

ORDINANCE 2004-04

AN ORDINANCE ESTABLISHING A PUBLIC NEED FOR UNITED DRIVE, LOCATED IN THE CITY OF RUSSELLVILLE, KENTUCKY, AND AUTHORIZING ITS TAKING IN ACCORDANCE WITH THE EMINENT DOMAIN ACT OF KENTUCKY; PROVIDING FOR A REPEALER CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

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

WHEREAS, the City of Russellville is the owner of a certain parcel of land within the corporate limits of the City of Russellville, and being more particularly described as follows:

Being a certain parcel of land in the City of Russellville, Logan County, Kentucky, located on the West side of Shelton Lane and consisting of a portion of Tract 11 of Steele Property Subdivision as shown by plat of record in Envelope 94 plat #178 in the Office of the Logan County Court Clerk, and being more particularly described as follows:

Beginning at an iron pin with cap marked R.L.S. #2474 in the West right of way line of Shelton Lane, located 30 ft. from the centerline of said street and being a corner with Tract 9 of Steele Property Subdivision; thence with the line of Tract 9 of said subdivision and with a curve to the right having a radius of 20 ft. and a long chord of South 21 Degrees 59 Minutes 05 Seconds West 28.28 ft. to an iron pin with cap; thence with said line South 66 Degrees 59 Minutes 05 Seconds West 803.01 ft. to an iron pin with cap; thence with said line North 17 Degrees 00 Minutes 00 Seconds West 311.72 ft. to an iron pin with cap, a new corner with Citizens National Bank; thence with a new division line with Citizens National Bank North 66 Degrees 59 Minutes 05 Seconds East 790.34 ft. to an iron pin with cap, a new corner in the West right of way line of Shelton Lane; thence with said right of way line South 23 Degrees 00 Minutes 55 Seconds East 290.0 ft. to the beginning, containing 5.74 acres, more or less, as shown by a survey conducted under the direction of Frank J. Kondracki, Jr., R.L.S. #2474 in the month of May, 1990.

Being the same property conveyed to City of Russellville, Kentucky from Citizens National Bank, by deed dated May 18, 1990, of record in Deed Book 267, page 198, in the Office of the Logan County Court Clerk.

WHEREAS, the City of Russellville constructed an industrial building on this property in 1990, and since that date the property has been leased to an industrial tenant; and

WHEREAS, this property is being used for the benefit of the citizens of the City of Russellville, with the tenant paying a fair market rental value to the City of Russellville; with the tenant remitting payroll withholdings to the City of Russellville; with the tenant paying Net Profits License Fees to the City of Russellville; and with the tenant providing jobs to citizens of the City of Russellville; and,

WHEREAS, the City of Russellville has paved a strip of land, known commonly as "United Drive", to provide ingress and egress to the above-described parcel of land, and "United Drive" is not officially a City Street owned by the City of Russellville, Kentucky; and,

WHEREAS, it is necessary and proper for the City of Russellville, Kentucky, to acquire "United Drive" by Eminent Domain in order to further the public good of the citizens of the City of Russellville;

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

1. The City of Russellville hereby authorizes its attorney to institute an action under the Eminent Domain Act of Kentucky to acquire that certain strip of land known as "United Drive" as located in the City of Russellville, Kentucky, and described as follows:

Unless stated otherwise, any monument referred to herein as a "set iron pin" is a 5/8" diameter steel reinforcing bar, eighteen inches in length with a plastic cap stamped "J. L. Harris - P.L.S. 3148". All bearings stated herein are referred to found monumentation as described in Deed Book 256, Page 171, in the office of the Clerk of the Logan County Court.

Beginning at a found iron pin #3148 in the southwest right-of-way of Shelton Lane (60' right-of-way), corner to the City of Russellville (Deed Book 267, Page 198); thence leaving said right-of-way with the line of the City of Russellville along an arc to the right having a radius of 20.00 feet, an arc length of 31.42 feet and a chord distance 28.28 feet bearing S 24° 08' 06" W to a found iron pin #3148; thence S 69° 08' 44" W 803.01 feet to a found iron pin #3148; thence turning left crossing the property of Kemp, Kemp and Fuqua S 14° 50' 21" E 60.33 feet to a set iron pin, corner to Cataxinos "Greene" (Deed Book 249, Page 217); thence turning left with the line of Cataxinos "Greene" N 69° 08' 44" E 809.33 feet to a set iron pin; thence along an arc to the right having a radius of 20.00 feet, an arc length of 31.41 feet and a chord distance of 28.28 feet bearing S 65° 51' 09" E to a set iron pin in said right-of-way; thence turning left with said right-of-way N 20° 51' 16" W 100.00 feet to the point of beginning. Described parcel containing 49,742 square feet or 1.14 acres as shown by survey performed by Jeffrey L. Harris, P.L.S. #3148 with Benchmark Land Surveying, dated May 14, 2004.

Being a part of the same property conveyed to R. L. Kemp, et al, as found of record in Deed Book 248, Page 603, in the office of the Clerk of the Logan County Court.

2. The City of Russellville authorizes the Mayor to promptly pay to the Logan Circuit Court Clerk the award of the Commissioners of the Logan Circuit Court for the fair market value of the land to be acquired by condemnation proceedings.

3. All ordinances or parts of ordinances in conflict herewith now in effect are hereby repealed.

4. 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.

5. This ordinance shall be effective upon its passage and publication as required by law.

FIRST READING conducted the 18th day of May, 2004.

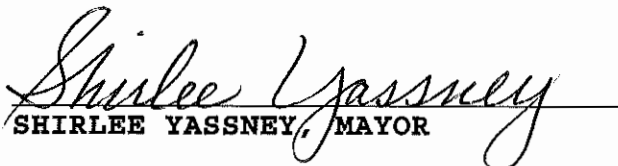
SECOND READING and passage by roll call vote the 8th day of June, 2004.

Ayes: Barrett, Ken; Bell, Patricia; Hankins, Jean; Jones, Russell; Wren, Howard

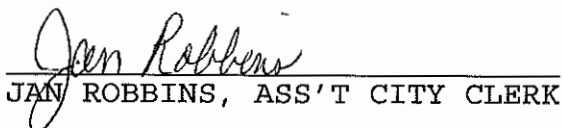
Nays: none

Abstaining: none

Absent: Sweatt, Marie


SHIRLEE YASSNEY, MAYOR

ATTEST:


JAN ROBBINS, ASS'T CITY CLERK