

CITY OF GEORGETOWN  
ORDINANCE NO. 14-009

AN ORDINANCE RELATED TO THE ANNEXATION OF CERTAIN REAL PROPERTY CONSISTING OF A TOTAL OF 4.009 ACRES, MORE OR LESS, OWNED BY JAMES B. BEVINS, SITUATED ON THE WEST SIDE OF SOUTH BROADWAY (US HIGHWAY NO. 25 SOUTH/ AKA LEXINGTON ROAD), ADJACENT TO AND BOUNDED ON THE SOUTH BY THE GILES PROPERTY, ADJACENT TO AND BOUNDED ON THE NORTH BY LUSBY PATH, ADJACENT TO THE CITY LIMITS OF GEORGETOWN IN SCOTT COUNTY, KENTUCKY, AND KNOWN AND DESIGNATED AS 1171 AND 1175 LEXINGTON ROAD.

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WHEREAS, the owners have consented to the annexation of certain real property consisting of 4.009 acres, more or less, situated on the west side of and fronting on the Georgetown-Lexington Road, adjacent to and bounded on the south by the Giles property, bounded on the north by Lusby Path, and known and designated as 1171 and 1175 Lexington Road, in Scott County, Kentucky; and

WHEREAS, all appropriate steps required under Chapter 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 property is now embraced within the County of Scott, Kentucky, and is contiguous to the existing city limits and, having urban character, is appropriate for annexation in its entirety to the City of Georgetown.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF GEORGETOWN:**

SECTION I. PURPOSE: The hereinafter described property is urban in character and is contiguous to the existing city limits of the City of Georgetown. It is, therefore, desirable to annex this property to the City of Georgetown, extending the boundaries of the city to include this property described as follows:

SEE LEGAL DESCRIPTION OF PROPERTY ANNEXED,  
ATTACHED HERETO, INCORPORATED HEREIN, AND  
MADE A PART HEREOF BY REFERENCE AS EXHIBIT "A".

SECTION II. ANNEXATION: The above described real property is hereby annexed into the City of Georgetown, all technical requirements having been

satisfied or waived by consent being filed with the minutes of the Georgetown City Council meeting dated the 19th day of May, 2014.

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

SECTION IV. EFFECTIVE DATE: This Ordinance shall become effective upon its publication on the 24<sup>th</sup> day of May, 2014.

WHEREUPON, the foregoing Ordinance was read for the first time on the 12th day of May, 2014, read for the second time, passed and approved on the 19th day of May, 2014.

  
EVERETTE L. VARNEY  
Mayor

ATTEST:

  
Tracie Hoffman, City Clerk  
Georgetown, Kentucky

STATE OF KENTUCKY)  
( SCT.  
COUNTY OF SCOTT )

I, Clerk of the City of Georgetown, Kentucky, and as such custodian of the Seal and all the records of or pertaining to said City, do hereby certify the foregoing to be a true and accurate copy of Ordinance No. 14-009 relating to the annexation of certain real property consisting of a total of 4.009 acres, more or less, owned by James B. Bevins, situated on the west side of the Georgetown-Lexington Road, known and designated as 1171 and 1175 Lexington Road in Scott County. Kentucky.

IN TESTIMONY WHEREOF, witness my hand, the Seal of said City, on this the 23<sup>rd</sup> day of May, 2014.

  
Tracie Hoffman, City Clerk  
Georgetown, Kentucky

CONSENT TO ANNEXATION,  
RELEASE AND RESTRICTIVE COVENANT

THIS CONSENT TO ANNEXATION, RELEASE AND RESTRICTIVE COVENANT made and entered into this 12 day of May, 2014, by and between and JAMES B. BEVINS, whose address is 1175 Lexington Road, Georgetown, Kentucky, 40324 ("Grantor") and the CITY OF GEORGETOWN, KENTUCKY, 100 Court Street, Georgetown, KY 40324 ("Grantee");

WHEREAS, Grantor has requested Grantee to provide municipal services and/or sewer services, as they become available, to Grantor's property located at 1171 and 1175 Lexington road, Georgetown, Kentucky 40324 (the "Property"), more specifically described below;

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

NOW, THEREFORE, the parties do hereby agree 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, his signature shall be deemed invalid and of no effect pursuant to KRS 81A.420.

2. Grantor hereby releases 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:

**See Description of Property attached hereto and made a part hereof by reference as EXHIBITS "A", "B" and "C" (aka 1171 and 1175 Lexington Road, Georgetown, Kentucky).**

4. Grantor shall not transfer the Property or any portion thereof without first notifying Grantee in writing and advising the proposed transferee of the terms hereof. Grantor shall not transfer the Property or any portion thereof until his 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 Grantor, and his heirs and assigns.

6. 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, his 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. Grantor hereby certifies that the Consent to Annexation, Release and Restrictive Covenant form will also serve as his intent to annex property which may not be fully described or outlined in the property description found in subsection 3 of this form. The Grantor further certifies and agrees 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 his 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: \_\_\_\_\_.

10. Grantor hereby authorizes the Grantee, the Georgetown-Scott County Planning Commission, 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. Grantor hereby acknowledges that he has reviewed Chapter 20 of the Georgetown Code of Ordinances, entitled "Zoning and Land Use."

12. Prior to the annexation of the property, Grantor 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.

  
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JAMES B. BEVINS

CITY OF GEORGETOWN, KENTUCKY

By: Everette Varney

STATE OF KENTUCKY )  
COUNTY OF SCOTT )

Subscribed, acknowledged, and sworn to before me by James B. Bevins on this 12 day of May, 2014.

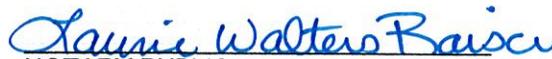
  
\_\_\_\_\_  
NOTARY PUBLIC

(SEAL)

My Commission expires: 1-11-15

STATE OF KENTUCKY )  
COUNTY OF SCOTT )

Subscribed, acknowledged, and sworn to before me by Everette Varney, Mayor, City of Georgetown, Kentucky, on this 22<sup>nd</sup> day of May, 2014.

  
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NOTARY PUBLIC

(SEAL)

My Commission expires: 9-25-15

EXHIBIT "A"

0.313 Acres

A tract of land located in Georgetown, Scott County, Kentucky, on the west side of Lexington Road, south of a private lane referred to as Showalter Lane, and across from the hospital, and more particularly described as follows.

Beginning at a point in the west right-of-way of Lexington Road and south side of Showalter Lane; thence with the west right-of-way of Lexington Road S 18° 30' 00" E 72.39 feet to corner of Tract 1 of Bevins (as shown on the attached Minor Subdivision Plat, dated May 15, 1989); thence with line of Tract 1 for two calls S 70° 59' 45" W 189.72 feet; thence N 19° 00' 16" W 71.19 feet to the south side of Showalter Lane; thence with same N 70° 38' 12" E 190.36 feet to the beginning and containing 0.313 acres, more or less, and known and designated as 1171 Lexington Road, and being TRACT 2 as shown on EXHIBIT "A" attached hereto and made a part hereof.

EXCEPTING, however, so much of said property as has been conveyed to the Department of Highways for the widening of the U. S. Highway 25 South right-of-way.

BEING a part of the same property conveyed to William B. Bevins by deed from Bryan Robinson and wife, dated February 25, 1955, and of record in Deed Book 82, Page 246, in the Scott County Clerk's Office, Scott County, Kentucky.

BEING the same property conveyed to James B. Bevins by deed from William B. Bevins and Ann B. Bevins, husband and wife, dated February 7, 2012, and of record in Deed Book 342, Page 626, in the Scott County Clerk's OFFICE, Scott County, Kentucky.

EXHIBIT "B"

3.00 Acres

A tract of land located in Scott County Kentucky on the west side of U.S. 25 South and more particularly described as follows:

Beginning at a point in the western right-of-way of U.S. 25 South which is 72.39 feet from the intersection of the right-of-way of U.S. 25 South and the southern edge of Showalter Lane thence with the right-of-way of U.S. 25 South

S 18 30'00" E 284.70 feet to a point corner to Giles; thence leaving said right-of-way and with line of Giles and fence

S 57 41'03" W 373.17 feet to a fence post; thence leaving line of Giles and severing lands of Bevins

N 18 30'00" W 437.92 feet to a point in the southern edge of Showalter Lane; thence with said Lane

N 69 43'01" E 172.13 feet to a point; thence leaving said Lane and severing lands of Bevins

S 19 00'16" E 71.19 feet to a point; thence

N 70 59'45" E 189.72 feet to the point of beginning.

Containing 3.00 Acres.

BEING the same property conveyed to James B. Bevins by deed from William Bevins and Ann B. Bevins, his wife, dated September 30, 1989, and of record in Deed Book 195, Page 435, in the Scott County Clerk's Office, Scott County, Kentucky.

EXHIBIT "C"

0.696 Acres

A tract of land located in Georgetown, Kentucky on the west side of U. S. 25, behind Bevins Motors, and the north side of U. S. 460 Bypass and more particularly described as follows:

Beginning at a rebar with I.D. cap "TEI 2164", in the line of Ralph Giles (Deed Book 90, Page 265), and being 373.17 feet from the west right-of-way line of U.S. 25, and being the southwest corner of a 3 acre tract of James Bevins (Deed Book 195, Page 435); thence with line of Giles for two calls, S 60° 46' 34" W 38.88 feet to a fence post; thence S 72° 50' 37" W 33.91 feet to a ½ inch rebar set with I.D. cap "TEI 2402" and corner of Tract 2 as shown on Final Subdivision Plat of Bevins Property of record in Plat Cabinet 8, Slide 118 of record in the Scott County Court Clerk's Office; thence with line of Tract 2 N 17° 53' 39" W 442.97 feet to a ½ inch rebar set with I.D. cap "TEI 2402" in line of Wells (Deed Book 37, Page 274); thence with line of Wells N 70° 15' 25" E 65.01 feet to northwest corner of 3 acre tract of James Bevins; thence with Bevins S 18° 49' 02" E 437.92 feet to the beginning. Containing 0.696 acres, more or less, subject to easements shown on reference plat in Plat Cabinet 8, Slide 118, and any other easements and restrictions of record.

BEING part of the same property conveyed to William Bevins by deed from L. H. Reeves and Ada Reeves, his wife, dated April 12, 1952 and recorded in Deed Book 79, Page 83, Scott County Clerk's Office.

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BEING the same property conveyed to James Bolton Bevins (aka James B. Bevins) by deed from William Bevins and Ann B. Bevins, his wife, dated May 25, 2004, and of record in Deed Book 282, Page 192, in the Scott County Clerk's Office, Scott County, Kentucky.

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