

RECEIVED AND FILED
DATE June 24, 2020

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

CITY OF WINCHESTER, KENTUCKY
ORDINANCE NO. 3-2020

**AN ORDINANCE ANNEXING TO THE CITY OF
WINCHESTER, KENTUCKY CERTAIN LAND IN CLARK
COUNTY, KENTUCKY IDENTIFIED AS ALL THAT
CERTAIN TRACT OR PARCEL OF LAND LYING AND
BEING IN CLARK COUNTY, KENTUCKY, BEING 6.421
ACRES, SITUATED ON THE WESTERN SIDE OF THE
CORPORATE LIMITS OF THE CITY OF WINCHESTER,
KENTUCKY**

WHEREAS, the Board of Commissioners of the City of Winchester, Kentucky deems it advisable and in the best interest of the City to annex the hereinbelow described property into the City, which, by reason of its subdivision, is suitable for development for urban purposes, because the property is adjacent to City boundaries and because increased population density is imminent because of the property's urban character; and

WHEREAS, The Board of Commissioners of the City of Winchester has received the prior consent of the owners of record;

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

SECTION I. The property proposed to be annexed is described by metes and bounds in Section II below. The area to be annexed includes, generally, the unincorporated territory located in Clark County, Kentucky, and being the property identified as all the certain tract or parcel of land situated on the western side of Frontier Way, adjacent to the corporate limits of the City boundaries. No part of the area described below is included within the boundary of another city.

SECTION II. Pursuant to the provisions of KRS81A.400, et seq., the following described unincorporated territory located in Clark County, Kentucky, be, and it is hereby annexed to the City of Winchester, Kentucky.

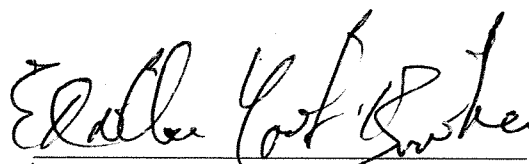
All that certain tract or parcel of land lying in Clark County, Kentucky situated on the western side of the corporate limits of the City of Winchester, more particularly as follows:

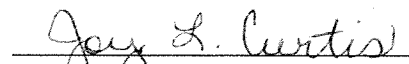
Being all of Parcel 1 consisting of 6.421 acres as shown on the Minor Subdivision Plat Norton Property Frontier Way of record in Plat Slide 2152, in the Clark County Clerk's Office.

Being the same property in which an undivided one-third interest was conveyed to Thomas E. Norton, as Trustee of the George P. Norton Irrevocable Trust dated December 21, 2012, by Deed dated December 21, 2012, and of record in Deed Book 485, Page 279, in the Clark County Clerk's Office; in which an undivided one-third interest was conveyed to George P. Norton, as Trustee of the Thomas E. Norton Irrevocable Trust dated December 21, 2012 by Deed dated December 21, 2012, and of record in Deed Book 485, Page 290, in the Clark County Clerk's Office; and in which an undivided one-third interest was conveyed to CCN Land, LLC by Deed dated December 28, 2012, and of record in Deed Book 485, Page 373, in the Clark County Clerk's Office.

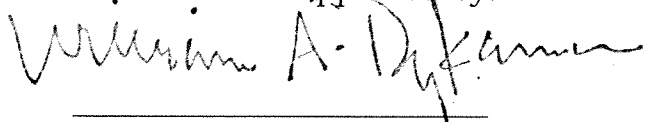
SECTION III. This Ordinance shall become effective upon publication as required by law.

Introduced and given first reading at a meeting of the Board of Commissioners of the City of Winchester, Kentucky held on the 3rd day of March, 2020, and finally adopted, after second reading, at a meeting of said Board held on the 17th day of March, 2020.

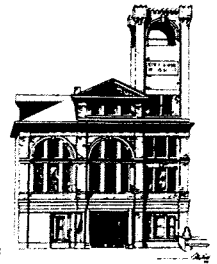

Edallen York Burtner, Mayor


Joy L. Curtis
City Clerk

Reviewed and approved by:


William A. Dykeman
City Attorney

City of Winchester



Office of the City Clerk

Established 1793

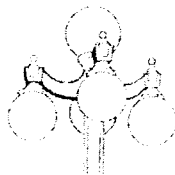
I certify I am the duly qualified City Clerk of the City of Winchester, Kentucky, and the foregoing nine (9) pages of Ordinance No. 3-2020 is a true, correct, and complete copy duly adopted by the Board of Commissioners of the City of Winchester, Kentucky at their duly convened meetings held on March 3 and March 17, 2020.

All appears in the official records of said City.

Witness by hand and seal this 22nd Day of June, 2020

Joy L. Curtis, MMC
City Clerk
City of Winchester

SEAL



CONSENT TO ANNEXATION


Comes the undersigned, signatory for Ball Homes, LLC, and hereby states as follows:

That the undersigned is the authorized agent to execute this Consent to Annexation on behalf of Ball Homes, LLC, which is the sole owner of the property sought to be annexed and the sole owner of the property within the subject territory. The property to be annexed to the City of Winchester, Kentucky, consists of 6.421 acres, more or less.

Company Name:

BALL HOMES, LLC,
a Kentucky limited liability company

BY: _____

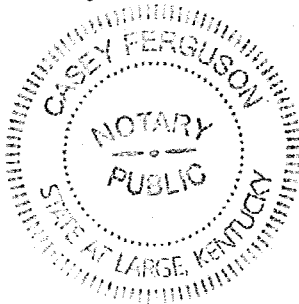

D. Ray Ball, Jr., its President

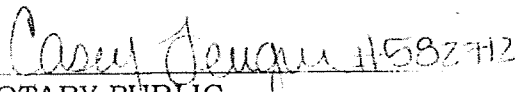
COMMONWEALTH OF KENTUCKY)

COUNTY OF FAYETTE)

The foregoing was acknowledged, subscribed and sworn to before me this the 20th day of December, 2019, by D. Ray Ball, Jr., as President of Ball Homes, LLC, a Kentucky limited liability company.

My Commission Expires: 7/29/21





NOTARY PUBLIC

STATEMENT OF RERSOURCES

The property (11/2019) described above was computed from an actual survey of the subject property November 2019.

Coordinates and bearings are based on Kentucky State Plane Coordinate System North Zone NAD 83.

	2982	1-27-2020
Signature	PLS #	Date





3609 Walden Drive
P.O. Box 12950
Lexington, KY 40583
859.268.1191
1.888.268.1101
859.268.9093 fax
www.ballhomes.com

December 2, 2019

Matt Belcher
City Manager
32 Wall Street
Winchester, KY 40392-0040

Dear Matt:

In follow up to your conversation with Lisa Ball, we are writing to formally request that Unit 3 of Oakmont be annexed by the city of Winchester.

Please let me know if you need anything else from us with respect to this request. We appreciate your assistance and look forward to working with you as the need may arise.

Sincerely,

A handwritten signature in black ink that reads "Fran Stadelman". The signature is written in a cursive style and is followed by a long horizontal line.

Fran Stadelman

Ball Homes, LLC

EXHIBIT "A"

Being all of Parcel 1 consisting of 6.421 acres as shown on the Minor Subdivision Plat Norton Property Frontier Way of record in Plat Slide 2152, in the Clark County Clerk's Office.

Being the same property in which an undivided one-third interest was conveyed to Thomas E. Norton, as Trustee of the George P. Norton Irrevocable Trust dated December 21, 2012, by Deed dated December 21, 2012, and of record in Deed Book 485, Page 279, in the Clark County Clerk's Office; in which an undivided one-third interest was conveyed to George P. Norton, as Trustee of the Thomas E. Norton Irrevocable Trust dated December 21, 2012, by Deed dated December 21, 2012, and of record in Deed Book 485, Page 290, in the Clark County Clerk's Office; and in which an undivided one-third interest was conveyed to CCN Land, LLC by Deed dated December 28, 2012, and of record in Deed Book 485, Page 373, in the Clark County Clerk's Office.

r:\share\cm\exhib\norton exh a.docx

DOCUMENT NO: 245718
RECORDED: February 20, 2019 08:05:00 AM
TOTAL FEES: \$26.00 TRANSFER TAX: \$291.00
COUNTY CLERK: MICHELLE S. TURNER
DEPUTY CLERK: HEATHER SPARKS
COUNTY: CLARK
BOOK: D535 PAGES: 680 - 685 *W*

**PROPOSED ANNEXATION PARCEL
FOR OAKMONT VILLAS UNIT 3-A,
TO
THE CITY OF WINCHESTER, KENTUCKY
FROM
BALL HOMES, LLC
DEED BOOK 535, PAGE 680
SEE PLAT IN PLAT SLIDE 2152
ON GIBSON WAY
IN CLARK COUNTY, KENTUCKY**

A certain parcel of land located in Clark County, Kentucky, situated near the intersection of Frontier Way in Winchester, KY and being known as Oakmont Villas Unit 3-A, and being more particularly described as follows:

Beginning at the Unit corners of unit 2A and 3A on the North side of Frontier Way said point being labelled as POB for Point of Beginning and then for the following 6 calls;

S 23°26'28" W a distance of 979.24' to a found #4 iron rebar;

N 67°26'27" W a distance of 260.50' to a point;

N 22°33'33" E a distance of 110.00' to a point in the south right-of-way line of Gibson Way, thence across Gibson Way,

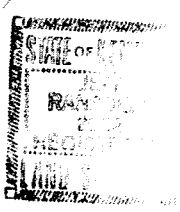
N 05°52'28" W a distance of 56.86' to a point on the north right-of-way line of Gibson Way;

N 23°26'28" E a distance of 816.16' to a point on the north right-of-way line of Frontier Way, thence with the north right-of-way line of Frontier Way,

S 68°02'44" E a distance of 290.10'; which is the POINT OF BEGINNING

Containing approximately 279,684 square feet, (6.421 acres) and being a portion of the property conveyed to Ball Homes, LLC by deed recorded in Deed Book 535 Page 680 in the Clark County Court Clerk's office.

*Affirmed
2-25-2020*



NOTES

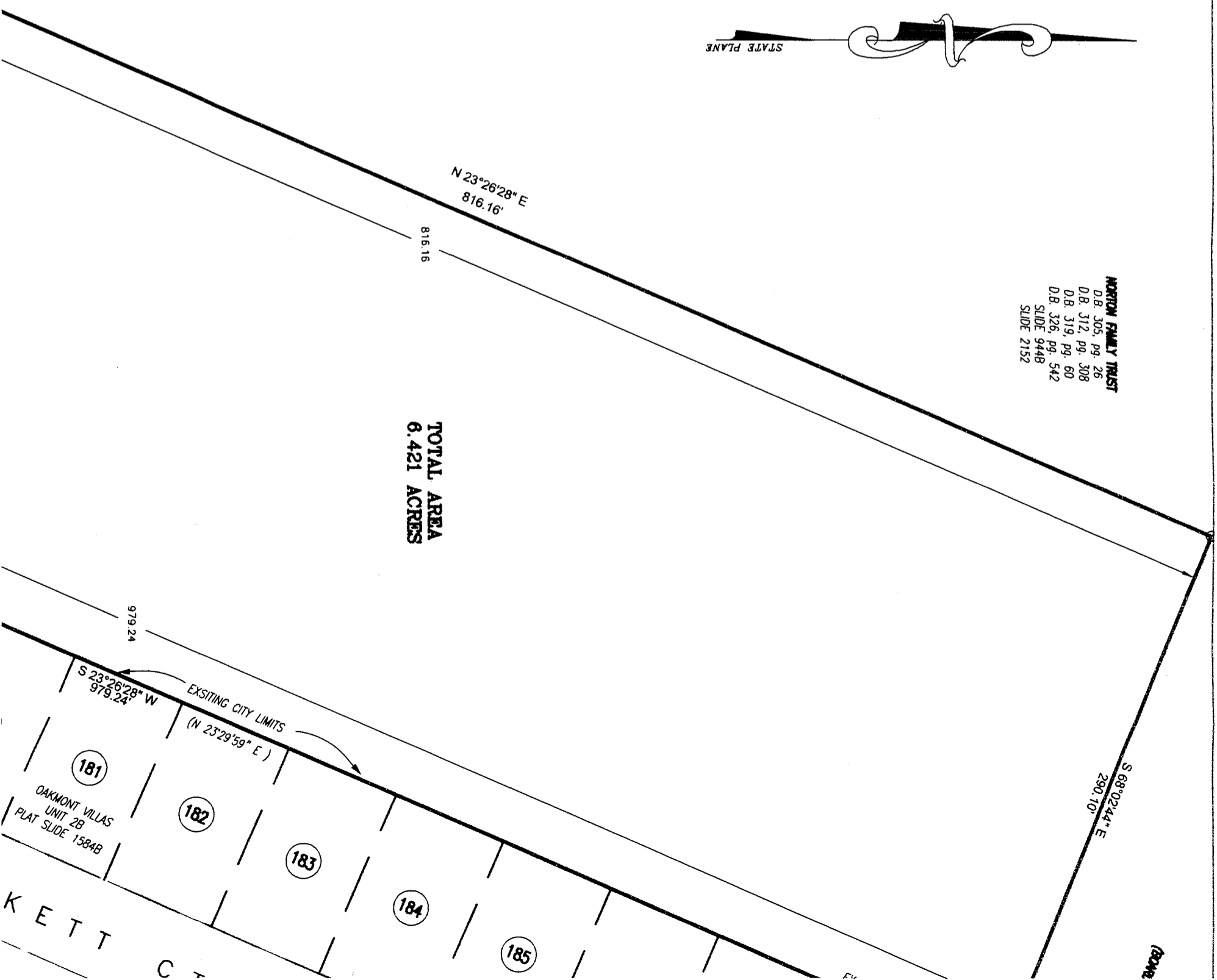
1. THE BEARINGS SHOWN ON THIS PLAT ARE BASED UPON THE KY CORRS NETWORK STATE PLANE DATUM (HORIZONTAL KY NORTH ZONE AND VERTICAL NAVD 88)
2. THE PROPERTY SHOWN HEREON IS SUBJECT TO ALL EASEMENTS, COVENANTS, AND RESTRICTIONS OF RECORD. ALTHOUGH COURTHOUSE RESEARCH WAS CONDUCTED IN AN ATTEMPT TO LOCATE ALL SUCH ENCUMBRANCES, THE SURVEYOR CAN MAKE NO GUARANTEE THAT ALL SUCH RESTRICTIONS ARE HEREBY SHOWN. A DETAILED TITLE SEARCH CONDUCTED BY AN ATTORNEY MAY BE NECESSARY TO DETERMINE THE EXISTENCE OF ALL RESTRICTIONS.
3. THIS TRAVERSE WAS NOT ADJUSTED FOR CLOSURE. THIS SURVEY IS A CLASS "A" SURVEY. THIS PLAT IS BASED ON A FIELD SURVEY PERFORMED BY RANSDALL LAND SURVEYORS. THIS SURVEY WAS CONDUCTED USING GPS EQUIPMENT. THE CONTROL POINTS AND A PORTION OF THE BOUNDARY CORNERS WERE LOCATED USING GPS EQUIPMENT. THE REMAINDER OF THE BOUNDARY CORNERS WERE LOCATED USING A TOTAL STATION FROM SAID CONTROL POINTS. EPOCH 50 & SP 80 DUAL FREQUENCY RECEIVER WAS USED FOR THE NETWORK ADJUSTED REAL TIME KINEMATIC SURVEY. THE SURVEY AS SHOWN IS A RURAL SURVEY. THE RELATIVE POSITIONAL ACCURACY IS LESS THAN ±0.10'+200 PPM. THE HORIZONTAL DATUM IS NAD 1983. THE VERTICAL DATUM IS NAVD 1988 AND THE GEOD MODEL USED IS GEOID 12B.
4. FENCE LINES THAT ENCRGOACH ONTO OR OFF THE PROPERTY MAY INDICATE UNWRITTEN TITLE RIGHTS.
5. THIS SURVEY COMPLEES WITH 201 KAR 18:150.
6. ALL EASEMENTS ALSO RESERVED FOR DRAINAGE.
7. A 3' (THREE) K.U. EASEMENT IS RESERVED ON ALL SIDE LOT LINES FOR STREET LIGHTS.
8. MAINTENANCE OF STORM WATER DRAINAGE EASEMENTS LYING OUTSIDE THE PUBLIC R/W ARE THE RESPONSIBILITY OF THE PROPERTY OWNER AND IF THE DRAINS LYING WITHIN THOSE EASEMENTS UNENCLOSED, THEY MAY NOT BE ENCLOSED OR ALTERED WITHOUT PRIOR APPROVAL OF THE PLANNING COMMISSION.
9. THE RESPONSIBILITY FOR MAINTENANCE OF STORM WATER DRAINS IN THE PUBLIC R/W SHALL BECOME THE RESPONSIBILITY OF THE LOCAL GOVERNMENT ONLY AFTER THE STREET IS ACCEPTED FOR MAINTENANCE PURPOSES BY THE LOCAL GOVERNMENT.
10. PROPERTY PLATTED HEREON IS ALL OF PARCEL 1 AS SHOWN ON SLIDE 2152.
11. UNIT 3, PHASE 1 ACREAGE IS 6.42 ACRES.
12. PROPERTY PLATTED HEREON IS NOT LOCATED IN A FLOOD HAZARD AREA AS SHOWN ON FEMA FIRM COMMUNITY PANEL NO. 21049C 0038C & 0101C DATED JUNE 05, 2012.
13. A COMMON ACCESS EASEMENT (3) FEET WIDE IS RESERVED ALONG EACH SIDE PROPERTY LINE FOR USE BY THE ADJACENT PROPERTY OWNER.
14. ALL DRIVEWAY ENTRANCES SHALL BE APPROVED BY THE CITY OF WINCHESTER PRIOR TO INSTALLATION

LEGEND

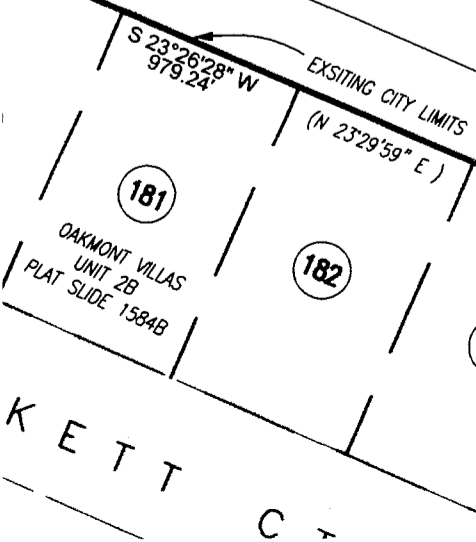
- = #4 or #5 REBAR & CAP (SET) per STATE MINIMUM STANDARDS UNLESS OTHERWISE NOTED (P.L.S. # 2982)
- (N 47° 00' 00" W) = Original Bearing Basis RECORD DEED CALLS
- N/F = NOW or FORMERLY
- △ = RAILROAD SPIKES SET
- N 140498 8278 = State plane coordinates per CORS monument North
- E 1576481 6978 = Zone
- = Easement Lines as noted hereon
- - - = Adjoining Property Lines
- = Boundary Line
- = BUILDING LINE
- = Unmonumented property corners

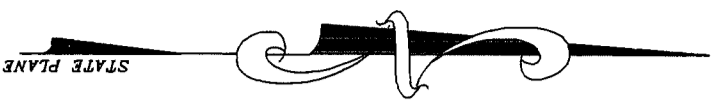


HORTON FAMILY TRUST
 D.B. 305, pg. 26
 D.B. 312, pg. 308
 D.B. 319, pg. 60
 D.B. 326, pg. 542
 SLIDE 944B
 SLIDE 2152



**TOTAL AREA
 6.421 ACRES**

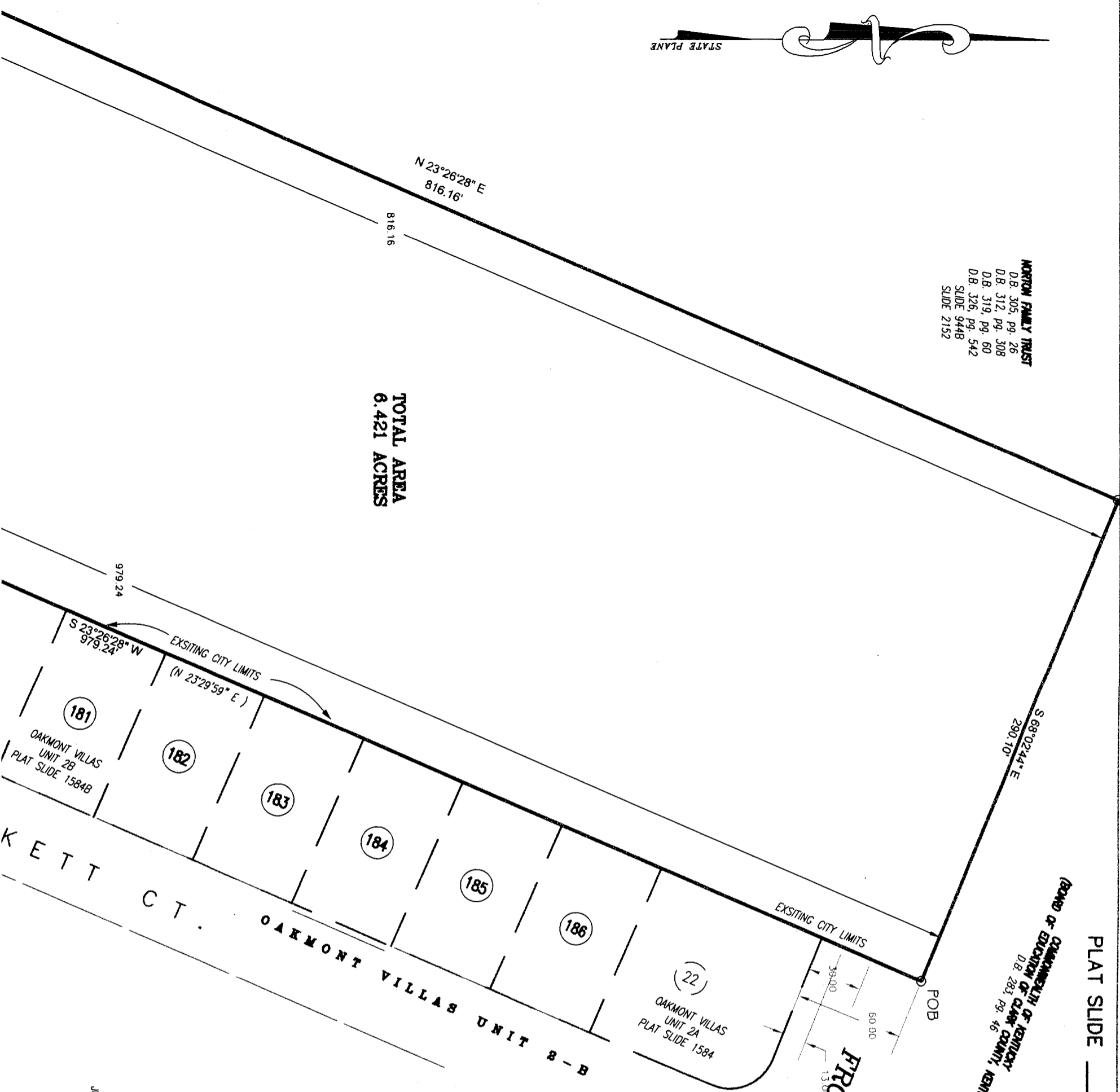




NORTON FAMILY TRUST
 D.B. 305, pg. 26
 D.B. 312, pg. 308
 D.B. 319, pg. 60
 D.B. 326, pg. 542
 SLIDE 944B
 SLIDE 2152

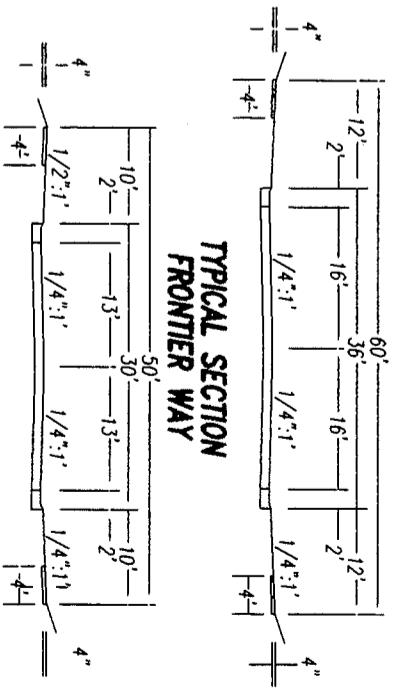
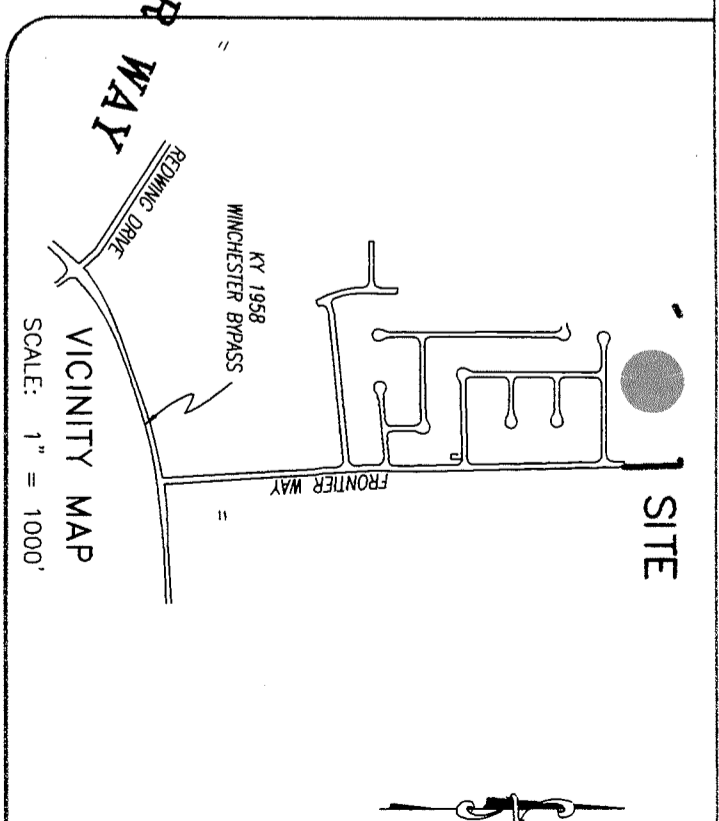
N 23°26'28" E
 816.16'

TOTAL AREA
6.421 ACRES



PLAT SLIDE _____

COMMONWEALTH OF KENTUCKY
 BOARD OF EDUCATION OF CLAY COUNTY, KENTUCKY
 D.B. 283, pg. 46



STATEMENT OF RESOURCES

The property () described above was computed from an actual survey of the subject property November 2019.

Coordinates and bearings are based on Kentucky State Plane Coordinate System North Zone NAD 83.

JEFF RANSELL
 P.L.S.# 2982
 DATE 2-25-2020

TOTAL AREA
6.421 ACRES

LEGEND

● = #4 or #5 REBAR & CAP (SET) per STATE MINIMUM STANDARDS UNLESS OTHERWISE NOTED (P.L.S. # 2982)

(N 47° 00' 00" W) = Original Bearing Basis RECORD DEED CALLS

N/F = NOW or FORMERLY

△ = RAILROAD SPIKES SET

N 140498.8278 = State plane coordinates
E 1575481.6978 per CORS monument North Zone

= Easement Lines as noted hereon

--- = Adjoining Property Lines

--- = Boundary Line

--- = BUILDING LINE

○ = Unmonumented property corners

⊕ = Property line

⊕ = MAG NAIL (set.)

⊕ = 10' WITNESS UNLESS NOTED

= Street Address

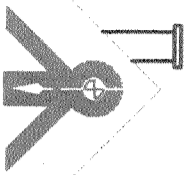
OWNERS
Ball Homes, LLC
3609 Warden Drive
Lexington, KY 40517

PROJECT # **R089-2019**

FIELD (OCT. 2019) PLAT NOV. 2019

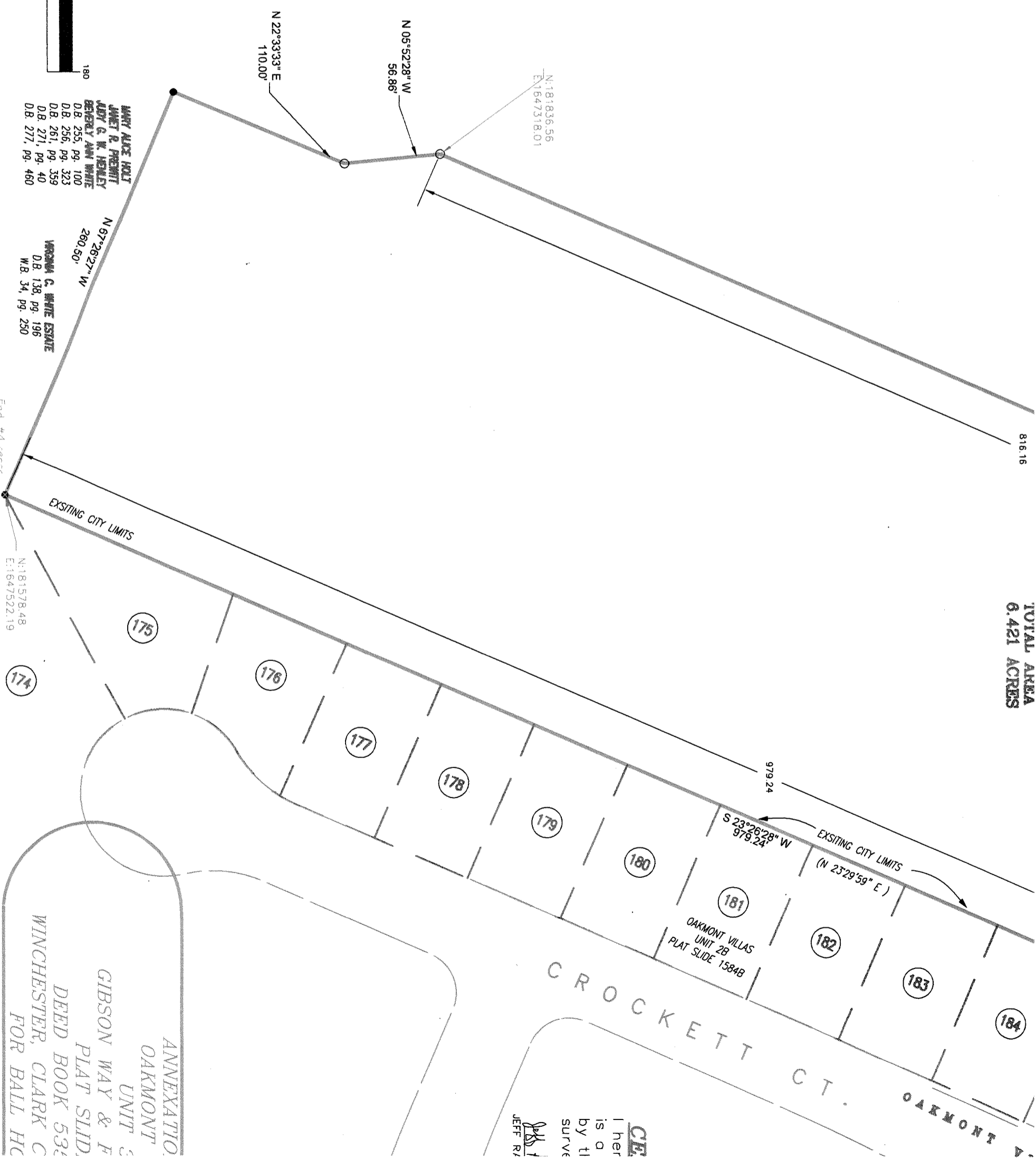
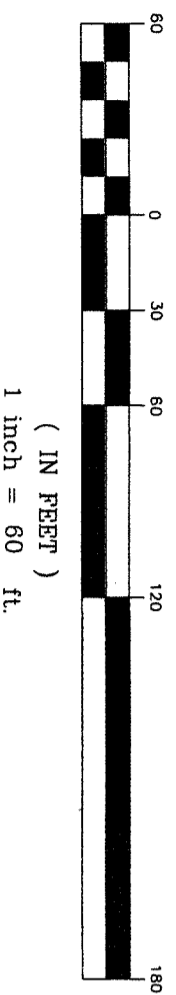
Revision dates

STATE OF KENTUCKY
Jeff
Ransdell
2982
LICENSED
PROFESSIONAL
LAND SURVEYOR



RANSDALL LAND SURVEYORS, LLC
1110 Melone Pl., Louisville, KY. 40245
PHONE (859) 621-9811
E-mail - ransdell_land_surveyors@yahoo.com

GRAPHIC SCALE



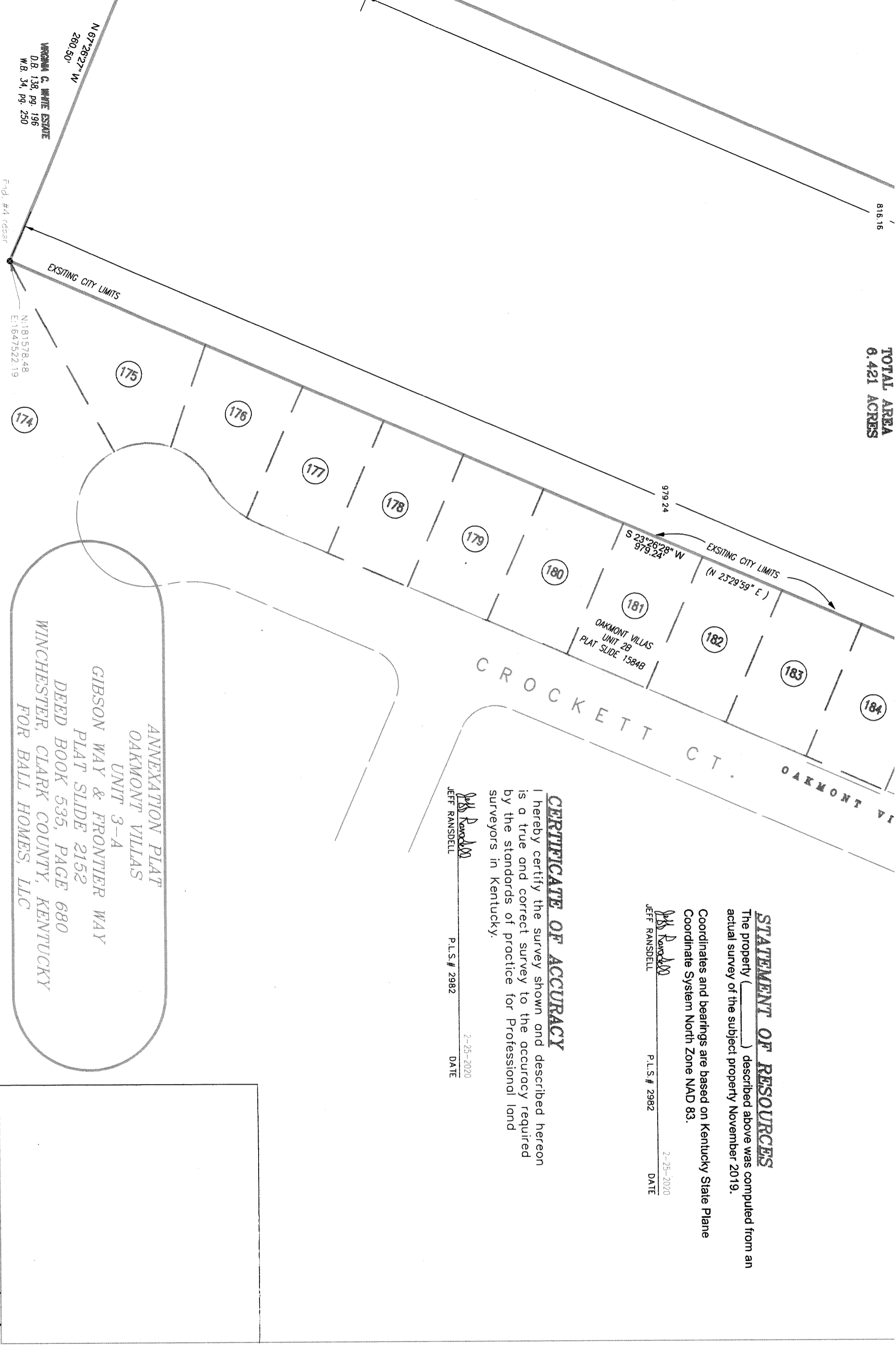
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JEFF R

ANNEXATION
OAKMONT
UNIT 3
GIBSON WAY & F
PLAT SLID.
DEED BOOK 532
WINCHESTER, CLARK C
FOR BALL HC

D:\BACKUP\DRAW\R089-2019 (Oakmont villas unit 3) Winchester Ball homes (Brian Stephens)\annexation stuff from brian\R089-201

TOTAL AREA
6.421 ACRES

816.16



STATEMENT OF RESOURCES

The property () described above was computed from an actual survey of the subject property November 2019.

Coordinates and bearings are based on Kentucky State Plane Coordinate System North Zone NAD 83.

Jeff Ransdell
JEFF RANSELL P.L.S.# 2982 DATE 2-25-2020

CERTIFICATE OF ACCURACY

I hereby certify the survey shown and described hereon is a true and correct survey to the accuracy required by the standards of practice for Professional land surveyors in Kentucky.

Jeff Ransdell
JEFF RANSELL P.L.S.# 2982 DATE 2-25-2020

ANNEXATION PLAT
OAKMONT VILLAS
UNIT 3-A
GIBSON WAY & FRONTIER WAY
PLAT SLIDE 2152
DEED BOOK 535, PAGE 680
WINCHESTER, CLARK COUNTY, KENTUCKY
FOR BALL HOMES, LLC

Winchester Ball homes (Brian Stephens)\annexation stuff from brian\R089-2019 Annexation Plat (Oakmont villas unit 3) Winchester B: