

**CITY OF RUSSELLVILLE, KENTUCKY
ORDINANCE 2011-09**

**AN ORDINANCE CLOSING A PORTION OF WEST FOURTH STREET AND
EXCHANGING IT FOR A RIGHT OF WAY DEDICATION
FROM FIRST SOUTHERN NATIONAL BANK**

WHEREAS, the City of Russellville, Kentucky, accepted an addition to the boundaries of the City known as the Curd Addition as shown in Deed Book E page 36, which included an extension of Fourth Street in a westerly direction from it's intersection with Bethel Street;

AND WHEREAS, the City of Russellville, Kentucky, and First Southern National Bank have reached an agreement to close a portion of West Fourth Street in exchange for the dedication of a new right of way;

WHEREAS, First Southern National Bank is the adjoining owner of all sections of the West Fourth Street that is to be closed; and

WHEREAS, The City Council in and for the City of Russellville, Kentucky, deems it appropriate for the health, safety and welfare of its citizens to close the aforementioned portion of the street, and for the land to revert to First Southern National Bank as the adjoining land owner and to accept the hereafter described property as a dedicated right of way;

**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) First Southern National Bank is the sole property owner adjoining the following portion of West Fourth Street which is to be closed:

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 A MAGNETIC OBSERVATION DATED JANUARY 08, 2008.

BEGINNING AT A SET IRON PIN IN THE RIGHT-OF-WAY INTERSECTION OF BETHEL STREET (60' RIGHT-OF-WAY), WEST FOURTH STREET (50' RIGHT-OF-WAY) AND U. S. HIGHWAY 68-80 (HOPKINSVILLE ROAD) RIGHT-OF-WAY VARIES; THENCE WITH THE SOUTHEAST RIGHT-OF-WAY OF WEST FOURTH STREET S 67°54'49" W 129.23 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 488.00 FEET, AN ARC LENGTH OF 166.39 FEET AND A CHORD DISTANCE OF 165.58 FEET BEARING S 77°40'52" W TO A SET IRON PIN IN THE SOUTHEAST RIGHT-OF-WAY INTERSECTION OF WEST FOURTH STREET AND STUART AVENUE (50' RIGHT-OF-WAY); THENCE TURNING RIGHT ON A NEW DIVISION LINE N 20°52'36" W 34.90 FEET TO A SET ALUMINUM DISK WITH MAGNET; THENCE TURNING RIGHT N 33°57'43" E 20.99 FEET TO A SET ALUMINUM DISK WITH MAGNET; THENCE TURNING RIGHT WITH THE NORTHWEST RIGHT-OF-WAY OF WEST FOURTH STREET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 438.00 FEET, AN ARC LENGTH OF 147.82 FEET AND A CHORD DISTANCE OF 147.12 FEET BEARING N 77°34'55" E; THENCE N 67°54'49" E 77.77 FEET TO A SET IRON PIN IN THE SOUTHWEST RIGHT-OF-WAY OF U. S. HIGHWAY 68-80; THENCE TURNING RIGHT S 67°54'55" E 71.76 FEET TO THE POINT OF BEGINNING. DESCRIBED PARCEL **CONTAINING 13,330 SQUARE FEET OR 0.31 ACRE** AS SHOWN BY SURVEY PERFORMED BY JEFFREY L. HARRIS, P.L. S. #3148 WITH BENCHMARK LAND SURVEYING, DATED MARCH 23, 2011. BEING A PORTION OF WEST FOURTH STREET.

B) First Southern National Bank has agreed to dedicate the following described property to the City of Russellville for use as a public road:

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 A MAGNETIC OBSERVATION DATED JANUARY 08, 2008.

PARCEL ONE: BEGINNING AT A POINT IN THE SOUTHWEST RIGHT-OF-WAY U.S. HIGHWAY 68-80 (HOPKINSVILLE ROAD) RIGHT-OF-WAY VARIES, SAID POINT BEING A NEW CORNER LOCATED S 73°48'36" E 12.72 FEET FROM THE CORNER OF WILLIAMS (DEED BOOK 311 PAGE 802) WHICH IS LOCATED NEAR THE CENTER OF TOWN BRANCH; THENCE WITH SAID RIGHT-OF-WAY

S 73°48'36" E 119.90 FEET TO A SET IRON PIN, WHILE PASSING THROUGH A SET REFERENCE IRON PIN AT 22.28 FEET; THENCE TURNING LEFT N 16°11'24" E 5.00 FEET TO A SET IRON PIN; THENCE TURNING RIGHT S 73°48'36" E 80.76 FEET TO A SET ALUMINUM DISK WITH MAGNET, A NEW CORNER; THENCE TURNING RIGHT LEAVING SAID RIGHT-OF-WAY ON A NEW DIVISION LINE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 26.00 FEET, AN ARC LENGTH OF 44.84 FEET AND A CHORD DISTANCE OF 39.48 FEET BEARING S 44°51'46" W TO A SET ALUMINUM DISK WITH MAGNET; THENCE S 03°41'22" E 10.73 FEET TO A SET ALUMINUM DISK WITH MAGNET; THENCE S 19°02' 08" W 73.97 FEET TO A SET ALUMINUM DISK WITH MAGNET IN THE NORTH RIGHT-OF-WAY OF WEST FOURTH STREET (50' RIGHT-OF-WAY); THENCE TURNING RIGHT WITH SAID RIGHT-OF-WAY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 438.00 FEET, AN ARC LENGTH OF 6.42 FEET AND A CHORD DISTANCE OF 6.42 FEET BEARING S 87°40'13" W; THENCE S 88°05'25" W 80.04 FEET TO A SET ALUMINUM DISK WITH MAGNET, A NEW CORNER; THENCE TURNING RIGHT LEAVING SAID RIGHT-OF-WAY ON A NEW DIVISION LINE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 56.00 FEEL AN ARC LENGTH OF 160.27 FEET AND A CHORD DISTANCE OF 110.91 FEET BEARING N 06°06'40" E TO A SET IRON PIN; THENCE N 75°52'16" W 52.90 FEET TO A SET IRON PIN; THENCE TURNING RIGHT N 23°09'31" W 42.97 FEET TO THE POINT OF BEGINNING. DESCRIBED PARCEL **CONTAINING 10,758 SQUARE FEET OR 0.25 ACRE** AS SHOWN BY SURVEY PERFORMED BY JEFFREY L. HARRIS, P.L.S. #3148 WITH BENCHMARK LAND SURVEYING, DATED MARCH 23, 2011.

BEING A PORTION OF PARCEL ONE AND A PORTION OF PARCEL TWO OF THE PROPERTY CONVEYED TO FIRST SOUTHERN NATIONAL BANK BY DEED RECORDED DEED BOOK 378 PAGE 116 AND A PORTION OF THE PROPERTY CONVEYED TO FIRST SOUTHERN NATIONAL BANK BY DEED RECORDED IN DEED BOOK 377 PAGE 603, IN THE OFFICE OF THE CLERK OF THE LOGAN COUNTY CLERK.

PARCEL TWO: 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 A MAGNETIC OBSERVATION DATED JANUARY 08, 2008.

BEGINNING AT A POINT LOCATED N 22°05'41" W 36.99 FEET FROM A SET IRON PIN AT THE NORTHEAST CORNER OF FIRST SOUTHERN NATIONAL BANK (DEED BOOK 176 PAGE 090) AND ALSO LOCATED IN THE SOUTHWEST RIGHT-OF-WAY OF BETHEL STREET (60' RIGHT-OF-WAY), CORNER TO STUART - FARMER (DEED BOOK 342 PAGE 671 - PARCEL NINE) AND AT THE

SOUTHEAST CORNER OF THE PARENT TRACT; THENCE LEAVING SAID RIGHT-OF-WAY WITH THE LINE OF STUART - FARMER S 66°32'30" W 296.22 FEET TO A POINT IN THE NORTHEAST RIGHT-OF-WAY OF STUART AVENUE ; (50' RIGHT-OF-WAY); THENCE TURNING RIGHT WITH SAID RIGHT-OF-WAY N 20°52'36" W 22.97 FEET TO A SET IRON PIN, A NEW CORNER; THENCE TURNING RIGHT LEAVING SAID RIGHT-OF-WAY ON A NEW DIVISION LINE N 67°32'27" E 111.10 FEET; THENCE N 70°06'02" E 90.59 FEET; THENCE N 67°59'37" E 94.03 FEET TO A SET ALUMINUM DISK WITH MAGNET IN THE SOUTHWEST RIGHT-OF-WAY OF BETHEL STREET; THENCE TURNING RIGHT WITH SAID RIGHT-OF-WAY S 22°05'41" E 13.01 FEET TO THE POINT OF BEGINNING. DESCRIBED PARCEL CONTAINING 5,432 SQUARE FEET OR 0.12 ACRE AS SHOWN BY SURVEY PERFORMED BY JEFFREY L. HARRIS, P.L.S. #3148 WITH BENCHMARK LAND SURVEYING, DATED MARCH 23, 2011.

BEING A PORTION OF THE PROPERTY CONVEYED TO FIRST SOUTHERN NATIONAL BANK BY DEED RECORDED IN DEED BOOK 377 PAGE 596 IN THE OFFICE OF THE CLERK OF THE LOGAN COUNTY COURT.

PARCEL THREE: 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 A MAGNETIC OBSERVATION DATED JANUARY 08, 2008.

BEGINNING AT A SET IRON PIN IN THE SOUTHWEST RIGHT-OF-WAY OF BETHEL STREET (60' RIGHT-OF-WAY) AND AT THE NORTHEAST CORNER OF FIRST SOUTHERN NATIONAL BANK (DEED BOOK 176 PAGE 090); THENCE LEAVING SAID RIGHT-OF-WAY WITH THE LINE FIRST SOUTHERN S 67°59'37" W 95.03 FEET TO A POINT; THENCE ON A NEW DIVISION LINE S 70°06'02" W 90.39 FEET; THENCE S 67°32'27" W 111.36 FEET TO A SET ALUMINUM DISK WITH MAGNET IN THE NORTHEAST RIGHT-OF-WAY OF STUART AVENUE (50' RIGHT-OF-WAY); THENCE TURNING RIGHT WITH SAID RIGHT-OF-WAY N 20°52'36" W 27.05 FEET TO A POINT, CORNER TO FIRST SOUTHERN NATIONAL BANK (DEED BOOK 377 PAGE 596); THENCE TURNING RIGHT LEAVING SAID RIGHT-OF-WAY WITH THE LINE OF FIRST SOUTHERN N 66°32'30" E 296.22 FEET TO A POINT IN THE SOUTHWEST RIGHT-OF-WAY OF BETHEL STREET; THENCE TURNING RIGHT WITH SAID RIGHT-OF-WAY S 22°05'41" E 36.99 FEET TO THE POINT OF BEGINNING. DESCRIBED PARCEL CONTAINING 9,381 SQUARE FEET OR 0.22 ACRES AS SHOWN BY SURVEY PERFORMED BY JEFFREY L. HARRIS, P.L. S. #3148 WITH BENCHMARK LAND SURVEYING, DATED MARCH 23, 2011.

BEING THE SAME PROPERTY CONVEYED TO FIRST SOUTHERN NATIONAL

BANK BY DEED DATED JULY 11, 2011 AS RECORDED IN DEED BOOK 400
PAGE 547 IN THE LOGAN COUNTY COURT CLERK'S OFFICE.

NOW, THEREFORE, BE IT FURTHER ORDAINED BY THE CITY COUNCIL

OF THE CITY OF RUSSELLVILLE, KENTUCKY, THAT:

I. Relinquishment of Right, Title and Interest – The City of Russellville hereby relinquishes any right, title and interest in and to the following portion of West Fourth Street and same is hereby closed, and the lands constituting said property shall be deeded to First Southern National Bank:

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 A MAGNETIC OBSERVATION DATED JANUARY 08, 2008.

BEGINNING AT A SET IRON PIN IN THE RIGHT-OF-WAY INTERSECTION OF BETHEL STREET (60' RIGHT-OF-WAY), WEST FOURTH STREET (50' RIGHT-OF-WAY) AND U. S. HIGHWAY 68-80 (HOPKINSVILLE ROAD) RIGHT-OF-WAY VARIES; THENCE WITH THE SOUTHEAST RIGHT-OF-WAY OF WEST FOURTH STREET S 67°54'49" W 129.23 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 488.00 FEET, AN ARC LENGTH OF 166.39 FEET AND A CHORD DISTANCE OF 165.58 FEET BEARING S 77°40'52" W TO A SET IRON PIN IN THE SOUTHEAST RIGHT-OF-WAY INTERSECTION OF WEST FOURTH STREET AND STUART AVENUE (50' RIGHT-OF-WAY); THENCE TURNING RIGHT ON A NEW DIVISION LINE N 20°52'36" W 34.90 FEET TO A SET ALUMINUM DISK WITH MAGNET; THENCE TURNING RIGHT N 33°57'43" E 20.99 FEET TO A SET ALUMINUM DISK WITH MAGNET; THENCE TURNING RIGHT WITH THE NORTHWEST RIGHT-OF-WAY OF WEST FOURTH STREET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 438.00 FEET, AN ARC LENGTH OF 147.82 FEET AND A CHORD DISTANCE OF 147.12 FEET BEARING N 77°34'55" E; THENCE N 67°54'49" E 77.77 FEET TO A SET IRON PIN IN THE SOUTHWEST RIGHT-OF-WAY OF U. S. HIGHWAY 68-80; THENCE TURNING RIGHT S 67°54'55" E 71.76 FEET TO THE POINT OF BEGINNING. DESCRIBED PARCEL **CONTAINING 13,330 SQUARE FEET OR 0.31 ACRE** AS SHOWN BY SURVEY PERFORMED BY JEFFREY L. HARRIS, P.L. S. #3148 WITH BENCHMARK LAND SURVEYING, DATED MARCH 23, 2011. BEING A PORTION OF WEST FOURTH STREET.

II. Acceptance of Right of Way – The City of Russellville hereby agrees to accept the following property from First Southern National Bank as a dedicated right of way:

PARCEL ONE: 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 A MAGNETIC OBSERVATION DATED JANUARY 08, 2008.

BEGINNING AT A POINT IN THE SOUTHWEST RIGHT-OF-WAY U.S. HIGHWAY 68-80 (HOPKINSVILLE ROAD) RIGHT-OF-WAY VARIES, SAID POINT BEING A NEW CORNER LOCATED S 73°48'36" E 12.72 FEET FROM THE CORNER OF WILLIAMS (DEED BOOK 311 PAGE 802) WHICH IS LOCATED NEAR THE CENTER OF TOWN BRANCH; THENCE WITH SAID RIGHT-OF-WAY S 73°48'36" E 119.90 FEET TO A SET IRON PIN, WHILE PASSING THROUGH A SET REFERENCE IRON PIN AT 22.28 FEET; THENCE TURNING LEFT N 16°11'24" E 5.00 FEET TO A SET IRON PIN; THENCE TURNING RIGHT S 73°48'36" E 80.76 FEET TO A SET ALUMINUM DISK WITH MAGNET, A NEW CORNER; THENCE TURNING RIGHT LEAVING SAID RIGHT-OF-WAY ON A NEW DIVISION LINE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 26.00 FEET, AN ARC LENGTH OF 44.84 FEET AND A CHORD DISTANCE OF 39.48 FEET BEARING S 44°51'46" W TO A SET ALUMINUM DISK WITH MAGNET; THENCE S 03°41'22" E 10.73 FEET TO A SET ALUMINUM DISK WITH MAGNET; THENCE S 19°02' 08" W 73.97 FEET TO A SET ALUMINUM DISK WITH MAGNET IN THE NORTH RIGHT-OF-WAY OF WEST FOURTH STREET (50' RIGHT-OF-WAY); THENCE TURNING RIGHT WITH SAID RIGHT-OF-WAY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 438.00 FEET, AN ARC LENGTH OF 6.42 FEET AND A CHORD DISTANCE OF 6.42 FEET BEARING S 87°40'13" W; THENCE S 88°05'25" W 80.04 FEET TO A SET ALUMINUM DISK WITH MAGNET, A NEW CORNER; THENCE TURNING RIGHT LEAVING SAID RIGHT-OF-WAY ON A NEW DIVISION LINE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 56.00 FEEL AN ARC LENGTH OF 160.27 FEET AND A CHORD DISTANCE OF 110.91 FEET BEARING N 06°06'40" E TO A SET IRON PIN; THENCE N 75°52'16" W 52.90 FEET TO A SET IRON PIN; THENCE TURNING RIGHT N 23°09'31" W 42.97 FEET TO THE POINT OF BEGINNING. DESCRIBED PARCEL **CONTAINING 10,758 SQUARE FEET OR 0.25 ACRE** AS SHOWN BY SURVEY PERFORMED BY JEFFREY L. HARRIS, P.L.S. #3148 WITH BENCHMARK LAND SURVEYING, DATED MARCH 23, 2011.

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DEED BOOK 377 PAGE 603, IN THE OFFICE OF THE CLERK OF THE LOGAN COUNTY CLERK.

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WITH MAGNET IN THE NORTHEAST RIGHT-OF-WAY OF STUART AVENUE (50' RIGHT-OF-WAY); THENCE TURNING RIGHT WITH SAID RIGHT-OF-WAY N 20°52'36" W 27.05 FEET TO A POINT, CORNER TO FIRST SOUTHERN NATIONAL BANK (DEED BOOK 377 PAGE 596); THENCE TURNING RIGHT LEAVING SAID RIGHT-OF-WAY WITH THE LINE OF FIRST SOUTHERN N 66°32'30" E 296.22 FEET TO A POINT IN THE SOUTHWEST RIGHT-OF-WAY OF BETHEL STREET; THENCE TURNING RIGHT WITH SAID RIGHT-OF-WAY S 22°05'41" E 36.99 FEET TO THE POINT OF BEGINNING. DESCRIBED PARCEL **CONTAINING 9,381 SQUARE FEET OR 0.22 ACRES** AS SHOWN BY SURVEY PERFORMED BY JEFFREY L. HARRIS, P.L. S. #3148 WITH BENCHMARK LAND SURVEYING, DATED MARCH 23, 2011.

BEING THE SAME PROPERTY CONVEYED TO FIRST SOUTHERN NATIONAL BANK BY DEED DATED JULY 11, 2011 AS RECORDED IN DEED BOOK 400 PAGE 547 IN THE LOGAN COUNTY COURT CLERK'S OFFICE.

- III. Repealer Clause** – All ordinances or parts of ordinances in conflict herewith now in effect are hereby repealed.
- IV. 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.
- V. EFFECTIVE DATE** – This ordinance shall be effective upon its passage and publication as required by law.

FIRST READING conducted on the 6th day of September, 2011.

SECOND READING and PASSAGE on the 20th day of September, 2011.

APPROVED:



MARK STRATTON, MAYOR
CITY OF RUSSELLVILLE

At a meeting of the City Council of the City of Russellville, Kentucky, held on June 21, 2011, the foregoing ordinance was adopted, after full discussion, by the following vote:

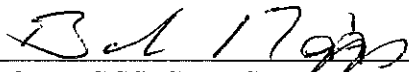
AYES: Jimmy Davenport
Pat Bell
Sandra Kinser
Jack Whipple
Bill Decker
Darlene Gooch

NAYS:

ABSENT:

ABSTAINING:

ATTEST:



BOB RIGGS, CITY CLERK
CITY OF RUSSELLVILLE


COMMONWEALTH OF KENTUCKY
COUNTY OF LOGAN
CITY OF RUSSELLVILLE

AFFIDAVIT OF ALEX KELTNER

Alex Keltner, being first duly sworn, in his capacity as Sr. Vice President of First Southern National Bank, states the following:

- 1) I am Sr. Vice President of First Southern National Bank, and have the authority to consent to closure of public streets adjoining property owned by said bank.
- 2) First Southern National Bank is seeking closure of a portion of West Fourth Street in exchange for the dedication of a new right of way by the City of Russellville.
- 3) First Southern National Bank, is the adjoining owner of all sections of West Fourth Street sought to be closed.
- 4) First Southern National Bank hereby consents to the closure of the portion of West Fourth Street set forth in Exhibit "A" which is attached hereto.

FURTHER the Affiant sayeth not.



Alex Keltner
Affiant

Subscribed and sworn to before me by Alex Keltner on this ____ day of August 2011.

My Commission Expires:

Notary Public, Kentucky State at Large:

6/26/2013

Deann H. Edwards