

**CITY OF HIGHLAND HEIGHTS, KENTUCKY**

**ORDINANCE NO. 05-2008**

AN ORDINANCE OF THE CITY OF HIGHLAND HEIGHTS, CAMPBELL COUNTY, KENTUCKY, ANNEXING A PORTION OF THE NORTHERN KENTUCKY UNIVERSITY CAMPUS CONSISTING OF APPROXIMATELY 251 ACRES, LYING NORTH OF JOHNS HILL ROAD AND WEST OF US 27; AND CONTIGUOUS TO THE EXISTING BOUNDARIES OF THE CITY OF HIGHLAND HEIGHTS.

WHEREAS, pursuant to Kentucky Revised Statutes 81A.412 Northern Kentucky University as owners of approximately 251 acres of property, lying north of Johns Hill Road and west of US 27 and contiguous to the city limits of the City of Highland Heights, have requested the city to annex the property into the municipality;

WHEREAS, the City of Highland Heights hereby declares that it is desirable to annex this unincorporated territory to the city.

WHEREAS, the area to be annexed is more particularly described in the attached legal description, Ex. "A" and illustration Ex. "B".

NOW, THEREFORE BE IT ORDAINED BY THE CITY OF HIGHLAND HEIGHTS, CAMPBELL COUNTY, KENTUCKY AS FOLLOWS:

Section I

The Northern Kentucky University property which is the subject of this Ordinance consist of approximately 251 acres, lying North of Johns Hill Road and West of US 27 and contiguous to the existing boundaries of the City of Highland Heights, Kentucky.

Section II

The unincorporated territory which is the subject of this Ordinance is described in the attached Exhibit "A" and illustrated in attached Exhibit "B" both attached to this Ordinance and incorporated herein by reference. The exhibits accurately define the boundary of the unincorporated territory proposed to be annexed.

Section III

The unincorporated territory which is the subject of this Ordinance in Exhibit's "A" and "B" consist of approximately 251 acres of property, is contiguous to the city's

boundaries at the time of this annexation proceeding has begun, and by reason of present, potential or future population density, commercial, industrial, institutional or governmental use of the land, or subdivision of the land, is urban in character and suitable for urban purposes without unreasonable delay. The city hereby declares it desirable to annex the unincorporated territory. No part of the area to be annexed is included within the boundaries of another incorporated city.

#### Section IV

Since the owners of record of the land to be annexed have given prior consent in writing to this annexation as set forth on the signed consent to annexation form attached hereto as Exhibit "C", the city shall not be required to comply with the notice requirements of 81A.425 and it shall not be required to wait the sixty (60) day period provided for in KRS 81A.420(2) prior to enacting a final Ordinance annexing the area. Pursuant to KRS 81A.412, the city does hereby enact this single Ordinance finally annexing the land described in this Ordinance.

#### Section V

The property which is the subject of this Ordinance consisting of approximately 251 acres of property is hereby annexed into the city limits of the City of Highland Heights, Campbell County, Kentucky for all purposes.

#### Section VI

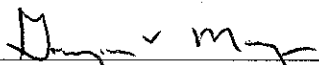
This Ordinance shall be effective upon its adoption and approval according to law and publication thereafter.

#### Section VII

All Ordinances or parts of any Ordinances in conflict herewith, to the extent of the conflict, if any, are hereby repealed.

#### Section VIII

The foregoing Ordinance was read, passed and adopted by the council of the City of Highland Heights, Kentucky meeting in regular session on the 6<sup>th</sup> day of May, 2008 and on the 20<sup>th</sup> day of May, 2008, with 6 yes votes and 0 no votes, and abstentions, and was thereafter proved by the Mayor and published according to law.

  
MAYOR GREGORY V. MEYERS

ATTEST:



JÉAN A. RAUF

CITY CLERK/TREASURER

Ord08.05

# EXHIBIT A

## Northern Kentucky University Annexation

Lying in Campbell County, Kentucky and being the properties of Northern Kentucky University and being more particularly described as follows:

Beginning at a point in the westerly right of way of Johns Hill Road and in the present corporation line of the City of Highland Heights, at the common corner of #305 and #307 Johns Hill Road, said point being the southwest corner of Schoulties Subdivision as recorded in Plat Cabinet C, Slide 580A in the Campbell County Clerk's office, Newport, Kentucky:

Thence along the westerly right of way line of Johns Hill Road South  $48^{\circ}05'57''$  West a distance of 74.69 feet to a point, said point being the east corner of Challenge Unlimited, as recorded in deed book 464, page 459 of the Campbell County Clerk's office, Newport, Kentucky:

Thence along the lines of Challenge Unlimited the following courses; North  $38^{\circ}39'15''$  West a distance of 231.89 feet, South  $28^{\circ}55'45''$  West a distance of 107.00 feet, South  $12^{\circ}10'29''$  East a distance of 144.77 feet to a point in the Northerly right of way line of Johns Hill Road and the present corporation line of the City of Highland Heights:

Thence along the northerly right of way of Johns Hill Road in a westerly direction 3300 feet, more or less, as described in annexation ordinance 10-93, to a concrete monument in the easterly limited access right of way line of Interstate 275 and the present corporation line of the City of Highland Heights:

Thence along the easterly limited access right of way line of Interstate 275 and the present corporation line of the City of Highland Heights as described in annexation ordinance 27-93, in a northerly direction 3500 feet more or less, to a point, said point being a corner of the property conveyed to Small Business Incubator Of Northern Kentucky as recorded in deed book 508, page 577 of the Campbell County Clerk's office, Newport, Kentucky:

Thence leaving the easterly limited access right of way line of Interstate 275 and along the southerly line of Small Business Incubator Of Northern Kentucky as described above, South  $86^{\circ}59'33''$  East a distance of 63.77 feet and North  $81^{\circ}21'27''$  East a distance of 484.42 feet to a point in the southerly line of a tract of land conveyed to Bureau Of Vocational Education as recorded in deed book 424, page 298 of the Campbell County Clerk's office, Newport, Kentucky:

Thence along the southerly line of Bureau Of Vocational Education as described above the following courses, South  $68^{\circ}38'33''$  East a distance of 272.39 feet and South

83°42'33": East a distance of 83.05 feet to a point in the westerly right of way line of Campbell Drive:

Thence along the westerly right of way line of Campbell Drive and the easterly line of Bureau Of Vocational Education the following courses, North 07°34'08" West a distance of 185.38 feet, North 04°40'12" East a distance of 66.29 feet, North 05°37'16" East a distance of 318.67 feet to a point in the right of way of re-located Three Mile Road, said point also being in the present corporation line of the City of Highland Heights as described in annexation ordinance 01-83:

Thence along the present corporation line of the City of Highland Heights the following courses, South 59°21'11" East a distance of 213.11 feet, South 61°18'10" East a distance of 146.70 feet, South 32°46'17" East a distance of 460.70 feet, South 73°58'49" East a distance of 216.47 feet, South 49°25'07" East a distance of 217.82 feet, South 58°03'27" East a distance of 191.40 feet to a point in the present corporation line of the City of Highland Heights as described in annexation ordinance 08-83, said point being in the dividing line of lots 579 and 580 of the Highland Baby Farms, Section Four:

Thence continuing along the present corporation line of the City of Highland Heights as described in annexation ordinance 08-83, South 57°20'37" West a distance of 107.95 feet to a point in the east line of Gibson Road as shown on the plat of the Highland Baby Farms, Section Four:

Thence continuing along the present corporation line of the City of Highland Heights and the east line of Gibson Road South 10°55'37" East a distance of 128.62 feet to a point:

Thence continuing along the present corporation line of the City of Highland Heights as described in annexation ordinance 02-83, South 57°28'52" West a distance of 53.42 feet to a point in the west line of Gibson Road:

Thence continuing along the present corporation line of the City of Highland Heights and the west line of Gibson Road South 10°35'06" East a distance of 157.10 feet to a point:

Thence continuing along the present corporation line of the City of Highland Heights and the west line of Gibson Road South 41°12'06" East a distance of 341.79 feet to a point, said point being in the south line of Paxton Avenue:

Thence continuing along the present corporation line of the City of Highland Heights as described in annexation ordinance 172, and the south line of Paxton Avenue, South 57°28'55" West a distance of 324.30 feet to a point:

Thence continuing along the present corporation line of the City of Highland Heights as described in annexation ordinance 172 the following courses, South 66°40'06" East a distance of 151.05 feet, South 49°44'56" East a distance of 172.04 feet, South 49°44'56" East 789.50 feet, South 15°33'00" East 799.71 feet, South 48°41'00" West a distance of 341.41 feet to a point:

Thence continuing along the present corporation line of the City of Highland Heights the following courses, South  $19^{\circ}16'02''$  East a distance of 400.05 feet, South  $47^{\circ}54'51''$  West a distance of 548.06 feet to a point in the west line of Schoulties Subdivision as described above:

Thence continuing along the present corporation line of the City of Highland Heights as described in annexation ordinance 277 and the west and north lines of said Schoulties Subdivision the following courses, South  $42^{\circ}07'07''$  West a distance of 105.35 feet, South  $49^{\circ}12'40''$  West a distance of 227.35 feet, South  $39^{\circ}57'06''$  East a distance of 674.72 feet to the place of beginning.

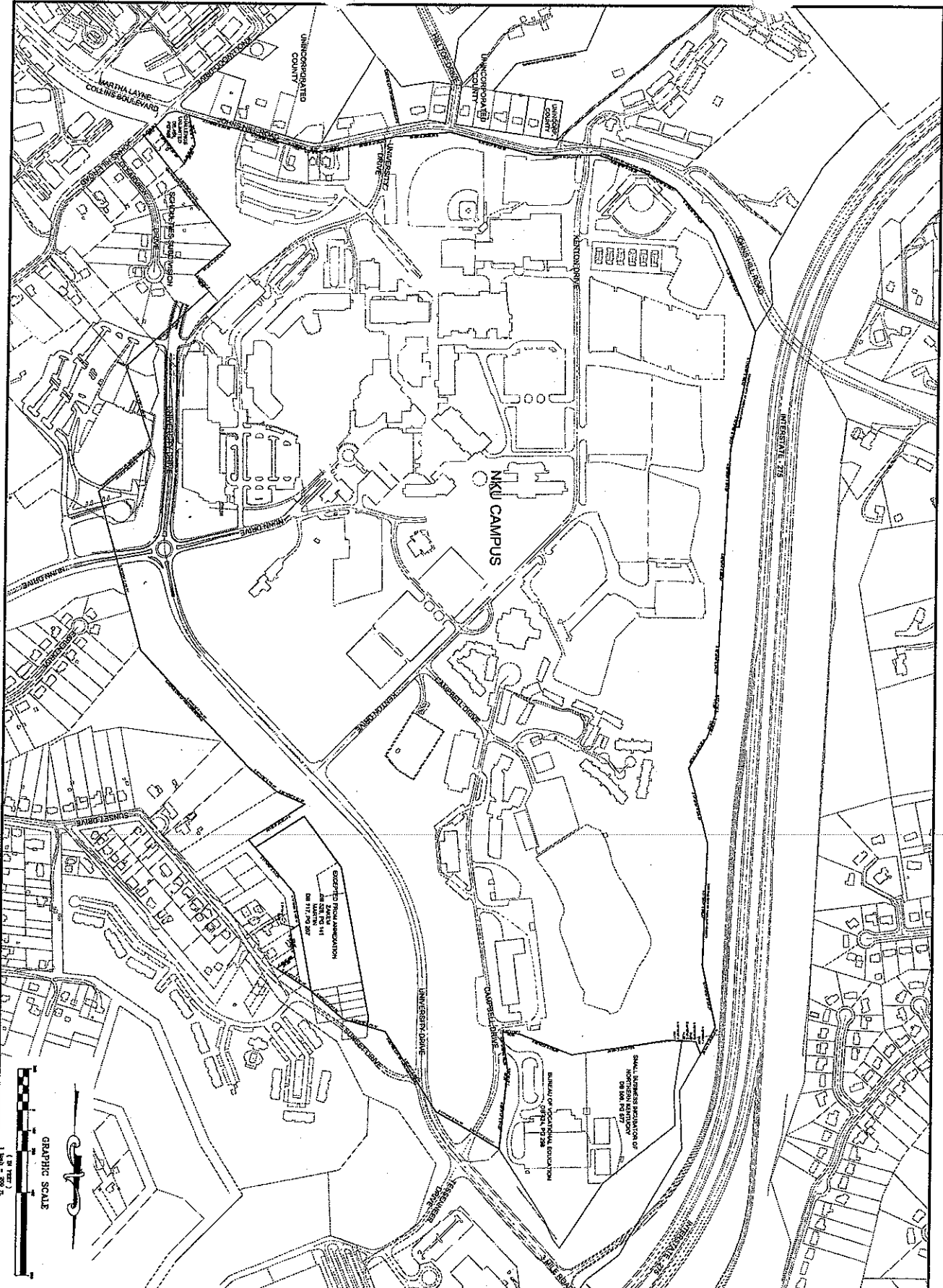
There is excepted out of the above described land the following parcels:

The following lots in the Highland Baby Farms, Section Four, owned by Junetta Zakem Roney as described in deed book 135, page 361 and deed book 528, page 141 of the Campbell County Clerk's office, Newport, Kentucky.

The following lots in the Highland Baby Farms, Section Four, owned by Mary K. Martin as described in deed book 117, page 207 of the Campbell County Clerk's office, Alexandria, Kentucky.

Said property containing approximately 251 acres, and being subject to change by survey. This description was prepared from existing Deeds, Property Records, Highway Plans, and previous Annexation Ordinances and does not represent an actual Boundary Survey. Bearings used in this description are from the original documents and have not been adjusted to a common reference bearing.

# EXHIBIT B



SHEET	<b>C-1.0</b>
PROJECT NO.	07-217
SCALE	1" = 200'
DATE	04-22-08
AMENDATION	PLAT

SCALE	
DIT	
DRW	
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PROJECT:  
**NORTHERN KENTUCKY UNIVERSITY ANNEXATION**

CLIENT:  
**CITY OF HIGHLAND HEIGHTS  
CAMPBELL COUNTY, KENTUCKY**

CARDINAL  
 ENGINEERING  
 AND  
 CONSTRUCTION, INC.  
 1100 EAST WILSON AVENUE  
 SUITE 100  
 COVINGTON, KY 40301  
 502.538.1100  
 WWW.CARDINALINC.COM

REVISIONS	DATE	BY

**EXHIBIT C**  
**CONSENT TO ANNEXATION**

Pursuant to KRS 81A.412, the Commonwealth of Kentucky, for the benefit of NORTHERN KENTUCKY UNIVERSITY, hereby certifies to the City of Highland Heights, Kentucky, that it is the record owner of land, more specifically described in Exhibit "A", attached hereto and incorporated herein, and that it hereby consents to the annexation of the property described in Exhibit "A" by the City of Highland Heights, Kentucky, with the annexation being effective July 01, 2008, and specifically waives the sixty (60) day waiting period provided for in KRS 81A.420(2).

This irrevocable consent and waiver is made knowingly, voluntarily, and with the expressed desire to annex the property described in Exhibit "A" into the City of Highland Heights, Kentucky, with the annexation being effective July 01, 2008.

Executed this 5<sup>th</sup> day of May, 2008.

Commonwealth of Kentucky, for the  
Benefit of NORTHERN  
KENTUCKY UNIVERSITY

BY: NORTHERN KENTUCKY  
UNIVERSITY

By: *James Yotruba*

COMMONWEALTH OF KENTUCKY )

COUNTY OF CAMPBELL )

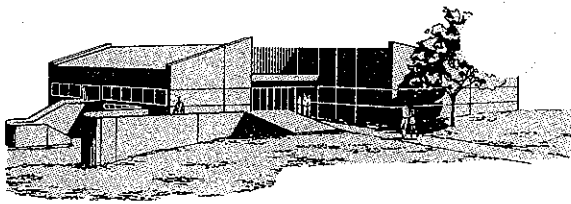
) SS

The foregoing Consent To Annexation was subscribed, sworn to, and acknowledged before me this 5 day of May, 2008 by James Yotruba, the President of Northern Kentucky University, a Kentucky state university, for and on behalf of the university.

*Cathy J. Dewberry*  
Notary Public

Commission Expires: 12/12/09





CITY OF  
**HIGHLAND HEIGHTS**

175 Johns Hill Road • Highland Heights, KY 41076-1498 • Tel: (859) 441-8575 • Fax: (859) 441-8293 • www.lhky.com



**CERTIFICATION**

I, JEAN A. RAUF, CITY CLERK TREASURER OF THE CITY OF HIGHLAND HEIGHTS, KENTUCKY, CERTIFY THAT THE ATTACHED IS A TRUE AND EXACT COPY OF ORDINANCE #05-2008, AN ORDINANCE OF THE CITY OF HIGHLAND HEIGHTS, CAMPBELL COUNTY, KENTUCKY ANNEXING A PORTION OF THE NORTHERN KENTUCKY UNIVERSITY CAMPUS CONSISTING OF APPROXIMATELY 251 ACRES, LYING NORTH OF JOHNS HILL ROAD AND WEST OF US 27; AND CONTIGUOUS TO THE EXISTING BOUNDARIES OF THE CITY OF HIGHLAND HEIGHTS.

THIS ORDINANCE WAS ADOPTED BY CITY COUNCIL ON THE 20<sup>TH</sup> DAY OF MAY, 2008.

GIVEN THIS 23<sup>RD</sup> DAY OF MAY 2008

JEAN A. RAUF  
City Clerk/Treasurer, CMC