

COMMISSIONERS ORDINANCE O-2019-002

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF NEWPORT, KENTUCKY CLOSING AND VACATING PART OF CENTRAL AVENUE IN THE CITY OF NEWPORT, CAMPBELL COUNTY, KENTUCKY.

Whereas, Pursuant to KRS 82.405 the City of Newport has determined to close part of Central Avenue as described in Section I hereof; and,

Whereas, Pursuant to KRS 82.405 the City of Newport has identified all property owners abutting the public way to be closed; and,

Whereas, Pursuant to KRS 82.405 the City of Newport has provided written notice of the proposed closing to all property owners identified as abutting the portions of the public way to be closed; and,

Whereas, Pursuant to KRS 82.405 the City of Newport has received written notarized consent to the proposed closing from all property owners abutting the portions of the public way to be closed and have attached the consents to vacate notification hereto as Exhibit "C".

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF NEWPORT, KENTUCKY:

SECTION I

That part of Central Avenue is hereby closed and vacated without any further action, said public way to be closed and vacated being more specifically described as follows:

PART OF CENTRAL AVENUE

GROUP NO. 41034/A2; 41035/A1; 41042/A2 & 41043/A1
PIDN: 999-99-36-980.00 & 999-99-03-020.00

Part of Central Avenue situated in the City of Newport, Campbell County, Kentucky, as shown in the plats of record in Cabinet B, slides 237A and 237B in the Campbell County Clerk's office at Newport, Kentucky and more fully described as follows:

Lying in the City of Newport, Kentucky and being more particularly described as follows:

SEE ATTACHED EXHIBIT "A"

Attached hereto as Exhibit "B" is a copy of a plat showing the part of Central Avenue to be vacated.

There is excepted from the provisions of this Ordinance any public utilities running through the dedicated portion of said Central Avenue for which the City retains an easement.

SECTION II

That this Ordinance shall be signed by the Mayor, attested to by the City Clerk, recorded, published and effective upon publication.

PASSED: First reading December 17, 2018
PASSED: Second reading January 28, 2019

Jerry R. Peluso, Mayor

ATTEST:

Amy B. Able, City Clerk

PUBLISHED: Online on the City website, www.newportky.gov, with URL reference published in the Campbell County Recorder the 31st of January, 2019 as statutorily allowable under Section 143 of HB 487 approved in 2018 by the Kentucky Legislature and became law on April 27, 2018.

EXHIBIT A
Legal Description

Situated in the City of Newport, County of Campbell, in the Commonwealth of Kentucky, and being a portion of the Central Avenue right-of-way, located between W. 4th Street (State Route 8) and W. 3rd Street (State Route 9), and being more particularly described as follows:

- Beginning at a point in the intersection of the northerly right-of-way of W. 4th Street and the easterly right-of-way of Central Avenue, and being the southwestmost corner of CPX Newport Commercial Development, LLC (PIDN: 999-99-03-020.00), as recorded in DB 777 Page 900;
- Thence continuing with the northerly right-of-way of W. 4th Street, South 54°41'56" West for a distance of 65.56 feet to a point being westerly line of Central Avenue, being the Southeast corner of CPX Newport Commercial Development, LLC (PIDN: 999-99-36-980.00, as recorded in DB 702 Page 454;
- Thence leaving the northerly right-of-way of W. 4th Street, and continuing with the westerly line of Central Avenue, North 35°17'52" West for a distance of 287.47 feet to a point being in the southerly line of State Route 9, and being located 71.00 feet right of centerline P.O.C. Sta. 74+37.02;
- Thence continuing with the southerly right-of-way of State Route 9, along a circular curve to the right having a radius of 229.00 feet, and arc length = 37.90 feet, and a chord being North 50°04'33" East for a distance of 37.86 feet to a point being located 71.00 feet right of centerline P.T. Sta. 74+86.67;
- Thence continuing with the southerly right-of-way of State Route 9, North 54°49'05" East for a distance of 27.88 feet to a point in the westerly line of the CPX Newport Commercial Development LLC (PIDN 999-99-03-020.00), as recorded in DB 777 Page 900, and being located 71.00 feet right of centerline Sta. 75+14.48;
- Thence leaving with the southerly right-of-way line of W. 3rd Street and continuing with the easterly line of Central Avenue, South 35°17'13" East for a distance of 290.46 feet to the said Point of Beginning.

The above describe tract of land contains 0.437 acres (19,014.78 S.F.). The above describe tract of land is intended to be the entire Central Avenue right-of-way, located between W. 4th Street and W. 3rd Street.

The Bearings for this survey are based on a State Plane Coordinates and this metes and bounds description was prepared by James L. Elliott, PLS 3613, and is the result of an actual land survey performed by Brandstetter Carroll, Inc in October of 2018.

Curve Table				
Curve #	Radius	Length	Bearing	Chord
CURVE 1	245.00'	200.33'	N07°03'58"W	194.79'
CURVE 2	229.00'	116.60'	N30°44'58"E	115.35'
CURVE 3	229.00'	37.90'	N50°04'33"E	37.86'

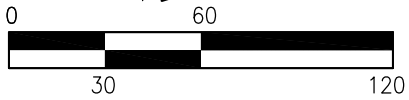
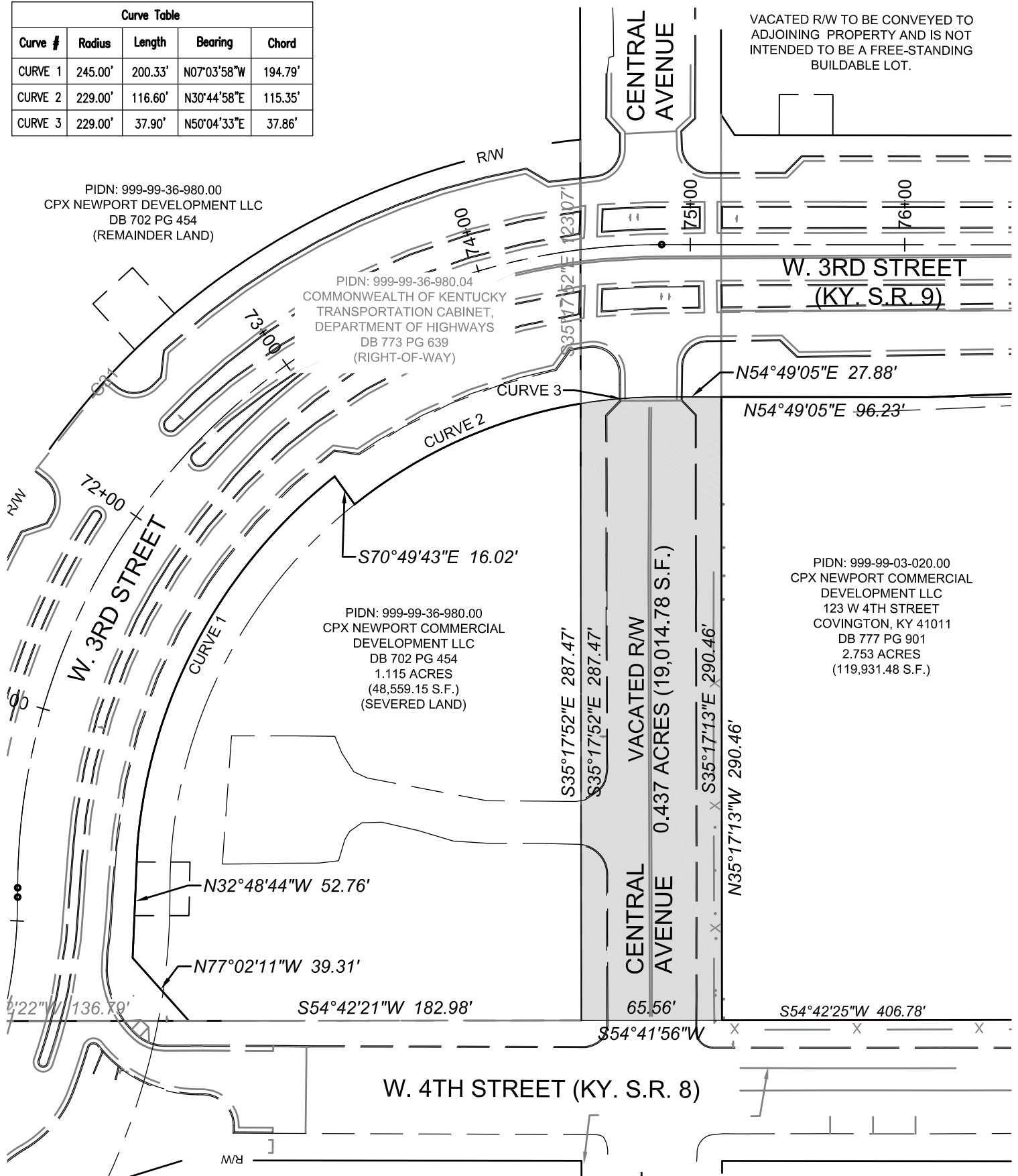
PIDN: 999-99-36-980.00
 CPX NEWPORT DEVELOPMENT LLC
 DB 702 PG 454
 (REMAINDER LAND)

PIDN: 999-99-36-980.04
 COMMONWEALTH OF KENTUCKY
 TRANSPORTATION CABINET,
 DEPARTMENT OF HIGHWAYS
 DB 773 PG 639
 (RIGHT-OF-WAY)

PIDN: 999-99-36-980.00
 CPX NEWPORT COMMERCIAL
 DEVELOPMENT LLC
 DB 702 PG 454
 1.115 ACRES
 (48,559.15 S.F.)
 (SEVERED LAND)

PIDN: 999-99-03-020.00
 CPX NEWPORT COMMERCIAL
 DEVELOPMENT LLC
 123 W 4TH STREET
 COVINGTON, KY 41011
 DB 777 PG 901
 2.753 ACRES
 (119,931.48 S.F.)

VACATED R/W TO BE CONVEYED TO
 ADJOINING PROPERTY AND IS NOT
 INTENDED TO BE A FREE-STANDING
 BUILDABLE LOT.



**BRANDSTETTER
 CARROLL INC**
 ARCHITECTS-ENGINEERS-PLANNERS
 308 East 8th Street, Cincinnati, OH 45202
 p. 513.651.4224 www.brandstettercarroll.com



VACATION EXHIBIT 'B'
**VACATION FOR PORTION OF CENTRAL
 AVENUE BETWEEN W. 4TH ST. & W. 3RD ST.**
 CITY OF NEWPORT, CAMPBELL COUNTY, KY

Date	12-10-2018
Scale	1" = 60'
Drawn By	JLE
Proj. No.	16095

EXHIBIT "C"

CONSENT AND RECEIPT OF NOTICE

Comes now CPX Newport Commercial Development, LLC, a Kentucky Limited Liability Company, by Tom Banta, its Managing Director, and after being duly cautioned and sworn, deposes and states as follows:

1. That CPX Newport Commercial Development, LLC is the fee simple title holder of the real property which abuts the portion of Central Avenue in the City of Newport, Kentucky described in paragraph 2 below.
2. That he acknowledges receipt of a written notice from the City of Newport stating the City's intent to vacate and close the following described public way located in the City of Newport, Kentucky adjacent to the property owned by CPX Newport Commercial Development, LLC., that is to be vacated and closed and are more particularly described as follows:

PART OF CENTRAL AVENUE

GROUP NOS. 41034/A2; 41035/A1; 41042/A2 & 41043/A1
PIDN: 999-99-36-980.00 & 999-99-03-020.00

Part of Central Avenue situated in the City of Newport, Campbell County, Kentucky as shown in the plats of record in Cabinet B, Slides 237A and 237B in the Campbell County Clerk's office at Newport, Kentucky, and more fully described as follows:

Lying in the City of Newport, Kentucky and being more particularly described as follows:

SEE ATTACHED EXHIBIT "A"

Attached hereto as Exhibits "B" is a copy of a plat showing the part of Central Avenue to be vacated.

3. That he hereby expressly consents to the closing and vacating of part of Central Avenue described in paragraph 2 hereof.
4. This Consent and Acknowledgment of Receipt of Notice is given pursuant to K.R.S. 82.405(2)(b) and (c).

Further Affiants sayeth naught.

CPX NEWPORT COMMERCIAL
DEVELOPMENT, LLC

By: Tom Banta, its Managing Director

STATE OF KENTUCKY
COUNTY OF CAMPBELL

This Consent and Receipt of Notice was acknowledged,
subscribed and sworn to before me by Tom Banta, Managing Director of
CPX Newport Commercial Development, LLC, this _____ day of
_____, 2018.

Notary Public
KY State At Large
My Commission Expires: