

ORDINANCE NO. 2025-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT MITCHELL, KENTUCKY CLOSING AND VACATING PART OF ROYAL DRIVE IN THE CITY OF FORT MITCHELL, KENTON COUNTY, KENTUCKY.

WHEREAS, the Buttermilk Pike Development Company, LLC, a Kentucky limited liability company (the “Developer”), is currently undertaking the site development and the construction of related public and private infrastructure for the development of the Fort Mitchell Gateway Project, a major mixed-use commercial, office and residential project in the City of Fort Mitchell, Kentucky (the “Project”); and

WHEREAS, due to the construction of the Project a portion of Royal Drive in the City of Fort Mitchell, Kentucky (the “City”), had been temporarily closed by executive order of the Mayor of the City; and

WHEREAS, once the construction of the Project is complete the Developer and City plans that a new public road will be dedicated though the Project Site to replace that part of the current Royal Drive impacted by the construction and development of the Project; and

WHEREAS, pursuant to KRS 82.405, the City has determined that the time is right to officially close that part of Royal Drive as described in Section I hereof; and,

WHEREAS, pursuant to KRS 82.405, the City has identified all property owners abutting the public way to be closed, but there is question as to whether the Commonwealth of Kentucky, Department of Transportation (“KDOT”), is an adjacent property owner pursuant to KRS 82.405, and therefore, consent of all of the adjacent owners to the portion of Royal Drive to be closed by this Ordinance cannot be obtained; and

WHEREAS, the City intends to utilize the provisions of KRS 82.405(3) to close the portion of Royal Drive to be closed by this Ordinance.

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

SECTION I

- A. That the following described section of Royal Drive, as identified as Parcel “B” on the attached plat, is hereby closed and vacated:

Parcel B

Situated in the City of Fort Mitchell, County of Kenton, Commonwealth of Kentucky, lying generally on the Southeast side of the ramp leading from Northbound Buttermilk Pike to Northbound Interstate 71/75 (Ramp ‘B’) and the Northeast side of Buttermilk Pike (KY Hwy. 371 – R/W Varies – Acquired by deed) and being part of Royal Drive as shown on the plat of the Motor Inn, Inc. Resubdivision of Lots 1-3 of the A.C. Hurd

Subdivision and Lots 112-129 of the unrecorded Crisler Subdivision, and Lots 1-6 of the Prather Subdivision, as recorded in Plat #1037, and also being part of the Winding Way Service Road as conveyed to the City of Fort Mitchell in Deed Book 581, Page 243 of the Kenton County Clerk's Records (Covington), and being more particularly described as follows:

Begin at a found 5/8" iron pin (PLS 206) at the common South corner of a 0.705 acre tract conveyed to Timetogrow LLC in KC 89, Page 397 and a 1.456 acre tract conveyed to Saint Elizabeth Medical Center, Inc. in KC 314, Page 554, said corner also being where the West line of Van Iburg Subdivision, Second Section, as recorded in Plat #983, intersects the existing North right-of-way line of Royal Drive (50' R/W); thence, departing said 0.705 acre tract and said Van Iburg Subdivision, Second Section, and with the existing North right-of-way line of said Royal Drive, and the South line of said 1.456 acre tract, the following two courses: South 72° 29' 17" West, 399.85 feet; thence, with a curve to the left, having a central angle of 13° 34' 49", a radius of 407.00 feet, an arc length of 96.47 feet, and a chord bearing South 65° 41' 52" West, 96.24 feet to a set iron pin on the existing access-controlled right-of-way line of said Northbound Buttermilk Pike to Northbound Interstate 71/75 (Ramp 'B') and the TRUE POINT OF BEGINNING.

thence, from the TRUE POINT OF BEGINNING, departing said 1.456 acre tract and the existing access-controlled right-of-way line of said Northbound Buttermilk Pike to Northbound Interstate 71/75 (Ramp 'B'), and through said Royal Drive, the following five courses: South 31° 05' 32" East, 25.0 feet;

thence, with a curve to the left, having a central angle of 21° 43' 11", a radius of 382.00 feet, an arc length of 144.81 feet, and a chord bearing South 48° 02' 52" West, 143.94 feet;

thence, South 37° 11' 17" West, 91.84 feet;

thence with a curve to the left, having a central angle of 50° 42' 19", a radius of 301.58 feet, an arc length of 266.89 feet, and a chord bearing South 11° 50' 07" West, 258.27 feet;

thence South 76° 28' 58" West, 25.00 feet to a set iron pin on the existing access-controlled right-of-way line of said Northbound Buttermilk Pike to Northbound Interstate 71/75 (Ramp 'B')

thence, with said existing access-controlled right-of-way line, the following seven courses: North 06° 21' 08" West, 81.47 feet;

thence, North 01° 56' 07" East, 12.80 feet;

thence, North 12° 33' 52" East, 107.87 feet;

thence, with a curve to the right, having a central angel of 02° 47' 14", a radius of 326.58 feet, an arc length of 15.89 feet, and a chord bearing North 23° 27' 51" East, 15.89 feet;

thence, North 37° 09' 52" East, 229.20 feet;

thence, North 82° 54' 26" East, 32.91 feet;

thence, North 35° 10' 59" East, 60.06 feet to the TRUE POINT OF BEGINNING.

Containing 0.233 acres and subject to all easements and rights-of-way of record.

All set corners are 5/8" x 30" iron pins with a plastic cap stamped "Chris Gephart PLS 3292" or "Witness 3292", or a Mag nail with identification tag stamped "PLS 3292" unless otherwise noted. The reference meridian is NAD83(2011) Kentucky State Plane Coordinates, North Zone (1601).

The above description was prepared from a survey completed on June 18, 2025, under the direction of Chris R. Gephart, Licensed Professional Land Surveyor #3292 in the Commonwealth of Kentucky.

Prior Instrument Reference: Plat #1037, Deed Book 581, Page 243.

See the following plat showing Parcel "B":

- B. That the following described section of Royal Drive, as identified as Parcel "C" on the attached plat, is hereby closed and vacated:

Parcel C

Situated in the City of Fort Mitchell, County of Kenton, Commonwealth of Kentucky, lying generally on the Southeast side of the ramp leading from Northbound Buttermilk Pike to Northbound Interstate 71/75 (Ramp 'B') and the Northeast side of Buttermilk Pike (KY Hwy. 371 – R/W Varies – Acquired by deed) and being part of Royal Drive as shown on the plat of the Motor Inn, Inc. Resubdivision of Lots 1-3 of the A.C. Hurd Subdivision and Lots 112-129 of the unrecorded Crisler Subdivision, and Lots 1-6 of the Prather Subdivision, as recorded in Plat #1037, and also being part of the Winding Way Service Road as conveyed to the City of Fort Mitchell in Deed Book 581, Page 243 of the Kenton County Clerk's Records (Covington), and being more particularly described as follows:

Begin at a found 5/8" iron pin (PLS 206) at the common South corner of a 0.705 acre tract conveyed to Timetogrow LLC in KC 89, Page 397 and a 1.456 acre tract conveyed to Saint Elizabeth Medical Center, Inc. in KC 314, Page 554, said corner also being where the West line of Van Iburg Subdivision, Second Section, as recorded in Plat #983, intersects the existing North right-of-way line of Royal Drive (50' R/W); thence, departing said 0.705 acre tract and said Van Iburg Subdivision, Second Section, and with the existing North right-of-way line of said Royal Drive, and the South line of said 1.456 acre tract, South 72°29'17" West, 14.91 feet to a set iron pin; thence, departing said 1.456 acre tract and said existing North right-of-way line, and with a new West right-of-way line of Royal Drive, the following two courses: with a curve to the left, having a central angle of 12° 19' 19", a radius of 330.00 feet, an arc length of 70.97 feet, and a chord bearing South 55° 48' 11" West, 70.83 feet; thence, with a curve to the left, having a central angle of 05° 13' 52", a radius of 756.00 feet, an arc length of 69.02 feet, and a chord bearing South 47° 01' 36" West, 69.00 feet to the existing South right-of-way line of said Royal Drive and the North line of a 2.608 Acre tract conveyed to Saint Elizabeth Medical Center, Inc. in KC 314, Page 554; thence, departing said new West right-of-way line, and with the existing South and East right-of-way lines of said Royal Drive and the North and West lines of said 2.608 acre tract, the following two courses: South 72° 29' 17" West, 254.79 feet; thence, with a curve to the left, having a central angle of 13° 34' 49", a radius of 357.00 feet, an arc length of 84.62 feet, and a chord bearing South 65° 41' 52" West, 84.42 feet to the TRUE POINT OF BEGINNING;

thence, from the TRUE POINT OF BEGINNING, departing said 2.608 acre tract, and continuing with the existing South and East right-of-way lines of said Royal Drive, the following three courses: with a curve to the left, having a central angle of 21° 43' 11", a radius of 357.00 feet, an arc length of 135.33 feet, and a chord bearing South 48° 02' 52" West, 134.52 feet;

thence, South 37° 11' 17" West, 91.84 feet;

thence, with a curve to the left, having a central angle of 50° 42' 19", a radius of 276.58 feet, an arc length of 244.77 feet, and a chord bearing South 11° 50' 07" West, 236.86 feet;

thence, departing the existing right-of-way line and through said Royal Drive, the following five courses: South 76° 28' 58" West, 25.00 feet;

thence, with a curve to the right, having a central angle of 50° 42' 19", a radius of 301.58 feet, an arc length of 266.89 feet, and a chord bearing North 11° 50' 07" East, 258.27 feet;

thence, North 37° 11' 17" East, 91.84 feet;

thence, with a curve to the right, having a central angle of 21° 43' 11", a radius of 382.00 feet, an arc length of 144.81 feet, and a chord bearing North 48° 02' 52" East, 143.94 feet;

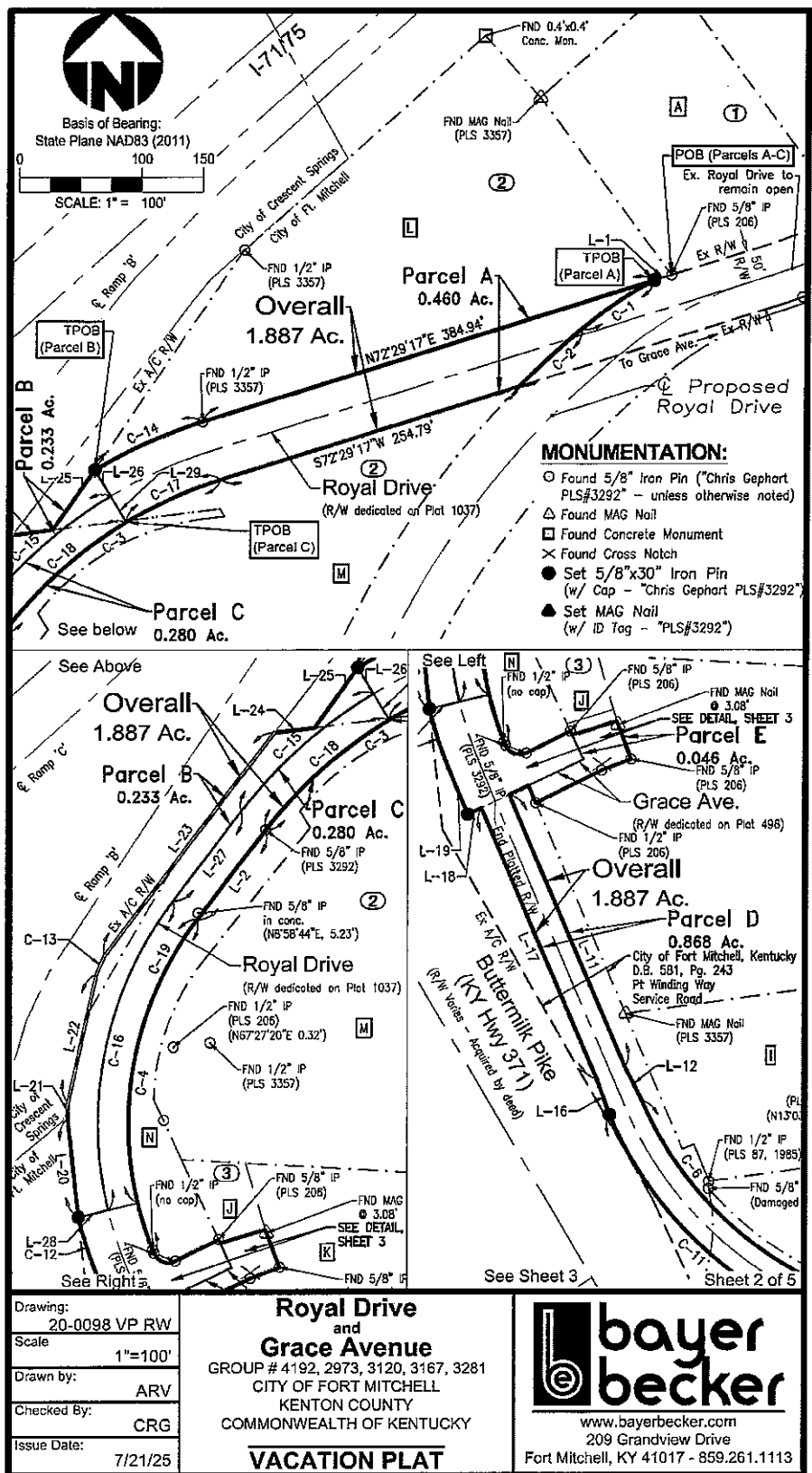
thence, South 31° 05' 32" East, 25.00 feet to the TRUE POINT OF BEGINNING.

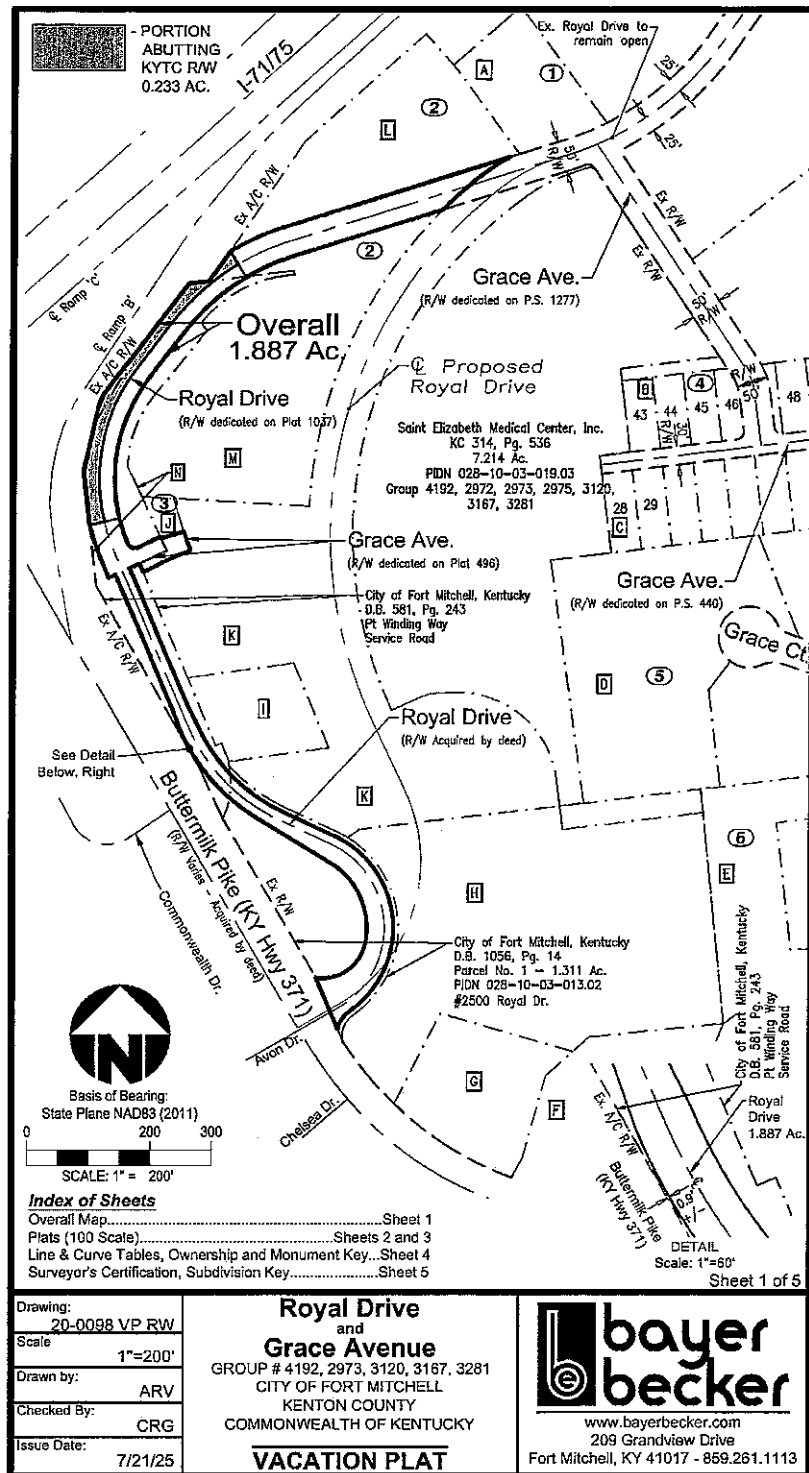
Containing 0.280 acres and subject to all easements and rights-of way of record.

All set corners are 5/8" x 30" iron pins with a plastic cap stamped "Chris Gephart PLS 3292" or "Witness 3292", or a Mag nail with identification tag stamped "PLS 3292" unless otherwise noted. The reference meridian is NAD83(2011) Kentucky State Plane Coordinates, North Zone (1601).

The above description was prepared from a survey completed on July 18, 2025, under the direction of Chris R. Gephart, Licensed Professional Land Surveyor #3292 in the Commonwealth of Kentucky.

Prior Instrument Reference: Plat #1037 and Deed Book 581, Page 243






- C. That following the adoption of this Ordinance, pursuant to the provisions of KRS 82.405(3), the City authorizes the filing of a lawsuit in Kenton Circuit Court, naming the property owners, including KDOT, adjacent to the portion of Royal Drive vacated by this Ordinance (the "Closed Right-of-Way"), as defendants, and requesting that they either consent and not object to the closing of the Closed Right-of Way, or to assert any interest they may have in the Closed Right-of Way, and requesting the Kenton Circuit Court to issue a judgment closing the Closed Right-of-Way and determining the respective ownership of the Closed Right-of-Way after the entry of judgment, and taking other actions consistent with the provisions of KRS 82.405. The Mayor of the City is hereby authorized to execute quit claim deeds for the vacated portions of Royal Drive to any adjoining property owners in accordance with the provisions of KRS 82.405 and the Ordinance.

SECTION II

That this Ordinance shall be signed by the Mayor, attested by the City Clerk/Treasurer, recorded, published and effective upon publication.

PASSED: First reading on August 11, 2025

PASSED: Second reading on August 25, 2025


MAYOR JUDE LEHMAN

ATTEST:


AMY GUENTHER,
CITY CLERK/TREASURER

PUBLISHED: In summary in the LINK/NKY website the 28th day of AUGUST, 2025.