

ORDINANCE #1865

AN ORDINANCE CLOSING BRICKYARD ALLEY AND FORD STREET IN THE CITY OF DANVILLE, KENTUCKY; DECLARING BRICKYARD ALLEY AND FORD STREET TO BE SURPLUS PROPERTY; AND AUTHORIZING THE CITY OF DANVILLE TO DISPOSE OF BRICKYARD ALLEY AND FORD STREET IN ACCORDANCE WITH KRS 82.083.

Whereas, KRS 82.405 provides that the legislative body of the City of Danville may close a public way in the manner provided therein; and

Whereas, The Board of Commissioners, after due consideration, has determined that two public ways, being Brickyard Alley and Ford Street, be closed and has made the requisite statutory findings of fact;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Danville, Kentucky, as follows:

Section 1. The Board of Commissioners makes the following findings of fact:

[a] There is no present or future benefit to the City in maintaining Brickyard Alley and Ford Street in the City of Danville, Kentucky, that immediately abut the real property currently owned by Centre College of Kentucky and Jerry Rankin as a public way. It is in the interest of the City of Danville to close Brickyard Alley and Ford Street for reasons of public safety and development and to relinquish any rights or obligations therein.

[b] The property owners in or abutting Brickyard Alley and Ford Street being closed are Centre College of Kentucky, a nonprofit Kentucky corporation, and Jerry Rankin by virtue of various deeds of record in the Boyle County Clerk's Office.

[c] Written notice of the proposed closing has been given to all property owners in or abutting the portions of Brickyard Alley and Ford Streets being close

[d] The property owners of real estate immediately abutting Brickyard Alley and Ford Street are Centre College of Kentucky and Jerry Rankin, both of which have provided written, notarized consent to the closings, and a copy of those consents are attached hereto as Exhibit A and incorporated herein by reference.

[e] The real estate to be closed and disposed of is described more particularly as follows:

**DESCRIPTION OF BRICKYARD ALLEY STREET CLOSURE**

BEGINNING AT A POINT LOCATED AT THE NORTH EAST MOST CORNER OF THE RIGHT OF WAY OF BRICKYARD ALLEY AND IN THE SOUTH RIGHT OF WAY OF RUSSELL STREET; THENCE, ALONG THE EAST RIGHT OF WAY OF BRICKYARD ALLEY FOR THE FOLLOWING CALLS, S7°12'55"E, A DISTANCE

OF 124.73 FEET TO A POINT; S23°05'31"E, A DISTANCE OF 94.50 FEET TO A POINT; S36°20'47"E, A DISTANCE OF 139.84 FEET TO A POINT; S26°50'11"E, A DISTANCE OF 100.00 FEET TO A POINT; S2°13'02"E, A DISTANCE OF 57.67 FEET TO A POINT LOCATED IN THE NORTH RIGHT OF DILLEHAY STREET; THENCE, S87°05'49"W, ALONG THE NORTH RIGHT OF WAY OF DILLEHAY STREET, A DISTANCE OF 30.00 FEET TO A POINT LOCATED IN THE WEST RIGHT OF WAY OF BRICKYARD ALLEY; THENCE, ALONG THE WEST RIGHT OF WAY OF BRICKYARD ALLEY FOR THE FOLLOWING CALLS, N2°13'02"W, A DISTANCE OF 51.48 FEET TO A POINT; N26°50'11"W, A DISTANCE OF 90.96 FEET TO A POINT; N36°20'47"W, A DISTANCE OF 140.83 FEET TO A POINT; N18°53'36"W, A DISTANCE OF 91.14 FEET TO A POINT; THENCE, N15°25'49"W, A DISTANCE OF 12.23 FEET TO A POINT; THENCE, N9°22'02"W, ALONG THE WEST RIGHT OF WAY OF BRICKYARD ALLEY, A DISTANCE OF 131.00 FEET TO A POINT LOCATED IN THE SOUTH RIGHT OF WAY OF RUSSELL STREET; THENCE, S86°38'11"E, ALONG THE SOUTH RIGHT OF WAY OF RUSSELL STREET, A DISTANCE OF 27.63 FEET TO POINT OF BEGINNING, CONTAINING 0.332 ACRES MORE OR LESS. ALL BEARINGS ARE REFERRED TO GRID NORTH.

This description prepared from a physical survey conducted by Lindon W. Estes, ESTES ENGINEERING AND SURVEYING, INC. and is shown more particularly as to exact dimension and location on Proposed Road Closure Exhibit (Ford Street & Brickyard Alley) dated the 20<sup>th</sup> day of July, 2015, a copy of which is attached hereto as Exhibit "B" and is incorporated herein by reference.

#### **DESCRIPTION OF FORD STREET CLOSURE**

BEGINNING AT A POINT LOCATED AT THE NORTH EAST MOST CORNER OF THE RIGHT OF WAY OF FORD STREET AND IN THE SOUTH RIGHT OF WAY OF RUSSELL STREET; THENCE, S9°01'51"E, ALONG THE EAST RIGHT OF WAY OF FORD STREET, A DISTANCE OF 154.40 FEET TO A POINT; THENCE, S6°47'31"E, A DISTANCE OF 11.56 FEET TO A POINT; THENCE, S9°35'45"E, ALONG THE EAST RIGHT OF WAY OF FORD STREET, A DISTANCE OF 150.00 FEET TO A POINT; THENCE, S7°43'51"E, ALONG THE EAST RIGHT OF WAY OF FORD STREET, A DISTANCE OF 185.09 FEET TO A POINT, LOCATED IN THE NORTH RIGHT OF WAY OF DILLEHAY STREET; THENCE, S87°05'49"W, ALONG THE NORTH RIGHT OF WAY OF DILLEHAY STREET, A DISTANCE OF 30.00 FEET TO A POINT, LOCATED IN THE WEST RIGHT OF WAY OF FORD STREET; THENCE, N8°27'21"W, ALONG THE WEST RIGHT OF WAY OF FORD STREET, A DISTANCE OF 318.70 FEET TO A POINT; THENCE, N10°33'27"W, A DISTANCE OF 28.13 FEET TO A POINT; THENCE, N8°49'21"W, ALONG THE WEST RIGHT OF WAY OF FORD STREET, A DISTANCE OF 158.88 FEET TO A POINT, LOCATED IN THE SOUTH RIGHT OF WAY OF RUSSELL STREET; THENCE, S84°17'02"E, ALONG THE SOUTH RIGHT OF WAY OF RUSSELL

STREET, A DISTANCE OF 30.99 FEET TO POINT OF BEGINNING, CONTAINING 0.355 ACRES MORE OR LESS. ALL BEARINGS ARE BASED ON GRID NORTH.

This description prepared from a physical survey conducted by Lindon W. Estes, ESTES ENGINEERING AND SURVEYING, INC. and is shown more particularly as to exact dimension and location on Proposed Road Closure Exhibit (Ford Street & Brickyard Alley) dated the 20<sup>th</sup> day of July, 2015, a copy of which is attached hereto as Exhibit "B" and is incorporated herein by reference.

[f] The intended use of the property at the time of its dedication and acquisition by the City was as a public roadway for access providing ingress and egress to between Russell Street and Dillehay Street, prior to the development of Roy Arnold Avenue.

[g] There is no need for the future maintenance of Brickyard Alley and Ford Street and the future maintenance of these roadways would be a waste of City funds due to concerns for public safety and the proposed development thereon.

Section 2. Pursuant to KRS 82.083, the City will dispose of the property by accepting sealed bids in accordance with the terms and conditions of KRS 82.083, with the stipulation that the minimum price that will be accepted by any purchaser must at least equal the estimated legal and transaction costs relating to the closing of this portion of the alleyway and transfer of title to the purchaser.

Section 3. The City Clerk shall cause this Ordinance to be recorded in the Office of the County Clerk of Boyle County.

Section 4. The provisions of this Ordinance are severable. If any sentence, clause, or section of this Ordinance, or the application thereof to any particular case, is for any reason found to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect or repeal any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance.

Section 5. This Ordinance shall become effective upon its second reading and publication in the *Advocate-Messenger*.

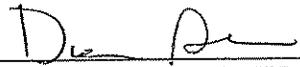
GIVEN FIRST READING AND PASSED: 7/27/2015

GIVEN SECOND READING AND PASSED: 8/10/2015

PUBLICATION DATE: 8/16/2015

  
MIKE PERROS, MAYOR

ATTEST:

  
DONNA PEEK, CITY CLERK

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