

CITY OF GEORGETOWN

ORDINANCE NO. 19-016

AN ORDINANCE ANNEXING INTO THE CITY OF GEORGETOWN CERTAIN REAL PROPERTY CONTAINING 22.79 ACRES LOCATED AT 944 EAST MAIN STREET EXTENDED IN SCOTT COUNTY, KENTUCKY.

SPONSORS: Todd Stone and Marvin Thompson

WHEREAS, the Drake Family Trust whose address is 11211 N 44th Ct., Phoenix, AZ 85028 and the Kathryn Drake DiTardi Living Trust whose address is 6830 N Lexington Lane, Niles, IL 60714 ("Grantors"), the property owners of record of the tract of land to be annexed, have given prior written consent to the annexation of the Property; and

WHEREAS, the Property is contiguous to the existing city limits of the City of Georgetown and is urban in character and suitable for development for urban purposes without unreasonable delay;

NOW, THEREFORE, Be it ordained by the City of Georgetown, Kentucky:

SECTION ONE

Pursuant to KRS 81A.412, the Georgetown City Council hereby annexes the following unincorporated area of Scott County into the City limits of the City of Georgetown:

A tract of land located on the north side of East Main Street, approximately 500 feet west of McClelland Circle, and more particularly described as follows.

Beginning at a point in the west right-of-way line of McClelland Circle and the center of North Elkhorn Creek, approximately 2300 feet north of East Main Street, and corner of Deerfield Company Inc. annexed by Ordinance #74-1116 and existing corporate boundary; thence with existing corporate boundary and the center of North Elkhorn Creek and properties of Deerfield Company, ML Georgetown Paris LLC, and Padco Properties LLC for eight calls S62°17'42"W 90.11 feet; thence S46°22'16"W 79.33 feet; thence S46°19'32"W 9.97 feet; thence S50°55'34"W 67.23 feet; thence S24°10'30"W 265.72 feet; thence S42°53'00"W 100.97 feet; thence S57°21'25"W 164.94 feet; thence N62°30'46"W 63.66 feet to corner of Hamilton Hinkle & Ruth annexed by Ordinance #99-048; thence with line of same, and corporate boundary S17°42'43"W 87.27 feet; and S17°42'43"W 245.20 feet to private lane; thence with line of Nally & Gibson Geo Inc annexed by Ordinance #99-048, and existing corporate

boundary S09°14'06"W 34.90 feet and corner of Bell South Communications annexed by Ordinance #99-036, and existing corporate boundary; thence with line of same for seven calls S35°47'12"E 49.38 feet; thence S17°05'39"E 16.98 feet; thence S01°09'43"W 202.19 feet; thence S06°12'08"W 115.01 feet; thence S10°57'32"W 35.58 feet; thence S18°06'48"W 210.81 feet; thence S07°18'35"W 18.71 feet to the north side of East Main Street; thence with same for four calls S52°55'50"E 114.86 feet; thence S58°00'03"E 372.36 feet; thence S57°07'34"E 69.77 feet; and S63°16'38"E 411.81 feet to the southwest corner of a portion of the Drake & Ditardi Partnership tract previously annexed by Ordinance #08-007, and existing corporate boundary; thence with existing corporate boundary for five calls N26°53'02"E 209.59 feet; thence N32°52'00"W 355.31 feet; thence N04°08'19"W 360.34 feet; thence N16°48'45"W 487.93 feet; thence N72°35'18"E 355.11 feet to the west right-of-way line of McClelland Circle; thence with the same for two calls N16°47'53"W 400.84 feet; thence N17°12'56"W 196.23 feet to the point of beginning.

Containing 22.79 acres, more or less.

SECTION TWO

If any section, subsection, sentence, clause or phrase of this ordinance is held unconstitutional or otherwise invalid, such infirmity shall not affect the validity of the remaining portions of this ordinance.

SECTION THREE

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION FOUR

This ordinance shall take effect after its passage and publication according to law.

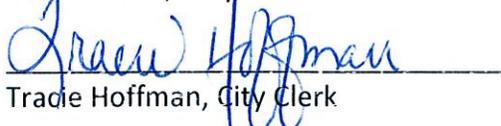
PUBLICLY INTRODUCED AND READ FIRST TIME: July 8, 2019

PUBLICLY READ SECOND TIME AND PASSED: July 22, 2019

APPROVED:


Tom Prather, Mayor

ATTEST:


Tracie Hoffman, City Clerk

CITY OF GEORGETOWN
ORDINANCE NO. 2019-016

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SUMMARY

1. Annexes into Georgetown city limits, by written consent of the property owners in accordance with KRS 81A.412, 22.79 acres of property on located at 944 East Main Street Extended in Scott County, Kentucky.
2. Provides for an effective date upon passage and publication.

PUBLICLY INTRODUCED AND READ FIRST TIME: July 8, 2019

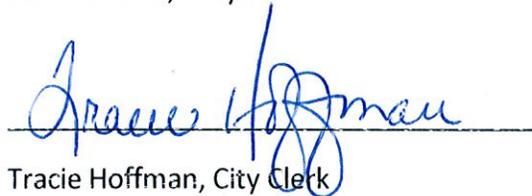
PUBLICLY READ SECOND TIME AND PASSED: July 22, 2019

APPROVED:



Tom Prather, Mayor

ATTEST:



Tracie Hoffman, City Clerk

I, Devon Elise Golden, hereby certify I am an Attorney licensed to practice law in the Commonwealth of Kentucky. My office is located at 100 North Court Street, Georgetown, Kentucky 40324. I further certify the foregoing Summary of Ordinance 2019-016 of the City of Georgetown, Kentucky, was prepared in accordance with the requirements of KRS 83A.060(9), and is a true and accurate summary of the contents of said Ordinance.



Devon Elise Golden

CONSENT TO ANNEXATION

THIS CONSENT TO ANNEXATION, made and entered into this 24th day of April, 2019, by and between PHILIP DAVID DRAKE, TRUSTEE OF THE DRAKE FAMILY TRUST DATED APRIL 20, 2005, whose address is 11211 N. 44th Court, Phoenix, Arizona 85028 and KATHRYN DRAKE DITARDI, TRUSTEE OF THE REVOCABLE LIVING TRUST AGREEMENT DATED APRIL 27, 2007, whose address is 6830 N. Lexington Lane, Niles, Illinois 60714 (hereinafter collectively "Grantor") and the CITY OF GEORGETOWN, KENTUCKY ("Grantee") 100 Court Street, Georgetown, KY 40324;

WHEREAS, Grantor has requested Grantee to provide municipal services and/or water sewer services, as they become available, to Grantor's property located at 944 East Main Street Extended (on the northwest corner of the intersection of McClelland Circle and East Main street Extended) (the 'Property'), more specifically described below, into the City of Georgetown, Kentucky; and

WHEREAS, in consideration of the Grantee's providing of future municipal services and/or water sewer services to the Property, Grantor has requested Grantee to annex the Property; and

WHEREAS, in further consideration of the Grantee's providing future municipal services and/or water sewer services to the Property, Grantor acknowledges that the Property may not be assigned a zoning designation in accordance with Grantor's wishes, and Grantor releases Grantee from any liability associated with the annexation and zoning of the Property.

IT IS THEREFORE AGREED AS FOLLOWS:

1. Grantor hereby requests and consents to annexation of the Property into the City of Georgetown, Kentucky pursuant to KRS 81A.412. Grantor shall be prohibited from opposing said annexation. In the event Grantor executes a remonstrance petition opposing said annexation, its signature shall be deemed invalid and of no effect pursuant to KRS 81A.420.
2. Grantor hereby releases the City of Georgetown ("Grantee"), the Georgetown-Scott County Planning Commission, Georgetown Municipal Water and Sewer Service, and their respective agents, officers, employees and representatives, from any and all claims arising out of or related in any way to the annexation and zoning of the Property.

3. The Property is more particularly described as follows:
SEE LEGAL DESCRIPTION OF PROPERTY ATTACHED HERETO AS EXHIBIT "A".
4. This Consent to Annexation shall be perpetual and shall run with the Property, and shall be binding upon Grantor, and its heirs and assigns.
5. Grantor certifies that the Property is not a part of an agricultural district established pursuant to KRS 262.850 and that the Property will not be included hereafter in an agricultural district. In the event Grantor executes a petition to include the Property in an agricultural district, its signature shall be deemed invalid and of no effect, and the Property shall not be included in the agricultural district.
6. In the event that the Property is in an agricultural district, this document "Consent to Annexation" will serve as written authorization to decertify and/or remove the Property as described herein from any agricultural district established by KRS 262.850, latest revisions. At the Grantee's request, the Grantor shall provide a letter requesting decertification of said agricultural district.
7. Grantor shall not execute this form unless an accurate and legal description of the property to be annexed is provided in Section 3.
8. Any existing non-conforming uses or structures waived from the application of said applicable Ordinances are identified as the following: None.
9. Grantor hereby authorizes the City of Georgetown ("Grantee"), the Georgetown-Scott County Planning Commission, Georgetown Municipal Water and Sewer Service, their employees, officers, agents and representatives the right of entry onto the property described in Subsection 3 above to perform the necessary task and functions to accomplish the annexation, i.e., field survey work.
10. Grantor hereby acknowledges that it is in receipt of a copy of Title 20 of the Georgetown Code of Ordinances, entitled "Zoning and Land Use".
11. Prior to the Annexation of the property, Grantor shall comply with Title 20 of the Georgetown Code of Ordinances entitled "Zoning and Land Use", and all amendments thereto if the Property is or subsequently becomes a part of Georgetown Municipal Water and Sewer Service's water/sewer service areas.

GRANTOR:

[Handwritten signature of Philip David Drake]

PHILIP DAVID DRAKE,

TRUSTEE OF THE DRAKE FAMILY TRUST

DATED APRIL 20, 2005

GRANTOR:

[Handwritten signature of Kathryn Drake DiTardi]

KATHRYN DRAKE DITARDI,

TRUSTEE OF THE REVOCABLE LIVING

TRUST AGREEMENT DATED APRIL 27, 2007

GRANTEE:

[Handwritten signature of Tom Prather]

TOM PRATHER, MAYOR

CITY OF GEORGETOWN, KY

STATE OF Arizona)

Maricopa COUNTY)

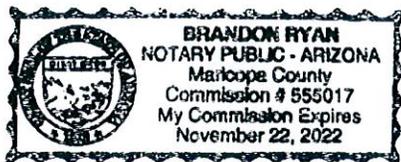
Subscribed and sworn to before me by Philip David Drake on this the 29th day of April, 2019

[Handwritten signature of Notary Public]

NOTARY PUBLIC

My Commission expires: Nov 22, 2022

(SEAL)



STATE OF ILLINOIS

COOK COUNTY)

Subscribed and sworn to before me by Kathryn Drake DiTardi on this the 30th day of April, 2019.



Dina Tzakis

NOTARY PUBLIC
My Commission expires: 05/09/2020

STATE OF Kentucky
Scott COUNTY)

Subscribed and sworn to before me by Tom Prather on this the 26 day of July, 2019.

(SEAL)

#604671
Walter D. Wilson

NOTARY PUBLIC
My Commission expires: 7/23/22

THIS INSTRUMENT PREPARED BY;

R. Bruce Lankford

R. BRUCE LANKFORD
Lankford & Lankford
Attorneys at Law
300 East Main Street
Georgetown, KY 40324
(502) 863-4567

ANNEXATION DESCRIPTION
A PORTION OF PROPERTY AT 944 EAST MAIN STREET

A tract of land located in Georgetown, Kentucky, on the north side of East Main Street approximately 500 feet west of McClelland Circle, and more particularly described as follows.

Beginning at a point in the west right-of-way line of McClelland Circle and the center of North Elkhorn Creek, approximately 2300 feet north of East Main Street, and corner of Deerfield Company Inc. annexed by Ordinance #74-1116 and existing city boundary; thence with existing city boundary and the center of North Elkhorn Creek and properties of Deerfield Company, ML Georgetown Paris LLC, and Padco Properties LLC for eight calls S62°17'42"W 90.11 feet; thence S46°22'16"W 79.33 feet; thence S46°19'32"W 9.97 feet; thence S50°55'34"W 67.23 feet; thence S24°10'30"W 265.72 feet; thence S42°53'00"W 100.97 feet; thence S57°21'25"W 164.94 feet; thence N62°30'46"W 63.66 feet to corner of Hamilton Hinkle & Ruth annexed by Ordinance #99-048; thence with line of same, and city boundary S17°42'43"W 332.47 feet to private lane; thence with line of Nally & Gibson Geo Inc annexed by Ordinance #99-048, and city boundary S09°14'06"W 34.90 feet and corner of Bell South Communications annexed by Ordinance #99-036, and city boundary; thence with line of same for seven calls S35°47'12"E 49.38 feet; thence S17°05'39"E 16.98 feet; thence S01°09'43"W 202.19 feet; thence S06°12'08"W 115.01 feet; thence S10°57'32"W 35.58 feet; thence S18°06'48"W 210.81 feet; thence S07°18'35"W 18.71 feet to the north side of East Main Street; thence with same (not city boundary) for four calls S52°55'50"E 114.86 feet; thence S58°00'03"E 372.36 feet; thence S57°07'34"E 69.77 feet; and S63°16'38"E 411.81 feet to the southwest corner of a portion of the Drake & Ditardi Partnership tract previously annexed by Ordinance #08-007, and city boundary; thence with city boundary for five calls N26°53'02"E 209.59 feet; thence N32°52'00"W 355.31 feet; thence N04°08'19"W 360.34 feet; thence N16°48'45"W 487.93 feet; thence N72°35'18"E 355.11 feet to the west right-of-way line of McClelland Circle; thence with same for two calls N16°47'53"W 400.84 feet; thence N17°12'56"W 196.23 feet to the point of beginning.

Containing 22.79 acres, more or less.

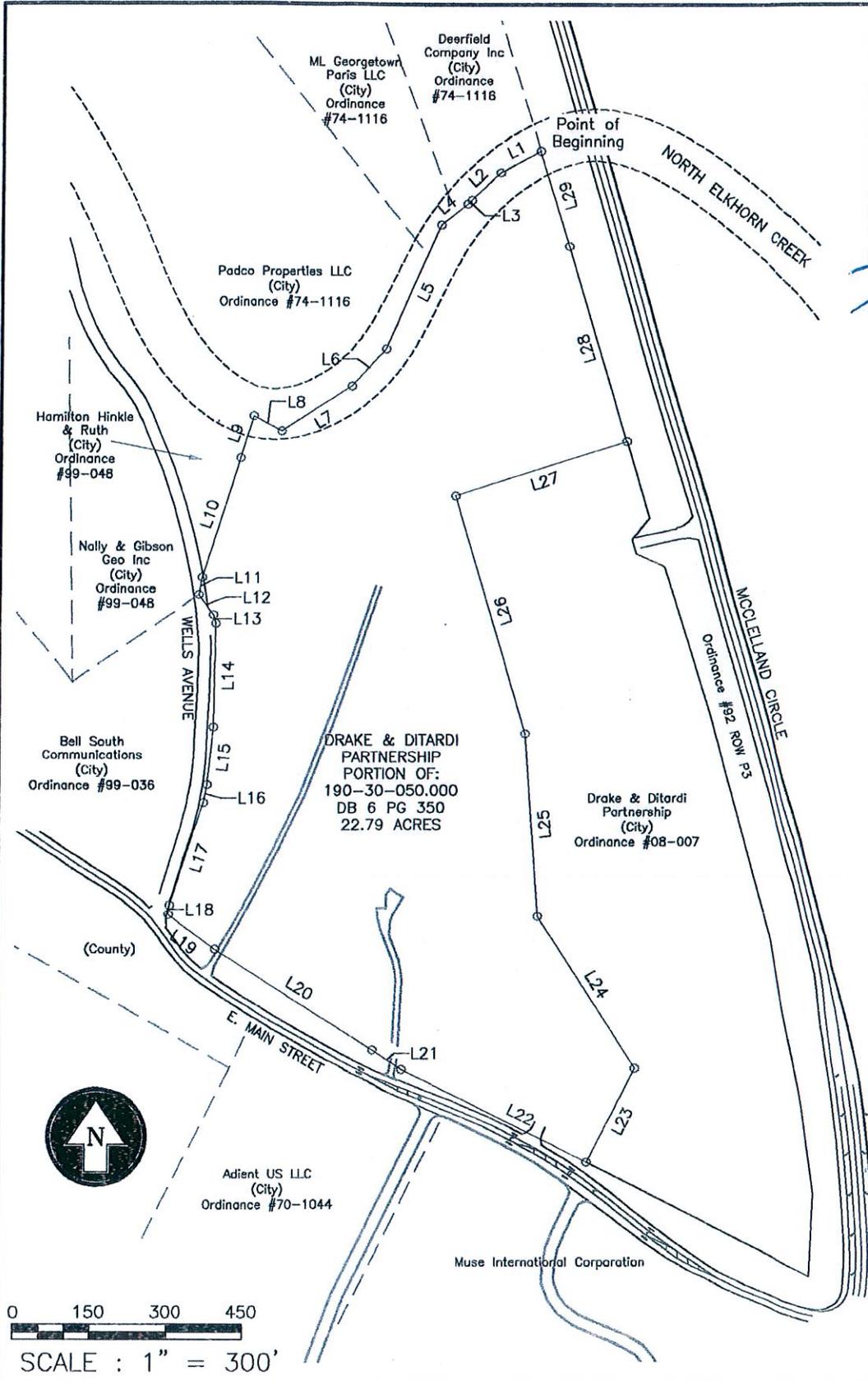


7/2/2019

SURVEYOR CERTIFICATE

The boundary shown hereon represents a closed figure, compiled from PVA, annexation, and deed records of Scott County and the City of Georgetown, and represents the remainder of the Drake & Ditardi Partnership property at 944 East Main Street not previously annexed.

[Signature] 7/2/2019
 Surveyor Date



Line Table		
Line #	Length	Direction
L1	90.11	S62° 17' 42"W
L2	79.33	S46° 22' 16"W
L3	9.97	S46° 19' 32"W
L4	67.23	S50° 55' 34"W
L5	265.72	S24° 10' 30"W
L6	100.97	S42° 53' 00"W
L7	164.94	S57° 21' 25"W
L8	63.66	N62° 30' 46"W
L9	87.27	S17° 42' 43"W
L10	245.20	S17° 42' 43"W
L11	34.90	S09° 14' 06"W
L12	49.38	S35° 47' 12"E
L13	16.98	S17° 05' 39"E
L14	202.19	S01° 09' 43"W
L15	115.01	S06° 12' 08"W
L16	35.58	S10° 57' 32"W
L17	210.81	S18° 06' 48"W
L18	18.71	S07° 18' 35"W
L19	114.86	S52° 55' 50"E
L20	372.36	S58° 00' 03"E
L21	69.77	S57° 07' 34"E
L22	411.81	S63° 16' 38"E
L23	209.59	N26° 53' 02"E
L24	355.31	N32° 52' 00"W
L25	360.34	N04° 08' 19"W
L26	487.93	N16° 48' 45"W
L27	355.11	N72° 35' 18"E
L28	400.84	N16° 47' 53"W
L29	196.23	N17° 12' 56"W

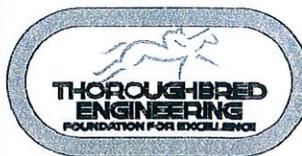
**ANNEXATION EXHIBIT
 DRAKE PROPERTY
 944 EAST MAIN STREET
 GEORGETOWN, SCOTT COUNTY, KENTUCKY**

SCALE:
 1" = 300'

DATE :
 6-3-2019

DRAWN BY :
 ABC

CAD NAME: 944Drake-zoning exhibit.dwg



THOROUGHbred ENGINEERING
 P.O. BOX 481 LEXINGTON, KY 40588
 (502) 863-1756
 CIVIL DESIGN, LAND SURVEYING,
 GEOTECHNICAL ENGINEERING, DRILLING SERVICES,
 IBC SPECIAL INSPECTIONS, MATERIAL TESTING,
 CM-CEI-CONSTRUCTION SERVICES