



CITY OF BERA

STEVEN CONNELLY
MAYOR

PAUL S SCHRADER, PLS
LAND SURVEYOR-GIS COORDINATOR

GIS – SURVEY DEPARTMENT
212 CHESTNUT STREET BERA, 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

Re: Annexation Ordinance 26-05

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. 26-05 (complete with its exhibit A which includes my legal description), enacted October 04, 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.

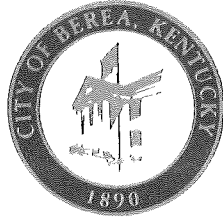
Sincerely,


Paul S. Schrader, PLS
City Land Surveyor

RECEIVED AND FILED
DATE November 10, 2006

TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Kandie Adkinson

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 #26-05 adopted by the Berea City Council on October 4, 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 Adkins

ORDINANCE NO. 26 - 05

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

WHEREAS, in Ordinance No. 04-05, the City Council declared its intent to annex certain real property owned by Tex and Teresa Scenters, located on Big Hill Road; and

WHEREAS, as directed in Ordinance No. 04-05, the Planning Commission held a public hearing on July 26, 2005, and has recommended that the property annexed be assigned a zoning classification of A-1 (Agriculture); and

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 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 a certain tract 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 July 26, 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: A-1 (Agriculture)

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: September 20, 2005.

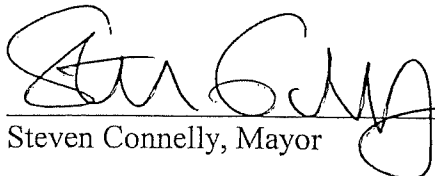
SECOND READING & ENACTMENT October 4, 2005.

CITY OF BEREA, KENTUCKY

ATTEST:

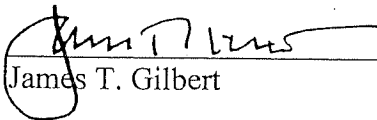

Clerk of the City Council

APPROVED:


Steven Connelly, Mayor

PREPARED BY:

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


James T. Gilbert

Ordinance 26-05 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, said point also being in the southwesterly right of way of Highway 21, at the approximate NAD 1983 Kentucky South state plane coordinates of North 2,091,221 by East 2,074,669; thence with said current corporate boundary and said southwesterly right of way for two (2) calls:

S 28°02'35" E, 274.28 feet; S 38°13'33" E, 701.12 feet to easterly most corner of this tract; thence leaving said right of way and said current corporate limits and with a new line extending the corporate limits of the City of Berea for six (6) calls:

S 50°27'44"W, 200.92 feet; S 36°38'17"W, 829.49 feet; S 25°22'55"W, 500.27 feet; N 73°14'41"W, 554.36 feet; N 16°56'58"E, 1968.47 feet; S89°01'01"E, 258.62 feet to the point of beginning and containing approximately 32 acres.

And being all of parcel #1 (Deed Book 475, Page 501), and a portion of the right of way of Big Hill Road.

*Paul S. Schaefer, PLS
11.08.06*

EXHIBIT
A

DEED

*Grantee
4-7-97
Bjg C*

THIS DEED is made and entered into by and between WILLIAM A. SMITH and HAZEL SMITH, husband and wife, of 2552 Scaffold Cane Road, Berea, Madison County, Kentucky 40403, of the first part, and TEX SCENTERS AND TERESA SCENTERS, husband and wife, 616 Red Lick Road, Berea, Kentucky 40403 of the second part.

WITNESSETH: The first parties, for and in consideration of ONE HUNDRED AND FIFTY-TWO THOUSAND ^{150,000.00} ~~(\$152,000.00)~~ DOLLARS, cash in hand paid, the receipt of which is hereby acknowledged, do hereby GRANT, BARGAIN, SELL and CONVEY unto the second party, all of their right, title and interest in the following described real property, being a certain parcel of land, situated and being in Madison County, Kentucky, to-wit:

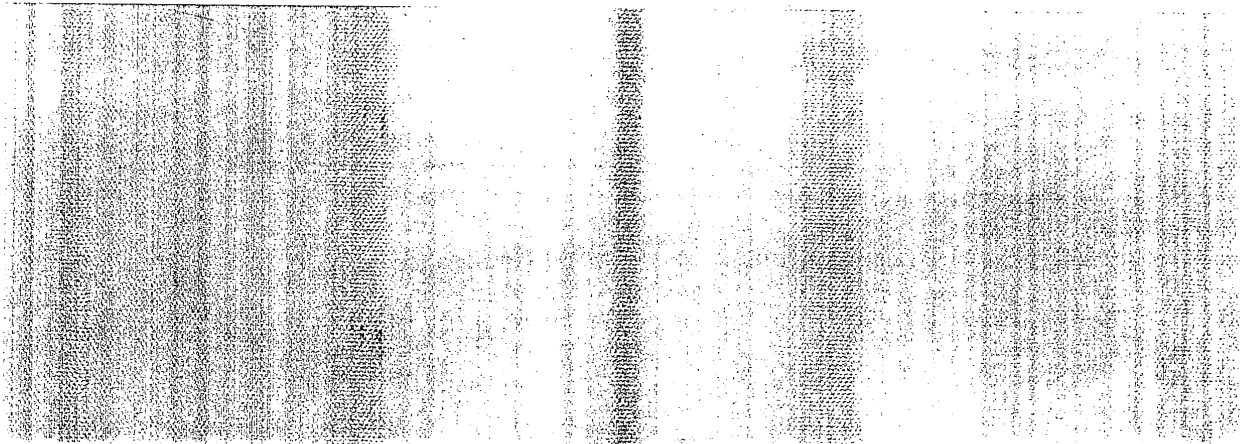
RECEIVED
MARY JANE CENTER
APR 4 3 54 PM '97

NOTE: Said description is based upon a June 5, 1992 survey performed by Charles Black, L.S. #670.

32.63 acres

Beginning at a steel pin in the southwest right of way line of Ky. Hwy. #21 (Big Hill Road) and corner to Emma Johnson; thence leaving the southwest right of way line of Ky. Hwy. #21 (Big Hill Road) with the line of Emma Johnson four (4) calls:
S56° 25'41"W 200.93 feet to a steel pin; thence,
S42° 36'14"W 829.49 feet to a steel pin, thence,
S31° 20'52"W 500.27 feet to a steel pin, thence,
N67°16'44"W 554.36 feet to a steel pin in the line of Emma Johnson and corner to Maurice Coyle; thence leaving the line of Emma Johnson with the line of Maurice Coyle two (2) calls:
N22° 54'55"E 1968.47 feet to a steel pin; thence,
S83° 03'04"E 258.62 feet to a steel pin in the southwest right of way line of Ky. Hwy. #21 (Big Hill Road); thence leaving the line of Maurice Coyle with the southwest right of way line of Ky. Hwy. #21 (Big Hill Road) two (2) calls:
S22° 04'38"E 274.28 feet to a steel pin; thence,

STATE TAX \$ 150.00
PAID 4-4-97
MARY JANE CENTER, CLERK
BY [Signature] D.C.



S32° 15'36"E 701.12 feet to a steel pin and corner to Emma Johnson and point of beginning and containing 32.63 acres.

BEING the same property conveyed to William L. Smith and Hazel Smith, husband and wife, from Jean Kelly, Executrix of the Estate of Lola Click by Deed dated May 27, 1992, and of record in Deed Book 425, Page 545 in the office of the Madison County Court Clerk.

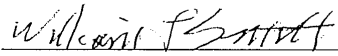
The address of the property is 1906 Big Hill Road, Berea, Kentucky 40403.

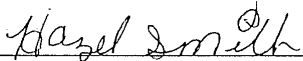
The 1997 taxes shall be paid by the second party.

No trailer or mobile home shall be placed on this property at any time for use as a residence either temporarily or permanently. This restriction and covenant shall run with the land and be binding on all successive owners, their heirs and assigns.

TO HAVE AND TO HOLD said tract of land, with appurtenances thereunto belonging, unto the second party, her heirs and assigns forever, with covenants of General Warranty.

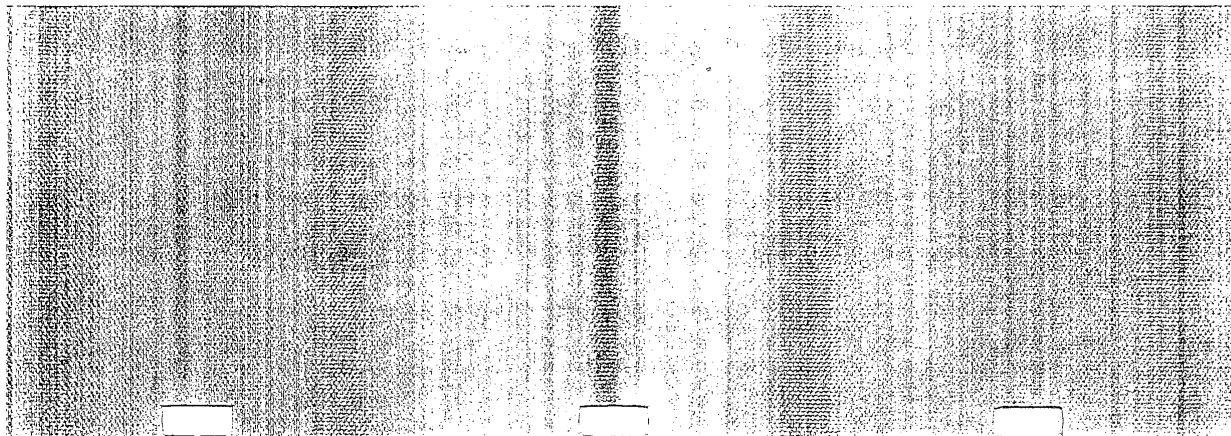
IN TESTIMONY WHEREOF, witness the hands of the first parties this the 4th day of April, 1997.


WILLIAM L. SMITH, and



HAZEL SMITH, his wife

STATE OF KENTUCKY
SCT
COUNTY OF MADISON

Before the undersigned Notary Public in and for the state and county aforesaid, personally appeared WILLIAM L. SMITH and HAZEL SMITH, husband and wife, who signed the foregoing DEED as their free act and deed.



IN WITNESS WHEREOF, I have hereunto set my hand and the seal of my office
this the 4th day of April, 1997.

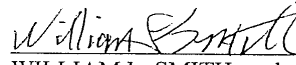

NOTARY PUBLIC, KENTUCKY STATE-AT-LARGE


My Commission Expires: **MY COMMISSION EXPIRES**
1-18-2000

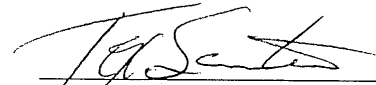
CERTIFICATION OF CONSIDERATION

The undersigned being the first and second parties in the foregoing DEED, being first duly sworn, hereby certify that the consideration reflected in this DEED is the full consideration paid for the property. Further, the parties to this DEED certify that the full and true fair market value of said property herein conveyed is One Hundred and Fifty-Two Thousand and 0/100 (~~\$152,000.00~~ ^{150,000.00}) Dollars and we understand that falsification of the stated full estimated value is a class D felony, subject to one to five years imprisonment and fines up to \$10,000.00. The second parties join this DEED along with the first parties for the sole purpose of certifying same.

IN TESTIMONY WHEREOF, witness the hands of the first parties this the 4th day of April, 1997.


WILLIAM L. SMITH, and


HAZEL SMITH, his wife


TEX SCENTERS, and


PERESA SCENTERS, his wife

LIGER 475 PAGE 503

STATE OF KENTUCKY
SCT
COUNTY OF MADISON

Before the undersigned Notary Public in and for the state and county aforesaid, personally appeared WILLIAM L. SMITH and HAZEL SMITH, husband and wife, who signed the foregoing CERTIFICATION OF CONSIDERATION as their free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of my office this the 4th day of April, 1997.


NOTARY PUBLIC, KENTUCKY STATE AT LARGE

My Commission Expires: **MY COMMISSION EXPIRES**
1-18-2000

STATE OF KENTUCKY
SCT
COUNTY OF MADISON

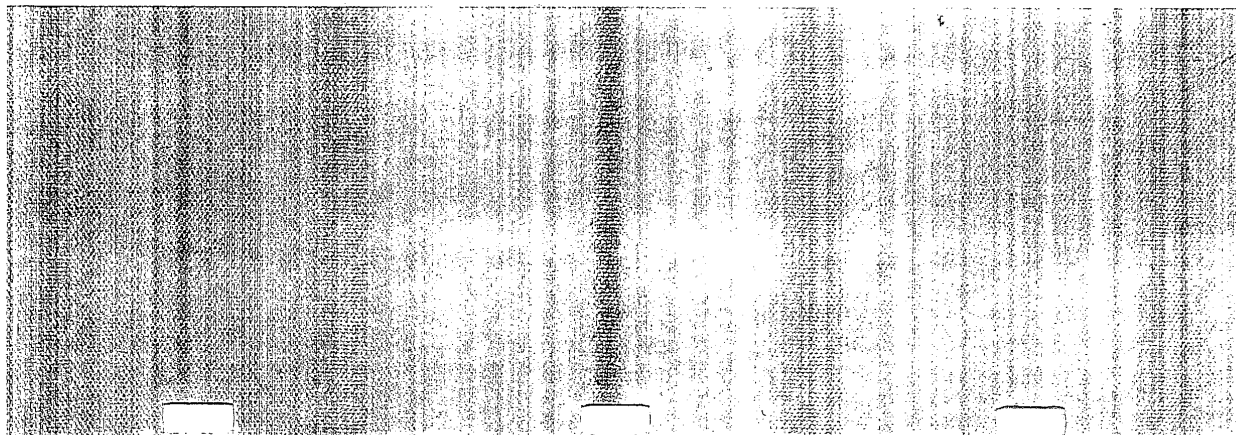
Before the undersigned Notary Public in and for the state and county aforesaid, personally appeared TEX SCENTERS and TERESA SCENTERS, husband and wife, who signed the foregoing CERTIFICATION OF CONSIDERATION as her free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of my office this the 4th day of April, 1997.


NOTARY PUBLIC, KENTUCKY STATE AT LARGE

My Commission Expires: **MY COMMISSION EXPIRES**
1-18-2000

LIGER 475 PAGE 504



PREPARED BY:

Rodney Davis

RÓDNEY G. DAVIS
Attorney At Law
120 North Second Street
P.O. Box 658
Richmond, Kentucky 40476
(606) 624-3380

STATE OF KENTUCKY

COUNTY OF MADISON

I, Mary Jane Ginter, Clerk of the County Court for the County and State
Aforesaid, do hereby certify that the foregoing Deed and Certification was on the ___ day
of _____, lodged in my office for record, whereupon the same, together with the
foregoing and this Certification have been duly recorded in my said office in Deed Book
_____, Page(s) _____.

WITNESS my hand, this the ___ day of _____, 1997.

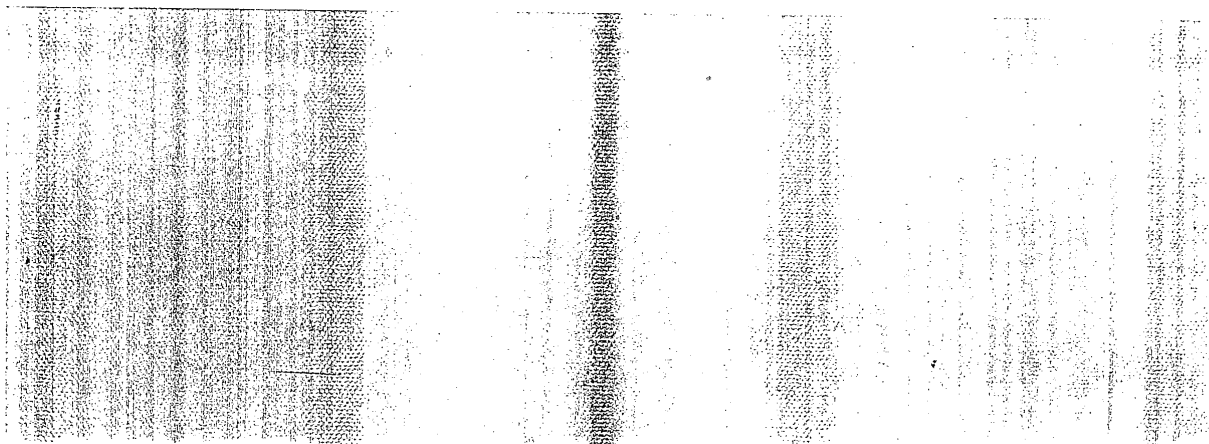
_____, Clerk

BY: _____

Recorded this the 4 day of April 1997
Madison County Clerk MARY JANE GINTER
By: *[Signature]* D.C.

5

LIBER 475 PAGE 505



OVERSIZE MAP INCLUDED WITH
SUBMISSION.

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