

Sponsors:	<u>Commissioner Powell</u>
	<u>Commissioner Williams</u>
Second Reading:	<u>December 13, 2021</u>
Publication Date:	<u>December 23, 2021</u>

## **ORDINANCE NO. 2021-036**

### **ORDINANCE ANNEXING TO THE CITY OF FRANKLIN, KENTUCKY APPROXIMATELY 49 ACRES LOCATED ON THE SOUTH SIDE OF KY. HWY. 100 ADJACENT TO THE SANDERS EAST INDUSTRIAL PARK, BEING CONTIGUOUS TO THE EXISTING CITY LIMITS OF FRANKLIN, KENTUCKY IN ACCORDANCE WITH THE COMPREHENSIVE PLAN OF ANNEXATION**

WHEREAS, heretofore, the City of Franklin, Kentucky adopted a Comprehensive Plan of Annexation; and

WHEREAS, the Board of Commissioners 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 Board of Commissioners has determined that no part of the area to be annexed shall be included in the boundary of another city; and

WHEREAS, the owner of record of the land to be annexed has requested the land to be annexed and given prior written consent to the annexation; 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; and

NOW, THEREFORE, BE IT ORDAINED by the City of Franklin, Kentucky, acting by and through its Board of Commissioners, 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 AND MAP ATTACHED COLLECTIVELY  
AS EXHIBIT 1 AND INCORPORATED HEREIN BY REFERENCE**

This ordinance shall take effect upon its passage, approval, and publication. 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 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All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

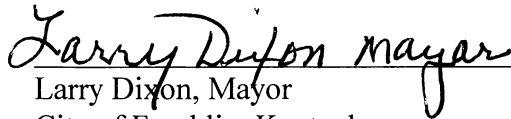
December 13, 2021 FIRST READING

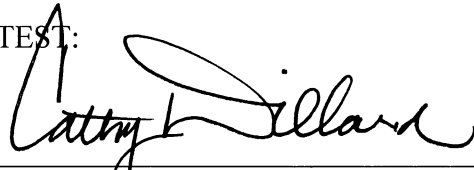
December 16, 2021 SECOND READING

At a meeting of the Board of Commissioners of the City of Franklin, Kentucky, held on December 16, 2021, on motion made by Commissioner Stewart and seconded by Commissioner Williams the foregoing ordinance was adopted, after full discussion, by the following vote:

YES JAMIE POWELL  
YES HERBERT WILLIAMS  
YES BROWNIE BENNETT  
YES WENDELL STEWART  
YES MAYOR LARRY DIXON

APPROVED BY:

  
Larry Dixon, Mayor  
City of Franklin, Kentucky

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

## EXHIBIT 1

### **Annexation Boundary - Containing 47.869 Acres**

Being a certain parcel of land located 4 miles east of Franklin, KY on the south side of Kentucky Highway #100 and on the west side of Grace Road and being further described as follows:

Unless stated otherwise, any monument referred to as an iron pin and cap is a 5/8-inch by 18-inch rebar with an orange plastic cap stamped "C. KENNER PLS 4120." All bearings contained herein are referenced to Geodetic North based upon GPS observation using a VRS network of KY CORS stations. Distances shown are ground distances based upon NAD83 and Geoid 18US in Kentucky Single Zone state plane coordinate system with a project scale factor of 0.9999200230 at the following grid origin coordinates: N=3419347.329, E=4699708.129, Elevation=722.957

Beginning at an iron pin and cap (set) in the south right-of-way line of Kentucky Highway #100 (R/W Varies – KY DOH Project #FD52 107 0100 012-017), northeast corner to Doug Murray (Deed Book 233 Page 651); thence along the south right-of-way line of Kentucky Highway #100 South 65° 32' 01" East 661.35 feet to an iron pin and cap (set), northwest corner to Cornerstone Baptist Church (Deed Book 340 Page 676); thence along the west and south lines of Cornerstone Baptist Church the following two (2) calls: South 07° 57' 59" West 384.20 feet to an iron pin and cap (set); thence South 82° 02' 01" East 205.69 feet to an iron pin and cap (set) in the west right-of-way line of Grace Road (30' R/W – Minor Plat Book 1 Page 22); thence along the west right-of-way line of Grace Road the following eight (8) calls: South 07° 44' 31" West 538.75 feet to a point; thence South 08° 13' 10" West 202.79 feet to an iron pin and cap (set); thence along a curve to the left with a radius of 2394.47 feet, a chord bearing of South 06° 17' 40" West, a chord length of 160.87 feet, and an arc length of 160.91 feet to a point; thence South 04° 22' 10" West 38.51 feet to a point; thence along a curve to the right with a radius of 3027.85 feet, a chord bearing of South 06° 10' 56" West, a chord length of 191.57 feet, and an arc length of 191.60 feet to an iron pin and cap (set); thence South 07° 59' 42" West 343.27 feet to an iron pin and cap (set); thence along a curve to the right with a radius of 61.58 feet, a chord bearing of South 49° 11' 04" West, a chord length of 81.11 feet, and an arc length of 88.54 feet to an iron pin and cap (set); thence North 89° 37' 33" West 413.77 feet to an iron pin and cap (set), northern corner to Joel Cook (Deed Book 133 Page 217); thence along the north line of Joel Cook South 89° 28' 14" West 681.94 feet to a 5/8-inch rebar and cap (found) PLS #3290, southeast corner to Josh Raines (Deed Book 346 Page 582, Plat Cabinet 6 Page 8); thence along the east line of Josh Raines North 07° 56' 25" East 597.79 feet to the southeast corner of the existing corporate boundary of Franklin (Ordinance 110.71-2003) and continuing an additional 972.98 feet for a total distance of 1570.77 feet to a 5/8-inch rebar and cap (found) PLS #3290, southwest corner to Doug Murray (Deed Book 233 Page 651); thence leaving the existing corporate boundary of Franklin and running along the south and east lines of Doug Murray the following two (2) calls: South 81° 07' 04" East 288.95 feet to an iron pin and cap (set); thence North 07° 37' 56" East 697.84 feet to the Point of Beginning; containing 2,085,184 sq. ft. or 47.869 acres more or less, according to a field survey completed on December 9, 2021 conducted by Kenner Randolph Engineering & Surveying under the direction of Chris R. Kenner, "PLS 4120".

Being the same property in which an undivided one-half (½) interest was conveyed to Gary L. Summers and wife, Teri D. Summers, with right of survivorship, and an undivided one-half (½) interest was conveyed to L. L. Summers and wife, Louise Summers, with right of survivorship, by the heirs-at-law of Myrtle McCaleb, being Henry Howard McCaleb and wife, Jonell McCaleb; Robert Leon McCaleb, unmarried; Patsy Marie McCaleb Hood and husband, Lowell Hood; and the heirs-at-law of Harold Eugene McCaleb, being Frances Lee Barnard McCaleb, unmarried, and Lucinda Lee McCaleb, unmarried, by deed dated October 26, 1987, of record in Deed Book 160, Page 355, Office of the Simpson County Clerk.

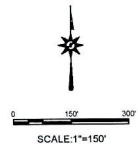
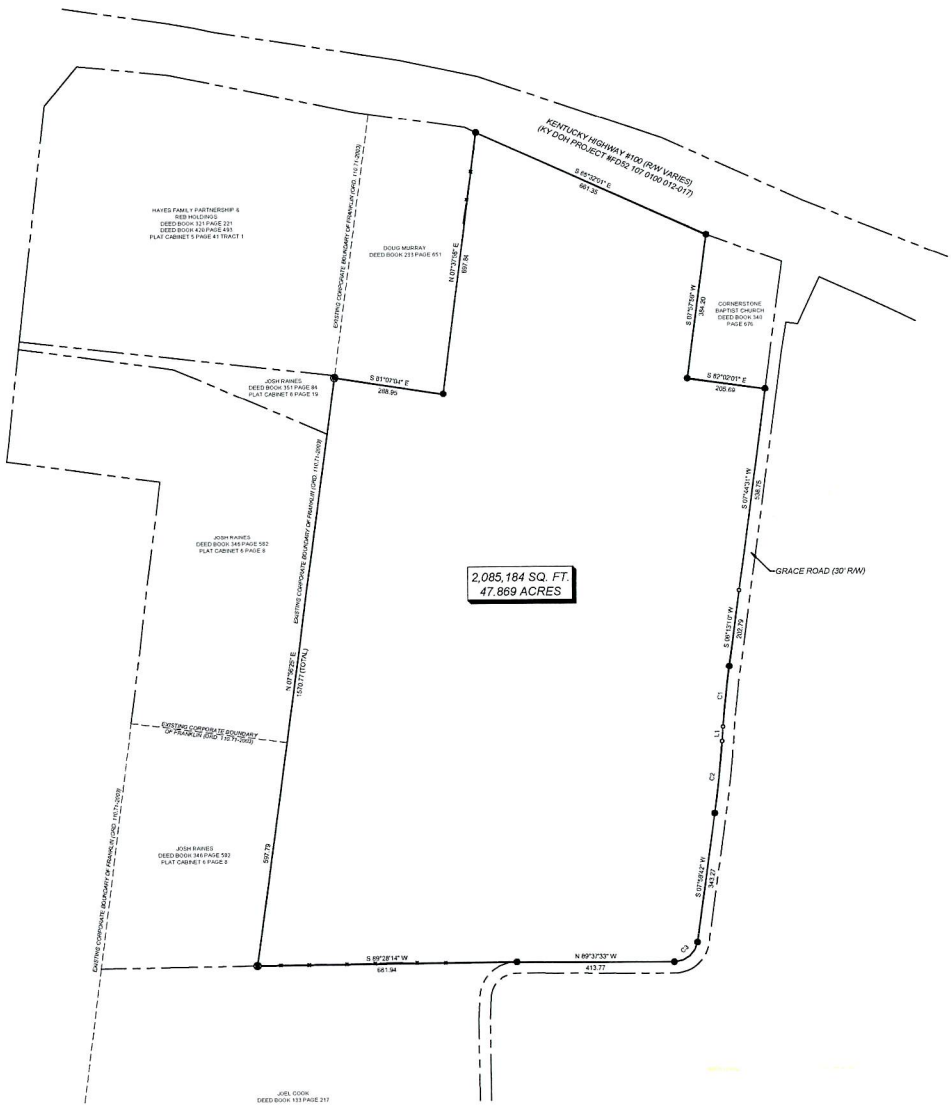
The said Teri D. Summers conveyed her interest in the subject property to Gary Summers by quitclaim deed dated April 16, 1997, of record in Deed Book 220, Page 445, Office of the Simpson County Clerk. Gary Lain Summers (being the same person as Gary Summers and Gary L. Summers) and wife, Lucinda Jane Summers (being the same person as Lucinda Summers and Cindy Summers) conveyed their interest in the subject property to Gary Lain Summers, Trustee of the Gary Lain Summers Revocable Trust, by deed dated July 20, 2018, of record in Deed Book 336, Page 157, Office of the Simpson County Clerk.

The said L. L. Summers and wife, Louise Summers, conveyed their undivided one-half (½) interest in the subject property to Robert Young Link, Trustee, by deed dated April 12, 2002, of record in Deed Book 235, Page 515, Office of the Simpson County Clerk. The said Robert Young Link, Trustee, conveyed the subject property back to L. L. Summers and wife, Louise Summers, as tenants in common by deed dated April 12, 2002, of record in Deed Book 235, Page 529, Office of the Simpson County Clerk, such that each had an undivided one-fourth (¼) interest in the subject property.

L. L. Summers died married, testate, and a resident of Simpson County on May 5, 2015. See Order of record in Will Book 26, Page 359, Office of the Simpson County Clerk. Pursuant to the terms and conditions of the Last Will and Testament of L. L. Summers of record in Will Book 26, Page 360, Simpson County Clerk's Office, his undivided one-fourth (¼) interest in the subject property devised to the L. L. Summers Testamentary Trust. See also deed from James Erven Summers and John Howard Summers, Co-Executors of the Estate of L. L. Summers, to James Erven Summers and John Howard Summers, Co-Trustees of the L. L. Summers Testamentary Trust dated April 11, 2017, of record in Deed Book 327, Page 81, Office of the Simpson County Clerk.

CHRIS R. KENNER  
LICENSED SURVEYOR  
STATE OF KENTUCKY  
LICENSE NO. 4120  
KENNER RANDOLPH ENGINEERING & SURVEYING

**ANNEXATION PLAT  
SUMMERS PROPERTY**



DATE	BY	REVISION
01/15/21	CHRIS R. KENNER	ISSUED FOR PERMIT
01/15/21	CHRIS R. KENNER	REVISED PER COMMENTS
01/15/21	CHRIS R. KENNER	REVISED PER COMMENTS
01/15/21	CHRIS R. KENNER	REVISED PER COMMENTS
01/15/21	CHRIS R. KENNER	REVISED PER COMMENTS
01/15/21	CHRIS R. KENNER	REVISED PER COMMENTS

**SURVEYOR'S NOTES**

1. IN PERFORMING THIS SURVEY, NO GUARANTEE IS MADE AS TO THE EXISTENCE, SIZE, DEPTH, CONDITION, CAPACITY OR LOCATION OF ANY UTILITY EXISTING ON THE SITE, WHETHER PRIVATE, MUNICIPAL OR PUBLICLY OWNED.
2. NO EXTENSIVE INVESTIGATION HAS BEEN PERFORMED TO SEARCH FOR RECORDS OR DOCUMENTATION OF EASEMENTS, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT A PROFESSIONAL TITLE SEARCH MAY DISCLOSE.
3. ALL RIGHTS RESERVED. NO PART OF THIS DRAWING MAY BE REPRODUCED BY PHOTOCOPIING, RECORDING OR BY ANY OTHER MEANS, OR STORED, PROCESSED OR TRANSMITTED IN OR BY ANY COMPUTER OR OTHER SYSTEMS WITHOUT PRIOR WRITTEN PERMISSION OF THE SURVEYOR. COPIES OF THIS PLAN WITHOUT AN ORIGINAL SIGNATURE AND SEAL ARE NOT VALID. THIS PLAT REPRESENTS A BOUNDARY SURVEY AND IS IN COMPLIANCE WITH 201 KAR 18.130.

**SURVEYOR'S CERTIFICATE**

I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON WAS PERFORMED UNDER MY DIRECTION BY MEANS OF RTK GPS MEASUREMENTS USING TRIMBLE R10 AND TRIMBLE R8S DUAL FREQUENCY GPS RECEIVERS. GPS MEASUREMENTS HAD A STATICAL ERROR THAT DID NOT EXCEED 0.05" + 100 PPM PER DISTANCE ACCURACY AND RELATIVE POSITIONAL ACCURACY. THE SURVEY SHOWN HEREON IS A "RURAL" SURVEY AND THE ACCURACY AND PRECISION OF SAID SURVEY MEETS OR EXCEEDS ALL THE SPECIFICATIONS OF THE CLASSIFICATION FOR THE COMMONWEALTH OF KENTUCKY.

*Chris R. Kenner* 12/9/21  
CHRIS R. KENNER, PLS #4120 DATE

**REFERENCE MERIDIAN**

THE BEARINGS SHOWN HEREON ARE REFERENCED TO GEODETIC NORTH BASED UPON GPS OBSERVATION USING A VRS NETWORK OF KY CORS STATIONS. DISTANCES SHOWN ARE GROUND DISTANCES BASED UPON NAD83 AND GEOID 18US IN KY SINGLE ZONE STATE PLANE COORDINATE SYSTEM WITH A PROJECT SCALE FACTOR OF 0.9999200230 AT THE FOLLOWING GRID ORIGIN COORDINATES:  
N=3419347.329 E=4699708.129 ELEV=722.957

**SOURCE OF TITLE**

PART OF LOUISE SUMMERS  
DEED BOOK 235 PAGE 529  
PART OF L.L. SUMMERS TESTAMENTARY TRUST  
DEED BOOK 327 PAGE 81  
PART OF GARY LAIN SUMMERS REVOCABLE TRUST  
DEED BOOK 336 PAGE 157

(CONTAINING)  
2,085,184 SQ. FT  
OR  
47.869 ACRES

**LEGEND**

- = 5/8" X 18" REBAR & CAP (SET) PLS #4120
- = 5/8" REBAR & CAP (FOUND) PLS #3250 U N O
- = MEANDER POINT
- — — = BOUNDARY & PROPOSED ANNEXATION LINE THIS SURVEY
- - - - - = APPROXIMATE ADJOINER OR RIGHT-OF-WAY LINES
- x - x - = EXISTING FENCE

**VICINITY MAP SIMPSON COUNTY KY**




**KENNER RANDOLPH  
ENGINEERING & SURVEYING**  
189 NORTH OWEN STREET  
RUSSELLVILLE, KY 42276  
270-717-1101

DATE	BY	REVISION
12/09/21	CHRIS R. KENNER	ISSUED FOR PERMIT
12/09/21	CHRIS R. KENNER	REVISED PER COMMENTS
12/09/21	CHRIS R. KENNER	REVISED PER COMMENTS
12/09/21	CHRIS R. KENNER	REVISED PER COMMENTS
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12/09/21	CHRIS R. KENNER	REVISED PER COMMENTS

**ANNEXATION SURVEY  
SUMMERS PROPERTY  
HIGHWAY 100 & GRACE RD  
FRANKLIN, KY 42134**

SHEET IDENTIFICATION  
**2111031E**