

**CITY OF BELLEVUE, KENTUCKY**

**ORDINANCE NO. 2005-11-02**

**AN ORDINANCE CLOSING AND VACATING A CERTAIN PORTION OF THE UNIMPROVED PUBLIC RIGHT-OF-WAY OF WASHINGTON AVENUE LOCATED IN THE CITY OF BELLEVUE, KENTUCKY CONSISTING OF 0.007 ACRES OF REAL ESTATE AS DESCRIBED IN DETAIL ON EXHIBIT "A" AND SHOWN AND DEPICTED ON THE PLAT MARKED AS EXHIBIT "A-1" BOTH ATTACHED HERETO.**

**WHEREAS**, the City of Bellevue has been requested by the adjoining and abutting property owner and by his predecessor in title to that part of said owner's property which presently encroaches upon that portion of the unimproved public right of way of Washington Avenue located in the City of Bellevue , Kentucky consisting of 0.007 acres of real estate as described in detail on Exhibit "A" attached hereto and shown and depicted on the plat attached hereto and marked as Exhibit "A-1" both of which are incorporated by reference and being that portion of said unimproved public right of way to be closed and vacated by this Ordinance; and

**WHEREAS**, the Board of Council of the City of Bellevue desires to close and vacate that portion and section of the unimproved public right of way of Washington Avenue located in the City of Bellevue, Kentucky consisting of 0.007 acres of real estate as described in detail on Exhibit "A" attached hereto and shown and depicted on the plat attached hereto and marked as Exhibit "A-1" both of which are incorporated by reference except and subject to any public and/or private utilities located therein shall be permitted to remain in place and easements shall be retained for such utilities; 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 owner(s) in or abutting that portion and section of the public right of way of Washington Avenue that is to be closed has been identified.
2. Written notice of the proposed closing has been given to all property owner(s) in or abutting that portion and section of the public right of way of Washington Avenue that is to be closed.
3. All property owner(s) in or abutting that portion and section of the public right of way of Washington Avenue that is to be closed has given his notarized consent to the closing of said right of way, and a copy of the consent is 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, Kentucky has determined that the sole owner of property who abuts that portion and section of the unimproved public right-of-way of Washington Avenue located in the City of Bellevue, Kentucky consisting of 0.007 acres as described in detail on

Exhibit "A" attached hereto and shown and depicted on the plat attached hereto and marked as Exhibit "A-1" both of which are incorporated by reference that is closed and vacated by this Ordinance is Shahe Assilian, an unmarried man, (a natural person).

## **SECTION 2**

The City of Bellevue, Kentucky has provided written notice to Shahe Assilian, an unmarried man, as the sole adjoining and abutting property owner of that portion and section of the right-of-way of Washington Avenue located in the City of Bellevue, Kentucky consisting of 0.007 acres and described in detail on Exhibit "A" attached hereto and shown and depicted on the plat attached hereto and marked as Exhibit "A-1" both of which are incorporated by reference, that this Ordinance concerning the closing and vacation of that portion and section of Washington Avenue located in the City of Bellevue, Kentucky consisting of 0.007 acres and described in detail on Exhibit "A" attached hereto and shown and depicted on the plat attached hereto and marked as Exhibit "A-1" both of which are incorporated by reference, would be heard by the Board of Council of the City of Bellevue, Kentucky on November 9, 2005. A true and correct copy of the receipt of Notice and notarized consent by and agreement of Shahe Assilian to said vacation and closure of that portion and section of the public right of way of Washington Avenue located in the City of Bellevue, Kentucky consisting of 0.007 acres and described in detail on Exhibit "A" attached hereto and shown and depicted on the plat attached hereto and marked as Exhibit "A-1" both of which are incorporated by reference is attached hereto and marked as "Exhibit B" and is incorporated by reference.

## **SECTION 3**

The Board of Council of the City of Bellevue, Kentucky has determined and does hereby declare that the portion and section of the unimproved public right of way of Washington Avenue located in the City of Bellevue, Kentucky consisting of 0.007 acres of real estate as described in detail on Exhibit "A" attached hereto and shown and depicted on the plat attached hereto and marked as Exhibit "A-1" both of which are incorporated by reference is hereby closed and vacated without any further action pursuant to KRS 82.405(1) and (2) and shall revert in fee simple to the abutting property owner according to applicable state and local laws and regulations except and subject to any public and/or private utilities located therein shall be permitted to remain in place and said easements shall be retained for such utilities.

## **SECTION 4**

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

## **SECTION 5**

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 \_\_\_\_\_

**RECEIPT OF NOTICE OF PROPOSED STREET CLOSING  
AND CONSENT AND AGREEMENT TO CLOSING OF THE UNIMPROVED  
PUBLIC RIGHT-OF-WAY OF WASHINGTON AVENUE LOCATED IN THE CITY OF  
BELLEVUE, KENTUCKY CONSISTING OF 0.007 ACRES OF REAL ESTATE AS  
DESCRIBED IN DETAIL ON EXHIBIT "A" AND SHOWN AND DEPICTED ON THE PLAT  
MARKED AS EXHIBIT "A-1" BOTH ATTACHED HERETO**

The undersigned acknowledges written notice of the proposed Ordinance to be heard on November 7, 2005 wherein the Board of Council of the City of Bellevue, Kentucky will seek the closing and vacation of that portion and section of the unimproved public right of way of Washington Avenue located in the City of Bellevue, Kentucky consisting of 0.007 acres as is more particularly described in detail on Exhibit "A" attached hereto and shown and depicted on the plat attached hereto and marked as Exhibit "A-1" both of which are incorporated by reference that presently abuts and lies adjacent to real property owned by the undersigned.

The undersigned does hereby consent to and agrees with the Board of Council of the City of Bellevue, Kentucky that the portion and section of Washington Avenue located in the City of Bellevue, Kentucky consisting of 0.007 acres as is more particularly described in detail on Exhibit "A" attached hereto and shown and depicted on the plat attached hereto and marked as Exhibit "A-1" both of which are incorporated by reference which abuts property owned by the undersigned be closed and vacated by the Board of Council of the City of Bellevue in accordance with the proposed Ordinance.

\_\_\_\_\_  
Shahe Assilian      Dated: 11/\_\_\_/05  
4527 Caledonia  
Los Angeles, CA 90065

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

On November \_\_\_\_, 2005 before me, \_\_\_\_\_ personally  
NAME, TITLE OF OFFICER

–E.G., “JANE DOE, NOTARY PUBLIC”

appeared **Shahe Assilian**,  personally known to me – OR -  proved to me on the basis of  
satisfactory evidence to be the person whose  
name is subscribed to the within instrument and  
acknowledged to me that he executed the same  
in his authorized capacity, and that by his

signature on the instrument the person or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

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SIGNATURE OF NOTARY

**NOTICE OF PROPOSED STREET CLOSING  
OF THE UNIMPROVED PUBLIC RIGHT-OF-WAY OF WASHINGTON AVENUE  
LOCATED IN THE CITY OF BELLEVUE, KENTUCKY CONSISTING OF 0.007 ACRES OF  
REAL ESTATE AS DESCRIBED IN DETAIL ON "EXHIBIT A" ATTACHED HERETO.**

Notice is hereby given to Shahe Assilian, unmarried, of the proposed Ordinance with attached exhibits, a copy of which is attached hereto, to be heard on November 9, 2005 wherein the Board of Council of the City of Bellevue, Kentucky will consider and seek the closing and vacation of that portion and section of the unimproved public right of way of Washington Avenue located in the City of Bellevue, Kentucky consisting of 0.007 acres as is more particularly described in detail on Exhibit "A" of said Ordinance and shown and depicted on the plat set forth on Exhibit "A-1" of said Ordinance, that presently abuts and lies adjacent to real property owned by Shahe Assilian.

Dated this 2<sup>nd</sup> day of November, 2005

City of Bellevue, Kentucky

By \_\_\_\_\_  
Don Martin, its City Administrator