

CITY OF GLENVIEW, KENTUCKY
ORDINANCE NO. 3, SERIES 2017

AN ORDINANCE (i) DECLARING A PORTION OF A 30' RIGHT-OF-WAY KNOWN AS ARDEN ROAD IN THE CITY OF GLENVIEW, KENTUCKY AS DEDICATED TO THE CITY OF GLENVIEW, KENTUCKY FOR PUBLIC USE AS A PUBLIC WAY AND (ii) ACCEPTING SUCH DEDICATION

Whereas, under KRS 82.400 (3), when any property within the jurisdictional limits of the City of Glenview, Kentucky (the "City") has been opened to the unrestricted use of the general public for five (5) consecutive years, such property shall be conclusively presumed to have been dedicated to the City as a public way or easement, subject to acceptance by the City;

Whereas, under KRS 82.400 (3), the City may, at any time after the expiration of five (5) years from the time such property is opened to the public, pass an ordinance declaring it so dedicated, and accepting the dedication, whereupon it shall be a public way or easement of the City for all purposes;

Whereas, a certain portion (the "Portion") of a 30' Right-of-Way known as Arden Road located within the City (i) runs alongside the boundaries of the real property located at 10 Arden Road, Glenview, Kentucky 40025, the real property located at 4 Glen Arden Road, Glenview, Kentucky 40025, and the real property located at 1 Arden Road, Glenview, Kentucky 40025, and (ii) is located in between where Arden Road connects to Woodside Road and where Arden Road connects to Snowhill Road, as shown in that certain Dedication Plat to Public Use dated July 19, 2017, attached hereto as Exhibit A and incorporated herein by this reference;

Whereas, the City has found that the Portion has been opened to the unrestricted use of the general public for more than five (5) consecutive years;

Whereas, the City has found that the general public have used, without restriction, the Portion for more than five (5) consecutive years;

Whereas, the City desires to pass this Ordinance No. 3., Series 2017 (this "Ordinance") in order to (i) declare the Portion as dedicated to the City for public use as a public way, and (ii) accept such dedication.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF GLENVIEW:

SECTION 1. The City has found that (i) the Portion (defined above) has been opened to the unrestricted use of the general public for more than five (5) consecutive years and (ii) the general public, including without limitation certain members of the City Commission, have used, without restriction, the Portion for more than five (5) consecutive years.

SECTION 2. The City hereby declares, pursuant to KRS 82.400 (3), the Portion as dedicated to the City for public use as a public way, and the City hereby accepts such dedication of the Portion to the City for public use as a public way.

SECTION 3. This Ordinance shall not be subject to the requirements and procedure set forth in the City's Ordinance No.3, Series 2010 entitled "An Ordinance Establishing a Procedure for the Dedication and Acceptance of a Private Road into a Public Road in the City of Glenview, Kentucky" because under this Ordinance, the City's declaration of the Portion as dedicated to the City for public use as a public way and acceptance of such dedication, are not being done pursuant to a petition of property owners.

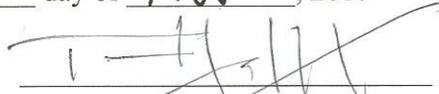
SECTION 4. This Ordinance shall take effect and be in force and effect from and after its passage and publication.

<u>COMMISSION MEMBERS</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>
W. Thomas Halbleib, Jr.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dr. Donald W. Bennett	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Deborah M. Reiss	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nanette Tafel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John L. Warmack, Jr.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

FIRST READING: JULY 19, 2017

SECOND READING: Sept 20, 2017

PASSED AND APPROVED this 15th day of NOV, 2017


 W. Thomas Halbleib, Jr., Mayor
 City of Glenview, Kentucky

Publication Date: DEC 7, 2017

Attest: Kacy DeVore
 Kacy DeVore, City Clerk Administrator

Attachment: Exhibit A - Dedication Plat

