

CITY OF PARK HILLS, KENTUCKY

ORDINANCE NO. 7, 2015-

AN ORDINANCE CLOSING AND VACATING A CERTAIN PORTION OF THE UNIMPROVED PUBLIC RIGHT-OF-WAY OF SCENIC DRIVE AS DESCRIBED IN DETAIL IN “EXHIBIT A” ATTACHED HERETO.

WHEREAS, the City of Park Hills, on or about 4/13, 2015, considered and approved the closing and vacating of a certain portion of unimproved public right-of-way of Scenic Drive as described in detail in “Exhibit A” attached hereto; and

WHEREAS, the City of Park Hills deems it desirable and beneficial to close, vacate and transfer its ownership of the section of the right-of-way of Scenic Drive as described in detail in “Exhibit A” attached hereto to Markus J. Resing; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF PARK HILLS, KENTUCKY, THAT:

SECTION I

The Board of Council of the City of Park Hills has determined that the section of the right-of-way of Scenic Drive as described in detail in “Exhibit A” attached hereto should be closed, vacated and transferred according to applicable state and local regulations.

SECTION II

Pursuant to KRS § 82.405(2), the Board of Council of the City of Park Hills, Kentucky, makes the following findings of fact:

1. All property owners in or abutting the sections of the right-of-way of Scenic Drive that is to be closed have been identified along with the real property abutting the portion of the street and/or right-of-way to be closed and are as follows:
 - a. Markus J. Resing and Julie Resing, husband and wife
518 Scenic Drive, Park Hills, KY 41011
PIDN: 041-30-00-020.00;
 - b. Cole Estates Homeowner’s Association II, Inc.
Attn. Bridget Go, Registered Agent
550 Scenic Drive, Park Hills, KY 41011
PIDN: 041-30-00-021.54;
 - b. Donnel F. Clark and Nancy E. Clark, husband and wife
522 Scenic Drive, Park Hills, KY 41011
PIDN: 041-30-00-021.01;

2. The City of Park Hills has provided written notice to the adjoining property owners of the section of the unimproved public right-of-way of Scenic Drive. Said adjoining property owners are Markus J. Resing and Julie Resing, husband and wife, Cole Estates Homeowner's Association II, Inc., and Donnel F. Clark and Nancy E. Clark, husband and wife. A receipt of these are attached hereto as "Exhibit B" and respectively, and incorporated by reference.
3. All property owners have given their written notarized consent to the closing, and copies of the consent are attached hereto as "Exhibit B" respectively, and incorporated by reference.
4. Said Cole Estates Homeowner's Association II, Inc., and Donnel F. Clark and Nancy E. Clark, husband and wife, waived and disclaimed any interest in the right-of-way to be closed they may receive by virtue of passage of this ordinance. Said waiver and disclaimer is stated in "Exhibit B", and incorporated by reference.

SECTION III

The section of the right-of-way of Scenic Drive as described in detail in "Exhibit A" attached hereto is declared closed and vacated without any further action pursuant to KRS 82.405(1) and (2) and all title in the real property described in detail in "Exhibit A" shall pass to the non-waiving and non-disclaiming abutting property owners, namely Markus J. Resing and Julie Resing, husband and wife.

SECTION IV

This Ordinance shall be recorded in the Kenton County Clerk's Office at Covington, Kentucky.

SECTION V


This Ordinance shall take effect and be in full force from and after its passage, publication, which may be in summary form, and recording, according to law.

Passed by the Board of Council of the City of Park Hills this 11th day of May, 2015.

PARK HILLS, Kentucky
A Municipal Corporation of the Fourth Class

By: 
Matt Mattone, Mayor

ATTEST:)


Julie Alig, City Clerk

1st reading 4/13/15

2nd reading 5/11/15

Publication _____