

ORDINANCE NO. 2016-02

AN ORDINANCE OF THE CITY OF OLIVE HILL IN CARTER COUNTY, KENTUCKY, DECLARING CERTAIN PROPERTY KNOWN AS FOX TRAIL LOCATED IN EASTWOOD SUBDIVISION TO BE DEDICATED TO THE CITY; AND ACCEPTING THE DEDICATION.

WHEREAS, the highlighted area of the map for the subdivision known as "Eastwood" as indicated on the document attached hereto which is recorded in Deed Book 56, Page 434, 435 of the Carter County Court Clerk's Records and incorporated herein by reference, shall hereinafter be identified and referred to as the "highlighted area"; and

WHEREAS, the highlighted area has been opened to the unrestricted use of the general public for more than five (5) consecutive years:

WHEREAS, the property owners adjoining said highlighted area are desirous of dedicating this portion to the City of Olive Hill, Kentucky because all of the surrounding property is within the City limits and that the City hereby accepts the dedication:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF OLIVE HILL, CARTER COUNTY, KENTUCKY, AS FOLLOWS:

Section 1.0 – Factual Determinations

The City hereby finds and determines that the highlighted area has been opened to the unrestricted use of the general public for more than five (5) consecutive years; and, pursuant to K.R.S. 83.400, it shall be conclusively presumed to have been dedicated to the City as a public way or easement. All of the property surrounding the highlighted area is located within the City limits, therefore, the City hereby finds and determines that members of the community desire to dedicate the highlighted area to the City.

Section 2.0 – Declaration of Dedication

Pursuant to the authority of K.R.S. 82.400, the highlighted area is hereby declared to have been dedicated to the City, as a public way or easement, because (1.) it has been opened to the unrestricted use of the general public for more than five (5) consecutive years; and, therefore, conclusively presumed to have been dedicated to the City as a public way or easement and (2.) the surrounding property is all located within the City limits, and (3.) the members of the community desire to dedicate the shaded area to the City.

Section 3.0 – Acceptance of Dedication

Pursuant to the authority of K.R.S. 82.400, the aforescribed dedication of the highlighted area is hereby accepted by the City of Olive Hill; whereupon, it shall be a public way or easement of the City for all purposes.

Section 4.0 – Provisions Severable

The provisions of this ordinance are severable; and the invalidity of any provision of this ordinance shall not affect the validity of any other provision thereof; and such other provisions shall remain in full force and effect as long as they remain valid in the absence of those provisions determined to be invalid.

Section 5.0 – Conflicting Ordinances Repealed

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 6.0 – Effective Date

This ordinance shall be effective as soon as possible according to law.

Section 7.0 - Publication

A summary of this ordinance shall be published pursuant to K.R.S. 83A.060 (9).


KENNY FANKELL, MAYOR

ATTEST:


ANGELA OWENS, CLERK/TREASURER

1st Reading 4/19/16
2nd Reading 5/17/16
Publication 5/25/16