

CITY OF DRY RIDGE, KENTUCKY  
Dry Ridge, Kentucky

RESOLUTION NO. 4-2006

DISPOSITION AND SETTLEMENT OF APPEAL ACTION  
CITY OF DRY RIDGE, ET AL,

-Vs-

GRANT COUNTY PLANNING COMMISSION, ET AL,  
GRANT CIRCUIT COURT  
CASE NO. 05-CI-00511

WHEREAS, the City of Dry Ridge, Kentucky, together with One Eleven Developers, LLC, pursuant to KRS 100.347, on November 17, 2005, perfected an appeal and action against the Grant County Planning Commission and CAC Properties, LLC, as the principal appellees, and others in the Grant Circuit Court concerning the planning commission's decision of October 24, 2005, whereby it approved an Improvement Plat for Phase V of Brentwood Subdivision, an exiting , single-family residential subdivision within the City of Dry Ridge being classified as to zoning district as City of Dry Ridge Residential Three (R-3) under City of Dry Ridge Official Zoning Ordinance No. 380-1982 as originally enacted or thereafter amended; and as to which the appellees sought to have enforced by the appellants, Grant County Planning Commission and CAC Properties, LLC, Section 6.0.B.2, "Design Standards For The Layout Of Subdivision", of Article VI of the Grant County Subdivision Regulations which mandate and provides that streets in new subdivisions shall make proper projections of streets to adjoining areas and lands that are not subdivided and which are appropriate for future subdivision being the adjoining lands of the appellant, The Frederick R. Scroggin and Marilyn Jane Scroggin Revocable Living Trust of June 16, 1993, under contract of purchase option to One Eleven Developers, LLC; and

WHEREAS, the herein action and appeal is ongoing and the appellant, One Eleven Developers, LLC, has advised and informed the City of Dry Ridge that it has negotiated a tentative and conditional settlement and resolution of the instant action and appeal with CAC Properties, LLC whereby One Eleven Developers, LLC would purchase certain lands of CAC Properties, LLC allowing for street extension, needed access to the lands of the Scroggin Trust, and development of the acquired lands and the lands of the Scroggin Trust, but being contingent upon One Eleven's ability to obtain financing for the purchase of the lands of CAC Properties, LLC; and

WHEREAS, the City of Dry Ridge, Kentucky, hereby and hereunder desires to facilitate and effect a resolution and disposition of the instant dispute, zoning action and appeal to allow and permit orderly development of properties by developers within the City's limits and so agrees and resolves to participate in the disposition and settlement of matters referred to above herein.

NOW, THEREFORE, be it **RESOLVED** by the City Council of the City of Dry Ridge, Grant County, Kentucky, for and on behalf of the City of Dry Ridge, Grant County, Kentucky, as follows, to-wit:

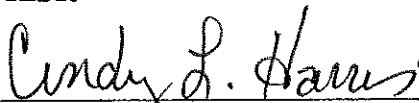
1. The City of Dry Ridge, Grant County, Kentucky, agrees to effect a dismissal, with prejudice, of the action and appeal under the style of: **City of Dry Ridge, Kentucky, et al, Vs. Grant County Planning Commission, et al**, Grant Circuit Court, Case No. 05-CI-00511; and further agrees to pursue no other KRS 100.347 appeals of improvement plans or other administrative approvals by the Grant County Planning Commission of the future phases of Brentwood Subdivision relating to the access issue through the subdivision's lands; and

2. The City of Dry Ridge, Grant County, Kentucky, hereby further agrees that in the event that One Eleven Developers, LLC cannot arrange for and obtain the necessary financing for the land acquisition from CAC Properties, LLC whereby a sale and transfer of real property is not consummated between these parties, then in that event, the lands and properties of CAC Properties, LLC (Caddell), retained or remaining not conveyed, shall revert back to, or remain, at its present zoning classification of City of Dry Ridge Residential Three (R-3) under City of Dry Ridge Official Zoning Ordinance No. 3801982 as originally enacted or thereafter amended current, under all previous or existing approvals or entries of the Grant County Planning Commission germane or concerning the Brentwood Subdivision.

Duly Adopted, Approved, Resolved, and Certified on this the 6th day of March, 2006.

  
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WILLIAM CULL, MAYOR

ATTEST:

  
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CINDY L. HARRIS, CITY CLERK