

ORDINANCE NO. 599-1999

AN ORDINANCE OF THE CITY OF DRY RIDGE, GRANT COUNTY, KENTUCKY, DEDICATING A PORTION OF THAT STREET OR ROADWAY KNOWN AS CULL LANE TO PUBLIC USE; DECLARING A PORTION OF THAT STREET OR ROADWAY KNOWN AS CULL LANE TO BE A PUBLIC RIGHT-OF-WAY; AND ACCEPTING A PORTION OF THAT STREET OR ROADWAY KNOWN AS CULL LANE AS A CITY STREET FOR MAINTENANCE AND UPKEEP PURSUANT TO KRS 82.400 AND FOR ALL PURPOSES UNDER KENTUCKY LAW.

WHEREAS, Kentucky Revised Statute 82.400(3) provides: "When any property has been opened to the unrestricted use of the general public for five (5) consecutive years, it shall be conclusively presumed to have been dedicated to the city as a public way or easement subject to acceptance by the city. The city may, at any time after the expiration of five (5) years from the property is opened to the public, pass an ordinance declaring it so dedicated, and accepting the dedication, whereupon it shall be a public way or easement of the city for all purposes. The lack of an actual dedication to the city, or of a record title on the part of the city, shall be no defense against the collection of any tax that may be levied against property abutting thereon for the payment of the cost of any improvement constructed thereon by order of the city. Nothing herein shall be construed to require the expiration of five (5) years to raise a presumption of dedication in any case where under any rule or law in force in this state, a dedication would be presumed in less than five (5) years. Provided however, that no property of a carrier by rail, as defined in KRS 276.010(3) shall be presumed to be dedicated as a public way or easement under this section or any other rule of law in force in this state unless the carrier consents to said dedication in writing."

WHEREAS, in February of 1999, at its Regular Council Meeting, the City Council of the City of Dry Ridge, Kentucky accepted for maintenance, upkeep and for public purposes, a portion of that street or roadway known as Cull Lane, all so situated and located within the limits corporate of the City of Dry Ridge, Grant County, Kentucky;

WHEREAS, at its Regular Meeting of October 4, 1999, the City Council of the City of Dry Ridge heard from residents and citizens concerning the history and longstanding use of Cull Lane as a public way and open to the general public for a period of time exceeding five (5) years and for which use by the general public has existed for an uninterrupted period of at least fifty (50) years;

WHEREAS, at its Special Meeting of October 19, 1999, the City Council of the City of Dry Ridge further heard from residents and citizens regarding the history and longstanding use of Cull Lane as a public way and open to the general public for use and access for a period of time exceeding five (5) years and for which use by the general public has existed for an uninterrupted period of at least fifty (50) years;

WHEREAS, property owners and residents of Cull Lane have right-of-ways, easements and required access to their real property by the continued use of Cull Lane, and whom would be landlocked, absent an easement by grant or prescription, and said landowners and the general public would be better served by having the said Cull Lane, in whole or in part, being deemed and declared by the City of Dry Ridge to be a public way under KRS 82.400(3);

WHEREAS, at its Regular Meeting of October 4, 1999, and at its Special Meeting of October 19, 1999, the City Council of the City of Dry Ridge, Kentucky, did by vote in the majority, authorize that a portion of that street or roadway known as Cull Lane be declared, dedicated and accepted as a public street and public way under KRS 82.400(3);

WHEREAS, the said Cull Lane has been utilized and open to and for the general public for a longstanding, uninterrupted period and term exceeding five (5) years;

WHEREAS, such street dedication and acceptance will serve a public purpose, enhance and benefit the public health, safety and welfare of the City of Dry Ridge by increasing the city revenue from real property, personal property and insurance taxes;

WHEREAS, such street dedication and acceptance will serve a public purpose, enhance and benefit the public health, safety and welfare of the City of Dry Ridge by increasing utility revenue and commercial development;

WHEREAS, such street dedication and acceptance will serve a public purpose, enhance and benefit the public health, safety and welfare of the Grant County school system by increased student enrollment, taxes, and parental involvement; and

WHEREAS, such street dedication and acceptance will encourage population growth, enhance business, and beneficially impact economic growth, community involvement and civic pride.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE CITY OF DRY RIDGE, KENTUCKY, AS FOLLOWS:

SECTION ONE

As the legislative body of the City of Dry Ridge, Kentucky, the Dry Ridge City Council hereby makes the following findings of fact and conclusions of law, to-wit:

A. Kentucky Revised Statute 82.400(3) provides: "When any property has been opened to the unrestricted use of the general public for five (5) consecutive years, it shall be conclusively presumed to have been dedicated to the city as a public way or easement subject to acceptance by the city. The city may, at any time after the expiration of five (5) years from the property is opened to the public, pass an ordinance declaring it so dedicated, and accepting the dedication, whereupon it shall be a public way or easement of the city for all purposes. The lack of an actual dedication to the city, or of a record title on the part of the city, shall be no defense against the collection of any tax that may be levied against property abutting thereon for the payment of the cost of any improvement constructed thereon by order of the city. Nothing herein shall be construed to require the expiration of five (5) years to raise a presumption of dedication in any case where under any rule or law in force in this state, a dedication would be presumed in less than five (5) years. Provided however, that no property of a carrier by rail, as defined in KRS 276.010(3) shall be presumed to be dedicated as a public way or easement under this section or any other rule of law in force in this state unless the carrier consents to said dedication in writing."

B. In February of 1999, at its Regular Council Meeting, the City Council of the City of Dry Ridge, Kentucky accepted for maintenance, upkeep and for public purposes, a portion of that street or roadway known as Cull Lane, all so situated and located within the limits corporate of the City of Dry Ridge, Grant County, Kentucky.

C. At its Regular Meeting of October 4, 1999, the City Council of the City of Dry Ridge heard from residents and citizens concerning the history and longstanding use of Cull Lane as a public way and open to the general public for a period of time exceeding five (5) years and for which use by the general public has existed for an uninterrupted period of at least fifty (50) years.

D. At its Special Meeting of October 19, 1999, the City Council of the City of Dry Ridge further heard from residents and citizens regarding the history and longstanding use of Cull Lane as a public way and open to the general public for use and access for a period of time exceeding five (5) years and for which use by the general public has existed for an uninterrupted period of at least fifty (50) years.

E. Property owners and residents of Cull Lane right-of-ways, easements and required access to their real property by the continued use of Cull Lane, and whom would be landlocked, absent an easement by grant or prescription, and said landowners and the general public would be better served by having the said Cull Lane, in whole or in part, being deemed and declared by the City of Dry Ridge to be a public way under KRS 82.400(3).

F. At its Regular Meeting of October 4, 1999, and at its Special Meeting of October 19, 1999, the City Council of the City of Dry Ridge, Kentucky, did by vote in the majority, authorize that a portion of that street or roadway known as Cull Lane be declared, dedicated and accepted as a public street and public way under KRS 82.400(3).

G. Cull Lane has been utilized and open to and for the general public for a longstanding, uninterrupted period and term exceeding five (5) years.

H. Such street dedication and acceptance will serve a public purpose, enhance and benefit the public health, safety and welfare of the City of Dry Ridge by increasing utility revenue and commercial development.

I. Such street dedication and acceptance will serve a public purpose, enhance and benefit the public health, safety and welfare of the Grant County school system by increased enrollment, taxes, and parental involvement.

J. Such street dedication and acceptance will encourage population growth, enhance business, and beneficially impact economic growth, community involvement and civic pride.

K. Such street dedication and acceptance will serve a public purpose, enhance and benefit the public health, safety and welfare of the City of Dry Ridge by increasing city revenue from real property, personal property and insurance taxes.

L. That any and all conditions of Cull Lane and related plat acceptance by the Grant County Planning and Zoning Commission will be satisfied by the herein action of street dedication and acceptance under KRS 82.400(3).

SECTION TWO

That Cull Lane having been used continuously by the general public for at least five (5) years, a portion of Cull Lane is hereby dedicated and accepted as a public street or roadway, by and through KRS 82.400(3) for all purposes by the City of Dry Ridge, Kentucky as provided under Kentucky law; and so hereby defined specifically as to meets and bounds and delineated on that map or plat of the same attached hereto as Attachment "A", all incorporated herein by reference and made a part hereof, to-wit: The initial or first portion of that street or roadway known as Cull Lane including paved surface and right-of-way, as constructed, from the same's intersection with the northerly side of Kentucky State Route No. 22 (Taft Highway) and thence in a northerly direction therefrom a distance of approximately 527 feet, more or less, to a point found and being 32.50 feet in width total: 16.25 feet on each side of the following center line course, to-wit: Beginning at a point in the northerly right-of-way line of Kentucky State Route No. 22 (Taft Highway); thence N 01° 45' 53" W -- 418.85 feet to a point, an iron pin found; thence N 49° 09' 19" W -- 108.19 feet to a point, an iron pin found.

SECTION THREE

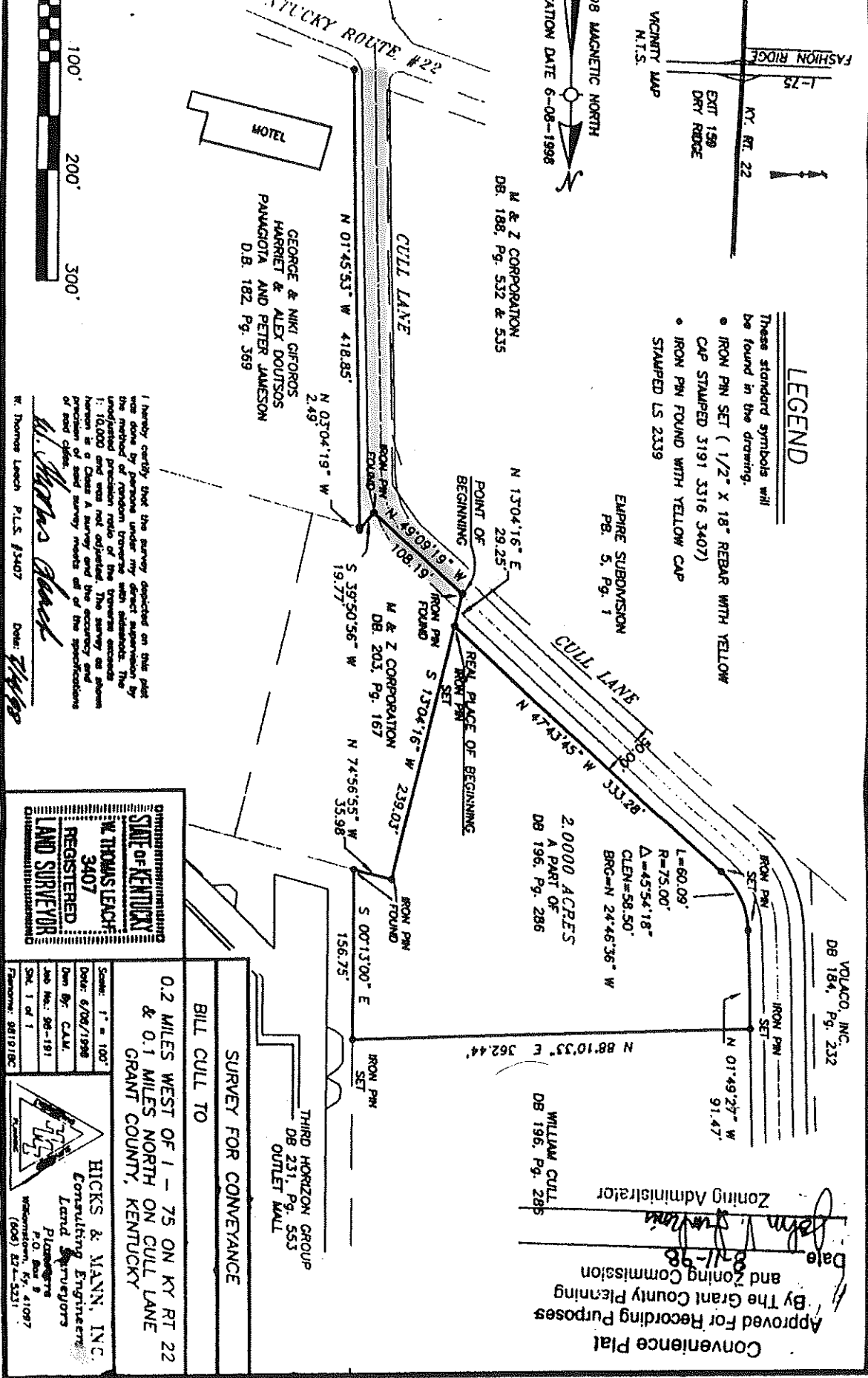
That the Maintenance Department of the City of Dry Ridge, Kentucky is hereby directed to take all necessary steps for the maintenance, upkeep and notification to the residents of the City of Dry Ridge, Kentucky pertaining to that part and portion of the said Cull Lane hereby dedicated and accepted as a public street or roadway of the City of Dry Ridge, Kentucky under KRS 82.400(3).

SECTION FOUR

The provisions of this Ordinance are severable; and the invalidity of any provisions of this Ordinance shall not affect the validity of any other provision thereof; and such other provisions shall remain in force and effect as long as they remain valid in the absence of those provisions, if any, determined to be invalid.

SECTION FIVE

All ordinances, or parts of ordinances, in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.



I hereby certify that the survey depicted on this plat was done by persons under my direct supervision by the method of random traverse with side-sight. The unadjusted precision ratio of the traverse equals 1:10,000 and was not adjusted. The survey as shown herein is a Class A survey and the accuracy and precision of said survey meets all of the specifications of said class.

W. Thomas Leach
 W. Thomas Leach P.L.S. 3407 Date: 6/8/98

STATE OF KENTUCKY
W. THOMAS LEACH
REGISTERED
LAND SURVEYOR
3407

SURVEY FOR CONVEYANCE
BILL CULL TO
 0.2 MILES WEST OF I - 75 ON KY RT 22
 & 0.1 MILES NORTH ON CULL LANE
 GRANT COUNTY, KENTUCKY

HICKS & MANN, INC.
 Consulting Engineers
 Land Surveyors
 P.O. Box 9
 Williamsport, Ky. 41097
 (606) 871-5231

Conveyance Plat
 Approved For Recording Purposes
 and Zoning Commission
 By The Grant County Planning
 Zoning Administrator
 Date: 6/11/98
John V. ...

ATTACHMENT: CULL LANE/CULL ROAD CERTIFICATION & DEDICATION
 CITY OF DRY RIDGE ORDINANCE ATTACHMENT "A"


SECTION SIX

This Ordinance shall become effect and be in full force and effect when passed, ordained, ordered published and published according to law.

First Reading: October 19, 1999

Second Reading: November 1, 1999

PASSED, ADOPTED, ORDAINED AND ORDERED PUBLISHED ON THIS
THE 1st DAY OF NOVEMBER, 1999.



GEORGE HEDGES, JR., DULY ELECTED
MEMBER, DRY RIDGE CITY COUNCIL,
ELECTED AND SELECTED BY COUNCIL
TO CHAIR A PORTION OF THE SAID
REGULAR MEETING OF 11/1/99 AND
THE MAYOR PRO TEM FOR THAT PART
OF SAID MEETING OF 11/1/99, ALL
CONCERNING THE ACTIONS GERMANE
TO THE DEDICATION AND ACCEPTANCE
OF A PORTION OF THAT STREET AND
ROADWAY KNOWN AS CULL LANE

ATTEST:



CINDY L. HARRIS, CITY CLERK