

ORDINANCE # 426-1988

SUMMARY OF ORDINANCE #426-1988 PREPARED BY MICHAEL MULVEY, CITY ATTORNEY,
DULY LICENSED ATTORNEY IN THE COMMONWEALTH OF KENTUCKY.

AN ORDINANCE OF THE CITY OF DRY RIDGE DECLARING AN EMERGENCY SITUATION TO EXIST WITH REGARD TO THE CONSTRUCTION OF AN INDUSTRIAL PARK BY WILLIAM G. VERST, TRUSTEE UPON HIS PROPERTY SITUATED WITHIN THE LIMITS OF THE CITY OF DRY RIDGE DUE TO THE LOCATION OF A RECENTLY DISCOVERED AND ABANDONED FAMILY CEMETERY THEREON KNOWN AS THE COLLINS' FAMILY CEMETERY. ALL FOR WHICH THE MAYOR OF THE CITY OF DRY RIDGE HAS HERETOFORE, BY EXECUTIVE ORDER, DECLARED A SITUATION AND EXISTENCE OF AN EMERGENCY AS TO THE CEMETERY AND THE INDUSTRIAL PARK, INFORMED AND SO DULY AUTHORIZED THE CITY ATTORNEY TO TAKE THE ACTIONS PROCESSES AND PROCEDURES SET FORTH WITHIN K.R.S. 381.720, ET SEQ., WHICH LEGAL ACTION HAS BEEN COMMENCED WITHIN THE GRANT CIRCUIT COURT. ALL FOR WHICH THIS ORDINANCE IS TO BE ENACTED TO AFFIRM, CONFIRM AND RATIFY THE ACTIONS UNDER PUBLISHED LEGAL NOTICE REQUIRED BY K.R.S. 381.720, ET SEQ., IN THE ACTION STYLED: CITY OF DRY RIDGE, KENTUCKY VS. WILLIAM G. VERST, TRUSTEE, ET AL, GRANT CIRCUIT COURT, CASE NO. 88-GI-027, FILED ON FEBRUARY 23, 1988.

BE IT ORDAINED BY THE CITY OF DRY RIDGE:

ARTICLE ONE

The City of Dry Ridge finds that an emergency situation exists occasioned by location of the abandoned, family cemetery known as the Collins' family cemetery upon the property owned by William G. Verst, Trustee and located within the limits of the City of Dry Ridge and upon which the said Verst has planned and has ongoing site work and construction of an industrial park being of benefit to the City, and that the presence and location of this abandoned, family cemetery is such that it interferes with and prevents the landowner from completing the project as planned and that it posed a possible threat to the endangers the integrity and sanctity of the said cemetery and mortal remains, if any, therein unless the said cemetery be now relocated and removed to another proper site and location according to law.

ARTICLE TWO

The City of Dry Ridge further finds and declares that the site, area, close and boundaries defining and circumscribing that tract or parcel known as the Collins' family cemetery be and hereby abandoned and that the said site, area, close and the boundaries of the said Collins' family cemetery and an estate in fee simple therein should and must be duly acquired by the City of Dry Ridge as such property and lands be required, necessary and needed by the City for a public purpose, and to further empower it to take any and all actions necessary to safeguard the cemetery by so effecting a removal and relocation of same according to law; and that the City of Dry Ridge should authorize the city attorney to bring an action in the Grant Circuit Court under the provisions of K.R.S. 381.720, et seq., to acquire estate and title to the lands within the close of the cemetery and mortal remains, if any, therein by order, judgment and entry of the court and so draft and have published any legal notice required.

ARTICLE THREE

The City of Dry Ridge hereby further finds and ordains that the legal action filed by the City pursuant to the provisions of K.R.S. 381.720, et seq., styled: City of Dry Ridge, Kentucky Vs. William G. Verst, Trustee, et al, Grant Circuit Court, Case No. 88-C1-027, demanding title in fee simple to the lands of the said abandoned Collins' family cemetery together with additional relief and judgment so permitting and ordering a removal and relocation of the said Collins' family cemetery.

ARTICLE FOUR

The Council having found an emergency to exist and further affirming, confirming, ratifying and ordaining to actions and orders of the Mayor and the City Attorney in response to the emergency regarding the abandoned family cemetery and the effect of same upon the construction and completion of the planned industrial park, it is provided that this ordinance shall be effective without a second reading and prior to publication upon its passage by Council and approval by the Mayor, and it shall be published within ten (10) days following adoption.

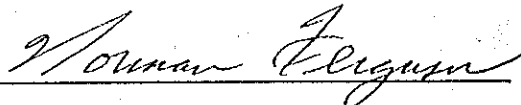
The foregoing ordinance was read aloud to the City Council at a regular meeting held on the 7th day of March, 1988, and Council person, James Middleton, moved the adoption of such ordinance which motion was duly seconded by Council person, George Hedges, Jr., and after discussion, the Mayor called for a vote which vote as as

follows:

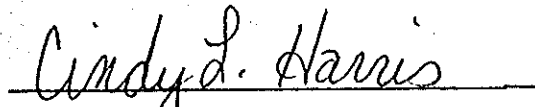
<u>George Hedges, Jr</u>	<u>yes</u>	<u>Vernon Webster</u>	<u>yes</u>
<u>Jim Middleton</u>	<u>yes</u>	<u>Darlene West</u>	<u>yes</u>
<u>Omer Vest</u>	<u>yes</u>		

Whereupon the Mayor declared the motion carried and the resolution duly adopted.

Approved this the 7th day of March, 1988.


Norman Ferguson, Mayor
City of Dry Ridge

Attest:


Cindy L. Harris, Clerk/Treasurer

AN ORDINANCE OF THE CITY OF DRY RIDGE DECLARING AN EMERGENCY SITUATION TO EXIST WITH REGARD TO THE CONTINUED SITE WORK, CONSTRUCTION AND PLANNED COMPLETION OF AN INDUSTRIAL PARK BY WILLIAM G. VERST, TRUSTEE UPON HIS PROPERTY SITUATED WITHIN THE CORPORATE LIMITS OF THE CITY OF DRY RIDGE DUE TO THE LOCATION, PRESENCE AND EXISTENCE OF A RECENTLY DISCOVERED AND ABANDONED FAMILY CEMETERY THEREON KNOWN AS THE COLLINS' FAMILY CEMETERY AS TO WHICH THE LANDOWNER AND THE CITY DID HERETOFORE ATTEMPT TO EFFECT A REMOVAL AND RELOCATION OF THE SAID COLLINS' FAMILY CEMETERY BY APPLICATION UNDER PUBLISHED NOTICE TO THE GRANT COUNTY KENTUCKY FISCAL COURT PURSUANT TO THE PROVISIONS OF K.R.S. 381.755 AND UPON SUCH APPLICATION REQUESTING AN ORDER PERMITTING THE REMOVAL AND RELOCATION OF THE COLLINS' FAMILY CEMETERY, THE GRANT COUNTY KENTUCKY FISCAL COURT DID SO REFUSE TO TAKE ANY AFFIRMATIVE ACTION AND SO SUBMITTING ON THE APPLICATION BY REMANDING THE MATTER BACK TO THE APPLICANTS SO RECOMMENDING THAT ACTION REGARDING THE REMOVAL AND THE RELOCATION OF THE CEMETERY BE HAD WITHIN THE GRANT CIRCUIT COURT UNDER THE PROVISIONS OF K.R.S. 381.720, ET SEQ., ALL OF WHICH SO REQUIRES THE CITY OF DRY RIDGE TO TAKE AFFIRMATIVE ACTION TO INSURE THAT THE INDUSTRIAL PARK BE CONSTRUCTED AND TIMELY COMPLETED AS PLANNED AND APPROVED AS THE DEVELOPMENT IS TO THE BENEFIT OF THE CITY, COMMUNITY AND THE COUNTY, BUT SUCH SITE WORK AND CONSTRUCTION OF THE PLANNED INDUSTRIAL PARK ALSO SO ENDANGERS THE INTEGRITY AND SANCTITY OF THE SAID FAMILY CEMETERY EVEN THOUGH THE SAME BE AND IS DECLARED ABANDONED AS THE CITY IS ALSO CHARGED WITH A DUTY TO SAFEGUARD AND KEEP SAFE A PLACE OF BURIAL OR CEMETERY SITUATED WITHIN THE LIMITS OF THE CITY WHICH THE CITY OF DRY RIDGE INTENDS TO DO BY THIS ORDINANCE DECLARING THE SITE, AREA, CLOSE AND BOUNDARIES OF THE SAID COLLINS' FAMILY CEMETERY TO BE ABANDONED WITH SAID CEMETERY SITE, AREA, CLOSE, BOUNDARIES AND FEE SIMPLE ESTATE TO BE SO ACQUIRED BY LEGAL ACTION AGAINST THE OWNER OF RECORD AND OTHERS AS SUCH SITE AND LANDS ARE NECESSARY AND SO REQUIRED FOR A PUBLIC PURPOSE BY THE CITY AND FOR THE BENEFIT OF ITS CITIZENS AND RESIDENTS AND SO THAT THE CITY MAY DULY EFFECT THE ORDERED, LEGAL AND PROPER REMOVAL AND RELOCATION OF THE ABANDONED COLLINS' FAMILY CEMETERY TOGETHER WITH ANY MORTAL REMAINS THEREIN AND ANY STONES, MARKERS OR MONUMENTS TO ANOTHER PROPER SITE AND LOCATION TO PROTECT AND MAINTAIN THE SANCTITY AND INTEGRITY OF THE CEMETERY, ALL FOR WHICH THE MAYOR OF THE CITY OF DRY RIDGE HAS HERETOFORE, BY EXECUTIVE ORDER, DECLARED A SITUATION AND EXISTENCE OF AN EMERGENCY AS TO THE CEMETERY AND THE INDUSTRIAL PARK, INFORMED AND SO DULY AUTHORIZED THE CITY ATTORNEY TO TAKE THE ACTIONS, PROCESSES AND PROCEDURES SET FORTH AS TO LEGAL ACTION AND PUBLICATION OF NOTICE IN AND WITHIN K.R.S. 381.720, ET SEQ., WHICH LEGAL ACTION HAS BEEN COMMENCED WITHIN THE GRANT CIRCUIT COURT AND LEGAL NOTICE OF SUCH ACTION INVOLVING THE CEMETERY AND SO INFORMING CLAIMANTS TO EITHER THE LANDS OR MORTAL REMAINS WITHIN THE DEFINED METES AND BOUNDS OF THE CLOSE OF THE CEMETERY HOW

TO MAKE AND EFFECT ANY SUCH CLAIMS AND THE TIME LIMITATIONS FOR SUCH FILING OF CLAIMS, THE RESULTS OF SAME OR THE FAILURE TO MAKE AND TIMELY EFFECT AND PERFECT SUCH CLAIM TO THE LANDS OR MORTAL REMAINS, ALL FOR WHICH THIS ORDINANCE IS TO BE ENACTED TO AFFIRM, CONFIRM AND RATIFY THE ACTIONS UNDER PUBLISHED LEGAL NOTICE REQUIRED BY K.R.S. 381.720, ET SEQ., IN THE ACTION STYLED: CITY OF DRY RIDGE, KENTUCKY VS. WILLIAM G. VERST, TRUSTEE, ET AL, GRANT CIRCUIT COURT, CASE NO. 88-CI-027, FILED ON FEBRUARY 23, 1988, WITH SUMMONS ISSUED AGAINST THE NAMED DEFENDANTS THEREIN BY THE CLERK WITH THE REQUIRED LEGAL NOTICE OF THIS ACTION INVOLVING THE RELOCATION OF A CEMETERY BEING CONTEMPORANEOUSLY PLACED FOR PUBLICATION WITH THE NEWSPAPER OF LOCAL RECORD AND AUTHORIZED TO SO PUBLISH ANY AND ALL LEGAL NOTICES REQUIRED BY LAW OR STATUTE WHICH NOTICE OF THE FOREGOING ACTION IN THE GRANT CIRCUIT COURT BEING SO SHOWN AND EXHIBITED IN THE NEWSPAPER'S EDITION OF 25 FEBRUARY 1988 TOGETHER WITH ANY AND ALL ACTIONS REQUIRED HEREINAFTER TO SO CONCLUDE THE FOREGOING LITIGATION BY ORDERS, ENTRIES AND JUDGMENT IN FAVOR OF THE CITY OF DRY RIDGE DULY VESTING IT WITH AN ESTATE IN FEE SIMPLE TO THE LANDS COMPRISING THE CEMETERY AND EFFECTING THE REMOVAL AND RELOCATION OF SAID CEMETERY.

BE IT ORDAINED BY THE CITY OF DRY RIDGE:

ARTICLE ONE

The City of Dry Ridge finds that an emergency situation exists occasioned by location of the abandoned, family cemetery known as the Collins' family cemetery upon the lands and property owned by William G. Verst, Trustee and located within the limits of the City of Dry Ridge and upon which the said Verst has planned and has ongoing site work and construction of an industrial park being of benefit to the City, the community and the county and that the presence and location of this abandoned, family cemetery is such that it interferes with and prevents the landowner from completing the project as planned and required; that the site work and ongoing construction upon the industrial park's lands is required and is of such nature and character, that it poses a possible threat to and endangers the integrity and sanctity of the said cemetery and mortal remains, if any, therein and could be possibly desecrated by the activities of site construction unless the said cemetery be now relocated and removed to another proper site and location according to law; and that the City of Dry Ridge has a duty to so protect any cemetery or burial site located

In or within the limits of the City and the City of Dry Ridge together with the owner of the planned Industrial park has heretofore filed an application with the Grant County Kentucky Fiscal Court pursuant to the provisions of K.R.S. 381.755 requesting an order permitting the applicants to remove and relocate this abandoned cemetery for cause and to safeguard the cemetery which application and request, the Grant County Kentucky Fiscal Court has refused to take action affirmative thereon and remitted the matter back to the landowner and the City of Dry Ridge under the suggestion and recommendation that action be filed in circuit court by the City under the authority and provisions of K.R.S. 381.720, et seq.,

ARTICLE TWO

The City of Dry Ridge further finds and declares that the site, area, close and boundaries defining and circumscribing that tract or parcel known as the Collins' family cemetery be and hereby abandoned and that the said site, area, close and the boundaries of the said Collins' family cemetery and an estate in fee simple therein should and must be duly acquired by the City of Dry Ridge as such property and lands be required, necessary and needed by the City for a public purpose, and to further empower it to take any and all actions necessary to safeguard the cemetery by so effecting a removal and relocation of same according to law and order of the court or authorities having jurisdiction over such matters; and that the City of Dry Ridge should authorize the city attorney to bring an action in the Grant Circuit Court under the provisions of K.R.S. 381.720, et seq., to acquire estate and title to the lands within the close of the cemetery and then effect the removal and relocation of the cemetery and mortal remains, if any, therein by order, judgment and entry of the court and so draft and have published any legal notice required of such proceedings which action be and the same is hereby authorized and ordained, and that such action and publication of notice having already been done and undertaken by the city attorney pursuant to the executive order of the Mayor declaring the existence of

an emergency with regard to the cemetery and the industrial park's completion and so authorizing the city attorney to bring the action of the City of Dry Ridge, Kentucky Vs. William G. Verst, Trustee, et al, Grant Circuit Court, Case No. 88-CI-027, filed therein on February 23, 1988, with publication of the legal notice appearing within the local newspaper in the edition of February 25, 1988, be and the same are affirmed, confirmed, ratified and ordained by the City of Dry Ridge with said action to continue to completion and entry of final judgment or orders.

ARTICLE THREE

The City of Dry Ridge hereby further finds and ordains that the legal action filed by the City pursuant to the provisions of K.R.S. 381.720, et seq., styled: City of Dry Ridge, Kentucky Vs. William G. Verst, Trustee, et al, Grant Circuit Court, Case No. 88-CI-027, demanding title in fee simple to the lands of the said abandoned Collins' family cemetery together with additional relief and judgment so permitting and ordering a removal and relocation of the said Collins' family cemetery to another appropriate site to safeguard the sanctity and integrity of the cemetery and prevent any manner of desecration of same be so continued to final disposition, orders or judgment by counsel for the City of Dry Ridge.

ARTICLE FOUR

The Council having found an emergency to exist and further affirming, confirming, ratifying and ordaining to actions and orders of the Mayor and the City Attorney in response to the emergency regarding the abandoned family cemetery and the effect of same upon the construction and completion of the planned industrial park, it is provided that this ordinance shall be effective without a second reading and prior to publication upon its passage by Council and approval by the Mayor, and it shall be published within ten(10) days following adoption.

The foregoing ordinance was read aloud to the City Council at a regular meeting held on the 7th day of March, 1988, and Councilperson, Jim Middleton, moved the adoption of such ordinance which motion was duly seconded by Council person,

George Hedges, Jr., and after discussion, the Mayor called for a vote which
vote was as follows:

<u>George Hedges, Jr.</u>	<u>yes</u>	<u>Vernon Webster</u>	<u>yes</u>
<u>Jim Middleton</u>	<u>yes</u>	<u>Darlene West</u>	<u>yes</u>
<u>Omer Vest</u>	<u>yes</u>		

Whereupon the Mayor declared the motion carried and the resolution duly
adopted.

Approved this the 7th day of March, 1988.

Norman Ferguson
Norman Ferguson, Mayor
City of Dry Ridge

Attest:
Cindy L. Harris
Cindy L. Harris, Clerk/Treasurer