

**CITY OF FLORENCE, KENTUCKY
ORDINANCE O-3-22**

AN ORDINANCE TO CLOSE AND ABANDON A PORTION OF EXCESS RIGHT-OF-WAY FOR A PUBLIC WAY, BEING PART OF AN ALLEY ON THE NORTHWEST SIDE OF MAIN STREET, NORTHEAST OF SHELBY 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 RIGHT-OF-WAY AGREE TO THAT CLOSING AND 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, being part of an alley on the northwest side of Main Street, northeast of Shelby 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 and 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 public way being closed and abandoned herein is a tract of real estate, lying on the northwest side of Main Street, northeast of Shelby Street, and being part of an alley belonging to the City of Florence as recorded in Deed Book 21, Page 29, in the office of the Boone County Clerk at Burlington, Kentucky. That portion of the public way being closed and abandoned herein contains 0.045 acres, more or less, and is more particularly described in Exhibit "1" and shown on a plat prepared by Viox & Viox, Inc., dated February 24, 2022 attached as Exhibit "2".

(b) Further, the Florence City Council finds that all abutting property owners to the public way being closed and abandoned have been identified and notified in writing of this proceeding.

(c) The Florence City Council also finds that all property owners in or abutting that portion of the public way described herein being closed and abandoned have given their written

notarized consent to this closing and abandonment, a copy of those consents being attached hereto and marked as Exhibit "3" and incorporated herein by reference as is fully set out.

(d) All requirements of KRS 82.405 have been complied with in full.

SECTION II

Based on the Findings of Fact set forth herein, the Florence City Council hereby enacts this Ordinance declaring that portion of the public way (Exhibits "1" and "2") set forth herein closed and abandoned and that this portion being closed and abandoned herein reverts to the adjacent property owners.

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 19th DAY OF APRIL, 2022.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 26th DAY OF APRIL, 2022.

APPROVED:

/s/ Diane E. Whalen

Diane E. Whalen, Mayor

ATTEST:

/s/ Melissa Kramer

Melissa Kramer, City Clerk