

CITY OF FRANKLIN, KENTUCKY

ORDINANCE NO. 2021 - 022

AN ORDINANCE TO CLOSE THE PUBLIC WAY KNOWN AS THE 0.05 AND 0.04 ACRE TRACTS OF LAND BEING A PART OF REDWOOD STREET THAT HAS NOT BEEN PAVED OR SURFACED, LOCATED NEAR SUNSET CIRCLE

WHEREAS, at the request of Jackie Forshee and wife, Jane Forshee, it has been determined that the 0.05 and 0.04 acre tracts of land being a part of Redwood Street that has not been paved or surfaced, located near Sunset Circle 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 Jackie Forshee and wife, Jane Forshee, Tina Toler, unmarried, and Leonard Strauss and wife, Vonda Strauss; 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 Jackie Forshee and wife, Jane Forshee; 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 0.05 and 0.04 acre tracts of land being a portion of Redwood Street that has not been paved or surfaced, located near the Sunset Circle, 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.
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 Jackie Forshee and wife, Jane Forshee.
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.

September 13, 2021

FIRST READING

September 27, 2021

SECOND READING

At a meeting of the City of Franklin Board of Commissioners held on September 27, 2021, on motion made by Commissioner Stewart and seconded by Commissioner Bennett 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 OF 0.05 AND 0.04 ACRE TRACTS BEING CLOSED

The following paragraphs describe 2 tracts of land in Simpson County, Kentucky, off Sunset Circle in the city of Franklin; a portion of the same property as originally conveyed to Edgar Lee Elliott in Deed Book 70 Pages 384 & 385 and recorded as a platted street 20 feet in width (but never improved) in Plat Book 1 Page 16, known as the Elliott Subdivision, in the public deed records of the Simpson County Clerk's office; said premises being more particularly described as follows:

Description of a 0.05 acre tract

Beginning at a an iron pin set at an angle point of the northeasterly side of an unimproved Street, originally known as Redwood Street, a corner of said unimproved street with the property of Leonard Strauss (Deed Book 304 Page 35 and fronting the Jackie Forshee property as described in Deed Book 342 Page 484 and Deed Book 342 Page 487, see Plat Book 1 Page 16 ; thence crossing said unimproved street, South 49 degrees 28 minutes 23 seconds West a distance of 20.01 feet to an iron pin set at a corner with Forshee and Alford (Deed Book 338 Page 405) at the southwesterly angle point of said unimproved street; thence with said unimproved street across the line of Jackie Forshee, South 42 degrees 37 minutes 24 seconds East a distance of 72.89 feet to an iron pin set; thence South 74 degrees 13 minutes 35 seconds East a distance of 36.62 feet to a PK nail set at the accepted and established corner of the Sue Beck Hanson property as described in Deed Book 153 Page 111 , also see Deed Book 233 Page 390; thence on a new division line across a jointly used private driveway, North 38 degrees 10 minutes 12 seconds East a distance of 21.63 feet to an iron pin set in the line of Leonard Strauss; thence along the line of Leonard Strauss, North 74 degrees 13 minutes 35 seconds West a distance of 39.20 feet to an iron pin set at a found bent iron pipe #906; thence continuing with the line of Leonard Strauss and fronting the Forshee property, North 42 degrees 37 minutes 24 seconds West a distance of 66.50 feet to the point of beginning. Surveyed parcel contains 0.05 acre more or less to be vacated by the city of Franklin, subject to the joint driveway use to Sunset Circle as has been historically used by the Hanson property and the property presently owned by Jackie Forshee and is Parcel 2 of an amended plat of Elliott Subdivision, subject to all legal conditions and easements of record.

Description of a 0.04 acre tract

Beginning at a spike set in the westerly right of way of Sunset Circle(approximately 17.5 feet from presently traveled centerline) at the northerly side of a private asphalt driveway originally platted to be Redwood Street in the recorded plat of the Elliott Subdivision dated May 1956, recorded in Plat Book 1 Page 16 and a corner of the Leonard Strauss property as described in Deed Book 304 Page 35; thence along the line of the privately maintained asphalt driveway with the Strauss property, North 74 degrees 13 minutes 35 seconds West a distance of 78.31 feet to an iron pin set; thence on a new line, South 38 degrees 10 minutes 12 seconds West a distance of 21.63 feet to a PK nail set at the corner of the Sue Beck Hanson property with Jackie Forshee; thence along the line of the Sue Beck Hanson property, South 74 degrees 13 minutes 35 seconds East a distance of 83.42 feet to an iron pin set in the westerly right of way of Sunset Circle; thence along the westerly right of way of Sunset Circle, North 24 degrees 39 minutes 50 seconds East a distance of 20.24 feet to the point of beginning. Surveyed parcel contains 0.04 acre more or less to be vacated by the city of Franklin, subject to the joint driveway use as has been historically used by the Hanson property and the

property presently owned by Jackie Forshee and is Parcel 1 of an Amended Plat of Elliott Subdivision subject to all legal conditions and easements of record.

These descriptions are based on an actual field survey performed by Gary Lee Dunning, Kentucky Registered Land Surveyor #3290 in April of 2021. Basis of bearing for these descriptions are 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".

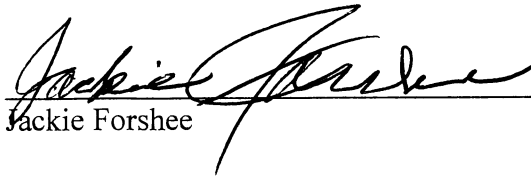
EXHIBIT B

**Copies of Consents to Closing a Public Way
from Jackie Forshee and wife, Jane Forshee,
Tina Toler, unmarried, and
Leonard Strauss and wife, Vonda Strauss**

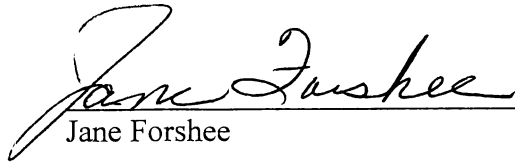
**CONSENT TO CLOSING A PUBLIC WAY AND CONSENT TO TRANSFER TO
JACKIE AND JANE FORSHEE**

I, Jackie and Jane Forshee, 206 North Pointe Drive, Franklin, Kentucky 42134, a property owner abutting the 0.05 and .04 acre tracts of land on the west side of Sunset Circle in Franklin, Kentucky originally dedicated for public use as a portion of Redwood Street, but never constructed, as recorded in Plat Book 1, Page 16, in the Simpson County Clerk's Office, 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 8-12-21, 2021, and the undersigned understands, acknowledges, and agrees and consents that the portion of the dedicated public way to be closed shall become the property of Jackie and Jane Forshee.

Dated this 12 day of August, 2021.



Jackie Forshee

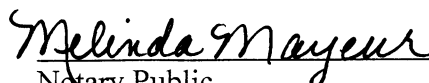


Jane Forshee

COMMONWEALTH OF KENTUCKY

COUNTY OF SIMPSON

Subscribed and sworn to before me by Jackie Forshee and wife, Jane Forshee on this 12th
day of August, 2021.



Notary Public
Notary I.D. No. 615057
My Commission Expires: Feb 9, 2023

**CONSENT TO CLOSING A PUBLIC WAY AND CONSENT TO TRANSFER TO
JACKIE AND JANE FORSHEE**

I, Tina Toler, 405 Sunset Circle, Franklin, Kentucky 42134, a property owner abutting the 0.05 and .04 acre tracts of land on the west side of Sunset Circle in Franklin, Kentucky originally dedicated for public use as a portion of Redwood Street, but never constructed, as recorded in Plat Book 1, Page 16, in the Simpson County Clerk's Office, 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 8-12, 2021, and the undersigned understands, acknowledges, and agrees and consents that the portion of the dedicated public way to be closed shall become the property of Jackie and Jane Forshee.

Dated this 12 day of Aug, 2021.




Tina Toler

COMMONWEALTH OF KENTUCKY

COUNTY OF SIMPSON

Subscribed and sworn to before me by Tina Toler on this 12 day of Aug, 2021.

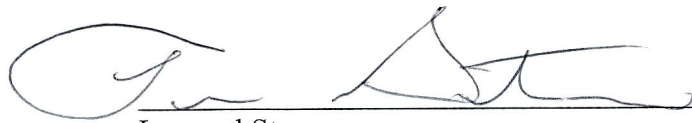


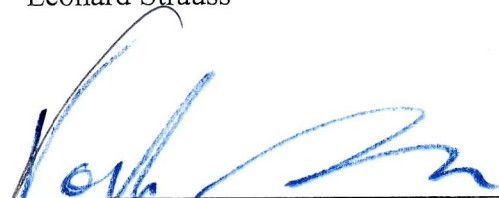
Notary Public
Notary I.D. No. KYNP19646
My Commission Expires: 12-7-2024

**CONSENT TO CLOSING A PUBLIC WAY AND CONSENT TO TRANSFER TO
JACKIE AND JANE FORSHEE**

I, Leonard Strauss and Vonda Strauss, 501 Sunset Circle, Franklin, Kentucky 42134, a property owner abutting the 0.05 and .04 acre tracts of land on the west side of Sunset Circle in Franklin, Kentucky originally dedicated for public use as a portion of Redwood Street, but never constructed, as recorded in Plat Book 1, Page 16, in the Simpson County Clerk's Office, 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 8-12, 2021, and the undersigned understands, acknowledges, and agrees and consents that the portion of the dedicated public way to be closed shall become the property of Jackie and Jane Forshee.

Dated this 16 day of August, 2021.



Leonard Strauss


Vonda Strauss

COMMONWEALTH OF KENTUCKY

COUNTY OF SIMPSON

16 Subscribed and sworn to before me by Leonard Strauss and wife, Vonda Strauss on this day of Aug, 2021.


Notary Public
Notary I.D. No. KVNP19646
My Commission Expires: 12-7-2024

NOTICE OF INTENT TO CLOSE A PUBLIC WAY

TO: Jackie and Jane Forshee
206 North Pointe Drive
Franklin, Kentucky 42134

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 portion of the public way known as the 0.05 and .04 acre tracts of land on the west side of Sunset Circle in Franklin, Kentucky originally dedicated for public use as a portion of Redwood Street in Plat Book 1, Page 16, in the Simpson County Clerk's Office, abutting your property. Attached hereto as Exhibit A is a description of those portions of the public way being closed.

This 12 day of August, 2021.

A handwritten signature in black ink, appearing to read 'W. Scott Crabtree', written over a horizontal line.

W. Scott Crabtree, City Attorney

EXHIBIT A

TRACT 1

The following paragraph describes a tract of land in Simpson County, Kentucky, off Sunset Circle in the city of Franklin; a portion of the same property as originally conveyed to Edgar Lee Elliott in Deed Book 70 Pages 384 & 385 and recorded as a platted street in Plat Book 1 Page 16, known as the Elliott Subdivision in the public deed records of the Simpson County Clerk's office; said premises being more particularly described as follows:

Beginning at a spike set in the westerly right of way of Sunset Circle (approximately 17.5 feet from presently traveled centerline) at the northerly side of a private asphalt driveway originally platted to be Redwood Street in the recorded plat of the Elliott Subdivision dated May 1956, recorded in Plat Book 1 Page 16 and a corner of the Leonard Strauss property as described in Deed Book 304 Page 35; thence along the line of the privately maintained asphalt driveway with the Strauss property, North 74 degrees 13 minutes 35 seconds West a distance of 78.31 feet to an iron pin set; thence on a new line, South 38 degrees 10 minutes 12 seconds West a distance of 21.63 feet to a PK nail set at the corner of the Sue Beck Hanson property with Jackie Forshee; thence along the line of the Sue Beck Hanson property, South 74 degrees 13 minutes 35 seconds East a distance of 83.42 feet to an iron pin set in the westerly right of way of Sunset Circle; thence along the westerly right of way of Sunset Circle, North 24 degrees 39 minutes 50 seconds East a distance of 20.24 feet to the point of beginning. Surveyed parcel contains 0.04 acre more or less to be vacated by the city of Franklin, subject to the joint driveway use as has been historically used by the Hanson property and the property presently owned by Jackie Forshee and is Parcel 1 of an Amended Plat of Elliott Subdivision 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 of 2021. 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".

TRACT 2

The following paragraph describes a tract of land in Simpson County, Kentucky, off Sunset Circle in the city of Franklin; a portion of the same property as originally conveyed to Edgar Lee Elliott in Deed Book 70 Pages 384 & 385 and recorded as a platted street 20 feet in width (but never improved) in Plat Book 1 Page 16 in the public deed records of the Simpson County Clerk's office; said premises being more particularly described as follows:

Beginning at an iron pin set at an angle point of the northeasterly side of an unimproved Street, originally known as Redwood Street, a corner of said unimproved street with the property of Leonard Strauss (Deed Book 304 Page 35 and fronting the Jackie Forshee property as described in Deed Book 342 Page 484 and Deed Book 342 Page 487, see Plat Book 1 Page 16; thence crossing said unimproved street, South 49 degrees 28 minutes 23 seconds West a distance of 20.01 feet to an iron pin set at a corner with Forshee and Alford (Deed Book 338 Page 405) at the southwesterly angle point of said unimproved street; thence with said unimproved street across the line of Jackie Forshee, South 42 degrees 37 minutes 24 seconds East a distance of 72.89 feet to an iron pin set; thence South 74 degrees 13 minutes 35 seconds East a distance of 36.62 feet to a PK nail set at the accepted and established corner of the Sue Beck Hanson property as described in Deed Book 153 Page 111, also see Deed Book 233 Page 390; thence on a new division line across a jointly used private driveway, North 38 degrees 10 minutes 12 seconds East a distance of 21.63 feet to an iron pin set in the line of Leonard Strauss; thence along the line of Leonard Strauss, North 74 degrees 13 minutes 35 seconds West a distance of

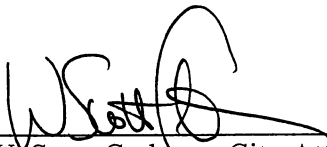
39.20 feet to an iron pin set at a found bent iron pipe #906; thence continuing with the line of Leonard Strauss and fronting the Forshee property, North 42 degrees 37 minutes 24 seconds West a distance of 66.50 feet to the point of beginning. Surveyed parcel contains 0.05 acre more or less to be vacated by the city of Franklin, subject to the joint driveway use to Sunset Circle as has been historically used by the Hanson property and the property presently owned by Jackie Forshee and is Parcel 2 of an amended plat of Elliott Subdivision, 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 of 2021. 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".

NOTICE OF INTENT TO CLOSE A PUBLIC WAY

TO: Leonard and Vonda Strauss
501 Sunset Circle
Franklin, Kentucky 42134

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 portion of the public way known as the 0.05 and .04 acre tracts of land on the west side of Sunset Circle in Franklin, Kentucky originally dedicated for public use as a portion of Redwood Street in Plat Book 1, Page 16, in the Simpson County Clerk's Office, abutting your property. Attached hereto as Exhibit A is a description of those portions of the public way being closed.

This 12 day of August, 2021.



W. Scott Crabtree, City Attorney

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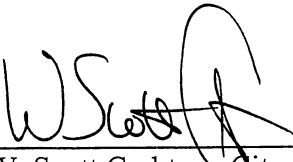
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NOTICE OF INTENT TO CLOSE A PUBLIC WAY

TO: Tina Toler
405 Sunset Circle
Franklin, Kentucky 42134

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