

ORDINANCE NO. 89-12

AN ORDINANCE CLOSING AN ALLEYWAY RUNNING WESTWARDLY
FROM MAPLE LANE IN RUSSELLVILLE, KENTUCKY

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 shall 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 the 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 alleyway herein described would be in the best interest of the City of Russellville, the City of Russellville further finding that said alleyway has not been used by the public.

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

(1) An undeveloped ten foot alley fronting on Maple Lane and extending westwardly between two parcels of land owned by Margaret McCutchen, et al, for a distance of 207.13 feet, then in the same direction for a distance of 59.42 feet between the land of McCutchen and a lot owned by John Mardis as shown on plat attached hereto be and same is hereby closed.

This Ordinance shall be effective upon its passage and publication, and the procedures directed to complete the closing are hereby directed to be instituted. J. Gran Clark, Jr. is directed to file the procedures on behalf of the City of Russellville with all costs of said procedure to be borne by Margaret McCutchen.

FIRST READING conducted on the 8th day of August, 1989.

SECOND READING conducted and passage by roll call vote this
22nd day of August, 1989.

AYES:	NAYES:	ABSTAINING:	ABSENT:
<u>Everett Daniel</u>	<u>None</u>	<u>None</u>	<u>None</u>
<u>Jean Hankins</u>	<u> </u>	<u> </u>	<u> </u>
<u>Russell Jones</u>	<u> </u>	<u> </u>	<u> </u>
<u>Howard Wren</u>	<u> </u>	<u> </u>	<u> </u>
<u>Richard Simmons</u>	<u> </u>	<u> </u>	<u> </u>
<u>Willie Hampton</u>	<u> </u>	<u> </u>	<u> </u>

CITY OF RUSSELLVILLE

BY: 
KEN SMITH, MAYOR

ATTEST:


PEGGY JENKINS, CITY CLERK