

CITY OF GEORGETOWN

ORDINANCE NO. 2017-007

AN ORDINANCE RELATED TO THE ANNEXATION OF CERTAIN REAL PROPERTY CONSISTING OF A TOTAL OF 9.9634 ACRES, MORE OR LESS, OWNED BY RALPH C. GILES, JR., LYING ALONG AND SOUTH OF THE GEORGETOWN BYPASS (MCCLELLAND CIRLE), WEST OF U.S. HWY 25 AND BOUNDED ON THE EAST BY ETTERWOOD SUBDIVISION AND ON THE SOUTH BY SNYDER, ADJACENT TO THE CITY LIMITS OF GEORGETOWN IN SCOTT COUNTY, KENTUCKY

SUMMARY

1. Annexes into Georgetown city limits, by written consent of the property owners in accordance with KRS 81A.412, 9.9634 acres, more or less, owned by Ralph C. Giles, Jr, lying along and south of the Georgetown bypass (McClelland Circle), west of U.S. Highway 25 and bounded on the east by Etterwood subdivision and on the south by Snyder, adjacent to the city limits of Georgetown in Scott County, Kentucky.
2. Provides for an effective date upon passage and publication.

PUBLICLY INTRODUCED AND READ FIRST TIME: May 22, 2017

PUBLICLY READ SECOND TIME AND PASSED: June 12, 2017

APPROVED:

A handwritten signature in black ink that reads "Tom Prather". The signature is written over a horizontal line.

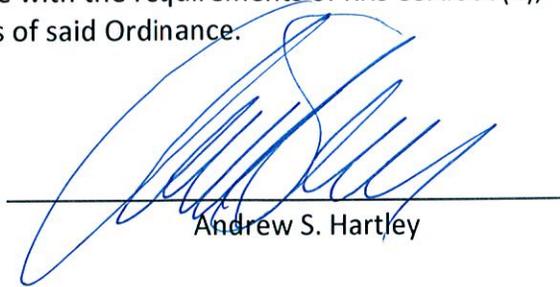
Tom Prather, Mayor

ATTEST:

A handwritten signature in blue ink that reads "Tracie Hoffman". The signature is 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 17-006 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.17-007

AN ORDINANCE RELATED TO THE ANNEXATION OF CERTAIN REAL PROPERTY CONSISTING OF A TOTAL OF 9.9634 ACRES, MORE OR LESS, OWNED BY RALPH C. GILES, JR., LYING ALONG AND SOUTH OF THE GEORGETOWN BYPASS (MCCLELLAND CIRCLE), WEST OF U.S. HWY 25 AND BOUNDED ON THE EAST BY ETTERWOOD SUBDIVISION AND ON THE SOUTH BY SNYDER, ADJACENT TO THE CITY LIMITS OF GEORGETOWN IN SCOTT COUNTY, KENTUCKY.

WHEREAS, Ralph C. Giles, Jr., as the owner, has consented to the annexation of certain real property consisting of 9.9634 acres, more or less, lying along and on the south side of the Georgetown Bypass (McClelland Circle), adjacent to and bounded on the east by Etterwood Subdivision and on the south by the Snyder property, 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:

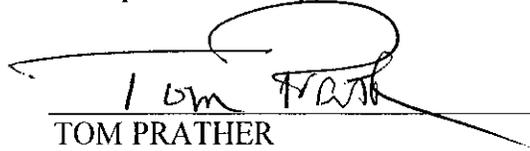
SEE LEGAL DESCRIPTION OF PROPERTY ANNEXED,
ATTACHED HERETO, INCORPORATED HEREIN, AND
MADE A PART HEREOF BY REFERENCE AS EXHIBIT "A".

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 12th day of June 2017.

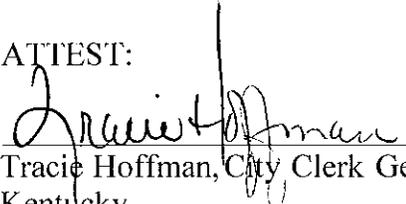
SECTION III. ZONE CLASSIFICATION: The annexation of this property shall not affect its zoning classification.

SECTION IV. EFFECTIVE DATE: This Ordinance shall become effective upon its publication on the 15th day of June 2017.

WHEREUPON, the foregoing Ordinance was read for the first time on the 22nd day of May 2017, read for the second time, passed and approved on the 12th day of June 2017.



TOM PRATHER
Mayor

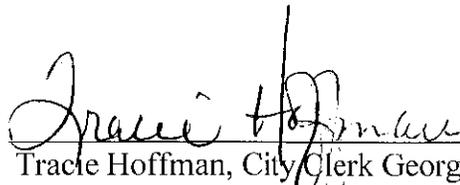
ATTEST:


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. 17-007 relating to the annexation of certain real property consisting of a total of 9.9634 acres, more or less, owned by Ralph C. Giles, Jr., lying along and on the south side of the Georgetown Bypass (McClelland Circle), adjacent to and bounded on the east by Etterwood Subdivision and on the south by the Snyder property, in Scott County, Kentucky.

IN TESTIMONY WHEREOF, witness my hand, the Seal of said City, on this the 27th day of June 2017.



Tracie Hoffman, City Clerk Georgetown, Kentucky

EXHIBIT "A"

A tract of land lying along and south of the Georgetown Hwy. Bypass road (McClelland Circle) and west of U.S. Hwy. 25 near the southern city limits of Georgetown, Scott County, Kentucky.

Beginning at a ½" iron bar (found) at the southern right-of-way of the Georgetown Bypass road and a common corner to Bevins (D.B. 82, Pg. 246);

Thence North 61 degrees 23 minutes 59 seconds East for a distance of 78.88 feet with the southern right-of-way of said road;

Thence South 81 degrees 46 minutes 28 seconds East for a distance of 212.27 feet with same;

Thence South 87 degrees 22 minutes 21 seconds East for a distance of 328.63 feet with same to a wooden post;

Thence South 46 degrees 08 minutes 01 seconds West for a distance of 1274.12 feet leaving said road and with the western boundary of Etter Woods Subdivision to a wooden post;

Thence North 57 degrees 18 minutes 51 seconds West for a distance of 335.47 feet to a ½" iron bar (found);

Thence North 39 degrees 54 minutes 19 seconds East for a distance of 924.84 feet with the common line of said Bevins to the beginning.

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 9.9634 acres more or less, according to survey prepared by Meridian Associates and filed of record in Plat Slide 2268, Scott County Clerk's Office.

Being a part of the same property conveyed to Ralph C. Giles and Lucy Jane Giles (aka Lucy W. Giles), his wife, by Deed of Conveyance from Hattie Hamon, a widow, dated April 3, 1961, and of record in Deed Book 90, Page 265. Ralph C. Giles died testate a resident of Georgetown, Scott County, Kentucky, on June 9, 1996, and by the terms of the survivorship language contained in said Deed, all of Ralph C. Giles interest in said property vested in his wife, Lucy Jane Giles (aka Lucy W. Giles). Lucy W. Giles (aka Lucy Jane Giles) died testate a resident of Georgetown, Scott County, Kentucky, on June 17, 2009. Her Will was probated in Will Book 18, Page 81, Scott County Clerk's Office, and by the terms of said will, the Co-Executors are authorized to convey said property.

For current source of title, see Deed Book 335, Page 121, in said Clerk's Office.



APPLICATION FOR ANNEXATION

Required Materials and Information (to be submitted to the Mayor's Office):

- Petition signed by all property owners and residents of the requested property(s).
▪ Copy of the Tax Map and property owner information for the requested property(s) (obtained from PVA).
▪ Copy of the Current (adopted) City Limits Map showing this area (obtained from Planning Commission - GIS Section).
▪ Completed Information.

Applicant(s) Name: RALPH C. GILES, JR.
Mailing Address: 6090 Paris Pike
Georgetown, KY 40324
Telephone Number: 859-806-8016

Property Location: Tax Map & Parcel ID: 168-30-021.000 See copy of Legal Description attached.
Address: McClelland Circle / Bevins Lane
Acreage: 9.9634

Is the requested property located within the adopted Urban Service Boundary? Yes
Comprehensive Plan designation: Assisted Living/Retirement Cottages
Proposed use: Assisted Living/Retirement Cottages
Rezoning required: Yes/No If so, what zone R-2 PUD
Has a rezoning application been filed with the Planning Commission? Yes
Date filed/to be filed: April 3, 2017

List all public and private roads accessing the requested property:

McClelland Circle and Bevins Lane

Are there any public or private roads located within the requested property? Yes (No)

If so, note location, type and condition (gravel, dirt, asphalt, etc.)

N/A

Are there any existing structures located on the property? Yes/No

Note location and type: Concrete water tank (near the center of the property)

Are there any environmental characteristics on the property? Yes/No

- Sinkholes: No
- Dumps: No
- Floodplains: No
- Wetlands: No
- Creeks, ponds or other water features: No
- Steep slopes (exceeding 10% slope): No
- Hazard areas, including but not limited to:
 - Hazardous materials storage areas: No
 - Underground storage tanks: No
 - Other: None

Are there any cemeteries on the property? No, If so, note size, location and ownership
N/A

Utilities Available to the site? (List Company):

- Electricity: Yes
- Water: Yes
- Telephone: Yes

FOR OFFICIAL USE:	
Date Received: _____	Received By: _____
Date Distributed To City Departments: _____	
Date To Be Heard By Annexation Committee: _____	
Application Materials Included: _____	


 R. BRUCE LANKFORD
 Attorney for Applicant

May 17, 2017
 DATE

EXHIBIT "A"

LEGAL DESCRIPTION

A tract of land lying along and south of the Georgetown Hwy. Bypass road (McClelland Circle) and west of U.S. Hwy. 25 near the southern city limits of Georgetown, Scott County, Kentucky.

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Being a part of the same property conveyed to Ralph C. Giles and Lucy Jane Giles (aka Lucy W. Giles), his wife, by Deed of Conveyance from Hattie Hamon, a widow, dated April 3, 1961, and of record in Deed Book 90, Page 265. Ralph C. Giles died testate a resident of Georgetown, Scott County, Kentucky, on June 9, 1996, and by the terms of the survivorship language contained in said Deed, all of Ralph C. Giles interest in said property vested in his wife, Lucy Jane Giles (aka Lucy W. Giles). Lucy W. Giles (aka Lucy Jane Giles) died testate a resident of Georgetown, Scott County, Kentucky, on June 17, 2009. Her Will was probated in Will Book 18, Page 81, Scott County Clerk's Office, and by the terms of said will, the Co-Executors are authorized to convey said property.

For current source of title, see Deed Book 335, Page 121, in said Clerk's Office.

**CONSENT TO ANNEXATION,
RELEASE AND RESTRICTIVE COVENANT**

THIS CONSENT TO ANNEXATION, RELEASE AND RESTRICTIVE COVENANT made and entered into this 17th day of May, 2017, by and between RALPH C. GILES, JR., whose address is, 6090 Paris Pike, Georgetown, Kentucky, 40324 ("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 (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, Grantor's 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 EXHIBIT "A" attached.



- 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 Grantor's 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, Grantor's signature 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 Grantor's 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 Grantor's 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. 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.

- 11. Grantor hereby acknowledges that Grantor is in receipt of a copy of Title 20 of the Georgetown Code of Ordinances, entitled "Zoning and Land Use".
- 12. 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 :

Ralph C. Giles Jr
RALPH C. GILES, JR.

STATE OF FLORIDA)
)
COLLIER COUNTY)

Subscribed and sworn to before me by Ralph C. Giles, Jr on this 17TH day of May, 2017.

(SEAL)



[Signature]
NOTARY PUBLIC

My Commission expires: 06/09/2019

CITY OF GEORGETOWN:

By: _____

Title: _____

STATE OF KENTUCKY)
)
SCOTT COUNTY)

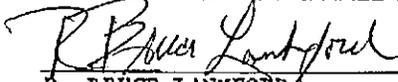
Subscribed and sworn to before me by _____

_____ (title), this _____ day of _____, 2017.

(SEAL)

NOTARY PUBLIC
My Commission expires: _____

THIS INSTRUMENT PREPARED BY:



R. BRUCE LANKFORD
Lankford & Lankford
Attorneys at Law
300 East Main Street
Georgetown, KY 40324

Annexation Description

Being a certain tract of land bound on the north by the Georgetown Highway bypass road (McClelland Circle) and lying west of U.S. Highway 25 near the southern city limits of Georgetown, Scott County, Kentucky, being more particularly described as follows:

Beginning at a found metal pin with a 3" aluminum disc at the southern right of way of the Georgetown bypass road (McClelland Circle), also being a common corner with Landmark Development Group LLC as recorded in Deed Book 306, Page 422 on file in the office of the County Clerk of Scott County, Kentucky; thence leaving said Landmark tract and with the south right of way of said Georgetown bypass, N 61°19'19" E, a distance of 78.88 feet to a found 5/8" diameter rebar with a yellow plastic identification cap stamped BENTLEY 3697 (IPC 3697 henceforth); thence S 81°50'59" E, a distance of 212.27 feet to a found IPC 3697; thence S 87°26'52" E, a distance of 328.63 feet to a found IPC 3697, said IPC being the common corner of lots 59 and 60 of Etter Woods Subdivision as recorded in Plat Cabinet 1, Slide 134A on file in the Clerk's office aforesaid; thence leaving said Georgetown bypass and with lots 10 through 17 and lots 60 through 64, S 46°03'11" W, a distance of 1274.61 feet to a found 5/8" rebar with an identification cap stamped 2187, said rebar being the westernmost corner of said lot 10 of Etter Woods Subdivision and being in the north line of a tract of land conveyed to Richard S. & Connie L. Snyder of record in Deed Book 369, Page 784 on file in said Clerk's office; thence leaving said Etter Woods and with said Snyder tract, N 57°18'13" W, a distance of 335.47 feet to a found IPC 3697, said IPC being the southwest corner of said Landmark tract; thence leaving said Snyder and running with said Landmark tract, N 39°49'50" E, a distance of 924.84 feet to the point of beginning. Having an area of 434163.75 square feet or 9.967 acres.

Being the same property conveyed to Ralph C. & Mary F. Giles as recorded in Deed Book 335, Page 121 on file in the office of the County Clerk of Scott County, Kentucky.



JK Bentley
6/8/17

EXHIBIT "A"

A tract of land lying along and south of the Georgetown Bypass road (McClelland Circle) and West of U.S. Hwy. 25 near the southern city limits of Georgetown, Scott County, Kentucky.

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