

CITY OF HIGHLAND HEIGHTS, KENTUCKY

ORDINANCE NO. 11-2008

AN ORDINANCE AMENDING ORDINANCE NO. 16-83, THE CITY OF HIGHLAND HEIGHTS ZONING ORDINANCE BY CHANGING THE THE PROPERTY LOCATED AT 2740 ALEXANDRIA PIKE, 19 MYRTLE AVENUE, AND ADJOINING PARCELS MORE SPECIFICALLY DESCRIBED HEREIN FROM R-1E, SINGLE FAMILY RESIDENTIAL TO LSC, LIMITED SERVICE COMMERCIAL.

WHEREAS, the Highland Heights Planning Commission held a public hearing on May 13, 2008 and June 10, 2008 to consider amending the map of the City's zoning ordinance.

WHEREAS, said public hearing was held pursuant to KRS 100.207, 100.211, 100.212 and 100.213 with all conditions prerequisite thereto being met; and;

WHEREAS, the Highland Heights Planning Commission decided to recommend to the City Council to amend the map of the City's zoning ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF HIGHLAND HEIGHTS, KENTUCKY:

Section I

That the City of Highland Heights, Kentucky having considered the findings of the Planning Commission as reflected in its minutes and the reports adopted by the Planning Commission pursuant to those findings from the city staff and its actions and recommendations, as well as reviewing the minutes of said public hearing and the report from the city staff does hereby concur and adopt the reasons, recommendations and findings of the Planning Commission's public hearings held on May 13, 2008 and June 10, 2008, including, but not limited to the finding that the application for a zone change is in agreement with the city's current comprehensive plan.

Section II

That the official zoning map of Highland Heights, Kentucky is hereby amended as it pertains to the property described below, from Residential I (R-1E) to Limited Service Commercial (LSC) zone. The property so affected is described as follows:

Parcel One:

Situated in the City of Highland Heights, Campbell County, Kentucky, and being part of Lots 11, 12, 33, 34, and 35, of the Highland Baby Farms, Section 9, and being all of the remaining land of Wilbur Gasdorf, Jr. and Shirley Ann Gasdorf, as recorded in Deed Book 567, page 3 74 -A of the Campbell County Clerk's records at Newport, Kentucky, and more fully described as follows:

Subject to applicable zoning and all covenants, restrictions, conditions, and easements of record and/or in existence.

Beginning at a point in the northerly line of Myrtle Avenue, said point lying North 70-00-00 East 50.00 feet from the southwesterly corner of said Lot 35, Highland Baby Farms, Section S; thence North 20-00-00 West a distance of 115.78 feet to a point in the northerly line of Lot 33; thence with the northerly line of Lot 33, North 70-00-00 East a distance of 88.00 feet to a point in the common line with the lands of Enos Real Estate Agency, Inc. as recorded in Deed Book 477, page 498; thence through Lots 12, 11, 34, and 35 and with the common line of Enos Real Estate Agency, Inc. South 07-34-36 East a distance of 118.66 feet to the north line of Myrtle Avenue; thence leaving the common line with Enos Real Estate Agency, Inc. and with the north line of Myrtle Avenue South 70-00-00 West a distance of 62.00 feet to the point of beginning.

Being all of the property conveyed to Wilbur Gasdorf, Jr. and Shirley Ann Gasdorf, jointly with right of survivorship, by deed recorded in Deed Book 567, page 374-A of the Campbell County Clerk's records at Newport, Kentucky.

Shirley Ann Gasdorf died on May 17, 2001, and by virtue of the survivorship clause, title vested in Wilbur Gasdorf, Jr.

Parcel Two:

Situated in the City of Highland Heights, Campbell County, Kentucky, and being part of Lots 33, 34, and 35 of the Highland Baby Farms, Section 9, and being all of the remaining land of Evelyn Gasdorf, as recorded in Deed Book 242, page 207, and Deed Book 242, page 210, of the Campbell County Clerk's records at Newport, and more fully described as follows:

Beginning at a point in the northerly line of Myrtle Avenue, said point lying North 70-00-00 East 50.00 feet from the southwesterly corner of Lot 35, Highland Baby Farms, Section 9, and at the southwest corner of Parcel One herein; thence with the northerly line of Myrtle Avenue South 70-00-00 West a distance of 7.26 feet to the easterly right of way line of relocated US 27; thence leaving the northerly line of Myrtle Avenue, and with the easterly line of relocated 27 North 25-19-01 West a distance of 116.27 feet to the north line of Lot 33 of Highland Baby Farms, Section 9; thence with the north line of Lot 33 North 70-00-00 East a distance of 17.75 feet to the common line of the lands of Wilbur Gasdorf, Jr. and Shirley Ann Gasdorf, as recorded in Deed Book 567, page 374-A, of the Campbell County Clerk's records at Newport, Kentucky; thence with the line of Wilbur Gasdorf, Jr. and Shirley Ann Gasdorf, South 20-00-00 West a distance of 115.78 feet to the north line of Myrtle Avenue and the point of beginning of the herein described parcel. There herein described Parcel Two is the remainder of the lands of Wilbur and Evelyn Gasdorf, as recorded in Deed Book 470, page 210, of the Campbell County Clerk's records at Newport, Kentucky.

Parcel One and Parcel Two are subject to a permanent drainage easement granted to the Commonwealth of Kentucky by deed recorded in Deed Book 550, page 250, of the Campbell County Clerk's records at Newport, Kentucky.

Parts of Lots numbers Thirty (30), Thirty-One (31), and Thirty-Two (32) in Section Nine (9) of the Highland Baby Farms Subdivision made by Renshaw and Breece, Engineers of Huntington, West Virginia, on the 27th day of June, 1913, and now located in the City of Highland Heights, Campbell County, Kentucky, as shown upon the plat of Section No. 9 of the Highland Baby Farms of record in the office of the Clerk of the Campbell County Court at Newport, Kentucky, in Plat Book 56, at page 252.

Subject to easements, conditions, restrictions, and covenants of record and/or in existence.

Being part of the same property conveyed to Omar Dreyer and Mary Dreyer, brother and sister, each as one-half tenant in common with the other, by deed dated February 15, 1990, and recorded in Deed Book. 526, page 484, of the Campbell County Clerk's records at Newport, Kentucky.

Situated in the City of Highland Heights, Campbell County, Commonwealth of Kentucky, and being all of Lots 10, 13 and part of Lots 11, 12, 34 and 35 Highland Baby Farms, Section 9 and being more particularly described as follows:

Beginning at the southeasterly corner of said Lot 10, thence along the northerly line of Myrtle Avenue S $70^{\circ}-00'W$, 101.33 feet to a point, thence leaving Myrtle Avenue N. $7^{\circ}-34'36''W$, 118.66 feet to a point; thence S. $70^{\circ}00'W$, 23.89 feet to the common corner of Lots 32,33, 12 and 13, thence N. $25^{\circ}-40'W$, 40.00 feet to the corner of Lot 13; thence along the northerly line of Lot 13, N. $70^{\circ}-00'E$, 125.6 feet to the westerly line of Alexandria Pike, thence along the westerly line of Alexandria Pike S. $25^{\circ}-39'E$, 30.52 feet to a point; thence S $11^{\circ}-10'E$, 93.20 feet to a point; thence S. $0^{\circ}-37'W$, 34.20 feet to the point of beginning, being subject to all easement of record and use.

Being the same property conveyed to grantors herein by deed from Wilbur Gasdorf and Evelyn Gasdorf, his wife, dated November 23, 1982 and recorded in Deed Book 472, page 213 of Campbell County Clerk's records at Newport, Kentucky.

Section III

That the map referred to in Section II herein is hereby made a part of this Ordinance and same shall remain on file and be retained by the City Clerk/Treasurer at the Highland Heights City building for a record and inspection by the public.

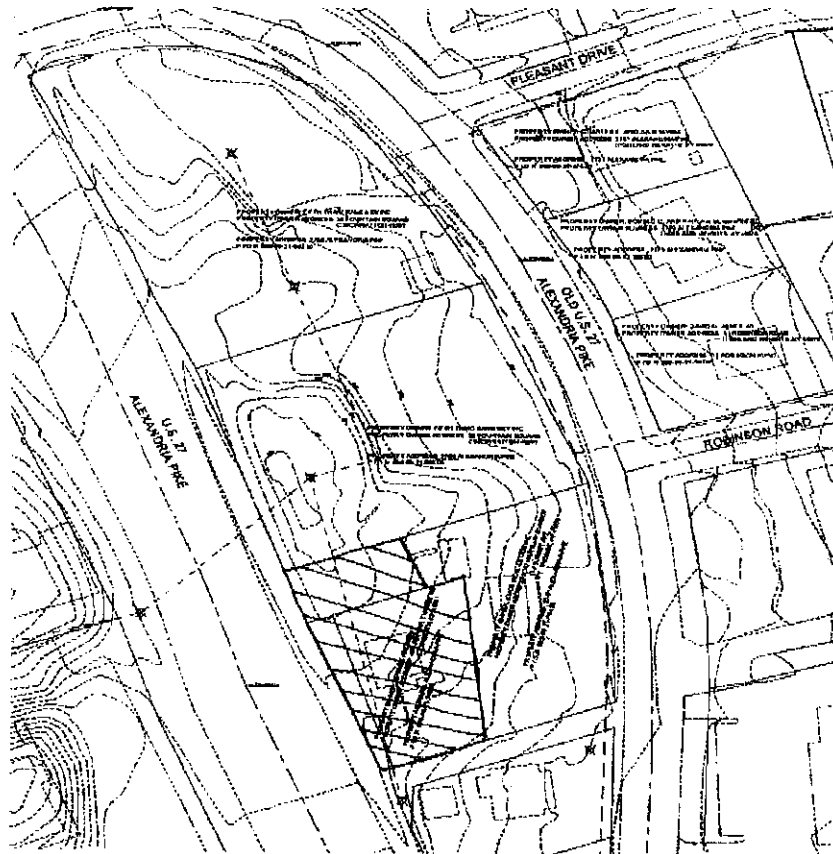
Section IV

That any development plans submitted for the project as part of this map amendment, is hereby approved provided it complies with any conditions imposed by the Planning Commission at any public hearings or planning commission meeting therein.

Section V

That all ordinances or parts of ordinances in conflict herewith are to the extent of such conflict, hereby repealed.

EXHIBIT A



Section VI

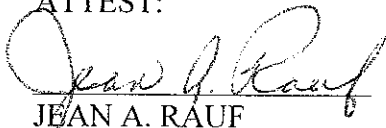
That this Ordinance shall be signed by the Mayor, attested by the City Clerk/Treasurer and recorded. Same shall be in effect at the earliest time provided by law.

First reading this 1st day of July, 2008.

Passed on second reading this 15 day of July, 2008.


MAYOR GREGORY V. MEYERS

ATTEST:


JEAN A. RAUF
CITY CLERK/TREASURER

Ord08.11

PUBLISH CCR 7-23-2008