

**CITY OF HIGHLAND HEIGHTS**

**ORDINANCE NO. 13-2008**

AN ORDINANCE CLOSING A PUBLIC WAY  
WITHIN THE CITY OF HIGHLAND HEIGHTS  
CURRENTLY KNOWN AS HALE AVENUE  
AND MORE FULLY DESCRIBED ON THE  
ATTACHED PLAT.

WHEREAS, the City of Highland Heights council has determined that it is in the best interest of the City of Highland Heights to close Hale Avenue and;

WHEREAS, the City has determined the identification of all property owners abutting the portion of the public way to be closed and;

WHEREAS, written notice of the proposed closing of the public way has been supplied to all abutting property owners and;

WHEREAS, the abutting property owners have all given their written notarized consent to the closing of the public way.

BE IT HEREBY ORDAINED BY THE CITY OF HIGHLAND HEIGHTS, KENTUCKY AS FOLLOWS:

**SECTION I**

That Hale Avenue within the City of Highland Heights, Kentucky a public way and more accurately depicted in the attached plat labeled Exhibit "A" to this ordinance is closed, as shown on the attached plat and description, and shall revert to private ownership of the adjoining property owners pursuant to KRS82.405(2).

**SECTION II**

That the Highland Heights City Council and Planning and Zoning Commission have determined that the closing of this right of way is in the best interest of the City of Highland Heights, and will allow the development of the property in a manner consistent with the Official Comprehensive Plan.

**SECTION III**

That the identification of all property owners abutting the public right of way are attached hereto and their written and notarized permission for this procedure is incorporated into this

ordinance by reference.

SECTION IV

That the City Attorney is authorized to take whatever legal action is necessary to effectuate this street closing.

SECTION V

That this Ordinance shall be signed by the Mayor, attested by the City Clerk/Treasurer, recorded and published. Same shall be in effect at the earliest time provided by law.

First reading of this 7th day of October, 2008.

Second reading of this 21st day of October, 2008.

  
MAYOR GREGORY V. MEYERS

ATTEST:

  
JEAN RAUF  
CITY CLERK/TREASURER  
Ord08.13

PUBLISH CCR: 11-6-2008



209 Grandview Drive  
 Fort Mitchell, KY 41017  
 P 859.261.1113  
 F 859.261.1710  
[www.bayerbecker.com](http://www.bayerbecker.com)

DESCRIPTION: 50' Right of Way to be Vacated  
 LOCATION: Hale Avenue & Wilson Avenue  
 DATE: September 2, 2008

Situated in the City of Highland Heights, County of Campbell, Commonwealth of Kentucky and being part of the 50 foot wide Hale Avenue right-of-way as shown on the plat of Highland Baby Farms Subdivision, Section One, and recorded in Plat Slide 155B of the Campbell County Clerk's Records at Newport and more particularly described as follows:

Begin at the Southwest corner of Lot 364 of the above mentioned Highland Baby Farms Subdivision, said corner being at the intersection of the North right-of-way line of the above mentioned Hale Avenue and the existing East right-of-way line of Wilson Avenue and the TRUE POINT OF BEGINNING.

thence from the TRUE POINT OF BEGINNING, and with the common line of the above mentioned Lot 364 and the North right-of-way line of Hale Avenue, North 59°33'17" East, 118.63 feet to the existing West limited-access right-of-way line of Interstate 471;

thence leaving the South line of Lot 364 and with the existing West limited access right-of-way line of Interstate 471, South 04°33'56" West, 61.04 feet to the Northeast corner of Parcel 138 conveyed to the Commonwealth of Kentucky, Transportation Cabinet in Deed Book 572, Page 276;

thence leaving the existing West limited access right-of-way line of Interstate 471 and with the common line of the above mentioned Commonwealth of Kentucky, Transportation Cabinet Parcel 138 and the South right-of-way line of Hale Avenue, South 59°33'17" West, 111.09 feet to the existing East right-of-way line of Wilson Road;

thence with the existing East right-of-way line of Wilson Road, North 01°39'07" West, 57.06 feet to the TRUE POINT OF BEGINNING.

Containing 0.132 acres of land and subject to all easements and rights-of-way of record. The reference meridian is Kentucky State Plane Coordinates, North Zone (1601).

The above description was prepared from a survey made on July 15, 2008 under the direction of Chris R. Gephart, Licensed Professional Land Surveyor #3292 in the Commonwealth of Kentucky.

Prior Instrument Reference: Plat Slide 155B

COMMONWEALTH OF KENTUCKY  
COUNTY OF CAMPBELL

CONSENT TO CLOSING  
OF A PUBLIC WAY

I, Robert A. Hans, P.E., Executive Director for District Six of the Kentucky Transportation Cabinet, for and on behalf of the Commonwealth of Kentucky, Transportation Cabinet, Department of Highways, owner of all of the real estate adjacent to the property located in Highland Heights, Kentucky, which is in or abuts the public way or a portion thereof proposed to be closed, described as follows, hereby consents to said closure as described:

DESCRIPTION: Part of 50' Right-of-Way (South) to be Conveyed  
LOCATION: Hale Avenue  
DATE: October 7, 2008

Situated in the City of Highland Heights, County of Campbell, Commonwealth of Kentucky and being part of the 50 foot wide Hale Avenue right-of-way as shown on the plat of Highland Baby Farms Subdivision, Section One, and recorded in Plat Slide 155B of the Campbell County Clerk's Records at Newport and more particularly described as follows:

Begin at the Southwest corner of Lot 364 of the above mentioned Highland Baby Farms Subdivision, said corner being at the intersection of the North right-of-way line of the above mentioned Hale Avenue and the existing East right-of-way line of Wilson Avenue; thence with the existing East right-of-way line of Wilson Avenue, South 01°39'07" East, 28.53 feet to the TRUE POINT OF BEGINNING.

thence from the TRUE POINT OF BEGINNING, and with the centerline of Hale Avenue (to be vacated), North 59°33'17" East, 114.86 feet to the existing West limited-access right-of-way line of Interstate 471;

thence with leaving the centerline of Hale Avenue and with the existing West limited access right-of-way line of Interstate 471, South 04°33'56" West, 30.52 feet to the Northeast corner of Parcel 138 conveyed to the Commonwealth of Kentucky, Transportation Cabinet in Deed Book 572, Page 276;

thence leaving the existing West limited access right-of-way line of Interstate 471 and with the common line of the above mentioned Commonwealth of Kentucky, Transportation Cabinet Parcel 138 and the South right-of-way line of Hale Avenue, South 59°33'17" West, 111.09 feet to the existing East right-of-way line of Wilson Road;

thence with the existing East right-of-way line of Wilson Road, North 01°39'07" West, 28.53 feet to the TRUE POINT OF BEGINNING.

Containing 0.065 acres of land and subject to all easements and rights-of-way of record. The reference meridian is Kentucky State Plane Coordinates, North Zone (1601).

Commonwealth of Kentucky, Transportation Cabinet, Department of Highways

By: Robert A. Hans, Robert A. Hans, P.E., Executive Director, District Six

The foregoing instrument was acknowledged before me this 7<sup>TH</sup> day of October, 2008, by Robert A. Hans, P.E., Executive Director for District Six of the Kentucky Transportation Cabinet, on behalf of the Commonwealth of Kentucky, Transportation Cabinet, Department of Highways.

[Signature]  
Notary Public

9/9/2012  
My Commission Expires

COMMONWEALTH OF KENTUCKY  
COUNTY OF CAMPBELL

CONSENT TO CLOSING  
OF A PUBLIC WAY

I, FRED KANTER, Managing Member of Alexandria Pike Investors, LLC, owner of all of the real estate adjacent to the property located in Highland Heights, Kentucky, which is in or abuts the public way or a portion thereof proposed to be closed, described as follows, here consent to said closure as described.

DESCRIPTION: Part of 50' Right-of-Way (North) to be Conveyed

LOCATION: Hale Avenue & Wilson Avenue

DATE: September 2, 2008

Situated in the City of Highland Heights, County of Campbell, Commonwealth of Kentucky and being part of the 50 foot wide Hale Avenue right-of-way as shown on the plat of Highland Baby Farms Subdivision, Section One, and recorded in Plat Slide 155B of the Campbell County Clerk's Records at Newport and more particularly described as follows:

Begin at the Southwest corner of Lot 364 of the above mentioned Highland Baby Farms Subdivision, said corner being at the intersection of the North right-of-way line of the above mentioned Hale Avenue and the existing East right-of-way line of Wilson Avenue and the TRUE POINT OF BEGINNING.

thence from the TRUE POINT OF BEGINNING, and with the common line of the above mentioned Lot 364 and the North right-of-way line of Hale Avenue, North 59°33'17" East, 118.63 feet to the existing West limited-access right-of-way line of Interstate 471;

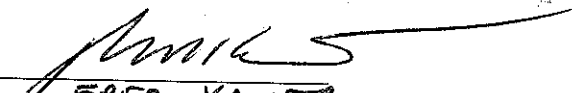
thence with leaving the South line of Lot 364 and with the existing West limited access right-of-way line of Interstate 471, South 04°33'56" West, 30.52 feet;

thence leaving the existing West limited access right-of-way line of Interstate 471 and with the centerline of Hale Avenue, South 59°33'17" West, 114.86 feet to the existing East right-of-way line of Wilson Road;

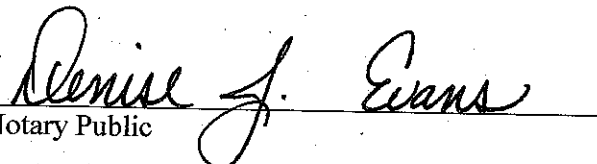
thence with the existing East right-of-way line of Wilson Road, North 01°39'07" West, 28.53 feet to the TRUE POINT OF BEGINNING.

Containing 0.067 acres of land and subject to all easements and rights-of-way of record. The reference meridian is Kentucky State Plane Coordinates, North Zone (1601).

Alexandria Pike Investors, LLC

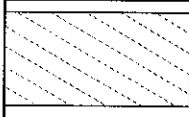
By:   
FRED KANTER

The foregoing instrument was acknowledged before me this 6 day of October, 2008, by FRED KANTER, Managing Member of Alexandria Pike Investors, LLC, on its behalf.

  
Notary Public

3/8/9  
My Commission Expires

**DENISE J. EVANS**  
NOTARY PUBLIC, STATE OF OHIO  
My Commission Expires 03-08-09



Ex. Hale Ave. R/W to be vacated and transferred to the Commonwealth of Kentucky, Transportation Cabinet (0.065 Acres)

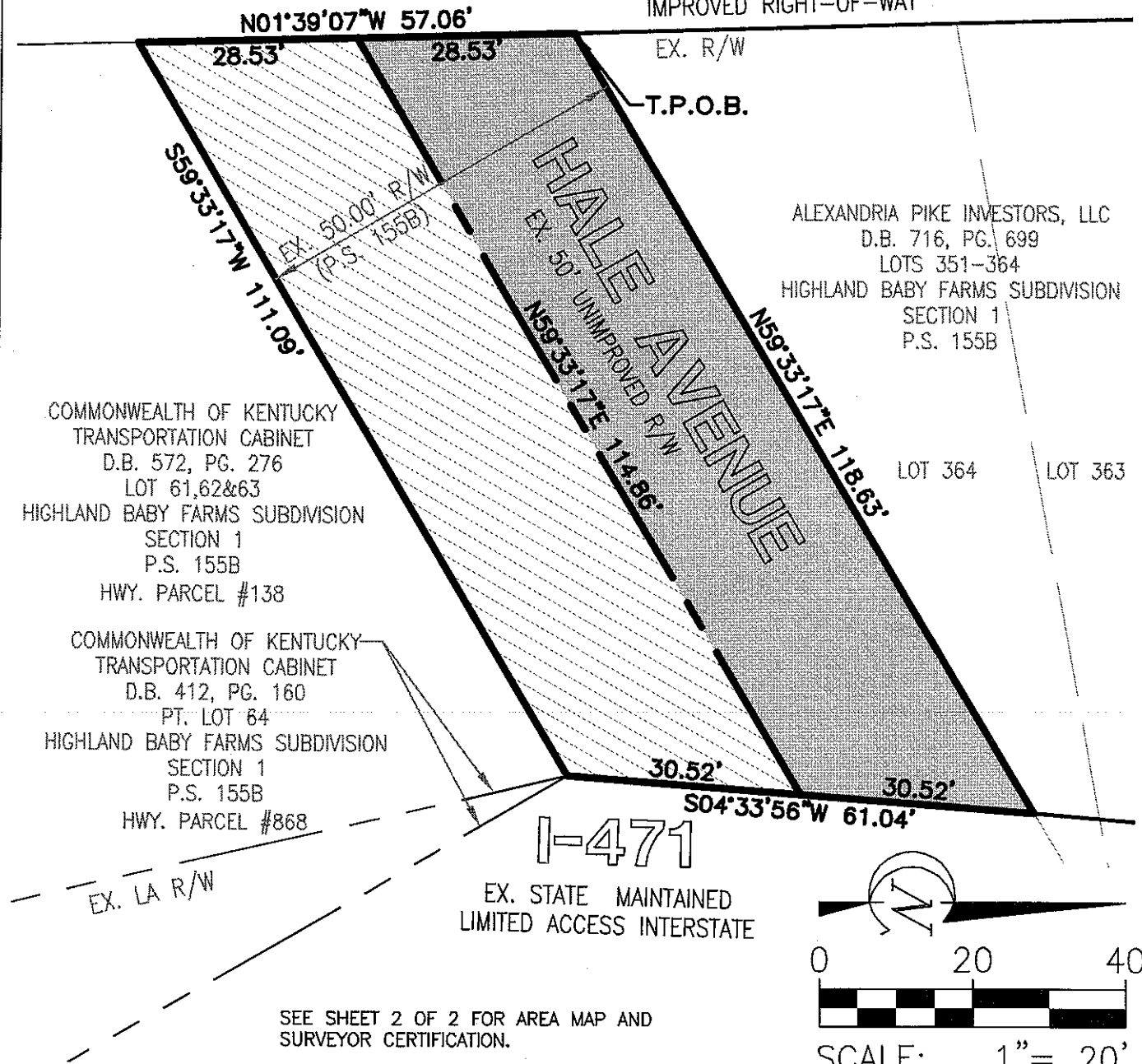


Ex. Hale Ave. R/W to be vacated and transferred to Alexandria Pike Investors, LLC (0.067 Acres)

TOTAL RIGHT-OF-WAY TO BE VACATED: 0.132 ACRES

# WILSON AVENUE

EX. 50' WIDE PARTIALLY IMPROVED RIGHT-OF-WAY



ALEXANDRIA PIKE INVESTORS, LLC  
D.B. 716, PG. 699  
LOTS 351-364  
HIGHLAND BABY FARMS SUBDIVISION  
SECTION 1  
P.S. 155B

LOT 364 LOT 363

COMMONWEALTH OF KENTUCKY  
TRANSPORTATION CABINET  
D.B. 572, PG. 276  
LOT 61, 62 & 63  
HIGHLAND BABY FARMS SUBDIVISION  
SECTION 1  
P.S. 155B  
HWY. PARCEL #138

COMMONWEALTH OF KENTUCKY  
TRANSPORTATION CABINET  
D.B. 412, PG. 160  
PT. LOT 64  
HIGHLAND BABY FARMS SUBDIVISION  
SECTION 1  
P.S. 155B  
HWY. PARCEL #868

**I-471**  
EX. STATE MAINTAINED LIMITED ACCESS INTERSTATE



SCALE: 1" = 20'

SEE SHEET 2 OF 2 FOR AREA MAP AND SURVEYOR CERTIFICATION.

Drawing:	07K023-000 VP
Scale:	1"=20'
Drawn by:	ARV
Checked By:	CRG
Issue Date:	9/3/08

**HIGHLAND BABY FARMS SUBDIVISION**  
SECTION ONE  
CITY OF HIGHLAND HEIGHTS  
CAMPBELL COUNTY, KENTUCKY  
**RIGHT-OF-WAY VACATION**

209 Grandview Drive  
Fort Mitchell, KY 41017 - 859.261.1113