

CITY OF BELLEVUE, KENTUCKY

ORDINANCE NO. 2003-12-01

AN ORDINANCE CLOSING AND VACATING CERTAIN PORTIONS OF THE IMPROVED PUBLIC RIGHT-OF-WAY KNOWN AS EDEN AVENUE AND THE UNIMPROVED PUBLIC RIGHT-OF-WAY KNOWN AS RIVER AVENUE, BOTH AS DESCRIBED IN DETAIL IN “EXHIBIT A” ATTACHED HERETO.

WHEREAS, the City of Bellevue Urban Renewal and Community Development Agency has approved and recommended the sale of real property adjacent to both Eden and River avenues to Harbor Greene Commercial, LLC, to accommodate the completion of Port Bellevue Phase II, also known as Harbor Greene, which will improve the quality of life in the City of Bellevue; and

WHEREAS, the City of Bellevue Planning Commission, on or about November 5, 2003, considered and approved the Harbor Greene Stage II Development Plan approving and authorizing the closure of the sections of the rights-of-ways of Eden and River avenues as described in detail in “Exhibit A” attached hereto; and

WHEREAS, the City of Bellevue on November 12, 2003, considered and approved the Harbor Greene Stage II Development Plan requesting for the closing, vacation and transfer of ownership of the sections of the rights-of-ways of Eden and River avenues as described in detail in “Exhibit A” attached hereto to Harbor Greene Commercial, LLC; and

WHEREAS, the Board of Council of the City of Bellevue desires to close, vacate and transfer ownership of the sections of the rights-of-ways of Eden and River avenues as described in detail in “Exhibit A” attached hereto; and

WHEREAS, pursuant to KRS 82.405(2), the Board of Council of the City of Bellevue, Kentucky, makes the following findings of fact:

1. All property owners in our abutting the sections of the rights-of-ways of Eden and River avenues that are to be closed have been identified. The owners are Bellevue Development Company Limited (a Kentucky Limited Partnership, aka Winston Folkers), DKJJ Investments Limited Partnership (a Kentucky Limited Partnership, Katherine G. Pritchard, Trustee), David A. & Debbie Bricking (a husband and wife), and the City of Bellevue, Kentucky, Urban Renewal and Community Development Agency Public Properties Corporation (a Public Non-Stock, Non-Profit corporation).
2. Written notice of the proposed closing has been given to the these property owners.
3. All property owners have given their written notarized consent to the closing, and copies of the consent are attached hereto.

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

SECTION 1

The Board of Council of the City of Bellevue has determined that the sections of the rights-of-ways of Eden and River avenues as described in detail in “Exhibit A” attached hereto should be closed, vacated and transferred according to applicable state and local regulations.

SECTION 2

The City has determined that the owners of property who abut these sections of the rights-of-ways of Eden and River avenues as described in detail in “Exhibit A” attached hereto are Bellevue Development Company Limited (a Kentucky Limited Partnership, aka Winston Folkers), DKJJ Investments Limited Partnership (a Kentucky Limited Partnership, Katherine G. Pritchard, Trustee), David A. & Debbie Bricking (a husband and wife), and the City of Bellevue, Kentucky, Urban Renewal and Community Development Agency Public Properties Corporation (a Public Non-Stock, Non-Profit Kentucky corporation).

SECTION 3

The City of Bellevue has provided written notice to the adjoining property owners of the sections of the rights-of-ways of Eden and River avenues to be closed and described in detail in “Exhibit A” attached hereto. Said adjoining property owners are Bellevue Development Company Limited (a Kentucky Limited Partnership, aka Winston Folkers), DKJJ Investments Limited Partnership (a Kentucky Limited Partnership, Katherine G. Pritchard, Trustee), David A. & Debbie Bricking (a husband and wife), and the City of Bellevue, Kentucky, Urban Renewal and Community Development Agency Public Properties Corporation (a Public Non-Stock, Non-Profit Kentucky corporation). A receipt of these are attached hereto as “Exhibit B, Exhibit C, Exhibit D” and “Exhibit E,” respectively, and incorporated by reference.

SECTION 4

The owners of property abutting those sections of the rights-of-ways of Eden and River avenues described in detail in “Exhibit A” attached hereto to be closed and vacated, namely Bellevue Development Company Limited (a Kentucky Limited Partnership, aka Winston Folkers), DKJJ Investments Limited Partnership (a Kentucky Limited Partnership, Katherine G. Pritchard, Trustee), David A. & Debbie Bricking (a husband and wife), and the City of Bellevue, Kentucky, Urban Renewal and Community Development Agency Public Properties Corporation (a Public Non-Stock, Non-Profit Kentucky corporation), have given their written notarized consent to the closing and vacation of said rights-of-ways and copies of the consent are attached hereto marked as “Exhibit B, Exhibit C, Exhibit D” and “Exhibit E,” respectively, and incorporated by reference.

SECTION 5

Those sections of the rights-of-ways of Eden and River avenues as described in detail in “Exhibit A” attached hereto are declared closed and vacated without any further action pursuant to KRS 82.405(1) and (2).

SECTION 6

This ordinance shall be recorded in the Campbell County Clerk's Office.

SECTION 7

This ordinance shall be effective when read, passed and advertised according to law.

ATTEST:

John D. Meyer, Mayor

Mary H. Scott, City Clerk

1st reading _____

2nd reading _____

Publication _____

NOTICE OF PROPOSED STREET CLOSING

AND CONSENT OF CLOSING

The undersigned acknowledges written notice of the closing and vacation of a section of Hallam Street as more particularly described in Ordinance No. 00-2-2 that is attached hereto and herein incorporated by reference.

The undersigned hereby gives written notarized consent to the closing of the street.

Mayor Thomas J. Wiethorn

WITNESS:

NOTARY

Sworn to and subscribed in my presence on this _____ day of _____, 2000.

Notary Public

By: Jack Meyer
A duly authorized representative
of the City of Bellevue,
Kentucky Urban Renewal and
Community Development Agency
Public Properties Corporation;
and, the City of Bellevue Urban
Renewal and Community
Development Agency

WITNESS:

NOTARY

Sworn to and subscribed in my presence on this _____ day of _____, 2000.

Notary Public

NOTICE OF PROPOSED STREET CLOSING

AND CONSENT OF CLOSING

The undersigned acknowledges written notice of the closing and vacation of a section of Hallam Street as more particularly described in Ordinance No. 00-2-2 that is attached hereto and herein incorporated by reference.

The undersigned hereby gives written notarized consent to the closing of the street.

By:
A duly authorized representative
of United Dairy Farmers, Inc.

WITNESS:

NOTARY

Sworn to and subscribed in my presence on this _____ day of _____, 2000.

Notary Public

bellevue's property

Parcel 1. That parcel formerly known as 135 Fairfield Avenue.

Group No. 41014/A3
PIDN: 999-99-33-421.00

Plat Slide: B-275A

Situate in the City of Bellevue, Campbell County, Kentucky, and being part of Lot Numbered Thirteen (13) as laid down and designated on the recorded plat of the Town of Bellevue, and bounded and described as follows:

BEGINNING 60.00 feet west of Hallam Street, at the southwest corner of said Lot Numbered 13; thence east 30.00 feet along the south line of said Lot Numbered 13; thence northwardly in rectangular shape, from the two points above-named, 90.00 feet, being 30 feet in width and 90 feet in depth.

Parcel 2. That parcel formerly known as 138 Eden Avenue.

Group No. 41014/A3
PIDN: 999-99-33-419.00

Plat Slide: B-275A

The northerly part of Lot Number Thirteen (13) as laid out on A.S. Berry's Original Plan of the City of Bellevue, Campbell County, Kentucky, said part of said lot is bounded as follows:

BEGINNING at a point in the dividing line between Lots 13 and 14, 90.00 feet north of Fairfield Avenue; thence westwardly, in a line parallel with Fairfield Avenue 30.5 feet to the line of Lot 12; thence with the line of said Lot No. 12, northwardly 93.06 feet to Eden Avenue (formerly Rensford); thence with the southerly line of Eden Avenue, eastwardly to the line of Lot No. 14; thence southwardly with the line of said Lot No. 14, a distance of 98.14 feet to the PLACE OF BEGINNING.

Parcel 3. That parcel formerly known as 140 Eden Avenue.

Group No. 41014/A3
PIDN: 999-99-33-420.00

Plat Slide: B-275A

Part of Lot Numbered Fourteen (14) in the Original Plan to the City of Bellevue, Campbell County, Kentucky, and more particularly described as follows:

BEGINNING at the southwest corner of Hallam and Rensford, now Eden, Streets; thence with the west line of Hallam Street, southwardly 65 feet to a stake; thence at right angles westwardly 30.5 feet, more or less, to the west line of said Lot Numbered Fourteen (14) of said Original Plan; thence with said west line northwardly 65 feet to

the south line of Rensford, now Eden, Street; thence with the south line of Rensford, now Eden, Street eastwardly 30.5 feet, more or less to the PLACE OF BEGINNING.

LEGAL DESCRIPTION OF HALLAM STREET TO BE CLOSED

Situated in the City of Bellevue, Campbell County, Kentucky, and being all of Hallam Street located between the North line of Fairfield Avenue and the South Line of Eden Avenue as shown on the plat of the Original Plan of Bellevue and recorded as Plats 275A and 275B of the Campbell County Clerk's records at Newport, Kentucky, and more fully described as follows:

Beginning at a set iron pin at the south east corner of Lot 14 of the Original Plan of Bellevue as shown on the plat recorded in cabinet sleeve 275 A of the County records at Newport, said point also being the west line of Hallam Avenue and the north line of Fairfield Avenue, Kentucky Highway 8;

Thence leaving the north line of Fairfield Avenue and with the common line of Hallam Street and the east line of Lot 14 of the Original Plan of Bellevue, North 45° 27' 32" West a distance of 193.24 feet to a set iron pin in the south line of Eden Avenue, the west line of Hallam Street and the north-east corner of Lot 14 of the Original Plan of Bellevue;

Thence leaving the east line of Lot 14 Original Plan of Bellevue and across Hallam Street with the south line of Eden Avenue North 35° 00' 00" East a distance of 50.70 feet to a set iron pin in the east line of Hallam Street and the northwest corner of Lot 15 of the Original Plan of Bellevue as shown on the plat recorded in sleeve 275 B of the records of the County Clerk at Newport.

Thence leaving the south line of Eden Avenue and with the west line of said Lot 15 of the Original Plan of Bellevue and the east line of Hallam Street South 45° 27' 32" East a distance of 201.76 feet to a set cross notch in the north line of Fairfield Avenue.

Thence leaving Lot 15 Original Plan of Bellevue and with the north line of Fairfield Avenue and across Hallam Street South 44° 40' 34" West a distance of 50.00 feet to the west line of Hallam Avenue the east line of Lot 14 Original Plan of Bellevue and the point of beginning.

The herein described tract includes all of Hallam Street lying North of Fairfield Avenue South of Eden Avenue and between lots 14 and 15 of the Original Plan of Bellevue and contains 9,875 sq. feet.