

190 (7)

RECORDED IN Misc BOOK
NO. 76 PAGE 733

ORDINANCE 2003-10

AN ORDINANCE TO CLOSE THE ALLEY ON THE NORTH SIDE OF LOTS 19, 20, 21 AND 22 OF RILEY SUBDIVISION; PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING A SEVERABILITY CLAUSE AND REPEALER CLAUSE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RUSSELLVILLE, KENTUCKY, THAT:

WHEREAS, on or about April 16 - 19, 1946, a Plat was lodged of record with the Logan County Court Clerk dedicating an alley on the northern side of Lots 19, 20, 21 and 22 of Riley Subdivision in Russellville, Logan County, Kentucky; and

WHEREAS, all landowners of the properties in and surrounding Lots 19, 20, 21 and 22 of Riley Subdivision of given consent to the closing of this alley, said Affidavits being attached hereto and incorporated by reference herein; and

WHEREAS, the City Council in and for the City of Russellville, Kentucky, deems it appropriate for the health, safety and welfare of its citizenry to close the aforementioned alley, and for the land to revert back to the owners of Lots 19, 20, 21 and 22;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RUSSELLVILLE, KENTUCKY, THAT:

CITY HEREBY MAKES THE FOLLOWING FINDINGS OF FACT:

A) All of the property owners in or abutting this alley or portion thereof to be closed have been identified; and,

B) Written notice has been given to all of these property owners to notify each of the proposed closing of this alley.

C) Attached hereto are Affidavits from each property owner to whom notice was sent in which each has consented to the closing of this alley.

NOW, THEREFORE, BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF RUSSELLVILLE, KENTUCKY, THAT: AS FOLLOWS:

I. In Riley Subdivision, as found in Plat recorded in Deed Book 142, Page 140, in the office of the Clerk of the Logan County Court, the alley immediately north of Lots 19, 20, 21 and 22 is hereby closed, and the lands constituting said alley shall revert to the owners of Lots 19, 20, 21 and 22 in fee simple absolute, subject, however, to all restrictions of record and to the zoning laws and regulations of the City of Russellville, Kentucky.

734

II. Repealer Clause - All ordinances or parts of ordinances in conflict herewith now in effect are hereby repealed.

III. Severability Clause - If any court of competent jurisdiction shall rule any clause, provision or section of this ordinance void or unenforceable, the remainder hereof is intended to be enacted and shall be in force and effect notwithstanding.

IV. Effective Date - This ordinance shall be effective upon its passage and publication as required by law.

FIRST READING conducted the 8th day of July, 2003.

SECOND READING CONDUCTED AND PASSAGE by roll call vote this
22nd day of July, 2003.

AYES: Barrett, Ken; Bell, Patricia; Hankins, Jean; Jones,
Russell; Sweatt, Marie; Wren, Howard

NAYS: none.

ABSENT: none.

ABSTAINING: none.

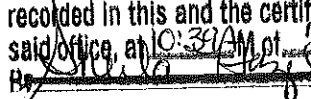

SHIRLEE YASSNEY, MAYOR

735

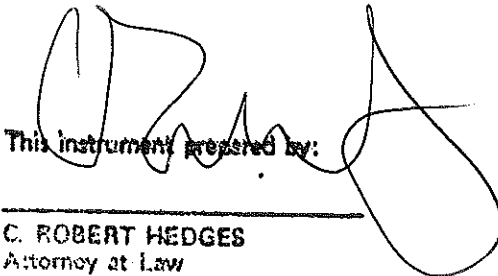
ATTEST:

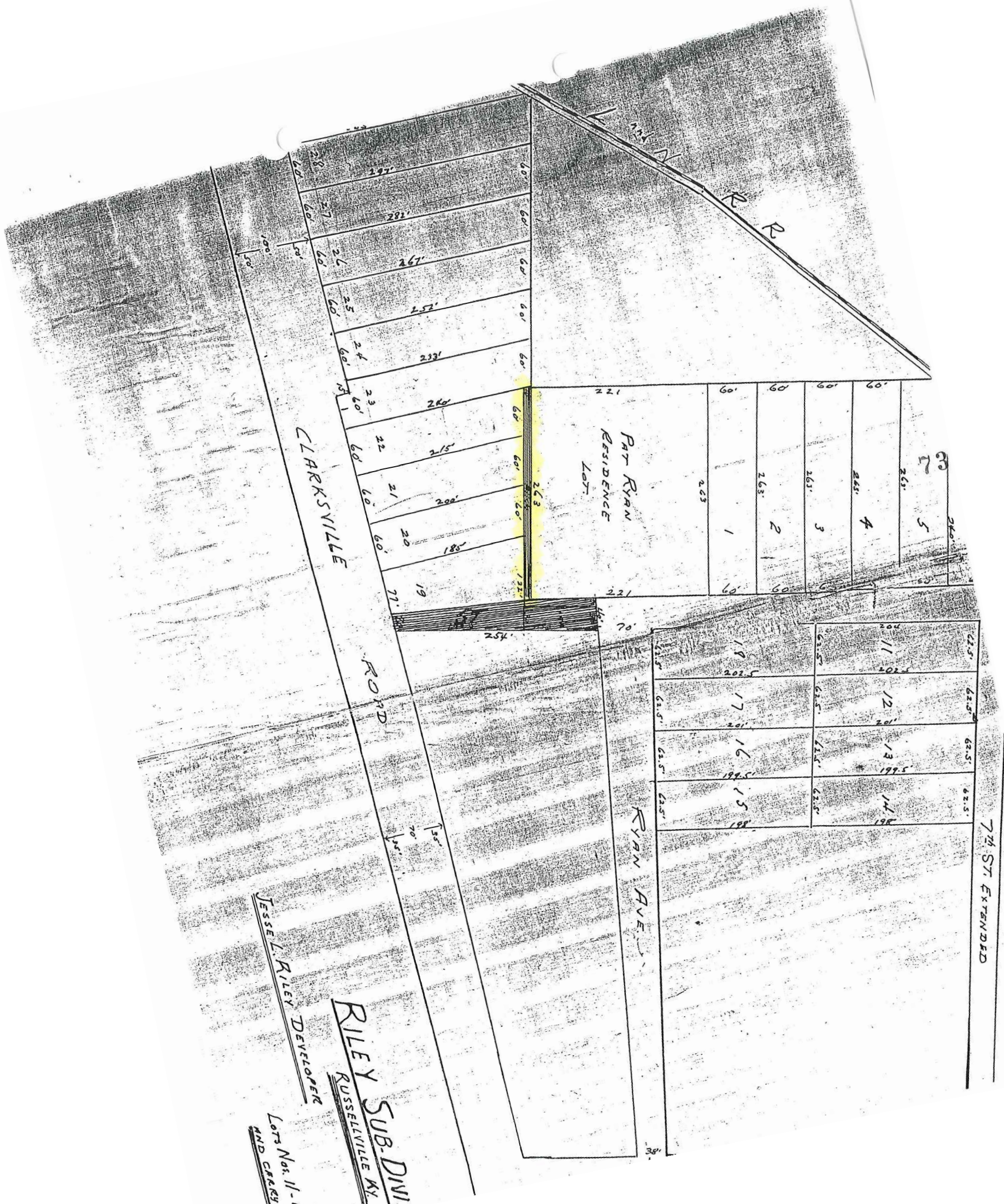

PEGGY S. JENKINS, CITY CLERK

STATE OF KENTUCKY
COUNTY OF LOGAN

I, Kenny Chapman, Clerk of Logan County
do certify that the foregoing instrument was this
day lodged in my office for record and that I have
recorded in this and the certificate thereon, in my
said office, at 10:39 AM, of 7-30-2003
By  H.C.

This instrument prepared by:


C. ROBERT HEDGES
Attorney at Law
Russellville, Kentucky



JESSE L. RILEY DEVELOPER
LOTS Nos. 11-18^A
AND CARRY RES

RILEY SUB-DIV.
RUSSELLVILLE KY

724 ST. EXTENDED


A F F I D A V I T

STATE OF KENTUCKY)
) SS:
COUNTY OF LOGAN)

David Farmer and Christi Farmer, being first duly cautioned and sworn, depose and state as follows:

1. We are record owners of real property that is located at 434 Maple Lane, Russellville, Logan County, Kentucky.
2. That we are aware that John Mardis is requesting the City Council in and for Russellville, Kentucky, to close an existing City alley located on the Mardis property, which abuts or adjoins our property.
3. That we are in agreement to closing this alley, and we hereby give our consent to its closing.

FURTHER, Affiants sayeth naught.


DAVID G. FARMER

Christi Farmer
CHRISTI FARMER

SWORN TO and subscribed in my presence this the 3rd day of July, 2003.

Jan W. Robbins
NOTARY PUBLIC

My commission expires: _____

MY COMMISSION EXPIRES JULY 16, 2003

A F F I D A V I T

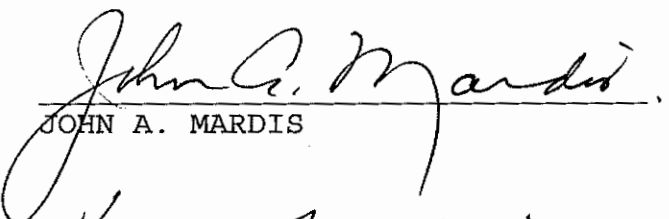
STATE OF KENTUCKY)
) SS:
COUNTY OF LOGAN)

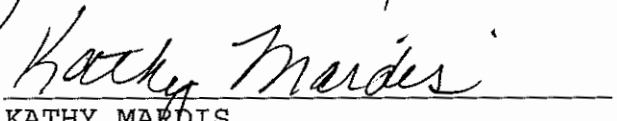
John Mardis and Kathy Mardis, being first duly cautioned and sworn, depose and state as follows:

1. We are record owners of real property that is located at 802 West Ninth Street, Russellville, Logan County, Kentucky.
2. That we are requesting the City Council in and for Russellville, Kentucky, to close an existing City alley which runs through our property.
3. That we are in agreement to closing this alley, and we hereby give our consent to its closing.

738

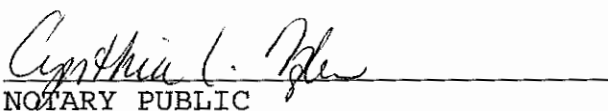
FURTHER, Affiants sayeth naught.



JOHN A. MARDIS


KATHY MARDIS

SWORN TO and subscribed in my presence this the 26 day of June, 2003.



NOTARY PUBLIC

My commission expires: 2/21/05

A F F I D A V I T

STATE OF KENTUCKY)
) SS:
COUNTY OF CHRISTIAN)

Eston Glover, Jr., being first duly cautioned and sworn,
deposes and state as follows:

1. I am General Manager for Pennyrile Rural Electric Cooperative Corporation ("PRECC"), record owner of real property at 890 Orchard Drive, Russellville, Logan County, Kentucky.
2. That PRECC is aware that John Mardis is requesting the City Council in and for Russellville, Kentucky, to close an existing City alley located on the Mardis property, which abuts or adjoins property owned by PRECC.
3. That PRECC is in agreement to closing this alley, and I have the authority to give the consent for PRECC for its closing.

739

FURTHER, Affiant sayeth naught.

PENNYRILE RURAL ELECTRIC
COOPRATIVE CORPORATION

By: Eston Glover Jr.
ESTON GLOVER, JR., GENERAL MANAGER

SWORN TO and subscribed in my presence this the 25th day of June, 2003.

Carmen E. Spurlin
NOTARY PUBLIC

My commission expires: December 13, 2005