

CITY OF BEREA

CITY ADMINISTRATORS OFFICE

STEVEN CONNELLY
MAYOR

212 CHESTNUT STREET • BEREA, KENTUCKY 40403
(859) 986-8528 • FAX (859) 986-7657
T.D.D.# 1-800-648-6057

RANDY STONE
CITY ADMINISTRATOR

PROOF OF MUNICIPAL LEGISLATION

I, Randy Stone, City Clerk of the City of Berea, Kentucky, hereby certify that the attached is a true and accurate copy of Ordinance #08-05 adopted by the Berea City Council on April 19, 2005, and I am the custodian of the original, which is maintained at the City Clerk's Office, Berea City Hall, Berea, Kentucky.

October 19, 2006
Date

Randy Stone
Randy Stone, City Clerk

RECEIVED AND FILED
DATE Nov. 10, 2006

TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Katie Johnson

ORDINANCE NO. 08 - 05

AN ORDINANCE OF THE CITY OF BERA, KENTUCKY, ANNEXING CERTAIN REAL PROPERTY LOCATED NEAR BERA, MADISON COUNTY KENTUCKY.

WHEREAS, in Ordinance No. 19-04, the City Council declared its intent to annex certain real property owned by Wanda Purkey, Andrew and Ann Botkins, and Charles and Rose Bowman, located to the north of the current corporate limits; and

WHEREAS, as directed in Ordinance No. 19-04 the Planning Commission held a public hearing on January 25, 2005, and has recommended that the Purkey property annexed be assigned a zoning classification of B-2 (Commercial); and the Bowman and Botkin property annexed be assigned a zoning classification of R-1 (Low Density Residential).

WHEREAS, the City Council has determined that the tracts of land to be annexed is adjacent and contiguous to the current corporate limits and which by reason of population density, use of the land, including subdivision of land, both existing and expected, the land to be annexed is suitable for development for urban purposes, so that the corporate boundaries of the City should be extended to include this area; and

WHEREAS, the City wishes to be able to be in the position to extend certain municipal services to this area; and

WHEREAS, the tracts described herein is not already incorporated; and

WHEREAS, the owners of the property agree to the annexation;

NOW, THEREFORE, the City Council of the City of Berea, Kentucky, does ordain as follows:

SECTION I

That the City of Berea, Kentucky, pursuant to KRS 81A.420 and KRS 81A.412, hereby

annexes and makes a part of the corporate area certain tracts of property described as follows:
Attached as Exhibit A.

SECTION II

Upon the enactment of this ordinance, the territory described in Section I is part of the City of Berea for all purposes.

SECTION III

Pursuant to the recommendation of the Planning Commission at its January 25, 2005, regular meeting, and KRS 81A.420, KRS 81A.412, and KRS 100.209, the property annexed herein and described on Exhibit A is hereby assigned the following zoning classifications: the Purkey property annexed be assigned a zoning classification of B-2 (Commercial); and the Bowman and Botkin property annexed be assigned a zoning classification of R-1 (Low Density Residential).

SECTION IV

The City Clerk or any other officer having custody of official maps or records of the City is hereby directed to amend such maps or records to reflect the annexation and zoning classification provided for and assigned herein.

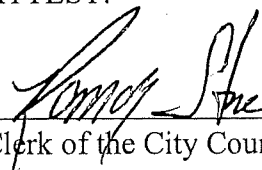
SECTION V

All ordinance or parts of ordinances in conflict with this ordinance are hereby repealed.


FIRST READING: April 5, 2005.

SECOND READING & ENACTMENT April 19, 2005.

CITY OF BERA, KENTUCKY
ATTEST:


Clerk of the City Council

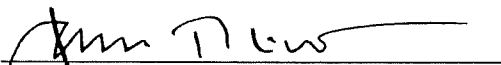
APPROVED:



Steven Connelly, Mayor

PREPARED BY:

COY, GILBERT & GILBERT
212 North Second Street
Richmond, Kentucky 40475
(859) 623-3877



James T. Gilbert

CITY OF BERA, KENTUCKY
PLANNING COMMISSION

In Re: Application for Zone Change for
Bowman, Botkin & Purkey
US 25
Berea, Kentucky 40403

RECOMMENDATION OF ZONING CLASSIFICATION FOR ANNEXED PROPERTY

This matter having been heard on January 25, 2005, at a public hearing before the Berea Planning Commission, for the purpose of recommending the zoning classification to be assigned to the property to be annexed, and the Planning Commission having considered the fact that the City Council adopted Ordinance No. 19-04, declaring its intention to annex certain property located on US 25, owned by Purkey, Bowman, and Botkin, and the Commission considering the records of the City of Berea, including the Comprehensive Plan, the requests of the owners that the property be assigned a classification of B-2 (Commercial) for the property owned by Purkey, and R-1 (Low Density Residential) for the property owned by Bowman and Botkin; the Planning Commission makes the following Recommendation:

1. That because of the Purkey tract's location on a major arterial route (U.S. 25), and adjacent to property with an existing commercial zoning classification, the most appropriate classification for the Purkey tract to be annexed is B-2 (Commercial), and the Planning Commission therefore recommends that the Purkey tract to be annexed be assigned the zoning classification of B-2 (Commercial).

2. That because the future land use map provides that the Bowman and Botkin tracts are low density residential, and because the commercial classification has been extended sufficiently from the intersection of U.S. 25 and White Station Road in paragraph 1 of the recommendation, the most appropriate classification for the Bowman and Botkin tracts to be annexed is R-1 (Low Density

Residential), the Planning Commission therefore recommends that the Bowman and Botkin tracts to be annexed be assigned the zoning classification of R-1 (Low Density Residential).

Dated: March 16, 2005

By: Ira Puzman
Chairman, City Planning
Commission

Prepared by:

James T. Gilbert
James T. Gilbert
Corporation Counsel

Ordinance 08-05 Legal Description

A certain tract or parcel of land lying contiguous to the City of Berea, Madison County, Kentucky; more particularly bounded and described as follows:

Beginning at a point where the current City of Berea corporate boundary intersects with the westerly right of way of US 25 North; said point being at the approximate NAD 1983 Kentucky South state plane coordinates of North 2,115,037 by East 2,066,774; thence with new lines extending the corporate limits of the City of Berea as follows:

with said corporate boundary and said westerly right of way S 15°57'12" W, 742.13 feet; thence leaving said westerly right of way and following said City of Berea corporate limits for seven (7) calls and following the line of parcel #3 for five (5) calls:

N 72°35'56" W, 88.35 feet; N 17°24'04" E, 50.00 feet; N 72°35'56" W, 88.69 feet; N 11°34'51" E, 390.14 feet; S 72°35'56" E, 49.69 feet to a point in the line of parcel #2; thence with the line of parcel #2 and subsequently parcel #1 for three (3) calls: N 12°06'39"E, 294.85 feet; S 72°34'54"E, 86.84 feet; S 79°10'14"E 89.10 feet to the point of beginning and containing approximately 3 acres.

And being all of parcel #1 (Deed Book 470, Page 376), all of parcel #2 (Deed Book 461, Page 649), and all of parcel #3 (Deed Book 359, Page 500) and a portion of the right of way of US Highway 25 North.

Pat S. Shaler, PLS
11.08.06

4-13-84
mailed to
Lee Bowman
Route 3 Box 505
Berea, Ky.
Judy Perkins, DC.

EXHIBIT
A

DEED OF CONVEYANCE

This DEED OF CONVEYANCE by and between Irvine Shanks, a single man, party of the first part, and Charles F. Bowman and his wife, Rosa Lee Bowman, parties of the second part, all of Madison County, Kentucky

WITNESSETH: That the party of the first part for and in consideration of FIVE THOUSAND AND FIVE HUNDRED DOLLARS (\$5,500.00), the receipt of which is hereby acknowledged, does hereby sell, grant and convey unto the second parties, for and during their joint lives with remainder in fee simple to the survivor thereof, their heirs and assigns, the following described property, to-wit:

A certain tract or parcel of land located approximately two and one half (2 1/2) miles north of Berea, Kentucky, on U.S. Highway No. 25 in Madison County, Kentucky, being bounded on the rear line by Pap Arnett (now Mrs. Miracle) and consisting of all of Lots No. 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26 in the Oliver Lots. These lots front 603 feet on the front along U.S. Highway No. 25 and the rear line is 639.2 feet in length. A Plat of these lots is of record in the office of the Madison County Clerk, Richmond, Kentucky, in Plat Book 3 at page 139, to which reference is hereby made, said plat has been entered and approved by the Planning and Zoning Commission of the City of Berea on January 26, 1971.

STATE TAX \$ 5.50
PAID 4-9-84
C. S. WAGERS, CLERK
BY Judy Perkins, D.D.

RECEIVED
C. S. WAGERS, CLERK
APR 9 1984

And being the same property conveyed to Irvine Shanks by Deed from Joe G. Mims and Margaret M. Mims as individuals and as officers of Joe Mims, Inc., dated February 17, 1983 and of record in Deed Book 349 at page 110 and also in Deed Book 359 at page 498 in the Madison County Court Clerk's office.

TO HAVE AND TO HOLD the same with all the appurtenances thereunto belonging unto the second parties for and during their joint lives with remainder in fee simple to the survivor thereof, their heirs and assigns, with covenant of "GENERAL WARRANTY".

IN TESTIMONY WHEREOF witness the signature of the first party
this ____ day of April, 1984.

Irvine Shanks
Irvine Shanks

STATE OF KENTUCKY)
)
COUNTY OF MADISON)

I, the undersigned, a Notary Public in and for the State and
County aforesaid, do hereby certify that the foregoing Deed to Charles
P. Bowman and Rosa Lee Bowman was this day produced to me and signed
and acknowledged by Irvine Shanks to be his free act and deed in due
form of law and the same is with this certificate duly certified to
the proper office for record.

Given under my hand and seal of office this 7th day of April,
1984.

[Signature]
Notary Public, State of Ky.
A. T. [Signature]

My commission expires:

2/24/86

PREPARED BY:

[Signature]
Jerome S. Fish
Attorney at Law
Main Street,
Derea, Kentucky 40403

STATE OF KENTUCKY
COUNTY OF MADISON SCT.

I, C. S. Wagers, Clerk of the Madison County Court, do certify that the
foregoing Deed to Charles F. & Rosa Lee Bowman
was on the 9 day of April, 1984, produced
to me in my office certified as above for record. Whereupon the same with
the foregoing and this certificate have been duly recorded in my office.

Given under my hand, this 13 day of April, 1984

C. S. Wagers Clerk
By Judy Perkins, D.C.

12-27-95
Corry
By [Signature]

113
Parcel 106

1200
RECEIVED
CLERK OF COURSE
MADISON COUNTY
KENTUCKY
DEC 22 1995

deed-77/95716

D E E D

THIS DEED OF CONVEYANCE by and between WILLARD GUINN and GLORIA A. MIRACLE GUINN, spouses, GRANTORS, of 616 White Station Road, Berea, Kentucky 40403, and ANDREW BOTKINS, JR., and Ann BOTKINS, spouses, GRANTEES, of 1089 Richmond Road, Berea, Madison County, Kentucky 40403,

WITNESSETH: That the GRANTORS, for and in consideration of THREE THOUSAND FIVE HUNDRED (\$3,500.00) DOLLARS, the receipt of which is hereby acknowledged, do hereby grant, sell, and convey unto the GRANTEES, for and during their joint lives with the remainder in fee simple to the survivor thereof, his or her heirs and assigns, the following described property:

A certain tract of land located on the west side of U.S. HWY 25 approximately 1,700 feet south of the intersection of White Station Road and U.S. HWY 25, in Madison County, Kentucky, and being bound by survey (job no. 5589) made December 5, 1995, by Charles E. Black, LS 670 and further described as follows:

TRACT II-B-2, 0.45 acres

Beginning at a steel pin in line of Charles F. Bowman and corner to Andrew Botkins, Jr.; thence leaving the line of Botkins with the line of Bowman N 71 deg 41' 00" W 49.69 feet to a steel pin in the line of Bowman; thence leaving the line of Bowman on a new line dividing the lands of Tract 11-B-2 N 71 deg 41' 00" W 50.52 feet to a steel pin in the line of Tract 11-A; thence continuing with the line of Tract 11-A N 12 deg 29' 47" E 197.33 feet to a steel pin in the line of Tract 11-A; thence leaving the line of Tract 11-A on a new line dividing the lands of Tract 11-B S 69 deg 49' 56" E 100.66 feet to a steel pin in the line of Andrew Botkins, Jr.; thence continuing with the line of Botkins S 12 deg 30' 56" W 194.06 feet to a steel pin and point of beginning and containing 0.45 acres. See Plat Book 13, 61.

And being a part of the same property conveyed to the grantors by deed dated the 14th day of September, 1995 and recorded in Deed Book 459 at page 1 in the Madison County Clerk's office.

It is understood between the parties that access to the above described property is through the adjoining property now owned by the grantees recorded in Deed Book 432 at page 351 in the Madison County Clerk's office.

LIBER 441 PAGE 648

STATE TAX \$ 3.50
PAID 12.22.95
MARY JANE GINTER, CLERK
BY Jessie [Signature] D.C.
1

The parties hereto state that the consideration reflected in this deed is the full consideration paid for the property. The grantees join this conveyance for the sole purpose of certifying the consideration pursuant to KRS 382.135.

TO HAVE AND TO HOLD the same with all appurtenances thereunto belonging unto the GRANTEES, for and during their joint lives with the remainder in fee simple to the survivor thereof, his or her heirs and assigns, forever, with the covenant of "GENERAL WARRANTY".

PROVIDED, HOWEVER, this conveyance is made subject to all easements, conditions, and restrictions that may appear of record to said property, and all planning and zoning regulations.

IN TESTIMONY WHEREOF, witness the signatures of Willard Guinn and Gloria A. Miracle Guinn, spouses, grantors, and Andrew Botkins, Jr., and Ann Botkins, spouses, grantees, on this 20th day of December, 1995.

GRANTORS:

GRANTEES:

Willard Guinn Andrew B. Botkins Jr.
Gloria A. Miracle Guinn Ann Botkins

COMMONWEALTH OF KENTUCKY

COUNTY OF MADISON

The foregoing deed and consideration certificate was acknowledged and sworn to before me this 20th day of December, 1995, by Willard Guinn and Gloria A. Miracle Guinn, spouses, grantors.

My commission expires: 12-10-97

Steve Gault
Notary Public

COMMONWEALTH OF KENTUCKY

COUNTY OF MADISON

The foregoing consideration certificate was acknowledged and sworn to before me this 20th day of December, 1995, by Andrew Botkins, Jr., and Ann Botkins, spouses, grantees.

My commission expires: 12-10-97

Steven Connelly
Notary Public

PREPARED BY:

Steven Connelly

STEVEN CONNELLY, ATTORNEY
208 Short Street
Berea, Kentucky 40403

606-986-3871

Recorded this the 22 day of Dec 1995

Madison County Clerk: MARY-JANE GINTE

By: Jessie Alspaugh

Comm. 10-24-96
By G C

12.00

Deed-73/96585

STATE TAX \$ 4.50
PAID 10.23.96
MARY JANE GINTER, CLERK
BY Jamie Adams R.C.

D E E D

THIS DEED OF CONVEYANCE by and between WILLARD GUINN and GLORIA GUINN, spouses, GRANTORS, of 616 White Station Road, Berea, Madison County, Kentucky 40403, and LONNIE PURKEY and WANDA PURKEY, spouses, GRANTEES, of 1095 Richmond Road, Berea, Madison County, Kentucky 40403,

WITNESSETH: That the GRANTORS, for and in consideration of FOUR THOUSAND FIVE HUNDRED (\$4,500.00) DOLLARS, the receipt of which is hereby acknowledged, do hereby grant, sell, and convey unto the GRANTEES, for and during their joint lives with the remainder in fee simple to the survivor thereof, his or her heirs and assigns, the following described property:

A certain tract of land lying and being in Madison County, Kentucky, and further described as follows:

And being Tract 11-B-4 (0.44 acres) as shown on the Minor Plat for Mr. Willard Guinn recorded in Plat Book 14 at page 44 in the Madison County Clerk's office, Richmond, KY.

And being a part of the same property conveyed to the grantors by deed dated September 14, 1995, recorded in Deed Book 459 at page 1 in the Madison County Clerk's office, Richmond, KY.

The parties hereto state that the consideration reflected in this deed is the full consideration paid for the property. The grantees join this conveyance to certify the consideration pursuant to KRS 382.135.

The 1996 ad valorem property tax shall be paid by the grantors.

RECEIVED
MARY JANE GINTER
MADISON COUNTY
KENTUCKY

TO HAVE AND TO HOLD the same with all appurtenances thereunto belonging unto the GRANTEES, for and during their joint lives with the remainder in fee simple to the survivor thereof, his or her heirs and assigns, forever, with the covenant of "GENERAL WARRANTY".

PROVIDED, HOWEVER, this conveyance is made subject to all easements, conditions, and restrictions that may appear of record to said property, and all planning and zoning regulations.

IN TESTIMONY WHEREOF, witness the signatures of Willard Guinn and Gloria Guinn, spouses, grantors, and Lonnie Purkey and Wanda Purkey, spouses, grantees, on this 17th day of October, 1996.

GRANTORS:

Willard Guinn
Gloria Guinn

GRANTEES:

Lonnie Purkey
Wanda Purkey

COMMONWEALTH OF KENTUCKY

COUNTY OF MADISON

The foregoing deed and consideration certificate was acknowledged and sworn to before me this 17th day of October, 1996, by Willard Guinn and Gloria Guinn, spouses, grantors.

My commission expires: 12-10-97

Steven Connelly
Notary Public

COMMONWEALTH OF KENTUCKY

COUNTY OF MADISON

The foregoing consideration certificate was acknowledged and sworn to before me this 17th day of October, 1996, by Lonnie Purkey and Wanda Purkey, spouses, grantees.

My commission expires: 12-10-97

Steven Connelly
Notary Public

PREPARED BY:

Steven Connelly
STEVEN CONNELLY, ATTORNEY
208 Short Street
Berea, Kentucky 40403

Recorded this the 23 day of Oct, 1996

Madison County Clerk MARY JANE GINTER

By: Jamie Alpert D.C.

606-986-3871

LIBER 470 PAGE 377

OVERSIZE MAP INCLUDED WITH
SUBMISSION.

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