

**CITY OF FLORENCE, KENTUCKY  
ORDINANCE O-16-20**

**AN ORDINANCE TO CLOSE AND ABANDON A PORTION OF EXCESS RIGHT-OF-WAY FOR A PUBLIC WAY ALONG AND NEAR THE INTERSECTION OF SHELBY STREET AND MAIN STREET IN THE CITY OF FLORENCE, KENTUCKY PURSUANT TO KRS 82.405(1) AND (2), THE CITY COUNCIL FOR THE CITY OF FLORENCE, KENTUCKY HAVING DETERMINED THAT ALL PROPERTY OWNERS IN OR ABUTTING THAT PORTION OF THE PUBLIC WAY AGREE TO THAT CLOSING OR ABANDONMENT.**

**WHEREAS**, The City of Florence, Kentucky, is a Home Rule City and a Kentucky Municipal Corporation that wishes to close or abandon a portion of excess public way along or near Shelby Street and Main Street in the City of Florence, Kentucky, pursuant to KRS 82.405(1) and (2), and

**WHEREAS**, The Florence City Council is the legislative body for the City of Florence, Kentucky, under its Mayor-Council form of government and that legislative body has determined that all property owners in or abutting that portion of the public way described herein agree to this closing or abandonment of this public way and has made Findings of Fact set forth herein pursuant to KRS 82.405.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF FLORENCE, KENTUCKY, AS FOLLOWS:**

**SECTION I**

The City of Florence, Kentucky, through its Florence City Council as its legislative body hereby makes the following Findings of Fact pursuant to KRS 82.405(2):

(a) The only property owner in or abutting that portion of the public way being closed or abandoned herein along or near Shelby Street and Main Street at their intersection is the City of Florence, Kentucky, by virtue of a deed to the City by deed recorded in Deed Book 1113, Page 111 of the Boone County Clerk's office in Burlington, Kentucky, that portion of the public way being closed or abandoned herein contains 0.025 acres, more or less, and is more particularly described in Exhibit "1" and shown on a plat prepared by Viox & Viox, Inc., dated August 20, 2020 attached as Exhibit "2".

(b) Further, the Florence City Council finds that written notice of this proposed closing or abandonment was given to all the property owners in or abutting that portion of this public way being closed or abandoned, the City of Florence being the sole property owner.

(c) The Florence City Council also finds that the City of Florence, Kentucky, through its duly authorized representative and being the sole property owner of that portion of the public way

described herein being closed or abandoned has given its written notarized consent to this closing or abandonment, a copy of that consent being attached, marked as Exhibit "3" and incorporated herein by reference as is fully set out.

## SECTION II

As determined by the Florence City Council, the purpose of closing or abandoning this portion of the public way described herein is to establish and provide electric service to the abutting property owned by the City of Florence for the Shelby/Main Street Park as well as other property owned by the City of Florence, Kentucky, along Main Street. Based on the foregoing and the Findings of Fact set forth herein, the Florence City Council hereby enacts this Ordinance declaring that portion of the public way set forth herein closed and abandoned and that this portion being closed herein reverts to the adjacent owner, which is the City of Florence, Kentucky.

## SECTION III

Diane E. Whalen as Mayor shall be and is hereby authorized to execute on behalf of the City of Florence, Kentucky, any and all documents necessary under KRS 82.405 and other applicable law.

## SECTION IV

Pursuant to KRS 82.405(2), this Ordinance shall be recorded in the office of the Boone County Clerk. Further, this Ordinance shall be published by posting on the City's internet website.

PASSED AND APPROVED ON FIRST READING THIS 24 DAY OF NOVEMBER, 2020.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 8 DAY OF DECEMBER, 2020.

APPROVED:

/s/ Diane E. Whalen  
Diane E. Whalen, Mayor

ATTEST:

/s/ Melissa Kramer  
Melissa Kramer, City Clerk