

ZIEGLER & SCHNEIDER, P.S.C.
ATTORNEYS AT LAW

541 BUTTERMILK PIKE
SUITE 500

P.O. Box 175710

COVINGTON, KENTUCKY 41017-5710

TELEPHONE (859) 426-1300

FAX (859) 426-0222

WWW.ZSLAW.COM

GREGORY W. HUGHES

1898-1958

ANDREW W. CLARK

1914-1967

D. COLLINS LEE

1888-1949

T.J. BRANDT

1948-1994

WILBERT L. ZIEGLER
DAVID A. SCHNEIDER
JOSEPH L. BAKER
WILLIAM J. DEUPREE, III
THOMAS C. SMITH
KAREN BURRIS BAKER
MICHAEL A. DUNCAN
LORI FIELDS-LEE
ROBERT C. ZIEGLER
SHARON SCHNEIDER ELLISTON
MICHAEL L. BAKER
DEBRA S. PLEATMAN
MATTHEW C. SMITH
STEVEN C. MARTIN
MOLLY McEVROY BOH
DANIEL A. HUNT

January 14, 2011

REAL ESTATE FAX
(859) 426-0333

RECEIVED AND FILED
DATE January 18, 2011

ELAINE N. WALKER
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Handie Ollerson

Mr. Trey Grayson
Kentucky Secretary of State
Commonwealth of Kentucky
P.O. Box 718
Frankfort, Kentucky 40602-0718

Re: City of Warsaw Annexation Ordinance 2010-07

Dear Mr. Grayson:

The City of Warsaw, Kentucky adopted Ordinance 2010-07. Please accept the enclosed duly certified copy of Ordinance 2010-07 and an accurate map and description of the annexed area.

Thank you for your time and attention to this matter and please feel free to contact me should you have any questions or concerns.

Best regards,



Molly McEvoy Boh
For ZIEGLER & SCHNEIDER, P.S.C.

Enclosure

RECEIVED AND FILED
DATE January 18, 2011

ELAINE N. WALKER
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Hannie Adkinson

CERTIFICATION

I, Carolyn Marksberry, City Clerk of the City of Warsaw, Kentucky, a municipal corporation of the fourth class, hereby certify, as custodian of the City records, that this copy is a true and correct copy of Ordinance 2010-07, which is lodged in the official City records.

Carolyn S. Marksberry
CAROLYN MARKSBERRY

COMMONWEALTH OF KENTUCKY
COUNTY OF Gallatin

The foregoing instrument was sworn to and acknowledged before me this 11 day of January, 2010, CAROLYN MARKSBERRY, City Clerk for the City of Warsaw, Kentucky, a municipal corporation of the fourth class.

Kacy Miles
NOTARY PUBLIC

My Commission Expires: 8/14/11

My Jurisdiction Is: Ky

ORDINANCE NO. 2010-07

AN ORDINANCE OF THE CITY OF WARSAW, IN GALLATIN COUNTY, KENTUCKY, ANNEXING CERTAIN REAL ESTATE, BEING THE RB MANAGEMENT OF KENTUCKY, INC. "DORMAN PRODUCTS EXPANSION" PROPERTY, LOCATED ON THE EASTERN EDGE OF THE CURRENT CITY LIMITS, ALL AS MORE PARTICULARLY DESCRIBED AND ILLUSTRATED IN THE EXHIBITS TO THIS ORDINANCE.

WHEREAS, RB Management, Inc., is the Owner of real estate located on the eastern edge of the current City Limits, south of US 42, which real estate is contiguous to the City of Warsaw;

WHEREAS, pursuant to Kentucky Revised Statutes 81A.412, the Owner has consented and requested the City of Warsaw to annex the property into the City; and

WHEREAS, The City of Warsaw hereby declares that it desirable to annex the unincorporated territory to the City.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF WARSAW, GALLATIN COUNTY, KENTUCKY, AS FOLLOWS:

Section 1. The unincorporated property which is the subject of this Ordinance consists of approximately Fifteen Acres more or less (15+/- ac) of real estate owned by RB Management, Inc., which real estate is intended to be developed as an expansion of adjoining Dorman Products (the "DORMAN PRODUCTS EXPANSION" Property), which was conveyed to RB Management, Inc., in Deed Book 109, Page 486 of the Gallatin County Clerk's records in Warsaw, Kentucky, and which is identified as PVA Parcel 015-53.02.

Section 2. The DORMAN PRODUCTS EXPANSION Property which is the subject of this Ordinance is described and illustrated in and on the Exhibits to this Ordinance.

Section 3. The DORMAN PRODUCTS EXPANSION Property which is the subject of this Ordinance is contiguous 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 the land, or subdivision of land, is urban in character or suitable for development for urban purposes without unreasonable delay. The City hereby declares it desirable to annex the unincorporated territory. No part of the area to be annexed is included within the boundary of another incorporated city.

Section 4. Since the Owner of record of the land to be annexed has 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 area. Pursuant to KRS 81A.412, the City does hereby enact this single ordinance finally annexing the land described in this ordinance.

Section 5. The property which is the subject of this is hereby annexed into the City limits of the City of Warsaw, in Gallatin County, Kentucky, for all purposes.

Section 6. 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 territory shall remain subject to the same land use restrictions, if any, as applied to it prior to annexation until those restrictions are changed by zoning map amendment in accordance with KRS Chapter 100, which zoning amendment is currently being processed.

Section 7. This ordinance shall be effective upon its adoption and approval according to law, and publication thereafter.

Section 8. All ordinances or parts of any ordinances in conflict herewith, to the extent of the conflict, if any, are hereby repealed.

SECTION 9: The foregoing Ordinance was read, passed and adopted by the Council of the City of Warsaw, Kentucky, meeting in Regular Session on the 13th day of September, 2010, and in Special Session on the 30th day of September, 2010, with 4 yes votes, 0 no votes, and 0 abstentions, was approved by the Mayor, and was ordered published in summary according to law.

APPROVED:



MAYOR TRAVIS A. SIMPSON

ATTEST:



CAROLYN MARKSBERRY, City Clerk

1st reading: 9/13/2010
2nd reading 9/30/2010

Publication 10/13/2010

EXHIBIT "A"

PVA/TRACT NO. 015-53.02 15.026 ACRES RECORDED ON SLIDE B-181 IN
CLERK'S OFFICE

Beginning at the true point of beginning an Iron Pin Found with Iron Post in the property line of original Tract of Dorman Products of America, Ltd., (D. B. 92, pg. 280) and the original Tract No. 015-53 (Deed Book No. 109, pg. 161 on slide B-177) (Now new Tract No. 015-53.02) and being on the South side of U. S. No. 42 East a 40 foot right-of-way from center of said U. S. No. 42 East; thence leaving the line of Dorman Products of America, Ltd., and along the South 40 foot right-of-way for U. S. No. 42 being a 17 foot strip in the City Limits of Warsaw as shown on plat South eighty five degrees twenty minutes forty six seconds East (S 85° 20' 46" E), a distance of six hundred forty one (641.00) feet to an Iron Pin and Iron Post set in said right-of-way said Iron Pin set being North eighty five degrees twenty minutes forty six seconds West (N 85° 20' 46" W), a distance of three hundred twenty two and 75/100 (322.75) feet from an Iron Pin and Post of property also of Riverside Developers, LLC (D. B. 109, pg. 200 Slide B-178); thence leaving the South 40 foot right-of-way for U. S. No. 42 East and along the new division line of Tract No. 015-53.02 and Tract No. 015-53 South five degrees five minutes twelve seconds East (S 05°05'12" E), a distance of nine hundred ninety nine and 46/100 (999.46) feet to an Iron Pin set with Iron Post said Iron Pin being North eighty nine degrees thirty seven minutes fifty one seconds West (N 89° 37'51" W), a distance of three hundred nineteen and 55/100 (319.55) feet from the original line of Riverside Developers, LLC (D. B. 109, pg. 200) and also being South eighty nine degrees thirty seven minutes fifty one seconds East (S 89°37'51" E), a distance of two hundred thirty eight and 54/100 (238.54) feet from an Iron Pin set on the next described line said Iron Pin set being 74.34 feet South of a 40" Maple tree as shown on plat; thence with another new division line of Tract No. 015-53.02 and Tract No. 015-53 line being in the dried up bed of existing Lake North eighty nine degrees thirty seven minutes fifty one seconds West (N 89°37'51" W), a distance of six hundred forty nine and 90/100 (649.90) feet to an Iron Pin set with Post on top of original Lake Dam and the line of SSK Company, LLC (D. B. 99, pg. 93) said Iron Pin set being North four degrees thirteen minutes twenty four seconds West (N 04°13'24" W), a distance of five hundred twenty and 49/100 (520.49) feet from an Iron Pin Found and Iron Post on the line of SSK Company, LLC and Riverside Developers, LLC; thence leaving the division line of Tract No. 015-53.02 and Tract No. 015-53 and along the line of SSK Company, LLC North four degrees thirteen minutes twenty four seconds West (N 04°13'24" W), a distance of ninety four and 28/100 (94.28) feet to an 1.5" Iron Pipe with Iron Post and line of Bobby Weldon's 50 foot strip as shown on plat said Iron Pipe being South four degrees fifteen minutes twenty seven seconds East (S 04°15'27" E), a distance of fifty and 1/100 (50.01) feet from an Iron Pin set by a old tree stump corner of Dorman Products of America, Ltd. (D. B. 92, pg. 280); thence leaving the line of SSK Company, LLC and along the 50 foot strip of Weldon and line of Dorman Products of America, Ltd., North four degrees fifteen minutes twenty seven seconds West (N 04°15'27" W), a distance of nine hundred fifty one and 95/100 (951.95) feet to an Iron Pin and Post being the true point of beginning; and containing fifteen and 3/100 (15.02638) acres, or six hundred fifty four thousand five hundred forty nine and 17/100

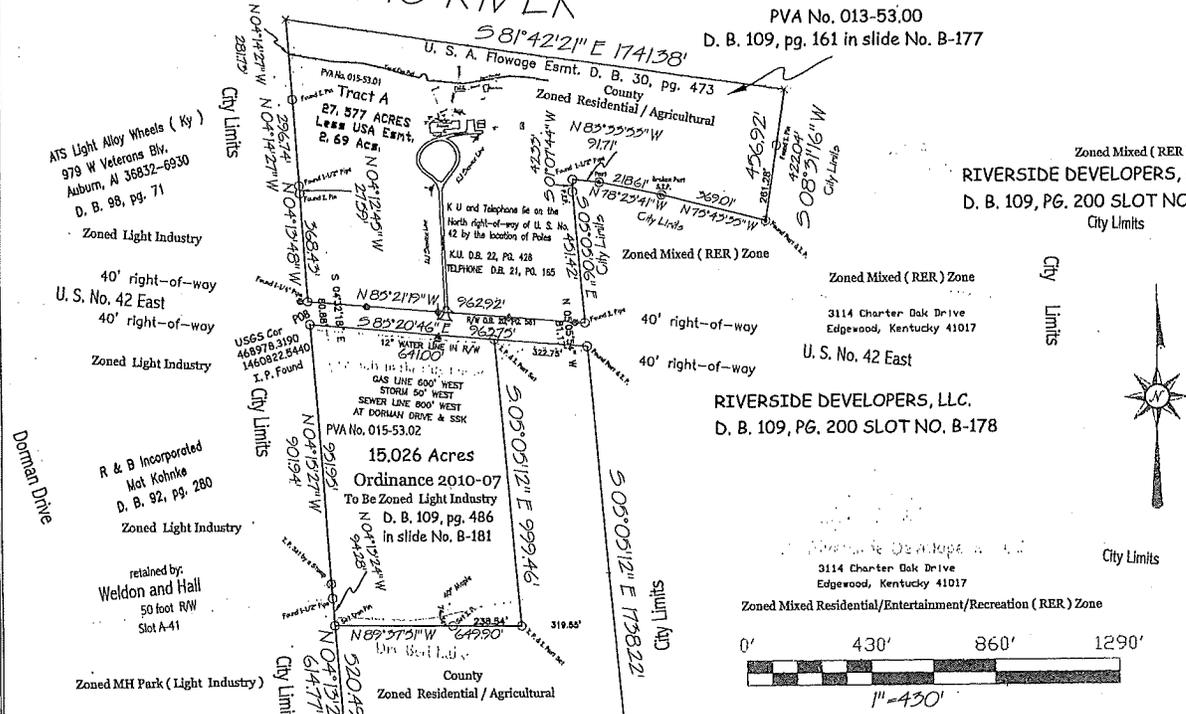
(654549.16691) square feet being subject to legal right-of-ways and legal easements on record and/or in existence, according to survey prepared by Joseph B. Mylor LSPSC LS No. 1961, dated 08/05/10.

Being part of the original Tract B of 87.123 acres lying on the South side of U. S. No. 42 East as described in Deed Book No. 109, pg. 161 and on Slide B-177 at the Gallatin County Clerk's Office in Warsaw, Kentucky.

2725191.1

OHIO RIVER

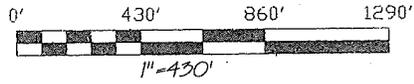
PVA No. 013-53.00
D. B. 109, pg. 161 in slide No. B-177



Zoned Mixed (RER) Zone
RIVERSIDE DEVELOPERS, LLC.
D. B. 109, PG. 200 SLOT NO. B-178
City Limits

RIVERSIDE DEVELOPERS, LLC.
D. B. 109, PG. 200 SLOT NO. B-178

Zoned Mixed Residential/Entertainment/Recreation (RER) Zone



CERTIFICATION

I, Carolyn Marksberry, City Clerk of the City of Warsaw, Kentucky, a municipal corporation of the fourth class, hereby certify, as custodian of the city records, that this copy is a true correct copy of Ordinance 2010-07, which is lodged in the official City records.

CAROLYN MARKSBERRY
COMMONWEALTH OF KENTUCKY
COUNTY OF GALLATIN

The foregoing instrument was sworn to and acknowledged before me this _____ day of _____, 2010, by CAROLYN MARKSBERRY, City Clerk for the City of Warsaw, a municipal corporation of the fourth class.

My Commission Expires: _____
My Jurisdiction is: _____

PLAT OF PROPERTY

Property to be conveyed BY:
RIVERSIDE DEVELOPERS, LLC.
@ 85 U.S. No. 42 East Warsaw, Kentucky 41095
15 acres tract on the South side of
U. S. No. 42 East. Tract, PVA No. 013-53.02
containing 15. Acs. D. B. 109, pg. 161 in slide No.
B-177. Lying North of Dry Creek Road
and South of U. S. No. 42 East in Gallatin County
Warsaw, Kentucky 41095.

TO:
RB Management of Kentucky, Inc.,
A Kentucky Corporation
DORMAN PRODUCTS OF AMERICA, LTD
3400 East Walnut Street
Colmar, Pennsylvania 18915
D. B. 109, pg. 486 in slide No. B-181
Ordinance 2010-07

CERTIFICATE OF SURVEY

The undersigned hereby certifies to LANDMEDIUM COMMONWEALTH LAND TITLE ASSURANCE COMPANY and Riverside Developers, LLC that: (1) The Survey was prepared by the undersigned, or under the supervising direction, a registered land surveyor in the Commonwealth of Kentucky; (2) that the premises was established by actual field measurements; (3) that all properties surveyed and described on the Plat and the attached descriptions are contiguous along their entire common boundaries and are enclosed within the perimeter therein; (4) that the properties described herein do lie within OHIO River flood hazard area in accordance with FEMA Map No. 11077000410C; (5) that the property abuts and has access to a duly described public Street known as: U. S. No. 42 East a Federal Road and Dry Creek Road a County Road; I further certify that there are no buildings, structures, monuments, flat pins, encroachments or encumbrances of any kind, located on said property other than those shown hereon.

JOSEPH B. MYLOR
Kentucky Professional Land Surveyor LS No. 11961

LAND SURVEYOR'S CERTIFICATE
I certify that this plat has been prepared under my supervision in accordance with accepted surveying practice and that it complies with all requirements of the GALLATIN CO. zoning and subdivision regulations.
DATE: 08/15/10
JOSEPH B. MYLOR
JOSEPH B. MYLOR
LS 1961
LICENSED PROFESSIONAL LAND SURVEYOR

COUNTY CLERK'S CERTIFICATION
I, TRACY MILES,
Gallatin County Clerk certify that this RECORD PLAT was presented to me in Gallatin County on this _____ day of _____, 2010, at _____ M., and made a part of this office.

CERTIFICATION OF APPROVAL
Approved this _____ day of _____, 2010,
in full if not recorded before this date which is 90 days after approval.
By: Warsaw, Glencoe, & Gallatin County Planning Commission
Approval subject to attached certificates.
Special requirement (s) _____
Docket Number _____

OWNER'S CERTIFICATION
I (We) do hereby certify that I am (we are) the owner(s) of record of all the property shown and described herein which is recorded in Deed Book _____ page _____ in the Office of the Gallatin County Clerk _____, Warsaw, Kentucky, and do hereby adopt this plan of lots for this property, and do hereby dedicate the streets and any other appurtenances so indicated to public use and do establish and reserve the easements indicated for public utility and drainage purposes.

STATE OF KENTUCKY NOTARY PUBLIC
COUNTY OF GALLATIN, SCT.
Subscribed and sworn before me by _____
Date _____
Notary Public My Commission Expires _____

Tract B
87.123 ACRES
Less 15' R/W for
Dry Creek Road
D. B. 27, pg. 476

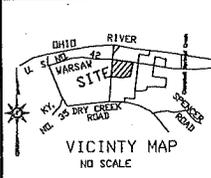
County
Zoned Residential / Agricultural

Dry Creek Road

Center of Dry Creek Road

LINE	BEARING	DISTANCE
L1	N 87°55'56" W	88.44
L2	N 87°14'30" W	70.51
L3	N 87°12'54" W	159.84
L4	N 87°17'28" W	88.24
L5	S 89°56'49" W	63.90

CERTIFICATION OF APPROVAL
I hereby certify that the Water supply indicated on proposed for installation in the subdivision within _____
I further certify that the requirements of the Commonwealth of Kentucky and the City of Warsaw Water Department, and are hereby approved as shown.
* All lots are subject to have approved site evaluations have been done.
City of Warsaw Water Dept. _____



Legend
These standard symbols will be found on the drawings:
○ RWH PVI (1.50' ± 18") REBAR with plastic cap stamped after LS # 1961
● TREE ● POLE
⊗ Wooden or Iron Post
⊙ A. K. Nail or Spike
△ STONE ⊕ WATER METER

SCALE: 1"=430'
DATE: 08/05/10
USGS10-CRD-DWG

ACTIVITY	NAME	DATE
DESIGNED BY:	DESIGNER	
DRAWN BY:	DRAFTSMAN	
CHECKED BY:		
APPROVED BY:	SURVEYOR	
REGISTRATION NO. (KY. 1961)		

JOSEPH B. MYLOR
LS 1961
LICENSED PROFESSIONAL LAND SURVEYOR
P.O. BOX 420
200 FRANKLIN STREET
WARSAW, KY. 41095
TELEPHONE NO. (609) 567-8941

EXHIBIT "A"

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2725191.1



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Carolyn Marksberry
 CAROLYN MARKSBERRY
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LAND SURVEYOR'S CERTIFICATE
 I certify that this plat has been prepared under my supervision in accordance with accepted surveying practices and that it complies with all requirements of the Kentucky Code relating to and Subchapter 100.000 of the Kentucky Revised Statutes.

Joseph B. Mylor
 JOSEPH B. MYLOR
 LICENSED PROFESSIONAL LAND SURVEYOR

COUNTY CLERK'S CERTIFICATION
 I, TRACY MILES, Gallatin County Clerk certify that this RECORD PLAT was presented to me in Gallatin County on this ____ day of _____, 2010, at _____ M., and made a part of this office.

TRACY MILES
 Gallatin County Clerk

CERTIFICATION OF APPROVAL
 Approved this ____ day of _____, 2010, insofar as it is not recorded before this date which is 90 days after approval.

Warsaw, Glencoe, & Gallatin County Planning Commission
 Approved subject to attached certificates.
 Special requirement (s) _____
 District Number _____

OWNER'S CERTIFICATION
 I (we) do hereby certify that I am (we are) the owner(s) of record of the property shown and described herein which is recorded in Deed Book _____ Page _____ in the Office of the Gallatin County Clerk (Tracy Miles) in Warsaw, Kentucky; and do hereby submit the plan of site for this property, and do hereby dedicate the streets and any other openings so indicated to public use, and do establish and reserve the easements indicated for public utility and drainage purposes.

Date _____ Owner & Title _____
 Date _____ Owner & Title _____

STATE OF KENTUCKY, NOTARY PUBLIC, COUNTY OF GALLATIN, SCT.
 Subscribed and sworn before me by _____
 Date _____ Owner & Title _____
 Date _____ Owner & Title _____
 On this ____ day of _____, 2010.
 Notary Public My Commission Expires _____

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 District Number _____

OWNER'S CERTIFICATION
 I (we) do hereby certify that I am (we are) the owner(s) of record of the property shown and described herein which is recorded in Deed Book _____ Page _____ in the Office of the Gallatin County Clerk (Tracy Miles) in Warsaw, Kentucky; and do hereby submit the plan of site for this property, and do hereby dedicate the streets and any other openings so indicated to public use, and do establish and reserve the easements indicated for public utility and drainage purposes.

Date _____ Owner & Title _____
 Date _____ Owner & Title _____

STATE OF KENTUCKY, NOTARY PUBLIC, COUNTY OF GALLATIN, SCT.
 Subscribed and sworn before me by _____
 Date _____ Owner & Title _____
 Date _____ Owner & Title _____
 On this ____ day of _____, 2010.
 Notary Public My Commission Expires _____

CERTIFICATION
 I, Carolyn Marksberry, City Clerk of the City of Warsaw, Kentucky, a municipal corporation of the fourth class, hereby certify, as custodian of the City records, that this copy is a true correct copy of Ordinance 2010-07, which is made in the official City records.

Carolyn Marksberry
 CAROLYN MARKSBERRY
 CITY CLERK OF THE CITY OF WARSAW, KENTUCKY

LAND SURVEYOR'S CERTIFICATE
 I certify that this plat has been prepared under my supervision in accordance with accepted surveying practices and that it complies with all requirements of the Kentucky Code relating to and Subchapter 100.000 of the Kentucky Revised Statutes.

Joseph B. Mylor
 JOSEPH B. MYLOR
 LICENSED PROFESSIONAL LAND SURVEYOR

COUNTY CLERK'S CERTIFICATION
 I, TRACY MILES, Gallatin County Clerk certify that this RECORD PLAT was presented to me in Gallatin County on this ____ day of _____, 2010, at _____ M., and made a part of this office.

TRACY MILES
 Gallatin County Clerk

CERTIFICATION OF APPROVAL
 Approved this ____ day of _____, 2010, insofar as it is not recorded before this date which is 90 days after approval.

Warsaw, Glencoe, & Gallatin County Planning Commission
 Approved subject to attached certificates.
 Special requirement (s) _____
 District Number _____

OWNER'S CERTIFICATION
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Date _____ Owner & Title _____
 Date _____ Owner & Title _____

STATE OF KENTUCKY, NOTARY PUBLIC, COUNTY OF GALLATIN, SCT.
 Subscribed and sworn before me by _____
 Date _____ Owner & Title _____
 Date _____ Owner & Title _____
 On this ____ day of _____, 2010.
 Notary Public My Commission Expires _____

CERTIFICATION

PLAT OF PROPERTY

Property to be conveyed BY:
RIVERSIDE DEVELOPERS, LLC.
 @ 85 U.S. No. 42 East Warsaw, Kentucky 41095
 15 acres tract on the South side of U.S. No. 42 East. Tract, PVA No. 013-53.02 containing 15. Acs. D. B. 109, pg. 161 in slide No. B-177. Lying North of Dry Creek Road and South of U. S. No.42 East in Gallatin County Warsaw, Kentucky 41095.

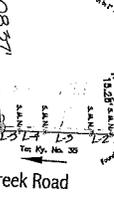
TO:
RB Management of Kentucky, Inc.,
 A Kentucky Corporation
DORMAN PRODUCTS OF AMERICA, LTD
 3400 East Walnut Street
 Colmar, Pennsylvania 18915
 D. B. 109, pg. 486 in slide No. B-181
Ordinance 2010-07

CERTIFICATE OF SURVEY
 The undersigned hereby certifies that I AM AN AMERICAN COMMONWEALTH LAND TITLE RESOURCES COMPANY and licensed Developer, LLC that: (1) The Survey was prepared by the undersigned or under the supervision thereof, a registered land surveyor in the Commonwealth of Kentucky; (2) that the premises are established by precise field measurements; (3) that all properties surveyed and described on the Plat and the attached descriptions are contiguous along their entire common boundaries and are enclosed within the corners therein; (4) that the properties described herein do lie within OHIO River flood hazard area in accordance with FEMA Map No. 210770042C; (5) that the property abuts and has access to a city declared public Street known as U. S. No. 42 East a Federal Road and Dry Creek Road a County Road; I further certify that there are no buildings, structures, encroachments, easements or encumbrances of any kind, located on said property other than those shown herein.

Joseph B. Mylor
 JOSEPH B. MYLOR
 Kentucky Professional Land Surveyor LS No. 1961

Center of Dry Creek Road

LINE	BEARING	DISTANCE
L1	N 87°55'56" W	88.44'
L2	N 87°14'30" W	70.51'
L3	N 87°12'54" W	159.84'
L4	N 87°17'28" W	88.24'
L5	S 89°56'49" W	63.90'



- Legend**
 These standard symbols will be found on the drawings:
- ROAD (1/2" x 1/8") ROAD with yellow cap alternate after LS # 1961
 - TREE
 - POLE
 - WOODEN OR IRON POST
 - P. K. Nail or Spike
 - STONE
 - WATER METER

SCALE: 1"=430'
 DATE: 08/05/10
 DESIGNER: DWG
 DRAFTER: GMM
 CHECKED BY: JSM
 SURVEYOR: JSM
 APPROVED BY: JSM
 REGISTRATION NO. KY. 1961

JOSEPH B. MYLOR, L.S.#1961, P.L.S.
 P.O. BOX 430
 WARSAW, KY. 41085
 TELEPHONE NO. (606) 567-6941