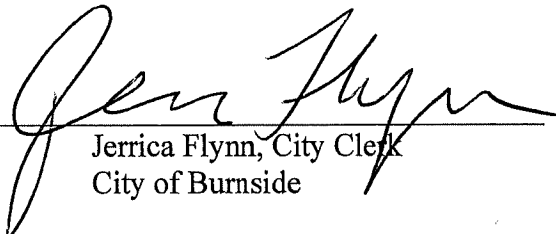


CERTIFICATION: ORDINANCE 2023-005

I certify I am the duly qualified City Clerk of the City of Burnside, Kentucky,
and the following 3 pages of Ordinance No. 2023-005 is a true,
correct and complete copy duly adopted by the City Commission at a duly convened meeting
held on June 1st, 2023, all as appears in the official records of said City.

WITNESS, my hand and Seal, this 1st day of June, 2023



Jerrica Flynn, City Clerk
City of Burnside

RECEIVED AND FILED
DATE June 12, 2023

MICHAEL G. ADAMS
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Tina H

ORDINANCE NO. 2023-005

ORDINANCE ANNEXING TO THE CITY OF BURNSIDE, KENTUCKY CERTAIN TERRITORY OF 1.68 ACRES OWNED BY LOWERY & PULLIAM INVESTMENTS LOCATED ON THE NORTHERN BORDER OF ROBERTS BEND ROAD AND CONTIGUOUS TO THE EXISTING CITY LIMITS OF BURNSIDE, KENTUCKY.

IN ACCORDANCE WITH THE COMPREHENSIVE PLAN OF ANNEXATION

WHEREAS, heretofore, the City of Burnside, Kentucky adopted a Comprehensive Plan of Annexation; and,

WHEREAS, the City Council has determined that the hereinafter described territory is urban in character and/or suitable for development for urban purposes by reason of population density and/or commercial and industrial use of land; and,

WHEREAS, the City Council has determined that no part of the area to be annexed shall be included in the boundary of another city; and,

WHEREAS, the said owner of record of the subject property to be annexed has consented in writing to the proposed annexation as shown by her Consent dated June 7, 2021, and therefore, pursuant to KRS 81A.412, there is not a requirement for a notification ordinance as required by KRS 81A.420 or notice requirements of KRS 81A.425 or a waiting period of 60 days as provided by KRS 81A.420 (2) prior to enacting a final ordinance annexing the subject area; and

WHEREAS, this Ordinance is authorized by KRS 81A.412;

WHEREAS, all notices required by the Kentucky Revised Statutes have been provided and/or published according to law;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Burnside, Kentucky that the City of Burnside hereby ratifies the Mayor's signature upon and approves any and all documents necessary to effectuate the intent of this ordinance including, but not limited to the Consents to Annexation and, further, the City hereby annexes the following described unincorporated area and makes it part of the City of Burnside, Kentucky.

SEE PROPERTY DESCRIPTION ATTACHED AS EXHIBIT 1 AND INCORPORATED
HEREIN BY REFERENCE

SEE PROPERTY PLAT VISUAL ATTACHED AS EXHIBIT 2 AND INCORPORATED
HEREIN BY REFERENCE

This ordinance shall take effect upon its passage, approval, and publication. If any section, subsection, sentence, clause, phrase, or portion of this is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions.

All ordinances in conflict herewith are to the extent of such conflict hereby repealed.

May 31ST, 2023

FIRST READING

June 1ST, 2023

SECOND READING

At a meeting of the City Council of the City of Burnside, Kentucky held on June 1st, 2023, on motion made by Council Member Keith Summers and seconded by Council Member Carol Griffin, the foregoing ordinance was adopted, after full discussion, by the following vote:

YES _____ RANDY BERRY

YES _____ GEORGE BRYANT

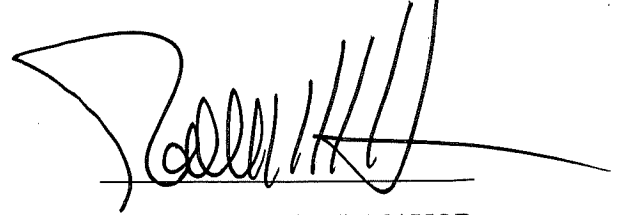
YES _____ LULA JEAN BURTON

YES _____ CAROL GRIFFIN

YES _____ DWAYNE SELLERS

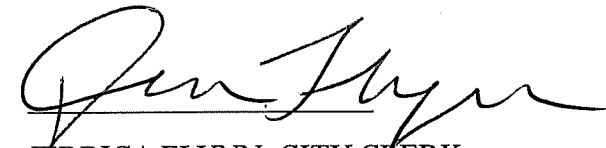
YES _____ KEITH SUMMERS

APPROVED BY:

A handwritten signature in black ink, appearing to read 'Robert Lawson', written over a horizontal line.

ROBERT LAWSON, MAYOR
CITY OF BURNSIDE, KENTUCKY

ATTEST:

A handwritten signature in black ink, appearing to read 'Jerrica Flynn', written over a horizontal line.

JERRICA FLYNN, CITY CLERK
CITY OF BURNSIDE, KENTUCKY

Lake Cumberland Resort III

500 Roberts Bend Road

Burnside, KY 42519

June 7, 2021

Dear Mayor Robert Lawson:

Please be advised that Lowery & Pulliam Investments LLC, a Kentucky entity, requests that our business, Lowery & Pulliam Investments LLC, be annexed as part of the City of Burnside.

This would be pursuant to KRS 81A.410 where any city of the second through the sixth class may extend its boundaries. This property is contiguous to the boundaries of the city at the time proceedings are initiated. This property is urban in character and suitable for urban purposes without unreasonable delay.

In addition, this business would add significant tax revenues to the city of Burnside due to its location near the Keno Boat Ramp and Lake Cumberland Resort. This business would increase revenue for the city through hosting wedding events, increased restaurant sales, and alcohol sales.

We would be available to discuss this desired business at your convenience, please contact me at 606-561-5611 or 859-967-7464.

Respectfully,

Dianna Lowery-Pulliam

Description 1.68 ac.
City of Burnside, Kentucky
Annexation LCR

A certain annex Boundary located S 75°54'07" E, 4559.49' from the existing Municipal Boundary of Burnside, Kentucky per Ordinance 2023-004, in the Keno Community of Pulaski County on the north side of Roberts Bend Road and more particularly described as follows:

The following description was prepared by Anthony G. Thompson PLS #3630 of AGT Land Surveying, Firm Permit #496. The purpose of this survey is to delineate the limits of aforesaid annexation. It does not in any way reflect a determination of the individual parcel boundaries and should not be used for this purpose.

THE FOLLOWING DOCUMENTS WERE USED TO HELP DEVELOP THE ANNEX BOUNDARY: (D.B. 1001, PG. 211), (D.B. 1044, PG. 697), (D.B. 1042, PG. 306), (D.B. 1042, PG. 183), PLAT TITLED GENERAL STORE LOT (PLAT CAB. C, SLIDE 499), PLAT TITLED LOWERY & PULLIAM INVESTMENTS, LLC (PLAT CAB. G, SLIDE 9-C, (R.D.B. 10, PG. 303,313) PLAT TITLED LAKE CUMBERLAND RESORT (PLAT CAB. E, SLIDE 17), ALL OF RECORD IN THE PULASKI COUNTY COURT CLERK'S OFFICE IN SOMERSET, KENTUCKY.

Beginning at a (found) 5/8" rebar with yellow cap JEM 2660, having a KY State Plane single zone coordinate of (**N: 3,489,450.808, E: 5,262,922.080**), located on the south side of Enchanted Forest Way a 30' Private Road, said rebar further located S 75°54'07" E, 4559.49' from the existing Municipal Boundary of Burnside, Kentucky per Ordinance 2023-004.

Thence with said Private Road the following six (6) calls:

- 1) **S 80°01'24" E** a distance of **72.64'**;
- 2) **S 56°27'03" E** a distance of **17.71'**;
- 3) **S 38°46'08" E** a distance of **22.18'**;
- 4) **S 26°26'06" E** a distance of **6.53'**;
- 5) **S 22°41'41" E** a distance of **82.55'**;
- 6) **S 15°20'10" E** a distance of **64.99'** to a (found) 5/8" rebar with yellow cap JEM 2660, corner to Michael W. Mahoney (D.B. 1042, PG. 306);

Thence with said Mahoney the following three (3) calls:

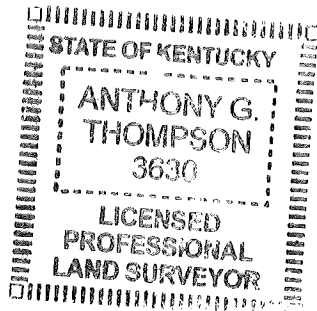
- 1) **S 66°52'34" W** a distance of **32.66'** to a (found) 5/8" rebar with yellow cap JEM 2660;
- 2) **S 24°37'52" E** a distance of **83.29'** to a (found) 5/8" rebar with (faded) yellow cap JEM 2660;
- 3) **S 11°19'15" W** a distance of **171.04'** to a (found) 5/8" rebar with yellow cap JEM 2660, on the north side of Roberts Bend Road (R.D.B. 10, PG. 303,313);


Thence with said Road the following two (2) calls:

- 1) **N 78°57'08" W** a distance of **68.59'** to a (found) 5/8" rebar with yellow cap JEM 2660;
- 2) **N 82°36'55" W** a distance of **138.45'** to a (found) 5/8" rebar with 2" Alum. Cap LPLS 3768, corner to Timothy L. Spaw and Shari L. Spaw (D.B. 1042, PG. 183);

Thence with said Spaw **N 11°14'12" E** a distance of **417.66'** to the point of Beginning.

Having an area of 73,011 Square Feet, **1.68 Acres**.




Anthony G. Thompson PLS 3630 05/30/23
Date

N: 3490561.425
E: 5258499.919

CITY OF BURNSIDE
MUNICIPAL BOUNDARY PER
ORDINANCE NO. 2022-008
NOT TO SCALE

BEARINGS SHOWN HEREON WERE CORRELATED TO
GRID NORTH KENTUCKY SPC SINGLE ZONE. PER
GPS OBSERVATIONS DESCRIBED HEREON.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 56°27'03" E	17.71'
L2	S 38°46'08" E	22.18'
L3	S 26°26'06" E	6.53'

TIE LINE
S 75°54'07" E 4559.49'

POB
N: 3489450.808
E: 5262922.080

S 80°01'24" E
72.64'

SEE CISTERN BUFFER NOTE: PLAT OF
GENERAL STORE LOT
PLAT CAB. C, SLIDE 499

LOWERY & PULLIAM
INVESTMENTS LLC
D.B. 1044, PG. 697

TIMOTHY L. SPAW AND
SHARI L. SPAW
D.B. 1042, PG. 183

N 11°14'12" E 417.66'

SEE EASEMENT: PLAT OF
GENERAL STORE LOT
PLAT CAB. C, SLIDE 499

30.00'

2 STY. FRAME

GAZEBO

LOWERY & PULLIAM
INVESTMENTS LLC
D.B. 1001, PG. 211

S 66°52'34" W
32.66'
(CAP FADED)

S 24°37'52" E 83.29'

S 22°41'41" E
82.35'

S 15°20'10" E
94.696'

ENCHANTED FOREST WAY

LEGEND

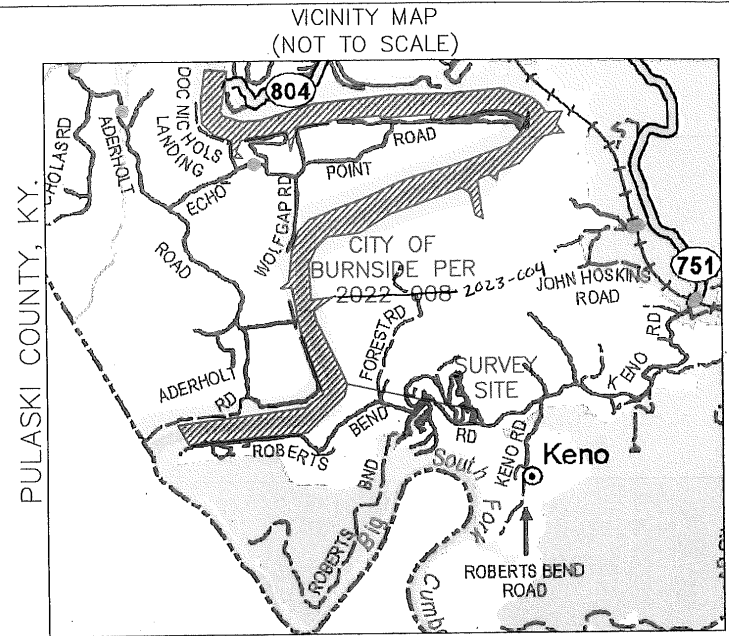
(THESE SYMBOLS AND LINE TYPES MAY OR
MAY NOT APPEAR ON THIS PLAT)

- (SET) 5/8" STEEL REBAR, 18" IN LENGTH WITH A ORANGE PLASTIC CAP STAMPED A.G.T. PLS 3630
- ⊙ (SET) 5/8" STEEL REBAR, 18" IN LENGTH WITH A YELLOW PLASTIC CAP STAMPED A.G.T. REF. MON. PLS 3630
- ⊕ (SET) 1.5" MAGNETIC NAIL WITH ALUMINUM WASHER STAMPED A.G.T. PLS 3630
- (FOUND) 5/8" REBAR WITH YELLOW CAP STAMPED JEM 2860 UNLESS DESCRIBED OTHERWISE
- SURVEY POINT (NO MONUMENT SET)
- EASEMENT POINT (NO MONUMENT SET)
- ⊕ (EXISTING) CONCRETE R/W MARKER
- (EXISTING) UTILITY POLE
- POB POINT OF BEGINNING

- ANNEX BOUNDARY LINE
- - - ANNEX BOUNDARY LINE COINCIDENT WITH RIGHT-OF-WAY
- - - (EXISTING) FENCE

ASPHALT

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 56°27'03" E	17.71'
L2	S 38°46'08" E	22.18'
L3	S 26°26'06" E	6.53'



PULASKI COUNTY, KY.

NOTE(S):
THESE DRAWINGS ARE NOT VALID UNLESS THE

POB
N: 3489450.808
E: 5262922.080

SEE CISTERN BUFFER NOTE: PLAT OF
GENERAL STORE LOT
PLAT CAB. C, SLIDE 499

LOWERY & PULLIAM
INVESTMENTS LLC
D.B. 1044, PG. 697

SEE EASEMENT: PLAT OF
GENERAL STORE LOT
PLAT CAB. C, SLIDE 499

2 STY. FRAME

LOWERY & PULLIAM
INVESTMENTS LLC
D.B. 1001, PG. 211

ENCHANTED FOREST WAY (PRIVATE)

STATEMENT OF RECORDED DOCUMENTS:

THE FOLLOWING DOCUMENTS WERE USED TO HELP DEVELOP THE ANNEX BOUNDARY: (D.B. 1001, PG. 211), (D.B. 1044, PG. 697), (D.B. 1042, PG. 306), (D.B. 1042, PG. 183), PLAT TITLED GENERAL STORE LOT (PLAT CAB. C, SLIDE 499), PLAT TITLED LOWERY & PULLIAM INVESTMENTS, LLC (PLAT CAB. G, SLIDE 9-C, (R.D.B. 10, PG. 303,313) PLAT TITLED LAKE CUMBERLAND RESORT (PLAT CAB. E, SLIDE 17), ALL OF RECORD IN THE PULASKI COUNTY COURT CLERK'S OFFICE IN SOMERSET, KENTUCKY.

NOTES:

- 1) 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 ADJOINING PARCEL BOUNDARIES AND SHOULD NOT BE USED FOR THIS PURPOSE.
- 2) THIS PLAT IS INTENDED TO MEET THE REQUIREMENTS OF KRS 81A.470.
- 3) THE EXISTING MUNICIPAL BOUNDARY

TION ICR

LEGEND

(THESE SYMBOLS AND LINE TYPES MAY OR MAY NOT APPEAR ON THIS PLAT)

- (SET) 5/8" STEEL REBAR, 18" IN LENGTH WITH A ORANGE PLASTIC CAP STAMPED A.G.T. PLS 3630
- ⊙ (SET) 5/8" STEEL REBAR, 18" IN LENGTH WITH A YELLOW PLASTIC CAP STAMPED A.G.T. REF. MON. PLS 3630
- ⊕ (SET) 1.5" MAGNETIC NAIL WITH ALUMINUM WASHER STAMPED A.G.T. PLS 3630
- ⊙ (FOUND) 5/8" REBAR WITH YELLOW CAP STAMPED JEM 2660 UNLESS DESCRIBED OTHERWISE
- SURVEY POINT (NO MONUMENT SET)
- EASEMENT POINT (NO MONUMENT SET)
- ⊕ (EXISTING) CONCRETE R/W MARKER
- (EXISTING) UTILITY POLE
- POB POINT OF BEGINNING

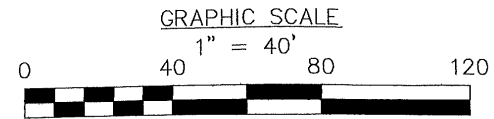
- ANNEX BOUNDARY LINE
- - - ANNEX BOUNDARY LINE COINCIDENT WITH RIGHT-OF-WAY
- (EXISTING) FENCE
- - - RIGHT-OF-WAY
- E — E — E (EXISTING) OVERHEAD UTILITY LINE
- - - REFERENCE LINE
- - - (EXISTING) CENTER LINE
- - - APPROXIMATE LOCATION OF ADJOINING BOUNDARY LINE (NOT SURVEYED THIS DATE)
- - - EASEMENT LINE

TIMOTHY L. SPAW AND SHARI L. SPAW
D.B. 1042, PG. 183



FACTORS:
 Combined Factor 0.999995294 ratio
 Elevation Factor 0.999946281 ratio
 Grid Scale Factor 1.000049016 ratio
 Grid Convergence 0°43'03.022293"
 Magnetic Declination -5°38'46.484385"
 All Bearings and Distances shown hereon were based on above described Grid.

Percent of Survey done with GPS 100%



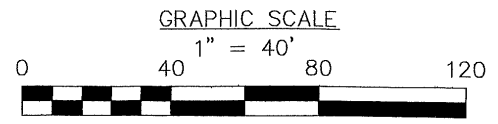
PAW AND SPAW 'G. 183

ALT



MICHAEL W. MAHONEY
D.B. 1042, PG. 306

STATE OF KENTUCKY
ANTHONY G. THOMPSON
 3630
 LICENSED PROFESSIONAL LAND SURVEYOR



(D.B. 1042, PG. 306), (D.B. 1042, PG. 183), PLAT TITLED GENERAL STORE LOT (PLAT CAB. C, SLIDE 499), PLAT TITLED LOWERY & PULLIAM INVESTMENTS, LLC (PLAT CAB. G, SLIDE 9-C, (R.D.B. 10, PG. 303,313) PLAT TITLED LAKE CUMBERLAND RESORT (PLAT CAB. E, SLIDE 17), ALL OF RECORD IN THE PULASKI COUNTY COURT CLERK'S OFFICE IN SOMERSET, KENTUCKY.

NOTES:

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- 2) THIS PLAT IS INTENDED TO MEET THE REQUIREMENTS OF KRS 81A.470.
- 3) THE EXISTING MUNICIPAL BOUNDARY SHOWN HEREON IS BASED ON THE CITY OF BURNSIDE, KY. ORDINANCE 2023-004
- 4) FIELD SURVEY WAS COMPLETED ON 07-08-2022

CERTIFICATION:

I HEREBY CERTIFY THAT THE FOLLOWING DOCUMENTS WERE USED IN WHOLE OR IMPART TO ESTABLISH THE NEW MUNICIPAL BOUNDARY FOR THE CITY OF BURNSIDE, KENTUCKY: (D.B. 1001, PG. 211), (D.B. 1044, PG. 697), (D.B. 1042, PG. 306), (D.B. 1042, PG. 183), PLAT TITLED GENERAL STORE LOT (PLAT CAB. C, SLIDE 499), PLAT TITLED LOWERY & PULLIAM INVESTMENTS, LLC (PLAT CAB. G, SLIDE 9-C, (R.D.B. 10, PG. 303,313) PLAT TITLED LAKE CUMBERLAND RESORT (PLAT CAB. E, SLIDE 17). FOUND MONUMENTS (SHOWN HEREON) THAT WERE DELINEATED ON SAID DEEDS AND PLATS WERE CORRELATED TO FIELD POSITIONS OBTAINED WITH A (JAVAD LS+) RTK GPS SYSTEM. THE KENTUCKY CORS NETWORK WAS USED TO ESTABLISH GRID NORTH AND KENTUCKY STATE PLANE SINGLE ZONE COORDINATES (NAD83) AND (GEOID18) MODEL FOR THE WORK PRODUCT SHOWN HEREON. THE VERTICAL DATUM USED (GEOID18). THE RELATIVE PRECISION ACCURACY FOR ANY ONE LINE ON THIS SURVEY DOES NOT EXCEED 0.05' + 100PPM.

Anthony G. Thompson
 ANTHONY THOMPSON
 KY. PLS NO. 3630

05/30/23
 DATE

RESERVED FOR COUNTY TITLE