

RECEIVED AND FILED
DATE June 28, 2017

ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Handie Wilkerson

CITY OF WINCHESTER, KENTUCKY

ORDINANCE NO. 3-2017

AN ORDINANCE ANNEXING TO THE CITY OF WINCHESTER, KENTUCKY, CERTAIN LAND IN CLARK COUNTY, KENTUCKY, IDENTIFIED AS LOCATED ON THE WEST SIDE OF KY 627 (PARIS PIKE) and EAST OF THE CSX RAILROAD, CONTAINING 70 ACRES OF LAND, MORE OR LESS.

NOW, THEREFORE, BE IT ORDAINED, by the City of Winchester, Kentucky as follows:

WHEREAS, the Board of Commissioners of the City of Winchester, Kentucky, deems it advisable and in the best interests of the City to annex the hereinbelow described property into the City, which by reason of its usage and imminent future development, is sustainable for urban industrial purposes, because the property is adjacent to City boundaries, and

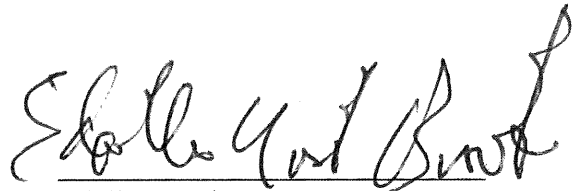
WHEREAS, the Board of Commissioners of the City of Winchester, Kentucky, deems it to be in the best interests of the citizens of the City that various City services extended to the property to be annexed;

NOW, THEREFORE, BE IT ORDAINED by the City of Winchester, Kentucky, as follows:


SECTION I. The property proposed to be annexed is described by legal property description; metes and bounds and as Parcel B of Plat Slide 2036, Exhibits "A"; "B" and "C", respectively. The area to be annexed includes, generally, unincorporated territory located in Clark County, Kentucky as more particularly described in in Exhibits "A"; "B" and "C". The owners of the property have consented to its annexation; the consent is attached hereto marked as Exhibit "D". By reason of its use the property is suitable for annexation by virtue of its present and future anticipated use, and recognition of the use of various City services to be extended to the property to be annexed.

SECTION II. Pursuant to the provisions of KRS 81A. 400 et seq., and specifically KRS 80 1A .412, the territory described in Exhibits "A"; "B" and "C" is fully incorporated into this ordinance and is hereby annexed into the City of Winchester, Kentucky.

Introduced and given first reading at a meeting of the Board of Commissioners of the City of Winchester, Kentucky, held on the 6th. Day of June, 2017, and finally adopted after second meeting, at a meeting of said Board held on the 13th day of June, 2017.


Edallen York Burtner, Mayor

ATTEST:


Marilyn Rowe, City Clerk

Prepared by the City Attorney

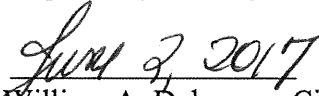

William A. Dykeman, City Attorney

Exhibit A

LEGAL DESCRIPTION

PARCEL ONE: A certain parcel of land situated in Clark County, Kentucky, and located on the west side of KY 627 (Paris Pike) and immediately east of the CSX Railroad, and identified as Parcel B, containing 70.00 acres, more or less, on the record plat of Frank J. Ciardullo, et al., of record at Plat Slide 2036 in the Clark County Clerk's office, to which plat reference is made for a more particular description of said parcel.

To comply with notation on said plat, Parcel B is has been consolidated with an adjoining property, Tract 522D, Plat Slide 1854, acquired by Infiltrator Water Technologies, LLC by deed dated May 17, 2017 of record in Deed Book 520, page 317, in said Clerk's office.

Being the same property conveyed to Infiltrator Water Technologies, LLC by deed from Frank J. Ciardullo and Gloria D. Ciardullo as Trustees of the Frank J. Ciardullo Trust and Robert Heinlein and Kathryn H. Heinlein, his wife, dated May 17, 2017, of record in Deed Book 520, page 400 in said clerk's office.

EXHIBIT B

DEED DESCRIPTION

Annexation

Ordinance No. ??-2017

City of Winchester, Kentucky

A certain parcel of land situated along Rolling Hills Lane in Clark County, Kentucky, joining the city of Winchester, and being more particularly described as follows:

The **Point of Beginning (P.O.B.)** at Kentucky State Plane (NAD 83) Single Zone coordinate of Northing = 3899465.88 and Easting = 5369845.66, said point an Iron Pin and Cap, corner to Supervalu Inc. in the Winchester – Clark County Industrial Park, corner to the existing city limits of Winchester, KY, and in the existing right-of-way of CSX Transportation, 50 feet from centerline, thence leaving the city limits of Winchester, KY and Supervalu Inc., and continuing with the existing right-of-way of CSX Transportation, 50 feet from and parallel with CSX Transportation centerline;

Along an arc to the right, having a radius of 2814.82 feet, a length of 506.772 feet and a chord of North 07°48'12" West 506.08, thence;

North 02°31'27" West 98.56 feet to an Iron Pin and Cap, thence;

North 01°31'27" West 1723.30 feet to an Iron Pin and Cap, corner to lands of Frank Ciadullo et. ux. and Robert Heinlein et. ux. thence leaving existing right-of-way of CSX Transportation with lands of Frank Ciadullo et. ux. and Robert Heinlein et. ux. ;

South 89°08'55" East 2857.27 feet to an Iron Pin and Cap, thence;

South 01°31'27" East 25.00 feet to an Iron Pin and Cap, corner to Cody Commercial Properties II, Inc., in the Winchester – Clark County Industrial Park, and corner to the existing city limits of Winchester, KY, thence leaving lands of Frank Ciadullo et. ux. and Robert Heinlein et. ux., with Cody Commercial Properties II, Inc. and the existing city limits of Winchester, KY;

South 59°50'44" West 70.43 feet to an Iron Pin and Cap, thence;

South 59°50'44" West 597.73 feet to an Iron Pin and Cap, corner to Univance Inc., thence leaving Cody Commercial Properties II, Inc. with Univance Inc.;

South 59°50'28" West 614.08 feet to an Iron Pin and Cap, thence;

South 50°50'29" West 142.04 feet to an Iron Pin and Cap, thence;

South 38°35'50" West 110.20 feet to an Iron Pin and Cap, corner to SENKO Inc., thence leaving Univance Inc., with SENKO Inc.;

South 37°09'58" West 50.23 feet to an Iron Pin and Cap, thence

South 45°13'46" West 609.75 feet to an Iron Pin and Cap, corner to New Cingular Wireless, thence leaving SENKO Inc., with New Cingular Wireless;

South 45°11'13" West 707.16 feet to an Iron Pin and Cap, thence

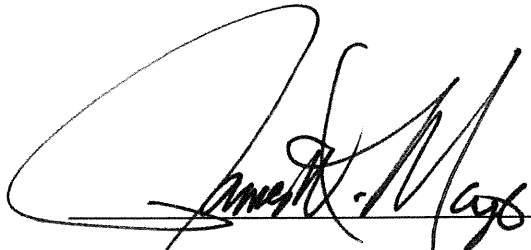
South 46°08'28" West 22.12 feet to an Iron Pin and Cap, corner to Supervalu, Inc., thence leaving New Cingular Wireless with Supervalu, Inc.;

South 46°08'27" West 652.26 feet to the **Point of Beginning (P.O.B.)**, containing 70.00± Acres of land and being a part of the same property as conveyed to Frank J. Ciardullo and Gloria Ciardullo as Trustee of the Frank J. Ciardullo Trust from John C. Hoskins and Deborah L. Hoskins, by deed, dated September 13, 2006, of record in Deed Book 436, page 710 and to Robert Heinlein and Kathryn H. Heinlein, from Frank J. Ciardullo and Gloria Ciardullo as Trustees of the Frank J. Ciardullo Trust, by deed, dated August 27, 2014, of record in Deed Book 498, page 646, in the Clark County Clerk's Office.

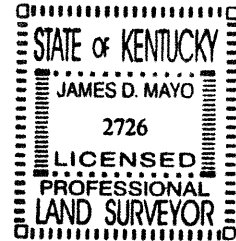
STATEMENT OF RESOURCES

The property (3 - 2017) described above was computed from actual survey of the subject property January 2017.

Coordinates and bearings are from existing mapping of the City of Winchester, Kentucky and are relative to Kentucky State Plane Coordinate System, Single Zone, NAD 83.


Signature

2726 4-5-17
PLS Number Date





INFILTRATOR[®]
water technologies

May 23, 2017

Mr. Ed Burtner
Mayor, City of Winchester
City Hall
Winchester, KY 40391

Re: Request for Annexation

Dear Mr. Burtner:

As you are aware, Infiltrator Water Technologies, LLC ("Infiltrator"), recently acquired a 70-acre tract located on the Paris Pike in Winchester, Kentucky ("Property"). The deed from Frank J. Ciardullo, et al., to Infiltrator is dated May 17, 2017, and is of record in Deed Book 520, page 400, in the Clark County Clerk's office. It is the desire of Infiltrator that the Property be annexed to the City of Winchester. In accordance with instructions received from William A. Dykeman, City Attorney, we enclose herewith the following information for consideration by the City Commission:

1. A legal description for the Property.
2. A copy of the annexation plat prepared by Palmer Engineering depicting that the Property is contiguous to the City of Winchester.
3. We confirm that the Property is not located in an agricultural district formed pursuant to KRS 262.850.
4. We confirm that the Property has been rezoned for light industry, and has been consolidated with Tract 522D in Plat Slide 1854, which lies within the City limits and which is part of the Winchester-Clark County Industrial Park. As such, the Property is suitable for industrial development pursuant to KRS 81A.410.

We request that you place the matter of consensual annexation of this Property on the agenda for the City Commission's consideration.

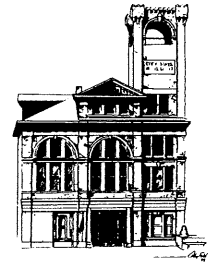
If you have any questions, do not hesitate to contact me.

Very truly yours,

Robert F. McHugh
CFO

Enclosures
cc: Hon. William A. Dykeman

City of Winchester



Office of the City Clerk

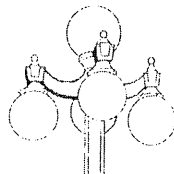
I, Marilyn Rowe, Clerk of the City of Winchester, Kentucky do certify that the foregoing is a true and correct copy of Ordinance No. 3-2017 annexing to the City of Winchester, Kentucky certain territory containing approximately 70 acres of land and identified as located on the west side of KY 627 (Paris Pike) and east of the CSX Railroad. The property is situated adjacent to the existing City Limits. The Board of Commissioners adopted Ordinance No. 3-2017, after second reading, on June 13, 2017 and was executed by Edallen York Burtner, Mayor, on June 13, 2017.

Witness by hand and seal this 27th day of June 2017.

A handwritten signature in cursive script that reads "Marilyn Rowe".

Marilyn Rowe
City Clerk, City of Winchester

SEAL



P.O. Box 40 Winchester, Kentucky 40392-0040
Phone 859-744-6292 Fax 859-745-4590 TDD 859-744-3430

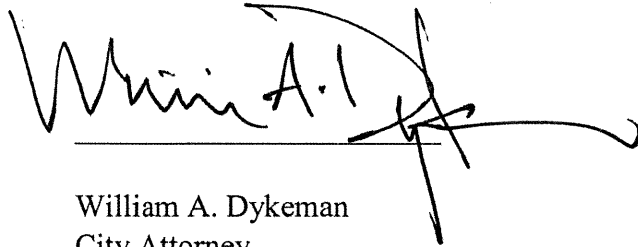
COMMONWEALTH OF KENTUCKY
CITY OF WINCHESTER, KENTUCKY

ORDINANCE NUMBER 3-2017

SUMMARY OF ORDINANCE

**AN ORDINANCE ANNEXING TO THE CITY OF WINCHESTER, KENTUCKY,
CERTAIN TERRITORY CONTAINING APPROXIMATELY 70 ACRES OF LAND, IN
CLARK COUNTY, KENTUCKY, IDENTIFIED AS LOCATED ON THE WEST SIDE
OF KY 627 (PARIS PIKE) and EAST OF THE CSX RAILROAD.**

I hereby certify that the foregoing is an accurate summary of the contents of the above entitled Ordinance.

A handwritten signature in black ink, appearing to read "William A. Dykeman", written over a horizontal line. The signature is stylized and includes a large flourish extending to the right.

William A. Dykeman
City Attorney

OVERSIZE MAP INCLUDED WITH
SUBMISSION.

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