

**CITY OF UNION, KENTUCKY
ORDINANCE NO. 2022-19**

**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, *ARLINGHAUS I, LLC* is the sole owner of the land herein proposed for annexation; and

WHEREAS, *ARLINGHAUS I, LLC* previously executed an Annexation Consent on September 7, 2022 whereby *ARLINGHAUS I, LLC* consents to the annexation of the said 81.293 acre parcel, less .035 acres already located in the city limits, located on Hathaway Road, Union Incorporation Boundary, City of Union, Kentucky; and

WHEREAS, the *ARLINGHAUS I, LLC*, 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 COMMISSION OF THE CITY OF UNION, KENTUCKY:

SECTION I

It is the intention that the hereinafter described unincorporated territory 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 Statutes and particularly Chapter 81A.

SECTION II

The hereinafter described unincorporated territory is zoned SR-1 which is the territory's present zoning and the zoning under which it will remain when annexed.

RECEIVED AND FILED
DATE November 9, 2022

MICHAEL G. ADAMS
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Kandice Adkinson

SECTION III

The following items are conditions to the annexation between Arlinghaus I, LLC 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 Arlinghaus 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 September 7, 2022, by *ARLINGHAUS I, LLC* 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.

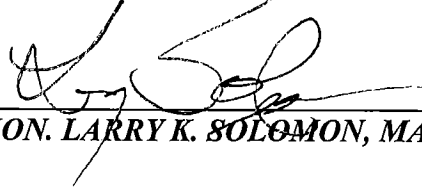
FIRST READING APPROVED:

September 7th, 2022

SECOND READING APPROVED:

October 3, 2022

APPROVED:



HON. LARRY K. SOLOMON, MAYOR

ATTEST:

Tammy Wilhoite
TAMMY WILHOITE, CITY CLERK

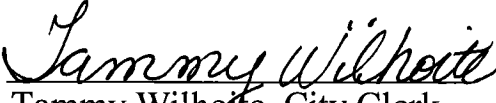
Published: *October 7, 2022*

CERTIFICATION: KRS 81A.470 FILINGS

I, Tammy Wilhoite certify I am the duly qualified City Clerk of the City of Union, Kentucky, and the foregoing (5) pages of Ordinance No. 2022-19 including attached Exhibits are true, correct and complete. Ordinance No. 2022-19 was passed and adopted at a regular meeting of the Union City Commission, on October 3, 2022.

Further, I hereby certify that the original document is on file as part of the Official Records of the city and may be reviewed and proved by the files of my Office, at the City of Union, 1843 Bristow Drive, Union, Kentucky, 41091.

WITNESS, my hand and seal of said City, this 28th day of October 2022.


Tammy Wilhoite, City Clerk
City of Union, Kentucky

CONSENT TO ANNEXATION

This Consent made this the 7th day of September, 2022 by *ARLINGHAUS I, LLC*.

WHEREAS, the City of Union, Boone County, Kentucky is desirous of annexing approximately an 81.293 Acre Parcel, less .035 acres, which is located in the in the City on Hathaway Road, owned by Arlinghaus I, LLC; and

WHEREAS, Arlinghaus I, LLC is agreeable to a consensual annexation pursuant to K.R.S. 81A.412.

NOW, THEREFORE, Arlinghaus I, LLC consents to annexation of its real property and further states as follows:

1. The undersigned, owner of approximately 81.293 acre parcel, Hathaway Road, Union, Kentucky, 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 Arlinghaus 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.

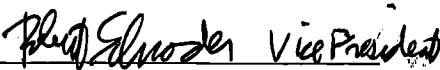
d. The City of Union will promptly accept any street for maintenance upon installation of the final layer of asphalt within the subdivision within 45 day from final paving on the street.

e. It is understood that .035 acres of the real estate is currently located in the City of Union boundaries.

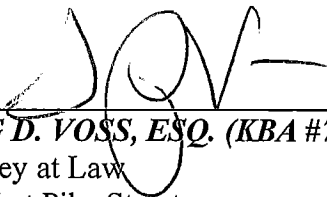
2. Arlinghaus I, LLC hereby certifies to the City of Union, Kentucky that it is the owner of the property which is a portion of the real property conveyed to it by virtue of a deed recorded in Deed Book 1194, Page 104 of the Boone County Clerk's records at Burlington, Kentucky.

3. Arlinghaus I, LLC 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.

ARLINGHAUS I, LLC

BY:  Vice President
BOB SCHRODER, MEMBER VP.

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) 344-1141

E-Mail: gvoss@vosslaw.net

Property Description

Being a portion of a property located in Boone County, Kentucky and identified as Parcel 052.00-00-028.03, Group Number 2046 and conveyed to Glencalm Corporation in Deed Book 798, Page 489, as recorded in the Office of the County Clerk of Boone County.

Beginning at a set Iron pin with cap (IPC) "SHUFF 3417" in the south line of Norbert A. Kahmann Trust, as recorded in Will Book 83, Page 209, in the aforementioned clerk's office; thence with said line S87°49'25"E, 1642.24' to a set IPC "SHUFF 3417" in the east line of James Martin & Denise Daugherty, as recorded in Deed Book 779, Page 178 in the aforementioned clerk's office; thence with said line S03°37'19"W, 899.52' to a set IPC "SHUFF 3417" in the line of Union Acres, LLC, as recorded in Deed Book 983, Page 257 in the aforementioned clerk's office; thence with said line N87°54'34"W, 606.05' to a set IPC "SHUFF 3417"; thence S03°05'27"W, 1184.00' to a set IPC "SHUFF 3417"; thence S88°24'33"E, 594.00' to a found IPC "206" in the west line of Richard Edward Jr. & Martha Ferguson, as recorded in Deed Book 543, Page 99 in the aforementioned clerk's office; thence with said line S15°03'54"E, 1045.93' to a found IPC "2030" in the north line of Hathaway Road; thence with said north line following the arc of a curve to the right having a radius of 1369.03' and a chord of S82°43'30"W, 536.39' to a set IPC "SHUFF 3417"; thence S84°07'33"W, 110.75' to a set IPC "SHUFF 3417" in the east line of Glencalm Estates, as recorded in Plat Book 11, Page 34 in the aforementioned clerk's office; thence with said line N03°56'06"E, 305.00' to a set IPC "SHUFF 3417" in the north line of the aforementioned Glencalm Estates; thence with said line N86°03'54"W, 150.00' to a found IPC "3099" thence with a new division line the next 2 courses; N40°37'35"W, 1725.72' to a set IPC "SHUFF 3417"; thence N04°4'47"E, 1605.72' to the point of beginning and containing 81.293± acres.

Also, being Tract 2 of the conveyance plat attached hereto and made a part hereof.



Barry J. Burke
10/27/2022

LAND SURVEYOR'S CERTIFICATE:

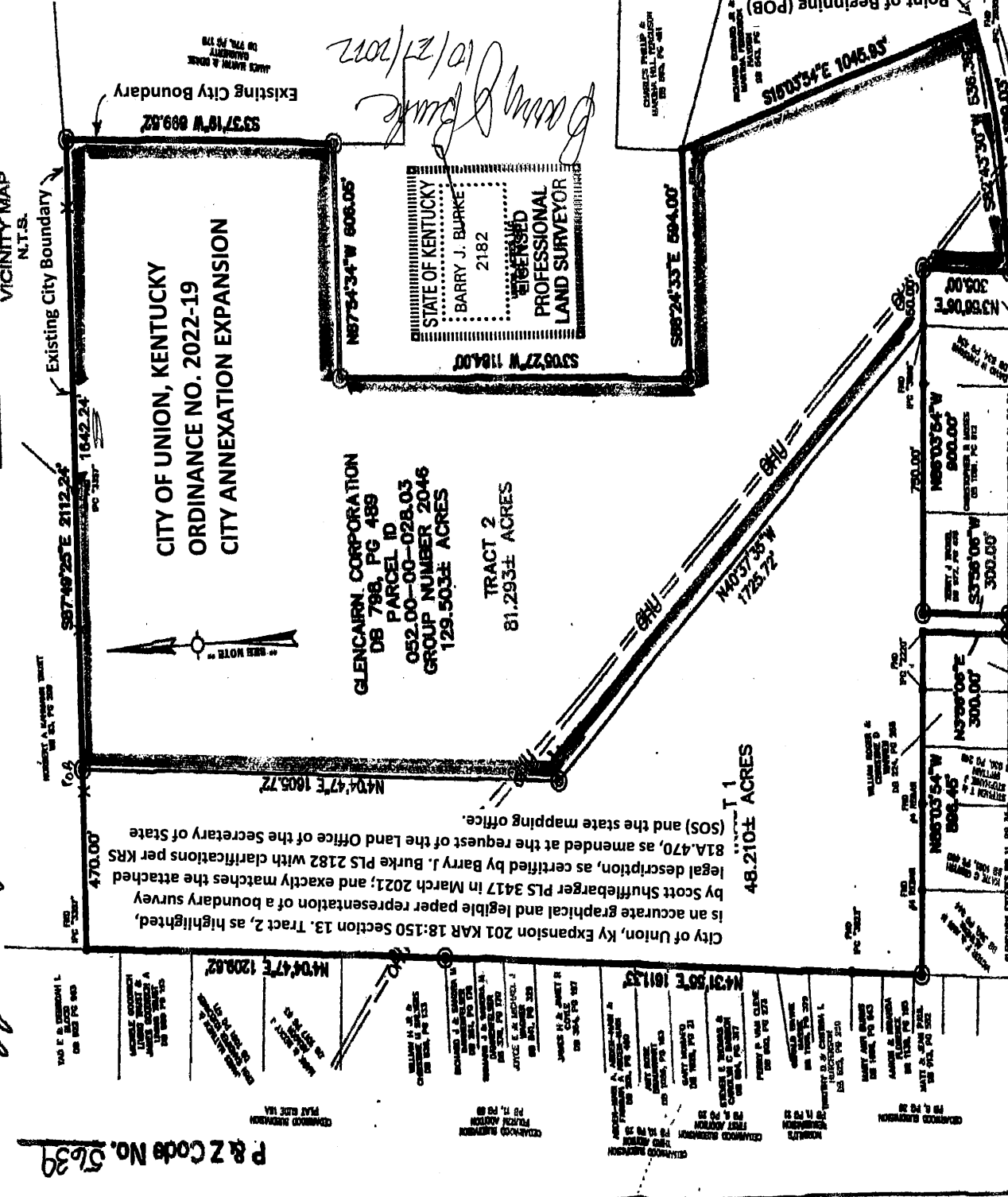
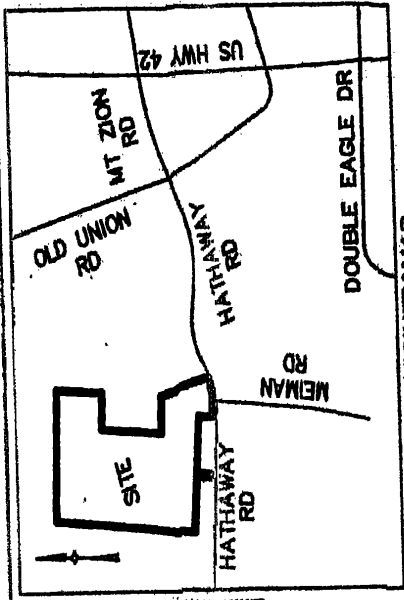
I HEREBY CERTIFY THAT THIS SURVEY, COMPLETED ON MAY 13, 2020 WAS MADE UNDER MY DIRECT SUPERVISION, AND THAT THE ANGULAR AND LINEAR MEASUREMENTS, AS SUPERVISED BY MONUMENTS SHOWN HEREON, ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS SURVEY WAS MADE UTILIZING THE KYTC REAL TIME NETWORK CORRECTION AND MAJOR MULTIPLE OBSERVATIONS ON BOUNDARY AND CONTROL POINTS. THE RELATIVE POSITIONAL ACCURACY MEETS OR EXCEEDS 5.00-100PPM. THIS SURVEY REPRESENTS AN "URBAN-CLASS" BOUNDARY SURVEY AND COMPLES WITH 201 KAR 18.150. I FURTHER CERTIFY THAT THIS SURVEY COMPLES WITH THE BOONE COUNTY ZONING REGULATIONS AND THE BOONE COUNTY PUBLIC UTILITY OR REGULATIONS, AND THAT DEDICATED AREAS INCLUDING PUBLIC WAYS OR STREETS ARE WITHIN THE BOUNDARIES OF THIS SURVEY; AND THAT I HAVE EXAMINED THE RECORDS OF THE BOONE COUNTY CLERK, AND FOUND THAT THIS IS THE FIRST AND SECOND CONVEYANCE MADE UNDER THE PRESENT OWNERSHIP OF THE PARCEL TRACT.

Scott Shufflerbarger
SCOTT SHUFFLEBARGER, PLS 63417
scott@shufflerbarger.com

MARCH 15, 2021

DATE

P & Z Code No. 5139



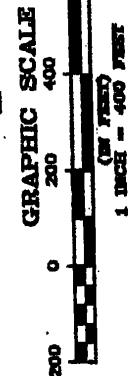
City of Union, Ky Expansion 201 KAR 18:150 Section 13, Tract 2, as highlighted, is an accurate graphical and legible paper representation of a boundary survey by Scott Shufflerbarger PLS 3417 in March 2021; and exactly matches the attached legal description, as certified by Barry J. Burke PLS 2182 with clarifications per KRS 81A.470, as amended at the request of the Land Office of the Secretary of State (SOS) and the state mapping office.

GLENCAIRN CORPORATION
DB 798, PG 489
PARCEL ID
052.00-00-02B.03
GROUP NUMBER 2046
129.503± ACRES

TRACT 2
81.293± ACRES

STATE OF KENTUCKY
BARRY J. BURKE
2182
LICENSED
PROFESSIONAL
LAND SURVEYOR

Barry J. Burke
10/21/2022



LEGEND

SET 5/8" x 24" REBAR W/CAP "SHUFF 3417"
OR 1/2" x 24" REBAR W/WASHER "SHUFF 3417"

FOUND MONUMENT AS NOTED

OVERHEAD UTILITIES

OHU

HATHAWAY RD R/W VARIES
KYTC PROJECT SP 8-530-4

CONVEYANCE PLAT

HATHAWAY RD
UNION, KY 41091
052.00-00-02B.03

BTM ENGINEERING, INC.
Consulting Engineers Landscape Architects Planners
3001 Taylor Springs Drive
Louisville, Kentucky 40220
(502) 459-8402
Fax (502) 459-8427



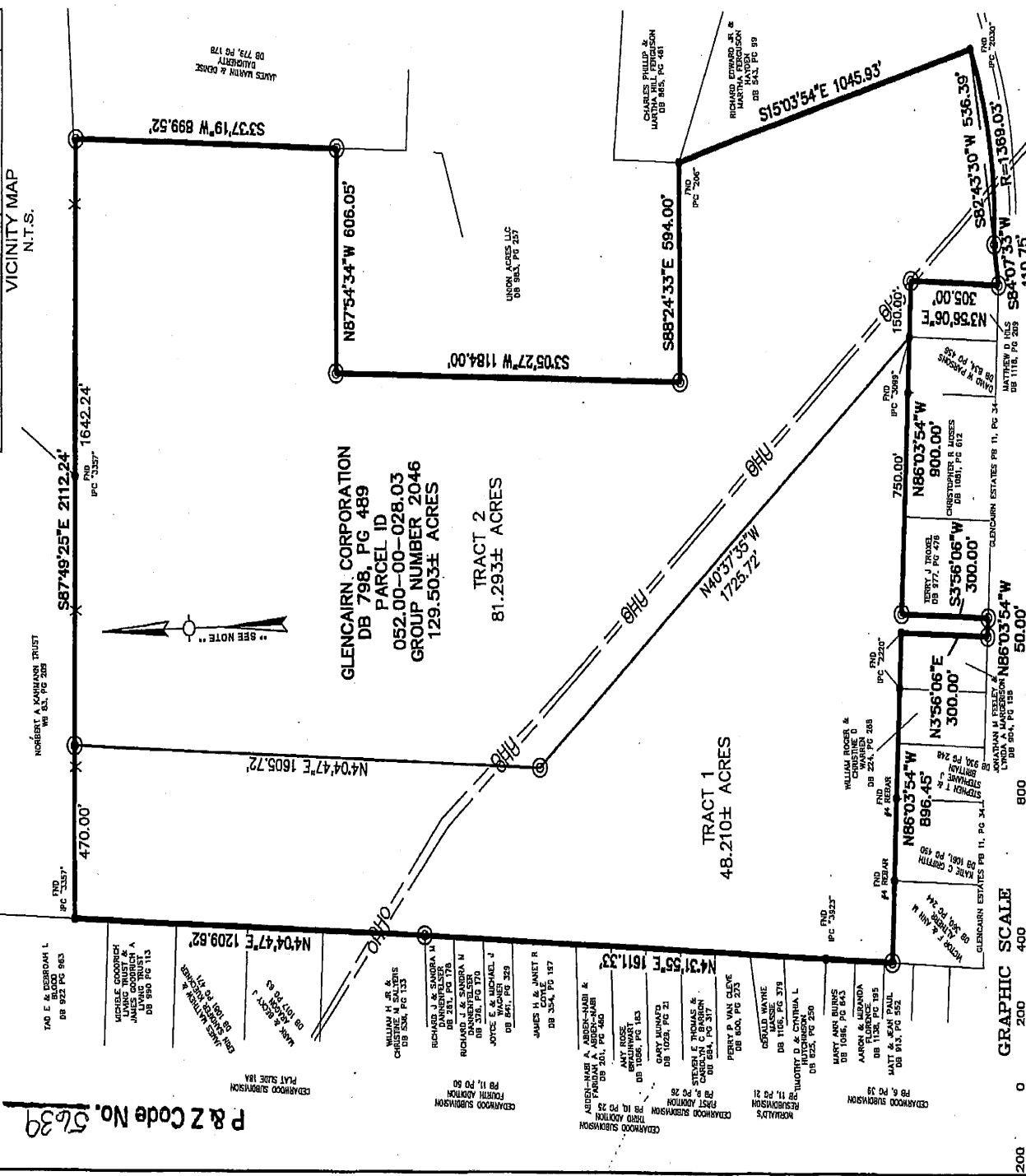
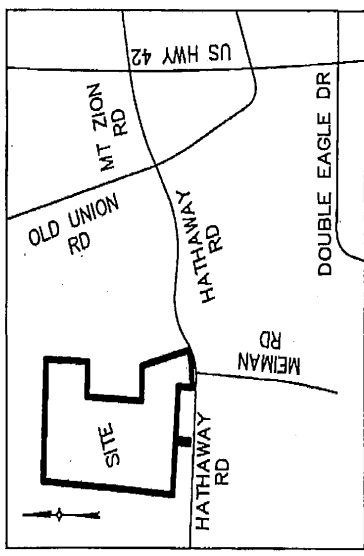
BOONE COUNTY
D1167 PG438

LAND SURVEYOR'S CERTIFICATE:

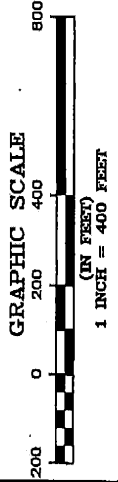
I HEREBY CERTIFY THAT THIS SURVEY, COMPLETED ON MAY 13, 2020 WAS MADE UNDER MY DIRECT SUPERVISION AND THAT THE ANGULAR AND LINEAR MEASUREMENTS ARE CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS SURVEY WAS MADE UTILIZING THE KYTC REAL TIME NETWORK CORRECTION AND MAKING MULTIPLE OBSERVATIONS ON BOUNDARY AND CONTROL POINTS. THE RELATIVE POSITIONAL ACCURACY MEETS OR EXCEEDS ±0.05"±100PPM. THIS SURVEY REPRESENTS AN "URBAN-CLASS" BOUNDARY SURVEY AND COMPLIES WITH 201 KAR 18:150. I FURTHER CERTIFY THAT THIS SURVEY COMPLIES WITH THE BOONE COUNTY ZONING REGULATIONS AND THAT THE BOONE COUNTY SUBDIVISION REGULATIONS, AND THAT DEDICATED AREAS INCLUDING PUBLIC WAYS OR EASEMENTS, ARE SHOWN TO THE BEST OF MY KNOWLEDGE AND BELIEF. I HAVE EXAMINED THE RECORDS OF THE BOONE COUNTY CLERK AND FIND THAT THIS IS THE FIRST AND SECOND CONVEYANCE MADE UNDER THE PRESENT OWNERSHIP OF THE PARENT TRACT.

STATE OF KENTUCKY
SCOTT SHUFFLEBARGER
3417
LICENSED
PROFESSIONAL
LAND SURVEYOR

SCOTT SHUFFLEBARGER PLS #3417
sshuif@btmeng.com
MARCH 15, 2021
DATE



P & Z Code No. 5639



LEGEND

⊙ SET 5/8" x 24" REBAR W/CAP "SHUFF 3417"
OR MAG NAIL W/WASHER "SHUFF 3417"

CONVEYANCE PLAT

HATHAWAY RD
UNION, KY 41091
052.00-00-028.03

BTM ENGINEERING, INC.
Consulting Engineers Landscape Architects Planners
3001 Taylor Springs Drive
Louisville, Kentucky 40220