) in the north right-of-way line of Frogtown Road, 30.00 feet as measured perpendicular to the centerline, at the common corner of the Diocese of Covington, Kentucky (Deed Book 152, page 294) and the United States Postal Service (Deed Book 609, page 207);

THENCE with said right-of-way line N 87°00'12" W a distance of 29.37 feet to a point;

THENCE with a curve turning to the right with an arc length of 343.11 feet, having a radius of 1774.69 feet, a chord bearing of N 81°27'53" W, and a chord length of 342.57 feet to a point;

THENCE N 75°55'34" W a distance of 303.38 feet to a point;

THENCE with a curve turning to the right with an arc length of 245.20 feet, having a radius of 1686.19 feet, a chord bearing of N 71°45'37" W, and a chord length of 244.98 feet to a point;

THENCE N 67°35'40" W a distance of 125.37 feet to a point;

THENCE with a curve turning to the left with an arc length of 291.05 feet, having a radius of 487.98 feet, a chord bearing of N 84°40'53" W, and a chord length of 286.76 feet to a point;

THENCE S 78°13'54" W a distance of 196.17 feet to an iron pin (set) at the common corner of the Diocese of Covington, Kentucky, Parcel I, Tract 4, and Parcel II of Deed Book 152, page 294;

THENCE leaving said right-of-way line and with the line of Parcel I, Tract 4, and Parcel II, N 05°32'41" E a distance of 1113.02 feet to an existing iron pin and cap stamped "797 1781" at the common corner of the Diocese of Covington, Kentucky and Ohio Springs Real Estate Investments, Inc. (Deed Book 1078, page 582);

Boone County
D1111 PG 459

EXHIBIT "B"

THENCE with the common line of the Diocese of Covington, Kentucky and Ohio Springs Real Estate Investments, Inc. N 05°32'41" E a distance of 550.24 feet to an existing rail spike in the top of an existing corner post at the common corner of the Diocese of Covington, Kentucky and Lot 47 of Haven Manor Subdivision, Section 4 (Plat Book 18, page 6)

THENCE with the common line of the Diocese of Covington, Kentucky and Lot 47 of Haven Manor Subdivision, Section 4, N 05°36'19" E a distance of 265.21 feet to an existing corner post at the common corner of the Diocese of Covington, Kentucky and Lot 46 of Haven Manor Subdivision, Section 5 (Plat Book 18, page 11);

THENCE with the common line of the Diocese of Covington, Kentucky and Lot 46 & 45 of Haven Manor Subdivision, Section 5, and Lots 44-41 of Haven Manor Subdivision, Section 6 (Plat Book 21, page 10); S 84°47'23" E, passing an existing 1/2" iron pin with plastic cap stamped "Witness", a total distance of 662.37 feet to an existing iron pin and cap stamped "BBENG 1759";

THENCE continuing with the common line of the Diocese of Covington, Kentucky and Lots 41 & 40 of the Haven Manor Subdivision, Section 6, Lots 39-34 of Haven Manor Subdivision, Section 7 (Plat Slide 24A), Lots 33-29 of Haven Manor Subdivision, Section 8 (Plat Slide 24B) and Lot 21 of Dublin Green Estates (Plat Slide 506 A) S 83°40'50" E a distance of 1438.72 feet to an existing corner post witnessed by existing 1/2" iron pin and cap stamped "R Long 3497" at S 49°55' W a distance of 0.7', at the common corner of the Diocese of Covington, Kentucky and Lot 21 of the Resubdivision of Lots 14, 15 & 16 Paradise Acres 1st Addition (Plat Book 6, page 38);

THENCE with the common line of the Diocese of Covington, Kentucky and Lots 21 & 22 of the Resubdivision of Lots 14, 15 & 16 Paradise Acres 1st Addition S 04°56'56" W, passing an existing 1/2" iron pin and plastic cap stamped "Witness" at 591.07 feet, a total distance of 596.07 feet to an existing corner post at the common corner of the Diocese of Covington, Kentucky and Lot 30 of the Resubdivision of Lots 14, 15 & 16 Paradise Acres 1st Addition;

THENCE with the common line of the Diocese of Covington, Kentucky, Lot 30 of the Resubdivision of Lots 14, 15 & 16 Paradise Acres 1st Addition, and Leland Bentle, Trustee (Deed Book 881, page 161) S 04°48'51" W a distance of 785.88 feet to an existing corner post;

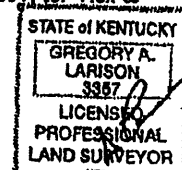
THENCE with the common line of the Diocese of Covington, Kentucky and Leland Bentle, Trustee N 86°59'59" W, passing a 1/2" iron pin and plastic cap stamped "Witness" (set) at a distance of 2.50, a total distance of 266.09 feet to an existing corner post, as witnessed by an existing 1/2" iron pin and plastic cap stamped "Witness" at N 86°59'59" W, a distance of 2.00 feet;

THENCE S 05°38'26" W a distance of 101.22 feet to an existing iron pin and cap stamped "Berling 206" at the common corner of the Diocese of Covington, Kentucky and the United States Post Office;

THENCE with the common line of the Diocese of Covington, Kentucky and the United States Post Office N 86°08'17" W a distance of 349.15 feet to an existing iron pin and cap stamped "Berling 206";

THENCE S 05°18'41" W a distance of 500.00 feet to the point of beginning containing 87.247 acres, more or less.

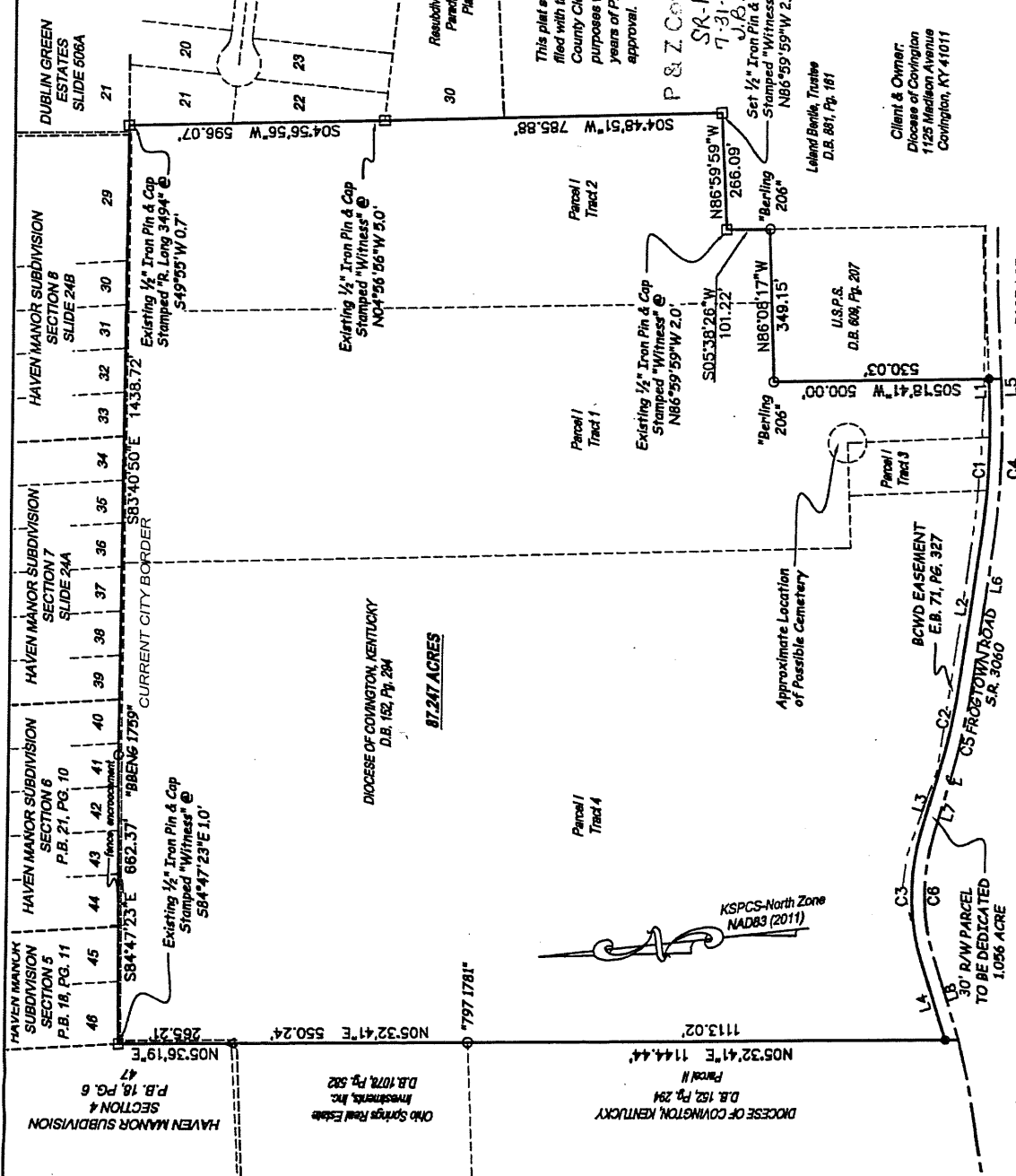
This description was prepared from a new survey made by Gregory A. Larison, PLS 3357, for Viox & Viox, Inc., February 13, 2017.



CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	1774.69'	343.11'	N81°27'53"W	342.57'
C2	1686.19'	245.20'	N71°45'37"W	244.98'
C3	487.98'	291.05'	N84°40'53"W	286.76'
C4	1804.69'	348.91'	N81°27'53"W	348.37'
C5	1716.19'	249.56'	N71°45'37"W	249.34'
C6	457.98'	273.16'	N84°40'53"W	269.13'

LINE BEARING	DISTANCE
L1	N87°00'12"W 29.37'
L2	N75°55'34"W 303.38'
L3	N67°35'40"W 125.37'
L4	S78°13'54"W 198.17'
L5	N87°00'12"W 28.16'
L6	N75°55'34"W 303.38'
L7	N67°35'40"W 125.37'
L8	S78°13'54"W 205.52'

- EXISTING IRON PIN 1/2" (License as noted)
- SET 1/2" x 18" REBAR AND CAP
- ▲ EXISTING P.L.S 3357"
- ▲ EXISTING P.R. SPIKE IN TOP OF CORNER POST
- EXISTING CORNER POST



BOONE COUNTY PLANNING COMMISSION
APPROVAL CERTIFICATE

Approved for recording the transfer of property only by the Boone County Planning Commission this 31 day of JULY, 2017.

[Signature]
EXECUTIVE DIRECTOR

PLAT OF SURVEY
87.247 ACRES TO BE CONVEYED BY
DIOCESE OF COVINGTON, KENTUCKY

BOONE COUNTY KENTUCKY
NORTH SIDE OF FROGTOWN ROAD
EAST OF U.S. HIGHWAY 42

FEBRUARY 21, 2017 SCALE: 1"=300'



Client & Owner:
Diocese of Covington
1125 Madison Avenue
Covington, KY 41011

This plat shall be void if not filed with the Boone County Clerk for recording purposes within two (2) years of Planning Commission approval.

P & Z Code No. 5339
SR-1
7-31-17

Set 1/2" Iron Pin & Cap
Stamped "Witness" @
NB6°59'59"W 2.5'

Leland Benke, Trustee
D.B. 881, Pg. 181

Resubdivision of Lots 14, 15 & 16
Paradise Acres 1st Addition
Plat Book 6, Page 38

87.247 ACRES

DIOCESE OF COVINGTON, KENTUCKY
D.B. 152, Pg. 284

Approximate Location
of Possible Cemetery

KSPCS-North Zone
NAD83 (2011)

DIOCESE OF COVINGTON, KENTUCKY
D.B. 152, Pg. 284

Ohio Springs Real Estate
D.B. 1078, Pg. 582

DEDICATION CERTIFICATE

I hereby do dedicate the right-of-way of Frogtown Road as shown hereon to public use, forever.

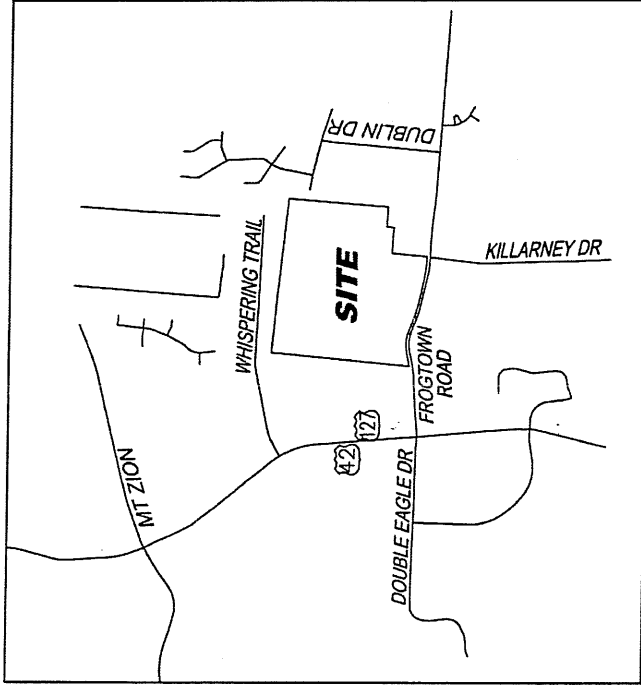
Signature of Grantor [Signature] Date 7/13/17

NOTARY ACKNOWLEDGMENT

County of Kenton
State of Kentucky
I, Deborah D. Pitts, a notary public in and for said county and state, do certify that the foregoing instrument was acknowledged before me this 13 Day of July, 2017.

By: Robbe Ford
Signed [Signature]

My Commission Expires: August 23, 2018
I.D.# 516737



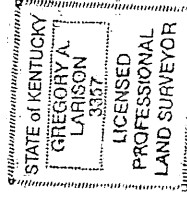
VICINITY MAP
SCALE: 1"=2000'
GROUP NO.: 2056
ZONE: RSE/UTO
DATE OF SURVEY: 2/13/17

LAND SURVEYOR'S CERTIFICATE

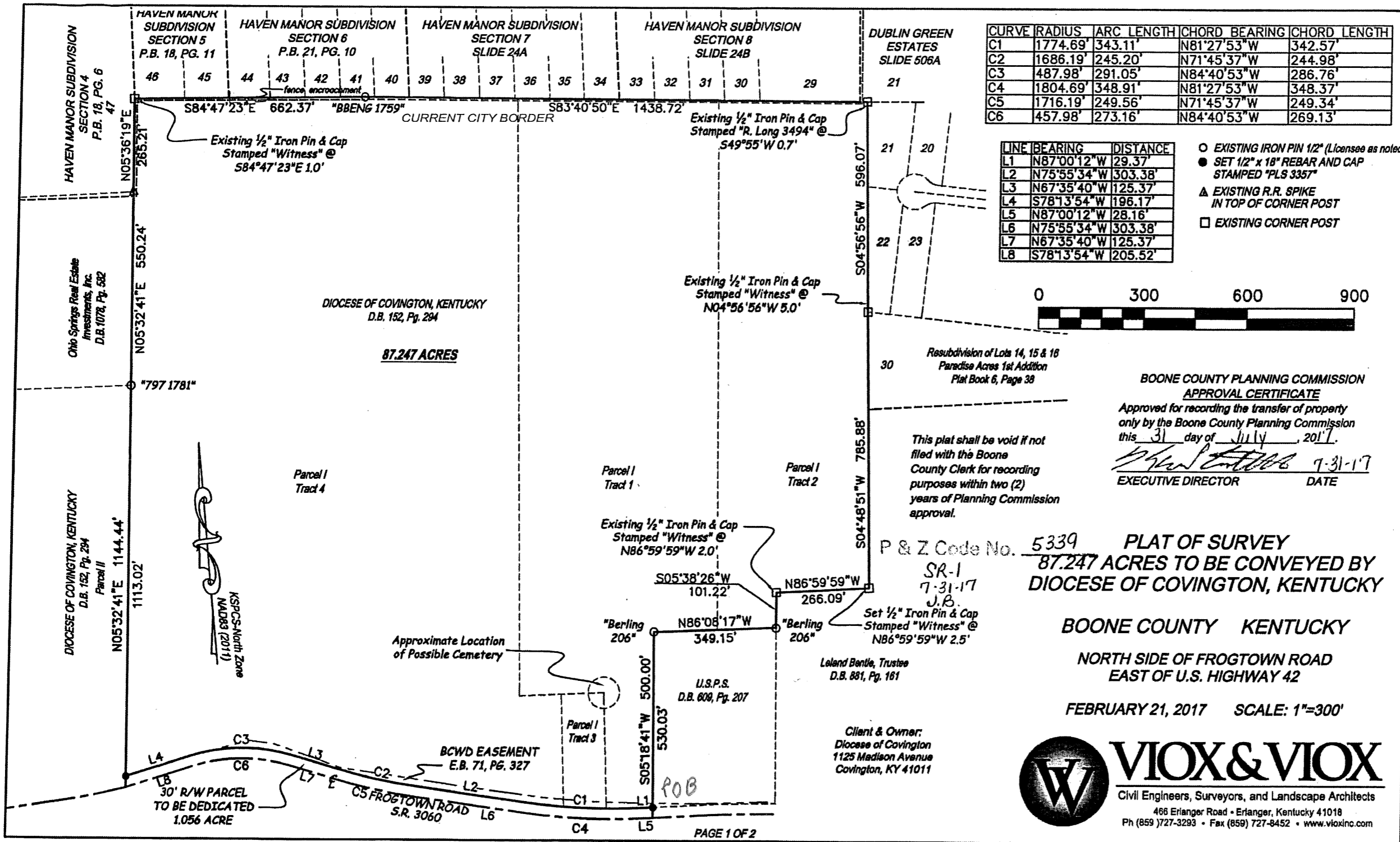
I hereby certify that the survey depicted by this plat was done by persons under my direct supervision by the method of random traverse with sidesticks. The unadjusted error of closure was at least 1:45,899 and was not adjusted. The survey as shown hereon is an Rural Survey and the accuracy and precision of said survey meets all the specifications of this class and complies with 201 KAR 18:150. I further certify this survey complies with all requirements of the Boone County Zoning and Subdivision Regulations, and that dedicated areas including public ways or streets are currently owned by the property owner.

I further certify that I have examined the records of the Boone County Clerk and find that this is the first conveyance made under the present ownership of the parent tract.

[Signature] Date 7/31/17
Gregory A. Larison
PLS 3357



P & Z Code No. 5339



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 only by the Boone County Planning Commission
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[Signature] 7-31-17
 EXECUTIVE DIRECTOR DATE

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BOONE COUNTY KENTUCKY
NORTH SIDE OF FROGTOWN ROAD
EAST OF U.S. HIGHWAY 42
 FEBRUARY 21, 2017 SCALE: 1"=300'

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Client & Owner:
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 Covington, KY 41011

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+ Roger J. [Signature] 7/13/17
Signature of Grantor Date

NOTARY ACKNOWLEDGMENT

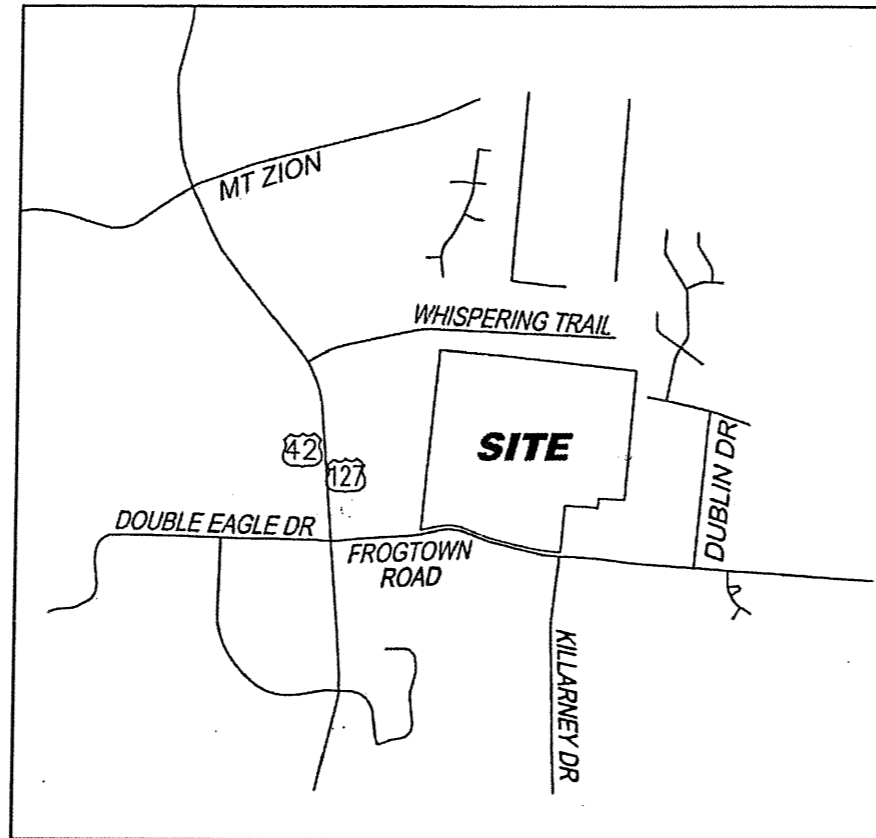
County of Kenton
State of Kentucky

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By: ROGER FOYS
Signed [Signature]

My Commission Expires: August 23, 2018

ID# 516737



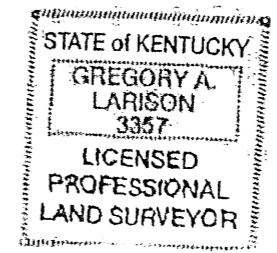
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