

ORDINANCE 2012-11-03

A CONJUNCTIVE ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF NEWPORT, KENTUCKY AND THE CITY COUNCIL OF THE CITY OF BELLEVUE, KENTUCKY, PURSUANT TO THE PROVISIONS OF KRS CHAPTER 81, AMENDING THE TERRITORIAL BOUNDARIES OF THE TWO CITIES TO PROVIDE THAT CERTAIN REAL PROPERTY, MORE SPECIFICALLY DESCRIBED HEREIN, SHALL BE AND IS HEREBY ADDED TO THE INCORPORATED TERRITORIAL LIMITS OF THE CITY OF NEWPORT, KENTUCKY, FROM THE CITY OF BELLEVUE, KENTUCKY, AND THAT CERTAIN REAL PROPERTY SHALL BE AND IS HEREBY ADDED TO THE INCORPORATED TERRITORIAL LIMITS OF THE CITY OF BELLEVUE, KENTUCKY, FROM THE CITY OF NEWPORT, KENTUCKY.

WHEREAS, the City of Newport, Kentucky (a municipal corporation of the second class) and the City of Bellevue, Kentucky (a municipal corporation of the fourth class), have a common territorial boundary from the Ohio River on the north, extending south to Memorial Parkway; and,

WHEREAS, portions of said property along such territorial boundary, currently within the incorporated limits of the City of Bellevue can best be served by the City of Newport and that portions of said property located in the incorporated limits of the City of Newport can best be served by the City of Bellevue; and,

WHEREAS, both cities are desirous of amending the incorporated territorial boundary line in such a way as to benefit both cities by virtue of such amendment; and,

WHEREAS, the real property involved is publicly owned with no persons or registered voters residing thereon.

NOW, THEREFORE, BE IT ORDAINED BY BOTH THE CITY OF NEWPORT, KENTUCKY, AND THE CITY OF BELLEVUE, KENTUCKY:

SECTION I

- A. That the area east of the following described territorial boundary line be transferred from the incorporated area of the City of Newport, Kentucky, and be added to the incorporated territorial limits of the City of Bellevue, Kentucky; and,
- B. That the area west of the following described territorial boundary line be transferred from the incorporated area of the City of Bellevue, Kentucky, and be added to the incorporated territorial limits of the City of Newport, Kentucky, as follows:

**CORPORATION LINE AGREEMENT DESCRIPTION
BETWEEN THE CITIES OF NEWPORT AND BELLEVUE KENTUCKY**

Situated in Campbell County, Commonwealth of Kentucky and being more particularly described as follows:

BEGINNING at a point on the State Line between the Commonwealth of Kentucky and the State of Ohio, said point being South 28°15'42" West, 662.64 feet from Point 3946 and North 28°15'42" East, 203.52 feet from Point 3947 as established by Joint Exhibit 30 from Case Number 27, Original of The Supreme Court of the United States, October Term 1984 and at coordinate North 584,471.93, East 1,571,481.48 based on State Plane Coordinate System, Kentucky North Zone (NAD83);

Thence South 47°14'26" East, 1374.20 feet to a point in the northerly right-of-way of Riverboat Row;

Thence with the northerly line of Riverboat Row, along a curve to the right, having a radius of 123.00 feet, an arc length of 154.65 feet, a delta angle of 72°02'21" and a chord bearing of South 83°15'36" East, 144.66 feet;

Thence continuing with the northerly line of Riverboat Row and its prolongation, South 47°14'26" East, 136.02 feet to the prolongation of the south line of Dave Cowens Drive;

Thence with the prolongation of and the south line of said Dave Cowens Drive, along a curve to the left, having a radius of 7596.44 feet, an arc length of 338.37 feet, a delta angle of 2°33'08" and a chord bearing of South 41°25'41" West, 338.34 feet to the northwest corner of a tract conveyed to Bellevue RE, LLC in Deed Book 685, Page 427 at the Campbell County Clerk's Office at Newport, Kentucky;

Thence with the lines of said Bellevue RE, LLC tract the following four (4) courses:

1. South 49°54'20" East, 254.21 feet;
2. South 46°59'41" East, 472.61 feet;
3. South 49°47'42" East, 479.27 feet;
4. North 34°59'19" East, 61.72 feet to the center of Taylor Creek as it exists today;

Thence with the centerline of Taylor Creek as it exists today the following six (6) courses:

1. South 44°35'02" East, 124.12 feet;
2. South 44°18'16" East, 783.05 feet;
3. South 59°03'25" East, 47.12 feet;
4. South 45°48'54" East, 836.48 feet;
5. South 61°48'28" East, 215.74 feet;
6. South 48°41'46" East, 235.99 feet to the centerline of a headwall on Taylor Creek as it emerges from under Interstate Route 471;

Thence leaving said creek South 73°52'26" East, 65.57 feet to a point in the permanent right-of-way easement for Interstate Route 471 over the C & O Railroad;

Thence with said permanent right-of-way easement, South 59°28'58" East, 206.44 feet to the controlled access right-of-way of Interstate Route 471;

Thence with the controlled access right-of-way of Said Interstate Route 471 the following seven (7) courses:

1. South 37°24'11" East, 187.59 feet;
2. South 59°00'20" East, 130.43 feet;
3. South 64°24'26" East, 349.08 feet;
4. South 66°48'53" East, 129.71 feet;
5. South 52°23'45" East, 154.03 feet;
6. South 51°54'34" East, 102.49 feet;
7. South 49°45'25" East, 40.68 feet;

Thence continuing in part with the controlled access right-of-way of Said Interstate Route 471, South 39°15'43" East, 240.60 feet to a point in the existing corporation line between the cities of Newport and Bellevue Kentucky as shown on the plat of Bonnie Leslie Addition, Block "C" as recorded on Plat Slide 669B of the Campbell County Clerk of Court Records at Newport, Kentucky.

Said point being at coordinate North 580,006.49 and East 1,576,380.00 based on State Plane Coordinate System, Kentucky North Zone (NAD83) and being the **TERMINUS** of this corporation line agreement.

The above described real property upon its transfer to the City of Newport, Kentucky, shall have the zoning classification of R-2, in accordance with the Zoning Ordinance of the City of Newport, Kentucky and, the above described real property upon its transfer to the City of Bellevue, Kentucky shall have the zoning classification of _____ in accordance with the Zoning Ordinance of the City of Bellevue, Kentucky.

SECTION II

That there shall be no financial payment required from either City to the other as a result of the transfer described in Section I above. The City of Newport agrees to pay

the cost of the survey conducted herein and used to establish the corporation line as described and set forth in Section I above.

SECTION III

That any tax revenue generated from any real property so transferred from the City of Newport to the City of Bellevue shall become solely that of the City of Bellevue and that any such tax revenue generated from any real property so transferred from the City of Bellevue to the City of Newport shall become solely that of the City of Newport.

SECTION IV

That this Conjunctive Ordinance shall be signed by the respective Mayors of each City and shall be attested by the City Clerk of each City, recorded, published in summary and be effective upon publication.

Jerry R. Peluso, Mayor of Newport

ATTEST:

Amy B. Able, City Clerk

Edward Riehl, Mayor of Bellevue

ATTEST:

Mary H. Scott, City Clerk

1st Reading: _____

2nd Reading: _____

Publication: _____

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CORPORATION LINE AGREEMENT DESCRIPTION BETWEEN THE CITIES OF NEWPORT AND BELLEVUE KENTUCKY

Situated in Campbell County, Commonwealth of Kentucky and being more particularly described as follows:

BEGINNING at a point on the State Line between the Commonwealth of Kentucky and the State of Ohio, said point being South $28^{\circ}15'42''$ West, 662.64 feet from Point 3946 and North $28^{\circ}15'42''$ East, 203.52 feet from Point 3947 as established by Joint Exhibit 30 from Case Number 27, Original of The Supreme Court of the United States, October Term 1984 and at coordinate North 584,471.93, East 1,571,481.48 based on State Plane Coordinate System, Kentucky North Zone (NAD83);

Thence South $47^{\circ}14'26''$ East, 1374.20 feet to a point in the northerly right-of-way of Riverboat Row;

Thence with the northerly line of Riverboat Row, along a curve to the right, having a radius of 123.00 feet, an arc length of 154.65 feet, a delta angle of $72^{\circ}02'21''$ and a chord bearing of South $83^{\circ}15'36''$ East, 144.66 feet;

Thence continuing with the northerly line of Riverboat Row and its prolongation, South $47^{\circ}14'26''$ East, 136.02 feet to the prolongation of the south line of Dave Cowens Drive;

Thence with the prolongation of and the south line of said Dave Cowens Drive, along a curve to the left, having a radius of 7596.44 feet, an arc length of 338.37 feet, a delta angle of $2^{\circ}33'08''$ and a chord bearing of South $41^{\circ}25'41''$ West, 338.34 feet to the northwest corner of a tract conveyed to Bellevue RE, LLC in Deed Book 685, Page 427 at the Campbell County Clerks Office at Newport, Kentucky;

Thence with the lines of said Bellevue RE, LLC tract the following four (4) courses:

1. South $49^{\circ}54'20''$ East, 254.21 feet;
2. South $46^{\circ}59'41''$ East, 472.61 feet;
3. South $49^{\circ}47'42''$ East, 479.27 feet;
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CORPORATION LINE AGREEMENT DESCRIPTION
BETWEEN THE CITIES OF NEWPORT AND BELLEVUE KENTUCKY
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Thence with the centerline of Taylor Creek as it exists today the following six (6) courses:

1. South 44°35'02" East, 124.12 feet;
2. South 44°18'16" East, 783.05 feet;
3. South 59°03'25" East, 47.12 feet;
4. South 45°48'54" East, 836.48 feet;
5. South 61°48'28" East, 215.74 feet;
6. South 48°41'46" East, 235.99 feet to the centerline of a headwall on Taylor Creek as it emerges from under Interstate Route 471;

Thence leaving said creek South 73°52'26" East, 65.57 feet to a point in the permanent right-of-way easement for Interstate Route 471 over the C & O Railroad;

Thence with said permanent right-of-way easement, South 59°28'58" East, 206.44 feet to the controlled access right-of-way of Interstate Route 471;

Thence with the controlled access right-of-way of Said Interstate Route 471 the following seven (7) courses:

1. South 37°24'11" East, 187.59 feet;
2. South 59°00'20" East, 130.43 feet;
3. South 64°24'26" East, 349.08 feet;
4. South 66°48'53" East, 129.71 feet;
5. South 52°23'45" East, 154.03 feet;
6. South 51°54'34" East, 102.49 feet;
7. South 49°45'25" East, 40.68 feet;

G.J. Berding Surveying, Inc.

741 Main Street • Milford, OH 45150 • 513 831 5505 tel • 513 831 6761 fax • www.berdingsurveying.com

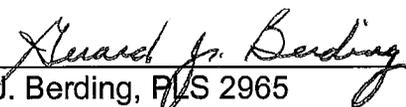


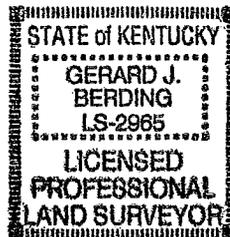
CORPORATION LINE AGREEMENT DESCRIPTION
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Thence continuing in part with the controlled access right-of-way of Said Interstate Route 471 South 39°15'43" East, 240.60 feet to a point in the existing corporation line between the cities of Newport and Bellevue Kentucky as shown on the plat of Bonnie Leslie Addition, Block "C" as recorded on Plat Slide 669B of the Campbell County Clerk of Court Records at Newport, Kentucky.

Said point being at coordinate North 580,006.49 and East 1,576,380.00 based on State Plane Coordinate System, Kentucky North Zone (NAD83) and being the **TERMINUS** of this corporation line agreement.

The above described line is based on a review of the records and an actual field survey performed in the fall of 2010 under the direct supervision of Gerard J. Berding, PLS.


Gerard J. Berding, PLS 2965



9-6-12
Date

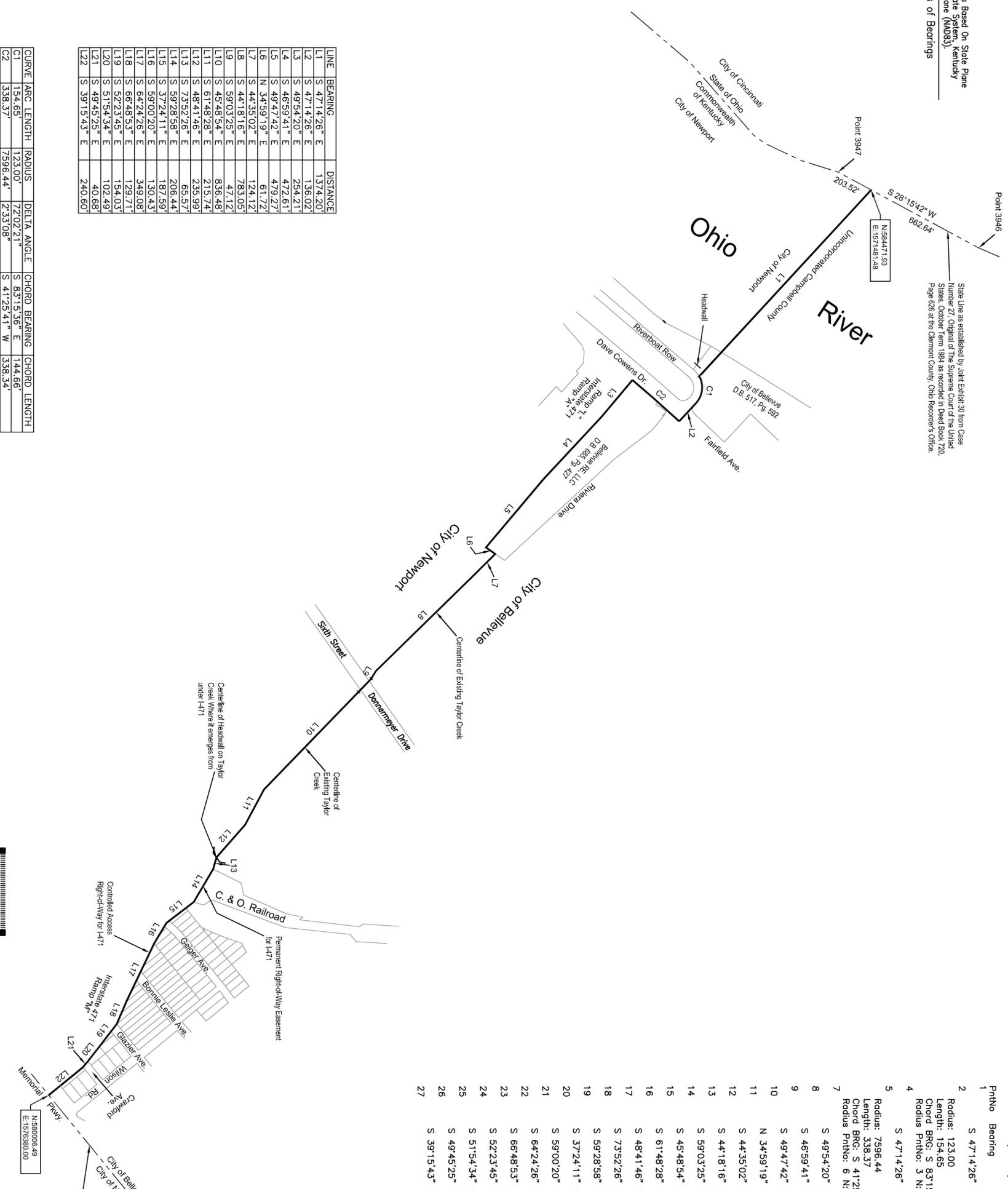
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Bearings Based On State Plane
Coordinate System, Kentucky
North Zone (NAD83).
Basis of Bearings

State line as established by John Exhibit 30 from Case
Number 27, Original of the Supreme Court of the United
States, October Term 1894 as recorded in Deed Book 720,
Page 626 at the Clermont County, Ohio Recorder's Office.



LINE	BEARING	DISTANCE
L1	S 47°14'26" E	1374.20
L2	S 47°14'26" E	136.02
L3	S 49°54'20" E	254.21
L4	S 46°59'41" E	472.61
L5	S 49°47'42" E	479.27
L6	N 34°59'19" E	61.72
L7	S 44°35'02" E	124.12
L8	S 44°18'16" E	783.05
L9	S 59°03'25" E	47.12
L10	S 45°48'54" E	836.48
L11	S 61°48'28" E	215.74
L12	S 48°41'46" E	235.99
L13	S 73°52'26" E	65.57
L14	S 59°28'58" E	206.44
L15	S 37°24'11" E	187.59
L16	S 59°00'20" E	130.43
L17	S 64°24'26" E	349.08
L18	S 66°48'53" E	129.71
L19	S 52°23'45" E	154.03
L20	S 51°54'34" E	102.49
L21	S 49°45'25" E	40.68
L22	S 39°15'43" E	240.60

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	154.65'	123.00'	72°02'21"	S 83°15'36" E	144.66'
C2	338.37'	7596.44'	2°33'08"	S 41°25'41" W	338.34'

Coordinates Shown Below are State Plane Coordinates Kentucky
North Zone (NAD83) and are Grid Values.

PthNo	Bearing	Distance	Nothing	Easting	
1	S 47°14'26" E	1374.20	584711.93	1571481.48	
2	S 47°14'26" E	1374.20	583338.96	1572490.43	
			Delta: 46°34'55"	Dir: Right	
			Length: 154.65	Delta: 72°02'21"	Tangent: 89.43
			Chord BRG: S 83°15'36" E	Rad-In: S 29°16'46" E	Rad-Out: S 42°45'34" W
3	S 49°54'20" E	254.21	583521.98	1572634.09	
4	S 46°59'41" E	472.61	583429.63	1572733.96	
			Delta: 00°45'15"	Dir: Left	
			Length: 338.37	Delta: 02°33'08"	Tangent: 169.21
			Chord BRG: S 41°25'41" W	Rad-In: S 47°17'45" E	Rad-Out: S 49°50'53" E
5	S 49°47'42" E	479.27	583175.95	1572510.09	
6	N 34°59'19" E	61.72	582380.49	1573416.21	
7	S 44°35'02" E	124.12	582431.05	1573451.61	
8	S 44°18'16" E	783.05	582342.65	1573538.73	
9	S 59°03'25" E	47.12	581782.27	1574085.67	
10	S 45°48'54" E	836.48	581758.05	1574126.08	
11	S 61°48'28" E	215.74	581175.04	1574725.92	
12	S 48°41'46" E	235.99	581073.12	1574916.06	
13	S 73°52'26" E	65.57	580917.35	1575093.34	
14	S 59°28'58" E	206.44	580899.14	1575156.33	
15	S 37°24'11" E	187.59	580794.31	1575334.17	
16	S 59°00'20" E	130.43	580645.29	1575448.11	
17	S 64°24'26" E	349.08	580578.13	1575559.92	
18	S 66°48'53" E	129.71	580427.34	1575874.75	
19	S 52°23'45" E	154.03	580376.27	1575993.99	
20	S 51°54'34" E	102.49	580282.28	1576116.02	
21	S 49°45'25" E	40.68	580219.05	1576196.68	
22	S 39°15'43" E	240.60	580192.77	1576227.73	
23			580006.49	1576380.00	

Corporation Line Agreement

Survey Type
City of Newport
Corporation Line

Job Name
City of Newport
City of Bellevue
Campbell County, Kentucky

Site Location

DAP | GUB | 1" = 400'
Drawn By | Checked By | Drawing Scale
09/05/2012 | 09032.20
Issue Date | Project Number



Berding Surveying
GPS Surveying • 3D Laser Scanning

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Gerard J. Berding, P.L.S. No. 2965
9-6-12
DATE

