

ORDINANCE CLOSING HIGHLAND AVENUE, 30 FEET IN WIDTH
BY 450.25 FEET IN LENGTH FROM THE CORNER OF LAWSON
STREET TO THE STANLEY RICE PROPERTY LINE IN
SMITHS GROVE, KENTUCKY

WHEREAS, Highland Avenue consists of an improved section from its intersection with Lawson Street to its intersection with Brown Street and an unimproved section from its intersection with Brown Street to the Stanley Rice property line as shown by plat of record in Plat Book 2, Page 23, in the office of the Warren County Court Clerk; and

WHEREAS, Don Laws owns the real property on both sides of Highland Avenue from the corner of Lawson Street to the Stanley Rice property line; and

WHEREAS, the right-of-way is seldom used by the public and is not currently being maintained by the City of Smiths Grove; and

WHEREAS, Don Laws intends to accomplish a revision of the major subdivision plat; and

WHEREAS, the City-County Planning Commission of Warren County, in regular session on March 5, 1987, following public hearing, unanimously approved the closing of Highland Avenue from Lawson Street to the Stanley Rice property line and has so advised the City of Smiths Grove; and

WHEREAS, the Smiths Grove Street Department, Fire Chief, Police Chief, Medical Center, Water District, Lamastus Sanitation, WRECC, Storer Cable, Western Kentucky Gas, and

Telephone Company have no objection to the closing and that the closing of said right-of-way in no way affects their services provided to the City of Smiths Grove.

NOW, THEREFORE, be it hereby ordained by the City of Smiths Grove, Kentucky, as follows:

1. The City of Smiths Grove, pursuant to its powers under KRS 82.405, hereby permanently closes Highland Avenue, 30 feet in width by 450.25 feet in length from the corner of Lawson Street to the Stanley Rice property line in Smiths Grove, Kentucky, as shown with more particularlity on Exhibit "A" attached hereto.

2. The City attorney is hereby directed to institute an action in the Warren Circuit Court, pursuant to KRS 82.405, closing the above-described right-of-way, joining as the defendants therein all owners of real estate abutting on said right-of-way; provided, however, these defendants pay all of the court costs incurred in the commencement and conclusion of this civil action, pay their own attorney's fees, and waive any claim they might have to compensation in the form of damages by reason of said closing. In the event the said defendants fail to meet any of the foregoing conditions, the City attorney is directed to not institute and/or dismiss the said civil action without cost to the City.

3. This Ordinance is adopted pursuant to KRS 83A.060, in that it was introduced on the 23rd day of February, 1987, given a final reading on the 26th day of February, 1987, and said Ordinance shall be in full force and effect upon

signature, recordation and publication and summary pursuant to
KRS 424.

ADOPTED: 3-26-87

APPROVED: James P. Gillee
Mayor, City of Smiths Grove

ATTEST: Bertha J. Neal
City Clerk

