

COMMISSIONERS' ORDINANCE NO. 0-28-20

AN ORDINANCE CLOSING A PORTION OF THE ALLEY COMMONLY KNOWN AS THE "YMCA ALLEY" EAST OF MADISON AVENUE PURSUANT TO KRS 82.405.

* * * *

WHEREAS, KRS 82.405(1) provides a method for a municipality to close a public way; and

WHEREAS, the Board of Commissioners determined that a portion of the public way located within the City of Covington, consisting of a two hundred fourteen and 2/100 foot (214.02') portion of a ten foot (10') wide alley east of Madison Avenue, should be closed; and

WHEREAS, all property owners who abut a portion or the public way to be closed have agreed to the closing of said public way; and

WHEREAS, written notice of the proposed closing was given to or waived by all property owners in or abutting a portion of the public way to be closed;

WHEREAS, the closing of the public way is necessary to accommodate the construction of the Bourbon Post development authorized by Commissioners' Order No. ORD-18-20.

NOW, THEREFORE,
BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY
OF COVINGTON, KENTON COUNTY, KENTUCKY:

Section 1

A pictorial and legal description of the portion of the public way to be closed is attached hereto and incorporated by reference as Exhibit A.

Section 2

That the Board of Commissioners hereby vacates and closes a portion of the public "YMCA Alley" located east of Madison Avenue as further described in Exhibit A, and makes the following findings of fact:

- a) The City of Covington has identified the following as property owners in or abutting the portion of the public way to be closed:
 - a. 614 Madison YMCA LLC
 - b. 638 Madison LLC

- b) Written notice of the proposed closing was given to all property owners in or abutting a portion of the public way to be closed.
- c) All property owners abutting the portion of the public way to be closed have consented to the closure and written copies of these consent documents are attached hereto as Exhibit B and incorporated by reference.

Section 3

The portion of the above described public way is hereby closed and discontinued as a public thoroughfare. The same will therefore be permanently closed for use thereof. The vacated land is hereby reverted to the abutting landowners.

Section 4

The City Solicitor or his agent is authorized and directed to take all steps and to do all things necessary and proper in the name and on behalf of the City of Covington as may be necessary to effectively close the said public way and carry into effect the provisions of this ordinance, and a copy of this ordinance shall be recorded in official records of the Kenton County Clerk.

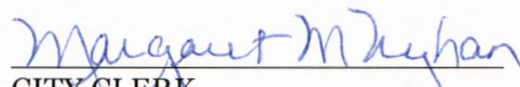
Section 5

This ordinance shall take effect and be in full force when passed, published, and recorded according to law.



MAYOR

ATTEST:



CITY CLERK

Passed: 12-15-20 (Second Reading)

12-01-20 (First Reading)

SOUTH ALLEY VACATION LEGAL DESCRIPTION**1,070 SQUARE FEET**

Situated in the City of Covington, Kenton County, Commonwealth of Kentucky, lying on the east side of

way line of Madison Avenue and being a part of Foot's First Subdivision, and more particularly described

as follows:

BEGINNING at a mag nail set with shiner at the intersection of the east right of way line of Madison

Avenue and the south right of way line of an existing 10' wide Alley;

Thence along the east right of way line of Madison Avenue, North $11^{\circ}06'37''$ West a distance of 5.00

feet to the centerline of said Alley;

Thence along the centerline said Alley, North $78^{\circ}40'34''$ East a distance of 214.02 feet to a point;

Thence through said alley, South $11^{\circ}06'37''$ East a distance of 5.00 feet to a mag nail with shiner set in

the south right of way line of said Alley;

Thence along said right of way line, South $78^{\circ}40'34''$ West a distance of 214.02 feet to a point in the east

right of way of Madison Avenue and the POINT OF BEGINNING;

Said parcel contains 1,070 square feet.

This description is the result of a field survey in December of 2019, conducted by Cardinal Engineering

under the direct supervision of Daniel K, York (P.L.S. 3581).

NORTH ALLEY VACATION LEGAL DESCRIPTION**1,070 SQUARE FEET**

Situated in the City of Covington, Kenton County, Commonwealth of Kentucky, lying on the east side of

way line of Madison Avenue and being a part of Foot's First Subdivision, and more particularly described

as follows:

BEGINNING at the intersection of the east right of way line of Madison Avenue and the existing north

right of way line of an existing 10' wide Alley;

Thence along the north right of way line of said Alley, North $78^{\circ}40'34''$ West a distance of 214.02 feet to

a mag nail with shiner set;

Thence through said alley, South $11^{\circ}06'37''$ East a distance of 5.00 feet to a point in the center line of

said Alley;

Thence along said centerline, South $78^{\circ}40'34''$ West a distance of 214.02 feet to a point in the east right

of way of Madison Avenue;

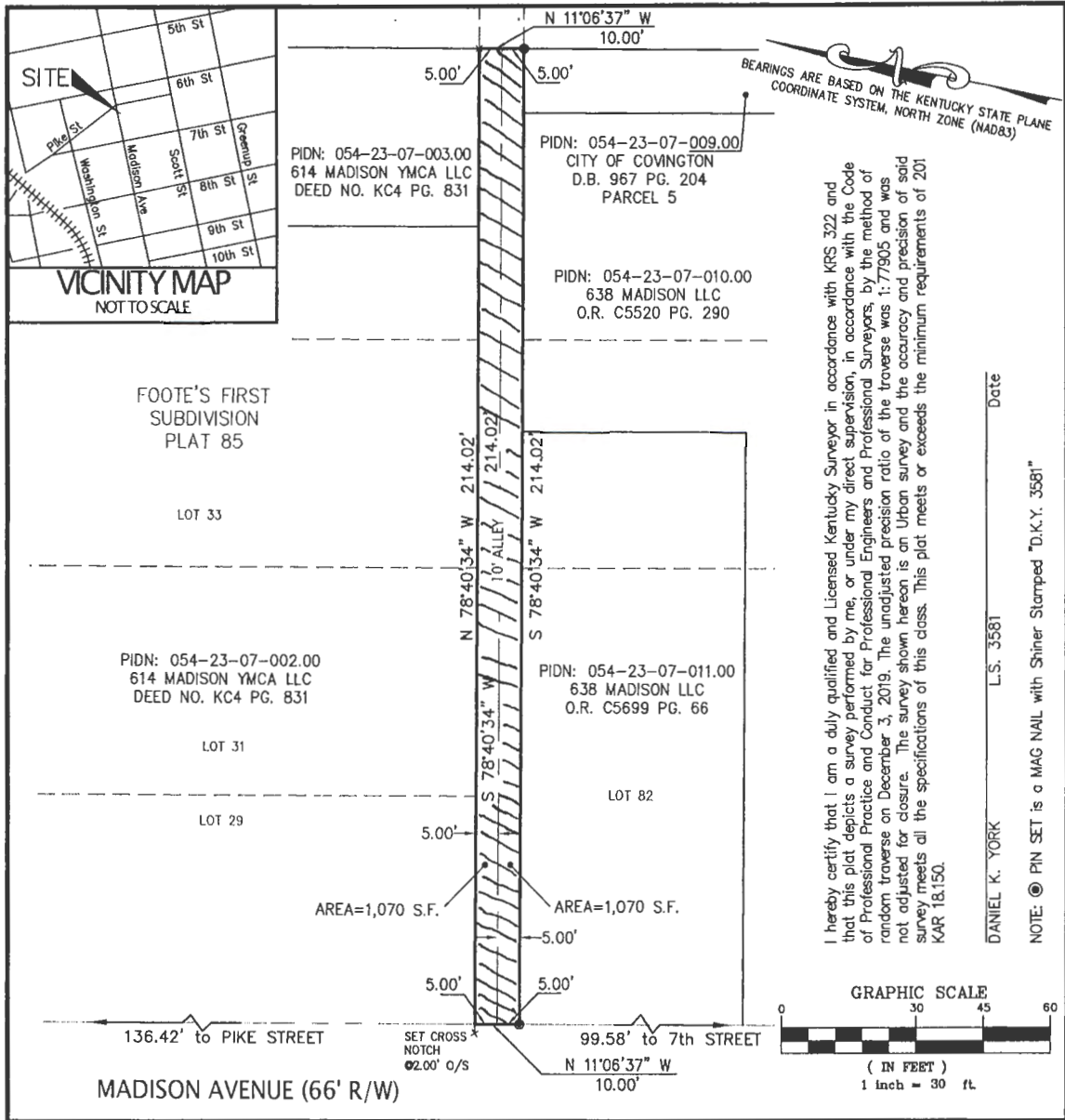
Thence along said right of way line, North $11^{\circ}06'37''$ West a distance of 5.00 feet to the POINT OF

BEGINNING;

Said parcel contains 1,070 square feet.

This description is the result of a field survey in December of 2019, conducted by Cardinal Engineering

under the direct supervision of Daniel K, York (P.L.S. 3581).



VACATION PLAT
for
Barron Peck Bennie & Schlemmer
30 East 8th Street, Suite 200, Newport, Kentucky
Kenton County, State of Kentucky
(A BOUNDARY SURVEY COMPLIANT WITH 201 KAR 18.150)

CARDINAL
ENGINEERING
LAND SURVEYING

ONEMOCK ROAD
WILDER, KENTUCKY
41071 (859) 581-9600

PROJECT MANAGER:	DKY
DRAWN BY:	KMD
DATE:	05/07/2020
SCALE:	1" = 30'
FILE NO.:	19-168

CONSENT TO CLOSING
OF A PUBLIC WAY
(Alley located east of Madison Avenue)

WHEREAS, 614 Madison YMCA, LLC, is the owner of real estate at 614 Madison Avenue, Covington, Kentucky (the "Owner's Property") as, further described on the attached Schedule 1; and

WHEREAS, the City of Covington intends to close a two hundred fourteen and 2/100 foot (214.02') portion of a ten foot (10') wide alley, as further described in Schedule 2 (the "Alley"), which abuts the Owner's Property; and

NOW THEREFORE, the owner hereby consents to the closure of the Alley in accordance with KRS 82.405:

I, GUY VAN ROOYEN, the CEO of 614 Madison YMCA, LLC, a Kentucky limited liability company, the title record owner of 614 Madison Road, Covington, Kentucky, hereby consent to the closure of the Alley by the City of Covington as described herein.

614 Madison YMCA, LLC

By: G. Rooyen

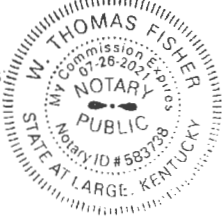
Print: GUY VAN ROOYEN

Its: CEO

COMMONWEALTH OF KENTUCKY)
) SCT.
COUNTY OF _____)

The foregoing Consent to Closing of a Public Way was acknowledged before me this 12th day of ~~May~~^{November}, 2020, by **614 MADISON YMCA, LLC**, a Kentucky limited liability company, by GUY VAN ROOYEN, its CEO, who at the same time swore and attested as to the truth of the facts stated herein.

W. Thomas Fisher
Notary Public
KY State At Large
My Commission Expires



SCHEDULE 1
OWNER'S PROPERTY

PARCEL 1:

PIDN# 054-23-07-001.00 Group No. 626 Plat No. 85

Tract 1:

All that parcel of real estate in the City of Covington, Kenton County, Kentucky.

Beginning at the Southeast corner of Madison Avenue and Cooper Street; thence south with the East line of Madison Avenue sixteen and one half (16 ½) feet, thence East at right angles Fifty-Eight (58) feet; thence Northwardly on a line parallel with Madison Avenue sixteen and one half (16 ½) feet to Cooper Street; thence Westwardly with Cooper Street Fifty-Eight (58) feet to the beginning.

Tract 2:

Situated in the City of Covington, Kentucky, County of Kenton, State of Kentucky, and beginning at a point in the South side of Pike Street, formerly called Cooper Street, at the Northeast corner of present Citizen's National Bank Building; said pint being by survey fifty-seven and ninety-three hundredths (57.93) feet East of Madison Avenue; thence Eastwardly along the South line of Pike Street on ten (10) feet to a point and from this front extending back Southwardly between lines parallel with Madison Avenue thirty-two and sixty-six hundredths (32.66) feet.

Subject to the terms, conditions, and limitations of an unrecorded party wall agreement, which agreement, if any, is believed to exist by virtue of certain correspondence dated on various dates in the year 1911 between Grantor herein [Citizen's National Bank] and the Young Men's Christian Association of Covington, Kentucky ("YMCA"), whereby Grantor [Citizen's National Bank] and the YMCA entered into an agreement permitting Grantor [Citizen's National Bank] to use the west and north wall of the then existing YMCA building as a common wall and as the east wall for Grantor's [Citizen's National Bank] building constructed on the aforescribed property.

Tract 3:

Situate in the City of Covington, Kenton County, State of Kentucky, and beginning in the east line of Madison Street at a point sixteen and one half (16 1/2) feet south of the southeast corner of Cooper (Pike) and Madison Streets; thence running south with the east line of Madison Street, sixteen and one-half (16 ½) feet to the north wall of the building formerly called the Magnolia House, with the right and privilege to join said wall; thence running east, at right angles to Madison Street, fifty-eight (58) feet to Sanford and Faley's old line; thence at right angles north with said line, sixteen and one-half (16 ½) feet; thence west at right angles fifty-eight (58) feet to Madison Street, the place of beginning.

Subject to conditions, restrictions and easements of record and/or in existence. Said property being known and designated as 614 Madison Avenue, Covington, Kentucky.

Tracts 1, 2 and 3 being the same property conveyed to The City of Covington, Kentucky, by deed recorded November 25, 2019, of record in Book C6810, Page 302 of the Kenton County Clerk's Office.

PARCEL 2:

PIDN# 054-23-07-002.00 Group No. 626 Plat No. 85

Beginning at a point in the East line of Madison Avenue thirty-three (33) feet South of the South line of Pike (formerly called Cooper) Street, which is the common corner of the buildings of the Citizen's National Bank and the Y.M.C.A.; thence Southward with the East line of Madison Avenue one hundred three (103) feet, more or less, to an alley; thence East with the North line of said alley one hundred and seventy five (175) feet;

thence North in a line parallel with Madison Avenue one hundred thirty-six (136) feet to the South line of Pike Street; thence Westwardly with the South line of Pike Street, one hundred and seven (107) [feet] and two (2) inches to the Citizens National Bank building; thence South in a Line Parallel with Madison Avenue, thirty-three (33) feet, more or less, to the common corner of the Bank and Y.M.C.A. buildings; thence Westwardly in a line parallel with Pike Street sixty-seven (67) feet, ten (10) inches to the place of beginning.

Subject to conditions, easements and restrictions of record and/or in existence.

Being the same property conveyed to the City of Covington, Kentucky, by deed recorded November 25, 2019, of record in Book C6810, Page 302 of the Kenton County Clerk's Office.

PARCEL 3:

PIDN# 054-23-07-003.00 Group No. 626, 627, 633, 634

Situated in the City of Covington, Kenton County, Commonwealth of Kentucky, lying along the south right of way line of Pike Street, being approximately 215 feet east of its intersection with Madison Avenue, as conveyed to the City of Covington by deed in D.B. 967 pg. 204, the boundary of which is particularly described as follows:

COMMENCING at the intersection of the east right of way line of Madison Avenue and the south right of way line of East Pike Street;

Thence along said south right of way line of Pike Street, North 78°53'23" East a distance of 175.00 feet to a cross notch set at the north east corner of a tract of land conveyed to the City of Covington, Kentucky in O.R. C6810 Pg. 302 and the POINT OF BEGINNING;

Thence along the south right of way of Pike Street, North 78°53'23" East a distance of 39.54 feet to a cross notch set at the northwest corner of a tract of land conveyed to the City of Covington in O.R. C5017 Pg. 180;

Thence along the west line of said property, South 11°06'37" East a distance of 135.62 to a cross notch set in the north right of way line of a 10 foot wide alley;

EXHIBIT B

Thence along said right of way line, South 78°40'34" West a distance of 39.04 feet to a cross notch set at the southeast corner of the City of Covington (O.R. C6810 Pg. 302);

Thence along the east line of said parcel, North 11°19'11" West a distance of 135.77 feet to the POINT OF BEGINNING;

Said parcel contains 0.122 acres.

Bearings are based on State Plane Coordinates, Kentucky North 1601 (NAD 83). This description is the result of a field survey in December of 2019, conducted by Cardinal Engineering under the direct supervision of Daniel K, York (P.L.S. 3581).

**SCHEDULE 2
ROW DESCRIPTION**

**SOUTH ALLEY VACATION LEGAL DESCRIPTION
1,070 SQUARE FEET**

Situated in the City of Covington, Kenton County, Commonwealth of Kentucky, lying on the east side of way line of Madison Avenue and being a part of Foot's First Subdivision, and more particularly described as follows:

BEGINNING at a mag nail set with shiner at the intersection of the east right of way line of Madison Avenue and the south right of way line of an existing 10' wide Alley;

Thence along the east right of way line of Madison Avenue, North $11^{\circ}06'37''$ West a distance of 5.00 feet to the centerline of said Alley;
Thence along the centerline said Alley, North $78^{\circ}40'34''$ East a distance of 214.02 feet to a point; Thence through said alley, South $11^{\circ}06'37''$ East a distance of 5.00 feet to a mag nail with shiner set in the south right of way line of said Alley;

Thence along said right of way line, South $78^{\circ}40'34''$ West a distance of 214.02 feet to a point in the east right of way of Madison Avenue and the POINT OF BEGINNING;

Said parcel contains 1,070 square feet.

This description is the result of a field survey in December of 2019, conducted by Cardinal Engineering under the direct supervision of Daniel K, York (P.L.S. 3581).

And

**NORTH ALLEY VACATION LEGAL DESCRIPTION
1,070 SQUARE FEET**

Situated in the City of Covington, Kenton County, Commonwealth of Kentucky, lying on the east side of way line of Madison Avenue and being a part of Foot's First Subdivision, and more particularly described as follows:

BEGINNING at the intersection of the east right of way line of Madison Avenue and the existing north right of way line of an existing 10' wide Alley;

Thence along the north right of way line of said Alley, North $78^{\circ}40'34''$ West a distance of 214.02 feet to a mag nail with shiner set;

Thence through said alley, South $11^{\circ}06'37''$ East a distance of 5.00 feet to a point in the center line of said Alley;

EXHIBIT B

Thence along said centerline, South $78^{\circ}40'34''$ West a distance of 214.02 feet to a point in the east right of way of Madison Avenue;

Thence along said right of way line, North $11^{\circ}06'37''$ West a distance of 5.00 feet to the POINT OF BEGINNING;

Said parcel contains 1,070 square feet.

This description is the result of a field survey in December of 2019, conducted by Cardinal Engineering under the direct supervision of Daniel K, York (P.L.S. 3581).

**SCHEDULE 1
OWNER'S PROPERTY**

Parcel 1

**Group No 633
PIDN 054-23-07-011.00
630-632 Madison**

Situated in the City of Covington, Kenton County, Kentucky to-wit:

Beginning at a point in the easterly line of Madison Avenue where the said easterly line of said Madison Avenue is intersected by the southerly line of the alley running east and west from Scott Street and Seventh Street to Madison Avenue, between Pike Street and Seventh Street; thence running southwardly along the easterly line of Madison Avenue fifty (50) feet; thence at angles, running eastwardly along a line parallel with the said alley, a distance of one hundred thirty (130) feet; thence at right angles, northwardly on a line parallel with Madison Avenue, a distance of fifty (50) feet to the southerly line of said alley; thence at right angles westwardly with the southerly line of said alley, a distance of one hundred thirty (130) feet to the easterly line of Madison Avenue, at the place of beginning; comprising all of Lot 82 and part of Lot 84 Foote's First Subdivision, the plat of the said subdivision being recorded as Copied and Restored Plat No. 85 in the Kenton County Clerk's office at Covington, Kentucky.

Parcel 2

**Group No. 633
PIDN 054-23-07-010.00
638 Madison**

Lying and being in the City of Covington, County of Kenton and Commonwealth of Kentucky, and described as follows:

Being all of Lots 83 and 85 and a part of 84, Foote's First Addition to the City of Covington, as shown on Copied and Restored Plat No. 85 at Covington, and being more particularly described as follows:

Beginning at a point in the northeast corner of Madison Avenue and Seventh Street; thence running with the north line of Seventh Street easterly two hundred (200) feet; thence northwardly parallel to Madison Avenue one hundred (100) feet to an alley; thence westwardly with the south line of said alley, seventy (70) feet; thence southwardly parallel to Madison Avenue fifty (50) feet to a point fifty (50) feet from Seventh Street; thence westwardly parallel to Seventh Street one hundred thirty (130) feet to Madison Avenue; thence southwardly along the east line of Madison Avenue fifty (50) feet to the place of beginning.

SCHEDULE 2
ROW DESCRIPTION

SOUTH ALLEY VACATION LEGAL DESCRIPTION
1,070 SQUARE FEET

Situated in the City of Covington, Kenton County, Commonwealth of Kentucky, lying on the east side of way line of Madison Avenue and being a part of Foot's First Subdivision, and more particularly described as follows:

BEGINNING at a mag nail set with shiner at the intersection of the east right of way line of Madison Avenue and the south right of way line of an existing 10' wide Alley;

Thence along the east right of way line of Madison Avenue, North 11°06'37" West a distance of 5.00 feet to the centerline of said Alley;
Thence along the centerline said Alley, North 78°40'34" East a distance of 214.02 feet to a point; Thence through said alley, South 11°06'37" East a distance of 5.00 feet to a mag nail with shiner set in the south right of way line of said Alley;

Thence along said right of way line, South 78°40'34" West a distance of 214.02 feet to a point in the east right of way of Madison Avenue and the POINT OF BEGINNING;

Said parcel contains 1,070 square feet.

This description is the result of a field survey in December of 2019, conducted by Cardinal Engineering under the direct supervision of Daniel K, York (P.L.S. 3581).

And

NORTH ALLEY VACATION LEGAL DESCRIPTION
1,070 SQUARE FEET

Situated in the City of Covington, Kenton County, Commonwealth of Kentucky, lying on the east side of way line of Madison Avenue and being a part of Foot's First Subdivision, and more particularly described as follows:

BEGINNING at the intersection of the east right of way line of Madison Avenue and the existing north right of way line of an existing 10' wide Alley;

Thence along the north right of way line of said Alley, North 78°40'34" West a distance of 214.02 feet to a mag nail with shiner set;

Thence through said alley, South 11°06'37" East a distance of 5.00 feet to a point in the center line of said Alley;

Thence along said centerline, South 78°40'34" West a distance of 214.02 feet to a point in the east right of way of Madison Avenue;

EXHIBIT B

Thence along said right of way line, North $11^{\circ}06'37''$ West a distance of 5.00 feet to the POINT OF BEGINNING;

Said parcel contains 1,070 square feet.

This description is the result of a field survey in December of 2019, conducted by Cardinal Engineering under the direct supervision of Daniel K, York (P.L.S. 3581).