CITY OF BELLEVUE, KENTUCKY

ORDINANCE NO. 2004-04-03

AN ORDINANCE CLOSING AND VACATING A CERTAIN PORTION OF THE IMPROVED AND UNIMPROVED PUBLIC RIGHT-OF-WAY OF TAYLOR AVENUE AS DESCRIBED IN DETAIL IN "EXHIBIT A" ATTACHED HERETO.

WHEREAS, the City of Bellevue Planning Commission, on or about January 7, 2004, considered and approved the Stage II Development Plan for Omega Design / Build Group which requires the closure of the section of the right-of-way of Taylor Avenue as described in detail in "Exhibit A" attached hereto; and

WHEREAS, the City of Bellevue on January 14, 2004, considered and approved the Stage II Development Plan for Omega Design / Build Group which requires the closing, vacation and transfer of ownership of the section of the right-of-way of Taylor Avenue as described in detail in "Exhibit A" attached hereto to Bellevue Waterfront Condominiums (a Limited Liability Corporation); and

WHEREAS, the Board of Council of the City of Bellevue desires to close, vacate and transfer ownership of the section of the right-of-way of Taylor Avenue 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 or abutting the sections of the right-of-way of Taylor Avenue that is to be closed have been identified.
2. Written notice of the proposed closing has been given to 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 section of the right-of-way of Taylor Avenue 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 owner of property who abut this section of the right-of-way of Taylor Avenue as described in detail in "Exhibit A" attached hereto is Bellevue Waterfront Condominiums (a Limited Liability Corporation).

SECTION 3

The City of Bellevue has provided written notice to the adjoining property owner of the section of the right-of-way of Taylor Avenue to be closed and described in detail in "Exhibit A" attached hereto. Said adjoining property owner is Bellevue Waterfront Condominiums (a Limited Liability Corporation). A receipt of this notice is attached hereto as "Exhibit B," and incorporated by reference.

SECTION 4

The owner of property abutting this section of the right-of-way of Taylor Avenue is described in detail in "Exhibit A" attached hereto to be closed and vacated, namely Bellevue Waterfront Condominiums (a Limited Liability Corporation), has given their written notarized consent to the closing and vacation of said rights-of-ways and a copy of the consent is attached hereto and marked as "Exhibit B," and incorporated by reference.

SECTION 5

The section of the right-of-way of Taylor Avenue as described in detail in "Exhibit A" attached hereto is 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 Lake Street as more particularly described in detail in Exhibit "A" that is attached hereto and herein incorporated by reference.

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

_____
Bellevue Waterfront Condominiums, LLC
By Jack A. Donenfeld, Chairman / CEO

NOTARY

Sworn to and subscribed in my presence on this _____ day of _____, 2004.

_____
Notary Public