

RECORDED IN misc BOOK  
NO. 82 PAGE 395

**CITY OF RUSSELLVILLE, KENTUCKY  
ORDINANCE 2005-06**

AN ORDINANCE CLOSING AN ALLEY EXTENDING EAST AND WEST  
BETWEEN LOTS NO. 30-31, AND LOTS NO. 32-33,  
IN EDWARDS ADDITION; PROVIDING FOR AN EFFECTIVE DATE, SEVERABILITY  
CLAUSE AND REPEALER CLAUSE.

\*\* \*\* \*

**WHEREAS**, on October 16, 1816, the Trustees for the Town of Russellville,  
Kentucky, established boundaries for certain lots located in Edwards Addition in the  
Town of Russellville, Kentucky; and,

**WHEREAS**, a Plat was lodged of record in Deed Book G, Page 57, in the office  
of the Clerk of the Logan County Court showing the numbered lots in Edwards Addition,  
and,

**WHEREAS**, a Deed was later lodged of record giving rise to the possible  
existence of an alley extending East and West between Lots No. 30-31 and Lots No. 32-  
33, in Edwards Addition, in the City of Russellville, Kentucky, as more fully found in  
Commissioner's Book 8, Page 152, in the office of the Clerk of the Logan County Court;  
and,

**WHEREAS**, the current owner of Lot 33 desires for this alley to be closed; and,

**WHEREAS**, it is questionable as to whether this alley is one which is a public  
alley of the City of Russellville, Kentucky, but if it is, the Council in and for the City of  
Russellville, Kentucky, does not object to its closing, and whatever interest the City of  
Russellville, Kentucky may have in this alley to revert to the original landowner(s); and,

LOGGED FOR RECORD  
05 APR 25 AM 11:29  
CLERK OF LOGAN COUNTY

LOGGED FOR RECORD  
05 APR 25 AM 11:29  
CLERK OF LOGAN COUNTY

**WHEREAS**, all landowners of the properties in and around all of the surrounding lots in Edwards Addition have 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 original owners;

**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,

396

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:**

**I. Relinquishment of Right, Title and Interest** – Located in Edwards Addition, as found in Plat recorded in Deed Book G, Page 57, in the office of the Clerk of the Logan County Court, the alley extending East and West between Lots No. 30-31 and Lots No. 32-33, the City of Russellville hereby relinquishes any right, title or interest in and to this alley, and this alley is hereby closed, and the lands

constituting said alley shall revert to the rightful owners thereof, subject, however, to all restrictions of record and to the zoning laws and regulations of the City of Russellville, Kentucky.

**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.

397

**FIRST READING** conducted the 5<sup>th</sup> day of April, 2005.

**SECOND READING and passage** the 19<sup>th</sup> day of April, 2005.

*Shirlee Yassney*  
SHIRLEE YASSNEY, MAYOR

Ayes: Jones, Russell; McPherson, Lanny; Phillips, Charles; Stratton, Mark; Whipple, Jack

Nays: none

Abstaining: none

Absent: Zick, Eugene

**ATTEST:**

*Bob Riggs*  
BOB RIGGS, 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 11:24 AM of 4.25 20.05 A.E.  
*Kenny Chapman*

*Prepared by  
Robert Hedges  
City Attorney*

**AFFIDAVIT**

STATE OF KENTUCKY    )  
                                  ) SS:  
COUNTY OF LOGAN    )

John Turner, being first duly cautioned and sworn, deposes and states as follows:

1. I am the President of Shaker Realty and Auction Co., Inc., owner of real property located in the City of Russellville, Kentucky, more fully described in Deed Book No. 288, page 510, which is in the block between Blakey Street and Bethel Street, and between Fourth Street and Third Street.

2. That Shaker Realty is aware that William T. Forgy is requesting the City Council in and for Russellville, Kentucky, to close an existing alley in the block aforementioned, which abuts or adjoins Shaker Realty's property.

3. That Shaker Realty is in agreement to closing this alley, conditioned upon Shaker Realty receiving fee simple ownership of the 15 foot wide alley from the Wilhelm corner to the Forgy corner.

398

Further, Affiant sayeth naught.

SHAKER REALTY & AUCTION CO., INC.

By John Turner  
JOHN TURNER, PRESIDENT

SUBSCRIBED AND SWORN TO in my presence, this the 21<sup>st</sup> day of October, 2003.

[Signature]  
Notary Public  
My Commission expires: 11/29/05

Creek

Wilhelm

BALTON

To  
SHAKES

SHAKES

399

Metals  
Building

Second Street

SWIFT

OLD CAR WASH

15'  
alley

FORAY

BLAKEY

NOTICE REGARDING ORDINANCE 2003-13

TO WHOM IT MAY CONCERN:

The City Council in and for the City of Russellville, Kentucky, is considering an Ordinance to close an alleyway that either abuts or adjoins your property.

This existing alleyway is found in the block between Blakey Street and Bethel Street, and between Fourth Street and Third Street. This alley is more formally described in a Deed existing on file in the office of the Clerk of the Logan County Court, found in Commissioner's Book 8, Page 152, recorded on February 12, 1924, as follows:

Located in Edwards Addition, as found in Plat recorded in Deed Book G, Page 57, in the office of the Clerk of the Logan County Court, the alley extending East and West between Lots No. 30-31 and Lots No. 32-33.

400

If you object to this closing of this alley, please contact your representative on City Council, and/or please attend the City Council meeting on October 21, 2003, to make your objections known. Otherwise, City Council may take action to close this alley to any future use by the public.

CITY OF RUSSELLVILLE, KENTUCKY



BILL PEARSON  
BILL PEARSON  
BUILDING CODES AND ZONING  
ENFORCEMENT ADMINISTRATOR

A F F I D A V I T

STATE OF KENTUCKY     )  
                                  ) SS:  
COUNTY OF LOGAN     )

John Turner, being first duly cautioned and sworn, deposes and states as follows:

1. I am President of Shaker Realty & Auction Co., Inc., owner of real property located in the City of Russellville, Kentucky, more fully described in Deed Book 288, 510, which is in the block between Blakey Street and Bethel Street, and between Fourth Street and Third Street.
2. That Shaker Realty is aware that William T. Forgy is requesting the City Council in and for Russellville, Kentucky, to close an existing alley in the block aforementioned, which abuts or adjoins Shaker Realty's property.
3. That Shaker Realty is in agreement to closing this alley.

401

**FURTHER,** Affiant sayeth naught.

SHAKER REALTY & AUCTION CO., INC.

by: \_\_\_\_\_  
JOHN TURNER, PRESIDENT

**SWORN TO** and subscribed in my presence this the \_\_\_ day of October, 2003.

\_\_\_\_\_  
NOTARY PUBLIC

My commission expires: \_\_\_\_\_

A F F I D A V I T


STATE OF KENTUCKY )  
 ) SS:  
COUNTY OF LOGAN )


Thomas Bouldin and wife, Lori Bouldin, being first duly cautioned and sworn, depose and state as follows:

1. We are owners of real property located in the City of Russellville, Kentucky, more fully described in Deed Book 292, 510, which is in the block between Blakey Street and Bethel Street, and between Fourth Street and Third Street.
2. That we are aware that William T. Forgy is requesting the City Council in and for Russellville, Kentucky, to close an existing alley in the block aforementioned, which abuts or adjoins our property.
3. That we are in agreement to closing this alley.

402

**FURTHER,** Affiants sayeth naught.

  
\_\_\_\_\_  
THOMAS BOULDIN

  
\_\_\_\_\_  
LORI BOULDIN

SWORN TO and subscribed in my presence this the 9<sup>th</sup> day of ~~October~~, 2003.  
*December*

  
\_\_\_\_\_  
NOTARY PUBLIC

My commission expires: 7-2-07



AFFIDAVIT

STATE OF KENTUCKY )  
 ) SS:  
COUNTY OF LOGAN )

Phillip Gregory, married, being first duly cautioned and sworn, deposes and state as follows:

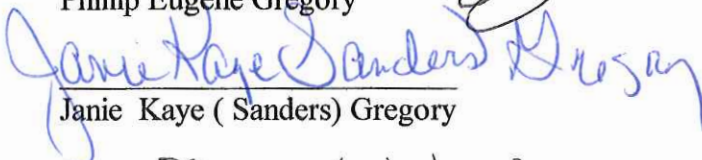
1. I am the owner of real property located in the City of Russellville Kentucky, more fully described in Deed Book 354 page 517 which is in the block between Blakey Street and Bethel Street, and between Fourth Street and Third Street.
2. That I am requesting the City council in and for the City of Russellville, Kentucky, to close an existing alley in the aforementioned, which abuts or adjoins my property.
3. That I am in agreement to closing this alley, conditioned upon my receiving in fee simple ownership of the 15 foot wide portion of the aforementioned alley from Bethel Street to the Shaker Realty property corner

403

Further, Affiant sayeth naught.



Phillip Eugene Gregory



Janie Kaye ( Sanders) Gregory

Sworn To and subscribed in my presence this the 30 day of September 2004.  
2004.

Mary C. Whitescano  
NOTARY PUBLIC

My commission expires June 19, 2006

**AFFIDAVIT**

STATE OF KENTUCKY )  
 ) SS:  
COUNTY OF LOGAN )

William T. Forgy, single, being first duly cautioned and sworn, deposes and state as follows:

1. I am the owner of real property located in the City of Russellville Kentucky, more fully described in Deed Book 345- page 69, which is in the block between Blakey Street and Bethel Street, and between Fourth Street and Third Street.
2. That I am requesting the City council in and for the City of Russellville, Kentucky, to close an existing alley in the aforementioned, which abuts or adjoins my property.
3. That I am in agreement to closing this alley, conditioned upon my receiving in fee simple ownership of the 15 foot wide portion of the aforementioned alley from Blakey Street to the Shaker Realty property corner

404

Further, Affiant sayeth naught.

*William T. Forgy*  
William T. Forgy

Sworn To and subscribed in my presence this the 18 day of Oct. 2004.

*Stephen D. Clarke*  
NOTARY PUBLIC

My commission expires 9-20-2007

A F F I D A V I T


STATE OF KENTUCKY     )  
                                  ) SS:  
COUNTY OF LOGAN     )


Mark C. Wetton and wife, Beth M. Wetton, being first duly cautioned and sworn, depose and state as follows:

1. We are owners of real property located in the City of Russellville, Kentucky, more fully described in Deed Book 292, Page 510, which is in the block between Blakey Street and Bethel Street, and between Fourth Street and Third Street.
2. That we are aware that William T. Forgy is requesting the City Council in and for Russellville, Kentucky, to close an existing alley in the block aforementioned, which abuts or adjoins our property.
3. That we are in agreement to closing this alley.


405

**FURTHER,** Affiants sayeth naught.

  
\_\_\_\_\_  
MARK C. WETTON

  
\_\_\_\_\_  
BETH M. WETTON

SWORN TO and subscribed in my presence this the 22<sup>nd</sup> day of October, 2003.

  
\_\_\_\_\_  
NOTARY PUBLIC

My commission expires: 11/17/04