

CITY OF HIGHLAND HEIGHTS

ORDINANCE NO. 01-2009

AN ORDINANCE CLOSING A PORTION OF A RIGHT OF WAY WHICH IS COMMONLY KNOWN AS MARSHALL LANE, BEING AN UNIMPROVED RIGHT OF WAY OF AND IN THE CITY OF HIGHLAND HEIGHTS, KENTUCKY AND AUTHORIZING AND DIRECTING THE ATTORNEY FOR THE CITY OF HIGHLAND HEIGHTS, KENTUCKY TO INSTITUTE AN ACTION IN CAMPBELL CIRCUIT COURT TO HAVE THE SAME FINALLY CLOSED BY JUDICIAL DECREE.

WHEREAS, the City of Highland Heights council has determined that it is in the best interest of the City of Highland Heights to close a portion of Marshall Lane 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;

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

SECTION I

That a portion of Marshall Lane, an unimproved public way of and in the City of Highland Heights, Kentucky and more fully described below is hereby closed pursuant to the provisions of KRS 82.405. A portion of the right of way to be closed is as follows:

This Marshall Lane is shown on the Highland Baby Farms Section 9 in Deed Book 56, Page 252 Campbell County records, Newport, Ky.

The part being closed is described as follows:

Beginning at the West right of way line of Clara Avenue, at the northeast corner of Lot 179;

thence with the south right of way line of Marshall lane and the front of Lots 179 thru 186 to the Northwest corner of Lot 186 and the East right of way line of Lake Avenue (lake Avenue closed in miscellaneous Book 10, Page 63); thence with the East right of way line of Lake Avenue to the North right of way lien of Marshall Lane to the projected West right of way line of Clara Avenue; thence with the projected West right of way line of Clara Avenue to the beginning.

Marshall Lane has a total 40' right of way width (19'+1'+20'). There is shown on the plat a 1' strip marked reserved. This is to be extinguished by separate action for clarification.

Should there be any existing utilities within the above described area their location is to be honored.

SECTION II

That the City Attorney for the City of Highland Heights, Kentucky is authorized and directed to file suit in Campbell Circuit Court and have Marshall Lane as above described closed by judicial decree.

SECTION III

That the public way ordered closed pursuant to the provisions of section I hereof be described and marked on the plat which is attached hereto and made a part hereof.

SECTION IV

That if and when the Campbell Circuit Court issues its decree finally closing this public way a copy of said judicial decree shall be filed on record in the office of the Campbell County Clerk in Newport, Kentucky.

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 17 day of February, 2009.

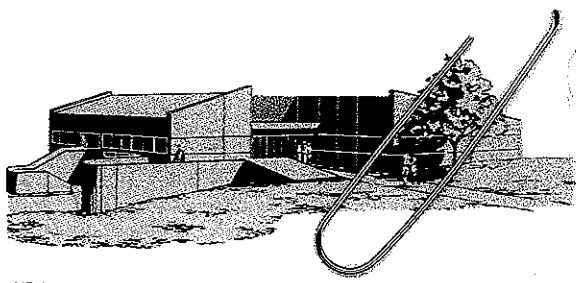
Second reading of this 3 day of March, 2009.


MAYOR GREGORY V. MEYERS

ATTEST:


JEAN RAUF
CITY CLERK/TREASURER

Ord09.01



CITY OF
HIGHLAND HEIGHTS

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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 #01-2009.

AN ORDINANCE CLOSING A PORTION OF RIGHT OF WAY WHICH IS COMMONLY KNOWN AS MARSHALL LANE, BEING AN UNIMPROVED RIGHT OF WAY OF AND IN THE CITY OF HIGHLAND HEIGHTS, KENTUCKY AND AUTHORIZING AND DIRECTING THE ATTORNEY FOR THE CITY OF HIGHLAND HEIGHTS, KENTUCKY TO INSTITUTE AN ACTION IN CAMPBELL CIRCUIT COURT TO HAVE THE SAME FINALLY CLOSED BY JUDICIAL DECREE

THIS ORDINANCE WAS ADOPTED BY CITY COUNCIL ON THE 3RD DAY OF MARCH, 2009.

GIVEN THIS 12th DAY OF MARCH, 2009

JEAN A. RAUF
City Clerk/Treasurer, CMC

*mailed 3/12/09
to Steve F*