

**ORDINANCE NO. 17-12**

**AN ORDINANCE OF THE CITY OF RICHMOND, KENTUCKY CLOSING A  
REMNANT OF A FORMER STREET IN THE CITY (OLD DUNCANNON LANE)**

**WHEREAS**, the construction of the new (well, not so new now, but it was new a few years back) I-75 exit at mile 83 resulted in the re-location of the portion of Duncannon Lane as was is in the vicinity of that interchange; and

**WHEREAS**, there yet remains in existence a remnant of the old Duncannon Lane (hereinafter, "Old Duncannon Ln") which is no longer used as a public street, a remnant which runs from the new Duncannon Lane for some several hundred feet and dead ends at the I-75 right-of-way; and

**WHEREAS**, Begley Properties, LLC ("Begley") is the owner of the property upon which that remnant is located and there is no other property which touches or abuts the remnant at even a single point; and

**WHEREAS**, Begley has requested that the roadway be closed, and the Board of Commissioners finds that the remnant in question serves no public purpose and should accordingly be closed;

**NOW, THEREFORE, BE IT ORDAINED** that:

**SECTION I**

The Board of Commissioners does hereby make the following Findings of Fact relating to Old Duncannon Ln:

1. The owner of all of the property which abuts Old Duncannon Ln, at even a single point, is Begley Properties, LLC.
3. Written notice of the closing of Old Duncannon Ln was not given to Begley in view of the fact that Begley itself requested the closing, as is reflected by the letter dated March 27, 2017, attached to this Ordinance.
2. Begley has consented in a notarized writing to the closing of Old Duncannon Ln, which writing shall be attached to this Ordinance and made a part thereof.

**SECTION II**

The street at issue is that certain street depicted as "Old Duncannon Ln" on the aerial photograph attached to this ordinance, the same being a remnant of the old Duncannon Lane, a remnant which lies to the west of I-75 and which runs, from its intersection with the new Duncannon Lane, in a northeastern direction some several hundred feet to its dead end at the right-of-way of I-75. The street shall be, and is hereby, closed as a public street, shall not be open to the public, and shall not

be maintained by the City. Title to the closed street property, including all right-of-way to either side of it, shall revert to the landowner, Begley Properties, LLC.

**SECTION III**


This Ordinance shall be effective immediately upon its enactment following second reading, and publication in accordance with the provisions of applicable Kentucky law.

**DATE OF FIRST READING:** April 11, 2017  
**MOTION BY:** Commissioner Morgan  
**SECONDED BY:** Commissioner Newby

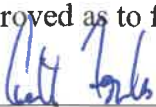
<b>VOTE</b>	<b>YES</b>	<b>NO</b>
Commissioner Blythe	x	
Commissioner Eaves	x	
Commissioner Morgan	x	
Commissioner Newby	x	
Mayor Barnes	x	

**DATE OF SECOND READING:** April 25, 2017  
**MOTION BY:** Commissioner Blythe  
**SECONDED BY:** Commissioner Newby

<b>VOTE</b>	<b>YES</b>	<b>NO</b>
Commissioner Blythe	x	
Commissioner Eaves	x	
Commissioner Morgan	absent	
Commissioner Newby	x	
Mayor Barnes	x	

  
\_\_\_\_\_  
Mayor Barnes

ATTEST:  
  
\_\_\_\_\_  
City Clerk

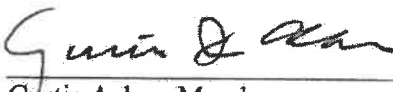
Approved as to form:  
  
\_\_\_\_\_  
City Attorney, Garrett Fowles

AFFIDAVIT OF OWNER

Comes, Curtis Asher, and after being first duly sworn, states as follows:

I, Curtis Asher, member of Begley Properties, LLC, a Kentucky limited liability company, do hereby confirm that Begley Properties, LLC is the owner of all property surrounding Old Duncannon Lane situated on and adjacent to the west side of Interstate 75 in Madison County, Kentucky. By my signature hereon, and acting on behalf of Begley Properties, LLC, Begley Properties, LLC does hereby consent to the closing of roadway known as Old Duncannon Lane.


BEGLEY PROPERTIES, LLC,  
a Kentucky limited liability company

By:   
Curtis Asher, Member

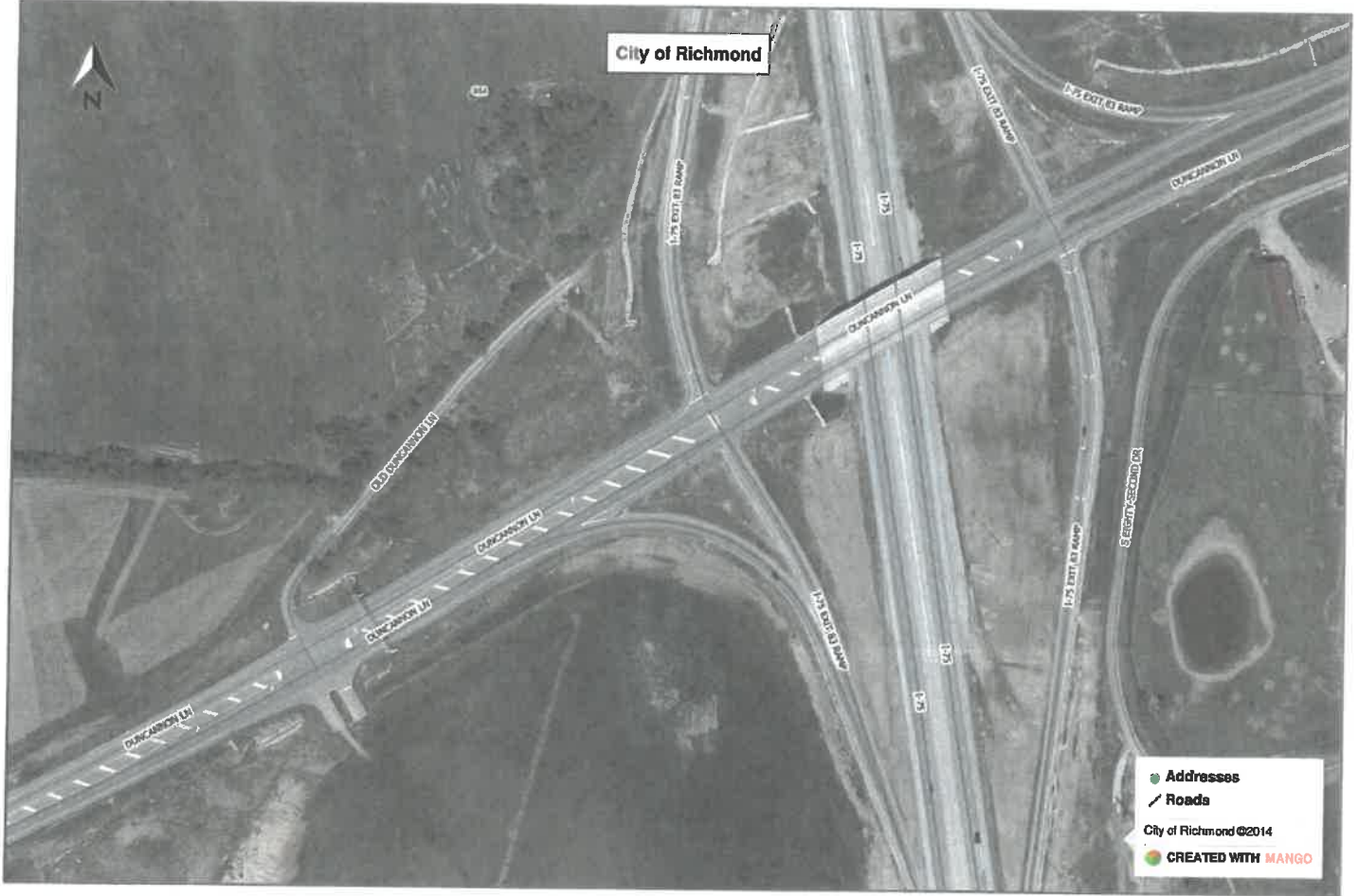
STATE OF KENTUCKY

COUNTY OF Laurel

SUBSCRIBED and SWORN to before me by CURTIS ASHER in his capacity as Member of BEGLEY PROPERTIES, LLC, a Kentucky limited liability company, to be the act and deed of the Company, on this 7<sup>th</sup> day of April, 2017.

  
Notary Public  
My commission expires: 2/23/19

City of Richmond



● Addresses  
/ Roads

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# COY GILBERT SHEPHERD & WILSON

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March 27, 2017

Garrett T. Fowles, Esq.  
City Hall  
239 W. Main Street  
Richmond, KY 40475

Richard Thomas  
City Manager  
City of Richmond  
239 W. Main Street  
Richmond, KY 40475

RE: Old Duncannon Lane

Gentlemen,

I represent Begley Properties, LLC. My clients own the property on both sides of Old Duncannon Lane situated east and adjacent to I-75 southbound. This road is a dead-end road. I have reviewed the aerial photo and discussed this matter with Mr. Fowles. Pursuant to his direction, I am requesting by this letter that the City of Richmond take steps to close said road.

Please advise as to what further steps are necessary.

Sincerely,

COY, GILBERT, SHEPHERD & WILSON

  
Robert L. Russell

RLR/jsr  
c: Curtis Asher

## **ORDINANCE NO. 17-12**

### **AN ORDINANCE OF THE CITY OF RICHMOND, KENTUCKY CLOSING A REMNANT OF A FORMER STREET IN THE CITY (OLD DUNCANNON LANE)**


By Ordinance No. 17-12, the Board of Commissioners for the City of Richmond, Kentucky closed as a public street a remnant portion of Duncannon Lane in the City. The remnant in question is a short stretch of what used to be Duncannon Lane before Exit 83 from I 75 was created and before Duncannon Lane in the vicinity of the interchange was re-routed. The remnant lies to east of I 75 commencing on the new portion of Duncannon Lane and runs several hundred feet in a northwest direction to the point where it intersects with the I 75 right-of-way. The Ordinance found that the remnant in question serves no public purpose and is located entirely on a tract of land owned by Begley Properties, LLC, by whom the closing was requested. The land in question will revert to the surrounding landowner.

**ATTORNEY'S CERTIFICATION AS TO SUMMARY OF ORDINANCE FOR  
PUBLICATION**

**COMES NOW** the undersigned Garrett T. Fowles, who does certify as follows:

1. That he is a licensed and practicing attorney in the Commonwealth of Kentucky.
2. That he has prepared, for purposes of publication in accordance with the requirements of Chapter 424 of the Kentucky Revised Statutes, the attached summary or summaries of Ordinance(s) duly enacted by the Board of Commissioners for the City of Richmond, Kentucky.

Dated this the 18<sup>th</sup> day of April, 2017.

  
\_\_\_\_\_  
Garrett T. Fowles

Ordinance 17-12