

## **ORDINANCE NO. 2021-031**

### **ORDINANCE ANNEXING TO THE CITY OF FRANKLIN, KENTUCKY CERTAIN TERRITORY OF LAND CONTIGUOUS TO THE EXISTING CITY LIMITS LOCATED ON 31-W NORTH 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; and

WHEREAS, owners of record of the land to be annexed have requested to be annexed and given prior written consent to the annexation, and the Board of City Commissioners have thoroughly reviewed the project and find that it is appropriate to annex the property into the corporate limits of the City; 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 residents of the City due to the developer's time constraints, potential revisions to and/or use of the property, and the need to access City services 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.  
ANNEXATION OF PROPERTY**

1. 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 ATTACHED AS EXHIBIT 1  
AND INCORPORATED HEREIN BY REFERENCE

2. Further, the Mayor is authorized and directed to sign any and all documents necessary to effectuate this transaction including, but not limited to a Consent to Annexation.

**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.

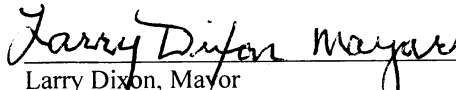
If any section, subsection, sentence, clause, or phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity 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 Monday, November 22, 2021, 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 Stewart, the foregoing ordinance was adopted, after full discussion, by the following vote:

<u>Yes</u>	JAMIE POWELL
<u>Yes</u>	HERBERT WILLIAMS
<u>Yes</u>	BROWNIE BENNETT
<u>Yes</u>	WENDELL STEWART
<u>Yes</u>	MAYOR LARRY DIXON

APPROVED BY:

  
Larry Dixon, Mayor  
City of Franklin, Kentucky

ATTEST:

  
Cathy Dillard, City Clerk  
City of Franklin, Kentucky

## EXHIBIT 1

### PROPERTY DESCRIPTION APPENDIX

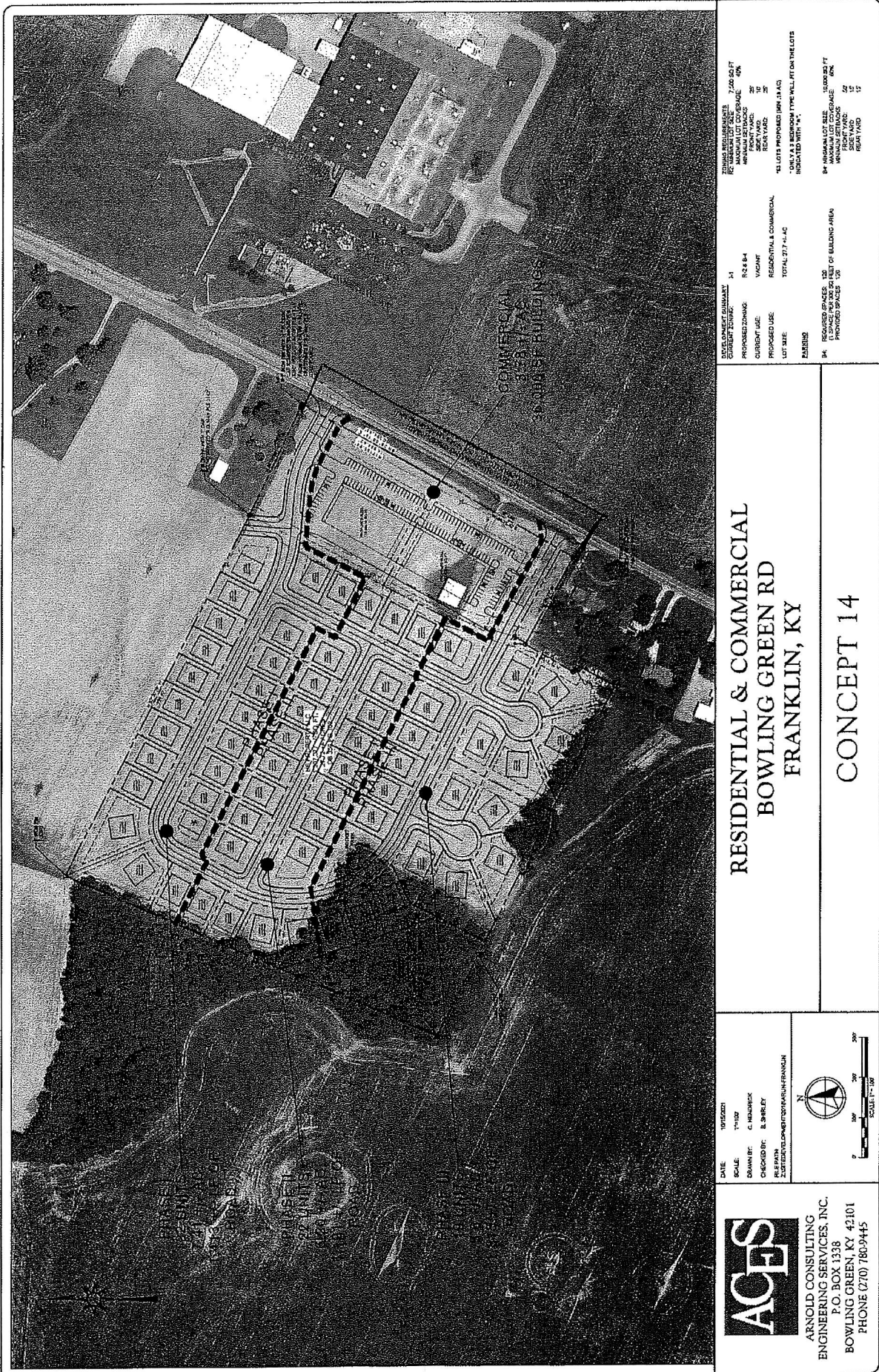
#### TRACT 1:

Beginning at an iron pin found #2081 (bent; reset new iron pin) in the westerly right of way of U.S. Highway 31W, also known as Bowling Green Road, approximately 50 feet from centerline a corner of the subject owner, Scott Thomas Farmer as appears in Deed Book 326 Page 685, which is also a corner of the "Gomer House" parcel originally conveyed to Joe Leslie Farmer in Deed Book 191 Page 213; thence along the lines of the property originally described in Deed Book 191 Page 213 the following three calls; North 60 degrees 29 minutes 25 seconds West a distance of 245.95 feet to an iron pin set; thence South 29 degrees 30 minutes 35 seconds West a distance of 138.00 feet to an iron pin set; thence South 60 degrees 29 minutes 26 seconds East a distance of 20.08 feet to a found metal fence post at a corner with Ceara Huff (Deed Book 309 Page 507); thence along the line of the subject owner with Ceara Huff, South 29 degrees 06 minutes 55 seconds West a distance of 110.00 feet to an iron pin set at the location of a badly bent iron pipe in the line of Joe David Shanklin (Deed Book 294 Page 200); thence along the line of the subject owner with Joe David Shanklin, Brenda Dillard (Deed Book 274 Page 331) and Cynthia Gibbins (Deed Book 228 Page 755) North 60 degrees 36 minutes 57 seconds West a distance of 970.86 feet to an iron pin set at the base of a corner post; thence along the line of the subject owner with Cynthia Gibbins, generally with an established fence, North 23 degrees 25 minutes 13 seconds East a distance of 964.02 feet to an iron pin set at a corner with a 45.59 acre parcel of the subject owner which is a separate parcel from the herein described tract; thence on the line with said 45.59 acre parcel, North 23 degrees 25 minutes 16 seconds East a distance of 50.73 feet to an iron pin set at a corner with Steve Farmer & Connie Farmer (Deed Book 294 Page 349); thence along the line of the subject owner with Steve Farmer and Connie Farmer, South 62 degrees 30 minutes 46 seconds East a distance of 999.60 feet to an iron pin found #2142 at a corner with Jason Mills (Deed Book 295 Page 141); thence along the line of the subject owner with Jason Mills; South 64 degrees 33 minutes 35 seconds East a distance of 301.23 feet to an iron pin set in the westerly right of way of U.S. Highway 31W; thence along the meanders of the westerly right of way of U.S. Highway 31W the following two calls; South 28 degrees 52 minutes 15 seconds West a distance of 94.32 feet to a point of curvature; thence along the arc of a curve to the right having a field radius of 30,905.49 feet, a chord bearing of South 29 degrees 18 minutes 20 seconds West a chord distance of 687.37 feet (arc length=687.38') to the point of beginning. Surveyed parcel **contains 27.72 acres** more or less, and is subject to all legal conditions and easements of record. This description based on an actual field survey performed by Gary Lee Dunning, Kentucky Registered Land Surveyor #3290 in September of 2017. 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".

Being the same property conveyed by Southern Transport Limited Liability Company, a Kentucky limited liability company to L's Property, LLC, a Kentucky Limited Liability Company by deed dated April 26, 2021, of record in Deed Book 356, Page 167, Simpson County Clerk's Office.

#### TRACT 2:

U. S. Highway 31-W and all rights of way adjacent thereto from the edge of the existing City limits being the westernmost edge of the property titled in the name of Outokumpu Copper Franklin, Inc. (aka Virtus Precision Tube) which borders said U. S. Highway 31-W property and rights of way thence going west to the edge of the property described in Tract I above. See drawing attached hereto as Exhibit 1A and incorporated herein by reference for more detail.



# RESIDENTIAL & COMMERCIAL BOWLING GREEN RD FRANKLIN, KY

CONCEPT 14

DATE: 10/20/2021  
SCALE: 1"=100'  
DRAWN BY: C. HANCOCK  
CHECKED BY: E. SHIRLEY  
PLotted BY: M. BROWN  
SUBMITTED TO: CITY OF FRANKLIN, KY



**ACES**  
ARNOLD CONSULTING  
ENGINEERING SERVICES, INC.  
P.O. BOX 1338  
BOWLING GREEN, KY 42101  
PHONE (270) 780-9445

EXISTING DEVELOPMENT		1.1		1.2		1.3		1.4		1.5		1.6		1.7		1.8		1.9		2.0		2.1		2.2		2.3		2.4		2.5		2.6		2.7		2.8		2.9		3.0		3.1		3.2		3.3		3.4		3.5		3.6		3.7		3.8		3.9		4.0		4.1		4.2		4.3		4.4		4.5		4.6		4.7		4.8		4.9		5.0		5.1		5.2		5.3		5.4		5.5		5.6		5.7		5.8		5.9		6.0		6.1		6.2		6.3		6.4		6.5		6.6		6.7		6.8		6.9		7.0		7.1		7.2		7.3		7.4		7.5		7.6		7.7		7.8		7.9		8.0		8.1		8.2		8.3		8.4		8.5		8.6		8.7		8.8		8.9		9.0		9.1		9.2		9.3		9.4		9.5		9.6		9.7		9.8		9.9		10.0		10.1		10.2		10.3		10.4		10.5		10.6		10.7		10.8		10.9		11.0		11.1		11.2		11.3		11.4		11.5		11.6		11.7		11.8		11.9		12.0		12.1		12.2		12.3		12.4		12.5		12.6		12.7		12.8		12.9		13.0		13.1		13.2		13.3		13.4		13.5		13.6		13.7		13.8		13.9		14.0		14.1		14.2		14.3		14.4		14.5		14.6		14.7		14.8		14.9		15.0		15.1		15.2		15.3		15.4		15.5		15.6		15.7		15.8		15.9		16.0		16.1		16.2		16.3		16.4		16.5		16.6		16.7		16.8		16.9		17.0		17.1		17.2		17.3		17.4		17.5		17.6		17.7		17.8		17.9		18.0		18.1		18.2		18.3		18.4		18.5		18.6		18.7		18.8		18.9		19.0		19.1		19.2		19.3		19.4		19.5		19.6		19.7		19.8		19.9		20.0		20.1		20.2		20.3		20.4		20.5		20.6		20.7		20.8		20.9		21.0		21.1		21.2		21.3		21.4		21.5		21.6		21.7		21.8		21.9		22.0		22.1		22.2		22.3		22.4		22.5		22.6		22.7		22.8		22.9		23.0		23.1		23.2		23.3		23.4		23.5		23.6		23.7		23.8		23.9		24.0		24.1		24.2		24.3		24.4		24.5		24.6		24.7		24.8		24.9		25.0		25.1		25.2		25.3		25.4		25.5		25.6		25.7		25.8		25.9		26.0		26.1		26.2		26.3		26.4		26.5		26.6		26.7		26.8		26.9		27.0		27.1		27.2		27.3		27.4		27.5		27.6		27.7		27.8		27.9		28.0		28.1		28.2		28.3		28.4		28.5		28.6		28.7		28.8		28.9		29.0		29.1		29.2		29.3		29.4		29.5		29.6		29.7		29.8		29.9		30.0		30.1		30.2		30.3		30.4		30.5		30.6		30.7		30.8		30.9		31.0		31.1		31.2		31.3		31.4		31.5		31.6		31.7		31.8		31.9		32.0		32.1		32.2		32.3		32.4		32.5		32.6		32.7		32.8		32.9		33.0		33.1		33.2		33.3		33.4		33.5		33.6		33.7		33.8		33.9		34.0		34.1		34.2		34.3		34.4		34.5		34.6		34.7		34.8		34.9		35.0		35.1		35.2		35.3		35.4		35.5		35.6		35.7		35.8		35.9		36.0		36.1		36.2		36.3		36.4		36.5		36.6		36.7		36.8		36.9		37.0		37.1		37.2		37.3		37.4		37.5		37.6		37.7		37.8		37.9		38.0		38.1		38.2		38.3		38.4		38.5		38.6		38.7		38.8		38.9		39.0		39.1		39.2		39.3		39.4		39.5		39.6		39.7		39.8		39.9		40.0		40.1		40.2		40.3		40.4		40.5		40.6		40.7		40.8		40.9		41.0		41.1		41.2		41.3		41.4		41.5		41.6		41.7		41.8		41.9		42.0		42.1		42.2		42.3		42.4		42.5		42.6		42.7		42.8		42.9		43.0		43.1		43.2		43.3		43.4		43.5		43.6		43.7		43.8		43.9		44.0		44.1		44.2		44.3		44.4		44.5		44.6		44.7		44.8		44.9		45.0		45.1		45.2		45.3		45.4		45.5		45.6		45.7		45.8		45.9		46.0		46.1		46.2		46.3		46.4		46.5		46.6		46.7		46.8		46.9		47.0		47.1		47.2		47.3		47.4		47.5		47.6		47.7		47.8		47.9		48.0		48.1		48.2		48.3		48.4		48.5		48.6		48.7		48.8		48.9		49.0		49.1		49.2		49.3		49.4		49.5		49.6		49.7		49.8		49.9		50.0		50.1		50.2		50.3		50.4		50.5		50.6		50.7		50.8		50.9		51.0		51.1		51.2		51.3		51.4		51.5		51.6		51.7		51.8		51.9		52.0		52.1		52.2		52.3		52.4		52.5		52.6		52.7		52.8		52.9		53.0		53.1		53.2		53.3		53.4		53.5		53.6		53.7		53.8		53.9		54.0		54.1		54.2		54.3		54.4		54.5		54.6		54.7		54.8		54.9		55.0		55.1		55.2		55.3		55.4		55.5		55.6		55.7		55.8		55.9		56.0		56.1		56.2		56.3		56.4		56.5		56.6		56.7		56.8		56.9		57.0		57.1		57.2		57.3		57.4		57.5		57.6		57.7		57.8		57.9		58.0		58.1		58.2		58.3		58.4		58.5		58.6		58.7		58.8		58.9		59.0		59.1		59.2		59.3		59.4		59.5		59.6		59.7		59.8		59.9		60.0		60.1		60.2		60.3		60.4		60.5		60.6		60.7		60.8		60.9		61.0		61.1		61.2		61.3		61.4		61.5		61.6		61.7		61.8		61.9		62.0		62.1		62.2		62.3		62.4		62.5		62.6		62.7		62.8		62.9		63.0		63.1		63.2		63.3		63.4		63.5		63.6		63.7		63.8		63.9		64.0		64.1		64.2		64.3		64.4		64.5		64.6		64.7		64.8		64.9		65.0		65.1		65.2		65.3		65.4		65.5		65.6		65.7		65.8		65.9		66.0		66.1		66.2		66.3		66.4		66.5		66.6		66.7		66.8		66.9		67.0		67.1		67.2		67.3		67.4		67.5		67.6		67.7		67.8		67.9		68.0		68.1		68.2		68.3		68.4		68.5		68.6		68.7		68.8		68.9		69.0		69.1		69.2		69.3		69.4		69.5		69.6		69.7		69.8		69.9		70.0		70.1		70.2		70.3		70.4		70.5		70.6		70.7		70.8		70.9		71.0		71.1		71.2		71.3		71.4		71.5		71.6		71.7		71.8		71.9		72.0		72.1		72.2		72.3		72.4		72.5		72.6		72.7		72.8		72.9		73.0		73.1		73.2		73.3		73.4		73.5		73.6		73.7		73.8		73.9		74.0		74.1		74.2		74.3		74.4		74.5		74.6		74.7		74.8		74.9		75.0		75.1		75.2		75.3		75.4		75.5		75.6		75.7		75.8		75.9		76.0		76.1		76.2		76.3		76.4		76.5		76.6		76.7		76.8		76.9		77.0		77.1		77.2		77.3		77.4		77.5		77.6		77.7		77.8		77.9		78.0		78.1		78.2		78.3		78.4		78.5		78.6		78.7		78.8		78.9		79.0		79.1		79.2		79.3		79.4		79.5		79.6		79.7		79.8		79.9		80.0		80.1		80.2		80.3		80.4		80.5		80.6		80.7		80.8		80.9		81.0		81.1		81.2		81.3		81.4		81.5		81.6		81.7		81.8		81.9		82.0		82.1		82.2		82.3		82.4		82.5		82.6		82.7		82.8		82.9		83.0		83.1		83.2		83.3		83.4		83.5		83.6		83.7		83.8		83.9		84.0		84.1		84.2		84.3		84.4		84.5		84.6		84.7		84.8		84.9		85.0		85.1		85.2		85.3		85.4		85.5		85.6		85.7		85.8		85.9		86.0		86.1		86.2		86.3		86.4		86.5		86.6		86.7		86.8		86.9		87.0		87.1		87.2		87.3		87.4		87.5		87.6		87.7		87.8		87.9		88.0		88.1		88.2		88.3		88.4		88.5		88.6		88.7		88.8		88.9		89.0		89.1		89.2		89.3		89.4		89.5		89.6		89.7		89.8		89.9		90.0		90.1		90.2		90.3		90.4		90.5		90.6		90.7		90.8		90.9		91.0		91.1		91.2		91.3		91.4		91.5		91.6		91.7		91.8		91.9		92.0		92.1		92.2		92.3		92.4		92.5		92.6		92.7		92.8		92.9		93.0		93.1		93.2		93.3		93.4		93.5		93.6		93.7		93.8		93.9		94.0		94.1		94.2		94.3		94.4		94.5		94.6		94.7		94.8		94.9		95.0		95.1		95.2		95.3		95.4		95.5		95.6		95.7		95.8		95.9		96.0		96.1		96.2		96.3		96.4		96.5		96.6		96.7		96.8		96.9		97.0		97.1		97.2		97.3		97.4		97.5		97.6		97.7		97.8		97.9		98.0		98.1		98.2		98.3		98.4		98.5		98.6		98.7		98.8		98.9		99.0		99.1		99.2		99.3		99.4		99.5		99.6		99.7		99.8		99.9		100.0		100.1		100.2		100.3		100.4		100.5		100.6		100.7		100.8		100.9		101.0		101.1		101.2		101.3		101.4		101.5		101.6		101.7		101.8		101.9		102.0		102.1		102.2		102.3		102.4		102.5		102.6		102.7		102.8		102.9		103.0		103.1		103.2		103.3		103.4		103.5		103.6		103.7		103.8		103.9		104.0		104.1		104.2		104.3		104.4	
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