

**CITY OF DAYTON, KENTUCKY
ORDINANCE NO. 2023-#10**

**AN ORDINANCE CLOSING AND VACATING TWO
ALLEYS LOCATED IN THE BLOCKS BOUNDED BY
THIRD AVENUE, CLAY STREET, FIFTH AVENUE, AND
GREENDEVILS LANE.**

WHEREAS, pursuant to KRS 82.405, the City of Dayton, Kentucky (“City”), has decided to close two alleys located within the blocks bounded by Third Avenue, Clay Street, Fifth Avenue, and Greendevils’ Lane in the City, as is more fully described herein; and

WHEREAS, the Dayton Independent Schools owns all of the property abutting the public ways to be closed (“Property Owner”) and the City has provided written notice of the proposed closing to the Property Owner; and

WHEREAS, the City has received written, notarized consent of the proposed closing and vacation of the street from the Property Owner as well as a waiver and disclaimer of interest (“Consent”), as depicted in Exhibit “A,” which is made a part hereof by reference pursuant to KRS 83A.060(9) and incorporated by reference herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF DAYTON,
CAMPBELL COUNTY, KENTUCKY, AS FOLLOWS:**

Section I. Two alleys located within the blocks bounded by Third Avenue, Clay Street, Fifth Avenue, and Greendevils’ Lane in the City (“the alleys”) are hereby ordered closed and vacated without further action. This public way is described in both as a narrative legal description and as a plat in Exhibits A and B of the Consent, which also are attached hereto and incorporated herein.

Section II. Having made the above-referenced findings, the alleys and any associated rights-of-way are deemed closed and vacated without further action pursuant to KRS 82.405(2). Also, pursuant to KRS 82.405(2), the City Attorney is directed and authorized to record a copy of this Ordinance with all its attachments, including the Consent, map/plat, and legal description, with the Campbell County Clerk’s office.

Section III. Once this Ordinance closing and vacating this right-of-way is recorded, the City shall convey the whole unimproved street to the appropriate parties, as determined by law.

Section IV. Once this Ordinance closing and vacating this right-of-way is recorded, all plats and maps of the City of Dayton, Kentucky, including the official zoning map and all maps of the comprehensive plan of the City shall be considered amended to reflect this street closing and vacation.

Section V. This Ordinance shall be signed by the Mayor, attested by the City Clerk, recorded, published, and shall be in effect at the earliest time provided by law.

First Reading: June 6, 2023

Second Reading: _____

MAYOR BEN BAKER

ATTEST:

TRISTAN KLEIN
CITY CLERK/TREASURER

EXHIBIT "A"
Written Consent Closing and Vacating Alleys