

CITY OF FRANKLIN, KENTUCKY

ORDINANCE NO. 620.15-09-2010

**AN ORDINANCE TO CLOSE PORTION OF RAINES DRIVE
AND DECLARING AN EMERGENCY TO EXIST**

WHEREAS, it has been determined that a portion of Raines Drive will serve a more useful public purpose if the herein described portion of said street is closed and no longer used as a public street; and,

WHEREAS, the City Commission has identified the property owners in or abutting the portion of the street to be closed to be the Franklin-Simpson Industrial Authority, and,

WHEREAS, pursuant to KRS 82.405(2)(b) and (c), written notice of the proposed closing was given to the property owner in or abutting that portion of the street that is described in Exhibit A, and the property owner in or abutting that portion of the street has agreed to the closing of the portion of the street, with said consent being attached hereto as Exhibit B; and,

WHEREAS, the City Commission has determined that it is in the best interest of the City to close that portion of Raines Drive which is described more specifically in the attached Exhibit A, and to authorize the City Attorney for the City of Franklin to take any and all actions necessary to convey that portion of the street to be closed to the Franklin-Simpson Industrial Authority to be developed for commercial purposes in the existing right-of-way, and in order to relieve all obligations on the City for continued maintenance of the property to be conveyed; and,

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 residents of the City due to the potential development and/or use of the property, and/or the retirement of certain City indebtedness, 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.

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.

ADOPTION/APPROVAL TO CLOSE PORTION OF RAINES DRIVE

1. The portion of Raines Drive and/or its right-of-way described in the attached Exhibit A is hereby closed as a public way, street, and/or thoroughfare, and shall no longer be maintained by the City of Franklin, Kentucky.
2. The City Attorney is hereby directed to take any and all actions necessary, and/or all of his actions with respect to this ordinance are hereby ratified pursuant to this ordinance to close said portion of Raines Drive and to convey that portion of the street, more particularly described in the attached Exhibit A, to the Franklin-Simpson Industrial Authority in exchange for releasing the City from any and all further maintenance responsibilities.
3. The City Commission authorizes and directs the Mayor to sign any and all documents necessary to effectuate the intent of this ordinance.

SECTION III.

EFFECTIVE DATE

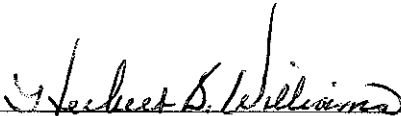
This Ordinance shall be effective immediately upon the reading of the ordinance at the meeting being specifically approved and adopted for the purposes of first and only reading and for the purposes of publication according to law.

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 September 27, 2010, 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 Jamie Powell and seconded by Commissioner Mike Simpson, the foregoing ordinance was adopted, after full discussion, by the following vote:

<u>YES</u>	HERBERT S. WILLIAMS, MAYOR	<u>YES</u>	JAMIE POWELL
<u>YES</u>	WENDELL STEWART	<u>YES</u>	MIKE SIMPSON
<u>YES</u>	HENRY STONE		


HERBERT S. WILLIAMS, MAYOR
CITY OF FRANKLIN, KENTUCKY

ATTEST:



KATHY STRADTNER, CITY CLERK
CITY OF FRANKLIN, KENTUCKY

EXHIBIT A

Beginning at an iron pin found #3290 at the southeasterly terminus of Raines Drive (60 foot right-of-way); thence along the southerly terminus of Raines Drive and a line with the Franklin-Simpson Industrial Authority property, North 83 degrees 24 minutes 56 seconds West a distance of 60.00 feet to an iron pin found #3290; thence along the present westerly right-of-way of Raines Drive, North 06 degrees 35 minutes 14 seconds East a distance of 1365.27 feet to an iron pin found #3290; thence South 82 degrees 05 minutes 18 seconds East a distance of 60.02 feet to an iron pin found #3290 in the easterly right-of-way of Raines Drive; thence along the easterly right-of-way of Raines Drive, South 06 degrees 35 minutes 14 seconds West a distance of 1363.88 feet to the point of beginning. Containing 1.88 acres more or less, and being a portion of Raines Drive to be vacated as a public street and subject to all legal conditions and easements of record. This description is based on an actual field survey performed by Gary Lee Dunning, Kentucky Registered Land Surveyor #3290 in September of 2010. Basis of bearing for this description is the found monuments of the Franklin-Simpson Industrial Authority property.

Being a part of the same property conveyed to the Franklin-Simpson Industrial Authority by Thelma Harrison and husband, Dan G. Harrison, Charles Harrison and wife, Anita Harrison, Danny L. Harrison and wife, Maureen Harrison, and the Unborn or Unknown Issue and Heirs at Law of the Said Thelma Harrison, by Robert Young Link, Master Commissioner of the Simpson Circuit Court on May 28, 2003, by Commissioner's Deed of record in Deed Book 243, Page 391 in the Simpson County Clerk's Office.

CONSENT TO CLOSING A PUBLIC WAY

I, Gary Broady, Chairman of the Franklin-Simpson Industrial Authority, 201 South Main Street, Franklin, Kentucky, a property owner in or abutting Raines Drive, hereby consent to the closing of that certain portion of the public way as provided in the Notice of Intent to Close a Public Way given to me on September 24, 2010, and the undersigned understands, acknowledges, and agrees that the portion of the street to be closed shall remain the property of the City of Franklin.

Dated this September 24, 2010.

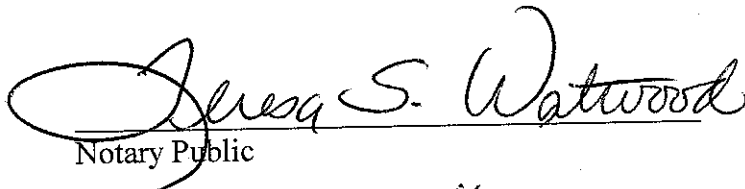


Gary Broady, Chairman
Franklin-Simpson Industrial Authority

COMMONWEALTH OF KENTUCKY

COUNTY OF SIMPSON

Subscribed and sworn to before me by Gary Broady, the Chairman of the Franklin-Simpson Industrial Authority on this September 24, 2010.



Notary Public

My Commission Expires: 4-23-12


ORD # 620.15-09-2010

NOTICE OF INTENT TO CLOSE A PUBLIC WAY

TO: Gary Broady, Chairman
Franklin-Simpson Industrial Authority
201 South Main Street
Franklin, Kentucky 42134

Pursuant to KRS 82.405(2)(b), notice is hereby given by the Franklin City Commission that they intend to close a portion of the public way known as Raines Drive in or abutting your property. Attached hereto as Exhibit A is a description of the portion of Raines Drive being closed.

This September 24, 2010.



W. Scott Crabtree, City Attorney