

ORDINANCE NO. 605-2000

AN ORDINANCE OF THE CITY OF DRY RIDGE, GRANT COUNTY, KENTUCKY, CLOSING THAT CITY STREET, ROADWAY OR THOROUGHFARE WITHIN THE CITY LIMITS OF THE CITY OF DRY RIDGE, KENTUCKY, KNOWN AS "TAFT CENTER DRIVE" PURSUANT TO THE AUTHORITY OF KRS 82.405(1) AND KRS 82.405(2) AND FOR ALL PURPOSES UNDER KENTUCKY LAW, INCLUDING REMOVAL OF SAID STREET FROM THE CITY OF DRY RIDGE'S STREET MAINTENANCE SYSTEM.

WHEREAS, Kentucky Revised Statute 82.405(1) provides, inter alia: " If a legislative body of a city determines that a public way located within the city should be closed in whole or in part, and that all property owners in or abutting the public way or portion thereof agree to the closing of the public way, the legislative body may proceed to close the public way or portion thereof as provided in subsection (2) of this section..."

WHEREAS, the City Council of the City of Dry Ridge, Kentucky, did heretofore in September of 1999, did determine to take the steps necessary to make and effect a closure of that city street known as "Taft Center Drive" pursuant to KRS 82.405(1) et seq. and at the instance and request of all of the owners of lands in or abutting the said, city street, to-wit: Brandicorp and A-L Bluffton, Inc., both corporations, of 7346 Beechmont Avenue, Cincinnati, Ohio 45230.

WHEREAS, the city's letter of notice of its intent to close the said "Taft Center Drive" under date of September 30, 1999 was forwarded to the above property owners corporate, and they each, thereafter, have made and given their agreement and consent written to and unto the City of Dry Ridge, Kentucky, to make and effect a closure of "Taft Center Drive" as required by KRS 82.405(1) and (2) and of record herein.

WHEREAS, the City Council of the City of Dry Ridge, Kentucky, having determined to conclude matters germane to the herein street closure and the closure of "Taft Center Drive" did schedule a public hearing, pursuant to due notice, on Monday, March 27, 2000, beginning at the hour of 7:00 P.M., prevailing time, and upon the record therein, made the following findings, conclusions and determinations, necessary and germane, concerning the proposed street closing, to-wit:

1. That "Taft Center Drive" is a city street within the corporate limits of the City of Dry Ridge, Kentucky, and now a part of the city's street maintenance system.

2. That heretofore the City Council of the City of Dry Ridge did determine that it would be in the best interest of the city to effect a closure of the said Taft Center Drive, and did give due, written notice of the city's intention to effect a closure of said street to all owners of lands in or abutting the said public way, i.e., Brandicorp and A-L Bluffton, Inc., both corporations, of 7346 Beechmont Avenue, Cincinnati, Ohio 45230.

3. That both said corporate owners did make and effect their written consent and agreement to the proposed street closure of Taft Center Drive pursuant to KRS 82.405(1) and (2).

4. That the City Council of the City of Dry Ridge did determine to conclude matters necessary to make and effect a closure of Taft Center Drive, and did schedule a public hearing on the matter for Monday, March 27, 2000, at the hour of 7:00 P.M., prevailing time, Dry Ridge City Building, 31 Broadway, Dry Ridge, Kentucky 41035, and did give due notice of said meeting to the above, abutting property owners.

5. That it is the finding, conclusion, determination and intention of the City Council of the City of Dry Ridge, Kentucky, to make and conclude all matters necessary to so effect a closure of the said Taft Center Drive and remove the said public way from the city's street system, all in accordance with and pursuant to KRS 82.405(1) et seq..

WHEREAS, the City Council of the City of Dry Ridge, Kentucky, hereby and here under, intends to effect and make a closure of Taft Center Drive and remove the said public way from the city's street system by enactment of an Ordinance.

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. That "Taft Center Drive" is a city street within the corporate limits of the City of Dry Ridge, Kentucky, and now a part of the city's street maintenance system.

B. That it is in the best interests of the City of Dry Ridge, Kentucky, to make and effect a closure of the said Taft Center Drive and, thereafter, remove the said public way from the city's street maintenance system.

C. That the City of Dry Ridge, Kentucky, did take and effect all steps and procedures necessary to make and effect a closure of the said Taft Center Drive, to-wit: (1) Giving due and written notice of the city's intention to effect a closure of the said public way to all owners in or abutting the said public way; (2) Obtaining the written agreement and consent to make and effect a closure of the said public way from all of said owners in or abutting the said public way; and (3) Holding a public hearing on March 27, 2000 on matters germane and concerning the said closure of the instant public way.

SECTION TWO

That public way and street known as "Taft Center Drive" within the corporate limits of the City of Dry Ridge, Kentucky, and a part of the City of Dry Ridge's street maintenance system be and the same hereby and here under is determined and ordained to be closed, and duly removed from the city's street maintenance system, all in accordance, under the authority and pursuant to KRS 82.405(1) et seq..

SECTION THREE

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

First Reading: March 27, 2000

Second Reading: April 10, 2000

PASSED, ADOPTED, ORDAINED AND ORDERED PUBLISHED ON THIS
THE 10th DAY OF April, 2000.

William Cull
WILLIAM CULL, MAYOR

ATTEST:

Cindy L. Harris
CINDY L. HARRIS, CITY CLERK

City of Dry Ridge

P.O. Box 145

31 Broadway

Dry Ridge, Kentucky 41035

(606) 824-3335

Mayor
Bill Cull

City Clerk/Treasurer
Cindy L. Harris

September 30, 1999

Mr. Michael T. Brandy
c/o Brandicorp
7346 Beechmont Avenue
Cincinnati, Ohio 45230

Re: Notice of Intent to 'Close' Taft Center Drive

Gentlemen:

Pursuant to KRS 82.405(1), et seq., and as property owner abutting the Taft Center Drive on its westerly side, you are hereby given notice of the intention of the City of Dry Ridge, Kentucky, by action of the Dry Ridge City Council, to 'close' Taft Center Drive and remove the same from the city's street system.

You are further advised and given due notice that the city's closure of Taft Center Drive shall not affect or effect any manner of easement or grant, ~~visible or of record,~~ concerning ~~utilities traversing the properties~~ abutting Taft Center Drive and that the same shall remain 'as constructed' or 'as platted'.

We trust that you will agree to the city's action of street closure; and will execute, under notarial jurat, the enclosed written acknowledgment and consent as to the street closure.

Please sign and have notarized the enclosed consent indenture and return the same to my attention using the envelope provided.

Respectfully,

Michael S. Mulvey, Esq.
Dry Ridge City Attorney

cc: File

CITY OF DRY RIDGE, KENTUCKY

ACKNOWLEDGMENTS CONCERNING AND CONSENT TO STREET CLOSING

SUBJECT: BRANDICORP

RE: TAFT CENTER DRIVE

Know All Men By These Presents: That the undersigned, Brandicorp, the owner of a parcel of real property abutting the westerly side of that city street known as Taft Center Drive situated on the southerly side of Broadway (Taft Highway) within the City of Dry Ridge, Grant County, Kentucky, and regarding and concerning the City of Dry Ridge's intention to 'close' the said street, so acknowledges, states and provides as follows, to-wit:

1. That the undersigned has received the City of Dry Ridge's written notice of September 30, 1999, of the city's intention to 'close' Taft Center Drive and remove the said street from the city's street system together with the city's due notice and recitals therein that such street closure would not effect any manner of easements, visible or of record, for utilities traversing the properties abutting Taft Center Drive and that such easements shall remain and exist 'as constructed' or 'as platted'.

2. That the undersigned, hereby and hereunder, grants and gives its consent to and unto the City of Dry Ridge, Kentucky, its successors and assigns, to so 'close' Taft Center Drive and remove the street from the city's street system.

Teste/Witness:

(X) [Signature]

(X) [Signature]

BRANDICORP

BY:

Michael T. Brandy, President

STATE OF OHIO

COUNTY OF HAMILTON

SS: Certificate of Acknowledgment

Before me, a Notary Public, in for said county, personally appeared Michael T. Brandy, known to me to be the person, as president of Brandicorp, the corporation which executed the foregoing instrument, signed the same and acknowledged to me that he did so sign said instrument in the name and upon behalf of said corporation as said officer; and that the same is his free act and deed as such officer, and the free act and deed of said corporation. In testimony whereof, I have hereunto subscribed my name, and affixed official seal on this the 29th day of February, 2000.

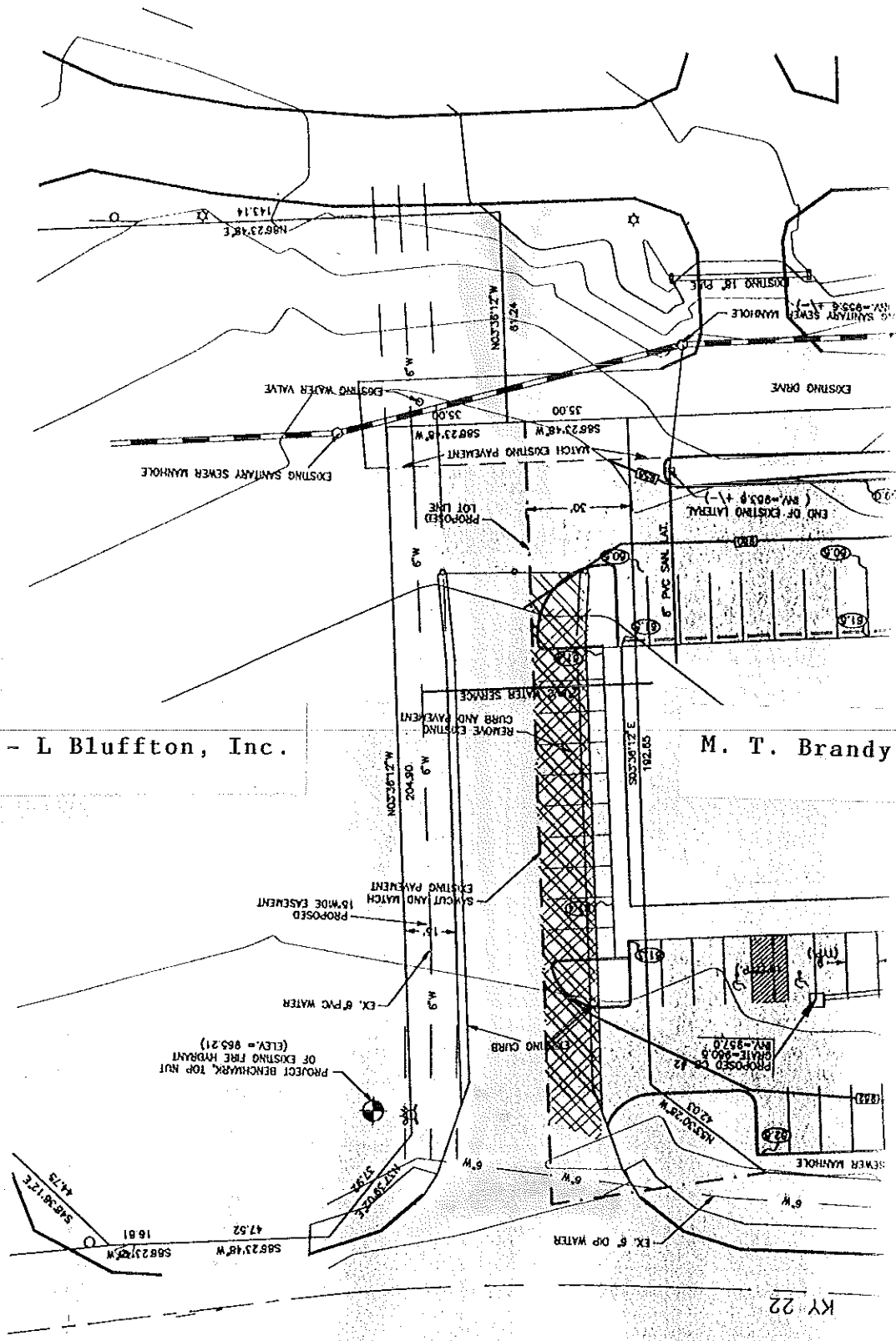
Michael Brandy
Notary Public, State of Ohio

My Commission Expires: MICHAEL BRANDY
Notary Public, State of Ohio
My Commission Expires Aug. 9, 2004

*V Except for unused 10' utility easement on west side of Taft Center Drive. Which shall be abandoned with the closing of Taft Center Drive.

A - L Bluffton, Inc.

M. T. Brandy



KY 22

TO PARKING N.T.S.

PAVEMENT MARKING

City of Dry Ridge

P.O. Box 145

31 Broadway

Dry Ridge, Kentucky 41035

(606) 824-3335

Mayor
Bill Cull

City Clerk/Treasurer
Cindy L. Harris

September 30, 1999

A - L Bluffton, Inc.
c/o Michael T. Brandy
Brandicorp
7346 Beechmont Avenue
Cincinnati, Ohio 45230

Re: Notice of Intent to 'Close' Taft Center Drive

Gentlemen:

Pursuant to KRS 82.405(1), et seq., and as property owner abutting the Taft Center Drive on its easterly side, you are hereby given notice of the intention of the City of Dry Ridge, Kentucky, by action of the Dry Ridge City Council, to 'close' Taft Center Drive and remove the same from the city's street system.

You are further advised and given due notice that the city's closure of Taft Center Drive shall not affect or effect any manner of easement or grant, visible or of record, concerning utilities traversing the properties abutting Taft Center Drive and that the same shall remain 'as constructed' or 'as platted'.

We trust that you will agree to the city's action of street closure; and will execute, under notarial jurat, the enclosed written acknowledgment and consent as to the street closure.

Please sign and have notarized the enclosed consent indenture and return the same to my attention using the envelope provided.

Respectfully,

Michael S. Mulvey, Esq.
Dry Ridge City Attorney

cc: File

CITY OF DRY RIDGE, KENTUCKY

ACKNOWLEDGMENTS CONCERNING AND CONSENT TO STREET CLOSING

SUBJECT: A-L BLUFFTON, INC. RE: TAFT CENTER DRIVE

Know All Men By These Presents: That the undersigned, A-L Bluffton, Inc., the owner of a parcel of real property abutting the easterly side of that city street known as Taft Center Drive situated on the southerly side of Broadway (Taft Highway) within the City of Dry Ridge, Grant County, Kentucky, and regarding and concerning the City of Dry Ridge's intention to 'close' the said street, so acknowledges, states and provides as follows, to-wit:

1. That the undersigned has received the City of Dry Ridge's written notice of September 30, 1999, of the city's intention to 'close' Taft Center Drive and remove the said street from the city's street system together with the city's due notice and recitals therein that such street closure would not effect any manner of easements, visible or of record, for utilities traversing the properties abutting Taft Center Drive and that such easements shall remain and exist 'as constructed' or 'as platted'.

2. That the undersigned, hereby and hereunder, grants and gives its consent to and unto the City of Dry Ridge, Kentucky, its successors and assigns, to so 'close' Taft Center Drive and remove the street from the city's street system.

Teste/Witness:

(X) [Signature]

(X) [Signature]

A - L BLUFFTON, INC.

BY: [Signature]
Michael T. Brandy, President

STATE OF OHIO)
COUNTY OF HAMILTON)

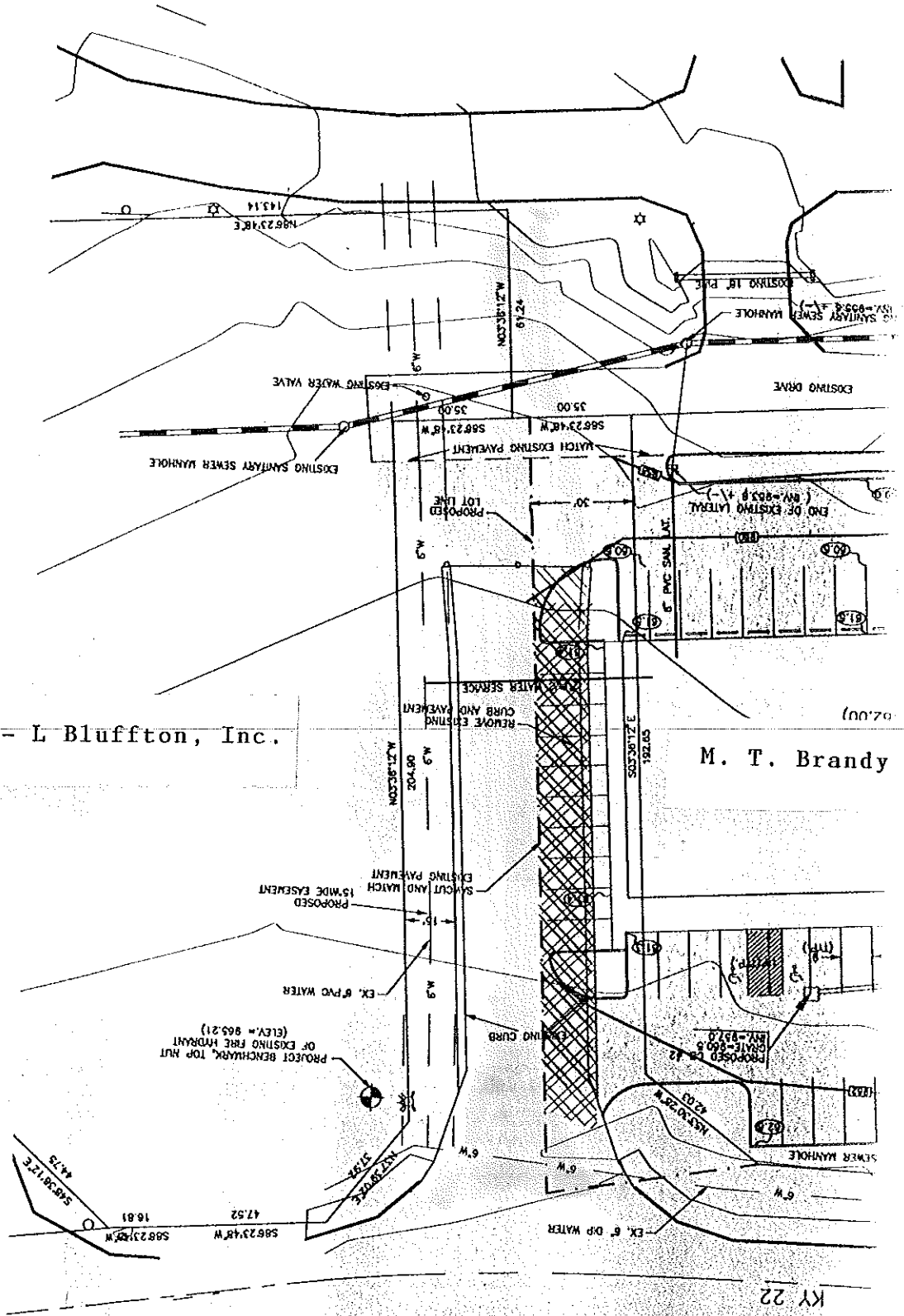
SS: Certificate of Acknowledgment

Before me, a Notary Public, in for said county, personally appeared Michael T. Brandy, known to me to be the person, as president of A-L Bluffton, Inc., the corporation which executed the foregoing instrument, signed the same and acknowledged to me that he did so sign said instrument in the name and upon behalf of said corporation as said officer; and that the same is his free act and deed as such officer, and the free act and deed of said corporation. In testimony whereof, I have hereunto subscribed my name, and affixed official seal on this the 29th day of February, 1999.

[Signature]
Notary Public, State of Ohio

My Commission Expires: MICHAEL BRANDY
Notary Public, State of Ohio
My Commission Expires Aug. 9, 2004

* V Except for unused 10' utility easement on west side of Taft Center Drive which shall be abandoned with the closing of Taft Center Drive.



A - L Bluffton, Inc.

M. T. Brandy

KY 22

AD PARKING
N.T.S.

PAVEMENT MARKING