

## **ORDINANCE NO. 22-2016**

### **AN ORDINANCE FOR THE CITY OF ELIZABETHTOWN, KENTUCKY CLOSING A PORTION OF RIGHT-OF-WAY KNOWN AS STRAWBERRY ALLEY (LANE) AND THE ENTIRE LENGTH OF AN UN-NAMED ALLEY OFF THOMAS STREET, 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 Strawberry Alley (Lane) and the entire length of an un-named alley off Thomas Street, as more particularly described in Exhibits "A" and "B" (Strawberry Alley) and Exhibits "C" and "D" (Un-named Alley) is hereby closed to any and all vehicular traffic 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 portion of Strawberry Alley (Lane) and the entire length of an un-named alley off Thomas Street to be closed:

City of Elizabethtown

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 Strawberry Alley (Lane) and the entire length of an un-named alley off Thomas Street to be closed.

C. The property owner on and abutting said portion of right-of-way known as a portion of Strawberry Alley (Lane) and the entire length of an un-named alley off Thomas Street to be closed has given their written, notarized consent to the closing, (copy of same is attached hereto as Exhibit "E").

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 a portion of Strawberry Alley (Lane) and the entire length of an un-named alley off Thomas Street should be closed and that the owner on and abutting said portion of right-of-way known as a portion of Strawberry Alley (Lane) and the entire length of an un-named alley off Thomas Street, City of Elizabethtown, agrees to said closing.

BE IT FURTHER ORDAINED that the Mayor of the City of Elizabethtown is hereby authorized to execute any and all documents, sales contracts, deeds, forms, applications and statements to transfer said property to City of Elizabethtown, adjoining property owner.

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 but not limited to execution and delivery of a Quit Claim Deed to City of Elizabethtown, the appropriate adjoining property owner.

READ THE FIRST TIME, the 7<sup>th</sup> day of November, 2016.

READ, ADOPTED AND APPROVED, the 21<sup>st</sup> day of November, 2016.

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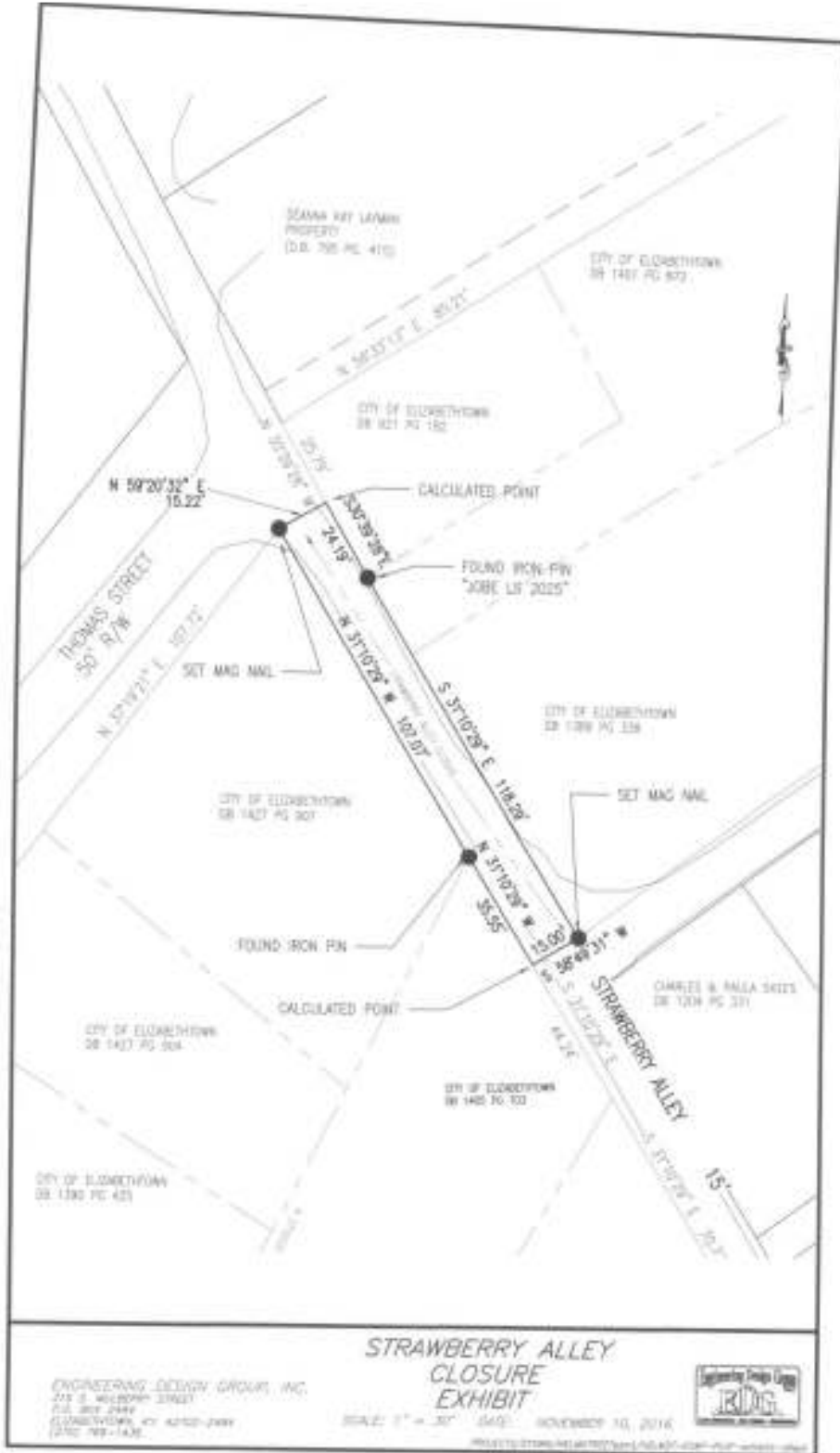
EDNA B. BERGER, MAYOR

ATTESTED TO:

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MARY CHAUDOIN, CITY CLERK

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EXHIBIT A - MAP



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EXHIBIT B – LEGAL DESCRIPTION  
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**LEGAL DESCRIPTION  
PORTION OF RIGHT OF WAY  
OF STRAWBERRY LANE**

**EXHIBIT A**

THE FOLLOWING DESCRIBED PROPERTY IS A PORTION OF THE RIGHT OF WAY OF STRAWBERRY LANE. SAID STRAWBERRY LANE IS ALSO KNOWN AS OR WAS FORMERLY KNOWN AS STRAWBERRY ALLEY AND OR MOCK ALLEY. SAID RIGHT OF WAY WAS ESTABLISHED VIA THE RECORD PLAT OF THE HENRY B HELM'S ADDITION TO ELIZABETHTOWN AS RECORDED IN DEED BOOK 9 PAGE 541 IN THE OFFICE OF THE HARDIN COUNTY CLERK. SAID PROPERTY IS LOCATED BETWEEN THE INTERSECTION OF STRAWBERRY LANE AND THOMAS STREET AND THE INTERSECTION OF STRAWBERRY LANE AND THOMAS STREET, (FORMERLY ALSO KNOWN AS MIDDLETON ALLEY), IN THE CITY OF ELIZABETHTOWN, HARDIN COUNTY, KENTUCKY.

UNLESS STATED OTHERWISE ANY MONUMENT REFERRED TO HEREIN AS A "SET IRON PIN" IS A ½-INCH DIAMETER REBAR PIN, 18-INCHES IN LENGTH, WITH YELLOW SURVEYORS IDENTIFICATION CAP STAMPED "BILLINGS L.S. 3472".

UNLESS STATED OTHERWISE ANY MONUMENT REFERRED TO HEREIN AS A "FOUND IRON PIN" IS A ½-INCH DIAMETER REBAR PIN, 18-INCHES IN LENGTH, WITH YELLOW SURVEYORS IDENTIFICATION CAP STAMPED "BILLINGS L.S. 3472".

UNLESS STATED OTHERWISE ANY MONUMENT REFERRED TO HEREIN AS A "SET MAGNAIL" IS A ½-INCH DIAMETER MAGNAIL, 2 ½-INCHES IN LENGTH, IN THE EXISTING ASPHALT PAVEMENT.

THE POINT OF BEGINNING IS A SET MAG NAIL, SAID POINT IS THE NORTHWEST CORNER OF THE CITY OF ELIZABETHTOWN PROPERTY, (D.B. 1427 PG. 907), IS A POINT IN THE EASTERN RIGHT OF WAY OF THOMAS STREET, (50' R/W), AND IS A POINT IN THE SOUTHERN RIGHT OF WAY OF STRAWBERRY LANE, (15' R/W), THENCE LEAVING SAID CITY OF ELIZABETHTOWN PROPERTY, (D.B. 1427 PG. 907), AND CROSSING THE EXISTING RIGHT OF WAY OF STRAWBERRY LANE, WITH THE HEREIN ESTABLISHED EASTERN RIGHT OF WAY OF THOMAS STREET

NORTH 59 DEGREES 20 MINUTES 32 SECONDS EAST FOR A DISTANCE OF 15.22 FEET TO A CALCULATED POINT, (NOT MONUMENTED), SAID POINT IS A POINT IN THE SOUTHERN PROPERTY LINE OF THE CITY OF ELIZABETHTOWN PROPERTY, (D.B. 921 PG. 182), THENCE WITH THE SOUTHERN PROPERTY LINE OF SAID CITY OF ELIZABETHTOWN PROPERTY, (D.B. 921 PG. 182),

SOUTH 30 DEGREES 39 MINUTES 28 SECONDS EAST FOR A DISTANCE OF 24.19 FEET TO A FOUND IRON PIN WITH YELLOW SURVEYORS IDENTIFICATION CAP STAMPED "JOBE L.S. 2025", SAID POINT IS THE SOUTHEAST CORNER OF SAID CITY OF ELIZABETHTOWN PROPERTY, (D.B. 921 PG. 182), AND IS THE SOUTHWEST PROPERTY CORNER OF THE CITY OF ELIZABETHTOWN PROPERTY, (D.B. 1401 PG. 872), THENCE WITH THE SOUTHERN PROPERTY LINE OF SAID CITY OF ELIZABETHTOWN PROPERTY, (D.B. 1401 PG. 872), AND CONTINUING WITH THE SOUTHERN PROPERTY LINE OF THE CITY OF ELIZABETHTOWN PROPERTY, (D.B. 1389 PG. 338),

SOUTH 31 DEGREES 10 MINUTES 29 SECONDS EAST FOR A DISTANCE OF 118.29 FEET TO A SET MAGNAIL, SAID POINT IS THE SOUTHEAST CORNER OF SAID CITY OF ELIZABETHTOWN PROPERTY, (D.B. 1389 PG. 338), AND IS LOCATED AT THE NORTHWEST INTERSECTION OF THE NORTHERN RIGHT OF WAY OF STRAWBERRY LANE AND THE WESTERN RIGHT OF WAY OF THOMAS STREET, (15' R/W), (FORMERLY ALSO KNOWN AS MIDDLETON ALLEY), THENCE CROSSING THE EXISTING RIGHT OF WAY OF STRAWBERRY LANE, WITH THE HEREIN ESTABLISHED WESTERN RIGHT OF WAY OF THOMAS STREET, (FORMERLY ALSO KNOWN AS MIDDLETON ALLEY),

SOUTH 58 DEGREES 49 MINUTES 31 SECONDS WEST FOR A DISTANCE OF 15.00 FEET TO A CALCULATED POINT, (NOT MONUMENTED), SAID POINT IS A POINT IN THE NORTHERN PROPERTY LINE OF THE CITY OF ELIZABETHTOWN PROPERTY, (D.B. 1405 PG. 703), THENCE WITH THE NORTHERN PROPERTY LINE OF SAID CITY OF ELIZABETHTOWN PROPERTY, (D.B. 1405 PG. 703),

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EXHIBIT B – LEGAL DESCRIPTION  
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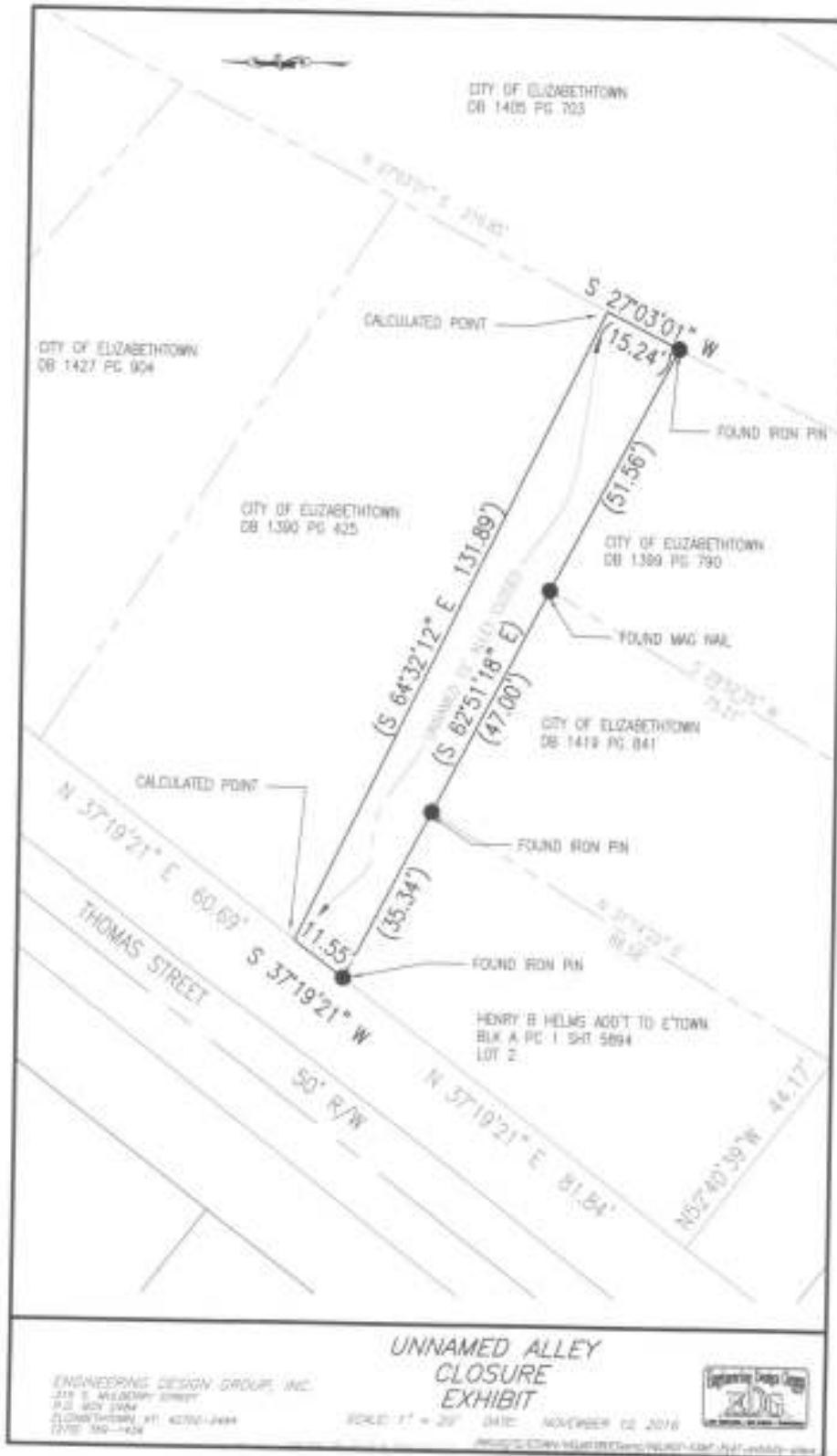
NORTH 31 DEGREES 10 MINUTES 29 SECONDS WEST FOR A DISTANCE OF 35.55 FEET TO A FOUND IRON PIN, SAID POINT IS THE NORTHEAST CORNER OF THE CITY OF ELIZABETHTOWN PROPERTY, (D.B. 1427 PG. 907), THENCE WITH THE NORTHERN PROPERTY LINE OF SAID CITY OF ELIZABETHTOWN PROPERTY, (D.B. 1427 PG. 907),

NORTH 31 DEGREES 10 MINUTES 29 SECONDS WEST FOR A DISTANCE OF 107.07 FEET TO THE TRUE POINT OF BEGINNING.

TOGETHER WITH AND SUBJECT TO COVENANTS, EASEMENTS AND RESTRICTIONS OF RECORD.

SAID PROPERTY CONTAINS 2,140.87 SQUARE FEET, (0.049 ACRES), PER PHYSICAL SURVEY BY ENGINEERING DESIGN GROUP, INC. MICHAEL P. BILLINGS (KY. PLS #3472).

ORDINANCE NO. 22-2016  
EXHIBIT C – MAP



ORDINANCE NO. 22-2016  
EXHIBIT D – LEGAL DESCRIPTION

LEGAL DESCRIPTION  
RIGHT OF WAY  
OF "UN-NAMED" ALLEY

EXHIBIT A

THE FOLLOWING DESCRIBED PROPERTY IS THE RIGHT OF WAY OF AN "UN-NAMED" ALLEY. SAID "UN-NAMED" ALLEY IS REFERENCED IN THE CHAIN OF TITLE OF EACH OF THE DEEDS OF THE ADJOINING PROPERTIES. THE SOURCE OF ESTABLISHMENT OF SAID "UN-NAMED" ALLEY WAS NOT DETERMINED AS A PORTION OF THIS LEGAL DESCRIPTION. SAID "UN-NAMED" ALLEY IS GENERALLY LOCATED ALONG THE EASTERN SIDE OF THOMAS STREET NORTH OF THE INTERSECTION OF THOMAS STREET AND HELM STREET AND SOUTH OF THE INTERSECTION OF THOMAS STREET AND STRAWBERRY ALLEY IN THE CITY OF ELIZABETHTOWN, HARDIN COUNTY, KENTUCKY.

UNLESS STATED OTHERWISE ANY MONUMENT REFERRED TO HEREIN AS A "SET IRON PIN" IS A ½-INCH DIAMETER REBAR PIN, 18-INCHES IN LENGTH, WITH YELLOW SURVEYORS IDENTIFICATION CAP STAMPED "BILLINGS L.S. 3472".

UNLESS STATED OTHERWISE ANY MONUMENT REFERRED TO HEREIN AS A "FOUND IRON PIN" IS A ½-INCH DIAMETER REBAR PIN, 18-INCHES IN LENGTH, WITH YELLOW SURVEYORS IDENTIFICATION CAP STAMPED "BILLINGS L.S. 3472".

THE POINT OF BEGINNING IS A FOUND IRON PIN, SAID POINT IS THE NORTHWEST CORNER OF LOT 2 OF HENRY B. HELMS ADDITION TO ELIZABETHTOWN SUBDIVISION, (P.C. 1 SHT. 5894), AND IS A POINT IN THE EASTERN RIGHT OF WAY OF THOMAS STREET, (50' R/W), THENCE LEAVING SAID LOT 2 WITH SAID EASTERN RIGHT OF WAY OF THOMAS STREET

NORTH 37 DEGREES 19 MINUTES 21 SECONDS EAST FOR A DISTANCE OF 11.55 FEET TO A CALCULATED POINT, (NOT MONUMENTED), SAID POINT IS THE SOUTHWEST CORNER OF THE CITY OF ELIZABETHTOWN PROPERTY, (D.B. 1390 PG. 425), THENCE WITH THE SOUTHERN PROPERTY LINE OF SAID CITY OF ELIZABETHTOWN PROPERTY, (D.B. 1390 PG. 425),

SOUTH 64 DEGREES 32 MINUTES 12 SECONDS EAST FOR A DISTANCE OF 131.89 FEET TO A CALCULATED POINT, (NOT MONUMENTED), SAID POINT IS A POINT IN THE WESTERN PROPERTY LINE OF THE CITY OF ELIZABETHTOWN PROPERTY, (D.B. 1405 PG. 703), THENCE WITH THE WESTERN PROPERTY LINE OF SAID CITY OF ELIZABETHTOWN PROPERTY, (D.B. 1405 PG. 703),

SOUTH 27 DEGREES 03 MINUTES 01 SECONDS WEST FOR A DISTANCE OF 15.24 FEET TO A FOUND IRON PIN, SAID POINT IS THE NORTHEAST CORNER OF THE CITY OF ELIZABETHTOWN PROPERTY, (D.B. 1399 PG. 790), THENCE WITH THE NORTHERN PROPERTY LINE OF SAID CITY OF ELIZABETHTOWN PROPERTY, (D.B. 1399 PG. 790),

NORTH 62 DEGREES 51 MINUTES 18 SECONDS WEST FOR A DISTANCE OF 51.56 FEET TO A FOUND MAG NAIL IN THE TOP OF A CONCRETE HEADWALL, SAID POINT IS THE NORTHEAST CORNER OF THE CITY OF ELIZABETHTOWN PROPERTY, (D.B. 1419 PG. 841), THENCE WITH THE NORTHERN PROPERTY LINE OF SAID CITY OF ELIZABETHTOWN PROPERTY, (D.B. 1419 PG. 841),

NORTH 62 DEGREES 51 MINUTES 18 SECONDS WEST FOR A DISTANCE OF 47.00 FEET TO A FOUND IRON PIN, SAID POINT IS THE NORTHEAST CORNER OF LOT 2 OF THE HENRY B. HELMS ADDITION TO ELIZABETHTOWN SUBDIVISION, (P.C. 1 SHT. 5894), THENCE WITH THE NORTHERN PROPERTY LINE OF SAID LOT 2

NORTH 62 DEGREES 51 MINUTES 18 SECONDS WEST FOR A DISTANCE OF 35.34 FEET TO THE TRUE POINT OF BEGINNING.

TOGETHER WITH AND SUBJECT TO COVENANTS, EASEMENTS AND RESTRICTIONS OF RECORD.

SAID PROPERTY CONTAINS 1,765.70 SQUARE FEET, (0.041 ACRES), PER PHYSICAL SURVEY BY ENGINEERING DESIGN GROUP, INC. MICHAEL P. BILLINGS (KY. PLS #3472).



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EXHIBIT E - CONSENT

**CONSENT TO CLOSING  
NOTICE ACKNOWLEDGEMENT**

Comes, Edna B. Berger, in her capacity as Mayor of the City of Elizabethtown, Kentucky, the owner of property adjoining Strawberry Lane aka Strawberry Alley and an Un-named Alley off Thomas Street, to give consent to the public closing of a portion of the right-of-way known as Strawberry Lane aka Strawberry Alley and the entire right-of-way of an Un-named Alley off Thomas Street both in the Henry B. Helm's Addition subdivision in Elizabethtown, Hardin County, Kentucky.

Further this is acknowledgement of the receipt of written notice of the proposed closing of the right-of-ways of said alleys by the City of Elizabethtown in Elizabethtown, Kentucky.

  
EDNA B. BERGER, MAYOR  
CITY OF ELIZABETHTOWN, KY

STATE OF KENTUCKY  
COUNTY OF HARDIN

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED before me by Edna B. Berger, Mayor, this the 30 day of November, 2016.

  
NOTARY PUBLIC  
My Commission Expires 01/25/2018  
Notary ID: 502857