

**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

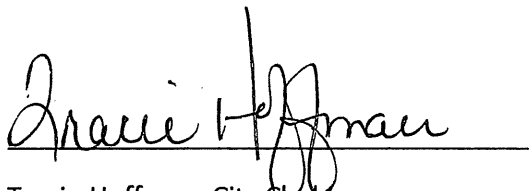
PUBLICLY READ SECOND TIME AND PASSED: January 22, 2018

APPROVED:



Tom Prather, Mayor

ATTEST:



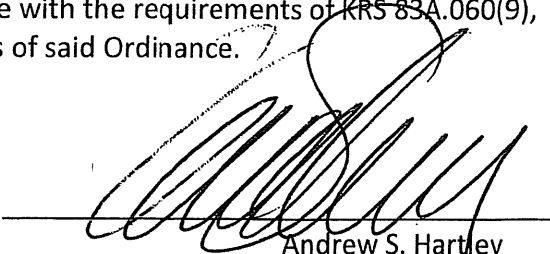
Tracie Hoffman, City Clerk

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.

RECEIVED AND FILED  
DATE March 12, 2018

\_\_\_\_\_

ALISON LUNDERGAN GRIMES  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
BY Garlie Adkins



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.

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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 4<sup>th</sup> 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 )

Mary Ann Ohnkeiser

Subscribed and sworn to before me by Mary Ann Ohnkeiser and

\_\_\_\_\_, this 4<sup>th</sup> day of January, 2018

Debbie 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 29<sup>th</sup> day of JANUARY, 2018.

(SEAL)

#515771 Wendie Wilson  
NOTARY PUBLIC  
My Commission expires: 7/23/18

THIS INSTRUMENT PREPARED BY:

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

Andrew Hartley

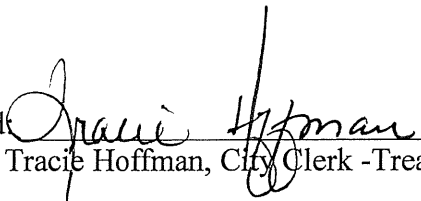


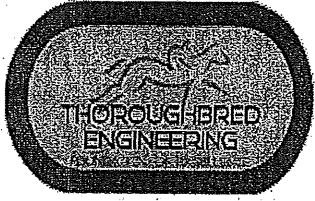
STATE OF KENTUCKY)  
(SCT.  
COUNTY OF SCOTT )

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 number 18-003.

IN TESTIMONY WHEREOF, witness my hand, the Seal of said City on this the 5th day of February 2018.

Signed

  
Tracie Hoffman, City Clerk -Treasurer



# THOROUGHbred ENGINEERING

GEORGETOWN      LEXINGTON      JEFFERSONVILLE

P.O. Box 481 Lexington, Kentucky 40588      502.863.1756

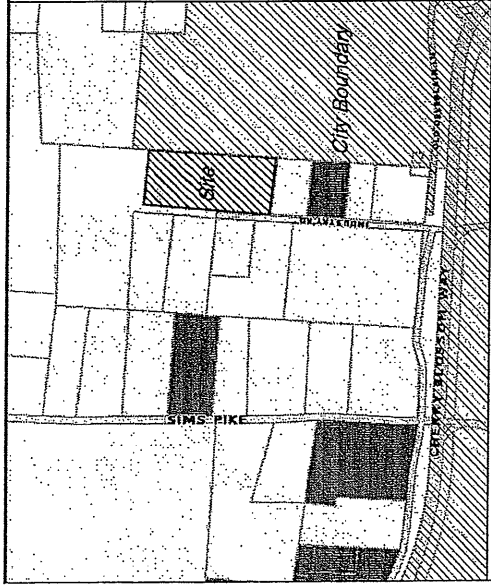
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*Sidney E. Mitchell Jr.*  
STATE OF KENTUCKY  
SIDNEY E. MITCHELL Jr.  
3560  
LICENSED PROFESSIONAL LAND SURVEYOR



**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'

**Note:**  
 Representation of lot lines are based on the current plat of record (Cabinet 11 Slide 70) & the intent of the original plat (Cabinet 1 Slide 172).  
 No monuments were set or verified in the preparation of this plat.

STATE OF KENTUCKY  
 SIDNEY E. MITCHELL JR.  
 3560  
 LICENSED PROFESSIONAL LAND SURVEYOR

**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 compiled 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.

12.14.2017  
 Date

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

**NOT A BOUNDARY SURVEY & IS NOT INTENDED FOR LAND TRANSFER**  
 Ohnheiser Co LLC C/O Mary Ann Ohnheiser Executrix  
 167 INDUSTRY ROAD, GEORGETOWN, KY

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'

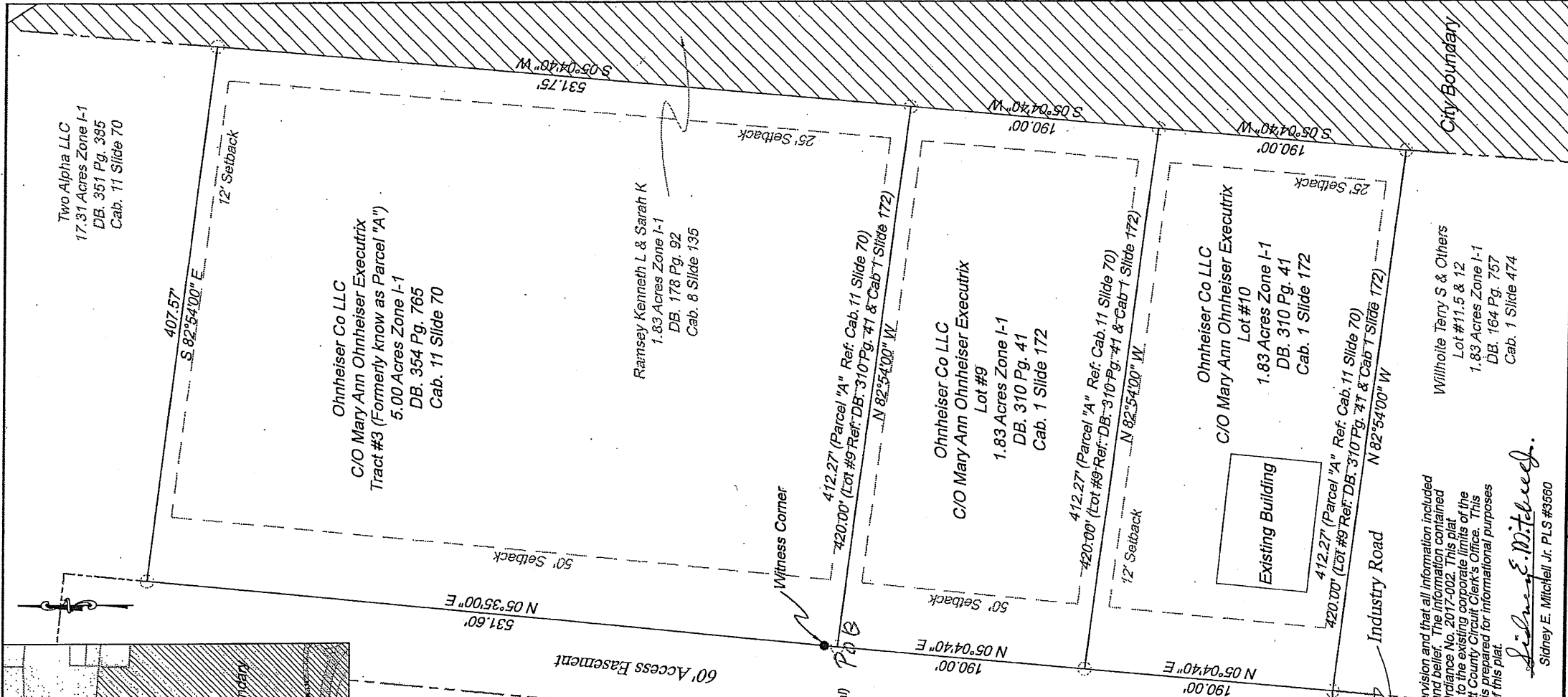
REVIEWED: SM

CAD No. ANNEXATION

JOB No. 762

DATE: 12-08-17

DRAWN: KWH



110 E. MAIN ST. SUITE 206 GEORGETOWN, KY. 40324 (502) 865-1766  
 CIVIL DESIGN - GEOTECHNICAL ENGINEERING - IBC SPECIAL INSPECTIONS  
 MATERIAL TESTING - LAND SURVEYING - GEOTECHNICAL DRILLING