

ORDINANCE NO. 24-2018

**AN ORDINANCE FOR THE CITY OF ELIZABETHTOWN, KENTUCKY
CLOSING A PORTION OF RIGHT-OF-WAY KNOWN AS WINTERBERRY DRIVE,
MAKING APPROPRIATE FINDINGS OF FACT AND
AUTHORIZING TRANSFER OF SAID PROPERTY**

BE IT ORDAINED by the City of Elizabethtown, Kentucky, that from and after the passage, approval and publication of this ordinance that a portion of Winterberry Drive, as more particularly described in Exhibits “A” and “B” is hereby closed as a public right-of-way pursuant to KRS 82.405, Sections (1) and (2).

The Elizabethtown City Council hereby makes the following findings of fact:

A. The following property owner is the only property owner on and abutting said portion of right-of-way known as Winterberry Drive to be closed:

John and Lois Hardesty

B. Written notice of the proposed closing was given to the property owner on and abutting said portion of right-of-way known as portion of Winterberry Drive to be closed.

C. The property owner on and abutting said right-of-way known as a portion of Winterberry Drive to be closed has given their written, notarized consent to the closing, (copy of same is attached hereto as Exhibit “C”).

Pursuant to the above findings of fact and to KRS 82.405, the Elizabethtown City Council hereby determines that the portion of right-of-way known as Winterberry Drive as shown and described on Exhibits “A” and “B” should be closed and that the owner on and abutting said portion of right-of-way known as Winterberry Drive, John and Lois Hardesty, agrees to said closing.

BE IT FURTHER ORDAINED that the Mayor of the City of Elizabethtown and/or her designate is and she is authorized and directed to take all steps necessary to perfect this ordinance including execution of any and all documents, sales contracts, deeds, subdivision plats, forms, applications and statements to transfer said property upon closure to John and Lois Hardesty, the adjoining property owner. The City will retain utility easements for existing sanitary sewer and natural gas services provided by the City within the area closed as street right-of-way. The adjoining property owner has agreed to pay for all costs associated with the transfer of said property.

READ THE FIRST TIME, the 6th day of August, 2018.

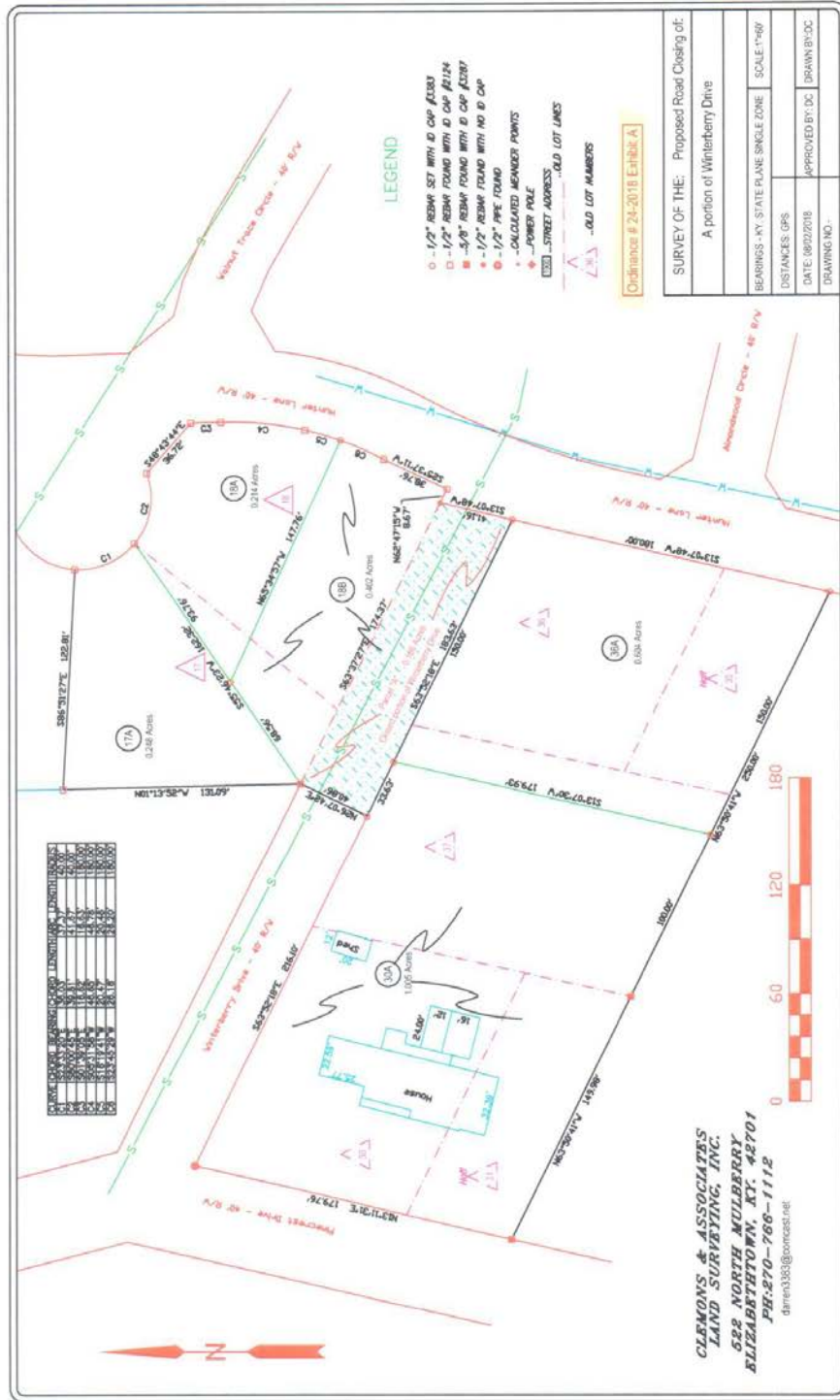
READ, ADOPTED AND APPROVED, the 20th day of August, 2018.

EDNA B. BERGER, MAYOR

ATTESTED TO:

MARY CHAUDOIN, CITY CLERK

ORDINANCE NO. 24-2018
EXHIBIT A - MAP



ORDINANCE NO. 24-2018
EXHIBIT B – LEGAL DESCRIPTION

Property Description
A Portion of Winterberry Drive
0.166 Acres (7,244 Sq. Ft.)

A certain tract of land lying and being in the city limits of Elizabethtown, Hardin County, Ky. Said parcel being a portion of the platted Pinecrest Drive (Now known as Winterberry Drive), recorded in plat cabinet 1, sheet 40B.

All references to ½" rebar (set) are ½" X 18" steel rebars set with ID cap #3383.

All references to a reference rebar (set) are ½" X 18" steel rebars set with reference ID cap #3383.

Beginning at a rebar (set) on the west side of Hunter Lane, said rebar being the northeast corner of lot 36 of Rolling Acres subdivision.

Thence with the north line of lot 36; N 63°52'18" W a distance of 183.63' to a rebar (set) on the south side of Winterberry Drive.

Thence crossing Winterberry Drive; N 26°07'42" E a distance of 40.86' to a ½" rebar (found) with ID cap #2124, said rebar being a corner to lot 17 of Walnut Trace subdivision.

Thence with the lines of lots 17 & 18 of Walnut Trace; S 63°37'27" E a distance of 174.37' to a ½" rebar (found) on the north side of Winterberry and the west side of Hunter Lane.

Thence S 13°07'48" W a distance of 41.16' to the point of beginning.

CONTAINING: 0.166 ACRES (7,244 Sq. Ft.) more or less according to a survey made by Clemons Land Surveying on the 20th day of July, 2018. Darren Clemons Ky. P.L.S. 3383. Subject to any and all rights-of-way, appurtenances, restrictions, and/or easements in effect to date.

ORDINANCE NO. 24-2018
EXHIBIT C – CONSENT

CONSENT TO CLOSING
NOTICE ACKNOWLEDGEMENT

Comes, John & Lois Hardesty, in their capacity as owners of all the adjoining property, to give consent to the public closing of a portion of the right-of-way known as Winterberry Drive, said portion being approximately 175 feet in length, in Elizabethtown, Hardin County, Kentucky. Winterberry Drive was dedicated as a public street by the Rolling Acres subdivision.

Further this is acknowledgement of the receipt of written notice of the proposed closing of a portion of the right-of-way of Winterberry Drive by the City of Elizabethtown in Elizabethtown, Hardin County, Kentucky.


JOHN HARDESTY


LOIS HARDESTY

STATE OF KENTUCKY
COUNTY OF HARDIN

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED before me by John & Lois Hardesty, owners of 302 Pine Crest Drive, this the 24th day of July, 2018.


NOTARY PUBLIC
My Commission Expires: 8/1/21
Notary ID: 524107