

ORDINANCE NO. 2023-013

**ORDINANCE ANNEXING TO THE CITY OF FRANKLIN, KENTUCKY
CERTAIN TERRITORY OF LAND CONTIGUOUS TO THE EXISTING
CITY LIMITS OF FRANKLIN, KENTUCKY
IN ACCORDANCE WITH THE COMPREHENSIVE PLAN OF ANNEXATION
AND DECLARING AN EMERGENCY TO EXIST**

WHEREAS, heretofore, the City of Franklin, Kentucky, adopted a Comprehensive Plan of Annexation; and

WHEREAS, the City Commission has determined that the hereinafter described territory is urban in character, and/or suitable for development for urban purposes, by reason of population density, commercial, industrial, and/or subdivision of land; and

WHEREAS, the City Commission has determined that no part of the area to be annexed shall be included in the boundary of another city;

WHEREAS, owners of record of the land to be annexed have given prior written consent to the annexation; and

WHEREAS, pursuant to KRS 81A.412, the City may enact a single ordinance finally annexing the land described in the ordinance and all waiting periods and notice requirements shall not be required;

NOW, THEREFORE, BE IT ORDAINED by the City of Franklin, Kentucky, acting by and through its City Commission, as follows:

WHEREAS, it is provided in KRS 83A.060(7) that publication of an Ordinance, in order to make it effective, need not be done in an emergency, upon the affirmative vote of two-thirds (2/3) of the membership of the City's legislative body, provided that the legally required publication requirement is carried out within ten (10) days of the date of enactment of the emergency ordinance; and,

WHEREAS, it is essential and in the public interest that the City issue this ordinance immediately and any postponement would be detrimental to the owners and developers of the territory to be annexed due to their financial investments and commitment to build the development, and postponement would be detrimental due to the potential moratorium on annexation that is currently proposed by the Kentucky legislature, and the understanding between the City and the owners of the territory prior to the proposed moratorium that the territory would be annexed so that the owners could use and/or extend city services to the territory for use, and, therefore, an emergency exists so that it is necessary and in the public interest to issue this ordinance immediately, and the City hereby declares such emergency to exist; and

WHEREAS, the City Commission has previously heretofore discussed this development with the Kentucky Transportation Cabinet and the property owners such that the property in question has been vetted to be acceptable in its current design and location.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Franklin, Kentucky, as follows:

**SECTION I.
DECLARATION OF AN EMERGENCY**

1. It is hereby found, determined, and declared that the facts and recitals set forth in the preamble of this ordinance are true and correct and are hereby affirmed, and all acts described in preamble are hereby ratified. Such facts and recitals, including any terms defined therein, are adopted and incorporated as a part of this ordinance.

2. In accordance with KRS 83A.060(7), an emergency is hereby declared to exist for the reasons described in the preamble of this ordinance and the Board of Commissioners suspends the requirement of publication of the ordinance in order for it to become effective, so that the ordinance is and shall be effective upon the adoption of this ordinance; and

further, this ordinance, because of said emergency hereby declared, shall be effective upon its adoption on first reading, without publication, as provided in KRS 83A.060(7), and the Board of City Commissioners having hereby suspended the requirements of second reading and publications. The ordinance shall be published within ten (10) days of the adoption of this ordinance as provided by law.

**SECTION II.
ANNEXATION OF PROPERTY**

That pursuant to the provisions of KRS 81A.412 and/or KRS 81A.420, the City of Franklin hereby annexes the following described unincorporated area and makes it a part of the City of Franklin, Kentucky:

SEE PROPERTY DESCRIPTION IN THE DEED ATTACHED AS EXHIBIT 1
AND INCORPORATED HEREIN BY REFERENCE

**SECTION III.
EFFECTIVE DATE AND AUTHORIZATION**

This Ordinance shall be effective immediately upon the reading of the ordinance at the meeting being specifically approved and adopted for the purposes of first and only reading and for the purposes of publication according to law.

If any section, subsection, sentence, clause, or phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions.

All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF FRANKLIN, KENTUCKY, by the affirmative vote of at least two-thirds (2/3) of its membership upon one reading and upon declaration of an emergency as described above, all in accordance with and pursuant to KRS 83A.060(7) at a meeting held on Monday, March 13, 2023, and ordered to be published according to KRS 83A.060(7) within ten (10) days from the adoption of this ordinance and declared to be in full force and effect immediately according to law. On motion made by Commissioner Powell and seconded by Commissioner McCreary, the foregoing ordinance was adopted, after full discussion, by the following vote:

<u> </u> YES	JAMIE POWELL
<u> </u> YES	WENDELL STEWART
<u> </u> YES	HERBERT WILLIAMS
<u> </u> YES	DALE MCCREARY
<u> </u> YES	MAYOR LARRY DIXON

APPROVED BY:

Larry Dixon, Mayor
Larry Dixon, Mayor
City of Franklin, Kentucky

ATTEST:
Cathy Dillard
Cathy Dillard, City Clerk
City of Franklin, Kentucky

EXHIBIT 1

Deed Attached

SIMPSON COUNTY

D359 PG1

THIS DEED OF CONVEYANCE, made and entered into on this 25 day of Aug, 2021, by and between **HOWELL PATTON, III and wife, LORA PATTON**, P.O. Box 16, Franklin, Kentucky 42134, GRANTORS, and **SOUTH STREET, LLC**, P. O. Box 727, Franklin, Kentucky 42135, GRANTEE;

WITNESSETH: That for and in consideration of the sum of EIGHTY THOUSAND TWO HUNDRED FIFTY DOLLARS (\$80,250.00), cash in hand paid, the receipt of which is hereby acknowledged, the grantors do hereby grant, bargain, sell, and convey unto the grantee, its successors and assigns, the following-described property located on the west side of 31-W North, north of Franklin, Simpson County, Kentucky, to-wit:

TRACT ONE:

Being Lot No. 6 of the Howell Patton III Property Subdivision, as shown of record in Minor Subdivision Plat Book 1, Page 435, Simpson County Clerk's Office, and more particularly described as follows:

Beginning at an iron pin set in the west right of way of US 31-W (100' Right of way as per KY DOT State Project No. 107-5 - 58' Pvm't), a corner to Steve J. Jenson and Joyce A. Jenson (Deed Book 305, Page 668), lying approx. S 08° W 1.071' from the centerline intersection of Bowling Green Rd. - HWY 31W and Patton Rd. and having a coordinate of N:3432370.04, E:4678313.20. Thence with said west right of way of US 31-W for 2 calls S 02° 48' 31" W, 216.40'; thence S 02° 19' 37" W, 212.29' to an iron pin set a new corner to Howell Patton III (Deed Book 113, Page 323); thence severing the lands of Howell Patton III S 89° 47' 38" W, 637.77' to an iron pin set common to Debra Kay Roberts (Deed Book 336, Page 121, Plat Book 4, Page 201A, Lot 25); thence with Debra Kay Roberts (Deed Book 336, Page 121, Plat Book 4, Page 201A, Lot 25), and then George O. Crabtree and Anita C. Crabtree (Deed Book 191, Page 376, Plat Book 4, Page 201A, Lot 24) N 06° 15' 35" E, 133.75' to a 1/2" iron pipe found a corner to Roger Chandler and Sheila Chandler (Deed Book 303, Page 342); thence with Roger Chandler and Sheila Chandler (Deed Book 303, Page 342, N 05° 43' 49" E, 109.77' to a 1/2" iron pipe found a corner to Kyle Brockway (Deed Book 339, Page 606, Plat Book 4, Page 189, Lot 19); thence with Kyle Brockway (Deed Book 339, Page 606, Plat Book 4, Page 189, Lot 19) N 06° 04' 18" E, 107.95' to an iron pin found (1/2" rebar) a corner to Tony F. Franklin and Vicki S. Franklin (Deed Book 305, Page 637, Plat Book 4, Page 189, Lot 20); thence with Tony F. Franklin and Vicki S.

SIMPSON COUNTY

D359 PG2

Franklin (Deed Book 305, Page 637, Plat Book 4, Page 189, Lot 20) N 05° 53' 28" E, 59.85' to an iron pin set a corner to Johnny Bohannon and Wilma Jean Bohannon (Deed Book 184, Page 129); thence with Jonny Bohannon and Wilma Jean Bohannon (Deed Book 184, Page 129) and then Steve J. Jenson and Joyce A. Jenson (Deed Book 305, Page 668) N 87° 59' 40" E, 614.26', to the point of beginning, having an area of 261360.00 square feet, 6.000 acres, according to this survey performed by Davidson Land Surveying, 270-202-2236, claydavidsonpls@gmail.com, William Clay Davidson (PLS No. 4145, issued May 20, 2016). Dated: 8/6/2021, Job No. 21-050.

TRACT TWO:

Being Lot No. 7 of the Howell Patton III Property Subdivision, as shown of record in Minor Subdivision Plat Book 1, Page 435, Simpson County Clerk's Office, and more particularly described as follows:

Commencing from an iron pin set in the west right of way of US 31-W (100' Right of way as per KY DOT State Project No. 107-5 - 58' Pvm't), a corner to Steve J. Jenson and Joyce A. Jenson (Deed Book 305, Page 668), lying approx. S 08° W 1,071' from the centerline intersection of Bowling Green Rd. - HWY31W and Patton Rd. and having a coordinate of N:3432370.04, E:4678313.20. Thence with said west right of way of US 31-W for 2 calls S 02°48'31" W, 216.40'; thence S 02° 19' 37" W, 212.29' to an iron pin set a new corner to Howell Patton III (Deed Book 113, Page 323), BEING THE POINT OF BEGINNING. Thence continuing to meander the west right of way of US 31-W for 2 calls S 02°19'37" W, 277.66'; thence with a curve turning to the left having an arc length of 124.45', a radius of 4111.36', a chord bearing of S 01° 27' 36" W, and a chord length of 124.45' to an iron pin set a new corner to Howell Patton III (Deed Book 113, Page 323); thence severing the lands of Howell Patton III S 89° 47' 38" W, 663.89' to an iron pin set common to Bobby G. Cassity and Jo Carolyn Cassity (Deed Book 208, Page 324, Plat Book 4, Page 201A, Lot 28); thence with Bobby G. Cassity and Jo Carolyn Cassity (Deed Book 208, Page 324, Plat Book 4, Page 201A, Lot 28), N 05°33'57" E, 98.62' to a 1/2" iron pipe found a corner to Betty Ann Jernigan (Deed Book 290, Page 458, Plat Book 4, Page 201A, Lot 27); thence with Betty Ann Jernigan (Deed Book 290, Page 458, Plat Book 4, Page 201A, Lot 27), then William D. Dinning and Mary Ruth Dining (Deed Book 188, Page 352, Plat Book 4, Page 201A, Lot 26) N 05°39'22" E, 219.58' to a 1/2" iron pipe found a corner to Debra Kay Roberts (Deed Book 336, Page 121, Plat Book 4, Page 201A, Lot 25); thence with Debra Kay Roberts (Deed Book 336, Page 121, Plat Book 4, Page 201A,

SIMPSON COUNTY

D359 PG3

Lot 25) N 06° 15' 35" E, 85.78' to an iron pin set a new corner to the aforementioned Howell Patton III; thence severing the lands of Howell Patton III N 89° 47' 38" E, 637.77', to the point of beginning, having an area of 261360.00 square feet, 6,000 acres according to this survey performed by Davidson Land Surveying, 270-202-2236, claydavidsonpls@gmail.com, William Clay Davidson (PLS No. 4145, issued May 20, 2016). Dated: 8/6/2021, Job No. 21-050.

TRACT THREE:

Being Lot No. 8 of the Howell Patton III Property Subdivision, as shown of record in Minor Subdivision Plat Book 1, Page 435, Simpson County Clerk's Office, and more particularly described as follows:

Commencing from an iron pin set in the west right of way of US 31-W (100' Right of way as per KY DOT State Project No. 107-5 -58' Pvm't), a corner to Steve J. Jenson and Joyce A. Jenson (Deed Book 305, Page 668), lying approx. S 08° W 1,071' from the centerline intersection of Bowling Green Rd. - HWY31W and Patton Rd. and having a coordinate of N:3432370.04, E:4678313.20. Thence with said west right of way of US 31-W for 4 calls S 02° 48' 31" W, 216.40', thence S 02° 19' 37" W, 212.29' to an iron pin set; thence S 02° 19' 37" W, 277.66'; thence with a curve turning to the left having an arc length of 124.45', a radius of 4111.36', a chord bearing of S 01° 27' 36" W, and a chord length of 124.45' to an iron pin set a new corner to Howell Patton III (Deed Book 113, Page 323), BEING THE POINT OF BEGINNING; thence continuing with said right of way for 2 calls, a curve turning to the left having an arc length of 136.51', a radius of 4111.36', a chord bearing of S 00° 21' 31" E, and a chord length of 136.51'; thence S 01° 18' 35" E, 10.86' to an iron pin set a corner to Patricia E. Hojna and Mark A. Hojna (Deed Book 331, Page 55); thence with Patricia E. Hojna and Mark A. Hojna (Deed Book 331, Page 55) S 89° 47' 38" W, 680.03' to an iron pin set a corner to Robin A. Moseley (Deed Book 212, Page 70, Plat Book 4, Page 201A, Lot 29); thence with Robin A. Moseley (Deed Book 212, Page 70, Plat Book 4, Page 201, Lot 29) and then Bobby G. Cassity and Jo Carolyn Cassity (Deed Book 208, Page 324, Plat Book 4, Page 201A, Lot 28) N 05° 49' 32" E, 148.18' to an iron pin set a new corner to Howell Patton III (Deed Book 113, Page 323); thence severing the lands of Howell Patton III N 89° 47' 38" E, 663.89', to the point of beginning, having an area of 98956.12 square feet, 2.272 acres, according to this survey performed by Davidson Land Surveying, 270-202-2236, claydavidsonpls@gmail.com, William Clay Davidson (PLS No. 4145, issued May 20, 2016). Dated: 8/6/2021, Job No. 21-

SIMPSON COUNTY
D359 PG4

050.

Being a part of the same property conveyed to Howell Patton, III by Louise W. Shugart et ux et al by deed dated December 20, 1973, of record in Deed Book 113, Page 323, Simpson County Clerk's Office.

TO HAVE AND TO HOLD the above-described property, together with all of the appurtenances thereunto belonging, unto the grantee, its successors and assigns, forever, with covenant of general warranty of title, but subject to all easements, restrictions, grants, and rights of way and the rules and regulations of the applicable planning and zoning commission.

Possession of the property shall be given upon harvest of the presently growing crops, with the landlords share of the crops retained by the grantors. The 2021 property taxes shall be prorated, and the property tax bill shall be mailed to the grantors at P.O. Box 16, Franklin, Kentucky 42135.

The parties hereto state that the consideration reflected in this deed is the full consideration paid for the property. The grantee(s) join(s) in the deed for the sole purpose of certifying the consideration pursuant to KRS Chapter 382. The parties further certify their understanding that falsification of the stated consideration or selling price of the property is a Class D felony, subject to one to five years imprisonment and fines up to \$10,000.00.

The Grantor(s) and Grantee(s) herein hereby verify that their respective full names are correctly stated within this deed pursuant to Kentucky statutory law as set forth in KRS 382.135(1)(a) and KRS 382.135(6)(c).

IN WITNESS WHEREOF, the grantors have hereunto subscribed their names and the grantee has caused its name to be affixed hereto by and through its duly authorized representative on this, the day and year first above written.

SIMPSON COUNTY

D359 PG5

GRANTORS: Howell Patton III
HOWELL PATTON, III
Lora Patton
LORA PATTON

GRANTEE: SOUTH STREET, LLC

By: David Colman

Its: member

COMMONWEALTH OF KENTUCKY

COUNTY OF SIMPSON

The foregoing Deed of Conveyance was on this 25 day of August, 2021, acknowledged, subscribed, and sworn before me by Howell Patton, III and wife, Lora Patton, Grantors.

My commission expires Sept 12, 2025.

My notary identification number is 583138.

[Signature]
Notary Public

SIMPSON COUNTY
D359 PG6

COMMONWEALTH OF KENTUCKY

COUNTY OF SIMPSON

The foregoing Deed of Conveyance was on this 25 day of August,
2021, acknowledged, subscribed, and sworn before me by David Cannon,
Member of South Street, LLC, Grantee.

My commission expires Sept 12, 2025.

My notary identification number is 583138.

G. William Leach, Jr.
Notary Public

Prepared By:

LEACH AND CUMMINS
Attorneys at Law
200 North Main Street
P.O. Box 425
Franklin, Kentucky 42135-0425
Tele. (270) 586-9595
Fax (270) 586-6907

G. William Leach, Jr.
G. WILLIAM LEACH, JR.

DOCUMENT NO: 1204333
RECORDED: August 25, 2021 02:34:00 PM
TOTAL FEES: \$53.00 TRANSFER TAX: \$80.50
COUNTY CLERK: JOLENE S THURMAN
DEPUTY CLERK: MARLA
COUNTY: SIMPSON COUNTY
BOOK: D359 PAGES: 1 - 6