

THE CITY OF PARK HILLS, KENTUCKY

ORDINANCE NO. 10, 2019

**AN ORDINANCE CLOSING A PORTION OF AMSTERDAM ROAD
PURSUANT TO KRS §82.405**

WHEREAS, KRS §82.405(1) provides a method for a municipality to close a public way;

WHEREAS, under §2.8 of the Development Agreement with Condoview, LLC, the City of Park Hills agreed to close the northbound portion of the existing Amsterdam Road in Park Hills;

WHEREAS, pursuant to §2.8 of the Development Agreement with Condoview, LLC, the City of Park Hills desires to close and abandon an area containing 1.454 acres of land and more particularly shown in the Plat attached as Exhibit A;

WHEREAS, Condoview, LLC, and the City of Park Hills, have been identified as the only property owners in or abutting the portion of the public way to be closed;

WHEREAS, all property owners in or abutting the public way have provided written notarized consent stating their agreement to the closing of the public way; and

WHEREAS, written notice of the proposed closing was given to or waived by all property owners in or abutting a portion of the public way to be closed.

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

SECTION I

That pursuant to KRS §82.405, the Park Hills City Council hereby gives written consent to the closure and abandonment of the hereinafter described public right-of-way.

SECTION II

That the Park Hills City Council hereby makes the following findings of fact:

1. Condoview, LLC, and the City of Park Hills, have been identified as the only property owners in or abutting the portion of Amsterdam Road being closed;
2. Written notice was given to or waived by all property owners in or abutting the portion of the portion of Amsterdam Road being closed; and

3. All property owners in or abutting the portion of Amsterdam Road being closed have given their written notarized consent to the closing. The written consents are made part of this ordinance.

SECTION III

That the Park Hills City Council hereby closes and abandons the portion of Amsterdam Road shown in the Plat attached at Exhibit A and described as follows:

Situated in the City of Park Hills, County of Kenton, Commonwealth of Kentucky, on the east side of Amsterdam Road (Southbound) and being part of a parcel conveyed to City of Park Hills in Deed Book 421, Page 504; part of a parcel conveyed to City of Park Hills, Kentucky in Deed Book 434, Page 105, and part of a parcel conveyed to City of Park Hills in Volume C4185, Page 64 of the Kenton County Clerk's Records at Covington, Kentucky and being more particularly described as follows:

Begin at a found 1/2" iron pin (PLS#3663) at the intersection of the existing westerly right of way line of Hamilton Road (40' R/W) with the westerly line of a 3.097-acre tract conveyed to Condoview, LLC as recorded in Volume C6174, Page 9, said iron pin being near the intersection of the northward projection of the common line of Lots 348 and 349 with the existing westerly right-of-way line of Hamilton Road as shown on Park Hills Subdivision, Plat of Lots 335 to 353, inclusive, as recorded on Plat #463, thence, with the westerly line of said 3.097-acre Condoview, LLC tract, North 24° 45' 21" East, 214.56 feet to a set 5/8" iron pin and the TRUE POINT OF BEGINNING:

thence from the TRUE POINT OF BEGINNING thus found, departing the westerly line of said 3.097-acre tract, and with a new division line through said City of Park Hills, Kentucky the following two courses: South 74° 35' 03" West, 53.96 feet to a set 5/8" iron pin;

thence, North 65° 48' 29" West, 122.96 feet to a set 5/8" iron pin;

thence, with a line parallel to, and 25 feet east of, the proposed centerline of Amsterdam Road (to be reconstructed) the following four courses: along a curve to the right, having a central angle of 23° 20' 43", a radius of 362.50 feet, an arc length of 147.70 feet, and a chord bearing North 35° 51' 53" East, 146.68 feet to a set 5/8" iron pin;

thence, North 47° 32' 14" East, 99.39 feet to a set 5/8" iron pin;

thence, with a curve to the left, having a central angle of 44° 18' 12", a radius of 372.10 feet, an arc length of 287.72 feet, and a chord bearing North 25° 23' 08" East, 280.61 feet to a set 5/8" iron pin;

thence, North 03° 14' 02" East, 61.11 feet to a set 5/8" iron pin on the southerly line of a 1.2226-acre tract conveyed to The City of Park Hills, Kentucky in Volume C2804, Page 6, also being the northwesterly corner of City of Park Hills, Kentucky as recorded in Deed Book 434, Page 105;

thence, with the south line of said 1.2226-acre tract and with the north line of said City of Park Hills, Kentucky as recorded in Deed Book 434, Page 105, North 86° 01' 41" East, 56.81 feet to a set 5/8" iron pin on the west line of Parcel No. 1 (former right-of-way parcel) conveyed to City of Park Hills in Volume C4185, Page 64;

thence, with the common line of said 1.2226-acre tract and said Parcel No. 1, North 29° 00' 01" East, 138.10 feet to a set 5/8" iron pin on an existing East corporation line of the City of Park Hills, Kentucky;

thence, departing the easterly line of said 1.2226-acre tract and with said corporation line and with a new division line through said Parcel No. 1, South 11° 07' 21" West, 228.02 feet to a set 5/8" iron pin on the East line of said Parcel No. 1, the same being on the west line of a 18.575-acre tract conveyed to Condoview, LLC in Volume C6174, Page 9;

thence, departing said corporation line, and with the common line of said Parcel No. 1 and said 18.575-acre tract, South 29° 00' 01" West, 104.04 feet to a found 1/2" iron pin (PLS#3663);

thence, departing said Parcel No. 1 and with the common line of said 18.575-acre tract and the City of Park Hills, Kentucky as recorded in Deed Book 434, Page 105, South 12° 23' 30" West, 49.96 feet to a set 5/8" iron pin at a common west corner of the above mentioned 18.575-acre and 3.097-acre Condoview, LLC tracts;

thence, with the common line of said 3.097-acre tract and City of Park Hills, Kentucky as recorded in Deed Book 434, Page 105, South 24° 45' 21" West, 327.86 feet to the TRUE POINT OF BEGINNING.

Containing 1.454 acres of land.

All set corners are 5/8" x 30" iron pins with a plastic cap stamped "Chris Gephart PLS 3292" unless otherwise noted. The reference meridian is based on NAD83 (2011) Kentucky State Plane coordinates, North Zone (1601).

SECTION IV

Any and all ordinances in conflict with this ordinance shall be, and hereby are, repealed to the extent of said conflict.

SECTION V

If any part of this ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this ordinance are severable.

SECTION VI

That this ordinance shall become effective upon its passage and shall be published under KRS §83A.060(9) and other applicable law. This ordinance may be published by summary.

Passed by City Council on _____, 2019.

CITY OF PARK HILLS, KENTUCKY

By: _____
Kathy Zembrodt, Mayor

ATTEST:

Julie Alig, City Clerk

FIRST READING: _____

SECOND READING: _____

PUBLICATION: _____

