

ORDINANCE NO. 2506

AN ORDINANCE CLOSING A PORTION OF UNIMPROVED ELM STREET LYING ON THE SOUTHWEST SIDE OF BARTLETT AVENUE AS RECORDED ON PLAT SLIDE 493, IN ERLANGER, KENTON COUNTY, KENTUCKY

Whereas, Kentucky Revised Statute 82.405 sets forth the procedure for closing a public way; and

Whereas, the current property owners of property commonly known as Lots 1 and 11 of the Joseph H. Graves Subdivision as recorded on Plat Slide 493, in the office of the Kenton County Clerk, at Covington, Kentucky, respectively on the attached Exhibit, the owners of which parties have requested that the City close said public way and have consented to its closure, in as much that it have never been built and serves no purposes; and

Whereas, the proposed street as set forth on the attached drawing/survey has never been built, with the existing unimproved Elm Street adjoining the property owner's line, and the adjoining property owners are the only adjoining property owners who would have use for the road in the event it was ever constructed; and

Whereas, the prerequisites of KRS 82.405 have been met.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF ERLANGER, KENTON COUNTY, COMMONWEALTH OF KENTUCKY AS FOLLOWS:

Section 1.0 – Property being Abandoned

That the City of Erlanger, Kenton County, Kentucky closes a portion of the public way, as set forth in the attached drawing/survey, attached hereto as Exhibit A, for the proposed street, adjoining Lots 1 and 11 of the Joseph H. Graves Subdivision as recorded on Plat Slide 493, in the office of the Kenton County Clerk, at Covington, Kentucky.

Furthermore, the City of Erlanger, Kenton County, Kentucky makes the following findings of fact:

1. All abutting property owners to the public way subject to closure have been identified.
2. Written notice of the proposed closing has been given to each.
3. All abutting property owners have given their written notarized consent to the closing, with copies of the consent attached hereto.

That upon closure, the Mayor is authorized to execute a deed to transfer the property to the adjoining property owners.

Section 2.0 – Provisions Severable

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

Section 3.0 – Conflicting Ordinances Repealed

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

Section 4.0 – Effective Date

This ordinance shall be effective as soon as possible according to law.

Section 5.0 - Publication

This ordinance shall be published in summary pursuant to K.R.S. 83A.060 (9).

Adopted this 10th day of November, 2020.

First Reading- October 6, 2020

Second Reading- November 10, 2020 Votes Cast - 11 Yes, 0 No

APPROVED:

JESSICA FETTE, Mayor

Attest:

SHERRY HOFFMAN, City Clerk