

CITY OF GEORGETOWN

ORDINANCE NO. 2022-01

AN ORDINANCE ANNEXING INTO THE CITY OF GEORGETOWN CERTAIN REAL PROPERTY CONTAINING APPROXIMATELY 28.70 +/- ACRES LOCATED AT OR AROUND 1202 OLD OXFORD ROAD, IN SCOTT COUNTY, KENTUCKY.

SUMMARY

1. Annexes into Georgetown city limits, by written consent of the property owner in accordance with KRS 81A.412, approximately 28.70 +/- acres of property located at or around 1202 Old Oxford Road in Scott County, KY.
2. Provides for repeal of inconsistent laws, severability of provisions, and an effective date upon passage and publication.

The full text of Ordinance 2022-01 is available for examination in the City Clerk's Office, 100 North Court Street, Georgetown, Kentucky 40324 or at www.georgetownky.gov.

PUBLICLY INTRODUCED AND READ FIRST TIME: December 13, 2021

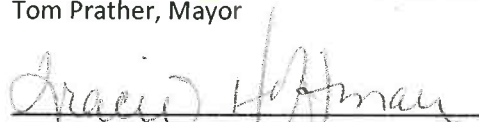
PUBLICLY READ SECOND TIME AND PASSED: January 14, 2022

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 2022-01 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. 2022-01

AN ORDINANCE ANNEXING INTO THE CITY OF GEORGETOWN CERTAIN REAL PROPERTY CONTAINING APPROXIMATELY 28.70 +/- ACRES LOCATED AT OR AROUND 1202 OLD OXFORD ROAD, IN SCOTT COUNTY, KENTUCKY.

SPONSORS: Greg Hampton and Tammy Lusby Mitchell

WHEREAS, Henry Wilson Finley, Jr. and Anne Finley, husband and wife, and the Stella G. Finley Revocable Trust Agreement, Henry Wilson Finley, Jr., Trustee, of 2225 Terranova Court, Lexington, Kentucky 40513 (collectively "Grantor"), property owner of record of the tract of land to be annexed, has 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; and,

WHEREAS, the Georgetown-Scott County Planning Commission has approved a Zoning Map Amendment (ZMA-2021-29) to rezone the Property to B-4 for 9.94 acres and R-2 for 18.76 acres, with a condition that the Property be annexed into the City of Georgetown, Kentucky;

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 tract of land lying in Georgetown, Scott County, Kentucky with an address of 1202 Old Oxford Road and being known as Parcel 1 as described in Minor Plat-Transfer & Consolidation of Finley Property of record in Plat Cabinet 10, Slide 157 as recorded in the Scott County Clerk's office and being more particularly described as follows:

Beginning at a point in the centerline of Old Oxford Road, said point being approximately 618 feet northeast of the intersection of Old Oxford Road and Connector Road, said point also being the northwest property corner, said point also being common to Finley as recorded in Deed Book 359, Page 515 as recorded in the Scott County Clerk's office;

Thence leaving the centerline of Old Oxford Road and with Finley, South 66°27'19" East a distance of 1483.35 feet to a point in the property line of Rocky Creek Subdivision, Phase

5, Section 2 as recorded in Plat Cabinet 10, Slide 14 in the Scott County Clerk's office, said point being the northeast property corner;

Thence with Rocky Creek Subdivision and continuing with Rocky Creek Subdivision Home Owner's Association as recorded in Plat Cabinet 12, Slide 212 in the Scott County Clerk's office, South 24°06'56" West a distance of 837.16 feet to the southeast property corner, said point being common to Bluegrass RV Storage, LLC as recorded in Deed Book 407, Page 459 as recorded in the Scott County Clerk's office;

Thence with Bluegrass RV Storage, LLC and continuing with 3034 Paris Pike, LLC as recorded in Deed Book 382, Page 437 in the Scott County Clerk's office, North 66°29'46" West a distance of 1470.10 feet to a point in the east right of way of Connector Road, said point being the southwest property corner;

Thence with the east right of way of Connector Road along a curve to the left with an Arc Length of 162.48 feet, a Radius of 439.26 feet and a Chord bearing of North 13°45'24" East - 161.56 feet to a point;

Thence leaving the east right of way of Connector Road, North 24°35'56" East a distance of 363.57 feet to a point in the centerline of Old Oxford Road;

Thence with the centerline of Old Oxford Road for the following four (4) calls:

North 24°38'36" East a distance of 148.50 feet to a point;

Thence North 26°40'12" East a distance of 60.57 feet to a point;

Thence North 27°55'01" East a distance of 57.27 feet to a point;

Thence North 29°43'27" East a distance of 49.68 feet to the point of beginning and containing an area of 28.696 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 be subject to the passage and effectiveness of the Ordinance changing the zoning classification of the Property from A-1 to B-4 for 9.94 acres and R-2 for 18.76 acres and shall take effect after the passage and publication of this ordinance and the "Zoning Ordinance" according to law.

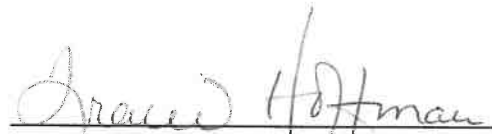
PUBLICLY INTRODUCED AND READ FIRST TIME: December 13, 2021

PUBLICLY READ SECOND TIME AND PASSED: January 13, 2022

APPROVED:


Tom Prather, Mayor

ATTEST:


Tracie Hoffman, City Clerk

CONSENT TO ANNEXATION

THIS CONSENT TO ANNEXATION, made and entered into this 13th day of December, 2021, by and between HENRY WILSON FINLEY, JR. (AKA HENRY FINLEY) and ANNE FINLEY, husband and wife, and THE STELLA G. FINLEY REVOCABLE TRUST AGREEMENT, HENRY WILSON FINLEY, JR., TRUSTEE, whose address is 2225 Terranova Court, Lexington, KY 40513 (hereinafter collectively "Grantor") and the CITY OF GEORGETOWN, KENTUCKY ("Grantee") 100 N. 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 or around 1202 Old Oxford Road, Scott County, KY (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:

A certain tract of land lying in **Georgetown**, Scott County, Kentucky with an address of 1202 Old Oxford Road and being known as Parcel 1 as described in Minor Plat-Transfer & Consolidation of Finley **Property** of record in Plat Cabinet 10, Slide 157 as recorded in the Scott County Clerk's office and being more particularly described as follows:

Beginning at a point in the centerline of Old Oxford Road, said point being approximately 618 feet northeast of the **intersection** of Old **Oxford** Road and Connector Road, said point also being the northwest **property** corner, said point also being common to Finley as recorded in Deed Book 359, Page 515 as **recorded** in the Scott County Clerk's office;

Thence leaving the centerline of Old **Oxford** Road and with Finley, South $66^{\circ}27'19''$ East a **distance** of 1483.35 feet to a point in the property line of Rocky Creek Subdivision, Phase 5, **Section 2** as recorded in Plat Cabinet 10, Slide 14 in the Scott County Clerk's office, said point being the northeast **property** corner;

Thence with Rocky Creek Subdivision and continuing with Rocky Creek Subdivision **Home Owner's Association** as **recorded** in Plat Cabinet 12, Slide 212 in the Scott County Clerk's office, South $24^{\circ}06'56''$ West a distance of 837.16 feet to the southeast **property** corner, said point being common to Bluegrass RV Storage, LLC as recorded in Deed Book 407, Page 459 as recorded in the Scott County Clerk's office;

Thence with Bluegrass RV Storage, LLC and continuing with 3034 Paris Pike, LLC as recorded in Deed Book 382, Page 437 in the Scott County Clerk's office, North $66^{\circ}29'46''$ West a distance of 1470.10 feet to a point in the east right of way of Connector Road, said point being the southwest **property** corner;

Thence with the east right of way of Connector Road along a curve to the left with an Arc Length of 162.48 feet, a Radius of 439.26 feet and a Chord bearing of North $13^{\circ}45'24''$ East - 161.56 feet to a point;

Thence leaving the east right of way of Connector Road, North $24^{\circ}35'56''$ East a distance of 363.57 feet to a point in the centerline of Old Oxford Road;

Thence with the **centerline** of Old Oxford Road for the following four (4) calls:

North 24°38'36" East a distance of 148.50 feet to a point;

Thence North 26°40'12" East a distance of 60.57 feet to a point;

Thence North 27°55'01" East a **distance** of 57.27 feet to a point;

Thence North 29°43'27" East a **distance** of 49.68 feet to the point of beginning and containing an area of 28.696 acres.

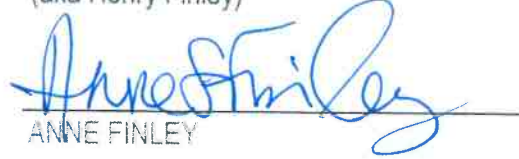
4. This Consent to Annexation shall be perpetual and shall run with the Property, and shall be binding upon Grantor, and his/her/its heirs, **successors** and assigns.
5. Grantor **certifies** that the **Property** is not a part of an agricultural district established pursuant to KRS 262.850 and that 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: _____
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 Chapter 44 of the Georgetown Code of Ordinances, **entitled** "Zoning and Land Use."

11. Prior to the Annexation of the **property**, Grantor shall comply with Chapter 44 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:



HENRY WILSON FINLEY, JR.
(aka Henry Finley)



ANNE FINLEY

THE STELLA G. FINLEY REVOCABLE
TRUST AGREEMENT

BY: 

HENRY WILSON FINLEY, JR.
Trustee

STATE OF KENTUCKY)
COUNTY OF SCOTT)

Subscribed and sworn to before me by Henry Wilson Finley, Jr. (aka Henry Finley) and Anne Finley, husband and wife, **property** owners, this 9th day of December, 2021.

Kathy C. Gross
NOTARY PUBLIC
Commonwealth of Kentucky
Commission Number KYNP11004
My Commission Expires August 24, 2024

(SEAL)


NOTARY PUBLIC
Printed Name: Kathy C. Gross
My Commission expires: 08/24/2024

STATE OF KENTUCKY)
)
COUNTY OF SCOTT)

Subscribed and sworn to before me by Henry Wilson Finley, Jr., Trustee of The Stella G. Finley Revocable Trust Agreement, for and on behalf of said Trust, property owner, this 9th day of December, 2021.



(SEAL)

Kathy C. Gross
NOTARY PUBLIC
Printed Name: Kathy C. Gross
My Commission expires: 08/24/2024

CITY OF GEORGETOWN:

Tom Prather

STATE OF KENTUCKY }

SCOTT COUNTY }

Subscribed and sworn to before me by Tom Prather, Mayor, this 13th day of December, 2021.

(SEAL)

Valene D. Wilson

NOTARY PUBLIC

My Commission expires:

7/23/2022

#604671

THIS INSTRUMENT PREPARED BY:

Devon E. Golden

Devon E. Golden, City Attorney
100 N. Court Street,
Georgetown, KY 40324
502-863-9800