

**COMMONWEALTH OF KENTUCKY
CITY OF COLD SPRING
ORDINANCE NO. 23-1089**

AN ORDINANCE ANNEXING CERTAIN UNINCORPORATED TERRITORIES WITHIN THE COUNTY OF CAMPBELL, KENTUCKY AND CONTIGUOUS TO THE PRESENT BOUNDARY LINES OF THE CITY OF COLD SPRING, KENTUCKY, AND DEFINING BY METES AND BOUNDS THE TERRITORY ANNEXED; DESIGNATING THE ZONING CLASSIFICATION OF THE PROPERTY TO BE ANNEXED TO MIXED USE PLAN DEVELOPMENT (MUPD) AND HIGHWAY COMMERCIAL 2 (HC-2) AFTER COMPLIANCE WITH THE PROVISIONS OF KRS 100.209, AT THE TIME THE ANNEXATION OF THE PROPERTY IS FINAL

WHEREAS, Kentucky Revised Statute 81A.410 authorizes and delegates city legislative bodies the authority to annex territories; and

WHEREAS, Kentucky Revised Statute 81A.412 provides the manner in which said annexation should be accomplished through the consent of the property owner; and

WHEREAS, the property owners have provided written consent to the annexation, through the execution of the Consent to Annex attached as Exhibit C (the "Consent"); and

WHEREAS, the property herein described is adjacent to and contiguous to the City's boundaries; and

WHEREAS, the City of Cold Spring, Kentucky (the "City") through compliance with the provisions of KRS 100.209 may designate the zoning classification of the property to be annexed; and

WHEREAS, the City is willing to annex the property, subject to the terms of an Annexation Agreement (the "Agreement"); and

WHEREAS, pursuant to Resolution R-79-23, the Campbell County Fiscal Court concurred with the annexation; and

WHEREAS, by reason of population density, commercial, industrial, institutional, or governmental use of land, or subdivision of land, said property is urban in character or suitable for urban purposes without unreasonable delay; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF COLD SPRING,

KENTUCKY:

SECTION I

A. That the City of Cold Spring, Kentucky, does hereby and herewith annex to its present boundaries and include the same within the territorial limits of the City of Cold Spring, Campbell County, Kentucky, the following described unincorporated land and area, located in the County of Campbell, Commonwealth of Kentucky, an approximately 27-acre parcel more particularly identified as follow:

SEE ATTACHED EXHIBIT "A", Legal Description, and EXHIBIT "B", Plat of the property being annexed.

B. That the Property at the time it is annexed into the City shall have a zoning classification of Mixed Use Plant Development ("MUPD") or Highway Commercial 2 ("HC2") in accordance with the City's Zoning Map and Zoning Ordinance, and in accordance with the terms of the Agreement; and that prior to the adoption of this Ordinance the City has submitted an application to the City of Cold Spring, Kentucky Planning Commission (the "Planning Commission") in accordance with the provisions of KRS 100.209 to conduct the required public hearing and processes to have the Property zoned as MUPD or HC2, in accordance with the terms of the Agreement, including the Concept Plan attached as exhibits to the Agreement.

C. That the City hereby approves the zoning classification of the Property to MUPD or HC2, and approves the Concept Plan related to the development of the Property as attached to the Agreement and as approved by the Planning Commission.

SECTION II

That this ordinance shall take effect and be in full force from and after its passage, publication, and recording, according to law.

Adopted this 12 day of February, 2024.

1st Reading – August 1, 2023

Vote: 6 yes – 0 no

2nd Reading – February 12, 2024

Vote: 5 yes - 0 no

By: _____


D. Angelo Penque

Mayor

EXHIBIT A

Legal Description

DESCRIPTION: Annexation Parcel 'A'

LOCATION: Rocky View Drive, Harvest Trail, & US 27

DATE: June 14, 2023

Situated in the Unincorporated County of Campbell, Commonwealth of Kentucky, lying on the East side of US 27 and Harvest Trail at the South end of Rocky View Drive, being part of the 35.87 acre tract conveyed to Calabrazze, Inc. in Deed Book 256, Page 624, all of Lots 14 and 15 of Ridgewood Subdivision, Section C (No Plat Found) conveyed to Calabrazze, Inc. in Deed Book 257, Page 97, all of Parcels 1, 2, and 3 conveyed to Richard A. Haglage in Deed Book 316, Page 662, all of Parcels One and Three conveyed to DCH Properties L.L.C. and Tune Row Properties, LLC in Deed Book 343, Page 874, all of the 1.01 acre tract conveyed to Frances Roach in Deed Book 136, Page 213, all of the 1.0142 acre tract conveyed to AA Property Development, Ltd. in Deed Book 298, Page 264, and all of Parcels 1 and 2 conveyed to Barbara G. and Jerry Watts in Deed Book 209, Page 211 of the Campbell County Clerk's Records at Alexandria, Kentucky and being more particularly described as follows:

Begin at the Northwest corner of a 0.757 acre tract conveyed to David Wayne and Jennifer Marie Fields in Deed Book 237, Page 306, being Lot 1 of Ridgewood Subdivision, Section A (Plat 72A), said point being on the existing South right-of-way line of Rocky View Drive (R/W Varies) approximately 995 feet West of its intersection with the centerline of KY Hwy. 9 and being the TRUE POINT OF BEGINNING;

thence, from the TRUE POINT OF BEGINNING, departing the existing South right-of-way line of said Rocky View Drive and with the West line of said 0.757 acre tract, the following two courses:
South 36° 41' 38" West, 31.48 feet;

thence, South 19° 37' 18" East, 325.16 feet to a point on the North line of a 34.4505 acre tract conveyed to Steven J. Woeste, Donna M. Pickett, and Alan J. Woeste, Co-trustees, in Deed Book 350, Page 476;

thence, departing said 0.757 acre tract and with the North line of said 34.4505 acre tract, South 70° 38' 47" West, 87.38 feet to the Northeast corner of a 20.5646 acre tract conveyed to Bonnie L. and James M. Pickett, Trustees, in Deed Book 289, Page 423;

thence, departing said 34.4505 acre tract and with the North line of said 20.5646 acre tract, South 70° 36' 56" West, 1535.29 feet a point on the existing East right-of-way line of US 27 (R/W Varies);

thence, departing said 20.5646 acre tract and with existing East right-of way line of said US 27, the following four courses: North 33° 49' 07" West, 68.46 feet;

thence, North 29° 21' 11" West, 322.69 feet;

thence, North 01° 28' 30" West, 162.49 feet;

thence, North 88° 57' 32" West, 26.40 feet to a point in the centerline of Harvest Trail;

thence, departing the existing East right-of way line of said US 27 and with centerline of said Harvest Trail, the following five courses: North 05° 16' 48" East, 132.08 feet;

thence, North 00° 36' 18" East, 76.25 feet;

thence, North 10° 41' 57" West, 10.97 feet;

thence, North 12° 27' 05" West, 186.69 feet;

thence, North 24° 33' 21" West, 19.06 feet to the Southwest corner of a 1.001 acre tract conveyed to Robert N. and Deborah Rottman in Deed Book 165, Page 154;

thence, departing the centerline of said Harvest Trail and with the South line of said 1.001 acre tract and an 11.7 acre tract conveyed to Jerry and Barbara G Watts in Deed Book 162, Page 430, North

thence, with the West and South lines of said 11.7 acre tract, the following four courses: South 46° 21' 27" West, 299.08;

thence, North 77° 09' 18" East, 48.82;

thence, North 80° 24' 02" East, 426.98;

thence, North 78° 54' 59" East, 239.75 feet to the Northwest corner of Lot 17 of Ridgewood Subdivision, Section C (Plat 218B);

thence, departing said 11.7 acre tract and with the West line of said Lot 17, South 15° 00' 15" East, 245.10 feet to a point on the existing South right-of-way line of said Rocky View Drive (60' R/W);

thence, with the existing South right-of-way line of said Rocky View Drive, North 74° 59' 45" East, 80.00 feet to the Northwest corner of Lot 8 of said Ridgewood Subdivision, Section C;

thence, departing the existing South right-of-way line of said Rocky View Drive and with the West line of said Lot 8, South 15° 00' 15" East, 180.00 feet to the Southwest corner of said Lot 8;

thence, with the South line of said Lot 8, North 74° 59' 45" East, 80.00 feet to the Southwest corner of Lot 7 of Ridgewood Subdivision, Section B (Plat 166A);

thence, with the South line of said Lot 7, North 53° 37' 08" East, 94.89 feet to the Southwest corner of Lot 6 of said Ridgewood Subdivision, Section B;

thence, with the South lines of Lots 5 and 6 of said Ridgewood Subdivision, Section B, South 66° 15' 56" East, 157.46 feet to the Southeast corner of said Lot 5;

thence, with the Southeast line of said Lot 5, North 36° 41' 38" East, 203.08 feet to a point on the existing South right-of-way line of said Rocky View Drive, said point being the Northeast corner of said Lot 5;

thence, departing said Lot 5 and with the existing South right-of-way line of said Rocky View Drive, along a curve to the left, having a central angle of 10° 21' 02", a radius of 234.80 feet, an arc length of 42.42 feet, and a chord bearing South 72° 41' 07" East, 42.36 feet to the TRUE POINT OF BEGINNING.

The reference meridian is based on NAD83 (2011) Kentucky State Plane coordinates, North Zone (1601).

Prior Instrument Reference:

Deed Book 256, Page 624
Deed Book 257, Page 97
Deed Book 316, Page 662
Deed Book 343, Page 874
Deed Book 136, Page 213
Deed Book 298, Page 264
Deed Book 209, Page 211