

CITY OF GEORGETOWN
ORDINANCE NO. 2018-003

AN ORDINANCE ANNEXING INTO THE CITY OF GEORGETOWN CERTAIN REAL PROPERTY CONTAINING 8.66 ACRES LOCATED AT 167 INDUSTRY RD. IN SCOTT COUNTY, KENTUCKY

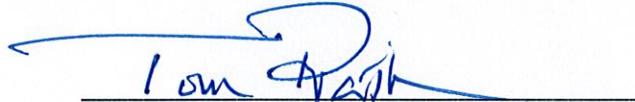
SUMMARY

1. Annexes into Georgetown city limits, by written consent of the property owners in accordance with KRS 81A.412, 8.66 acres of property on located at 167 Industry Rd. in Scott County, Kentucky.
2. Provides for an effective date upon passage and publication.

PUBLICLY INTRODUCED AND READ FIRST TIME: January 8, 2018

PUBLICLY READ SECOND TIME AND PASSED: January 22, 2018

APPROVED:



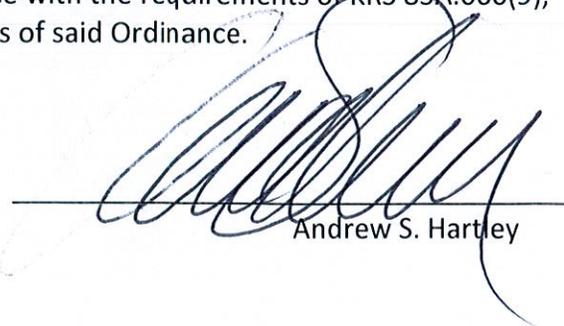
Tom Prather, Mayor

ATTEST:



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 18-003 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. 18-003

AN ORDINANCE ANNEXING INTO THE CITY OF GEORGETOWN CERTAIN REAL PROPERTY CONTAINING 8.66 ACRES LOCATED AT 167 INDUSTRY RD. IN SCOTT COUNTY, KENTUCKY

SPONSOR: Connie Tackett

WHEREAS, Ohnheiser Co., LLC, whose address is, 1893 Barkley Rd., Sadieville, KY 40370 ("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.

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 tract of land containing 8.66 acres located at 167 Industry Rd. in Scott County, Kentucky as more particularly described in Exhibits A and B attached hereto.

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:

January 8, 2018

PUBLICLY READ SECOND TIME AND PASSED:

January 22, 2018

APPROVED: Tom Prather
Tom Prather, Mayor

ATTEST: Tracie Hoffman
Tracie Hoffman, City Clerk

CONSENT TO ANNEXATION,
RELEASE AND RESTRICTIVE COVENANT

THIS CONSENT TO ANNEXATION, RELEASE AND RESTRICTIVE COVENANT made and entered into this 4th day of January 20 18, by and between Ohnheiser Co., LLC, whose address is, 167 Industry Rd., Georgetown, KY 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' 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:

That certain tract (Deed Reference D.B. 354 Page 765 & D.B. 310 Page 41) of land located at the end of Industry Road in Scott County, Kentucky and more particularly described as follows:

Tract #3, Lot #9 & Lot #10

As shown on survey performed by Trinity Engineering & Surveying LLC on March 18, 2013 and survey performed by Tom C. Price Associates on October, 1973.

Beginning at a point in a concrete drive at the corner of Ohnheiser Company, LLC, D.B. 354, Page 765 and Two Alpha, LLC D.B. 351 Page 385, said point being in the east side of a 60' access easement, from which a Witness Iron Pin (set); bears N 05°35'00" E 10.00'; thence with a new made line over the land of Two Alpha, LLC for the following two (2) calls: N 05°35'00" E 531.60' to an iron (set); thence S 82°54'00" W 407.57' to an Iron Pin (set) in the line of Kenneth L & Sarah K Ramsey D.B. 178, Page 92; thence with the line of Ramsey S 05°04'40" E 531.75'; thence along the same line S 05°04'40" W 190' to a point being the common corner of Lot #9 & Lot #10; thence along the same line S 05°04'40" W 190' to a point being the corner of Lot #10; thence along the line of Ohnheiser Company, LLC and Wilhoite property N 82°54'00" W 412.27' to a point being the corner of Lot #10; thence along the east right of way Industry Road N 05°04'40" E 190' to a point being the common corner of Lot #9 & Lot #10; thence N 05°04'40" E 190' to the point of beginning.

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 its 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 its 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, its 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 its 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 its 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 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 it 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:

STATE OF KENTUCKY)
)
SCOTT COUNTY)

MaryAnn Ohnheiser

Subscribed and sworn to before me by Mary Ann Ohnheiser and
_____, this 4th day of January, 2018

DeWise L. Hammon 544907
NOTARY PUBLIC
My Commission expires: 10/30/19

(SEAL)

CITY OF GEORGETOWN.

Tom Prather

STATE OF KENTUCKY)
)
SCOTT COUNTY)

Subscribed and sworn to before me by TOM PRATHER

Mayor (title), this 29th day of 2018, January, 2018.

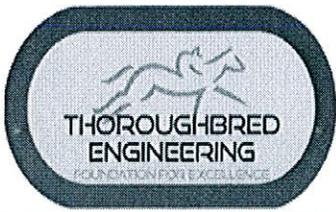
#515791 Wendee Wilson
NOTARY PUBLIC
My Commission expires: 7/23/18

(SEAL)

THIS INSTRUMENT PREPARED BY:

Andrew Hartley
100 North Court St.
Georgetown, KY 40324
502-863-9800

Andrew Hartley



THOROUGHbred ENGINEERING
GEORGETOWN LEXINGTON JEFFERSONVILLE

P.O. Box 481 Lexington, Kentucky 40588 502.863.1756

That certain tract (Deed Reference D.B. 354 Page 765) of land located at the end of Industry Road in Scott County, Kentucky and more particularly described as follows:

Tract #3

As shown on survey performed by Trinity Engineering & Surveying LLC on March 18, 2013.

Beginning at an iron Pin (found) at a corner of Ohnheiser Company, LLC, D.B. 310, Page 41 and Kenneth L & Sarah K Ramsey D.B. 178, Page 92; thence with the line of Ohnheiser Company, LLC N 82°54'00" W 412.27' to a point in a concrete drive, said point being in the East Right of Way of Industry Road, from which a Witness Iron Pin (set); bears N 05°35'00" E 10.00' ; thence with a new made line over the land of Two Alpha, LLC for the following two (2) calls: N 05°35'00" E 531.60' to an iron (set); thence S 82°54'00" E 407.57' to an Iron Pin (set) in the line of Kenneth L & Sarah K Ramsey D.B. 178, Page 92; thence with the line of Ramsey S 05°04'40" E 531.75' to the point of beginning, having an area of 5.001 acres, and being subject to all rights of way and easements of record or in existence.

South of Tract #3 Deed Reference D.B. 310 Page 41.

Lot #9

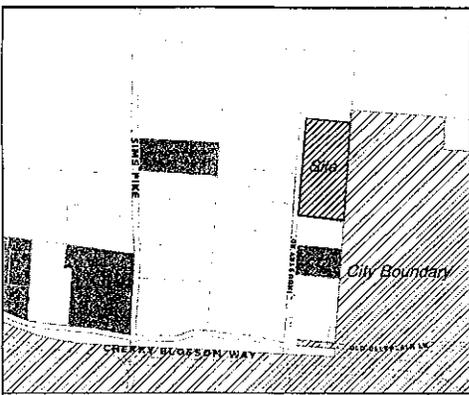
Fronting on the west side of a 60' street for 190' and running back from same between parallel lines for 420' (excluding the 60' street) and being 190' wide in the rear, and containing 1.83 acres, being all of Lot #9 of Ohnheiser Company, LLC as shown on survey of C. Tom Price and Associates, dated October, 1973, and recorded in Cabinet 1 Slide 172 Scott County Clerk's office.

South of Lot #9 Deed Reference D.B. 310 Page 41.

Lot #10

Fronting on the west side of a 60' street for 190' and running back from same between parallel lines for 420' (excluding the 60' street) and being 190' wide in the rear, and containing 1.83 acres, being all of Lot #10 of Ohnheiser Company, LLC as shown on survey of C. Tom Price and Associates, dated October, 1973, and recorded in Cabinet 1 Slide 172 Scott County Clerk's office.

Sidney E. Mitchell Jr.
STATE OF KENTUCKY
SIDNEY E. MITCHELL Jr.
3560
LICENSED PROFESSIONAL LAND SURVEYOR



VICINITY MAP

- Subject to all easements and right-of-way recorded or unrecorded.
- Property located at 167 Industry Rd. in Georgetown, Kentucky
- Current deed information acquired from County PVA Office.
- Utilities not shown as a part of this plat.
- The basis of bearings for this plat is the deed of record.

Site Statistics

Tract #3 5.00 Acres
 Lot #9 1.83 Acres
 Lot #10 1.83
 Total Area: 8.66 Acres
 Building Coverage: 6,887 Sq. Ft.
 Total Coverage: N/A
 Road Frontage: 911.6'

Current Zoning I-1 (Light Industrial District)

Min. Lot Size: 7,500 Sq. Ft. (*If served by sanitary sewer)
 Min. Front Setback 50'
 Min. Side Setback 12' (50 Ft. when adjacent to Residential)
 Min. Rear Setback 25'
 Max. Lot Coverage 50% of Lot
 Min. Lot width at building line: 60 ft.
 Min. Lot area without sanitary sewer: 5 acres
 Max. Building Height: Six (6) stories or 75'



LAND SURVEYOR'S CERTIFICATE

I hereby certify that this plat was made under my direct supervision and that all information included on this plat is true and correct to the best of my knowledge and belief. The information contained here was computed for the City of Georgetown, Kentucky, Ordinance No. 2017-002. This plat depicts an annexation of a tract or parcel of land contiguous to the existing corporate limits of the City of Georgetown, Kentucky and has been filed in the Scott County Circuit Clerk's Office. This plat does not represent an actual survey on the ground and is prepared for informational purposes only. No monuments were set or verified in the preparation of this plat.

12-11-2017
 Date

Sidney E. Mitchell Jr.
 Sidney E. Mitchell Jr. PLS #3560

Two Alpha LLC
 17.31 Acres Zone I-1
 DB. 361 Pg. 395
 Cab. 11 Slide 70

Ohnheiser Co LLC
 C/O Mary Ann Ohnheiser Executrix
 Tract #3 (Formerly know as Parcel "A")
 5.00 Acres Zone I-1
 DB. 354 Pg. 765
 Cab. 11 Slide 70

Ramsay Kenneth L & Sarah K
 1.83 Acres Zone I-1
 DB. 178 Pg. 92
 Cab. 8 Slide 135

Ohnheiser Co LLC
 C/O Mary Ann Ohnheiser Executrix
 Lot #9
 1.83 Acres Zone I-1
 DB. 310 Pg. 41
 Cab. 1 Slide 172

Ohnheiser Co LLC
 C/O Mary Ann Ohnheiser Executrix
 Lot #10
 1.83 Acres Zone I-1
 DB. 310 Pg. 41
 Cab. 1 Slide 172

Witholt Terry S & Others
 Lot #11.5 & 12
 1.83 Acres Zone I-1
 DB. 164 Pg. 757
 Cab. 1 Slide 474

ANNEXATION PLAT		
Ohnheiser Co LLC C/O Mary Ann Ohnheiser Executrix 167 INDUSTRY ROAD, GEORGETOWN, KY		
BEING A TRACT LOCATED AT 167 INDUSTRY ROAD CONVEYED TO MARY ANN OHNHEISER IN DEED BOOK 354, PAGE 765, CABINET 11 SLIDE 70 DEED BOOK 310, PAGE 41, CABINET 1 SLIDE 172 IN THE COUNTY CLERK'S OFFICE OF SCOTT COUNTY, KENTUCKY		
SCALE 1"=100'	REVIEWED: SM	CAD No. ANNEXATION
JOB No. 762	DATE: 12-08-17	DRAWN: KWH

THOROUGHBRED ENGINEERING
 110 E. MAIN ST. SUITE 208 GEORGETOWN, KY. 40324 (502) 883-1756
 CIVIL DESIGN - GEOTECHNICAL ENGINEERING - IBC SPECIAL INSPECTIONS
 MATERIAL TESTING - LAND SURVEYING - GEOTECHNICAL DRILLING