

Steve Austin, Mayor

Commissioners:

Jan M. Hite
Jesse L. Johnston IV
Robert M. Mills
X Robert Royster, III



The City of Henderson

P.O. Box 716
Henderson, Kentucky 42419-0716

Russell R. Sights, City Manager
William L. Newman, Jr., Assistant City Manager
Dawn S. Kelsey, City Attorney
Maree Collins, City Clerk
Donna Stinnett, Public Information Officer



CERTIFICATE OF CITY CLERK

I, Maree Collins, hereby certify that I am duly qualified and acting City Clerk of the City of Henderson, Kentucky, that the foregoing Ordinance is a true copy of Ordinance No. 07-16, relating to the annexation of property into the Henderson city limits, introduced, read, enacted, and adopted at properly convened meetings of said City on February 23, 2016 and March 8, 2016, published on March 12, 2016, signed by the Mayor and attested by me as City Clerk, as shown by the official records in my custody and under my control, and that said Ordinance Summary appears as a matter of public record in the official records of said City.

I further certify that said meetings were duly held in accordance with all applicable requirements of Kentucky law, including KRS 61.810, 61.815, 61.820, and 61.823, that a quorum was present at said meeting, that said Ordinance Summary has not been modified, amended, revoked, or repealed and that same is now in full force and effect.

IN WITNESS WHEREOF, I have hereto set my hand as City Clerk and the official seal of the City this 15th day of April 2016.

RECEIVED AND FILED
DATE April 22, 2016

Maree Collins
Maree Collins, City Clerk

ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Hande Allison



ORDINANCE REGARDING ANNEXATION

SUMMARY: AN ORDINANCE ANNEXING CERTAIN UNINCORPORATED TERRITORY TO THE CITY OF HENDERSON, KENTUCKY, BEING LOCATED ON US HIGHWAY 60 EAST, IN HENDERSON COUNTY, CONTAINING 61.343 ACRES, MORE OR LESS, OWNED BY CLARK A. MERRILL AND CYNTHIA MERRILL, AND FRANCES O'SULLIVAN

WHEREAS, pursuant to the provisions of KRS 81A.412, the City of Henderson, Kentucky, desires to annex within the corporate limits of the City of Henderson that certain unincorporated area, which is located on US Highway 60 East in Henderson County, containing approximately 61.343 acres, more or less, and which is hereinafter described; and

WHEREAS, the real property to be annexed meets all of the requirements of KRS 81A.410; and

WHEREAS, the owners of record of the land to be annexed have given prior consents in writing to the annexation and have waived the waiting period therefor, copies of which consents and waiver are attached hereto, cumulatively marked Exhibit "A," and incorporated herein by reference.

NOW, THEREFORE, BE IT ORDAINED by the City of Henderson, Kentucky, as follows:

1. That the real property located on US Highway 60 East in Henderson County, containing approximately 61.343 acres, more or less, owned by Clark A. Merrill and Cynthia Merrill, and Frances O'Sullivan, as described in Exhibit "A-1", and as shown on the plat attached hereto marked Exhibit "B," which exhibits are incorporated herein by reference, be and said real property is hereby annexed to and made a part of the City of Henderson, Kentucky.

2. The zoning classification of said property shall be CITY HIGHWAY COMMERCIAL, pursuant to the recommendation of the Henderson City-County Planning Commission by letter dated January 6, 2016, a copy of which letter, with attachments, is attached hereto and incorporated herein by reference marked Exhibit "C".

All ordinances or parts of ordinances in conflict herewith are hereby repealed and superseded to the extent of such conflict.

This ordinance shall become effective upon its legal adoption.

On the first reading of this ordinance, it was moved by Commissioner Robert M. KILLS, seconded by Commissioner Jesse Johnston, that the ordinance be adopted on its first reading.

PUBLICATION DATE: 3/12/2016

FIRST READ: 2/23/2016
SECOND READ: 3/8/2016

On roll call the vote stood:

Commissioner Hite ABSENT
Commissioner Royster AYE
Commissioner Mills AYE

Commissioner Johnston AYE
Mayor Austin AYE

WHEREUPON, Mayor Davis declared the ordinance adopted on first reading and ordered that it be presented for second reading at a meeting of the Board of Commissioners.

On second reading of the ordinance, it was moved by Commissioner X R. Royster, seconded by Commissioner Jesse Johnston, that the ordinance be adopted.

WHEREUPON, the vote was called. On roll call the vote stood:

Commissioner Hite ABSENT
Commissioner Royster AYE
Commissioner Mills AYE

Commissioner Johnston AYE
Mayor Austin AYE

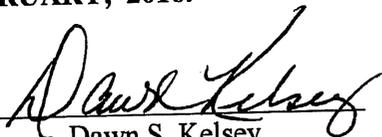
WHEREUPON, Mayor Austin declared the ordinance adopted, affixed his signature and the date and ordered it be recorded.


Steve Austin, Mayor
Date: March 8, 2016

ATTEST:


Maree Collins, City Clerk

APPROVED AS TO FORM AND LEGALITY THIS 17th DAY OF FEBRUARY, 2016.

By: 
Dawn S. Kelsey
City Attorney

CONSENT TO ANNEXATION

Clark A. Merrill, and his wife Cynthia Merrill, 2 Cherry Lane, Bristol, Rhode Island 02809 are the owners of certain real property located on U.S. Highway 60 East in Henderson County Kentucky, which property contains 61.343 acres, more or less, and is more particularly described in Exhibit "A-1" attached hereto; and as said owner does hereby consent in writing to the annexation into the City of Henderson, Kentucky of said property as described in said Exhibit. Also, Clark A. Merrill, and his wife Cynthia Merrill, do hereby waive all notice requirements with respect to such annexation, including, but not limited to the notices otherwise required by KRS 81A.420(1), KRS 81A.425, and the sixty (60) day waiting period provided for in KRS 81A.420(2).

SIGNED this 19th day of JANUARY, 2016.

Clark A Merrill
Clark A. Merrill

Cynthia Merrill
Cynthia Merrill

STATE OF Rhode Island
COUNTY OF Bristol ... SCT.

THE foregoing CONSENT TO ANNEXATION was signed and acknowledged before me, a Notary Public, by Clark A. Merrill, this 19th day of January, 2016.
& Cynthia Merrill

My commission expires June 4 2018

[Signature]
Notary Public

SHARON CORMI
NOTARY PUBLIC - NO. 41109
STATE OF RHODE ISLAND
MY COMMISSION EXPIRES 6/04/2018

(Seal)

STATE OF _____
COUNTY OF _____ ... SCT.

THE foregoing CONSENT TO ANNEXATION was signed and acknowledged before me, a Notary Public, by Cynthia Merrill, this _____ day of _____, 2016.

My commission expires _____.

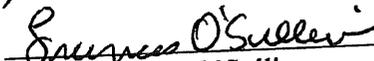
(Seal)

Notary Public

CONSENT TO ANNEXATION

Frances O'Sullivan, 11614 41st Court North, Royal Palm Beach, FL 33411 is the owner of certain real property located on U.S. Highway 60 East in Henderson County Kentucky, which property contains 61.343 acres, more or less, and is more particularly described in Exhibit "A-1" attached hereto; and as said owner does hereby consent in writing to the annexation into the City of Henderson, Kentucky of said property as described in said Exhibit. Also, Frances O'Sullivan does hereby waive all notice requirements with respect to such annexation, including, but not limited to the notices otherwise required by KRS 81A.420(1), KRS 81A.425, and the sixty (60) day waiting period provided for in KRS 81A.420(2).

SIGNED this 22 day of January, 2016.



Frances O'Sullivan

STATE OF Florida

COUNTY OF Palm Beach ... SCT.

THE foregoing CONSENT TO ANNEXATION was signed and acknowledged before me, a Notary Public, by Frances O'Sullivan, this 22nd day of January, 2016.

My commission expires 06/27/16



Notary Public

(Seal)



MERRILL AND O'SULLIVAN ANNEXATION – 2015

DESCRIPTION

Beginning at a point in the northwest line of the Carl Dempewolf property recorded in Deed Book 385 Page 23 in the Henderson County Court Clerk's Office, said point being located South 42 degrees 37 minutes 52 seconds West, 644.90 feet and South 42 degrees 05 minutes 07 seconds West, 689.32 feet from the northernmost corner of said Dempewolf property, which is also in the southwest line of Balmoral Acres Subdivision; thence with said Dempewolf property, and then with New Lot 1 of the C.C.D. Subdivision, a plat of which is recorded in Plat Book 8 Page 502-B, the following four (4) calls:

- (1) SOUTH 42 DEGREES 05 MINUTES 07 SECONDS WEST, a distance of 869.86 feet to a point;
- (2) SOUTH 42 DEGREES 01 MINUTES 15 SECONDS WEST, a distance of 543.16 feet to a point;
- (3) SOUTH 41 DEGREES 47 MINUTES 29 SECONDS WEST, a distance of 480.10 feet to a point;
- (4) SOUTH 42 DEGREES 15 MINUTES 29 SECONDS WEST, a distance of 700.45 feet to a point in the northeast line of the Commonwealth of Kentucky property recorded in Deed Book 221 Page 22, being the northern right-of-way line of Kimsey Lane as shown on SP 51-339 Kentucky Department of Transportation Plans, and being located 15.73 feet northeast of the original northeast right-of-way line of said Kimsey Lane (20 feet northeast of the original centerline), which original northeast right-of-way line is the existing corporate limits of the City of Henderson as recorded in Ordinance Book 9 Page 239;

Thence with said Kimsey Lane right-of-way line around a curve to the right through a central angle of 17 DEGREES 46 MINUTES 27 SECONDS, an arc distance of 266.18 feet, a chord bearing of NORTH 40 DEGREES 50 MINUTES 41 SECONDS WEST, a distance of 265.11 feet to a point in said right-of-way line where it is intersected by a scanned image overlay of the 100 year flood plain line as cited in Annexation 6-97, being a corner to the existing corporate limits of the City of Henderson, by Annexation 6-97, said flood plain line having been taken from F.E.M.A. Firm Panel 210286 0125 B, dated 2-6-1991, and which Firm Panel is now void; thence with said existing corporate limits and said old flood plain line as it meanders, reduced to the following twenty (20) straight courses:

- (1) NORTH 40 DEGREES 12 MINUTES 17 SECONDS EAST, a distance of 139.68 feet to a point;
- (2) NORTH 00 DEGREES 34 MINUTES 02 SECONDS WEST, a distance of 267.03 feet to a point;
- (3) NORTH 35 DEGREES 39 MINUTES 55 SECONDS WEST, a distance of 347.26 feet to a point;

- (4) NORTH 64 DEGREES 45 MINUTES 59 SECONDS WEST, a distance of 285.61 feet to a point;
- (5) NORTH 04 DEGREES 56 MINUTES 03 SECONDS WEST, a distance of 319.11 feet to a point;
- (6) NORTH 31 DEGREES 06 MINUTES 56 SECONDS EAST, a distance of 320.91 feet to a point;
- (7) NORTH 45 DEGREES 55 MINUTES 18 SECONDS EAST, a distance of 305.82 feet to a point;
- (8) NORTH 20 DEGREES 42 MINUTES 00 SECONDS EAST, a distance of 493.85 feet to a point;
- (9) NORTH 03 DEGREES 30 MINUTES 00 SECONDS EAST, a distance of 200.56 feet to a point;
- (10) NORTH 12 DEGREES 57 MINUTES 58 SECONDS EAST, A distance of 271.38 feet to a point;
- (11) NORTH 27 DEGREES 01 MINUTES 49 SECONDS EAST, a distance of 232.19 feet to a point;
- (12) SOUTH 42 DEGREES 11 MINUTES 45 SECONDS EAST, a distance of 140.13 feet to a point;
- (13) SOUTH 23 DEGREES 00 MINUTES 55 SECONDS EAST, a distance of 195.62 feet to a point;
- (14) SOUTH 08 DEGREES 36 MINUTES 10 SECONDS EAST, a distance of 219.42 feet to a point;
- (15) SOUTH 19 DEGREES 21 MINUTES 19 SECONDS EAST, a distance of 264.09 feet to a point;
- (16) SOUTH 43 DEGREES 14 MINUTES 19 SECONDS EAST, a distance of 207.25 feet to a point;
- (17) SOUTH 71 DEGREES 45 MINUTES 54 SECONDS EAST, a distance of 340.29 feet to a point;
- (18) NORTH 82 DEGREES 25 MINUTES 17 SECONDS EAST, a distance of 226.14 feet to a point;
- (19) NORTH 51 DEGREES 34 MINUTES 48 SECONDS EAST, a distance of 214.83 feet to a point;
- (20) SOUTH 70 DEGREES 50 MINUTES 30 SECONDS EAST ,a distance of 449.23 feet to the point of beginning and containing 61.343 acres more or less.



Planning the Future

Henderson City-County Planning Commission
1990 Barret Ct. Suite C
Henderson, KY 42420

Brian Bishop, Executive Director
bbishop@hendersonplanning.org
270-831-1289

January 6, 2016

Mayor Steve Austin
City Commissioners
Henderson Municipal Center
Henderson, KY 42420

ATTN: Russell Sights, City Manager

Re: **REZONING #1054 - ASSIGNMENT OF ZONING CLASSIFICATION IN CONJUNCTION WITH ANNEXATION**

Please be advised on Tuesday, January 5, 2016 the Henderson City-County Planning Commission held a Public Hearing to consider the following:

REZONING #1054 ASSIGNMENT OF ZONING CLASSIFICATION IN CONJUNCTION WITH ANNEXATION - Following action of the Henderson City Commission to begin annexation proceedings, the Planning Commission held a public hearing in order to assign zoning classifications to the area under consideration for annexation.

The following property is currently zoned County Agricultural. The proposal is to assign a City Highway Commercial zoning classification:

Property owned by Clark & Cynthia Merrill and Frances O'Sullivan behind Wal-Mart on Barret Blvd., & Kimsey Lane, containing 61.343 acres.

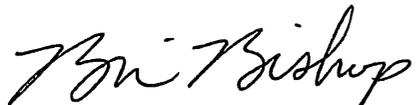
PLANNING COMMISSION RECOMMENDATION – MOTION WAS MADE BY DAVID WILLIAMS, SECONDED BY DAVID DIXON TO APPROVE REZONING #1054 ASSIGNMENT OF ZONING CLASSIFICATION IN CONJUNCTION WITH ANNEXATION, THAT THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN IS CONSISTENT WITH THE PROPOSED ZONING OF H-C (HIGHWAY COMMERCIAL), AND THAT IT WILL PROMOTE THE EXPANSION OF EXISTING COMMERCIAL FACILITIES IN THAT THE IMMEDIATE AREA IS DEVELOPING IN A COMMERCIAL FASHION DUE TO RECENT LAND DEVELOPMENT IN THE GENERAL AREA AND THE CONSTRUCTION OF RELIABLE INFRASTRUCTURE.

**VOTE: UNANIMOUS
MOTION CARRIED**

EXHIBIT "C"

Attached is a copy of the transcript of the public hearing, and documents related to the annexation.

Respectfully submitted,

A handwritten signature in black ink that reads "Brian Bishop". The signature is written in a cursive, flowing style.

Brian Bishop
Executive Director, AICP
Henderson City-County Planning Commission

BB/tgc
Cc: Dawn Kelsey

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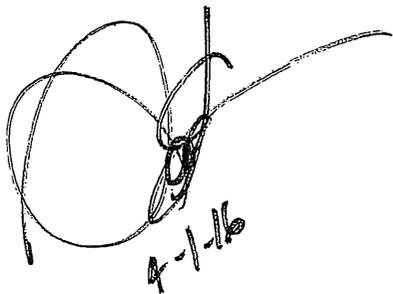
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Handwritten signature and date: 4-1-16

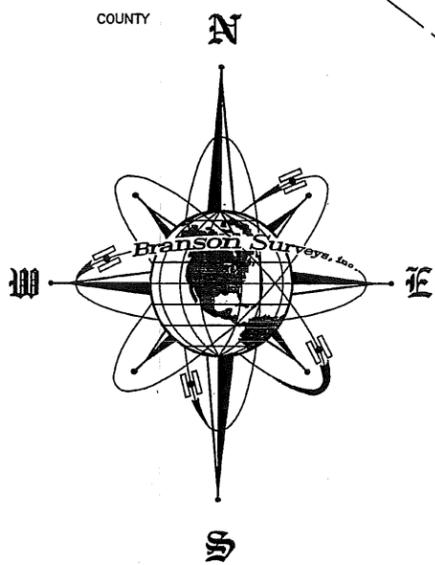
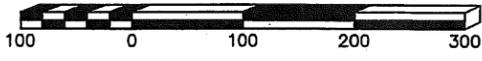
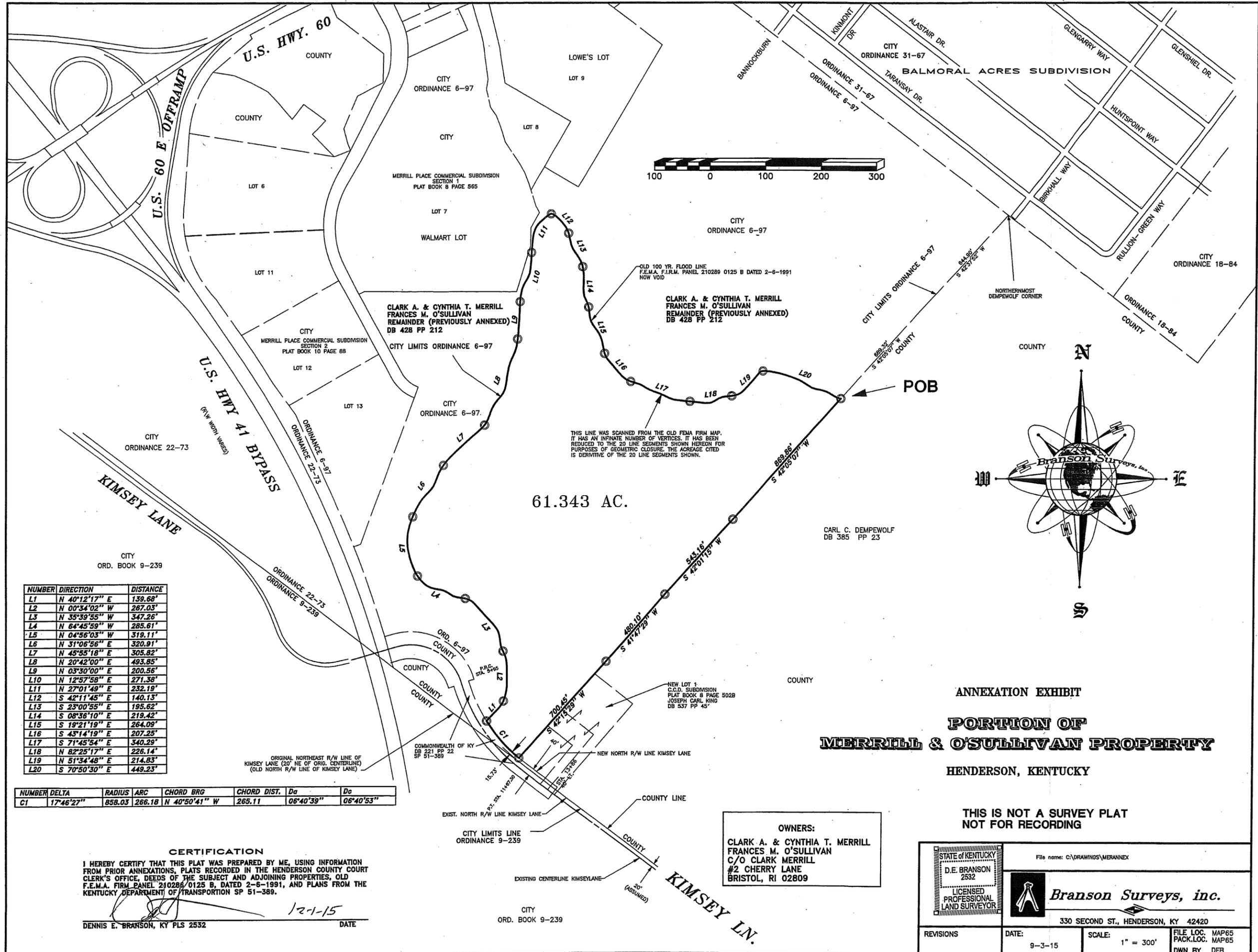


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A handwritten signature in black ink, appearing to be 'D.E. Branson', with the date '4-1-16' written below it.





61.343 AC.

ANNEXATION EXHIBIT
PORTION OF
MERRILL & O'SULLIVAN PROPERTY
HENDERSON, KENTUCKY

THIS IS NOT A SURVEY PLAT
NOT FOR RECORDING

NUMBER	DIRECTION	DISTANCE
L1	N 40°12'17" E	139.68'
L2	N 00°34'02" W	267.03'
L3	N 35°39'55" W	347.26'
L4	N 64°45'59" W	285.61'
L5	N 04°56'03" W	319.11'
L6	N 31°06'56" E	320.91'
L7	N 45°55'18" E	305.82'
L8	N 20°42'00" E	493.85'
L9	N 03°30'00" E	200.56'
L10	N 12°57'58" E	271.38'
L11	N 27°01'49" E	232.19'
L12	S 42°11'45" E	140.13'
L13	S 23°00'55" E	195.62'
L14	S 08°36'10" E	219.42'
L15	S 19°21'19" E	264.09'
L16	S 43°14'19" E	207.25'
L17	S 71°45'54" E	340.29'
L18	N 82°25'17" E	226.14'
L19	N 51°34'48" E	214.83'
L20	S 70°50'30" E	449.23'

NUMBER	DELTA	RADIUS	ARC	CHORD	BRG	CHORD DIST.	D _a	D _c
C1	17°46'27"	858.03	266.18	N 40°50'41" W	265.11	06°40'39"	06°40'53"	

CERTIFICATION
 I HEREBY CERTIFY THAT THIS PLAT WAS PREPARED BY ME, USING INFORMATION FROM PRIOR ANNEXATIONS, PLATS RECORDED IN THE HENDERSON COUNTY COURT CLERK'S OFFICE, DEEDS OF THE SUBJECT AND ADJOINING PROPERTIES, OLD F.E.M.A. FIRM PANEL 210289/0125 B, DATED 2-6-1991, AND PLANS FROM THE KENTUCKY DEPARTMENT OF TRANSPORTATION SP 51-389.
 DENNIS E. BRANSON, KY PLS 2532
 DATE 12-1-15

OWNERS:
 CLARK A. & CYNTHIA T. MERRILL
 FRANCES M. O'SULLIVAN
 C/O CLARK MERRILL
 #2 CHERRY LANE
 BRISTOL, RI 02809

STATE OF KENTUCKY
 D.E. BRANSON
 2532
 LICENSED PROFESSIONAL LAND SURVEYOR

File name: C:\DRAWINGS\MERRANNEX

Branson Surveys, inc.
 330 SECOND ST., HENDERSON, KY 42420

REVISIONS: DATE: 9-3-15 SCALE: 1" = 300' FILE LOC: MAP65 PACK LOC: MAP65 DWN BY: DEB