

**CITY OF GEORGETOWN**  
**ORDINANCE NO. 2019-026**

AN ORDINANCE ANNEXING INTO THE CITY OF GEORGETOWN CERTAIN REAL PROPERTY CONTAINING 17.311 ACRES LOCATED AT 1140 EAST MAIN STREET EXTENDED IN SCOTT COUNTY, KENTUCKY

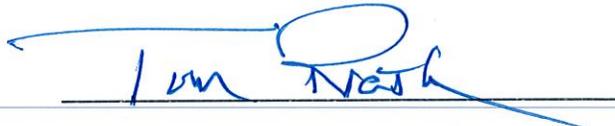
**SUMMARY**

1. Annexes into Georgetown city limits, by written consent of the property owners in accordance with KRS 81A.412, 17.311 acres of property located at 1140 East Main Street Extended in Scott County, Kentucky.
2. Provides for an effective date upon passage and publication.

PUBLICLY INTRODUCED AND READ FIRST TIME:      October 28, 2019

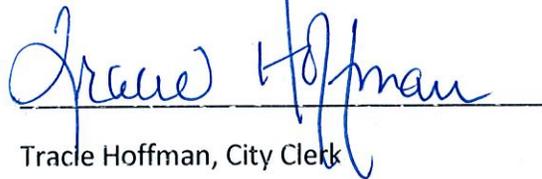
PUBLICLY READ SECOND TIME AND PASSED:      November 25, 2019

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 2019-026 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

CITY OF GEORGETOWN

ORDINANCE NO. 19-026

AN ORDINANCE ANNEXING INTO THE CITY OF GEORGETOWN CERTAIN REAL PROPERTY CONTAINING 17.311 ACRES LOCATED AT 1140 EAST MAIN STREET EXTENDED IN SCOTT COUNTY, KENTUCKY

SPONSORS: Todd Stone and Connie Tackett

WHEREAS, the Drake Family Trust, whose address is 11211 N. 44<sup>th</sup> 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 certain parcel of land located in, Scott County Kentucky with an address of 1140 East Main Street and more particularly described as follows:

Beginning at a point in the west right of way of I-75, said point also being at the intersection of the north right of way of East Main Street, said point being monumented by concrete right of way marker;

Thence leaving the west right of way of I-75 and with the north right of way of East Main Street for the following five (5) calls:

South 69° 38' 46" West a distance of 162.62 feet to a concrete right of way marker;

Thence South 69° 57' 12" West a distance of 98.81 feet to a point, said point being monumented by a concrete right of way marker, said point also being in the existing Corporate Boundary;

Thence continuing along the Corporate Boundary and the north right of way of East Main Street along a curve to the right with an Arc Length of 191.17 feet, with a radius of 425.32 feet, with a Chord Bearing of North 79 55'31" West and a Chord Length of 189.57 feet;

Thence North 68 17'00" West a distance of 121.20 feet;

Thence North 66 18'42" West a distance of 501.38 feet;

Thence leaving north right of way of East Main Street and continuing with the Corporate Boundary and with the west property line for the following five (5) calls:

North 21 44' 22" East a distance of 129.98 feet to an iron pin found with cap stamped "PLS3265";

Thence North 22 00'45" East of a distance of 170.52 feet to an iron pin found with cap stamped "PLS3265";

Thence North 22 27'20" East a distance of 243.17 feet to an iron pin found with cap stamped "PLS3265";

Thence North 22 14'33" East a distance of 458.61 feet to an iron pin found with cap stamped "PLS3265";

Thence North 22 42'35" East a distance of 315.31 feet to an iron pin found with cap stamped "PLS3265", said point also being in the west right of way of I-75;

Thence leaving the Corporate Boundary and with the west right of way of I-75 for the following four calls:

South 22 19'46" East a distance of 68.98 feet;

Thence South 20 23'53" East a distance of 585.05 feet;

Thence South 18 56'32" East a distance of 484.87 feet;

Thence South 18 58'16" East a distance of 356.50 feet to the point of beginning,

Containing an area of 754,079.40 square feet or 17.311 acres.

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.

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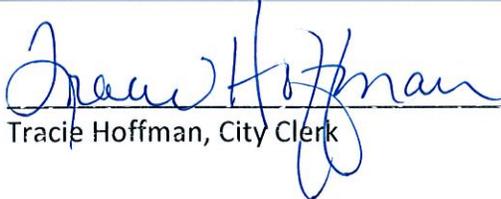
PUBLICLY READ SECOND TIME AND PASSED:                      November 25, 2019

APPROVED:



Tom Prather, Mayor

ATTEST:



Tracie Hoffman, City Clerk

**ANNEXATION DESCRIPTION  
DRAKE & DITARDI PARTNERSHIP - 1140 EAST MAIN STREET**

A certain parcel of land located in, Scott County, Kentucky with an address of 1140 East Main Street and more particularly described as follows:

Beginning at a point in the west right of way of I-75, said point also being at the intersection of the north right of way of East Main Street, said point being monumented by concrete right of way marker;

Thence leaving the west right of way of I-75 and with the north right of way of East Main Street for the following five (5) calls:

South 69°38'46" West a distance of 167.62 feet to a concrete right of way marker;

Thence South 69°57'12" West a distance of 98.81 feet to a point, said point being monumented by a concrete right of way marker, said point also being in the existing Corporate Boundary;

Thence continuing along the Corporate Boundary and the north right of way of East Main Street along a curve to the right with an Arc Length of 191.17 feet, with a radius of 425.32 feet, with a Chord Bearing of North 79°55'31" West and a Chord Length of 189.57 feet;

Thence North 68°17'00" West a distance of 121.20 feet;

Thence North 66°18'42" West a distance of 501.33 feet;

Thence leaving the north right of way of East Main Street and continuing with the Corporate Boundary and with the west property line for the following five (5) calls:

North 21°44'22" East a distance of 129.98 feet to an iron pin found with cap stamped "PLS3265";

Thence North 22°00'45" East a distance of 170.52 feet to an iron pin found with cap stamped "PLS3265";

Thence North 22°27'20" East a distance of 243.17 feet to an iron pin found with cap stamped "PLS3265";

Thence North 22°14'33" East a distance of 458.61 feet to an iron pin found with cap stamped "PLS3265";

Thence North 22°42'35" East a distance of 315.31 feet to an iron pin found with cap stamped "PLS3265", said point also being in the west right of way of I-75;

Thence leaving the Corporate Boundary and with the west right of way of I-75 for the following four calls:

South 22°19'46" East a distance of 68.98 feet;

Thence South 20°23'53" East a distance of 585.05 feet;

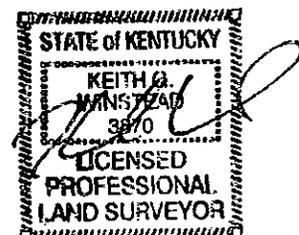
Thence South 18°56'32" East a distance of 484.87 feet;

Thence South 18°58'16" East a distance of 356.50 feet to the point of beginning,

Containing an area of 754,079.40 square feet or 17.311 acres.

Keith Winstead, P.L.S.

Thoroughbred Engineering, 110 E. Main Street, Georgetown, KY 40324



A certain parcel of land located in Georgetown, Scott County, Kentucky with an address of 1140 East Main Street and more particularly described as follows:

Beginning at a point in the west right of way of I-75, said point also being at the intersection of the north right of way of East Main Street, said point being monumented by concrete right of way marker;

Thence leaving the west right of way of I-75 and with the north right of way of East Main Street for the following five (5) calls:

South 69°38'46" West a distance of 162.62 feet to a concrete right of way marker;

Thence South 69°57'12" West a distance of 98.81 feet to a concrete right of way marker;

Thence along a curve to the right with an Arc length of 191.17 feet, with a radius of 425.12 feet, with a Chord Bearing of North 79°55'31" West and a Chord Length of 189.57 feet;

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Thence leaving the north right of way of East Main Street and with the west property line for the following five (5) calls:

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Thence North 22°14'33" East a distance of 458.61 feet to an iron pin found with cap stamped "PLS3265";

Thence North 22°42'35" East a distance of 315.31 feet to an iron pin found with cap stamped "PLS3265", said point also being in the west right of way of I-75;

Thence with the west right of way of I-75 for the following four calls:

South 22°19'46" East a distance of 68.98 feet;

Thence South 20°23'53" East a distance of 585.05 feet;

Thence South 18°56'32" East a distance of 484.87 feet;

Thence South 18°58'16" East a distance of 356.50 feet to the point of beginning.

Containing an area of 754,079.40 square feet or 17.311 acres.



## CONSENT TO ANNEXATION

THIS CONSENT TO ANNEXATION, made and entered into this 29 day of JULY, 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 1140 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

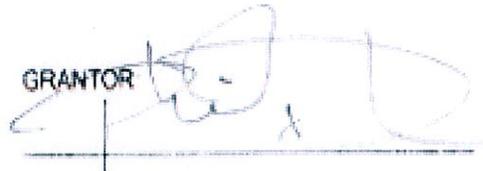
### IT IS THEREFORE AGREED AS FOLLOWS:

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.

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

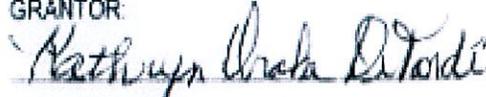


PHILIP DAVID DRAKE,

TRUSTEE OF THE DRAKE FAMILY TRUST

DATED APRIL 20, 2005

GRANTOR

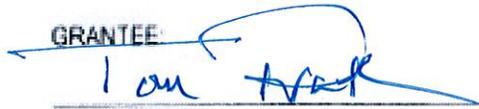


KATHRYN DRAKE DITARDI,

TRUSTEE OF THE REVOCABLE LIVING

TRUST AGREEMENT DATED APRIL 27, 2007

GRANTEE



TOM PRATHER, MAYOR

CITY OF GEORGETOWN, KY

STATE OF Arizona )

Maricopa COUNTY )

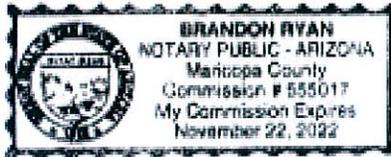
Subscribed and sworn to before me by Philip David Drake on this the 29 day of July, 2019



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 19<sup>th</sup> day of August, 2019.

*Sumitra D. Patel*



(SEAL)

NOTARY PUBLIC

My Commission expires 09/14/2020

STATE OF KENTUCKY )

SCOTT COUNTY )

Subscribed and sworn to before me by Tom Prather, Mayor City of Georgetown Kentucky, on this the 3 day of Dec, 2019.

#604671

*Arlene Wilson*

(SEAL)

NOTARY PUBLIC

My Commission expires

1/23/22

PREPARED BY

*R. Bruce Lankford*

R. BRUCE LANKFORD

Lankford & Lankford

Attorneys at Law

300 East Main Street

Georgetown, KY 40324