

**CITY OF HIGHLAND HEIGHTS**

**ORDINANCE NO. 18-2009**

AN ORDINANCE CLOSING PORTIONS OF A  
RIGHT OF WAY WHICH IS COMMONLY KNOWN  
AS CLARA AVENUE BEING AN UNIMPROVED  
RIGHT OF WAY OF AND IN THE CITY OF  
HIGHLAND HEIGHTS, KENTUCKY AND  
MORE FULLY DESCRIBED BELOW.

WHEREAS, the City of Highland Heights council has determined that it is in the best interest of the City of Highland Heights to close Clara 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 a portion of Clara Avenue within the City of Highland Heights, Kentucky, a public way and more accurately depicted in the description set forth below is to be closed and shall revert to the private ownership of the adjoining property owners pursuant to KRS 82.405(2).

**SECTION II**

That the Highland Heights City Council has 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.

**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 portion of Clara Avenue to be closed is described as follows:

Lying in the City of Highland Heights, Campbell County, Kentucky, and being all of the Continuation of Clara Avenue as shown on Plat Cabinet A, Slide 181A (formerly known as and referred to as Plat Book 3, Page 54A) of the records of the Campbell County Clerk located in Newport, Kentucky, with boundaries being more particularly described as follows:

Beginning at a point located at the southwest corner of intersection of Clara Avenue with Myrtle Avenue, said point being the northwest corner of the Clara Avenue continuation;

THENCE leaving Myrtle Avenue with the westerly line of the Clara Avenue continuation having a bearing of S 25-40 E, a distance of 117.64 feet to a point;

THENCE continuing along the westerly line of the Clara Avenue continuation S 0-37 W, a distance of 70.48 feet to a point in the northerly right of way line of Johns Hill Road (after the Johns Hill Road right of way being widened by the Commonwealth of Kentucky as described in Deed Book 426, Page 284);

THENCE along the widened Johns Hill Road right of way S 79-14-51 E a distance of 40.63 feet to a point in the easterly line of the Clara Avenue continuation, said point also being the westerly line of the Pine Street right of way;

THENCE along the easterly line of the Clara Avenue continuation and the westerly line of Pine Street having a bearing of N 0-37 E, a distance of 109.57 feet to a point;

THENCE leaving the Pine Street right of way along the Clara Avenue continuation having a bearing of N 25-40 W, a distance of 101.75 feet to a point in the southerly line of Myrtle Avenue;

THENCE with the Clara Avenue continuation and the south line of Myrtle Avenue having a bearing of S 70-00 W, a distance of 50.25 feet to the POINT OF BEGINNING.

The above described property contains approximately 0.2 acres and consists of all of the remainder of the Continuation of Clara Avenue as is shown, described and depicted on Plat Cabinet A, Slide 181A after having excepting therefrom any part of the Continuation of Clara Avenue that comprises any portion of the real estate which was conveyed by deed from the City of Highland Heights, Kentucky to the Commonwealth of Kentucky for the use and benefit of the Department of Transportation, dated August 28, 1975 and recorded on September 26, 1975 in Deed Book 426, Page 284.

#### SECTION V

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

SECTION VI

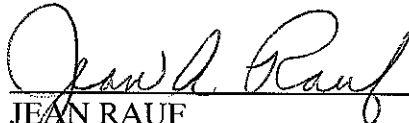
That this Ordinance shall be signed by the Mayor, attested by the City Clerk/Treasurer, recorded and published. Same shall be in effect at the earliest time provided by law.

First reading of this 17 day of November, 2009.

Second reading of this 1 day of December, 2009.

  
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MAYOR GREGORY V. MEYERS

ATTEST:

  
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JEAN RAUF  
CITY CLERK/TREASURER  
Ord09.18

PUBLISH CCR 12-10-2009