

ORDINANCE NO. 82-10

AN ORDINANCE CLOSING STRANCE AVENUE AND A PORTION OF TYNES AVENUE,  
A PORTION OF COLEMAN AVENUE (EDWARDS), AND A PORTION OF EDWARDS AVENUE.

BE IT ORDAINED BY THE CITY OF RUSSELLVILLE, THAT:

WHEREAS, KRS 82.405(1) provides as follows:

(1) Upon the adoption of an ordinance by the city legislative body closing the whole or any portion of a public way, the city shall institute an action in the circuit court to have it closed. All the owners of property in or abutting that public way, or the portion proposed to be closed, shall be made defendants.

AND WHEREAS, KRS 82.405(2) provides as follows:

(2) If all defendants fail to object to the closing within twenty (20) days after the date of service, the court shall render a decree accordingly, but if any defendant objects within that time, the court shall award damages, if any, in the same manner as prescribed by the eminent domain act of Kentucky and shall direct that the public way be closed upon payment into court of the amount awarded. The court shall give these proceedings precedence over other cases.

AND WHEREAS, the City Council of the City of Russellville is of the opinion that the closing of the streets and the portions of streets herein described would be in the best interest of the City of Russellville, and would make available property in the area for recreational uses needed by the City, and further that additional adequate roadways are provided in the area;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF RUSSELLVILLE that:

(1) Strange Avenue and a portion of Tynes Avenue described as follows, shall be, and same is hereby closed:

Being all of Strange Avenue and a portion of Tynes Avenue in the City of Russellville, Logan County, Kentucky, as originally shown on the plat of the Strange-Edwards Subdivision recorded in Deed Book 141, page 137, in the office of the Logan County Court Clerk, and being further described according to a survey and plat prepared by Frank J. Kondracki, Jr.,

Frank J. Kondracki, Jr., RLS #2474 dated March, 1982,  
as follows:

Beginning at a stake in the intersection of the West margin of Tynes Avenue with the North margin of Edwards Avenue, thence with the West margin of Tynes Avenue N16°45'W 150.0 ft. to the South margin of Strange Avenue, thence with the South margin of Strange Avenue S73°15'W 425 ft. to the East margin of Coleman Avenue, thence N16°45'W 25 ft. to the point of intersection of the East margin of Coleman Avenue with the North margin of Strange Avenue; thence with the North margin of Strange Avenue N73°15'E 452.5 ft. to the East margin of Tynes Avenue, thence with the East margin of Tynes Avenue S16°45'E 175 ft., thence S 73°15'W 27.5 ft. to the beginning point, containing 15,437.5 square feet more or less.

The City does hereby retain a drainage and utility easement twenty feet in width, the center line of which coincides with the center lines of said vacated streets, for purposes of maintaining existing drainage facilities and public utilities.

Frank J. Kondracki, Jr., Registered Land Surveyor, State of Kentucky, License No. 2474.

(2) A portion of Coleman Avenue (Edwards) described as follows, shall be, and same is hereby closed:

Being a part of Coleman Avenue in the City of Russellville, Logan County, Kentucky, as originally shown on the plat of the Strange-Edwards Subdivision recorded in Deed Book 141, page 137, in the office of the Logan County Court Clerk, and being further described according to a survey and plat by Frank J. Kondracki, Jr., RLS#2474, dated March, 1982, as follows:

Beginning at a point in the West margin of Coleman Avenue said point being located S16°45'E 266.07 ft. along said margin from the point of intersection of the South margin of East 6th Street with the West margin of Coleman Avenue, thence with the West margin of Coleman Avenue and Alvin Shifflet S16°45'E 73.93 ft., thence with same S73°15'W 7.5 ft., thence S16°45'E 20.0 ft. to a point in said margin, a corner with the City of Russellville, thence with the City N 73°15'E 37.0 ft. to a point in the West margin of the Coleman Avenue Extension to 7th Street, thence with said West margin N41°45'W 5.67 ft., thence with same along an arc of a curve to the right with a radius of 163.75 ft., and a long cord at N33°15'W 93.01 ft. to the beginning, containing 1045.1 square feet more or less.

Frank J. Kondracki, Jr., Registered Land Surveyor, State of Kentucky, License No. 2474.

(3) A portion of Edwards Avenue described as follows, shall be, and same is hereby closed:

Being a part of Edwards Avenue in the City of Russellville, Logan County, Kentucky, as originally shown on the plat of the Strange-Edwards Subdivision recorded in Deed Book 141, page 137, in the office of the Logan County Court Clerk and being further described according to a survey and plat by Frank J. Kondracki, Jr., RLS #2474, dated March, 1982, as follows:

Beginning at an iron pin in the South margin of Edwards Avenue, corner to the City of Russellville and the J. McIntyre and H. Freeman property, said point being located  $S73^{\circ}15'W$  100 ft. from the point of intersection of the South margin of Edwards Avenue with the West margin of Tynes Avenue; thence from said beginning and with the South margin of Edwards Avenue and the City of Russellville  $S73^{\circ}15'W$  290.21 ft. to an iron pin in the East margin of the Coleman Avenue Extension, thence with same  $N49^{\circ}45'W$  23.52 ft., thence along an arc of a curve to the right with a radius of 136.25 ft. and a long cord at  $N48^{\circ}26'45''W$  6.2 ft. to a point in the North margin of Edwards Avenue, thence with said North margin, and the City of Russellville  $N73^{\circ}15'E$  306.28 ft.; thence  $S16^{\circ}45'E$  25.0 ft. to the beginning, containing 7458 square feet more or less.

Frank J. Kondracki, Jr., Registered Land Surveyor, State of Kentucky, License No. 2474.

(4) The easement referred to in §1 hereof and any other easements of the City of Russellville, and all rights related thereto, plus any other rights of the City of Russellville, except for any street purposes in and to the property, are hereby reserved to the City of Russellville.

(5) Any previous ordinance or regulation of the City in conflict herewith is hereby repealed to the extent of that conflict.

(6) The provisions of this ordinance are severable, and in the event any provisions hereof is or becomes invalid for any reason, such invalidity shall not affect the validity of any other provision hereof.

This ordinance shall be effective upon its passage and publication, and the procedures directed to complete the closing are hereby directed to be instituted.

FIRST READING passed by roll call vote, this the 4 day of May, 1982.

Ayes:	Nays:	Absent:	Abstaining:
<u>KC</u>		<u>K.F.</u>	<u>GW</u>
<u>WA</u>			
<u>BRP</u>			
<u>ED</u>			

SECOND READING passed by roll call vote, this the 18th day of May, 1982.

Ayes:	Nays:	Absent:	Abstaining:
<u>Ken Campbell</u>	<u>Name</u>	<u>Billy Ray Parrish</u>	<u>Name</u>
<u>Willie Hampton</u>		<u>Gary Woodlee</u>	
<u>Keith Fruits</u>			
<u>Everett Daniel</u>			

CITY OF RUSSELLVILLE

By AS MAYOR

ATTEST:

ASg  
CITY CLERK