

CITY OF FRANKLIN, KENTUCKY

ORDINANCE NO. 2017-008

**AN ORDINANCE TO CLOSE THE PUBLIC WAY KNOWN AS THE 0.574 ACRE
TRACT OF LAND ON THE SOUTH SIDE OF KENTUCKY HIGHWAY 100
APPROXIMATELY 400 FEET EAST OF EXIT 6 OF INTERSTATE 65**

WHEREAS, at the request of Hollingsworth Oil Co. Inc., it has been determined that the 0.574 acre tract of land on the south side of Kentucky Highway 100 approximately 400 feet east of Exit 6 of Interstate 65 will serve a more useful public purpose if the herein described portion is closed and no longer used as a public way; and,

WHEREAS, the Board of Commissioners of the City of Franklin has identified the property owner in or abutting the portion of the property to be closed to be Hollingsworth Oil Co. Inc., a Tennessee corporation; and,

WHEREAS, pursuant to KRS 82.405(2) (b) and (c), written notice of the proposed closing was given to the property owner in or abutting that portion of the alley that is described in Exhibit A, and the property owner in or abutting that portion of the property has agreed to the closing of the alley, with said consent being attached hereto as Exhibit B; and,

WHEREAS, the Board of Commissioners of the City of Franklin has determined that it is in the best interest of the City to close the public way which is described more specifically in the attached Exhibit A, and to authorize the City Attorney for the City of Franklin to take any and all actions necessary to convey a portion of the public way to be closed to Hollingsworth Oil Co. Inc.; and,

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Franklin, Kentucky, as follows:

1. The preambles to this Ordinance are true and correct and incorporated herein by reference.
2. The unnamed portion of the public way commonly known as the 0.574 acre tract of land on the south side of Kentucky Highway 100 approximately 400 feet east of Exit 6 off Interstate 65 originally dedicated for public use in Plat Book 1, Page 74, with a final revision date of July 29, 1966, and being the same property shown as Tract B in Plat Book 4, Page 23 dated June 14, 1976, Simpson County Clerk's Office, described in Exhibit A is hereby accepted by the City as a public way, as having been opened to the unrestricted use of the general public for more than five (5) consecutive years pursuant to KRS 82.400 and, further, said portion of the public way shall be hereinafter closed as a public way, street, and/or thoroughfare, and shall no longer be maintained by the City of Franklin, Kentucky; provided that the City is allowed to retain an easement to maintain its sanitary sewer line that crosses the public way to be closed.
3. The City Attorney is hereby directed to take any and all actions necessary, and/or all of his actions with respect to this ordinance are hereby ratified pursuant to this ordinance to close said public way and to convey a portion of the public way, more particularly described in the attached Exhibit A, to Hollingsworth Oil Co. Inc.
4. The Board of Commissioners authorizes and directs the Mayor to sign any and all documents necessary to effectuate the intent of this ordinance.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holdings shall not affect the validity of the remaining portions of Ordinance.

All ordinances or parts of ordinances in conflict herewith, are, to the extent of such conflict, hereby repealed.

April 24, 2017 FIRST READING

May 8, 2017 SECOND READING

At a meeting of the Franklin Board of Commissioners held on May 8, 2017, on motion made by Commissioner Powell and seconded by Commissioner Dixon the foregoing ordinance was adopted, after full discussion, by the following vote:

YES LARRY DIXON

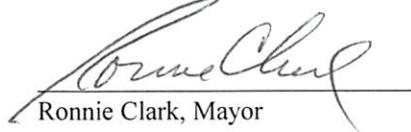
YES JAMIE POWELL

YES MASON BARNES

YES WENDELL STEWART

YES RONNIE CLARK, MAYOR

APPROVED BY:



Ronnie Clark, Mayor

ATTEST:



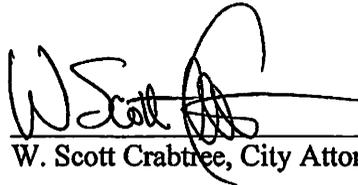
Cathy Dillard, City Clerk
City of Franklin, Kentucky

NOTICE OF INTENT TO CLOSE A PUBLIC WAY

TO: Hollingsworth Oil Co. Inc.
c/o Ronnie Hollingsworth, President
1503 Memorial Blvd.
Springfield, Tennessee 37172

Pursuant to KRS 82.405(2)(b), notice is hereby given by the City of Franklin's Board of Commissioners that they intend to close a portion of the public way known as the 0.574 acre tract of land on the south side of Kentucky Highway 100 approximately 400 feet east of Exit 6 of U.S. Interstate 65 originally dedicated for public use in Plat Book 1, Page 74, with a final revision date of July 29, 1966, and being the same property shown as Tract B in Plat Book 4, Page 23 dated June 14, 1976, Simpson County Clerk's Office, abutting your property. Attached hereto as Exhibit A is a description of the portion of the public way being closed.

This April 12, 2017.



W. Scott Crabtree, City Attorney

EXHIBIT A

DESCRIPTION OF 0.574 ACRE TRACT BEING CLOSED

See attached Boundary Retracement 50' Strip Containing 0.574 Acres signed by
Chris R. Kenner, Licensed Surveyor No. 4120 dated 03/14/17.

**Boundary Retracement
50' Strip
Containing 0.574 Acres**

Being a certain parcel of land located in Franklin, KY on the south side of Kentucky Highway #100 approximately 400 feet east of exit 6 of U.S. Interstate #65 and being further described as follows:

Unless stated otherwise, any monument referred to as an iron pin and cap is a 5/8-inch by 18-inch rebar with an orange plastic cap stamped "C. KENNER PLS 4120" and any monument referred to as a magnail and washer is a 1/4-inch by 1 1/2-inch magnail with a 1 1/2-inch diameter stainless steel washer stamped "C. KENNER PLS 4120". All bearings contained herein were referenced to the record bearing for found monumentation of the west line as recorded in Deed Book 284 Page 704.

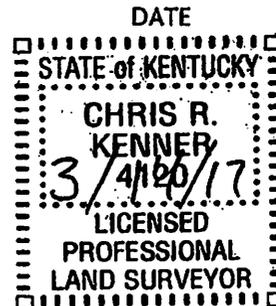
Beginning at a 5/8-inch by 18-inch rebar and cap (found) PLS #4120 in the south right-of-way line of Kentucky Highway #100 approximately 50 feet from centerline (ROW varies), northeast corner to Hollingsworth Oil Company, INC. (Deed Book 324 Page 401 – Minor Subdivision Plat Book 1 Page 114 Tract B); thence along the south right-of-way line of Kentucky Highway #100 South 72° 46' 15" East 50.00 feet to a magnail and washer (set), northwest corner to Hollingsworth Oil Company, INC. (Commissioner's Deed Book 14 Page 577 Tract 1); thence along the west line of Hollingsworth Oil Company, INC. South 17° 38' 56" West 500.00 feet to a 5/8-inch rebar and cap (found) PLS #3290 in the north line of Warren Rural Electric Cooperative Corporation (Deed Book 284 Page 704); thence along the north line of Warren Rural Electric Cooperative Corporation North 72° 20' 45" West 50.00 feet to a 5/8-inch rebar and cap (found) PLS #3290 beside a bent 5/8-inch rebar and cap (found) PLS #3290, an eastern corner to Carver Properties, LLC (Deed Book 308 Page 418) and the southeast corner to Hollingsworth Oil Company, INC. (Deed Book 324 Page 401 – Minor Subdivision Plat Book 1 Page 114 Tract B); thence along the east line of Hollingsworth Oil Company, INC. North 17° 38' 56" East 499.63 feet to the Point of Beginning ; containing 24,991 sq. ft. or 0.574 acres more or less, according to a field survey conducted by Kenner Randolph Engineering & Surveying under the direction of Chris R. Kenner, "PLS4120," during the month of February 2017.

Being a part of the same property dedicated for public use to the City of Franklin, KY by Robert McDowell, Patricia McDowell and Bruce Salsman as shown on Plat of record in Plat Book 1 Page 74 with a final revision date of July 29, 1966 and being the same property shown as Tract B on Plat of record in Plat Book 4 Page 23 dated June 14, 1976 in the office of the Simpson County Court Clerk, Franklin, Kentucky.

CL R

3/14/17

CHRIS R. KENNER
LICENSED SURVEYOR
STATE OF KENTUCKY
LICENSE NO. 4120
KENNER RANDOLPH ENGINEERING & SURVEYING



CONSENT TO CLOSING A PUBLIC WAY

I, Ronnie Hollingsworth, the President of Hollingsworth Oil Co. Inc., a Tennessee corporation, 1503 Memorial Boulevard, Springfield, Tennessee 37172, a property owner abutting the 0.574 acre tract of land on the south side of Kentucky Highway 100 approximately 400 feet east of Exit 6 of U.S. Interstate 65 originally dedicated for public use in Plat Book 1, Page 74, with a final revision date of July 29, 1966, and being the same property shown as Tract B in Plat Book 4, Page 23 dated June 14, 1976, Simpson County Clerk's Office, hereby consent to the closing of that certain portion of the public way as provided in the Notice of Intent to Close a Public Way given to me on April 12, 2017, and the undersigned understands, acknowledges, and agrees that the portion of the public way to be closed shall remain the property of Hollingsworth Oil Co. Inc., but the City of Franklin shall retain a 20 foot wide easement with the center being the existing sanitary sewer line crossing the section of the public way to be closed for the maintenance and repair of the said sanitary sewer line.

Dated this April 17th, 2017.

HOLLINGSWORTH OIL CO. INC.

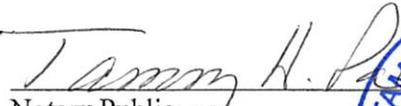


Ronnie Hollingsworth, President

STATE OF TENNESSEE

COUNTY OF ROBERTSON

Subscribed and sworn to before me by Ronnie Hollingsworth, the President of Hollingsworth Oil Co. Inc. on this April 17th, 2017.



Notary Public

Notary I.D. No. _____

My Commission Expires: _____



STATE OF TENNESSEE

Know all men by these presents, that I, *[Name]*, of the County of *[County]*, State of Tennessee, do hereby certify that *[Text]*

[Signature]
Notary Public



QUITCLAIM DEED

THIS DEED OF QUITCLAIM is made and entered into on this 11th day of May, 2017, by and between the CITY OF FRANKLIN, KENTUCKY, P. O. Box 2805, Franklin, Kentucky 42134, GRANTOR herein, and HOLLINGSWORTH OIL CO. INC., a Tennessee corporation, 1503 Memorial Drive, Springfield, Tennessee 37172, GRANTEE. The in-care-of- address for the 2017 property tax bill to be sent to is as follows: Hollingsworth Oil Co. Inc., 1503 Memorial Drive, Springfield, Tennessee 37172

WITNESSETH:

That for and in consideration of the terms and conditions of that certain Notice of Intent to Close a Public Way dated April 12, 2017 from the City of Franklin, Kentucky to Hollingsworth Oil Co. Inc., Consent to Closing a Public Way by Hollingsworth Oil Co. Inc. dated April 17, 2017 and City of Franklin Ordinance No. 2017-008 titled An Ordinance to Close the Public way Known as the 0.574 Acre Tract of Land on the South Side of Kentucky Highway 100 Approximately 400 Feet East of Exit 6 of Interstate 65, and other good and valuable consideration, the receipt and sufficiency of which are all hereby acknowledged, the GRANTOR does hereby remise, release and forever quitclaim unto the GRANTEE, absolutely and in fee simple unto it, its heirs and assigns, forever, the following-described property located in Franklin, Simpson County, Kentucky, to-wit:

Being a certain parcel of land located in Franklin, Kentucky on the south side of Kentucky Highway 100 approximately 400 feet east of Exit 6 of U.S. Interstate 65 and being further described as follows:

Unless stated otherwise, any monument referred to as an iron pin and cap is a 5/8-inch by 18-inch rebar with an orange plastic cap stamped "C. KENNER PLS 4120" and any monument referred to as a magnail and washer is a 1/4-inch by 1 1/2-inch magnail with a 1 1/2-inch diameter stainless steel washer stamped "C. KENNER PLS 4120." All bearings contained herein were referenced to the record bearing for found monumentation of the west line as recorded in Deed Book 284, Page 704.

Beginning at a 5/8-inch by 18-inch rebar and cap (found) PLS #4120 in the south right-of-way line of Kentucky Highway 100 approximately 50 feet from centerline (ROW varies), northeast corner to Hollingsworth Oil Co. Inc. (Deed Book 324, Page 401 – Minor Subdivision Plat Book 1, Page 114 Tract B); thence along the south right-of-way line of Kentucky Highway 100 South 72° 46' 15" East 50.00 feet to a magnail and washer (set), northwest corner to Hollingsworth Oil Co. Inc. (Commissioner's Deed Book 14, Page 577 Tract 1); thence along the west line of Hollingsworth Oil Co. Inc. South 17° 38' 56" West 500.00 feet to a 5/8-inch rebar and cap (found) PLS #3290 in the north line of Warren Rural Electric Cooperative Corporation (Deed Book 284, Page 704); thence along the north line of Warren Rural Electric Cooperative Corporation North 72° 20' 45" West 50.00 feet to a 5/8-inch rebar and cap (found) PLS #3290 beside a bent 5/8-inch rebar and cap (found) PLS #3290, an eastern corner to Carver Properties, LLC (Deed Book 308, Page 418) and the southeast corner to Hollingsworth Oil Co. Inc. (Deed Book 324, Page 401 – Minor Subdivision Plat Book 1, Page 114 Tract B); thence along the east line of Hollingsworth Oil Co. Inc. North 17° 38' 56" East 499.63 feet to the Point of Beginning; containing 24,991 sq. ft. or 0.574 acres more or less, according to a field survey conducted by Kenner Randolph Engineering & Surveying under the direction of Chris R. Kenner, "PLS4120," during the month of February 2017.

The property herein conveyed is SUBJECT TO THE RETAINED EASEMENT AND RIGHT of the Grantor, City of Franklin, Kentucky, its successors and assigns, to the following-described property:

There is hereby retained a 20-foot wide permanent construction and maintenance easement across the above-described property with the centerline of said easement being the existing sanitary sewer line running across said property.

Being a part of the same property dedicated for public use to the City of Franklin, Kentucky by Robert McDowell, Patricia McDowell and Bruce Salsman as shown on plat of record in Plat Book 1, Page 74, with a final revision date of July 29, 1966 and being the same property shown as Tract B on plat of record in Plat Book 4, Page 23 dated June 14, 1976 in the Office of the Simpson County Court Clerk, Franklin, Kentucky.

TO HAVE AND TO HOLD the above-described property, together with all the appurtenances thereunto belonging, unto the GRANTEE, absolutely and in fee simple to it, its heirs and assigns, forever. Provided, however, that the easement granted herein is exclusive and perpetual.

Possession of the subject property shall be given with delivery of deed. All 2017 property taxes shall be paid by the Grantee. All parties have been advised and acknowledge that the preparer did not examine the title to the property described hereinabove.

IN WITNESS WHEREOF, the GRANTOR and GRANTEE have caused their names to be affixed hereto on the day and year first above written, by and through each entity's duly authorized representatives.

CITY OF FRANKLIN, KENTUCKY


Ronnie Clark, Mayor

FAIR MARKET VALUE CERTIFICATE

We, the undersigned, hereby certify that to the best of our knowledge and belief the fair market value of the property herein described is Five Hundred Dollars (\$500.00).

HOLLINGSWORTH OIL CO. INC.
(Grantee)

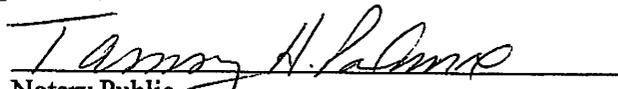

Ronnie Hollingsworth, President

CITY OF FRANKLIN, KENTUCKY
(Grantor)


Ronnie Clark, Mayor

STATE OF TENNESSEE
COUNTY OF ROBERTSON

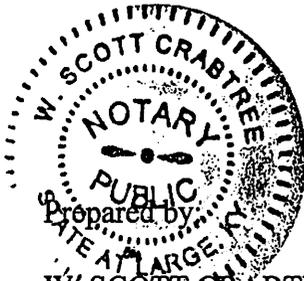
The foregoing FAIR MARKET VALUE CERTIFICATE was acknowledged and sworn to before me on this the 17th day of April, 2017 by Ronnie Hollingsworth, the President of Hollingsworth Oil Co. Inc., a Tennessee corporation, as Grantee.


Notary Public
My Commission Expires: 2-4-19
Notary I.D. No. _____

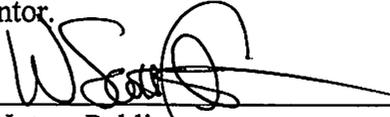


COMMONWEALTH OF KENTUCKY
COUNTY OF SIMPSON

The foregoing QUITCLAIM DEED and FAIR MARKET VALUE CERTIFICATE was acknowledged and sworn to before me on this the 11th day of May, 2017 by Ronnie Clark, the Mayor of the City of Franklin, Kentucky, Grantor.



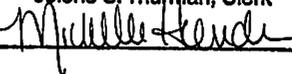
W. SCOTT CRABTREE
Attorney at Law
P. O. Box 615
Franklin, Kentucky 42135-0615



Notary Public
My Commission Expires: 06-27-2017
Notary I.D. No. 490457

I, Jolene S. Thurman, Clerk of Simpson County, do
certify that this 12 day of May
2017, I received \$ 0 Revenue Tax
according to value stated within this instrument.

Jolene S. Thurman, Clerk

By  D.C.

DOCUMENT NO: 1180373
RECORDED ON: 5/12/2017 10:17:00 AM
COUNTY CLERK: JOLENE S THURMAN
COUNTY: SIMPSON COUNTY
BOOK: D327 PAGE: 560 - 563 QCDEED
Signed: MH