

**CITY OF FRANKLIN, KENTUCKY**

**ORDINANCE NO. 2019 - 002**

**AN ORDINANCE TO CLOSE THE PUBLIC WAY KNOWN AS THE 0.24 ACRE TRACT OF LAND ON WEST MADISON STREET, BEING A 20-FOOT WIDE PUBLIC ALLEY WHICH RUNS BETWEEN TRACT I AND TRACT II OF THE PROPERTY CONVEYED TO THE CITY OF FRANKLIN IN COMMISSIONER'S DEED BOOK 17, PAGE 171, SIMPSON COUNTY CLERK'S OFFICE**

WHEREAS, at the request of the City of Franklin, Kentucky, it has been determined that the 0.24 acre tract of land on West Madison Street, being a 20-foot wide public alley which runs between Tract I and Tract II of the property conveyed to the City of Franklin in Commissioner's Deed Book 17, Page 171, Simpson County Clerk's Office, 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 the City of Franklin, Kentucky; and,

WHEREAS, pursuant to KRS 82.405(2) (b) and (c), a written notice of the proposed closing was given to the property owner in or abutting that portion of the public way 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 public way, 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 the City of Franklin, Kentucky; 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 0.24 acre portion of the public way on West Madison Street, being a 20-foot wide public alley which runs between Tract I and Tract II of the property conveyed to the City of Franklin in Commissioner's Deed Book 17, Page 171, 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, as represented by the plat prepared by Gary Lee Dunning, #3290 dated January 7, 2019.

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 the City of Franklin, Kentucky.

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.

January 28, 2019                      FIRST READING  
February 11, 2019                      SECOND READING

At a meeting of the Franklin Board of Commissioners held on February 11, 2019 on motion made by Commissioner Stewart and seconded by Commissioner Bennett, the foregoing ordinance was adopted, after full discussion, by the following vote:

<u>Yes</u>	HERBERT WILLIAMS
<u>Yes</u>	JAMIE POWELL
<u>Yes</u>	BROWNIE BENNETT
<u>Yes</u>	WENDELL STEWART
<u>Yes</u>	LARRY DIXON, MAYOR

APPROVED BY:

Larry Dixon  
Larry Dixon, Mayor

ATTEST:

Cathy Dillard  
Cathy Dillard, City Clerk  
City of Franklin, Kentucky

**EXHIBIT A**

**DESCRIPTION OF 0.24 ACRE TRACT BEING CLOSED**

See attached Boundary Retracement Street Closure  
Containing 0.24 Acres prepared by Gary Lee Dunning,  
Licensed Surveyor No. 3290 dated 01/07/19.

## *Dunning Land Surveying*

---

### Description of a 0.24 acre tract (20 foot wide alley to be vacated)

The following paragraph describes a tract of land in Simpson County, Kentucky in the city of Franklin on West Madison Street; Being a 20 ft. wide public alley which runs between Tract I and Tract II of the property conveyed to the City of Franklin, in Commissioner's Deed Book 17 Page 171 of the public deed records of the Simpson County Clerk's office; said premises being more particularly described as follows:

Beginning at an iron pin found #3290 in the southerly right of way of West Madison Street (approximately 20 feet from centerline), the northeasterly corner of Tract II of the City of Franklin property as described in Commissioner's Deed Book 17 Page 171 at the intersection of said right of way with the westerly line of a 20 foot wide alley; thence along the southerly right of way of West Madison Street, North 84 degrees 22 minutes 17 seconds East a distance of 20.19 feet to a found railroad spike, the northwesterly corner of Tract I of the aforementioned City of Franklin property; thence leaving said right of way along the easterly side of a 20 foot wide alley and the westerly line of Tract I of the City of Franklin property the following two calls; South 02 degrees 08 minutes 26 seconds West a distance of 493.60 feet to an iron pipe found; thence South 01 degree 55 minutes 40 seconds West a distance of 39.08 feet to an iron pin set at the intersection of said alley with the northerly right of way of Pear Ridge Street (30 ft. R/W per plat of Lexington Bend Subdivision); thence along the northerly right of way of Pear Ridge Street, North 85 degrees 00 minutes 14 seconds West a distance of 20.03 feet to an iron pin found #3290; thence leaving said street along the westerly side of a 20 foot wide alley and the easterly line of Tract II of the City of Franklin property the following two calls; North 01 degree 55 minutes 40 seconds East a distance of 38.04 feet to an iron pin found #3290; thence North 02 degrees 08 minutes 26 seconds East a distance of 490.90 feet to the point of beginning. Surveyed parcel contains 0.24 acre more or less, intending to describe a 20 foot wide alley to be vacated and is subject to all legal conditions and easements of record. This description is based on an actual field survey originally performed by Gary Lee Dunning, Kentucky Registered Land Surveyor #3290 in May of 2004. Basis of bearing for this description is a magnetic observation on the traveled centerline of West Madison Street. Unless stated otherwise, all iron pins set this survey are 5/8" x 18" rebar with plastic identification cap stamped "Dunning #3290".

**SURVEY OF A 0.24 ACRE PORTION OF ALLEY TO BE VACATED  
BETWEEN WEST MADISON STREET AND PEA RIDGE ST.  
IN THE CITY OF FRANKLIN, KENTUCKY**

WEST MADISON STREET (ALSO KNOWN AS KENTUCKY STATE ROUTE 303) IS MONUMENTED AND MAINTAINED IN THIS AREA AS A 40 FOOT RIGHT OF WAY FROM THIS FOUND AND SET THIS SURVEY ARE APPROXIMATELY 20 FEET FROM TRAVELED CENTERLINE.

SOURCE OF TITLE: SEE COMMISSIONER'S DEED BOOK 17 PAGE 170  
SIMPSON COUNTY CLERK RECORDS

20 FOOT ALLEY IS CALLED IN ALL PRIOR DEEDS AFFECTING THIS AREA. THIS SURVEY TO PROVIDE A DESCRIPTION TO VACATE THE PUBLIC INTEREST IN THIS 20 FOOT WIDE ALLEY.

MAP REFERENCE: MAP F-13-10 PARCEL 3  
PER P.Y.A. TAX RECORDS

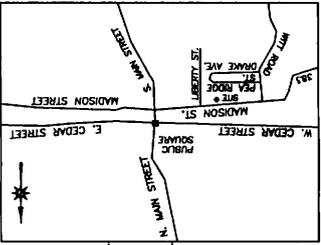
PRESENT OWNERS: CITY OF FRANKLIN

DATE: JANUARY 4, 2019

CLIENT ADDRESS:

CITY OF FRANKLIN  
P.O. BOX 2805  
FRANKLIN, KENTUCKY  
40135

SEE DEED BOOK 233 PAGE 12 FOR AFFIDAVIT IN SUPPORT OF TITLE FOR A 45' BY 110' LOT WHICH IS INCLUDED AND IS IN THE PARCEL ON WESTERLY SIDE OF ALLEY AND IS DESCRIBED IN DEED BOOK 233 PAGE 22



● DENOTES IRON PIN SET UNLESS SHOWN OTHERWISE  
○ DENOTES MEASURED CORNER; MONUMENT NOT SET

THIS SURVEY SUBJECT TO ALL FACTS WHICH WOULD BE DISCLOSED BY A COMPLETE TITLE SEARCH.  
THIS PROPERTY DOES NOT LIE IN A FLOOD PRONE AREA PER LATEST FILM MAPPING.  
FROM THIS SET THIS SURVEY ARE 5/8" X 18" REELS WITH YELLOW PLASTIC IDENTIFICATION CAP STAMPED "DUNNING 1280"  
BY 201 K.A.R. 18: 1850.

ALSO KNOWN AS "PEAR RIDGE PLATTED IN LEACINGTON BEND SUBDIVISION AS PEAR RIDGE  
PEA RIDGE STREET  
THIS DRAWING REPRESENTS AN ACTUAL FIELD SURVEY PERFORMED UNDER MY DIRECT SUPERVISION IN MAY OF 2008 & REVISED IN JANUARY OF 2019. METHOD OF SURVEY IS BY CLOSED RANDOM TRAVESE WITH AN UNADJUSTED CLOSURE EXCEEDING 1 : 24,200 FEET. THIS DRAWING MEETS OR EXCEEDS THE STANDARDS FOR BOUNDARY SURVEYS IN THE COMMONWEALTH OF KENTUCKY AS SET BY GOVERNING AUTHORITIES.

GARY LEE DUNNING KENTUCKY REGISTERED LAND SURVEYOR #23290  
DATE SIGNED: JANUARY 4, 2019

CHECKED BY:	GLD
DRAWN BY:	GLD
TITLE:	13-10 PARCEL 3
JOB:	18-185
DATE OF SET:	05-14-19
DATE OF REVISED:	01-04-19

SEE: 04-83

WEST MADISON STREET

LIBERTY STREET

PEA RIDGE STREET

PEA RIDGE STREET

DRAKE AVE

3.64 TOTAL ACRES  
EAST OF ALLEY

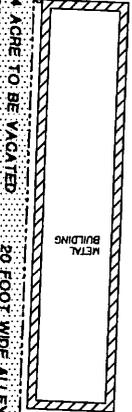
BLOCK WAREHOUSE

BLOCK WAREHOUSE

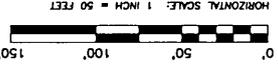
0.87 ACRE PARCEL WEST OF ALLEY

FRAME BUILDING

METAL BUILDING



PEAR RIDGE STREET IS MONUMENTED AND MAINTAINED AS A 30 FOOT WIDE TOTAL RIGHT OF WAY WIDTH, FROM THIS FOUND & SET THIS SURVEY ARE APPROXIMATELY 15 FEET FROM TRAVELED CENTERLINE.



**DUNNING LAND SURVEYING**

1212 NEOSHEO ROAD  
FRANKLIN, KENTUCKY 42134  
PHONE: (270) 586-8286 • dunn4@bellsouth.net



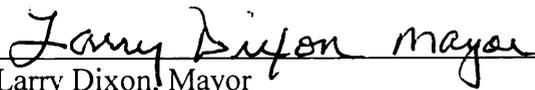
**EXHIBIT B**

**Copy of Consent to Closing a Public Way  
from the City of Franklin, Kentucky**

CONSENT TO CLOSING A PUBLIC WAY

I, Mayor Larry Dixon, on behalf of the City of Franklin, Kentucky, 117 West Cedar Street, Franklin, Kentucky 42134, a property owner abutting the 0.24 acre tract of land on West Madison Street, being a 20-foot wide public alley which runs between Tract I and Tract II of the property conveyed to the City of Franklin in Commissioner's Deed Book 17, Page 171, 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 January 28, 2019, and the undersigned understands, acknowledges, and agrees that the portion of the public way to be closed shall remain the property of the City of Franklin, Kentucky, and the City of Franklin shall retain any easements, conditions or restrictions, written or unwritten, that previously applies to this property, and they shall remain in effect and apply to this property as represented by the plat prepared by Gary Lee Dunning, Kentucky Registered Land Surveyor #3290 dated January 7, 2019.

Dated this January 28, 2019.

  
\_\_\_\_\_  
Larry Dixon, Mayor  
City of Franklin, Kentucky

STATE OF KENTUCKY

COUNTY OF SIMPSON

Subscribed and sworn to before me by Larry Dixon, the Mayor of the City of Franklin, Kentucky, an abutting property owner, on this January 28, 2019.

  
\_\_\_\_\_  
Notary Public  
Notary I.D. No. 580904  
My Commission Expires: 6/27/21

**NOTICE OF INTENT TO CLOSE A PUBLIC WAY**

TO: City of Franklin, Kentucky  
c/o Mayor Larry Dixon  
117 West Cedar Street  
Franklin, Kentucky 42134

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 0.24 acre tract of land on West Madison Street, being a 20-foot wide public alley which runs between Tract I and Tract II of the property conveyed to the City of Franklin in Commissioner's Deed Book 17, Page 171, Simpson County Clerk's Office, abutting your property. Attached hereto as Exhibit A is a description of the portion of the public way proposed to be closed.

This January 24, 2019.



---

W. Scott Crabtree, City Attorney