

ORDINANCE NO. 12-3-23

**AN ORDINANCE OF THE CITY OF BROMLEY CLOSING A PUBLIC WAY,
115 MOORE STREET, BROMLEY, KENTON COUNTY, KENTUCKY PURSUANT TO
KRS 82.405**

WHEREAS: KRS 82.405 PERMITS THE CLOSING OF A PUBLIC WAY UPON WRITTEN NOTICE OF THE PROPOSED CLOSING TO ALL PROPERTY OWNERS ABUTTING THE PARCEL TO BE CLOSED AND THE RECEIPT OF WRITTEN AND NOTORIZED CONSENT FROM THOSE ABUTTING PROPERTY OWNER, AND

WHEREAS: THE CITY OF BROMLEY HAS PROPOSED CLOSING THE PUBLIC WAY WITH THE ADDRESS OF 115 MOORE STREET IN THE CITY OF BROMLEY WHICH WAS CONVEYED TO THE CITY OF BROMLEY BY DEED RECORDED IN DEED BOOK 272, PAGE 41 OF THE KENTON COUNTY CLERKS RECORDS AT COVINGTON, KENTUCKY AND WAS ASSIGNED A PIDN NO. OF 026-42-01-015.00, AND WHICH IS MORE PARTICULARLY DESCRIBED IN EXHIBIT A, ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE, AND

WHEREAS: IT HAS BEEN DETERMINED THAT THE ABUTTING PROPERTY OWNERS OF THE PUBLIC WAY ARE LARRY WARTMAN, CHRIS WARTMAN AND THE TIMOTHY WARTMAN LIVING TRUST, AND

WHEREAS: THE ABUTTING PROPERTY OWNERS HAVE RECEIVED WRITTN NOTICE OF THE PROPOSAL TO CLOSE THE PROPERTY REFERRED TO HEREIN AND HAVE ALL GIVEN WRITTEN AND NOTORIZED CONSENT TO THE PROPOSED CLOSING, WHICH ARE ATTACHED TO THIS ORDINANCE, AND

WHEREAS: ALL OF THE CONDTIONS NECESSARY PURSUANT TO KRS 82.405 (1) AND (2) TO CLOSE THE PUBLIC WAY REFERRED TO HEREIN HAVE BEEN MET, AND

WHEREAS: THERE IS A CEMETARY ON THE REAL ESTATE ABUTTING THE PUBLIC WAY TO THE SOUTH AND ANY CONVEYANCE OR TRANSFER OF THE PUBLIC WAY AFTER ITS CLOSING WILL INCLUDE THE RETENTION OF ANY RIGHTS OF INGRESS AND EGRESS FOR PERSONS LEGALLY ENTITLED TO ACCESS THE CEMETARY AS THEY MAY NOW EXIST,

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

SECTION I

That the public way with a street address of 115 Moore Street, Bromley, Kenton County, Kentucky and which is more particularly described in Exhibit A, attached hereto and incorporated herein by reference as if fully set forth, be and is hereby closed as a public way and upon the effective date of this ordinance the City shall transfer the property as provided for by law and any such transfer or conveyance shall be made subject to the potential rights of ingress and egress described above related to the cemetery referred to above.

SECTION II

All ordinances in conflict herewith are to the extent of such conflict repealed.

SECTION III

The invalidity of any section, subsection, or sentence or the ordinance shall not affect the remainder.

SECTION V

This Ordinance shall take effect and be in full force from and after its passage, approval, and publication, according to law.

CITY OF BROMLEY, KENTUCKY
A municipal corporation

BY: 
MAYOR

FIRST READING 12-27-23

YES

NO

SECOND READING 1-10-24

3
YES

1
NO

ATTEST:

Brittany Higman
CITY CLERK

EXHIBIT A

CITY OF BROMLEY ORDINANCE #12-3-23

LEGAL DESCRIPTION OF 115 MOORE STREET, BROMLEY, KENTON COUNTY, KY 41016

PIDN 026-42-01-015.00

Being in the City of Bromley, Kenton County, Kentucky and more particularly described as follows:

The westernmost thirty (30) feet of Lot H as recorded on the plat of the C. Vogt Lands, recorded at the Covington Office of the Kenton County Clerk recorded in Deed Book 125. Page 111. Said part of Lot H fronts thirty (30) feet on the south side of Moore Street and extends back southwardly a distance of one hundred (100) feet between parallel lines.

WRITTEN NOTICE OF INTENT TO CLOSE PUBLIC WAY
AND CONSENT TO SAME

TO: Chris Wartman, 201 Moore Street, Bromley, KY 41016

Larry Wartman, 113 Moore Street, Bromley, KY 41016

Timothy Wartman Living Trust, 1060 Highwater Road, Bromley, KY 41016

NOTICE OF INTENT TO CLOSE PUBLIC WAY

Each of the above are hereby notified that at its regular council meeting on November 8, 2023 the City Council of the City of Bromley, Kenton County, Kentucky declared its intention to close the City Property located at 115 Moore Street, in Bromley, Kentucky. If each of the above abutting property owners give notarized and written consent the City of Bromley may enact an ordinance to close the property at 115 Moore Street.

CONSENT TO CLOSURE OF PUBLIC WAY

The undersigned, being the owner(s) of one of three parcels of the real estate abutting real estate owned by the City of Bromley, Kentucky which property consists of a 30 foot by 100 foot parcel of real estate in the City of Bromley, Kenton County, Kentucky and which has a property address of 115 Moore Street, Bromley, Kentucky, do hereby state that I/we have received written notice from the City of Bromley of its intent to close the parcel of real estate described above and I/we further give my/our written and notarized consent to the intended closing of the public way referred to herein.

TIMOTHY WARTMAN LIVING TRUST

By: Tom Wartman
Its authorized representative DATE

State of Kentucky
County of Kenton

The foregoing instrument was acknowledged, subscribed and sworn to before me this 11th day of December, 2023, by the above authorized representative of the Timothy Wartman Living Trust to be his voluntary act and deed on behalf of that Trust.

Madeline A. Ch...
NOTARY PUBLIC #KYNP59392
My commission expires 11-19-26
state at large

WRITTEN NOTICE OF INTENT TO CLOSE PUBLIC WAY
AND CONSENT TO SAME

TO: Chris Wartman, 201 Moore Street, Bromley, KY 41016

Larry Wartman, 113 Moore Street, Bromley, KY 41016

Timothy Wartman Living Trust, 1060 Highwater Road, Bromley, KY 41016

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 12/8/23
LARRY WARTMAN DATE

State of Kentucky
County of Kenton

The foregoing instrument was acknowledged, subscribed and sworn to before me this 8th day of Dec, 2023, by Larry Wartman to be his voluntary act and deed.


NOTARY PUBLIC
My commission expires May 24, 2027
KYNP71161

WRITTEN NOTICE OF INTENT TO CLOSE PUBLIC WAY
AND CONSENT TO SAME

TO: Chris Wartman, 201 Moore Street, Bromley, KY 41016

Larry Wartman, 113 Moore Street, Bromley, KY 41016

Timothy Wartman Living Trust, 1060 Highwater Road, Bromley, KY 41016

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CHRIS WARTMAN

DATE

State of Kentucky
County of Kenton

The foregoing instrument was acknowledged, subscribed and sworn to before me this 9th day of December, 2023, by Chris Wartman to be his voluntary act and deed.




NOTARY PUBLIC
My commission expires 03/08/2026