

CITY OF FRANKLIN, KENTUCKY

ORDINANCE NO. 2019 - 003

AN ORDINANCE TO CLOSE THE PUBLIC WAY KNOWN AS THE 0.090 ACRE TRACT OF LAND OFF THE NORTHWEST SIDE OF EDGEWOOD DRIVE APPROXIMATELY 412 FEET NORTH OF AKIN AVENUE AT 208 EDGEWOOD DRIVE KNOWN AS BART STREET

WHEREAS, at the request of Johnny Jarman and wife, Rachel D. Jarman, it has been determined that the 0.090 acre tract of land off the northwest side of Edgewood Drive approximately 412 feet north of Akin Avenue at 208 Edgewood Drive known as Bart Street 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 owners in or abutting the portion of the property to be closed to be Johnny Jarman and wife, Rachel D. Jarman, Lucretia Howard, unmarried, Paulette Thomas and husband, Raymond Earl Thomas, and Shirley Ann Perdue (now Freedle), unmarried; and,

WHEREAS, pursuant to KRS 82.405(2) (b) and (c), written notices of the proposed closing was given to the property owners in or abutting that portion of the alley that is described in Exhibit A, and the property owners in or abutting that portion of the property have agreed to the closing of the alley, with said consents being attached collectively 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 Johnny Jarman; 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 portion of the public way commonly known as Bart Street and being the 0.090 acre tract of land off the northwest side of Edgewood Drive approximately 412 feet north of Akin Avenue at 208 Edgewood Drive originally dedicated for public use in Deed Book 57, Page 293 dated June 3, 1938, 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 a 12-foot wide ingress-egress easement running east of and parallel to the western line of the tract 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 Johnny Jarman and wife, Rachel D. Jarman.

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.

February 11, 2019 FIRST READING

February 25, 2019 SECOND READING

At a meeting of the Franklin Board of Commissioners held on February 25, 2019, on motion made by Commissioner Bennett and seconded by Commissioner Stewart, the foregoing ordinance was adopted, after full discussion, by the following vote:

Yes HERBERT WILLIAMS
Yes JAMIE POWELL
Yes BROWNIE BENNETT
Yes WENDELL STEWART
Yes 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 0.090 ACRE TRACT BEING CLOSED

See attached Boundary Retracement Bart Street Road Closure
Containing 0.090 Acres signed by Chris R. Kenner,
Licensed Surveyor No. 4120 dated 08/03/18.

Boundary Retracement
Bart Street Road Closure
Containing 0.090 Acres

Being a certain parcel of land located in the city of Franklin, KY off the northwest side of Edgewood Drive approximately 412 feet north of Akin Avenue at 208 Edgewood Drive, Franklin, KY 42134 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." All bearings contained herein are referenced to found monumentation along the west line as recorded in Deed Book 319 Page 371.

Beginning at a 3/4-inch iron pipe (found) in the north right-of-way line of Edgewood Drive (approximately 23.1' from the extension of the east-west centerline of Edgewood Drive), southwest corner to Johnny Jarman (Deed Book 319 Page 371), located South 81° 17' 47" West 95.86 feet from a 3/4-inch iron pipe (found), southeast corner to said Jarman; thence along the north right-of-way line of Edgewood Drive South 81° 17' 47" West 31.47 feet to an iron pin and cap (set) in the east line of Lucretia M. Howard (Deed Book 300 Page 42 - Lot 5 Massey Subdivision: Plat Book 1 Page 25); thence along the east line of Lucretia Howard and later Paulette C. Thomas (Deed Book 308 Page 213 - Lot 6 Massey Subdivision: Plat Book 1 Page 25) North 04° 04' 44" West 124.59 feet to an iron pin and cap (set), southwest corner to Shirley Ann Perdue (now Freedle) (Deed Book 174 Page 469); thence along the south line of Shirley Ann Perdue (now Freedle) North 80° 59' 53" East 31.88 feet to a 3/4-inch iron pipe (found); northwest corner to Johnny Jarman (Deed Book 319 Page 371); thence along the west line of Johnny Jarman South 03° 54' 00" East 124.79 feet to the Point of Beginning; containing 3,935 sq. ft. or 0.090 acres more or less, according to a field survey conducted by Kenner Randolph Engineering & Surveying under the direction of Chris R. Kenner, "PLS 4120," during the month of August 2018.

The herein described 0.090 acre tract is subject to a 12' wide ingress-egress easement running east of and parallel to the western line of the above described tract (Deed Book 75 Page 577).

The above described 0.090 acre tract is not a buildable lot according to Simpson County Planning and Zoning regulations and is to become a part of the lands of the current adjoiner to the east, Johnny Jarman (Deed Book 319 Page 371), and is not to be sold as a stand alone lot in future conveyances.

Being an unimproved road referenced in previous deeds as Bart Street of the City of Franklin which is also a part of the same property conveyed to Henry Akin, Winnie Crowdus, Sarah Crowdus and Jennie Crowdus by John A. Crowdus et al by deed dated June 3, 1938 in Deed Book 57 Page 293 in the office of the Simpson County Court Clerk, Franklin, Kentucky.

CHRIS R. KENNER

8/3/18

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

DATE

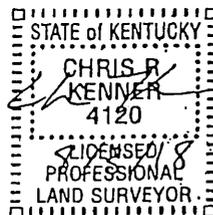


EXHIBIT B

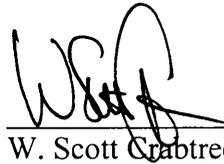
**Copies of Consents to Closing a Public Way
from Johnny Jarman and wife, Rachel D. Jarman,
Lucretia Howard, unmarried,
Paulette Thomas and husband, Raymond Earl Thomas
and Shirley Ann Perdue (now Freedle), unmarried**

NOTICE OF INTENT TO CLOSE A PUBLIC WAY

TO: Lucretia Howard, unmarried
910 Elm 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 0.090 acre tract of land off the northwest side of Edgewood Drive, approximately 412 feet north of Akin Avenue at 208 Edgewood Drive, Franklin, Kentucky, and being the same property shown as Bart Street in a deed conveyed to Henry Akin, Winnie Crowdus, Sarah Crowdus and Jennie Crowdus by John A. Crowdus, et al, by deed dated June 3, 1938 in Deed Book 57, Page 293, in the office of the Simpson County Court Clerk, abutting your property. Attached hereto as Exhibit A is a description of the portion of the public way being closed.

This December 3, 2018.



W. Scott Crabtree, City Attorney

CONSENT TO CLOSING A PUBLIC WAY

I, Lucretia Howard, unmarried, 910 Elm Street, Franklin, Kentucky 42134, a property owner abutting the 0.090 acre tract of land off the northwest side of Edgewood Drive, approximately 412 feet north of Akin Avenue at 208 Edgewood Drive, Franklin, Kentucky, and being the same property shown as Bart Street in a deed conveyed to Henry Akin, Winnie Crowdus, Sarah Crowdus and Jennie Crowdus by John A. Crowdus, et al, by deed dated June 3, 1938 in Deed Book 57, Page 293, in the office of the Simpson County Court Clerk, 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 ~~December~~ January 28, 2018⁹, and the undersigned understands, acknowledges, and agrees that the portion of the public way to be closed shall remain the property of Johnny Jarman and wife, Rachel D. Jarman, but the City of Franklin shall retain a 12-foot wide ingress-egress easement running east of and parallel to the western line of the tract.

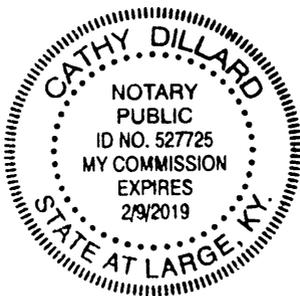
Dated this ~~December~~ January 28, 2018⁹ *lh*

Lucretia Howard
Lucretia Howard

STATE OF KENTUCKY

COUNTY OF SIMPSON

Subscribed and sworn to before me by Lucretia Howard, unmarried, and an abutting property owner on this ~~December~~ January 28, 2018⁹ *lh*



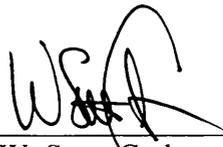
Cathy Dillard
Notary Public
Notary I.D. No. 527725
My Commission Expires: 2-9-2019

NOTICE OF INTENT TO CLOSE A PUBLIC WAY

TO: Shirley Ann Perdue (now Freedle), unmarried
205 York 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 0.090 acre tract of land off the northwest side of Edgewood Drive, approximately 412 feet north of Akin Avenue at 208 Edgewood Drive, Franklin, Kentucky, and being the same property shown as Bart Street in a deed conveyed to Henry Akin, Winnie Crowdus, Sarah Crowdus and Jennie Crowdus by John A. Crowdus, et al, by deed dated June 3, 1938 in Deed Book 57, Page 293, in the office of the Simpson County Court Clerk, abutting your property. Attached hereto as Exhibit A is a description of the portion of the public way being closed.

This December 3, 2018.

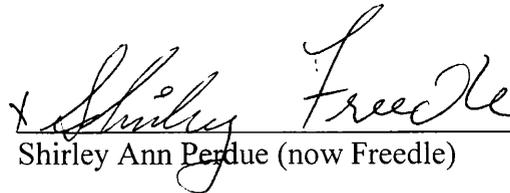


W. Scott Crabtree, City Attorney

CONSENT TO CLOSING A PUBLIC WAY

I, Shirley Ann Perdue (now Freedle), unmarried, 205 York Street, Franklin, Kentucky 42134, a property owner abutting the 0.090 acre tract of land off the northwest side of Edgewood Drive, approximately 412 feet north of Akin Avenue at 208 Edgewood Drive, Franklin, Kentucky, and being the same property shown as Bart Street in a deed conveyed to Henry Akin, Winnie Crowdus, Sarah Crowdus and Jennie Crowdus by John A. Crowdus, et al, by deed dated June 3, 1938 in Deed Book 57, Page 293, in the office of the Simpson County Court Clerk, 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 ~~December~~ ^{Feb} 4, 201~~8~~⁹ and the undersigned understands, acknowledges, and agrees that the portion of the public way to be closed shall remain the property of Johnny Jarman and wife, Rachel D. Jarman, but the City of Franklin shall retain a 12-foot wide ingress-egress easement running east of and parallel to the western line of the tract.

Dated this ~~December~~ ^{Feb} 4, 201~~8~~⁹ *ca SF*

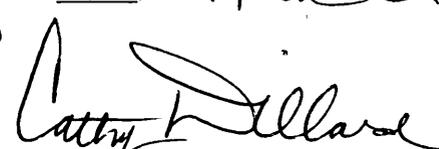


Shirley Ann Perdue (now Freedle)

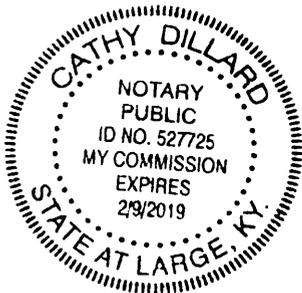
STATE OF KENTUCKY

COUNTY OF SIMPSON

Subscribed and sworn to before me by Shirley Ann Perdue (now Freedle), unmarried, an abutting property owner, on this ~~December~~ ^{Feb} 4, 201~~8~~⁹ *ca SF*



Notary Public
Notary I.D. No. 527725
My Commission Expires: 2-9-2019



NOTICE OF INTENT TO CLOSE A PUBLIC WAY

TO: Paulette Thomas and husband,
Raymond Earl Thomas
505 Greenwood Drive
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 0.090 acre tract of land off the northwest side of Edgewood Drive, approximately 412 feet north of Akin Avenue at 208 Edgewood Drive, Franklin, Kentucky, and being the same property shown as Bart Street in a deed conveyed to Henry Akin, Winnie Crowdus, Sarah Crowdus and Jennie Crowdus by John A. Crowdus, et al, by deed dated June 3, 1938 in Deed Book 57, Page 293, in the office of the Simpson County Court Clerk, abutting your property. Attached hereto as Exhibit A is a description of the portion of the public way being closed.

This December 3, 2018.



W. Scott Crabtree, City Attorney

CONSENT TO CLOSING A PUBLIC WAY

I, Paulette Thomas and husband, Raymond Earl Thomas, 505 Greenwood Drive, Franklin, Kentucky 42134, property owners abutting the 0.090 acre tract of land off the northwest side of Edgewood Drive, approximately 412 feet north of Akin Avenue at 208 Edgewood Drive, Franklin, Kentucky, and being the same property shown as Bart Street in a deed conveyed to Henry Akin, Winnie Crowdus, Sarah Crowdus and Jennie Crowdus by John A. Crowdus, et al, by deed dated June 3, 1938 in Deed Book 57, Page 293, in the office of the Simpson County Court Clerk, 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 us on ~~December~~ ^{January} 29, 2018, and the undersigned understand, acknowledge, and agree that the portion of the public way to be closed shall remain the property of Johnny Jarman and wife, Rachel D. Jarman, but the City of Franklin shall retain a 12-foot wide ingress-egress easement running east of and parallel to the western line of the tract.

Dated this ~~December~~ ^{January} 29, 2018. *a co*

Paulette C Thomas

Paulette Thomas

Raymond E. Thomas

Raymond Earl Thomas

STATE OF KENTUCKY

COUNTY OF SIMPSON

Subscribed and sworn to before me by Paulette Thomas and husband, Raymond Earl Thomas, abutting property owners, on this ~~December~~ ^{January} 29, 2018. *a co*



Cathy Dillard

Notary Public

Notary I.D. No. 527725

My Commission Expires: 2-9-2019

NOTICE OF INTENT TO CLOSE A PUBLIC WAY

TO: Johnny Jarman and wife,
Rachel D. Jarman
208 Edgewood Drive
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 0.090 acre tract of land off the northwest side of Edgewood Drive, approximately 412 feet north of Akin Avenue at 208 Edgewood Drive, Franklin, Kentucky, and being the same property shown as Bart Street in a deed conveyed to Henry Akin, Winnie Crowdus, Sarah Crowdus and Jennie Crowdus by John A. Crowdus, et al, by deed dated June 3, 1938 in Deed Book 57, Page 293, in the office of the Simpson County Court Clerk, abutting your property. Attached hereto as Exhibit A is a description of the portion of the public way being closed.

This December 3, 2018.



W. Scott Crabtree, City Attorney

CONSENT TO CLOSING A PUBLIC WAY

We, Johnny Jarman and wife, Rachel D. Jarman, 208 Edgewood Drive, Franklin, Kentucky 42134, property owners abutting the 0.090 acre tract of land off the northwest side of Edgewood Drive, approximately 412 feet north of Akin Avenue at 208 Edgewood Drive, Franklin, Kentucky, and being the same property shown as Bart Street in a deed conveyed to Henry Akin, Winnie Crowdus, Sarah Crowdus and Jennie Crowdus by John A. Crowdus, et al, by deed dated June 3, 1938 in Deed Book 57, Page 293, in the office of the Simpson County Court Clerk, 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 us on ~~December~~ February 4, 2018⁹, and the undersigned understand, acknowledge, and agree that the portion of the public way to be closed shall remain the property of Johnny Jarman and wife, Rachel D. Jarman, but the City of Franklin shall retain a 12-foot wide ingress-egress easement running east of and parallel to the western line of the tract.

Dated this ~~December~~ February 4, 2018⁹.

Johnny Jarman
Johnny Jarman

Rachel D. Jarman
Rachel D. Jarman

STATE OF KENTUCKY

COUNTY OF SIMPSON

Subscribed and sworn to before me by Johnny Jarman and wife, Rachel D. Jarman, abutting property owners, on this ~~December~~ February 4, 2018⁹

Cathy Dillard

Notary Public
Notary I.D. No. 527725
My Commission Expires: 2-9-2019



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