

CITY OF BELLEVUE, KENTUCKY

ORDINANCE NO. 2004-10-02

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 or abutting the sections of the rights-of-ways of Eden and River avenues that are to be closed have been identified. The only owner is Harbor Greene Commercial (an Ohio Limited Liability Corporation, aka Harbor Greene).
2. Written notice of the proposed closing has been given to the property owner.
3. The property owner has 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 owner of property which abuts these sections of the rights-of-ways of Eden and River avenues as described in detail in “Exhibit A” attached hereto is Harbor Greene Commercial (an Ohio Limited Liability Corporation, aka Harbor Greene).

SECTION 3

The City of Bellevue has provided written notice to the adjoining property owner 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 owner is Harbor Greene Commercial (an Ohio Limited Liability Corporation, aka Harbor Greene).

SECTION 4

The owner 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 Harbor Greene Commercial (an Ohio Limited Liability Corporation, aka Harbor Greene), has given their written notarized consent to the closing and vacation of said rights-of-ways and copies of the consent is attached hereto marked as "Exhibit B" and incorporated herein 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: _____

Exhibit B

NOTICE OF PROPOSED STREET CLOSING

AND CONSENT OF CLOSING

Pursuant to KRS 82.405(2)(c) the undersigned, being an owner of property which abuts Eden Avenue and River Avenue in Bellevue, Campbell County, Kentucky, hereby acknowledges receiving written notice of the City of Bellevue's intent to close and vacate those portions of Eden and River Avenues which are described on the attached Exhibit A and hereby consent to the permanent closing and vacation of Eden and River Avenues which is described on the attached Exhibit A by the City of Bellevue, Kentucky.

Furthermore, the undersigned agrees that any portion of the closed and vacated Eden or River Avenues which abuts the undersigned's real property shall be included in the definition of "Group I Properties" as provided in the Development Agreement between the City of Bellevue and Ackermann Enterprises, Inc.

Harbor Greene Commercial, LLC
Greg Long, Vice-President

NOTARY

STATE OF _____

COUNTY OF _____

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

Notary Public