

ORDINANCE NO. 14-006

**AN ORDINANCE ANNEXING INTO THE CITY OF GEORGETOWN A TRACT OF LAND CONTAINING
2.09 ACRES LOCATED AT 183 ½ ETTER LANE IN SCOTT COUNTY, KENTUCKY**

WHEREAS, the City of Georgetown and the County of Scott, are joint property owners of record of the tract of land to be annexed have given prior written consent to the annexation of the property;

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:

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 Georgetown:

Being all of that tract or lot described as "Jackie Wise D.B. 92, PG. 215 Existing Lot 141 Plat at D.B. 73, PG. 155 2.090 Acres Zone A-1", as shown on the Plat of Survey Wise Property Etter Lane, Georgetown, Scott County, Kentucky, prepared by Thoroughbred Engineering, Inc. dated June 12, 2012, of record in Plat Cabinet 10, Slide 362, Scott County Clerk's Office. Formerly described as being all of Lot No. 141 as shown on map or Plat of Graves Subdivision as recorded in Deed Book 73, at page 155, in the Office of the Scott County Clerk.

Being the same property conveyed to THE CITY OF GEORGETOWN AND COUNTY OF SCOTT, by deed from MARIA E. CHAVEZ and RICARDO CHAVEZ, recorded in Deed Book 356, page 489, Scott County Clerk's Office.

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

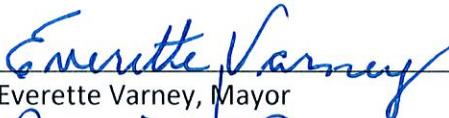
All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

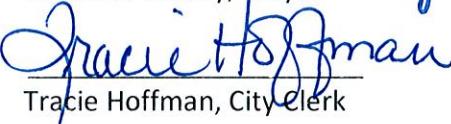
SECTION FOUR

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

PUBLICLY INTRODUCED AND READ FIRST TIME: March 24, 2014

PUBLICLY READ SECOND TIME AND PASSED: April 14, 2014

APPROVED: 
Everette Varney, Mayor

ATTEST: 
Tracie Hoffman, City Clerk

CONSENT TO ANNEXATION,
RELEASE AND RESTRICTIVE COVENANT

THIS CONSENT TO ANNEXATION, RELEASE AND RESTRICTIVE COVENANT made and entered into this 20th day of March 2014, by and between and COUNTY OF SCOTT whose address is 101 E. Main Street, Georgetown, KY 40324, Georgetown, Kentucky, 40324 ("Grantors") and the CITY OF GEORGETOWN, KENTUCKY, 100 Court Street, Georgetown, KY 40324 ("Grantee");

WHEREAS, Grantors have requested Grantee to provide municipal services and/or sewer services, as they become available, to Grantors' property located at 183 ½ Etter Lane (the "Property"), more specifically described below;

WHEREAS, in consideration of Grantee's providing of future municipal services and/or 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 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.

NOW THEREFORE, the parties do hereby agree 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 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:

Being all of that tract or lot described as "Jackie Wise D.B. 92, PG. 215 Existing Lot 141 Plat at D.B. 73, PG. 155 2.090 Acres Zone A-1", as shown on the Plat of Survey Wise Property Etter Lane, Georgetown, Scott County, Kentucky, prepared by Thoroughbred Engineering, Inc. dated June 12, 2012, of record in Plat Cabinet 10, Slide 362, Scott County Clerk's Office. Formerly described as being all of Lot No. 141 as shown on

map or Plat of Graves Subdivision as recorded in Deed Book 73, at page 155, in the Office of the Scott County Clerk.

Being the same property conveyed to THE CITY OF GEORGETOWN AND COUNTY OF SCOTT, by deed from MARIA E. CHAVEZ and RICARDO CHAVEZ, recorded in Deed Book 356, page 489, Scott County Clerk's Office.

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 which 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 Grantee, the Georgetown-Scott County Planning Commission,

CITY OF GEORGETOWN:

Everette Varney

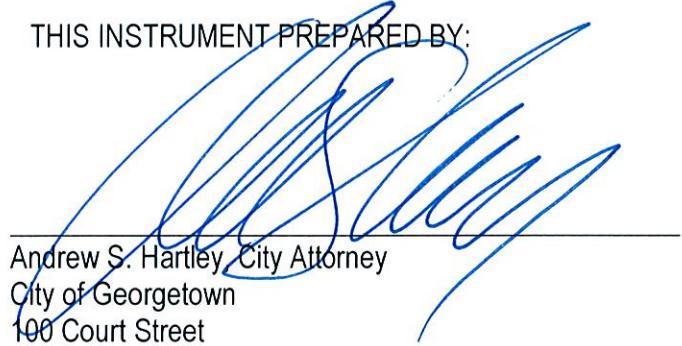
STATE OF KENTUCKY)
)
SCOTT COUNTY)

Subscribed, acknowledged and sworn to before me by Everette Varney
Mayor (title), this 20th day of March, 2014.

(SEAL)

Tracie Hoffman Chew
NOTARY PUBLIC
My Commission expires: 11-18-14

THIS INSTRUMENT PREPARED BY:



Andrew S. Hartley, City Attorney
City of Georgetown
100 Court Street
Georgetown, Kentucky 40324
502-863-9800

the Georgetown Municipal Water and Sewer Service, their employees, officers, agents and representatives the right of entry onto the Property to perform the necessary tasks and functions to accomplish the annexation, i.e., field survey work.

11. Grantors hereby acknowledge that they have reviewed 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 sewer service area.

GRANTORS:

County of Scott

George Lusby
George Lusby, Scott County Judge/Executive

STATE OF KENTUCKY

SCOTT COUNTY)
)

Subscribed, acknowledged, and sworn to before me by George Lusby and
_____, this 20 day of March



Walter Hamilton
NOTARY PUBLIC, STATE OF KENTUCKY
My Commission expires: 10/16

(SEAL)