



CITY OF BEREA



STEVEN CONNELLY
MAYOR

PAUL S SCHRADER, PLS
LAND SURVEYOR-GIS COORDINATOR

GIS – SURVEY DEPARTMENT
212 CHESTNUT STREET BEREA, KENTUCKY 40403
(859) 986-8528 FAX (859) 986-7657
T.D.D.# 1-800-648-6057
November 8, 2006

Secretary of State Land Office
Room T40, Capital Annex
700 Capital Avenue
Frankfort, KY 40601
Attn: Ms. Kandie Adkinson

RECEIVED AND FILED
DATE *November 10, 2006*

TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY *Kandie Adkinson*

Re: Annexation Ordinance 09-05

Kandie,

Please accept our apologies for the absence of Exhibit A in the first copy of this ordinance packet.

Please find enclosed a certified copy of Ordinance No. 09-05 (complete with its exhibit A which includes my legal description), enacted April 19, 2005, annexing real property into the corporate limits of the City of Berea.

I have enclosed the two copies the annexation maps with my certification now dated.

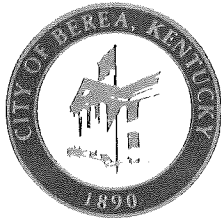
Also, a copy of this ordinance including its exhibit A is being forwarded to the Governor's Office for Local Development.

Please feel free to contact me if you should have any questions or concerns.

Sincerely,

Paul S. Schrader, PLS
City Land Surveyor

cc: Governor's Office for Local Development



CITY OF BERA

CITY ADMINISTRATORS OFFICE

STEVEN CONNELLY
MAYOR

212 CHESTNUT STREET • BERA, 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 #09-05 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 November 10, 2006

TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Kandice Asherson

ORDINANCE NO. 09 - 05

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

WHEREAS, in Ordinance No. 08-04 the City Council declared its intent to annex certain real property owned by George Reusch, located to the south of the current corporate limits; and

WHEREAS, as directed in Ordinance No. 08-04, the Planning Commission held a public hearing on January 25, 2005, and has recommended that the property annexed be assigned a zoning classification so that the portion of the lying within 500 feet of the center line of U.S. 25 property be assigned the zoning classification of B-2 (Commercial), and the balance of the property, R-1 (Low Density Residential).

WHEREAS, the City Council has determined that the tract 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 tract described herein is not already incorporated; and

WHEREAS, the owner of the property agrees 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: that portion of the lying within 500 feet of the center line of U.S. 25 property shall be assigned the zoning classification of B-2 (Commercial); and the balance of the property, 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.

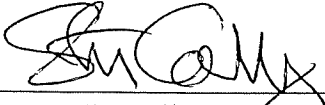
FIRST READING: April 5, 2005.

SECOND READING & ENACTMENT April 19, 2005.

CITY OF BERE, KENTUCKY
ATTEST:


Clerk of the City Council

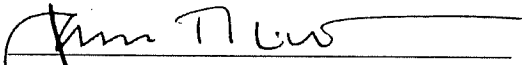
APPROVED:



Steven Connelly, Mayor

PREPARED BY:

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



James T. Gilbert

CITY OF BEREA, KENTUCKY
PLANNING COMMISSION

In Re: Application for Zone Change for
George Roushe
US 25 South
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. 08-04, declaring its intention to annex certain property located on US 25 South, owned by George Roushe, and the Commission considering the records of the City of Berea, including the Comprehensive Plan, the request of the owner that the property be assigned a classification of B-2 and R-1, with all property lying within 500 feet from the center line of US 25 (440 off the right of way) to be designated as B-2 and the remaining property to be designated as R-1; the Planning Commission makes the following Recommendation:

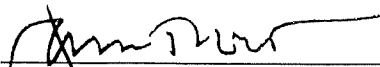
1. That because of the property's location on a major arterial route (U.S. 25), the most appropriate classification for the front portion of the property to be annexed is B-2 (Commercial), and for the rear portion, R-1 (Low Density Residential), and the Planning Commission therefore recommends that the portion of the lying within 500 feet of the center line of U.S. 25 property be assigned the zoning classification of B-2 (Commercial), and the balance of the property, R-1 (Low Density Residential).

Dated: March 14, 2005

By: Dea Newman

Chairman, City Planning
Commission

Prepared by:

A handwritten signature in black ink, appearing to read "James T. Gilbert", written over a horizontal line.

James T. Gilbert
Corporation Counsel

Ordinance 09-05 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 in the current City of Berea corporate boundary and in the westerly right of way of US Highway 25 North; said point being at the approximate NAD 1983 Kentucky South state plane coordinates of North 2,089,798 by East 2,058,292; 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 24°45'28" W, 479.96 feet; thence leaving said corporate boundary and with the boundary of parcel #1 for fourteen (14) calls:

S 51°51'28" W, 105.49 feet; S 72°48'00" W, 129.85 feet; S 61°55'37" W, 17.09 feet; N 85°57'09" W, 251.03 feet; N 85°36'32" W, 537.01 feet to a point in the easterly right of way of East Haiti Road; thence with the easterly right of way of East Haiti Road for four (4) calls:

N 01°57'22" E, 137.47 feet; N 01°15'36" E, 328.47 feet; 127.36 feet along curve to the right with a radius of 132.47 feet and a chord of N 28°48'00" E, 122.51 feet; N 56°21'33" E, 113.42 feet to a point in the current City of Berea corporate limits; thence with said corporate limits for three (3) calls: S 87°35'19" E, 19.43 feet; S 87°33'53" E, 267.97 feet; S 86°57'07" E, 661.35 feet; thence diverging from the current corporate city limits for two (2) calls:

S 20°18'28" W, 99.67 feet; S 87°08'32" E, 130.75 feet to the point of beginning and containing approximately 16 acres.

And being all of parcel #1 (Deed Book 332, Page 169).

*Pat S. Schaefer, PLS
11.08.06*

10/22/80
delivered to
my K. Duerson Jr
judg Perkins, etc.

EXHIBIT
A

DEED

THIS DEED OF CONVEYANCE by and between CHARLES F. WILLIAMS and his wife, MYRTLE EVA WILLIAMS, parties of the first part, of Route #5, Box 604, Berea, Madison County, Kentucky, and GEORGE REUSCH and his wife, FLORETTA REUSCH, of 450 S. Stone Avenue, LeGrange, Illinois, 60525, parties of the second part,

WITNESSETH: That the first parties for and in consideration of the sum of FORTY FIVE THOUSAND and no/hds (\$45,000.00) DOLLARS, the receipt of which is hereby acknowledged, do hereby sell, grant and convey unto the second parties as Tenants by Entireties (not as tenants in common) for and during their joint lives with remainder in fee simple to the survivor thereof, his or her heirs and assigns, the following described property, viz:

RECEIVED
C. S. WAGERS, CLERK
OCT 16 11 22 AM '80
MADISON COUNTY COURT
KENTUCKY

A certain tract of land lying and being in Madison County, Kentucky, at the south City Limits of Berea, Kentucky, between the west right of way line of U.S Highway No. 25 and the east right of way line of Haiti Road, a.k.a. Flat Gap - Berea Road and as the old Berea - West Union turnpike, as shown on a plat titled, "SURVEY OF PROPERTY FOR, GEORGE REUSCH, dated August 25, 1980, prepared by Alvin E. Martin, Jr., Registered Land Surveyor 1254, a copy of which is recorded in Plat Book 6 at page 227 in the Madison County Clerk's office and is made a part of this description:

BEGINNING at a 3/4 inch iron pipe and cap set at a break in the west right of way line of U. S. Highway No. 25, 50 feet from the centerline thereof and a point in the line of the Lunford lot; thence with the west right of way line of said highway S 28° 24' 00" W 479.96 feet to an iron pin and cap set in Brushy Fork of Silver Creek, a corner common to James Watkins (Barnett Subdivision); thence leaving the road, upstream with the centerline of Brushy Fork and the line of the Barnett Subdivision S 55° 30' 00" W 105.49 feet to an iron pin and cap; thence S 76° 26' 32" W 129.85 feet to an iron pin and cap; thence S 65° 34' 09" W 17.09 feet to an iron pin and cap set in the center of the creek, a point in the line of the Barnett Subdivision and a corner

STATE TAX \$ 45.00
PAID 10-16-80
C. S. WAGERS, CLERK
BY Gretta Caskey, D.C.

common to the lands of Wayne Hymer and J. L. Simmons; thence leaving the creek with the Hymer and Simmons line in part with an old fence line N 82° 18' 37" W passing a 3/4 inch iron pipe and cap set on the west bank of the creek at 21.25 feet and a 10 inch Locust in the fence at 103.96 feet, in all a distance of 251.03 feet to an iron pin and cap set at base of an old fence post; thence N 81° 58' 00" W 537.01 feet to an iron pin and cap set in the east right of way line Haiti Road, a corner common to Hymer and Simmons; thence with said right of way line 15 feet from and parallel to the centerline N 05° 35' 54" E 137.47 feet to an iron pin and cap; thence N 04° 54' 08" E 328.47 feet to an iron pin and cap set 15 feet from and opposite a railroad spike set in the center of the road at the P.C. of a 38.8525 degree centerline curve to the right; thence 15 feet from and parallel with said curve, the R/W radius being equal to 132.47 feet, the chord of which bears N 32° 26' 32" E 122.51 feet to an iron pin and cap set 15 feet right of and opposite a railroad spike set on centerline at the end of or P.T. of said curve; thence N 60° 00' 05" E 113.42 feet to an iron pin and cap in said right of way, a corner common to the Frank Taylor Subdivision; thence leaving the road with the line of said subdivision S 83° 56' 47" E 19.43 feet to the center of a 24 inch White Oak at the fence corner; thence S 83° 55' 21" E 267.97 feet to an existing 1" pipe marker; thence S 83° 18' 35" E 661.35 feet to an iron pin and cap set in the fence line of said subdivision, a corner common to the Lunsford lot; thence with a line of posts S 23° 57' 00" W 99.67 feet to an iron pin and cap set about 1.7 feet southwest of a corner post, a corner common to the Lunsford lot thence S 83° 30' 00" E 130.75 feet to a 3/4 inch iron pipe and cap, the point of beginning, containing 15.74 acres.

And being the same property conveyed to Charles F. Williams and Ernest K. Stanley by deed from Master Commissioner of Madison Circuit Court, dated August 19, 1976, and recorded in Deed Book 295 at page 21 in the Madison County Clerk's office, reference to which is hereby made.

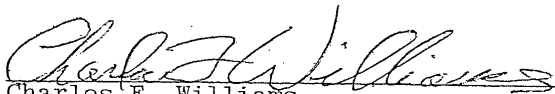
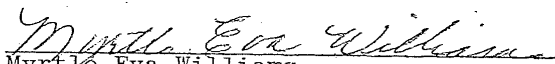
And being the same property conveyed to Charles F. Williams and Ernest K. Stanley by Deed of Correction from Master Commissioner of Madison Circuit Court, dated October 3, 1980, and recorded in Deed Book 332 at page 162 in the Madison County Clerk's office, reference to which is hereby made.

And being the same property conveyed to Charles F. Williams, et.ux.
by deed from Ernest K. Stanley, et.ux., dated October 17, 1979,
and recorded in Deed Book 332 at page 159 in the Madison
County Clerk's office, reference to which is hereby made.

And being the same property conveyed to Charles F. Williams, et.ux.
by deed of correction from Ernest K. Stanley, et.ux., dated
October 8, 1980, and recorded in Deed Book 332 at
page 166 in the Madison County Clerk's office, reference to
which is hereby made.

TO HAVE AND TO HOLD the same with all the appurtenances
thereunto belonging unto the second parties as Tenants by Entireties
(not as tenants in common) for and during their joint lives with
remainder in fee simple to the survivor thereof, his or her heirs
and assigns, forever, with the Covenant of "GENERAL WARRANTY".

IN TESTIMONY WHEREOF witness the signatures of the first
parties this 8 day of October, 1980.


Charles F. Williams

Myrtle Eva Williams

STATE OF KENTUCKY

COUNTY OF MADISON

The foregoing Deed was signed, executed and acknowledged before me, Frederick G. Williams, a notary public in and for the State of Kentucky at Large, by Charles F. Williams and his wife, Myrtle Eva Williams, this 8 day of October, 1980.

Frederick G. Williams
Notary Public, State at Large, Kentucky

My commission expires:

PREPARED BY:

Frederick G. Williams
Frederick G. Williams
Attorney at Law
Short Street
Berea, Kentucky 40403

STATE OF KENTUCKY SCT.
COUNTY OF MADISON

I, C. S. Wagers, Clerk of the Madison County Court, do certify that the foregoing Deed to George + Florence Rensch was on the 16 day of Oct., 1980, 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 20 day of Oct., 1980

C. Wagers, Clerk
By Gretta Caskey, D.C.

OVERSIZE MAP INCLUDED WITH
SUBMISSION.

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