

CERTIFICATION: KRS 81A.470 FILING

I certify I am the duly qualified City Clerk of the City of Barbourville, Kentucky, and the following two pages of Ordinance No. 2016-10, dated June 28, 2016, is a true, correct and complete copy duly adopted by the City Council at a duly convened meeting held on June 28, 2016, all as appears in the official records of the City of Barbourville.

WITNESS, my hand and seal of the City of Barbourville, this 28th day of June, 2016.

Helen Strong  
Helen Strong, City Clerk

Seal

RECEIVED AND FILED  
DATE July 5, 2016  
\_\_\_\_\_  
ALISON LUNDERGAN GRIMES  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
BY Andie Gibson

ORDINANCE NO. 2016-10

ORDINANCE ANNEXING PROPERTY BY CONSENT

ORDINANCE ANNEXING 2.02 ACRES OF PROPERTY  
LOCATED 45 KY 1304, Bimble, KENTUCKY,  
PROPERTY PRESENTLY OWNED BY BIMBLE SHELL FRIENDLY MART, LLC  
AND  
SAID PROPERTY BEING ADJACENT TO EXISTING CITY LIMITS

*WHEREAS*, pursuant to KRS 81A.412, the City of Barbourville, Kentucky may annex any area which meets the requirements for annexation if the owner of record of the land to be annexed gives prior consent in writing; and

*WHEREAS*, Bimble Shell Friendly Mart, LLC has requested and consented in writing to the annexation of property located at 45 KY 1304, Bimble, Kentucky, which is further identified on the attached deed, plat and property description; and,

*WHEREAS*, the City of Barbourville, Kentucky hereby declares it desirable to annex this property as described in the attachments to this Ordinance; and,

*WHEREAS*, the proposed property to be annexed is adjacent or contiguous to the City of Barbourville and the property is urban in character and suitable for development for urban purposes without unreasonable delay.

*NOW, THEREFORE, BE IT ORDAINED* by the City of Barbourville, Kentucky pursuant to KRS 81 A.412 as follows:

The property located at 45 KY 1304, Bimble, Kentucky and identified on the attached deed, plat and legal description and containing approximately 2.02 acres, which is adjacent to existing city limits and presently owned by Bimble Shell Friendly Mart, LLC shall be and is hereby annexed into the City of Barbourville, Kentucky by consent of the owner, and the boundaries of the City of Barbourville, Kentucky are hereby extended so as to include and incorporate all of this real estate into the City of Barbourville, Kentucky.

**ORDINACE NO. 2016-10**

A copy of this Ordinance shall be forwarded to the Public Works Department (Barbourville Utility Commission), Knox County Clerk's Office and Office of the Secretary of State, and it is hereby authorized and directed to make the necessary changes to the territorial limits of the **City of Barbourville, Kentucky** to reflect this annexation.

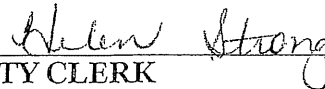
All prior Municipal Orders or Ordinances or parts of any Municipal Order or Ordinance in conflict herewith are hereby repealed.

This Ordinance is adopted pursuant to KRS 83 A.060 that it was introduced on the 27<sup>th</sup> day of June, 2016, and given final reading on the 28<sup>th</sup> day of June 2016, and said Ordinance shall be in full force and effect upon signature, recordation and publication pursuant to KRS Chapter 424.

Adopted this 28<sup>th</sup> day of June, 2016.

  
\_\_\_\_\_  
DAVID THOMPSON, MAYOR  
CITY OF BARBOURVILLE

ATTEST:

  
\_\_\_\_\_  
CITY CLERK

**PRIOR CONSENT FOR ANNEXATION**  
**KRS 81A.412**

To the Barbourville City Council:

**WHEREAS, G & M Oil Co. Inc.**, a Kentucky Corporation with a registered address of 76 Old 25E, Barbourville, Kentucky 40906 by and through the Company President and sole Director, **Jerry Wayne Garland, II**, is the true and lawful owner, in Fee Simple, of certain real property identified as the **Bimble Shell Friendly Mart** located in Knox County, Kentucky, and said real property being more particularly described as follows:

STATION TRACT

A certain tract of land being in the community of Bimble and on the waters of Fighting Creek in Knox County, Kentucky and being more particularly described as follows:

Unless stated otherwise, any monument referred to herein as an "iron pin and cap" is a set 1/2" iron rebar pin, 24" in length, with a yellow plastic cap stamped "RMF 3051". All bearings herein refer to the north meridian in the deed of record and Kentucky Department of Highways plans of US 25E.

Beginning at an iron pin and cap set on the right-of-way intersection of US 25E and Ky. 1304 at Station 96 + 78.37, 98, 20' right of centerline; thence with the right-of-way, the following three calls, (1) S 41° 38' 42" W, 221.63' to a found concrete marker; thence, (2) N 48° 20' 17" W, 55.91' to an iron pin and cap, corner of Farmers Supply & Explosives (DB 260 at PG 110); thence, (3) with the Farmers line, S 35° 59' 07" W, 31.96' to an iron pin and cap; thence leaving the Farmer line and with a new line bisecting the parent tract, N 55° 01' 23" W, 250.12' to an iron pin and cap at the scales; thence, S 39° 38' 41" W, 6.76' to an iron pin and cap; thence leaving the scales, N 49° 24' 35" W, 65.58' to an iron pin and cap in the outside line of the parent tract and in the line of Kathy Mills (DB 297 at PG 492); thence with the Mills line, N 57° 55' 29" E, 60.91' to a found iron pipe corner of Sylvester Dunn (DB 162 at PG 466); thence with the Dunn line, N 61° 03' 14" E, 100.00' to an iron pin and cap, corner of Jerry Garland (DB 176 at PG 342); thence, N 54° 40' 10" E, 189.81' to an iron pin and cap on the west side right-of-way of Ky. 1304; thence with the right-of-way, the following four calls, (1) S 22° 45' 37" E, 87.92' to a point; thence, (2) S 45° 03' 20" E, 57.05' to a point; thence, (3) S 47° 48' 38" E, 110.21' to a point; thence, (4) S 37° 50' E, 27.45' to the point

of the beginning. Containing 2.019 acres more or less, according to a survey by Richard Frederick, PLS #3051 on September 22, 2003.

Being a part of the same property acquired by Curtis Corey and Venna Lou Corey, husband and wife, from Farmer's Supply and Explosives, Inc., by deed dated October 7, 1991, of record in Deed Book **257** at Page **251**, and being a part of the same property acquired by Fanners Supply and Explosives from the Commonwealth of Kentucky by deed dated February 18, 1992, of record in Deed Book **260** at Page **110**, records of the Knox County Clerk's Office,

There is also conveyed for the grantee the nonexclusive rights of ingress, egress and regress for the use of two 20' wide road easements. The centerline of which is described as follows: Road Easement No. 1. Beginning at a point being N 49° 24' 35" E, 7.86' from an iron pin and cap corner at the south corner of the scales and in the line of the above described tract; thence with the centerline the following six calls, (1) S 40° 32' 52" W, 208.00'; thence, (2) S 11° 19' 45" W, 40.60'; thence, (3) S 2° 19' 13" E, 73.89'; thence, (4) S 8° 10' 32" E, 152.92'; thence, (5) S 30° 11' 26" E, 69.25'; thence, (6) S 35° 27' 12" E, 30.82' to the right-of-way of US 25E.

Road Easement No. 2. Beginning at a point being N 59° 46' E, 80.51' from a concrete monument on the north side right-of-way of US 25E, Sta. 99 + 00, 98.0' Rt.; thence with the centerline, the following three calls, (1) S 18° 56' 25" W, 38.66'; thence, (2) S 38° 32' 25" W, 147.61'; thence, (3) S 43° 33' 41" W, 193.79' to the intersection with Easement No. 1. These roads are for joint use by the grantor and grantee.

Gas Line Easement. There is also conveyed, a 5.0' feet wide easement for the existing gas line extending across the Grantor's property to the line of the previously described tract. The centerline of which is described as follows: Beginning at a gas meter on grantor, being S 81° 01' 06" W, 405.12' from the beginning corner of the previously described tract; thence, N 56° 48' 31" E, 38.44' to the line of the tract.

Sewage line and septic tank easement. There is also conveyed, a 5.0' wide easement for the existing sewage line and use of the existing septic tank located on the tract of the grantor. Described as follows: Beginning at the septic tank, being S 88° 20' 39" W, 481.04' from the beginning corner of the previously described tract; thence with the sewage line, N 53° 50' 01" E, 40.90' to the line of the tract

Electric line Easement. There is also conveyed, an easement for the existing electric line extending across the grantor tract and servicing the above described tract. The centerline is described as follows: Beginning at the line of the parent tract, being S 78° 47' 55" W, 655.13' from the beginning corner of the previously described tract; thence, N 69° 25' 17" E, 141.86' to a point; thence, N 42° 38' 11" E, 106.98' to the line

of the tract.

Electric Transmission line Easement. There is reserved from this conveyance, an existing electric transmission line easement. The centerline is described as follows: Beginning at the line of the previously described tract, being S 41° 38'42" W, 213.85' from the beginning tract of the above described tract; thence, N 10° 23' 41" E, 257.19' to the line of the tract.

Grantors and Grantee hereby covenant that no dividing obstruction shall be constructed between the parent tract or the tract hereby conveyed on or near the dividing property lines and that Grantor and Grantee both shall be able to use the property along the dividing line for access to parking spaces.

Grantors may make reasonable rules for the use of the Road Easements described herein in the event the use of the Road Easements by either party or the employees, agents, guests, or invitees of either party interferes with the use and enjoyment of either the real property conveyed hereby or the property retained by Grantors.


Grantor shall have a general right of ingress, egress and regress across the property herein conveyed. Grantees may make reasonable rules for the use of the easements described herein in the event the use of the easements by either party or the employees, agents, guests, or invitees of either party interferes with the use and enjoyment of either the real property conveyed hereby or the property retained by Grantors. All the easements and covenants contained herein shall be deemed to be covenants running with the land hereby conveyed by the Grantors and the land retained by the Grantors; said easements and covenants are conveyed and reserved for the Grantee, the Grantor, their business invitees, customers, agents and employees, heirs, successors, and assigns

**WHEREAS, G & M Oil Co. Inc.**, by and through the Company President and sole Director, **Jerry Wayne Garland, II**, declare that the above-described real property presently is contiguous to or immediately adjacent to the Corporate Limits of the City of Barbourville, Kentucky and,

**WHEREAS, G & M Oil Co. Inc.**, by and through Company President and sole Director, **Jerry Wayne Garland, II**, declare that the aforesaid real property, by reason of its present commercial use is urban in character and suitable for development for urban purpose without unreasonable delay;

NOW, THEREFORE, G & M Oil Co. Inc., by and through the Company President and sole Director, **Jerry Wayne Garland, II**, request that the aforesaid real property be annexed and included in the Corporate Limits of the City of Barbourville, Kentucky, pursuant to the provisions of KRS 81A.412.

DATED this the 9<sup>th</sup> day of May, 2016.

  
G & M OIL CO INC,  
(By and through **JERRY WYANE GARLAND, II**, Company President sole Director)

COMMONWEALTH OF KENTUCKY

COUNTY OF KNOX

The foregoing was personally subscribed, acknowledged and sworn to by **G & M OIL CO INC**, by and through **Jerry Wayne Garland, II**, acting within his scope and duties as Company President and sole Director, on this the 9<sup>th</sup> day of **May, 2016**.

MY COMMISSION EXPIRES: November 15, 2019

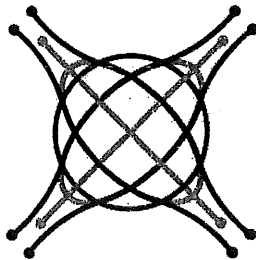
  
NOTARY PUBLIC / STATE-AT-LARGE

**THIS INSTRUMENT PREPARED  
IN THE LAW OFFICE OF  
DAVE R. COLLINS**

Attorney At Law  
203 Knox Street, Suite I  
Barbourville, Kentucky 40906  
Telephone: (606) 545-6050

BY:

  
DAVE R. COLLINS



**TITAN SURVEYING**  
ACCURACY. ACHIEVED.

Neil A. Grande, PLS  
P.O. Box 2059  
Corbin, Kentucky 40702  
(606) 215-1396  
titansurveying@gmail.com  
www.titansurveying.com

**City of Barbourville- Annexation Ordinance #2016-10**

**The following description was prepared by Neil A. Grande PLS #4138 of Titan Surveying, Firm Permit #898. Said description is based on the following information: Records from the Knox County Clerk's Office, Kentucky Department of Transportation Project Plans, GPS observations with Javad Triumph LS Receiver of two corners of the subject tract, existing city boundaries as shown on the Kentucky Secretary of State Land Office Interactive Map. The Purpose of this annexation is to delineate the limits of the aforesaid annexation. It does not in any way reflect a determination of the individual parcel boundaries and should not be used for that purpose.**

Bearings are referenced to Grid North (Kentucky SPC (1600) Single Zone) per GPS observations on June 15, 2016.

Lying in Knox County, Kentucky, on the northwest side of US 25 and the southwest side of Kentucky Highway #1304, in the Community of Bimble.

BEGINNING at a 1/2" diameter rebar with no cap (found) on the northwest side of US25 (SP 61-90-31 RR 03 2-1) (sheet #25) and on the southwest side of Kentucky Highway #1304 (no record source of title found) having a Kentucky State Plane Single Zone Coordinate of (N:3,483,228.3871, E:5,482,642.5490);

- 1) S 41°37'50" W, 221.63' to a concrete right-of-way monument;
- 2) N 48°21'09" W, 55.91';
- 3) S 35°58'15" W, 31.96';
- 4) N 55°02'15" W, 250.12';

Continued Next Page



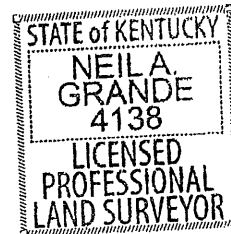
- 5) S 39°37'49" W, 6.76';
- 6) N 49°25'27" W, 65.58';
- 7) N 57°54'37" E, 60.91';
- 8) N 61°02'22" E, 100.00';
- 9) N 54°39'18" E, 189.81';
- 10) S 22°46'29" E, 87.92';
- 11) S 45°04'12" E, 57.05';
- 12) S 47°49'30" E, 110.21';
- 13) S 37°55'19" E, 27.44' to the point of beginning, containing 2.02 acres.

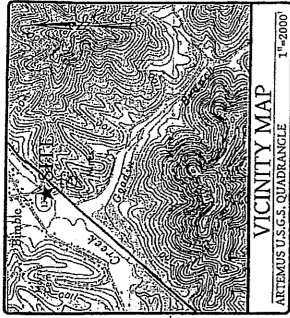
*Neil Grande*

Neil A. Grande, PLS 4138

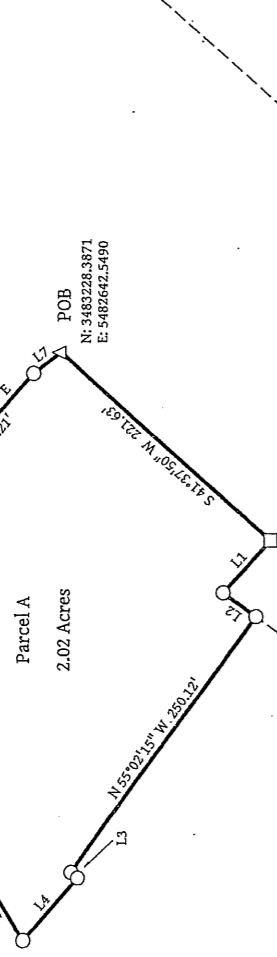
*06/20/2016*

Date





Grid North (Kentucky SPC  
(1600) Single Zone) per GPS  
observations on June 15, 2016



**CITY OF BARBOURVILLE  
ANNEXATION ORDINANCE #2016-10**

**SOURCE OF TITLE**

The Tract shown hereon is all of the same property conveyed to G&M Oil Co., Inc. by Deed dated October 21, 2010 and recorded in Deed Book 385 on Page 063 in the Knox County Clerk's Office.

**Short Line Table**

LINE	BEARING	DISTANCE
L1	N 48°21'09" W	55.91'
L2	S 35°58'15" W	31.96'
L3	S 39°37'49" W	6.76'
L4	N 49°25'27" W	65.58'
L5	N 57°54'37" E	60.91'
L6	S 45°04'12" E	57.05'
L7	S 37°55'19" E	27.44'

- LEGEND**
- △ 1/2" Diameter Rebar w/No Cap
  - Concrete Right-Of-Way Monument
  - Point (no monument found or set)
  - Annex Boundary Line
  - - - Existing City Boundary- City of Barbourville Ordinance#
  - - - US 25 Right-of-Way

Existing City  
Boundary  
City of Barbourville  
Ordinance #2004-3



**CERTIFICATION**  
I HEREBY CERTIFY THAT THE BOUNDARY FOR ANNEXATION ORDINANCE #2016-10 FOR THE CITY OF BARBOURVILLE, KENTUCKY SHOWN ON THIS PLAT IS BASED ON THE FOLLOWING INFORMATION: RECORDS FROM THE KNOX COUNTY CLERK'S OFFICE, KENTUCKY DEPARTMENT OF TRANSPORTATION PROJECT PLANS, GPS OBSERVATIONS WITH JAVAD TRIUMPH LS RECEIVER OF TWO CORNERS OF THE SUBJECT TRACT, EXISTING CITY BOUNDARIES AS SHOWN ON THE KENTUCKY SECRETARY OF STATE LAND OFFICE INTERACTIVE MAP, THE PURPOSE OF THIS ANNEXATION SURVEY IS TO DELINEATE THE LIMITS OF THE AFORESAID ANNEXATION. IT DOES NOT IN ANY WAY REFLECT A DETERMINATION OF THE INDIVIDUAL PARCEL BOUNDARIES AND SHOULD NOT BE USED FOR THAT PURPOSE.

*Neil A. Grande* 06/29/2016 Date  
NEIL A. GRANDE, PLS # 4138



**CITY OF BARBOURVILLE  
ANNEXATION ORDINANCE #2016-10**

Client: G&M Oil Co., Inc.  
76 Old 25 E, Barbourville, Kentucky 40906  
Project Site: 45 KY 1304, Bimble, Kentucky 40915

**TITAN SURVEYING**

P.O. Box 2059 Corbin, Kentucky 40702 (606) 215-1396  
titansurveying@gmail.com  
www.titansurveying.com

Date: 06/16/2016 Scale: 1"= 80'  
Drawn By: N.G. Checked By: N.G.

**NOTES**

- 1) This Certification was prepared for the entity named in the title block hereon and does not extend to any other entity, unless recertified by the Surveyor.
- 2) This Tract is subject to all rights-of-ways, easements, covenants and/or restrictions.
- 3) This Plat is not valid unless the original signature and seal are attached. Any reproduction or variance by electronic or any other means is not considered issued by the Surveyor.
- 4) THIS IS NOT A BOUNDARY SURVEY AND DOES NOT IN ANY WAY REFLECT A DETERMINATION OF THE INDIVIDUAL PARCEL BOUNDARIES AND SHOULD NOT BE USED FOR THAT PURPOSE.

SHEET 1 OF 1