



A Proud Past A Bright Future

Legal Department

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Ashland, Kentucky 41105-1839

Telephone: (606) 327-2004
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June 15, 2005

RECEIVED AND FILED
DATE June 16, 2005

Kandi Adkinson
Secretary of State's Office
Capitol Building
700 Capitol Avenue
Frankfort, KY 40601

TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Kandi Adkinson

RE: City of Ashland Annexation

Dear Ms. Adkinson:

Pursuant to relevant annexation statutes, please find enclosed certified copies of City of Ashland Ordinance No. 59, 2005. If you have any questions or need any further information, please don't hesitate to contact me.

Sincerely,

Kevin P. Sinnette
Assistant Corporation Counsel

KPS/sm

Enclosures

COA

CERTIFICATE

I, DEBORAH MUSSER, hereby certify that I am the duly qualified City Clerk of Ashland, Kentucky, that the foregoing is a full, true and correct copy of Ordinance No. 59, 2005, adopted by the Ashland Board of City Commissioners at a meeting held on May 5, 2005, and that said Ordinance has been duly recorded in the records of the City.

IN TESTIMONY WHEREOF, witness my signature and the Seal of said City on this 25th day of May, 2005.

Deborah Musser

DEBORAH MUSSER
CITY CLERK

(SEAL OF THE CITY)

RECEIVED AND FILED
DATE June 16, 2005

TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Kandice Adkins

ORDINANCE NO. 59, 2005

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, ANNEXING THE MELODY MOUNTAIN PROJECT PHASE II AREA PURSUANT TO THE PROVISIONS OF KRS 81A.412 AT THE PRIOR WRITTEN REQUEST OF THE OWNERS OF THE LAND IN QUESTION.

WHEREAS, the City of Ashland, Kentucky, has been requested by TLG Development Co., Inc., RLG Ashland LLC and GCG Ashland LLC to annex the area known as Melody Mountain Project Phase II (a copy of the prior written consent from the owners of record of the land to be annexed is attached hereto and marked Exhibit "A"), and

WHEREAS, the area to be annexed meets the requirements set out in KRS 81A.410 and all other requirements of the Kentucky Revised Statutes;

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

SECTION 1. The Board of Commissioners of the City of Ashland hereby finds that the area proposed for annexation is: (a) adjacent or contiguous to the city's boundaries at the time this annexation is proceeding; and (b) by reason of population density, commercial use of land that is urban in character and suitable for development for urban purposes without unreasonable delay.

SECTION 2. The Board of Commissioners of the City of Ashland hereby annexes that certain territory within Boyd County adjoining the present boundary line of the City, being the Melody Mountain Project Phase II area. The description and map of the territory are attached hereto and made a part hereof by reference as if set out in full. The specific description appears on Exhibit "B". The map is marked Exhibit "C" for identification.

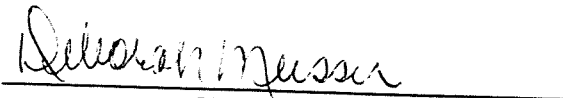
SECTION 3. Upon the enactment of the Ordinance, the territory shall become a part of the City for all purposes.

SECTION 4. All ordinances of the City of Ashland and any parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 5. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.


MAYOR

ATTEST:

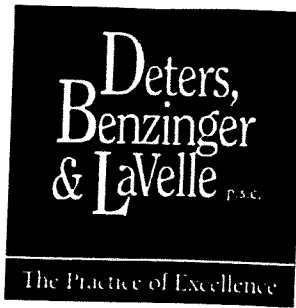

CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: APR 21 2005
READOPTED BY THE BOARD OF COMMISSIONERS: MAY 05 2005
PUBLISHED: _____

REQUESTED/SPONSORED BY: WILLIAM H. FISHER, JR., CITY MANAGER

ORDINANCE Annexation.Melody Mountain Phase II

CHARLES H. DETERS
 GERALD E. BENZINGER
 RICHARD G. MEYER
 JAMES A. DRESSMAN III*
 ROBERT M. HOFFER*
 JOSEPH A. CLEVES, JR.*
 ALAN J. HARTMAN*
 ROBERT G. STEVENS
 DANIEL T. MISTLER
 DAVID V. KRAMER
 MARK D. GUILFOYLE
 ELIZABETH GRAHAM WEBER*
 MATHEW R. KLEIN, JR*
 MICHAEL W. WESTLING*
 JED K. DETERS
 LEV K. MARTYNIUK**
 TODD V. MCMURTRY*
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 OF COUNSEL
 JOHN C. LAVELLE (1945-2003)
 KURT A. PHILIPPS, JR. (1945-2003)
 * Also admitted in Ohio
 ** Admitted in Ohio
 † Also admitted in Indiana

Writers Direct:
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 Fax: (859) 341-4879
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April 4, 2005

VIA ELECTRONIC AND REGULAR MAIL
606-327-2055

APR 18 2005

William Fisher
 Ashland City Manager
 P.O. Box 1839
 City Building
 Ashland, KY 41105-1839

Re: City Agreement with RG Properties: Annexation

Dear Mr. Fisher:

TLG Development Co., Inc., an Ohio Corporation, GCG Ashland LLC, an Ohio limited liability company, and RLG Ashland LLC, an Ohio limited liability company (collectively, the "Developer") negotiated an agreement with the City of Ashland, Kentucky to develop a retailing facility occupied and operated by a major retailer. This agreement is referred to as "Developer Project Phase II." Pursuant to this agreement the City of Ashland agreed to utilize the most expedited annexation procedure available by law.

In accordance with KRS §81A.412, Developers, as the sole owners of the property, hereby formally request the City of Ashland to annex the property described on the enclosed document.

As required by the statute, this document is to be considered Developers' written consent to annex its property to the City of Ashland. With the prior written consent of each owner of the property to be annexed, it is our understanding the city may enact a single ordinance annexing the land described.

William Fisher
April 4, 2005
Page 2 of 2

Developers further request that this matter be put on the City's agenda for its first and second readings as soon as possible. If you have any questions or concerns, please do not hesitate to call.

Very truly yours,

Angela M. Gates

Patrick R. Hughes
Angela M. Gates

Developers:

GCG Ashland LLC

By:

Glenn C. Gunlock
Glenn C. Gunlock, Managing Member

TLG Development Co., Inc.

By:

Ronald Leslie
Ronald Leslie, President

RLG Ashland LLC

By:

Rafidall L. Gunlock
Rafidall L. Gunlock, Managing Member

PRHamg
Enclosure

60291.1

DESCRIPTION OF
TRACT OF LAND TO BE ANNEXED
TO THE CITY OF ASHLAND
BOYD COUNTY, KENTUCKY
CONTAINING 5.274 ACRES
APRIL 14, 2005

Located south of U.S. Route 23, north of West Central Avenue, East of Little Hood Creek and west of River Hill Drive in the District of Westwood, County of Boyd, Commonwealth of Kentucky, and being made up of the following tracts of land: as conveyed to RLG Ashland LLC, GCG Ashland LLC and TLG Development Company as recorded in Deed Book 678, Page 104; another tract of land conveyed to said RLG Ashland LLC, GCG Ashland LLC and TLG Development Company as recorded in Deed Book 678, Page 110 said tract being Lots 42, 43, 44 and 45 of the Wayne Rice Tract Subdivision as recorded in Plat Book 19, Page 33; another tract of land conveyed to said RLG Ashland LLC, GCG Ashland LLC and TLG Development Company as recorded in Deed Book 678, Page 114, said tract being part of Lot 30 of said Wayne Rice Subdivision; and another tract of land conveyed to RLG Ashland LLC, GCG Ashland LLC and TLG Development Company as recorded in Deed Book ____, Page ____, said tract being lots 31, 32, and 33 of said Wayne Rice Subdivision; also made up of part of Evans Street and other unnamed streets as established by said Wayne Rice Subdivision and part of a "passway" referred to in Deed Book 127, Page 638 (all references to deeds, microfiche, plats, surveys, etc. refer to the records of the Boyd County Recorders Office, unless noted otherwise) and being more particularly bounded and described as follows:

Beginning at a 4" by 4" concrete fence post (found) at a westerly corner of a tract of land conveyed to RLG Ashland LLC, et al as recorded in Deed Book 665, Page 489, said corner being in the east right-of-way line of an unnamed street as established by said Plat Book 19, Page 33;

thence along said RLG Ashland LLC land, North twenty-two degrees forty-six minutes zero seconds East (N22°46'00"E) for twenty-five and 00/100 feet (25.00') to the **TRUE POINT OF BEGINNING** of the herein described tract of land;

thence North sixty-six degrees six minutes nineteen seconds West (N66°06'19"W) for forty-seven and 59/100 feet (47.59') to a point of curvature;

thence on a curve to the left with a radius of thirty and 00/100 feet (30.00') for an arc distance of seventy-four and 69/100 feet (74.69), [chord bearing South forty-two degrees thirty-four minutes five seconds West (S42°34'05"W) for fifty-six and 84/100 feet (56.84'), delta angle of said curve being one hundred forty-two degrees thirty nine minutes thirteen seconds (142°39'13")] to the northeast corner of Lot 34 of said Wayne Rice Subdivision;

thence along the north line of said Lot 34, North sixty-five degrees sixteen minutes one second West (N65°16'01"W) for two hundred fifty-six and 30/100 feet (256.30) to the northeast corner of Lot 26 of said Wayne Rice Subdivision, said corner also being the southeast corner of said Lot 27;

thence along the west line of said Lots 31, 32, 33, 42, 43, 44, and 45 for the following ten (10) courses:

1. North-twenty seven degrees thirty-nine minutes fifty-nine seconds East (N27°39'59"E) for twenty-four and 87/100 feet (24.87');

2. North seventeen degrees fifty-nine minutes twenty-three seconds East (N17°59'23"E) for thirty and 79/100 feet (30.79');
3. North nineteen degrees zero minutes eleven seconds West (N19°00'11"W) for fifty-nine and 79/100 feet (59.79');
4. North one degree forty-eight minutes twenty-six seconds West (N01°48'26"W) for sixty-seven and 08/100 feet (67.08');
5. North nineteen degrees three minutes twenty-six seconds West (N19°03'26"W) for forty-nine and 43/100 feet (49.43');
6. North nine degrees two minutes forty-six seconds West (N09°02'46"W) for eight and 00/100 feet (8.00');
7. North twenty-five degrees thirty minutes twenty-two seconds West (N25°30'22"W) for thirty-four and 97/100 feet (34.97');
8. North fifteen degrees thirty-three minutes zero seconds East (N15°33'00"E) for seventy-eight and 10/100 feet (78.10');
9. North four degrees forty-two minutes forty-one seconds West (N04°42'41"W) for fifty-three and 42/100 feet (53.42');
10. North eight degrees four minutes fifty-two seconds West (N08°04'52"W) for thirty-four and 45/100 feet (34.45') to an iron found at a corner of said Lot 45;

thence North seventeen degrees twenty-four minutes forty-six seconds East (N17°24'46"E) for sixty-nine and 20/100 feet (69.20') to a point in the south right-of-way and controlled access line of U.S. Route 23, and being 183.00 feet right of Station 205+33.70, said point being in the proposed Ashland City Limit line;

thence along the south right-of-way and controlled access line of said U.S. Route 23 and the proposed Ashland City Limit line for the following four (4) courses:

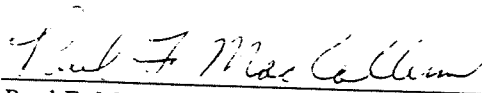
1. South eight degrees twenty-seven minutes forty-three seconds East (S08°27'43"E) for sixty-three and 64/100 feet (63.64') to a point being 249.95 feet right of Station 205+67.34;
2. South fifty-seven degrees forty-six minutes thirty-one seconds East (S57°46'31"E) for twenty-one and 54/100 feet (21.54') to a point being 245.80 feet right of Station 205+72.20;
3. North sixty-three degrees thirty-one minutes fifty seconds East (N63°31'50"E) for two hundred six and 00/100 feet (206.00') to a point being 118.96 feet right of Station 207+05.36;
4. South eighty-one degrees forty-six minutes thirty seconds East (S81°46'30"E) for nine and 57/100 feet (9.57') to a point being 119.26 feet right of Station 207+13.71 to a point in the existing Ashland City Limit line;

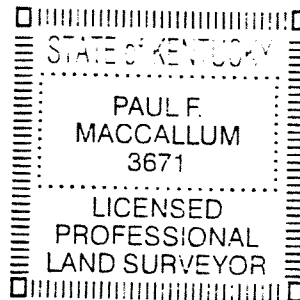
thence along said existing Ashland City Limit line for the following five (5) courses:

1. South fifty-one degrees forty-one minutes fifty-four seconds East (S51°41'54"E) for nineteen and 96/100 feet (19.96');
2. South seventy-one degrees sixteen minutes fifty-four seconds East (S71°16'54"E) for three hundred fifteen and 85/100 feet (315.85');
3. South twenty-five degrees thirteen minutes six seconds West (S25°13'06"W) for one hundred five and 00/100 feet (105.00');
4. South twenty-four degrees fifty-four minutes twenty seconds West (S24°54'20"W) for three hundred sixty-seven and 83/100 feet (367.83');
5. South twenty-two degrees forty-six minutes zero seconds West (S22°46'00"W) for fifty-three and 41/100 feet (53.41') to the **POINT OF BEGINNING**, containing five and 274/1000 (5.274) acres, more or less, subject however to all covenants, conditions, restrictions, reservations, and easements contained in any instrument of record pertaining to the above described tract of land. *See plat Book 53 page 2, 10*

This description was prepared from record information, with bearings based upon The Kentucky State Plane Coordinate System (North Zone) as provided by Calibre Engineering.

HORIZON SURVEYING, INC.


Paul F. MacCallum
Kentucky Professional Surveyor No. 3671



DOCUMENT NO: 565185
RECORDED ON: MAY 25, 2005 02:48:25PM
TOTAL FEES: \$19.00
COUNTY CLERK: DORIS STEPHENS HOLLAN
COUNTY: BOYD COUNTY
DEPUTY CLERK: SUSAN CAMPBELL

BOOK MC95 PAGES 504 - 511

OVERSIZE MAP INCLUDED WITH
SUBMISSION.

To research the map, contact the
Office of Secretary of State
or the County Clerk.