COMMISSIONERS' ORDINANCE NO. 0-12-22

AN ORDINANCE VACATING A PORTION OF THE MONTEREY STREET RIGHT OF WAY AND VACATING A PORTION OF THE UNNAMED ALLEY SOUTH OF FOURTEENTH STREET AND NORTH OF MONTEREY STREET AND ABUTTING AND RUNNING PERPENDICULAR TO KAVANAUGH STREET PURSUANT TO KRS 82.405.

* * * *

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

WHEREAS, the Board of Commissioners determined that a portion of the public right-of-ways located within the City of Covington, consisting of i) a portion of Monterey Street and ii) a portion of the unnamed alley south of Fourteenth Street and north of Monterey Street and abutting and running perpendicular to Kavanaugh street, should be closed; and

WHEREAS, and St. Elizabeth Medical Center, INC and Kenton County Kentucky have been identified as the only property owners in or abutting the portion of the public way to be closed; 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; and

WHEREAS, all property owners who abut a portion of the right-of ways to be closed have agreed to the closing of said public ways.

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

Section 1

That the Board of Commissioners hereby gives written consent to the vacations the portions of Monterey Street and the unnamed alley south of Fourteenth Street and north of Monterey Street and abutting and running perpendicular to Kavanaugh Street described and depicted in Exhibit A.

Section 2

That the Board of Commissioners hereby makes the following findings of fact:

- a) St. Elizabeth Medical Center, INC and Kenton County Kentucky have been identified as the only property owners in or abutting the portion of the public way to be closed;
- b) Written notice was given to all property owners in or abutting the portions of the public ways to be closed; and
- c) All property owners in or abutting the public way or portion thereof being closed have given their written notarized consent to the closing, hereto attached as Exhibit B.

Section 3

That the Board of Commissioners hereby vacates the portions of Monterey Street and the unnamed alley south of Fourteenth Street and north of Monterey Street and abutting and running perpendicular to Kavanaugh Street described and depicted in Exhibit A.

Section 4

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

Joseph U Meyer AYOR

ATTEST:

Passed: July 19, 2022 (Second Reading)

June 28, 2022 (First Reading)

Exhibit A

LEGAL DESCRIPTION VACATION OF A PORTION OF MONTEREY STREET, COVINGTON, KENTUCKY 0.100 OF AN ACRE (4357.803 SQ.FT)

Situated in the City of Covington, Kenton County, Commonwealth of Kentucky, and being land

dedicated as Monterey Street (30') per Southgate & Hawthorn's Subdivision as recorded on Plat No. 309 and Morten's Subdivision Plat No. 191 of the Kenton County Clerk's records at Covington, Kentucky, and being more particularly described as follows:

Beginning at the northwest corner of lot 57 and the south right of way line of said Monterey Street

and the easterly line of Saint Elizabeth Center Ambulatory Care Center Subdivision,

Section One, as recorded on Plat no. 2095 & 2095 A;

Thence North 31°05'05" West, a distance of 31.57 feet to the northerly right of way line of said

Monterey Street;

Thence with the said north right of way line, North 77°04′28″ East, a distance of 150.78 feet;

Thence South 12°55′32″ East, a distance of 30.00 feet to the south right of way line of said

Monterey Street;

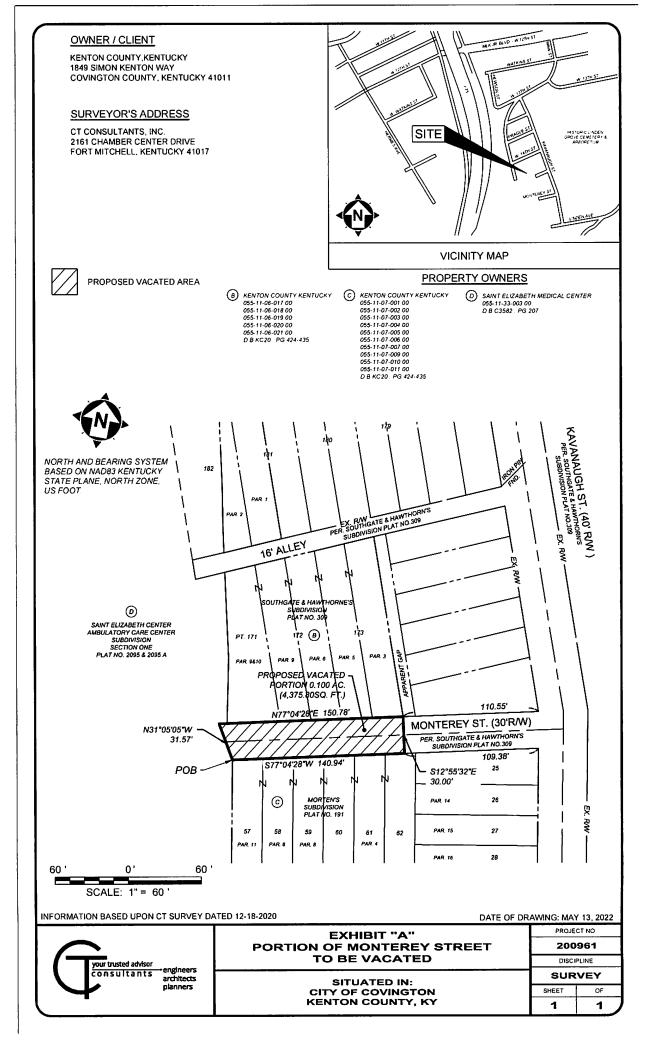
Thence with the said south right of way line, South 77°04′28″ West, a distance of 140.94 feet to

the place of beginning;

Containing 0.100 acre of land, more or less, subject to easements, conditions, covenants, restrictions,

and right of ways of record.

Basis of Bearings: NAD83 (2011) Kentucky State Plane Coordinates, North Zone.



LEGAL DESCRIPTION VACATION OF A PORTION OF A 16 FOOT ALLEY BETWEEN W. 14° Street and MONTEREY STREET, COVINGTON, KENTUCKY 0.028 OF AN ACRE (1,219.68 SQ.FT)

Situated in the City of Covington, Kenton County, Commonwealth of Kentucky, and being land

dedicated as a 16 foot Alley per Southgate & Hawthorn's Subdivision as recorded on Plat No. 309 of the Kenton County Clerk's records at Covington, Kentucky, and being more

particularly described as follows:

Beginning at the southwest corner of lot 182 and the north right of way line of said 16 ft. Alley as

recorded on Plat no. 309, Southgate & Hawthorn's Subdivision;

Thence with the northerly right-of-way line of said 16 ft. Alley, North 65°45'31" East, a distance of

75.01 feet;

Thence South 19°59′11″ East, a distance of 16.04 feet to the southerly line of said Alley:

Thence with the southerly line of said Alley, South 65°45'31" West, a distance of 75.01 feet to the

easterly line of Saint Elizabeth Center Ambulatory Care Center Subdivision, Section One,

as recorded on Plat no. 2095 & 2095 A;

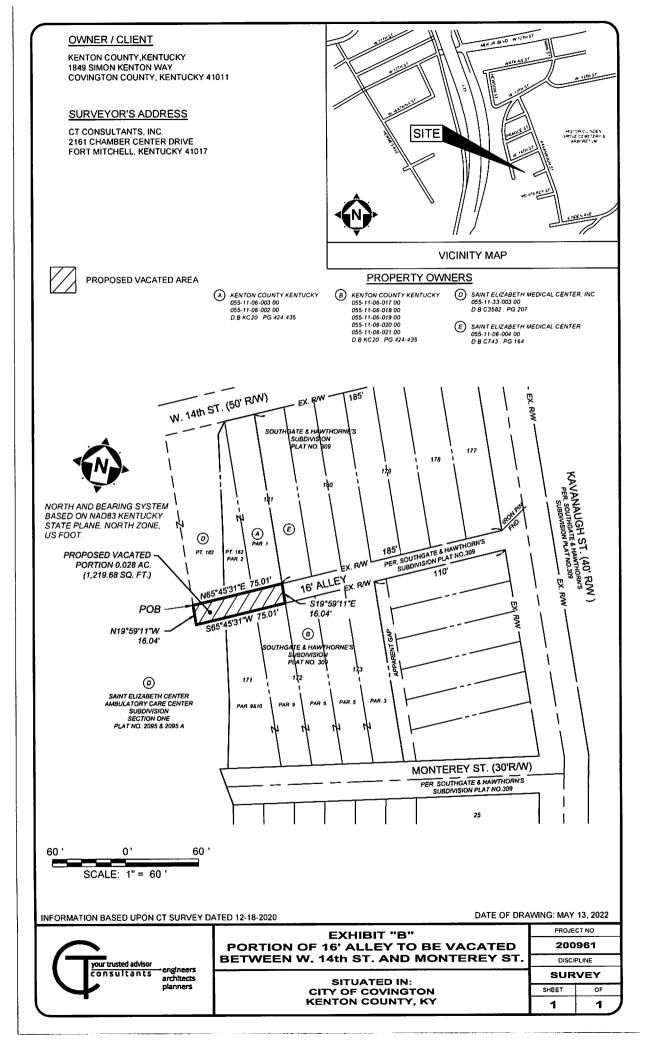
Thence with the said easterly line of said Saint Elizabeth Center Ambulatory Care Center

Subdivision, North 19°59′11″ West, a distance of 16.04 feet to the place of beginning;

Containing 0.028 acre of land, more or less, subject to easements, conditions, covenants, restrictions,

and right of ways of record.

Basis of Bearings: NAD83 (2011) Kentucky State Plane Coordinates, North Zone.



CONSENT TO CLOSING OF A PUBLIC WAY

[Portions of Monterey Street and unnamed alley, Kenton County, Covington Kentucky]

WHEREAS, Saint Elizabeth Medical Center, Inc. ("Owner") is the owner of real estate that partially consists of the portion of James R. Simpson Way that extends south of 14th Street, situated in Covington, Kentucky described in Exhibit A which is attached hereto and incorporated herein (the "Owner's Property"); and

WHEREAS, Kenton County, Kentucky is requesting that the City of Covington close portions of Monterey Street and the unnamed alley located south of Fourteenth Street and north of Monterey Street and abutting and running perpendicular to Kavanaugh Street described and depicted in Exhibit B which is attached hereto and incorporated herein (the "ROW Sections"), which abuts the Owner's Property; and

NOW THEREFORE, the Owner hereby consents to the closure of the portions of these ROW Sections in accordance with KRS 82.405:

St. Elizabeth Medical Center, Inc., the title record owner of the Owner's Property described in Exhibit A, hereby consents to the closure of the ROW Sections being requested by Kenton County, Kentucky to the City of Covington as described herein.

Owner:

Saint Elizabeth Medical Center, Inc.

Its: EVP/Chief Operating Officer

Commonwealth of Kentucky County of Kenton

The foregoing Consent to Closing of a Public Way was acknowledged before me this 3rd day of June, 2022, by Gary Blank, on behalf of Saint Elizabeth Medical Center, Inc., its EVP/Chief Operating Officer, who executed the foregoing instrument, acknowledged that the/she voluntarily executed the same, and swore and attested as to the truth of the facts stated herein.

My Commission Expires: 9.2.2035

[Notary stamp here]



EXHIBIT A

Owner's Property

Group No. 5329

PIDNS: 055-11-33-001.00

055-11-33-003.00 055-11-33-005.00

Lots One, Three and Five of the Saint Elizabeth Medical Center Ambulatory Care Center Subdivision, Section One, as shown of the Plat Slides 2095 and 2095A of the Kenton County Clerk's records at Covington, Kentucky.

EXHIBIT B ROW Sections

Exhibit B

LEGAL DESCRIPTION VACATION OF A PORTION OF MONTEREY STREET, COVINGTON, KENTUCKY 0.100 OF AN ACRE (4357.803 SQ.FT)

Situated in the City of Covington, Kenton County, Commonwealth of Kentucky, and being land

dedicated as Monterey Street (30') per Southgate & Hawthorn's Subdivision as recorded on Plat No. 309 and Morten's Subdivision Plat No. 191 of the Kenton County Clerk's records at Covington, Kentucky, and being more particularly described as follows:

Beginning at the northwest corner of lot 57 and the south right of way line of said Monterey Street

and the easterly line of Saint Elizabeth Center Ambulatory Care Center Subdivision,

Section One, as recorded on Plat no. 2095 & 2095 A;

Thence North 31°05'05" West, a distance of 31.57 feet to the northerly right of way line of said

Monterey Street;

Thence with the said north right of way line, North 77°04′28″ East, a distance of 150.78 feet;

Thence South 12°55'32' East, a distance of 30.00 feet to the south right of way line of said

Monterey Street;

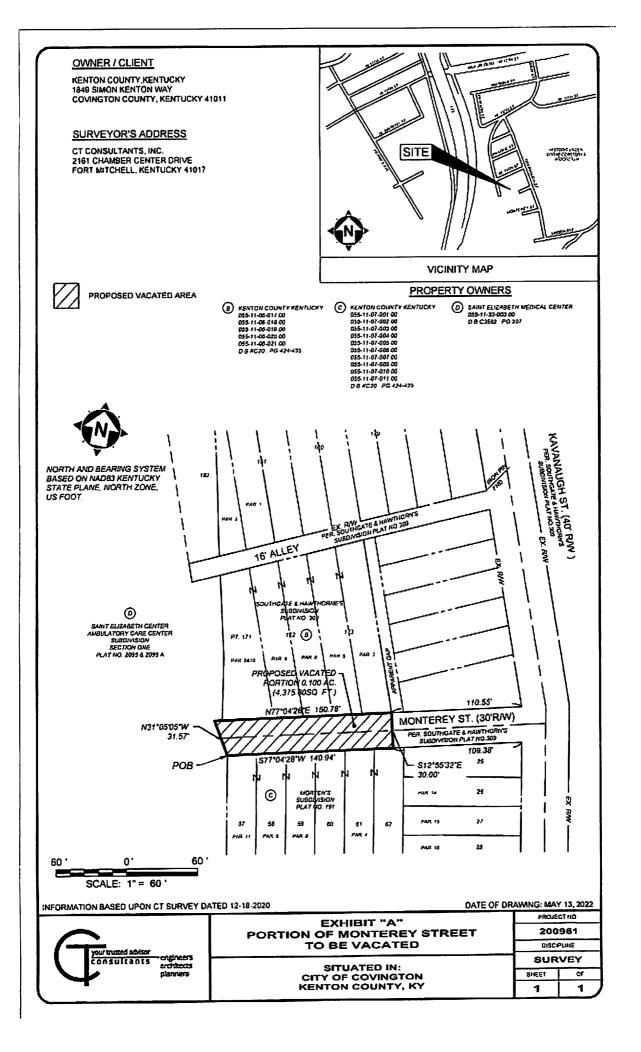
Thence with the said south right of way line, South 77°04'28" West, a distance of 140.94 feet to

the place of beginning;

Containing 0.100 acre of land, more or less, subject to easements, conditions, covenants, restrictions,

and right of ways of record.

Basis of Bearings: NAD83 (2011) Kentucky State Plane Coordinates, North Zone.



LEGAL DESCRIPTION VACATION OF A PORTION OF A 16 FOOT ALLEY BETWEEN W. 14th Street and MONTEREY STREET, COVINGTON, KENTUCKY 0.028 OF AN ACRE (1,219.68 SQ.FT)

Situated	in the City of Covingto	on, Kenton County, Commonwealth of Kentucky, and being land	ĺ
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dedicated as a 16 foot Alley per Southgate & Hawthorn's Subdivision as recorded on Plat No. 309 of the Kenton County Clerk's records at Covington, Kentucky, and being more

particularly described as follows:

Beginning at the southwest corner of lot 182 and the north right of way line of said 16 ft. Alley as

recorded on Plat no. 309, Southgate & Hawthorn's Subdivision;

Thence with the northerly right-of-way line of said 16 ft. Alley, North 65°45'31" East, a distance of

75.01 feet;

Thence South 19°59'11" East, a distance of 16.04 feet to the southerly line of said Alley:

Thence with the southerly line of sald Alley, South 65°45'31" West, a distance of 75.01 feet to the

easterly line of Saint Elizabeth Center Ambulatory Care Center Subdivision, Section One,

as recorded on Plat no. 2095 & 2095 A;

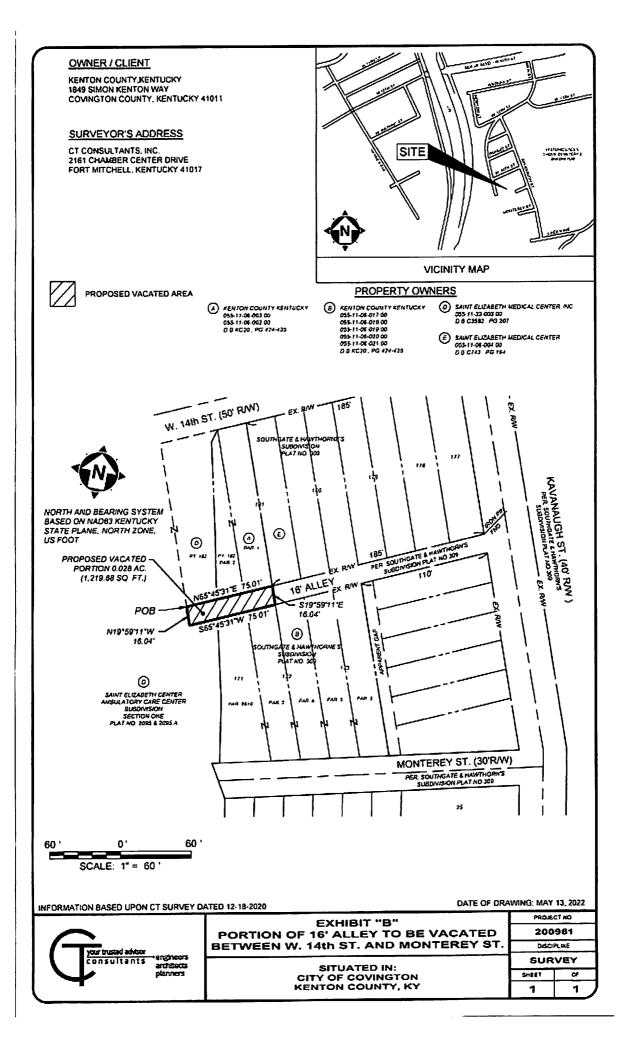
Thence with the said easterly line of said Saint Elizabeth Center Ambulatory Care Center

Subdivision, North 19°59'11' West, a distance of 16.04 feet to the place of beginning:

Containing 0.028 acre of land, more or less, subject to easements, conditions, covenants, restrictions,

and right of ways of record.

Basis of Bearings: NAD83 (2011) Kentucky State Plane Coordinates, North Zone.



RESOLUTION NO. 22-18

A RESOLUTION OF THE KENTON COUNTY FISCAL COURT CONSENTING TO THE CLOSURE OF A PUBLIC WAY TO INCLUDE PORTIONS OF MONTEREY STREET AND AN UNNAMED ALLEY

WHEREAS, Kenton County Kentucky, is the owner of real estate at 510, 511-13, 512, 514, 515, 517-519, 518, 520, and 521 Monterey Street and 515 and 517 W. 14th Street, situated in Covington, Kenton County Kentucky; and

WHEREAS, Kenton County Kentucky, as the owner of these land parcels, is requesting that the City of Covington close portions of Monterey Street and an unnamed alley south of Fourteenth Street and north of Monterey Street and abutting and running perpendicular to Kavanaugh Street described and depicted in Exhibits A and B, respectively, and attached hereto.

NOW THEREFORE, BE IT RESOLVED BY THE FISCAL COURT, COUNTY OF KENTON, COMMONWEALTH OF KENTUCKY, THAT: Kenton County hereby consents to the closure of the portions of these public ways in accordance with KRS 82.405.

Adopted this 14 day of June 2022.

COUNTY OF KENTON, KENTUCKY BY: KRIS KNOCHELMANN,

Kenton County Judge/Executive

ATTEST: Sue Kaiser, Kenton Fiscal Court Clerk

CONSENT TO CLOSING OF A PUBLIC WAY

[Portions of Monterey Street and unnamed alley]

WHEREAS, Kenton County Kentucky, is the owner of real estate at 510, 511-13, 512, 514, 515, 517-519, 518, 520, and 521 Monterey Street and 515 and 517 W. 14th Street, situated in Covington, Kentucky (the "Owner's Property"); and

WHEREAS, Kenton County Kentucky is requesting that the City of Covington close portions of Monterey Street and the unnamed alley south of Fourteenth Street and north of Monterey Street and abutting and running perpendicular to Kavanaugh Street described and depicted in Exhibit A (the "ROW Sections"), which abuts the Owner's Property; and

NOW THEREFORE, the owner hereby consents to the closure of the portions of these ROW Sections in accordance with KRS 82.405:

512, 514, 515, 517-519, 518, 520, and 521 Monterey Street and 515 and 517 W. 14th Street situated

on behalf of Kenton County Kentucky, the title record owner of 510, 511-13,

in Covington, Kentucky, hereby consent to the closure of the ROW Sections being requested by Kenton County Kentucky to the City of Covington as described herein. Owner Print: Kris A. Krochelman [print]

[print title of on behalf of entity]

Commonwealth of Kentucky County of Kenton

I.

The foregoing Consent to Closing of a Public Way was acknowledged before me this day of Time, 20222, by viskradavan, its , who executed the foregoing instrument, acknowledged that the/she voluntarily executed the same, and swore and attested as to the truth of the facts stated herein.

Notary Public

Notary Public
My Commission Expires: 613215

[Notary stamp here]

EXHIBIT A

Owner's Property

Group No. 5329

PIDNS: 055-11-33-001.00

055-11-33-003.00 055-11-33-005.00

Lots One, Three and Five of the Saint Elizabeth Medical Center Ambulatory Care Center Subdivision, Section One, as shown of the Plat Slides 2095 and 2095A of the Kenton County Clerk's records at Covington, Kentucky.

EXHIBIT B ROW Sections

Exhibit B

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Beginning at the northwest corner of lot 57 and the south right of way line of said Monterey Street

and the easterly line of Saint Elizabeth Center Ambulatory Care Center Subdivision,

Section One, as recorded on Plat no. 2095 & 2095 A;

Thence North 31°05'05" West, a distance of 31.57 feet to the northerly right of way line of said

Monterey Street;

Thence with the said north right of way line, North 77°04'28" East, a distance of 150.78 feet;

Thence South 12°55'32" East, a distance of 30.00 feet to the south right of way line of said

Monterey Street;

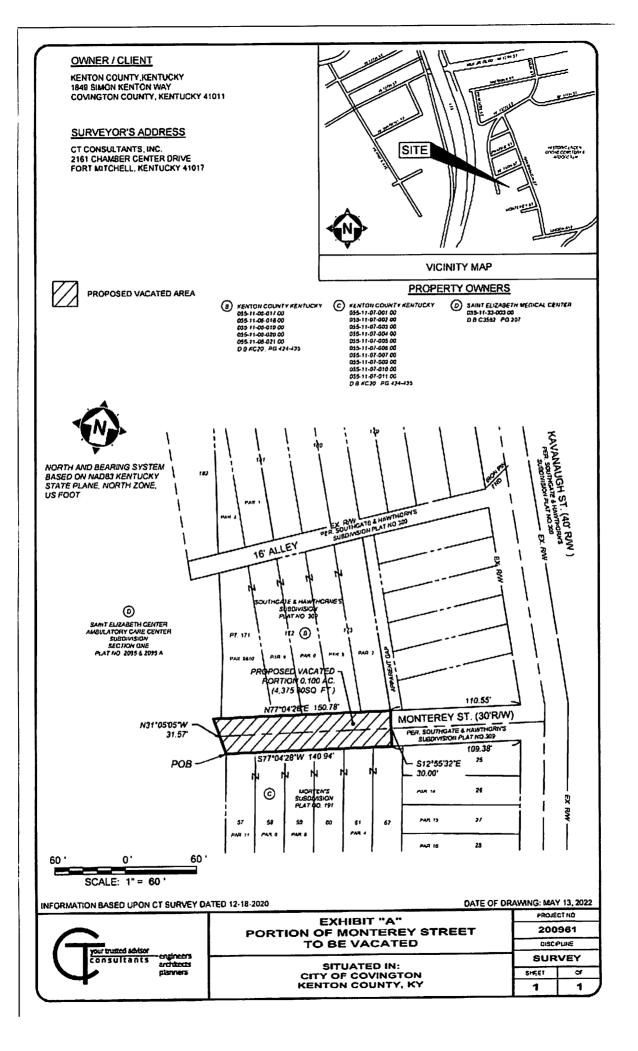
Thence with the said south right of way line, South 77°04'28" West, a distance of 140.94 feet to

the place of beginning;

Containing 0.100 acre of land, more or less, subject to easements, conditions, covenants, restrictions,

and right of ways of record.

Basis of Bearings: NAD83 (2011) Kentucky State Plane Coordinates, North Zone.



LEGAL DESCRIPTION VACATION OF A PORTION OF A 16 FOOT ALLEY BETWEEN W. 14th Street and MONTEREY STREET, COVINGTON, KENTUCKY 0.028 OF AN ACRE (1,219.68 SQ.FT)

Situated	in the City of Covington,	Kenton County,	Commonwealth	of Kentucky.	and being land
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Beginning at the southwest corner of lot 182 and the north right of way line of said 16 ft. Alley as

recorded on Plat no. 309, Southgate & Hawthorn's Subdivision;

Thence with the northerly right-of-way line of said 16 ft. Alley, North 65°45'31" East, a distance of

75.01 feet;

Thence South 19°59'11" East, a distance of 16.04 feet to the southerly line of said Alley:

Thence with the southerly line of sald Alley, South 65°45'31" West, a distance of 75.01 feet to the

easterly line of Saint Elizabeth Center Ambulatory Care Center Subdivision, Section One,

as recorded on Plat no. 2095 & 2095 A;

Thence with the said easterly line of said Saint Elizabeth Center Ambulatory Care Center

Subdivision, North 19°59'11" West, a distance of 16.04 feet to the place of beginning:

Containing 0.028 acre of land, more or less, subject to easements, conditions, covenants, restrictions,

and right of ways of record.

Basis of Bearings: NAD83 (2011) Kentucky State Plane Coordinates, North Zone.

