

ORDINANCE 03-2006
AMENDING ORDINANCE 01-2005
An ordinance relating to street closure

WHEREAS the City Council has found that the rights-of-ways of all and or parts of many streets and alleyways have never been opened for public use, and

WHEREAS many streets and alleyways were in public use but were abandoned and have not been in use for many years, and

WHEREAS several streets and alleyways are either below elevation 360 mean sea level and within TVA reservation boundary and Kentucky Lake USA Corps of Engineers boundary and Lake Barkley, and

WHEREAS adjoining property owners have requested that certain streets and alleyways that run through their property be closed, and

WHEREAS the City Council recognizes the official plat of the City of Grand Rivers which outlines the street right-of-ways and alleyways as shown on Deed Book 16, Page 630 Livingston County Court Clerk records, and

WHEREAS on January 11, 2005 the City Council of the City of Grand Rivers adopted Ordinance 01-2005, and

WHEREAS Ordinance 01-2005 directed the Corporate Council to notify or prosecute an action in the Livingston Circuit Court for a judgement ordering the closing of all or parts of the streets and alleyways as described therein pursuant to KRS 82.405, and

WHEREAS since the date of the enactment of said Ordinance, the required signatures have been obtained to close said streets and alleyways pursuant to KRS 82.405(2) without the necessity of instituting an action for the closing of said streets and alleyways, and

WHEREAS the City Council now makes the following findings of fact:

A. Tom O'Bryan, Gladys O'Bryan, Mary F. Scott, Martha Simpson, Lynne Watkins, Dalton Carl Watkins, Linda K. Drexler, Bobbi Drexler, John H. Oehlschlaeger, Elaine C. Oehlschlaeger, Henry R. Dallam, Jr., Edwina L. Dallam, Leo L. Bowers, Marie Bowers, Sandra Bechtold, Stephan G. Bechtold, Gail Walls, Steven L. Walls, Brenda J. White, and David A. White constitute all of the property owners in or abutting all of that portion of the streets and alleyways described hereinafter.

B. Written notice of the proposed closing was given to all property owners in or abutting that portion of the streets and alleyways to be closed described hereinafter.

C. All property owners in or abutting that portion of the streets or alleyways described hereinafter as being closed have given their written notarized consent to the closing, copies of the consent being attached hereto.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF GRAND RIVERS, KENTUCKY ~~DOES ORDAIN~~ AS FOLLOWS:

SECTION 1: All or parts of the streets and alleyways described as follows are hereby closed:
That part of Tenth Street from the SW corner of lot 34, Block 11 SE being the intersection of Tenth Street and Tennessee Avenue thence North to the NW corner of Lot 1, block 2 SW and being the intersection of Commerce (Payne) Avenue and Tenth Street a distance of 435' x 60' according to the official plat of the City of Grand Rivers recorded in Deed Book 16, Page 630 Livingston County Court Clerk's Office.

That part of Wabash Avenue Beginning at the NE corner of lot 23, block 5 NW thence East to the intersection of Dover Road and Wabash Avenue thence East across the Ross addition to the intersection of Eighth Street and Wabash Avenue thence East to the Intersection of Fifth Street and Wabash Avenue and the corner of block 4 NE being a distance of 2400' x 60' according to the official plat of the City of Grand Rivers recorded in Deed Book 16, Page 630 Livingston County Court Clerk's Office.

That part of Ohio Avenue beginning at the NW corner of Lot 40, block 1 NE and being the intersection of Eighth Street and Ohio Avenue thence running East to the NE corner of lot 18, block 3 NW being the intersection of Ohio Avenue and Fifth Street being a distance of 1300' x 60' according to the official plat of the City of Grand Rivers recorded in Deed Book 16, Page 630 Livingston County Court Clerk's Office.

Reduce the width of Tennessee Avenue from 100' wide as it presently exists to 60' width which shall be taking 20' from each side of said street. The 40' reduction in width of Tennessee Avenue shall begin at the SE corner of lot 27, block 6 SW thence running East to the SE corner of lot 18, block 7 SE being the intersection of Tennessee Avenue and Fifth Street and being a distance of 3350' x 60' according to the official plat of the City of Grand Rivers recorded in Deed Book 16, Page 630, Livingston County Court Clerk's Office.

All alleyways that run parallel and vertical to each street as listed herein are [~~included in~~] likewise closed by this Ordinance.

~~[SECTION 2. The Corporate Counsel for the City of Grand Rivers is hereby authorized empowered and directed to institute, prosecute and notify pursuant to KRS 82.405 an action in Livingston Circuit Court for a judgement ordering the closing of all or parts of streets and alleyways described herein.]~~

SECTION [3]2. This ordinance shall be read on two separate days and will become effective upon publication in full or upon publication of title and a certified summary thereof.

Date of first reading of original Ordinance: December 16, 2004

Date of second reading of original Ordinance: January 11, 2005

Date of publication of original Ordinance: March 9, 2005

Original Ordinance Published in: Livingston Ledger

Original Ordinance Referenced: Minutes Book 1, Page 163

Date of First Reading of Amended Ordinance: February 21, 2006

Date of Second Reading of Amended Ordinance: February 24, 2006

Date of Publication of Amended Ordinance: March 23, 2006

Amended Ordinance published in: Livingston Ledger

Amended Ordinance Referenced: Minutes Book 1, Page _____

Chp B Mull
Mar 8 2006, Mayor

ATTEST:

Joe Dry
Joe Dry, City Clerk

Certification

I, Joe Dry, do hereby certify that I am the duly appointed clerk of the City of Grand Rivers, Kentucky, that the foregoing Ordinance is a true and correct copy of an ordinance duly adopted at a meeting of the City Council on January 11, 2005 that the Ordinance referred to therein is in the form presented to said meeting and in the form executed, and the said ordinance appears as a matter of public record in the Official City Ordinance Book and is still in full force and effect.

IN TESTIMONY WHEREOF, witness my signature on this 11th day of January 11th,
2004.

(SIGNED) _____
Joe Dry, City Clerk

Certification

I, Joe Dry, do hereby certify that I am the duly appointed clerk of the City of Grand
Rivers, Kentucky, that the foregoing Amended Ordinance is a true and correct copy of an
amended ordinance duly adopted at a meeting of the City Council on
February 24, 2006 that the Amended Ordinance referred to therein is in the form
presented to said meeting and in the form executed, and the said Amended Ordinance appears as
a matter of public record in the Official City Ordinance Book and is still in full force and effect.

IN TESTIMONY WHEREOF, witness my signature on this 24th day of
February, 2006.

Joe Dry
Joe Dry, City Clerk

Prepared By:

WILSON LAW FIRM, PLLC

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