

## **CITY OF FRANKLIN, KENTUCKY**

### **ORDINANCE NO. 2020 - 008**

#### **AN ORDINANCE TO CLOSE THE PUBLIC PORTION OF A 0.31 ACRE TRACT, MORE OR LESS, OF BARRETT LANE FRONTING THE STARK TRUSS SITE**

WHEREAS, at the request of Stark Truss Company, Inc., it has been determined that the 0.31 acre tract, more or less, of Barrett Lane fronting the Stark Truss site will serve a more useful public purpose if the herein described portion is closed and no longer used as a public way; and,

WHEREAS, the Board of Commissioners of the City of Franklin has identified the property owners in or abutting the portion of the property to be closed to be WJJS Properties, LLC, an Ohio limited liability company and Yoder Properties Ltd, LLC, an Ohio limited liability company; and,

WHEREAS, pursuant to KRS 82.405(2) (b) and (c), written notices of the proposed closing were given to the property owners in or abutting that portion of the public way that is described in Exhibit A, and the property owners in or abutting that portion of the property have agreed to the closing of the public way, with said consents being attached collectively hereto as Exhibit B; and,

WHEREAS, the Board of Commissioners of the City of Franklin has determined that it is in the best interest of the City to close the public way 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 a portion of the public way to be closed to Stark Truss Company, Inc.; and,

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

1. The preambles to this Ordinance are true and correct and incorporated herein by reference.
2. The portion of the public way commonly known as the 0.31 acre tract, more or less, of Barrett Lane fronting the Stark Truss site described in Exhibit A is hereby accepted by the City as a public way, as having been opened to the unrestricted use of the general public for more than five (5) consecutive years pursuant to KRS 82.400 and, further, said portion of the public way shall be hereinafter closed as a public way, street, and/or thoroughfare, and shall no longer be maintained by the City of Franklin, Kentucky; provided that the City is allowed to retain any easements, conditions or restrictions, written or unwritten, that previously applies to this property, and they shall remain in effect and apply to this property as represented by the plat prepared by Gary Lee Dunning, Kentucky Registered Land Surveyor #3290 dated May 11, 2020.
3. 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 public way and to convey a portion of the public way, more particularly described in the attached Exhibit A, to Stark Truss Company, Inc.
4. The Board of Commissioners authorizes and directs the Mayor to sign any and all documents necessary to effectuate the intent of this ordinance.

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 holdings shall not affect the validity of the remaining portions of Ordinance.

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

July 27, 2020

FIRST READING

August 10, 2020

SECOND READING

At a meeting of the Franklin Board of Commissioners held on August 10, 2020, on motion made by Commissioner Bennett and seconded by Commissioner Stewart, the foregoing ordinance was adopted, after full discussion, by the following vote:

Yes HERBERT WILLIAMS

Yes JAMIE POWELL

Yes BROWNIE BENNETT

Yes WENDELL STEWART

Yes LARRY DIXON, MAYOR

APPROVED BY:

Larry Dixon mayor  
Larry Dixon, Mayor

ATTEST:

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

**EXHIBIT A**

**DESCRIPTION AND PLAT OF 0.31 ACRE TRACT BEING CLOSED**

See attached Description and Plat of a 0.31 Acre Tract  
for Street Vacation for a Part of Barrett Lane

Prepared by Gary Lee Dunning  
Kentucky Registered Land Surveyor No. 3290 dated May 11, 2020

**EXHIBIT A**

**DESCRIPTION AND PLAT OF 0.31 ACRE TRACT BEING CLOSED**

See attached Description and Plat of a 0.31 Acre Tract  
For Street Vacation for a Part of Barrett Lane  
Prepared by Gary Lee Dunning,  
Kentucky Registered Land Surveyor No. 3290 dated May 11, 2020

## ***Dunning Land Surveying***

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### Description of a 0.31 acre tract for street vacation for a part of Barrett Lane

The following paragraph describes a tract of land in Simpson County, Kentucky, in the city of Franklin over a portion of what is known as Barrett Lane; a portion of the same property as dedicated and accepted as a public street on the plat of Maplevue Addition as shown in Deed Book 57 Page 393 of the public deed records of the Simpson County Clerk's office; said premises being more particularly described as follows:

Beginning at an iron found #3290 in the northerly right of way of Barrett Lane (30 ft. r/w) in the westerly right of way of the CSX Railroad (33 feet from center of rails) at the easterly terminus of the public portion of Barrett Lane (formerly platted as Johnson Street); thence along the northerly line of Barrett Lane and the southerly line of the Amended Parcels of the plat originally recorded in Plat Book 4 Slide 83 known as the lot layout of the Young Property (See Plat Cabinet 5 Page 53 for amended plat) the following two calls; South 81 degrees 07 minutes 42 seconds West a distance of 300.07 feet to an iron pin found #3290; thence South 81 degrees 12 minutes 01 second West a distance of 153.18 feet to an iron pin set at a new corner; thence crossing said right of way South 02 degrees 50 minutes 43 seconds East a distance of 30.36 feet to an iron pin set at the northwesterly corner of the WJJS property as described in Deed Book 338 Page 676 and a monumented corner to Lot 16 of the recorded plat of Maplevue Addition as shown in Deed Book 57 Page 393, a corner to Thomas Thornton (Deed Book 239 Page 433 Tract 3); thence along the southerly right of way of Barrett Lane, North 81 degrees 07 minutes 42 seconds East a distance of 445.79 feet to an iron pin set in the westerly right of way of the CSX Railroad; thence crossing Barrett Lane along the westerly right of way of said railroad, North 10 degrees 39 minutes 24 seconds East, 33 feet from center of rail, a distance of 31.83 feet to the point of beginning. Surveyed parcel contains 0.31 acre more or less intending to vacate the public portion of Barrett Lane fronting the Stark Truss site, and is a minor subdivision plat to be recorded in Minor Plat Book 1 Page 319, 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 April & May of 2020. Basis of bearing for this description is grid North, Kentucky South Zone, Lambert projection. Unless stated otherwise, all iron pins set this survey are 5/8" x 18" rebar with plastic identification cap stamped "Dunning #3290".

# DUNNING LAND SURVEYING

1212 NEOSHEO ROAD  
FRANKLIN, KENTUCKY 42134  
PHONE: (270) 586-8286 \* dunn4@bellsouth.net

JOB#20-48

MINOR SUBDIVISION PLAT OF A 0.31 ACRE PORTION OF BARRETT LANE TO BE VACATED BY THE CITY OF FRANKLIN  
ORIGINALLY A PART OF THE MAPVIEW ADDITION AND SHOWN ON PLAT OF THE LOT LAYOUT OF THE YOUNG PROPERTY  
PRESENT OWNER: CITY OF FRANKLIN; THE PORTION OF STREET TO BE VACATED FRONTS STARK TRUSS BUSINESS ON BOTH SIDES  
SOURCE OF TITLE: DEED BOOK 57 PAGE 393 PER SIMPSON COUNTY CLERK PUBLIC DEED RECORDS  
MAP REFERENCE: A PORTION OF THE PRESENT STREET IN FRONT OF PARCEL F-009 BLOCK 46 PARCEL 11.01 PER P.V.. MAPPING  
DATE: MAY 11, 2020

THE SUBJECT PROPERTY DOES NOT LIE IN A  
FLOOD PRONE AREA PER LATEST F.I.R.M. MAPPING

SUBJECT TO ALL LEGAL CONDITIONS  
AND EASEMENTS OF RECORD.

THIS SURVEY IS SUBJECT TO ALL FACTS WHICH  
WOULD BE DISCLOSED BY A COMPLETE TITLE SEARCH.

IRON PINS SET THIS SURVEY ARE 5/8" X 18" REBARS  
WITH PLASTIC IDENTIFICATION CAP STAMPED "DUNNING 3290"

● DENOTES IRON PIN SET UNLESS SHOWN OTHERWISE

○ DENOTES MEANDER CORNER; MONUMENT NOT SET

0 100 200 300

SCALE: 1 INCH = 100 FEET

STARK TRUSS SITE  
AMENDED LOT 6  
PLAT CABINET 5  
PAGE 53

BASIS OF BEARING:

GRID NORTH  
KENTUCKY SOUTH ZONE  
LAMBERT PROJECTION

## CLIENT ADDRESS

CITY OF FRANKLIN, KENTUCKY  
117 W.CEDAR ST.  
FRANKLIN, KENTUCKY  
42134

YODER PROPERTIES, LTD.  
DEED BOOK 340 PAGE 310  
DEED BOOK 341 PAGE 49  
d/b/a STARK TRUSS

TO BE VACATED  
0.31 ACRE

FORMERLY JOHNSON ST.  
BARRETT LANE 30 FT.R/W

LINE	BEARING	DISTANCE
L1	S 02°50'43" E	30.36'

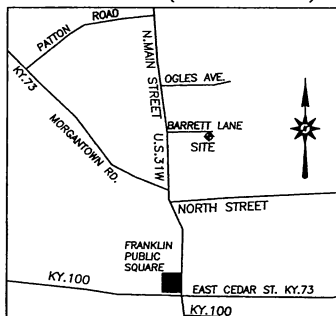
WJJS PROPERTIES LTD  
DEED BOOK 338  
PAGE 676  
d/b/a STARK TRUSS

OAKWOOD PROPERTIES  
DEED BOOK 290  
PAGE 166  
TRACT II

RICKY GREGORY  
LANA JEAN GREGORY  
DEED BOOK 290  
PAGE 163  
LOTS 32,33&34 BLOCK B  
MAPLEWOOD ADDITION

RICKY GREGORY  
LANA JEAN GREGORY  
DEED BOOK 290  
PAGE 163  
LOT 40 BLOCK B  
MAPLEWOOD ADDITION

## VICINITY MAP (NOT TO SCALE)



## SURVEYORS NOTES

1. CSX RAILROAD IS SHOWN A 66 FT. R/W  
PER RECORDED PLAT IN DEED BOOK 57 PAGE 393.
2. BARRETT LANE IS CALLED ON SAID PLAT AS A 30 FT.R/W WIDTH.  
TRACTS NORTH OF BARRETT LANE WERE ORIGINALLY CALLED  
IN PLAT BOOK 4 PAGE 83.
3. THE ONLY LANDOWNERS WHICH FRONT THIS PART OF BARRETT LANE  
TO BE VACATED d/b/a STARK TRUSS.

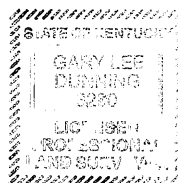
GPS PORTIONS OF SURVEY WERE PERFORMED WITH SOKKIA GRX2  
DUAL FREQUENCY RECEIVERS; STATIC BASE AND RTK ROVER  
BEARINGS AND DISTANCES ARE BASED ON THE KENTUCKY SOUTH ZONE NAD 83  
LAMBERT PROJECTION WITH A STATICAL ERROR THAT DOES NOT EXCEED 0.05'  
PER DISTANCE ACCURACY AND RELATIVE POSITIONAL ACCURACY.

THIS SURVEY MEETS THE REQUIREMENTS OF AN URBAN SURVEY  
AS DEFINED BY 201 K.A.R. 18:150

I CERTIFY THAT THIS DRAWING REPRESENTS AN ACTUAL FIELD SURVEY  
PERFORMED UNDER MY DIRECT SUPERVISION IN APRIL & MAY OF 2020.  
METHOD OF SURVEY IS BY CLOSED RANDOM TRAVERSE & GPS WITH AN  
UNADJUSTED CLOSURE EXCEEDING 1:19,741 FEET. THIS SURVEY  
MEETS OR EXCEEDS THE STANDARDS FOR BOUNDARY SURVEYS IN  
THE COMMONWEALTH OF KENTUCKY AS SET BY GOVERNING AUTHORITIES.

Kentucky Registered Land Surveyor #3290

GARY LEE DUNNING



THE PROPERTY SHOWN HEREON IS NOT TO BE FURTHER  
SUBDIVIDED OR RECONFIGURED WITHOUT WRITTEN PERMISSION  
OF THE SIMPSON COUNTY PLANNING COMMISSION

### OWNER'S CERTIFICATION

I (WE) THE UNDERSIGNED DO HEREBY CERTIFY THAT I AM (WE ARE) THE OWNER(S) OF RECORD OF THE PROPERTY SHOWN AND DESCRIBED HEREON WHICH IS ORIGINALLY RECORDED IN DEED BOOK 57 PAGE 393 IN THE OFFICE OF THE COUNTY COURT CLERK. IN CONSIDERATION FOR THE APPROVAL OF THIS SUBDIVISION PLAT, I (WE) DO HEREBY ADOPT THIS PLAN OF LOTS WITH MY (OUR) FREE CONSENT FOR THIS PROPERTY; DO ESTABLISH THE MINIMUM BUILDING LINE; DO HEREBY DEDICATE TO ALL STREETS, RIGHTS OF WAY AND ANY OTHER SPACES SO INDICATED TO PUBLIC USE, EXCEPT THOSE AREAS SPECIFICALLY INDICATED AS PRIVATE; THAT I OR MY SUCCESSORS IN TITLE WILL MAINTAIN ALL SUCH AREAS UNTIL THE OFFER OF DEDICATION IS ACCEPTED BY THE APPROPRIATE AUTHORITY; AND DO ESTABLISH AND RESERVE THE EASEMENTS INDICATED FOR PUBLIC UTILITY AND DRAINAGE EASEMENTS.

DATE:

5-28-2020

x Larry Dixon Mayor

OWNER(S)

STATE OF KENTUCKY  
COUNTY OF SIMPSON

THE FOREGOING DOCUMENT WAS SUBSCRIBED AND SWORN TO ME ON THIS 28<sup>th</sup> DAY OF May, 2020 BY Larry Dixon Mayor REPRESENTING THE CITY OF FRANKLIN, KY.  
MY COMMISSION EXPIRES 2-9-2023



NOTARY PUBLIC

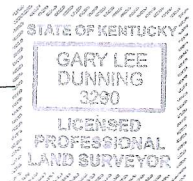
Cathy Dillard

### CERTIFICATION OF SURVEY AND ACCURACY

I HEREBY CERTIFY THAT THIS PLAT WAS PREPARED BY ME OR UNDER MY DIRECTION FROM AN ACTUAL SURVEY MADE BY OR UNDER MY SUPERVISION; THAT THE ERROR OF CLOSURE AS CALCULATED BY CLOSED RANDOM TRAVERSE EXCEEDS 1: 19,741' ALL MONUMENTS INDICATED HEREON ACTUALLY EXIST AND THEIR LOCATION SIZE AND MATERIAL ARE CORRECTLY INDICATED; THE INFORMATION SHOWN HEREON IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF; AND ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THE SIMPSON COUNTY PLANNING COMMISSION HAVE BEEN FULLY COMPLIED WITH IN ALL RESPECTS. THE UNDERSIGNED CERTIFIES THAT HE IS A REGISTERED LAND SURVEYOR, DULY REGISTERED AND IN GOOD STANDING UNDER THE LAWS OF THE COMMONWEALTH OF KENTUCKY.

DATE: MAY 11, 2020

GARY LEE DUNNING  
KENTUCKY REGISTERED LAND SURVEYOR #3290



### PLANNING COMMISSION APPROVAL STAMP

**EXHIBIT B**

**Copies of Consents to Closing a Public Way  
from Yoder Properties Ltd, LLC, an Ohio limited liability company,  
and WJJS Properties, LLC, an Ohio limited liability company**




**NOTICE OF INTENT TO CLOSE A PUBLIC WAY**

TO: Yoder Properties Ltd, LLC  
c/o Stephen E. Yoder  
109 Miles Avenue, SW  
Canton, Ohio 44710

Pursuant to KRS 82.405(2)(b), notice is hereby given by the City of Franklin's Board of Commissioners that they intend to close a public portion of a 0.31 acre tract, more or less, of Barrett Lane fronting the Stark Truss site abutting your property. Attached hereto as Exhibit A is a description and plat of the portion of the public way proposed to be closed.

This July 13, 2020.

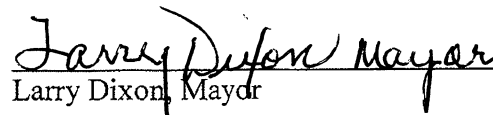
  
Larry Dixon, Mayor

**NOTICE OF INTENT TO CLOSE A PUBLIC WAY**

TO: WJJS Properties, LLC  
c/o Stephen E. Yoder  
109 Miles Avenue, SW  
Canton, Ohio 44710

Pursuant to KRS 82.405(2)(b), notice is hereby given by the City of Franklin's Board of Commissioners that they intend to close a public portion of a 0.31 acre tract, more or less, of Barrett Lane fronting the Stark Truss site abutting your property. Attached hereto as Exhibit A is a description and plat of the portion of the public way proposed to be closed.

This July 13, 2020.

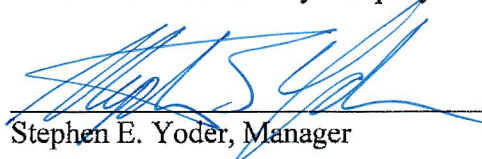
  
\_\_\_\_\_  
Larry Dixon, Mayor

**CONSENT TO CLOSING A PUBLIC WAY**

I, Stephen E. Yoder, a Manager of WJJS Properties, LLC, an Ohio limited liability company, 109 Miles Avenue, SW, Canton, Ohio 44710, a property owner abutting the 0.31 acre tract of land, more or less, of Barrett Lane fronting the Stark Truss site, 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 dated July 13, 2020, and the undersigned understands, acknowledges, and agrees that the portion of the public way to be closed shall become the property of WJJS Properties, LLC, but the City of Franklin shall retain any easements, conditions or restrictions, written or unwritten, that previously applied to this property, and they shall remain in effect and apply to this property as represented by the plat prepared by Gary Lee Dunning, Kentucky Registered Land Surveyor #3290 dated May 11, 2020.

Dated this July 15<sup>th</sup>, 2020.

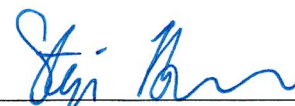
WJJS PROPERTIES, LLC.  
An Ohio limited liability company

  
Stephen E. Yoder, Manager

STATE OF KENTUCKY

COUNTY OF SIMPSON

Subscribed and sworn to before me by Stephen E. Yoder, a Manager of WJJS Properties, LLC, an Ohio limited liability company, as abutting property owner, on this July 15<sup>th</sup>, 2020.

  
\_\_\_\_\_  
Notary Public  
Notary I.D. No. \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_



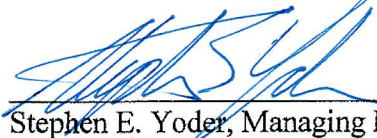
STEPHANIE BENSON  
NOTARY PUBLIC  
FOR THE  
STATE OF OHIO  
My Commission Expires  
July 19, 2023

**CONSENT TO CLOSING A PUBLIC WAY**

I, Stephen E. Yoder, the Managing Member of Yoder Properties Ltd, LLC an Ohio limited liability company, 109 Miles Avenue, SW, Canton, Ohio 44710, a property owner abutting the 0.31 acre tract of land, more or less, of Barrett Lane fronting the Stark Truss site, 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 dated July 13, 2020, and the undersigned understands, acknowledges, and agrees that the portion of the public way to be closed shall become the property of WJJS Properties, LLC, but the City of Franklin shall retain any easements, conditions or restrictions, written or unwritten, that previously applied to this property, and they shall remain in effect and apply to this property as represented by the plat prepared by Gary Lee Dunning, Kentucky Registered Land Surveyor #3290 dated May 11, 2020.

Dated this July 15<sup>th</sup>, 2020.

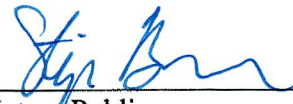
YODER PROPERTIES LTD, LLC  
An Ohio limited liability company

  
\_\_\_\_\_  
Stephen E. Yoder, Managing Member

STATE OF KENTUCKY

COUNTY OF SIMPSON

Subscribed and sworn to before me by Stephen E. Yoder, a Managing Member of Yoder Properties Ltd, LLC, an Ohio limited liability company, as abutting property owner, on this July 15<sup>th</sup>, 2020.

  
\_\_\_\_\_  
Notary Public  
Notary I.D. No. \_\_\_\_\_  
My Commission Expires \_\_\_\_\_



STEPHANIE BENSON  
NOTARY PUBLIC  
FOR THE  
STATE OF OHIO  
My Commission Expires  
July 19, 2023