

CITY OF DAYTON, KENTUCKY
SPECIAL COUNCIL MEETING
APRIL 27, 2009

A special meeting of Dayton City Council was held on Monday, April 27, 12:00 p.m. in the Council Chamber of the Dayton City Building. The media and council members were notified in advance. The first reading of ordinance 2009#4 is the only item on the agenda.

ROLL CALL:

Mayor Rankle	present	Member Gunning	present
Member Ashford	absent	Member Allen	present
Member Brooks	present	City Adm. Redmond	present
Member Volter	present	City Att. Fischer	present
Member Boruske	absent		

CITY OF DAYTON, KENTUCKY

2009 - 4

AN ORDINANCE CLOSING AND ABANDONING A PORTION OF LOCUST AVENUE AND AN UNNAMED ALLEY RUNNING SOUTH FROM LOCUST AVENUE.

BE IT ORDAINED BY THE CITY OF DAYTON, CAMPBELL COUNTY, KENTUCKY:

**GROUP NOS. 30550/A1, 30550/A2,
30551/A3, 30551/A4
30551/A3, 30551/A4**

**PIDN NO. 999-99-08-493.00;
999-99-08-494.00;
999-99-08-494.01;
999-99-08-494.02;**

SECTION ONE: That a portion of Locust Street an unnamed alley running South from Locust Avenue be and they are hereby ordered closed and abandoned. The said rights of way are described as follows:

Situated in the City of Dayton, County of Campbell, State of Kentucky and being a portion of Locust Avenue, and an alley as shown on the record plat for Highland Terrace (Audas) Subdivision (Plat Cabinet B, Slide 215B) being more particularly described as follows:

Beginning at the easterly right of way intersection of Edwards Avenue and Silver Street, and corner to lot 58, as shown on the record plat for Highland Terrace Subdivision (Plat Cabinet B, Slide 215B); thence along the southeasterly said right of way of Silver Street North 50°27'49" East a distance of 137.00 feet to the POINT OF BEGINNING;

Thence entering the right of way of Locust Avenue the following three (3) calls:
North 50°27'49" East a distance of 2.83 feet to a point; South 47°13'11" East a distance of 176.59 feet to a point; South 50°27'49" West a distance of 11.44 feet to a point on the northeasterly line of an unnamed alley; thence with said alley along lots 72 through 80 South 39°32'11" East a distance of 300.00 feet to a point in the line of Robert B. Brownlee; thence with Brownlee South 50°27'49" West a distance of 15.00 feet to a point at the southwest corner of the alley; thence with southwesterly line of said alley and Locust Avenue, along lots 22 through 58, North 39°32'11" West a distance of 475.00 to the POINT OF BEGINNING.

A copy of the plat of said rights of way is attached hereto and made part hereof by reference.

SECTION TWO: The City Council of the City of Dayton makes the following findings of fact:

A) That the owners of all property abutting the right of way to be closed as described in Section One above are as follows:

1. **MX3, LLC**, an Ohio Limited Liability Company, Mark X. Glassmeyer, authorized member: PIDN #s 999-99-08-493.00 & 999-99-08-494.00; Lots 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50, 72, 73, 74, 75, 76, 77, 78, 79, and 80 of Highland Terrace (Audas) Subdivision in the City of Dayton, Campbell County, Kentucky; all as shown in Deed Book 711 at Page 694 of the Campbell County Clerk's records at Newport, Kentucky;

2. **JENNIFER W. GLASSMEYER, a married woman:** PIDN # 999-99-08-494.01; Lots 56 and 58 of Highland Terrace (Audas) Subdivision in the City of Dayton, Campbell County, Kentucky; all as shown in Deed Book 720 at Page 349 of the Campbell County Clerk's records at Newport, Kentucky;

3. **JOHN LORMS and MICHELLE B. LORMS, husband and wife:** PIDN # 999-99-08-494.02; Lots 52 and 54 of Highland Terrace (Audas) Subdivision in the City of Dayton, Campbell County, Kentucky; all as shown in Deed Book 721 at Page 052 of the Campbell County Clerk's records at Newport, Kentucky;

B) and that there are no owners of property in said right of way;

C) that written notice of the proposed closing has been given to all of the above described property owners; and said property owners authorize the closing and give their written and notarized consent to the closing and same is attached hereto.

The City finds the above described alleys are surplus property for public purposes. The City Attorney is directed and authorized to file an action in Campbell Circuit Court to have the said public right-of-way finally closed by judicial decree or otherwise pursuant to the provisions of KRS 82.405.

SECTION THREE: The findings of fact required by KRS 82.405 having been made and stated in Section Two above, the right of way described above is closed without further action and the property is awarded to the above named property owners in the proportions to which they are entitled by said statute.

SECTION FOUR: This ordinance shall be filed of record in the Campbell County Clerk's records at Newport, Kentucky. Once the ordinance is file, all plats and maps of the City of Dayton, Kentucky, including the official zoning map and all maps of the comprehensive plan of the City shall be considered amended to reflect said closing.

SECTION FIVE: This ordinance shall be signed by the Mayor, attested by the City Clerk, recorded, published, and shall be in effect at the earliest time provided by law.

PASSED by City Council of the City of Dayton, Campbell County, Kentucky assembled in regular session.

First Reading:
Second Reading:

CITY OF DAYTON, KENTUCKY

by _____
KENNETH E. RANKLE
its Mayor

ATTEST:

Donna Leger, its Clerk

City Att. Fischer said Mr. Glassmeyer has paid the closing fee. This ordinance does not include the alley which borders Bo Barber's property.

Motion by Member Volter, seconded by Member Brooks to adjourn. Motion carried—so ordered.

Respectfully submitted,

Donna Leger
Clerk/Treas.

ATTEST:

Kenneth E. Rankle
Mayor