

Sponsors: Commissioner Williams
Commissioner Powell
Second Reading: August 28, 2023
Publication Date: September 7, 2023

ORDINANCE NO. 2023-028

**ORDINANCE ANNEXING TO THE CITY OF FRANKLIN, KENTUCKY
APPROXIMATELY 39.45 ACRES LOCATED NEAR KY. HWY. 1008
BY GIAMPAOLO KENTUCKY REAL PROPERTY, LLC
IN ACCORDANCE WITH THE COMPREHENSIVE PLAN OF ANNEXATION**

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

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

WHEREAS, Giampaolo Kentucky Real Property, LLC, the owners of record of the land to be annexed, have requested the land to be annexed and 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; and

WHEREAS, pursuant to the provisions of Section 3(3)(d) of SB 141 (Senate Bill, Kentucky, 2023 Regular Session), notice was timely given to the Simpson County Fiscal Court at least forty-five (45) days prior to final enactment of this ordinance as currently required by law.

NOW, THEREFORE, BE IT ORDAINED by the City of Franklin, Kentucky, acting by and through its Board of Commissioners, 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 subject to the conditions set forth hereinbelow:

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

This ordinance shall take effect upon its passage, approval, and publication. If any section, subsection, sentence, clause, 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All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

August 14, 2023 FIRST READING

August 28, 2023 SECOND READING

At a meeting of the Board of Commissioners of the City of Franklin, Kentucky, held on August 28, 2023, on motion made by Commissioner Stewart and seconded by Commissioner Williams, the foregoing ordinance was adopted, after full discussion, by the following vote:

Yes JAMIE POWELL
Yes HERBERT WILLIAMS
Yes DALE MCCREARY
Yes WENDELL STEWART
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

See Attached Description and Survey Drawings for Exact Boundary Description.



Arnold Consulting Engineering Services, Inc.

P.O. Box 1338
Bowling Green, KY 42101

1136 South Park Drive, Suite 201
Bowling Green, KY 42103

Phone (270)780-9445
Fax (270)780-9873

Legal Description

Note: The following legal description is exclusively for the purpose of depicting the portion of the property listed below to be annexed into the City of Franklin, Kentucky. The boundary for the legal description below is based on a boundary survey completed by ACES, Jeff Arnold, PLS 2934, on June 21, 2023. No monuments have been set for any missing corners, thus the description below is not certified to meet the minimum standards for Boundary Survey Descriptions as set forth by the Commonwealth of Kentucky Standards of Practice for Professional Land Surveyors in 201 KAR 18:150 and as such, said description is to be used for the purpose of dedicating the aforementioned easement only and not for the purpose of transferring title.

A certain tract of land lying in Simpson County, Kentucky, being located near the city of Franklin; being a portion of the property previously recorded in Deed Book 355 Page 166, and being more particularly described as follows:

The basis of the bearings for this legal description is grid north as established by Kentucky State Plane Coordinates, South Zone 1602.

Beginning at a fence post with a disturbed concrete monument found at N 88°39'38" E a distance of 10.35' and a ½" iron pin with a 1" plastic cap stamped "Witness PLS 4147" found at N 86°32'16" E a distance of 10.00', said post being located approximately 402' in a southern direction from the centerline of Brown Road and being a common corner with Lot 1 of the James Buckner & Henry Broaderson Property Subdivision as previously recorded in Plat Book 2 Page 58A, Dorothy Williams and Leah Hall (Deed Book 178 Page 27).

Thence, with the west line of the aforementioned Lot 1, and then with the line of Lot 2 of the aforementioned subdivision, Tina Hutcherson (Deed Book 370 Page 109), and then with the line of Lot 3 of the aforementioned subdivision, Sandra Johnson (Deed Book 174 Page 368), and then with the line of Lot 4 of the aforementioned subdivision, Tina Marie Clinger (Deed Book 325 Page 30), and then with the line of Lot 5 of the aforementioned subdivision, James Phillips (Deed Book 264 Page 600), and then with the line of Lot 6 of the aforementioned subdivision, Lynn Seibert (Deed Book 276 Page 201), and then with the line of Lot 7 of the aforementioned subdivision, (no source of title found), and then with the line of Lot 8 of the aforementioned subdivision, Steve & Judy Berg (Deed Book 242 Page 680), and then with the line of Lot 9 of the aforementioned subdivision, Micheal Wayne Bell (Deed Book 341 Page 17), and then with the line of Lot 10 of the aforementioned subdivision, Paul & Brittany Brown (Deed Book 340 Page 428), and then with the line of Lot 11 of the aforementioned subdivision, Jerry Roalin (Deed Book 295 Page 513), and then with the line of BD & J Properties, LLC., (Deed Book 355 Page 173) S 02°48'21" E a distance of 1,942.91' to a ½" iron pin with 1" plastic cap stamped "B. Hester PLS 4147" found, said pin being the southeast most corner of the parent tract and being a common corner with Jed Holdings Company, CLL. (Deed Book 298 Page 784).

Thence, leaving the line of BD & J Properties, LLC. and with the line of Jed Holding Company, CLL., N 85°45'40" W a distance of 875.00' to a ½" iron pin found in a concrete monument, said pin being the

southwest most corner of the parent tract and being found in the east line of Phillip Wayne Evans (Deed Book 106 Page 262).

Thence, leaving the line of Jed Holding Company, CLL. and with the line of Evans, and then with the line of Joe Phillips (Will Book 14 Page 372), N 03°06'35" W a distance of 1,940.75' to a 5/8" iron pin with 1 1/4" plastic cap stamped "Dunning PLS 3290" found, said pin being the northeast most corner of Phillips and a corner of the parent tract.

Thence, leaving the line of Phillips and bisecting the lands of the parent tract, S 85°59'01" E a distance of 884.96' to the point of **Beginning**, containing 1,695,713 +/- square feet (38.93 acres).



