

CITY OF GEORGETOWN
ORDINANCE NO. 2015-011

AN ORDINANCE RELATED TO THE ANNEXATION BY CONSENT OF CERTAIN REAL PROPERTY BEING A PORTION OF PARCEL OF LAND CONSISTING OF 2.173 ACRES, MORE OR LESS, OWNED BY MARION COX AND REBECCA R. COX, HIS WIFE AND DOUG C. SMITH AND DORIS J. SMITH, HIS WIFE, AND WHICH REAL PROPERTY IS SITUATED ON THE EAST SIDE OF U.S. HIGHWAY 62 AND JUST SOUTH OF THE INTERSECTION OF U.S. HIGHWAY 62 AND DELAPLAIN ROAD, ADJACENT AND CONTIGUOUS TO THE CITY LIMITS OF GEORGETOWN, KENTUCKY, AND IDENTIFIED BY THE SCOTT COUNTY PVA OFFICE AS PV A# 201018599 / GIS # 206-30-011.000

SUMMARY

1. Annexes into Georgetown city limits, by written consent of the property owners in accordance with KRS 81A.412, 2.173 acres of property on U.S Highway 62 near Delaplain Rd, a portion of which property is already within city limits.
2. Provides for an effective date upon passage and publication.

PUBLICLY INTRODUCED AND READ FIRST TIME: August 10, 2015

PUBLICLY READ SECOND TIME AND PASSED: August 24, 2015

APPROVED:

A handwritten signature in blue ink, appearing to read "Tom Prather", written over a horizontal line.

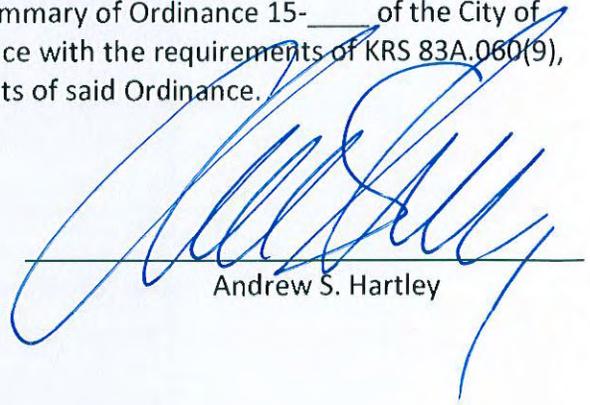
Tom Prather, Mayor

ATTEST:

A handwritten signature in blue ink, appearing to read "Tracie Hoffman", written over a horizontal line.

Tracie Hoffman, City Clerk

I, Andrew S. Hartley, 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 15-_____ 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.



Andrew S. Hartley

**CITY OF GEORGETOWN
ORDINANCE NO. 15- 011**

AN ORDINANCE RELATED TO THE ANNEXATION BY CONSENT OF CERTAIN REAL PROPERTY BEING A PORTION OF PARCEL OF LAND CONSISTING OF 2.173 ACRES, MORE OR LESS, OWNED BY MARION COX AND REBECCA R. COX, HIS WIFE AND DOUG C. SMITH AND DORIS J. SMITH, HIS WIFE, AND WHICH REAL PROPERTY IS SITUATED ON THE EAST SIDE OF U.S. HIGHWAY 62 AND JUST SOUTH OF THE INTERSECTION OF U.S. HIGHWAY 62 AND DELAPLAIN ROAD, ADJACENT AND CONTIGUOUS TO THE CITY LIMITS OF GEORGETOWN, KENTUCKY, AND IDENTIFIED BY THE SCOTT COUNTY PVA OFFICE AS PVA# 201018599 / GIS # 206-30-011.000

WHEREAS. the owners have consented to the annexation of certain real property being a portion of parcel of land consisting of 2.173 acres, more or less, owned by Marion Cox and Rebecca R. Cox, his wife and Doug C. Smith and Doris J. Smith, his wife, and which real property is situated on the East side of U.S. Highway 62 and just south of the intersection of U.S. highway 62 and Delaplain road, and which real estate is adjacent and contiguous to the city limits of Georgetown, Kentucky, and identified by the Scott County PVA office as PVA# 201018599 and GIS # 206-30-011.000 in Scott County, Kentucky; and,

WHEREAS. all appropriate steps required under 81A of the Kentucky Revised Statutes have been performed or waived; and,

WHEREAS. a copy of said consent having been made a part of the record in this matter and available for review with the minutes of this meeting; and,

WHEREAS. said real property is now embraced within the County of Scott, Kentucky, and is contiguous to the existing corporate limits of the City of Georgetown, Kentucky, no portion of the real property sought to be annexed lies within the boundaries of any other incorporated city, is urban in character, and is otherwise appropriate for annexation in its entirety to the City of Georgetown, Kentucky.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF GEORGETOWN;

SECTION I. PURPOSE: The hereinafter described real property is contiguous to the existing corporate limits of the City of Georgetown, Kentucky, is urban in character, and does not lie within the area of any other incorporated city. It is, therefore to annex this real property into the City of Georgetown, Kentucky, and thereby extending the boundaries of the city to include the property described as follows:

SEE DESCRIPTION OF PROPERTY ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE AS EXHIBIT A.

SECTION II. ANNEXATION: The subject real property is hereby annexed into the City of Georgetown, Kentucky, all technical requirements having been met, satisfied or waived and the consent of the title owners of the subject real property having been filed in the minutes of the Georgetown City Council meeting on August 24, 2015.

SECTION III. ZONE CLASSIFICATION: The annexation of this real property shall not affect its zoning classification.

SECTION IV. EFFECTIVE DATE: This ordinance shall become effective become effective upon its publication on the 27th day of August, 2015.

WHEREUPON, the foregoing Ordinance was read for the first time on the 10 day of August, 2015, and read for the second time on the 24 day of August, 2015.

~~CITY OF GEORGETOWN~~

BY: Tom Prather
Tom Prather, Mayor

ATTEST:

Tracie Hoffman
Tracie Hoffman, City Clerk
Georgetown, Kentucky

COMMONWEALTH OF KENTUCKY)

(SCT.

COUNTY OF SCOTT)

I, Clerk of the City of Georgetown, Kentucky, and as such am the custodian of the Seal and all of the records of or pertaining to said City, do hereby certify the foregoing to be a true and correct copy of Ordinance No. 15- 011 relating to the annexation by consent of certain real

property. being a portion of parcel of land consisting of 2.173 acres, more or less, owned by Marion Cox and Rebecca R. Cox, his wife and Doug C. Smith and Doris J. Smith, his wife, and which real property is situated on the East side of U.S. Highway 62 and just south of the intersection of U.S. highway 62 and Delaplain road, and which real estate is adjacent and contiguous to the city limits of Georgetown, Kentucky, and identified by the Scott County PVA office as PVA# 201018599 and GIS # 206-30-011.000 in Scott County, Kentucky.

IN TESTIMONY WHEREOF, witness my hand, the Seal of the City, on this 26th day of August, 2015.

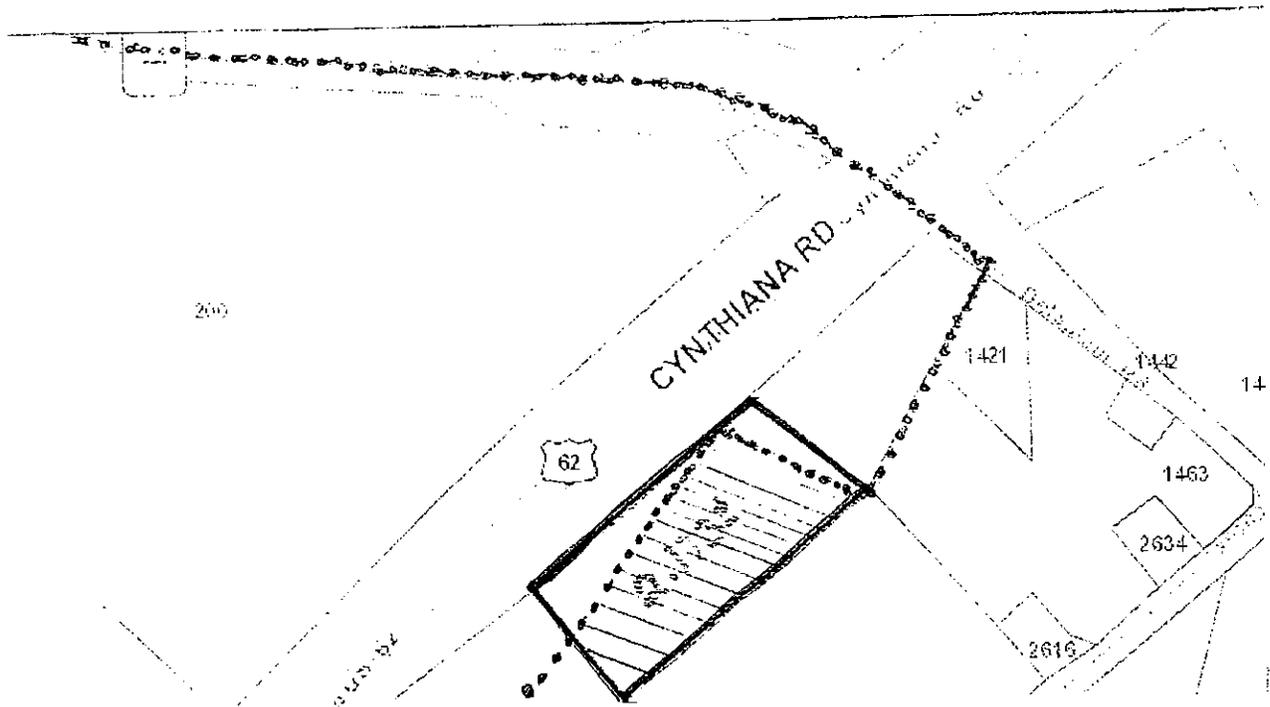
CITY OF GEORGETOWN

BY: Tracie Hoffman
Tracie Hoffman, City Clerk

DESCRIPTION OF PROPERTY

Being all of that portion of the that 2.173 acre tract of land owned by Marion Cox and Rebecca R. Cox, his wife and Doug C. Smith and Doris J. Smith, his wife. which is known and identified by the Scott County PVA office as PVA# 201018599 and GIS # 206-30-011.000 in Scott County, Kentucky, that lies outside the present boundary limits of the City of Georgetown, Kentucky as shown on that plat attached below and incorporated by reference. Only that portion of the 2.173 acre tract that is outside the city limits of Georgetown is included in the description of the property to be annexed.

BEING a part of the real property conveyed to Marion Cox and Rebecca R. Cox, his wife and Doug C. Smith and Doris J. Smith, his wife. by deed dated _____ and recorded in Deed Book 232, Page 343 in the office of the Scott County Clerk.



- Existing City Limits
- Parcel
- ////// Area of parcel outside city limits

CONSENT TO ANNEXATION,
RELEASE AND RESTRICTIVE COVENANT

THIS CONSENT TO ANNEXATION, RELEASE AND RESTRICTIVE COVENANT made and entered into this ___ day of _____ 2015, by and between Marion Cox and Rebecca Cox, his wife, whose address is 695 Sims Road, Georgetown, Kentucky 40324 Georgetown, Kentucky, 40324 and Doug C. Smith and Doris j. Smith, his wife, whose address is ___ E. Main Street, Georgetown, KY 40324 (hereinafter collectively referred to as "Grantors") and the CITY OF GEORGETOWN, KENTUCKY ("Grantee") whose mailing address is 100 Court Street, Georgetown, KY 40324:

WHEREAS, Grantors have requested Grantee to provide municipal services and/or water sewer services, as they become available, to Grantors' property located at (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, Grantors have 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, Grantors acknowledge that the Property may not be assigned a zoning designation in accordance with Grantors' wishes, and Grantors release Grantee from any liability associated with the annexation and zoning of the Property.

IT IS THEREFORE AGREED AS FOLLOWS:

1. Grantors hereby request and consent to annexation of the Property into the City of Georgetown, Kentucky pursuant to KRS 81A.412. Grantors shall be prohibited from opposing said annexation. In the event Grantors execute a remonstrance petition opposing said annexation, their signatures shall be deemed invalid and of no effect pursuant to KRS 81A.420.
2. Grantors hereby release 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 DESCRIPTION OF PROPERTY ATTACHED HERETO AND
INCORPORATED BY REFERENCE

4. Grantors shall not transfer the Property or any portion thereof without first notifying Grantee in writing and advising the proposed transferee of the terms hereof. Grantors shall not transfer the Property or any portion thereof until their transferee executes a similar document that releases the above released parties from any and all liability arising out of the annexation and zoning of the Property.
5. This Consent to Annexation, Release and Restrictive Covenant shall be perpetual and shall run with the Property, and shall be binding upon Grantors, and their heirs and assigns.
6. Grantors certify 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 Grantors execute a petition to include the Property in an agricultural district, their signatures shall be deemed invalid and of no effect, and the Property shall not be included in the agricultural district.
7. In the event that the Property is in an agricultural district, this document "Consent to Annexation, Release and Restrictive Covenant" 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.

8. Grantors hereby certify that the Consent to Annexation, Release and Restrictive Covenant form will also serve as their intent to annex property which may not be fully described or outlined in the property description found in subsection 3 of this form. The Grantors further certify and agree that the signing of a Consent to Annexation, Release and Restrictive Covenant form without a specific description does not void nor invalidate the Consent to Annexation, Release and Restrictive Covenant signed by the Grantor but does provide their intent to sign a subsequent document which specifically outlines through a metes and bounds description of the property to be included in the annexation.

9. Any existing non-conforming uses or structures waived from the application of said applicable Ordinances are identified as the following:

NONE

10. Grantors hereby authorize 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.

11. Grantors hereby acknowledge that they are in receipt of a copy of Chapter 20 of the Georgetown Code of Ordinances, entitled "Zoning and Land Use".

12. Prior to the Annexation of the property Grantors shall comply with Chapter 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.

GRANTORS:



Marion Cox

Rebecca Cox
Rebecca Cox

Doug C. Smith
Doug C. Smith
Doris J. Smith
Doris J. Smith

COMMONWEALTH OF KENTUCKY
COUNTY OF SCOTT

Subscribed, sworn and acknowledged before me a Notary Public this ___ day of August 2015 by Marion Cox and Rebecca Cox, his wife and Doug C. Smith and Doris J. Smith, his wife as Grantors on this 5th day of August, 2015.

[Signature]
Notary Public
Commission No.: 453027

Commission Expiration: 11-08-2015

~~City of Georgetown~~
By: Tom Prather
Tom Prather, Mayor

COMMONWEALTH OF KENTUCKY
COUNTY OF SCOTT

Subscribed, sworn and acknowledged before me a Notary Public this 25 day of August 2015 by Tom Prather as Mayor of the City of Georgetown, Kentucky on this 25 day of August, 2015.

[Signature]
Notary Public
Commission No.: 515791

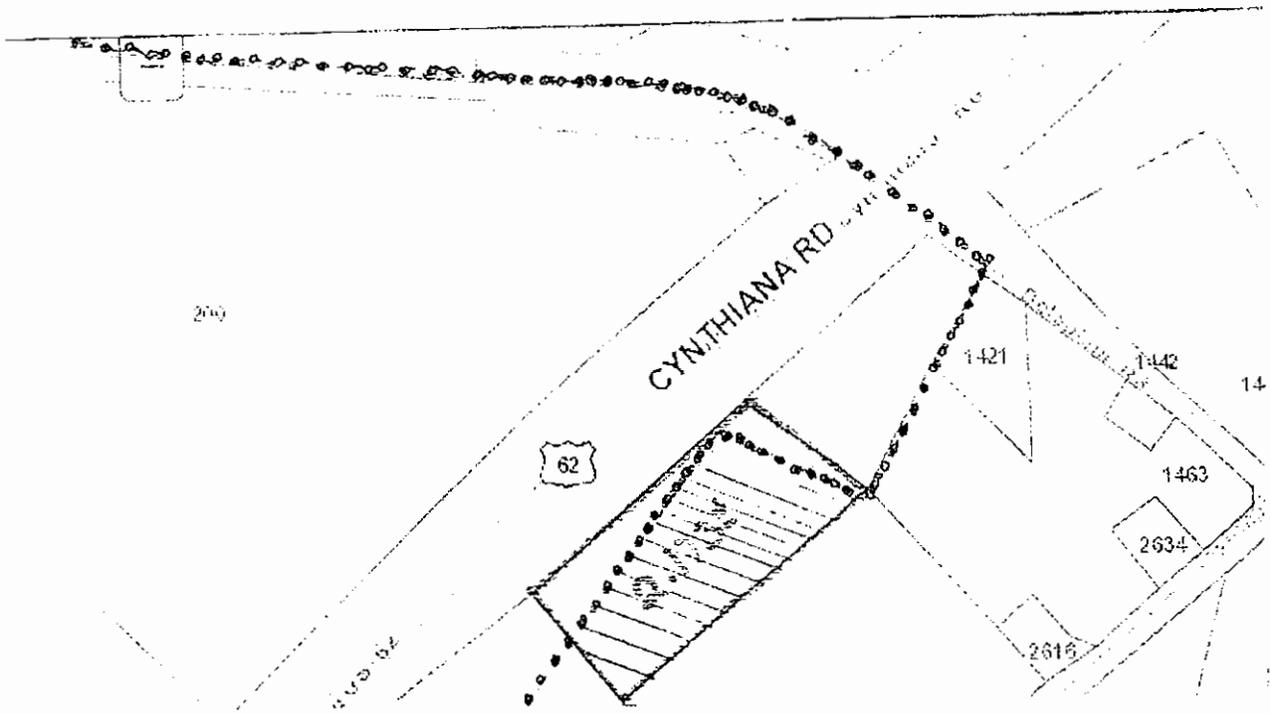
Commission Expiration: 7/23/18

Prepared By: [Signature]
Harold F. Simms
Attorney and Counsellor at Law
112 North Court Street
Georgetown, Kentucky 40324
502-868-5300

DESCRIPTION OF PROPERTY

Being all of that portion of the that 2.173 acre tract of land owned by Marion Cox and Rebecca R. Cox, his wife and Doug C. Smith and Doris J. Smith, his wife, which is known and identified by the Scott County PVA office as PVA# 201018599 and GIS # 206-30-011.000 in Scott County, Kentucky, that lies outside the present boundary limits of the City of Georgetown, Kentucky as shown on that plat attached below and incorporated by reference. Only that portion of the 2.173 acre tract that is outside the city limits of Georgetown is included in the description of the property to be annexed.

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- Existing City Limits
- APTS and parcel
- /////// Area of parcel outside city limits