

ORDINANCE NO. 82-10 82-11

AN ORDINANCE CLOSING A PORTION OF 8th STREET

BE IT ORDAINED BY THE CITY COUNCIL OF 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 portions of streets herein described would be in the best interest of the City of Russellville and would cause the property to be taxable to the City of Russellville thereby increasing the revenue of the City, the City further finding that said portions of streets have not been used by the public.

NOW THEREFORE, be it ordained by the City of Russellville that:

(1) The following described portion of 8th Street be and same is hereby closed:

A certain strip of land being 50 ft. wide, and being that part of Eighth Street lying on the west side of Wade Street in Russellville, Kentucky, and further described as follows:

Beginning at a stake in the west curb line of Wade Street at the intersection of same with the north right of way line of Eighth Street.

Thence with the north right of way line of Eighth Street, S 70°30'W 168.0 ft. to a stake in said right of way line at the end of the parcel herein described.

Thence crossing Eighth Street, S 19° 50'E 50.0 ft. to a stake, said stake being in the south right of way line of Eighth Street.

Thence with the south right of way line of Eighth Street, N 70° 30'E 168.0 ft. to a stake in said right of way line at the intersection of same with the face of the curb on the west side of Wade Street.

Thence with the face of said curb line, N 19° 50'W 50.0 ft. to the beginning, containing 0.19 Acre.

NOTE: There exists an apparent encroachment on the north and south sides of Eighth Street as described above by the property owners that adjoin this tract. The right of way width was determined from scaling the original plat of Samuel Gray's addition as recorded in Deed Book G, Page 59, in the office of the Logan County Court Clerk.

Coleman and Sloan Surveyors, , Ky. Reg. Nos. 1895 and 2081.

(2) Any 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.

(3) Any previous ordinance or regulation of the City in conflict herewith is hereby repealed to the extent of that conflict.

(4) 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 4th day of June, 1982.

Ayes:	Nays:	Absent:	Abstaining:
<u>Ken Campbell</u>	<u>None</u>	<u>Keith Suits</u>	<u>Dary Woodlee</u>
<u>Willie Hampton</u>	_____	_____	_____
<u>Billy R Parrish</u>	_____	_____	_____
<u>Everett Daniels</u>	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

SECOND READING passed by roll call vote, this the \_\_\_\_\_ day of June, 1982.

Ayes:	Nays:	Absent:	Abstaining:
<u>Ken Campbell</u>	<u>None</u>	<u>Billy Ray Parrish</u>	<u>None</u>
<u>Willie Hampton</u>	_____	<u>Dary Woodlee</u>	_____
<u>Keith Suits</u>	_____	_____	_____
<u>Everett Daniel</u>	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

CITY OF RUSSELLVILLE

By Ken Suits  
MAYOR

ATTEST:

[Signature]  
CITY CLERK