

ORDINANCE NO. 3, 2021

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PARK HILLS, KENTUCKY CLOSING AND VACATING PART OF OLD STATE ROAD IN THE CITY OF PARK HILLS, KENTON COUNTY, KENTUCKY.

Whereas, pursuant to KRS 82.405 the City of Park Hills has determined to close part of Old State Road as described in Section I hereof; and,

Whereas, pursuant to KRS 82.405 the City of Park Hills has identified all property owners in or abutting the public way to be closed; and,

Whereas, pursuant to KRS 82.405 the City of Park Hills has provided written Notice of the proposed closings to all property owners identified as in or abutting the portion of the public rights-of-way to be closed; and,

Whereas, pursuant to KRS 82.405 the City of Park Hills has received written notarized Consent to the proposed closing from all property owners in or abutting the portion of the public rights-of-way to be closed and has attached the Consent to vacate notification hereto as Exhibit "C".

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

SECTION I

That a portion of Old State Road is hereby closed and vacated without any further action, said public rights-of-way to be closed and vacated being more specifically described as follows:

PART OF OLD STATE ROAD, PARK HILLS, KENTUCKY

GROUP NOS. _____
PIDN: _____

SEE ATTACHED EXHIBIT "A"
(Legal Description)

Also attached hereto and made a part hereof as Exhibit "B" is a copy of a plat showing the part of Old State Road to be vacated.

There is excepted from the provisions of this Ordinance any public utilities running through the dedicated portion of said Old State Road for which the City retains an easement.

In addition, the City shall retain a gated easement of record for future use by emergency vehicles only.

SECTION II

That this Ordinance shall be signed by the Mayor, attested by the City Clerk, recorded, published and effective upon publication.

PASSED: First reading: March 8, 2021

PASSED: Second reading: April 12, 2021

Kathy Zembrodt, Mayor

ATTEST:

Julie Alig, City Clerk

PUBLICATION:



FEBRUARY 3, 2021

**LEGAL DESCRIPTION
OLD STATE ROAD RIGHT OF WAY TO BE VACATED
0.1175 ACRES**

SITUATE IN THE CITY OF PARK HILLS, KENTON COUNTY, KENTUCKY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 339 OF PARK HILLS SUBDIVISION AS RECORDED IN PLAT NUMBER 463 OF THE KENTON COUNTY, KENTUCKY RECORDS, BEING IN THE NORTHERLY RIGHT OF WAY OF OLD STATE ROAD AND BEING WITNESSED BY AN EXISTING IRON PIN AND CAP WHICH BEARS SOUTH 66°10'59" WEST, 1.52 FEET; THENCE ALONG THE NORTHERLY RIGHT OF WAY OF OLD STATE ROAD, NORTH 44°59'30" EAST, 22.56 FEET TO THE REAL PLACE OF BEGINNING OF THE HEREIN DESCRIBED RIGHT OF WAY VACATION; THENCE CONTINUING ALONG THE NORTHERLY RIGHT OF WAY OF OLD STATE ROAD, NORTH 44°59'30" EAST, 116.74 FEET TO THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY OF OLD STATE ROAD WITH THE PROPOSED SOUTHERLY RIGHT OF WAY OF GATEWAY DRIVE; THENCE LEAVING THE NORTHERLY RIGHT OF WAY OF OLD STATE ROAD, ALONG THE PROPOSED SOUTHERLY RIGHT OF WAY OF GATEWAY DRIVE, THE FOLLOWING TWO COURSES AND DISTANCES, ALONG A CURVE DEFLECTING TO THE LEFT, HAVING A RADIUS OF 45.00 FEET, A DISTANCE OF 52.29 FEET, THE CHORD OF SAID CURVE BEARS SOUTH 85°40'17" EAST, 49.39 FEET TO A POINT; THENCE NORTH 61°02'33" EAST, 9.16 FEET TO THE INTERSECTION OF THE NORTH EASTERLY EXTENSION OF SOUTHERLY RIGHT OF WAY OF OLD STATE ROAD WITH THE PROPOSED SOUTHERLY RIGHT OF WAY OF GATEWAY DRIVE; THENCE LEAVING THE PROPOSED SOUTHERLY RIGHT OF WAY OF GATEWAY DRIVE, ALONG THE SOUTHERLY RIGHT OF WAY OF OLD STATE ROAD, SOUTH 44°59'30" WEST, 157.72 FEET TO A SET 5/8" X 30" IRON PIN AND CAP (#3001); THENCE LEAVING THE SOUTHERLY RIGHT OF WAY OF OLD STATE ROAD, NORTH 45°00'30" WEST, 40.00 FEET TO THE PLACE OF BEGINNING.

THUS CONTAINING 0.1175 ACRES OF LAND AND BEING SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

BEARINGS USED IN THIS LEGAL DESCRIPTION ARE RELATIVE TO NAD-83, KENTUCKY STATE PLANE COORDINATE SYSTEM, NORTH ZONE, BASED ON GPS OBSERVATIONS OF THE KENTON COUNTY, KENTUCKY GEODETIC CONTROL MONUMENTS.

THE ABOVE DESCRIBED REAL ESTATE IS PART OF THE RIGHT OF WAY OF OLD STATE ROAD (PLAT #463). BEING THE RESULT OF A SURVEY AND PLAT DATED 1-15, 2021 MADE BY STEPHEN L. CAHILL, PLS OF ABERCROMBIE & ASSOCIATES, INC, KENTUCKY REGISTERED PROFESSIONAL LAND SURVEYOR #3001.

EXHIBIT B

CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH	CHORD	BEARING
C1	66°34'21"	45.00'	52.29'	49.39'	S 85°40'17" E

LINE TABLE

LINE	LENGTH	BEARING
L1	9.16'	N 61°02'33" E
L2	40.00'	N 45°00'30" W
L3	22.56'	N 44°59'30" E

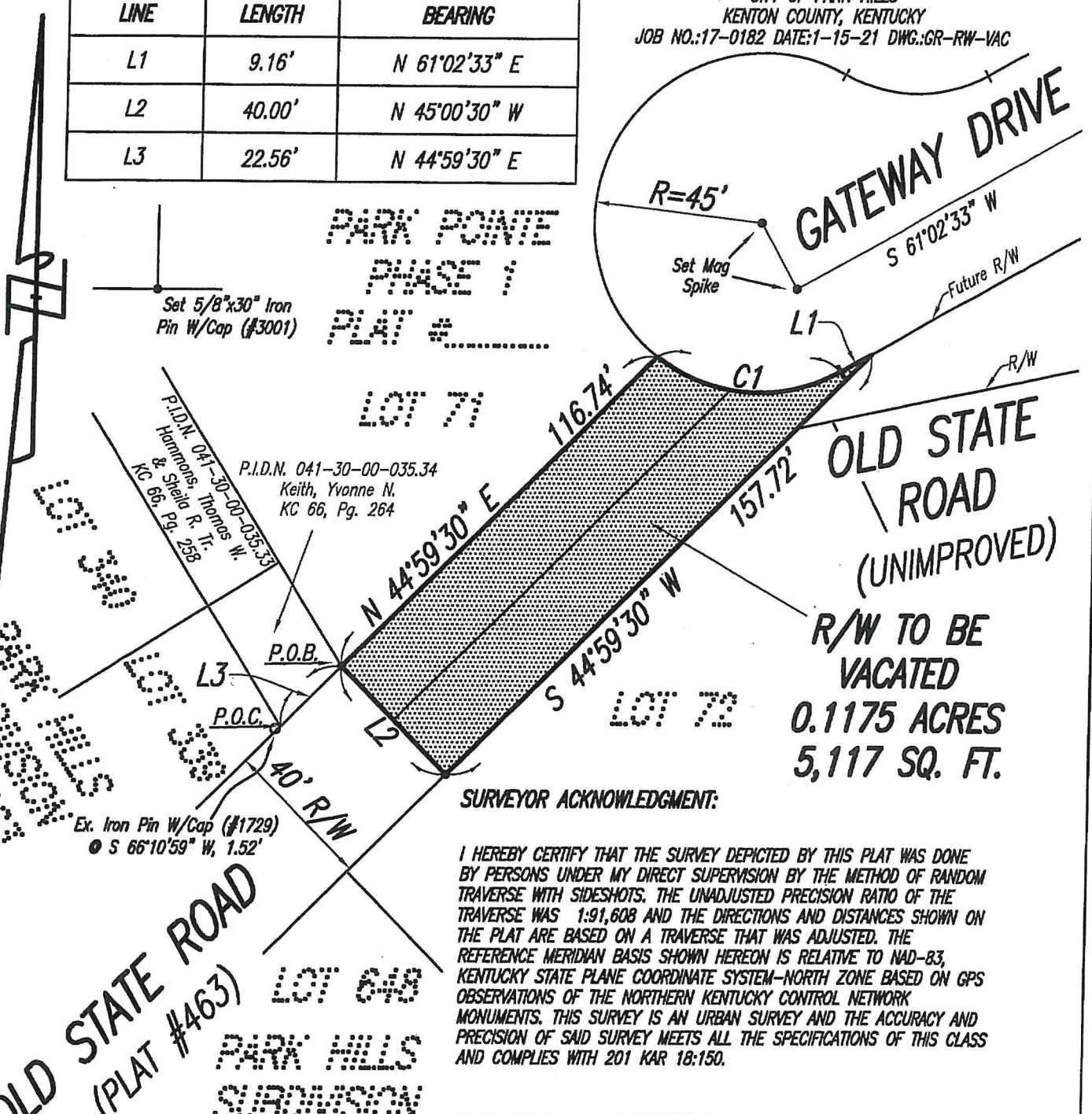
NOTE:

1. THIS PLAT IS SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAYS OF RECORD.
2. ALL REFERENCES ARE TO THE KENTON COUNTY CLERK'S RECORDS AT COVINGTON, UNLESS OTHERWISE NOTED.

R/W VACATION PLAT

CITY OF PARK HILLS
 KENTON COUNTY, KENTUCKY
 JOB NO.:17-0182 DATE:1-15-21 DWG.:GR-RW-VAC

NORTH RELATIVE TO NAD-83, KENTUCKY STATE PLANE COORDINATE SYSTEM, NORTH ZONE BASED ON GPS OBSERVATIONS OF THE KENTON COUNTY, KENTUCKY GEODETIC CONTROL MONUMENTS.



**OLD STATE ROAD
 (UNIMPROVED)
 R/W TO BE VACATED
 0.1175 ACRES
 5,117 SQ. FT.**

**PARK HILLS
 PHASE I
 PLAT #.....**

Set 5/8"x30" Iron
 Pin W/Cap (#3001)

P.I.D.N. 041-30-00-035-33
 Hammos, Thomas W.
 & Steale R. Jr.
 KC 66, Pg. 258

P.I.D.N. 041-30-00-035-34
 Keith, Yvonne N.
 KC 66, Pg. 264

Ex. Iron Pin W/Cap (#1729)
 S 66°10'59" W, 1.52'

SURVEYOR ACKNOWLEDGMENT:

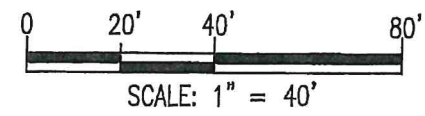
I HEREBY CERTIFY THAT THE SURVEY DEPICTED BY THIS PLAT WAS DONE BY PERSONS UNDER MY DIRECT SUPERVISION BY THE METHOD OF RANDOM TRAVERSE WITH SIDESHOTS. THE UNADJUSTED PRECISION RATIO OF THE TRAVERSE WAS 1:91,608 AND THE DIRECTIONS AND DISTANCES SHOWN ON THE PLAT ARE BASED ON A TRAVERSE THAT WAS ADJUSTED. THE REFERENCE MERIDIAN BASIS SHOWN HEREON IS RELATIVE TO NAD-83, KENTUCKY STATE PLANE COORDINATE SYSTEM-NORTH ZONE BASED ON GPS OBSERVATIONS OF THE NORTHERN KENTUCKY CONTROL NETWORK MONUMENTS. THIS SURVEY IS AN URBAN SURVEY AND THE ACCURACY AND PRECISION OF SAID SURVEY MEETS ALL THE SPECIFICATIONS OF THIS CLASS AND COMPLIES WITH 201 KAR 18:150.

STEPHEN L. CAHILL
 KENTUCKY LICENSED PROFESSIONAL LAND SURVEYOR NO. #3001

DATE

OWNER:
 CITY OF PARK HILLS, KENTUCKY
 1106 AMSTERDAM ROAD
 PARK HILLS, KENTUCKY 41011

OWNER/DEVELOPER:
 JOSHUA ONE
 223 E. 8th ST.
 NEWPORT, KENTUCKY 41071



A&A
Abercrombie & Associates, Inc.
 Civil Engineering + Surveying
 8111 Chevlot Road, Suite 200 Cincinnati, Ohio 45247
 513-385-5757 • www.abercrombie-associates.com

EXHIBIT "C"

CONSENT TO CLOSING
AND WAIVER/DISCLAIMER OF INTEREST

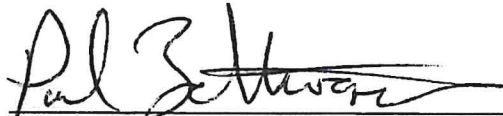
The undersigned hereby acknowledges receipt of written Notice from the City of Park Hills, Kentucky (the City) proposing to close and vacate an unimproved portion of Old State Road, more particularly described as set forth in the attached which are made a part hereof and incorporated by reference, undertaken by agreement of the parties and in furtherance of the Park Pointe development project.

The undersigned hereby waives and disclaims any interest it may have in this rights-of-way to be closed by virtue of the passage of an Ordinance by the City to such effect. However, thereafter, it is understood that the City will retain a gated easement of record for future use by emergency vehicles only.

The undersigned, as the only abutting property owner thereto, hereby gives written consent to the closing of this unimproved portion of Old State Road rights-of-way of the City.

This Consent and acknowledgment of receipt of Notice is given pursuant to the provisions of KRS 82.405(2)(b) and (c).

The undersigned acknowledges he has full authority to execute this Consent by and on behalf of Park Pointe, LLC, a duly licensed Kentucky Limited Liability Company.



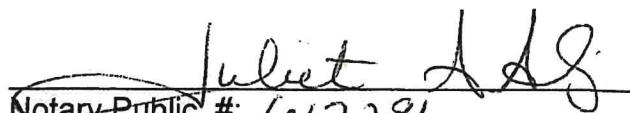
PAUL ZELTWANGER

Manager

Park Pointe, LLC

COMMONWEALTH OF KENTUCKY
COUNTY OF Kenton

Subscribed, sworn and acknowledged to before me, a Notary Public, by Paul Zeltwanger, this 26 day of February, 2021.



Notary Public #: 617291
State at Large, KY
My Commission Expires; 2/23/23