

ORDINANCE NO. 2019-01-02

AN ORDINANCE OF THE CITY OF EDGEWOOD IN KENTON COUNTY, KENTUCKY, CLOSING A PORTION OF THE RIGHT OF WAY OF DUDLEY ROAD TO PUBLIC USE, EXCEPT FOR EASEMENTS AND FRANCHISES THEREIN FOR UTILITIES

**BE IT ORDAINED BY THE CITY OF EDGEWOOD IN KENTON COUNTY, KENTUCKY, AS FOLLOWS:**

**Section 1.0 – Factual Determinations**

Pursuant to the requirements of K.R.S. 82.405(2), the City Council of the City of Edgewood hereby makes the following findings of fact.

1.1 Attached hereto and incorporated herein by reference is a copy of a metes and bounds description and a plat of a 0.146 acre parcel of land that was prepared by Bayer & Becker, Inc., with an issue date of 11/29/18, which identifies a portion of a public way named Dudley Road in the City of Edgewood (City).

1.2 Mary Elizabeth Appelman is the only owner of property in or abutting upon that 0.146 acre portion of Dudley Road previously described herein.

1.3 Mary Elizabeth Appelman has proposed and agreed that the 0.146 acre portion of Dudley Road previously described herein be closed to public use, except for easements and franchises therein for the provision of utility services by the City and others.

1.4 As the sole owner of property in or abutting the 0.146 acre portion of Dudley Road previously described herein, Mary Elizabeth Appelman has provided the City with her written notarized consent to the closing of it.

**Section 2.0 – Closing of a Portion of Dudley Road.**

Pursuant to the authority of K.R.S. 82.405(2), that portion of Dudley Road previously described herein is hereby closed to public use, except for easements and franchises therein for the provision of utilities by the City or others, which easements and franchises are hereby retained.

**Section 3.0 –Provisions Severable**

The provisions of this ordinance are severable; and the invalidity of any provision of this ordinance shall not affect the validity of any other provision thereof; and

such other provisions shall remain in full force and effect as long as they remain valid in the absence of those provisions determined to be invalid.

**Section 4.0 – Conflicting Ordinances Repealed**

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

**Section 5.0 – Effective Date**

This ordinance shall be effective as soon as possible according to law.

**Section 6.0 - Publication**

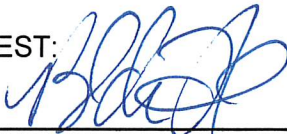
(9). This ordinance shall be published in summary pursuant to K.R.S. 83A.060



\_\_\_\_\_  
**JOHN LINK**, Mayor

DATE: 2/4/19

ATTEST:



\_\_\_\_\_  
BELINDA NITSCHKE, CITY CLERK  
FIRST READING: 1/21/19  
SECOND READING: 2/4/19  
PUBLISHED: 2/8/19

**CONSENT TO A CLOSING OF A PORTION OF THE RIGHT OF WAY OF  
DUDLEY ROAD IN THE CITY OF EDGEWOOD, KENTON COUNTY,  
KENTUCKY**

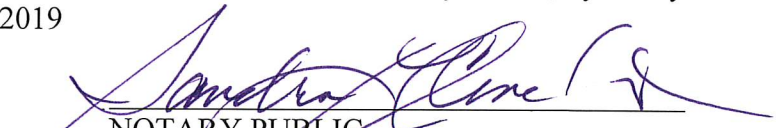
Pursuant to the provisions of K.R.S. 82.405(2), the undersigned, Mary Elizabeth Appelman, who is the only owner of property in or abutting that portion of Dudley Road described in the attached metes and bounds description of Dudley Road John W. Coleman Tract issued 11/29/2018 by Bayer Becker, hereby consents to the closing thereof to public use; except for easements and franchises for utilities, which shall remain open to public use.

  
MARY ELIZABETH APPELMAN

**COMMONWEALTH OF KENTUCKY  
COUNTY OF KENTON**

**SUBSCRIBED AND SWORN TO** before me, a Notary Public, by Mary Elizabeth Appelman on January 31, 2019



  
NOTARY PUBLIC  
Kentucky, State at Large  
Commission Expires: 7/8/2019  
ID # 533925

Curve Table

Curve	Delta	Radius	Length	Chord	Tangent
C-1	4°22'06"	1166.37'	88.93'	S18°53'13"W 88.90'	44.48'
C-2	6°56'39"	1196.37'	145.00'	N20°59'17"E 144.91'	72.59'

Line Table

Line	Direction	Distance
L-1	N17°21'11"E	58.30'
L-2	N40°36'58"W	35.39'
L-3	N43°41'36"W	34.37'
L-4	S40°36'58"E	8.04'

**MONUMENTATION:**

- Found 5/8" Iron Pin ("Chris Gephart PLS#3292" - unless otherwise noted)
- Set 5/8"x30" Iron Pin (w/ Cap - "Chris Gephart PLS#3292")

Mary Elizabeth Appelman  
Vol. C6456, Pg. 67 (Cov.)  
Vol. I-4135, Pg. 193 (Ind.)  
Parcel 2  
16 3/4 Ac. (Deed)  
(Less exceptions)  
Pt. PIDN 029-40-00-020.08  
Group: 3021 & Ind.

Mary Elizabeth Appelman  
Vol. C6456, Pg. 67 (Cov.)  
Vol. I-4135, Pg. 193 (Ind.)  
Parcel 1  
0.888 Ac. (Deed)  
Pt. PIDN 029-40-00-020.08  
Group: Ind.

Elizabeth Jackson  
Vol. I-1599, Pg. 213  
0.3015 Ac.  
PIDN 029-40-00-020.07  
Group: Ind.

**NOTES:**

- The reference meridian is based on NAD83(2011) Kentucky State Plane Coordinates, North Zone (1601).
- This drawing represents a boundary survey per 201 KAR 18:150.
- The property shown hereon is subject to all easements and rights-of-ways of record.
- All references are to the Kenton County Clerk's Records at Independence, unless noted otherwise.

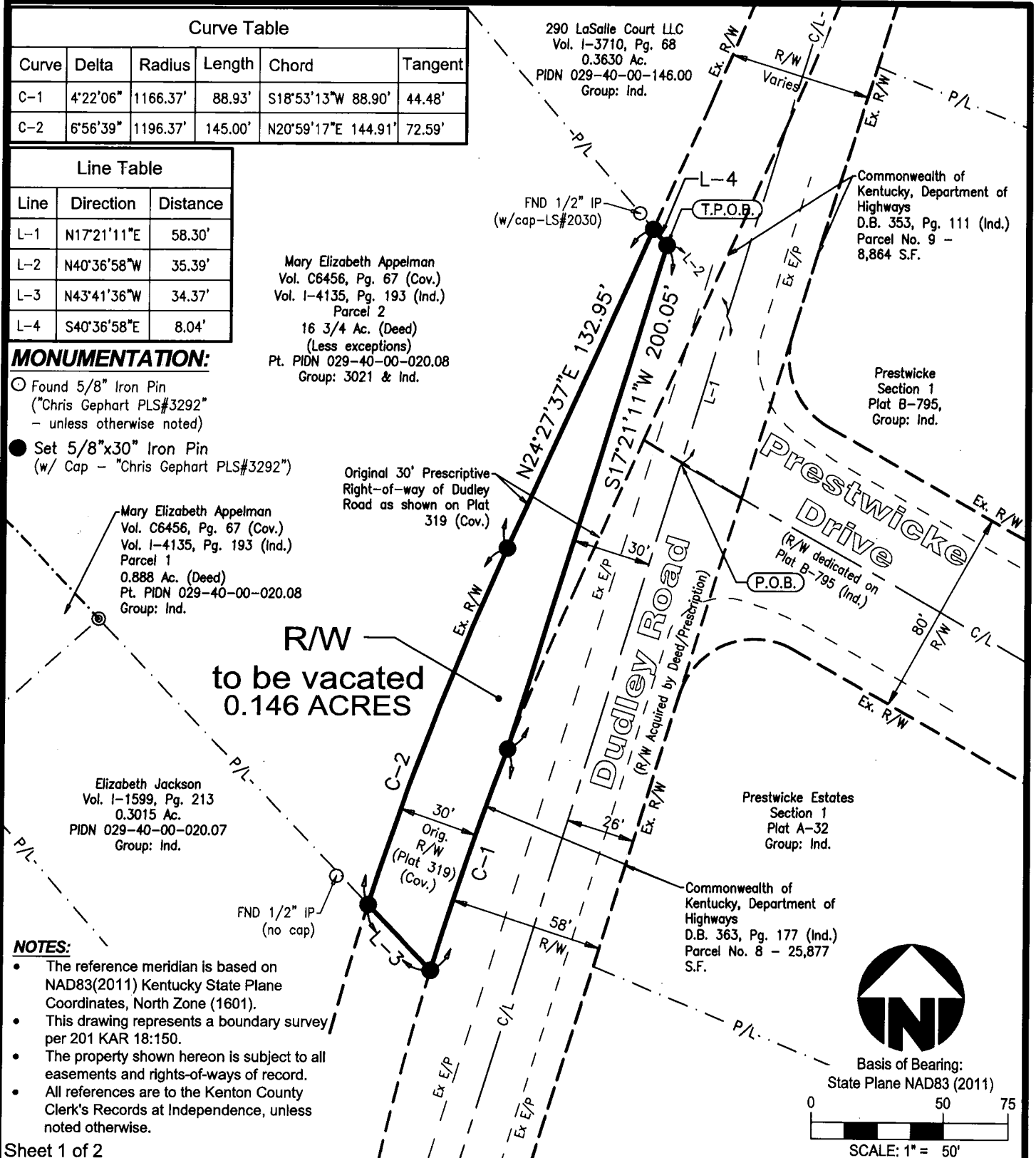
Sheet 1 of 2

Drawing:	18-0111 VP
Scale	1"=50'
Drawn by:	ARV
Checked By:	CRG
Issue Date:	11/29/18

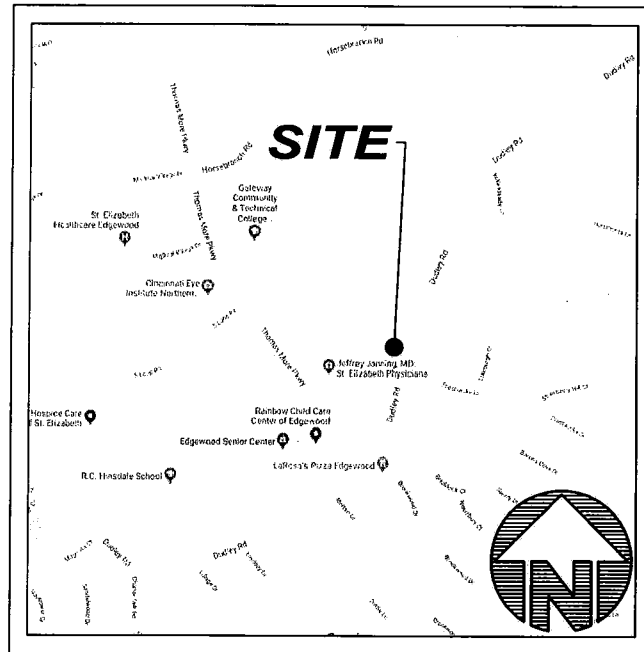
**DUDLEY ROAD  
JOHN W. COLEMAN TRACT**  
COPIED & RESTORED PLAT #319  
CITY OF EDGEWOOD  
KENTON COUNTY, KENTUCKY  
**RIGHT OF WAY VACATION PLAT**



www.bayerbecker.com  
209 Grandview Drive  
Fort Mitchell, KY 41017 - 859.261.1113



Basis of Bearing:  
State Plane NAD83 (2011)  
0 50 75  
SCALE: 1" = 50'



**VICINITY MAP**

(Not to Scale)

**LAND SURVEYOR'S CERTIFICATE**

I, Chris R. Gephart, Licensed Professional Land Surveyor #3292 in the Commonwealth of Kentucky, do hereby certify to the best of my knowledge and belief that this plat represents an Urban class boundary survey and complies with 201 KAR 18:150. The completion date of the survey was \_\_\_\_\_. Monuments were found or set as noted by method of random traverse with an unadjusted error of linear closure exceeding 1:70,270. The traverse and sides shots have been adjusted for closure. The reference meridian is NAD83 (2011) Kentucky State Plane Coordinates, North Zone (1601).

Chris R. Gephart

Date

**NOTE:**

No public records were found showing a formal dedication or acceptance of the original prescriptive right of way of Dudley Road as shown hereon.

Sheet 2 of 2

Owner (Adjoining Property) Mary Elizabeth Appelman 634 Dudley Rd. Edgewood, KY 41017	Owner (Right of way) City of Edgewood 385 Dudley Rd. Edgewood, KY 41017	Developer/Client Appelman Construction 1368 Cox Ave. Erlanger, KY 41048	Note: This plat represents a boundary survey and complies with 201 KAR 18:150.
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Drawing:	18-0111 VP
Scale	N/A
Drawn by:	ARV
Checked By:	CRG
Issue Date:	11/29/18

**DUDLEY ROAD**  
**JOHN W. COLEMAN TRACT**  
 COPIED & RESTORED PLAT #319  
 CITY OF EDGEWOOD  
 KENTON COUNTY, KENTUCKY  


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**RIGHT OF WAY VACATION PLAT**



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# ENQUIRER MEDIA

PART OF THE USA TODAY NETWORK

**Advertiser:**

CITY OF EDGEWOOD  
385 DUDLEY PIKE  
  
EDGEWOOD KY 41017

## AFFIDAVIT OF PUBLICATION

**Newspaper:** CIN-EN Kentucky Enquirer

**LEGAL NOTICE  
ATTACHED**

**State of Wisconsin**

**RE: Order # 0003374262**

Account #: CIN-661703  
Total Cost of the Ad: \$28.16  
# of Affidavits: 1  
Last Run Date: 02/08/2019

I, Kevin Yang  
of the The Enquirer, a newspaper printed in Cincinnati, Ohio and published in Cincinnati, in said County and State, and of general circulation in said county, and as to the Kentucky Enquirer published in Ft. Mitchell, Kenton County, Kentucky, who being duly sworn, depose and saith that the advertisement of which the annexed is a true copy, has been published in the said newspaper times, once in each issue as follows:

02/08/19

.....  
Kevin Yang  
Subscribed and sworn to before me this 8th day of February, 2019

Vicky Felty  
Notary Public

9-19-21  
Commission expires



The City of Edgewood has adopted Ordinance 2019-01-02 Closing a portion of a right of way on Dudley Road. The ordinance may be viewed in full on our website at [www.edgewoodky.gov](http://www.edgewoodky.gov).  
KY, Feb8, 19#3374262