

ORDINANCE NO. 2021-032

**ORDINANCE ANNEXING TO THE CITY OF FRANKLIN, KENTUCKY
CERTAIN TERRITORY OF LAND CONTIGUOUS TO THE EXISTING
CITY LIMITS LOCATED ON 31-W SOUTH 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, the need for annexation in the zoning process, 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.

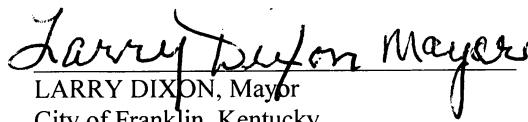
If any section, subsection, sentence, clause, or phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity 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 Bennett and seconded by Commissioner Powell, 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:

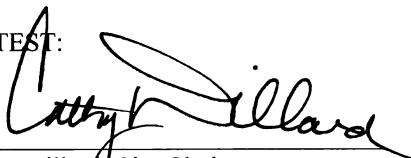

Cathy Dillard, City Clerk
City of Franklin, Kentucky

EXHIBIT 1

PROPERTY DESCRIPTION APPENDIX

TRACT 1:

Being a certain tract of land lying on the southwest side of Highway 31-W. Located three miles south of Franklin, Simpson County, Ky. Being the property of Barry Hall Et. Al. (Deed Book 205 Page 212, Deed Book 216, Page 738, Deed Book 288 Page 691 recorded in the office of the Simpson County Clerk) and being more particularly described as follows:

Unless stated otherwise, any monument referred to herein as a "set rebar" is ½ inches in diameter, eighteen inches in length with yellow plastic cap stamped J. Leftwich PLS #3013. Bearing used to begin survey taken from GPS observation dated 10-04-2021.

Beginning at a set ½" rebar 50 ft. southwest of the centerline of Highway 31-W a corner to William Bradley Et. Al. (Deed Book 178 Page 79); thence with Bradley, S 59 deg. 12 min. 01 sec. W 973.06 ft. to a set ½" rebar a corner to Charles Zeager (Deed 188 Page 749); thence with Zeager, S 60 deg. 05 min. 36 sec. W 572.81 ft. to a set ½" rebar at a corner post; thence N 81 deg. 20 min. 54 sec. W 558.60 ft. to a set ½" rebar at a corner post in the line of Zeager a corner to Gary Houston (Deed Book 171 Page 108); thence with Houston, N 21 deg. 44 min. 55 sec. W 1352.41 ft. to a set ½" rebar at a walnut snag found north side of a lane; thence S 81 deg. 50 min. 16 sec. W 423.37 ft. to a set ½" rebar at a hackberry; thence N 46 deg. 00 min. 35 sec. W 351.27 ft. to a set ½" rebar at a fence post; thence N 00 deg. 27 min. 51 sec. W 68.37 ft. to a set ½" rebar at a t-post found a corner to Houston and Snider Farms (Deed Book 118 Page 77); thence with Snider Farms, N 02 deg. 43 min. 03 sec. E 408.49 ft. to a ½" rebar found a corner to Snider and KYCORE, LLC (Deed Book 280 Page 82); thence with KYCORE, N 72 deg. 34 min. 17 sec. E 624.77 ft. to a 5/8" rebar cap 3290 found at a fence post; thence N 68 deg. 53 min. 53 sec. E 1092.02 ft. to a set ½" rebar a corner to KYCORE, 50 ft. southwest of the centerline of Highway 31-W; thence with the r/w of Highway 31-W (Deed Book 278 Page's 608 and 613) S 40 deg. 14 min. 50 sec. E 1122.33 ft. to a KYTC IP Monument found 50 ft. from the centerline; thence S 29 deg. 09 min. 26 sec. E 275.14 ft. to a KYTC IP Monument found 103 ft. from the centerline; thence S 44 deg. 16 min. 44 sec. E 155.28 ft. to a KYTC IP Monument found 92 ft. from the centerline; thence S 08 deg. 34 min. 46 sec. E 64.66 ft. to a point in a sink hole 126 ft. from the centerline; thence S 66 deg. 37 min. 44 sec. E 55.91 ft. to a KYTC IP Monument found 101 ft. from the centerline; thence S 45 deg. 18 min. 33 sec. E 195.17 ft. to a KYTC IP Monument found 77 ft. from the centerline; thence S 64 deg. 37 min. 12 sec. E 55.83 ft. to a KYTC IP Monument found 50 ft. from the centerline; thence 50 ft. parallel to the centerline, S 34 deg. 35 min. 17 sec. E 50.00 ft.; thence S 33 deg. 27 min. 18 sec. E 50.00 ft.; thence S 33 deg. 06 min. 13 sec. E 50.00 ft.; thence S 31 deg. 17 min. 53 sec. E 50.00 ft.; thence S 30 deg. 47 min. 23 sec. E 50.00 ft.; thence S 29 deg. 18 min. 38 sec. E 50.00 ft.; thence S 28 deg. 41 min. 27 sec. E 50.00 ft.; thence S 27 deg. 35 min. 05 sec. E 49.18 ft. to the beginning containing **99.74 acres more or less** as surveyed by Joe R. Leftwich, PLS #3013 with Leftwich Land Surveying Inc. on 10-04-2021. This property is subject to a 16 ft. r/w see Deed Book 171 Page 108 and any other existing r/w's or easements.

TRACT 2:

Beginning at a KYTC Monument Station 166+50 being 50 ft. southwest of the centerline of Highway 31-W a corner to Mark Hall Et. Al.; thence with the line of Hall ET. Al. and the southwest r/w of Highway 31-W, N 64 deg. 37 min. 12 sec. W 55.83 ft. to a KYTC Monument Station 166+50 being 70 ft. from the centerline; thence N 45 deg. 18 min. 33 sec. W 195.17 ft. to a KYTC Monument Station 165+49.99 being 101 ft. from the centerline; thence N 66 deg. 37 min. 44 sec. W 55.91 ft. to a KYTC Monument Station 169+00 being 126 ft. from the centerline; thence N 08 deg. 34 min. 46 sec. W 64.66 ft. to a KYTC Monument Station 169+55 being 92 ft. from the centerline; thence N 44 deg. 16 min. 44 sec. W 155.28 ft. to a KYTC Monument Station 171+10 being 103 ft. from the centerline; thence N 29 deg. 09 min. 26 sec. W 275.14 ft. to a KYTC Monument Station 173+80 being 50 ft. from the centerline; thence N 40 deg. 14 min. 50 sec. W 1122.33 ft. to a point a corner to Hall Et. AL. 50 ft. southwest of the centerline; thence crossing the Highway, N 49 deg. 45 min. 10 sec. E 100.00 ft. to a point 50 ft. northeast of the centerline; thence with the northeast r/w of Highway 31-W, S 40 deg. 14 min. 36 sec. E 817.32 ft. to KYTC Monument Station 176+85 being 50 ft. northeast of the centerline; thence N 55 deg. 27 min. 41 sec. E 20.10 ft. to KYTC Monument Station 176+83 being 70 ft. northeast of the centerline;

thence S 44 deg. 10 min. 56 sec. E 160.38 ft. to KYTC Monument Station 175+23 being 81 ft. northeast of the centerline; thence S 38 deg. 51 min. 48 sec. E 124.04 ft. to KYTC Monument Station 173+99 being 78 ft. northeast of the centerline; thence S 82 deg. 11 min. 52 sec. E 25.79 ft. to KYTC Monument Station 173+85.55 being 100 ft. northeast of the centerline; thence S 44 deg. 14 min. 05 sec. E 54.69 ft. to KYTC Monument Station 173+25.26 being 99.04 ft. northeast of the centerline; thence S 26 deg. 03 min. 08 sec. E 77.63 ft. to KYTC Monument Station 172+50 being 80 ft. northeast of the centerline; thence S 41 deg. 15 min. 38 sec. E 170.03 ft. to KYTC Monument Station 170+80 being 83 ft. northeast of the centerline; thence S 38 deg. 33 min. 53 sec. E 170.07 ft. to KYTC Monument Station 169+10 being 78 ft. northeast of the centerline; thence S 35 deg. 03 min. 18 sec. E 110.45 ft. to KYTC Monument Station 168+00 being 68 ft. northeast of the centerline; thence S 20 deg. 26 min. 57 sec. E 53.14 ft. to KYTC Monument Station 167+50 being 50 ft. northeast of the centerline; thence parallel to the centerline 50 ft., S 36 deg. 04 min. 26 sec. E 155.56 ft.; thence S 34 deg. 35 min. 17 sec. E 50.99 ft.; thence S 33 deg. 27 min. 18 sec. E 51.30 ft.; thence S 33 deg. 06 min. 13 sec. E 51.88 ft.; thence S 31 deg. 17 min. 53 sec. E 52.02 ft.; thence S 30 deg. 47 min. 23 sec. E 51.73 ft.; thence S 29 deg. 18 min. 38 sec. E 51.83 ft.; thence S 28 deg. 41 min. 27 sec. E 51.51 ft.; thence S 27 deg. 35 min. 05 sec. E 50.15 ft. to a point 50 ft. northeast of the centerline of Highway 31-W; thence crossing the Highway, S 62 deg. 24 min. 55 sec. W 100.00 ft. to a point 50 ft. southwest of the centerline of Highway 31-W a corner to Hall Et. AL.; thence with Hall Et. Al. and the southwest r/w of Highway 31-W parallel to the centerline 50 ft., N 27 deg. 35 min. 05 sec. W 49.18 ft.; thence N 28 deg. 41 min. 27 sec. W 50.00 ft.; thence N 29 deg. 18 min. 38 sec. W 50.00 ft.; thence N 30 deg. 47 min. 23 sec. W 50.00 ft.; thence N 31 deg. 17 min. 53 sec. W 50.00 ft.; thence N 33 deg. 06 min. 13 sec. W 50.00 ft.; thence N 33 deg. 27 min. 18 sec. W 50.00 ft.; thence N 34 deg. 35 min. 17 sec. W 50.00 ft. to the beginning containing **6.60 acres more or less**