

ORDINANCE NO. 3-97

**AN ORDINANCE OF THE CITY OF CORBIN, KENTUCKY, ANNEXING TO THE CITY LIMITS OF CORBIN, KENTUCKY, CERTAIN TRACTS OF REAL PROPERTY AND ESTABLISHING THE ZONING CLASSIFICATION FOR SAID TRACTS OF REAL PROPERTY, OWNED BY TERRY E. FORCHT AND NELDA L. BARTON-COLLINS; SOUTH CORBIN DEVELOPMENT, LTD; AND SCOTT ROADEN AND AUDRIA ROADEN, AND SAID TRACTS OF PROPERTY BEING LOCATED ALONG BACON CREEK ROAD AND U.S. HIGHWAY 25W/CUMBERLAND FALLS HIGHWAY IN WHITLEY COUNTY, KENTUCKY.**

**WHEREAS,** the owners of record of certain tracts of real property in Whitley County, Kentucky, namely, Terry E. Forcht and Nelda L. Barton-Collins; South Corbin Development, LTD; and Scott Roaden and Audria Roaden, have petitioned in writing to the Board of Commissioners of the City of Corbin, Kentucky, that their certain tracts of real property located along Bacon Creek Road and U.S. Highway 25W/Cumberland Falls Highway in Whitley County, Kentucky, be annexed and incorporated into the City of Corbin, Kentucky; and

**WHEREAS,** said certain tracts of real property are adjacent and contiguous to the present City of Corbin, Kentucky, boundaries; and

**WHEREAS,** said certain tracts of real property are suitable for development for urban purposes; and

**WHEREAS,** said certain tracts of real property meet the criteria set forth in KRS 81A.410.

**NOW THEREFORE, BE IT ORDAINED** by the Board of Commissioners of the City of Corbin, Kentucky, as follows:

**SECTION ONE.** That pursuant to KRS 81A.412 those certain tracts of real property owned by Terry E. Forcht and Nelda L. Barton-Collins; South Corbin Development, LTD; and Scott Roaden and Audria Roaden, being located along Bacon Creek Road and U.S. Highway 25W/Cumberland Falls Highway in Whitley County, Kentucky, are hereby annexed to the City of Corbin, Kentucky, and said tracts of real property being more particularly described as follows:

TRACT I

**BEGINNING** at a 20" Black Oak, Corner No. 5 of the Philpot Estates and a corner of the Mills property, said identified with an iron stake with #15; thence with the line of the Philpot Estates, N. 58 degrees 35 minutes 00 seconds E., 425.00 feet to an iron stake #147 in said line; thence leaving the outside line of the Philpot Estate, S. 12 degrees 38 minutes 37 seconds E., 414.00 feet to an iron stake #164; thence S. 30 degrees 31 minutes 23 seconds E., 475.46 feet to an iron stake #124; thence S. 34 degrees 33 minutes 43 seconds W., 221.04 feet to an iron stake #123; thence N. 74 degrees 00 minutes 34 seconds W., 529.90 feet to an iron stake #6; thence N. 05 degrees 27 minutes 26 seconds W., 630.91 feet to the **BEGINNING CORNER, containing 9.413 acres.**

**UTILITY EASEMENT:** Also conveyed unto the grantees, their heirs and assigns, is a twenty foot wide permanent utility easement commencing at the 20" black oak (corner No. 5 of the Philpot Estate) and running generally northwest along the Philpot\Mills boundary line approximately 741.99 feet to the 34" poplar (corner No. 2 of the Philpot Estate).

**ROAD EASEMENT:** Also conveyed unto the grantees, their heirs and assigns, is a thirty foot wide permanent roadway easement commencing at a stake near the creek, thence continuing generally in a easterly direction with the creek (now straightened) to the above described property. This permanent roadway easement is for the common use and benefit of the grantees, their heirs and assigns, and the other adjoining landowners.

**BEING ALL THE SAME LAND** acquired by Terry E. Forcht and Nelda L. Barton-Collins by deed of record in Deed Book 379, Page 197, Whitley County Court Clerk's Office.

TRACT II

PARCEL I

BEGINNING at a point near where the center line of Bacon Creek and the Bacon Creek Road intersect. Said point also being contiguous to the existing Corporate Limits of the City of Corbin; thence S. 48 degrees 03 minutes 34 seconds E., 12.68 feet; thence S. 16 degrees 13 minutes 10 seconds W., 230.70 feet to an iron pin [set]; thence S. 00 degrees 22 minutes 37 seconds E., 394.39 feet to an iron pin [set]; thence N. 86 degrees 16 minutes 36 seconds E., 173.30 feet to an iron pine [set]; thence S. 06 degrees 31 minutes 47 seconds E., 245.88 feet to a wood fence post; thence S. 01 degrees 25 minutes 14 seconds E., 138.53 feet to a 10' sweet gum tree; thence S. 04 degrees 03 minutes 49 seconds W., 111.07 feet to a 3' forked tree; thence S. 13 degrees 48 minutes 58 seconds W., 69.57 feet to a 8' sycamore tree; thence S. 36 degrees 21 minutes 03 seconds W., 175.97 feet to a iron pin [set]; thence N. 73 degrees 05 minutes 51 seconds W., 206.87 feet to a downed wood fence post; thence N. 71 degrees 49 minutes 28 seconds W., 107.69 feet to a wood fence post; thence N. 70 degrees 18 minutes 56 seconds W., 326.32 feet to a 12' oak tree; thence N. 71 degrees 53 minutes 58 seconds W., 205.62 feet to a 2' beech tree; thence N. 71 degrees 05 minutes 27 seconds W., 204.73 feet to a wood fence post; thence N. 71 degrees 21 minutes 48 seconds W., 174.53 feet to a wood fence post; thence N. 71 degrees 37 minutes 03 seconds W., 162.46 feet to a 30' oak tree; thence N. 64 degrees 14 minutes 43 seconds W., 234.67 feet to a 10' dead oak tree; thence S. 39 degrees 13 minutes 50 seconds W., 373.72 feet to a 26' oak tree [found flagging]; thence S. 51 degrees 01 minutes 44 seconds W., 124.29 feet to a 1' sapling [found flagging]; thence S. 39 degrees 02 minutes 29 seconds W., 290.69 feet to a 12' oak tree [found flagging]; thence S. 39 degrees 54 minutes 22 seconds W., 327.77 feet to a 6' white oak tree [found flagging]; thence S. 50 degrees 03 minutes 44 seconds W., 275.46 feet to a 30' oak tree; thence N. 14 degrees 05 minutes 48 seconds W., 134.77 feet to a 20' forked oak tree; thence N. 11 degrees 18 minutes 56 seconds W., 100.14 feet to a 14' white oak tree; thence N. 11 degrees 15 minutes 16 seconds W., 96.47 feet to a 6' maple tree; thence N. 11 degrees 02 minutes 01 seconds W., 74.97 feet to a 10' oak tree; thence N. 50 degrees 06 minutes 49 seconds W., 92.03 feet to a 3' pine tree; thence N. 24 degrees 43 minutes 12 seconds E., 44.53 feet to a wood fence post; thence N. 00 degrees 15 minutes 47 seconds W., 173.56 feet to a downed fence post; thence N. 09 degrees 56 minutes 41 seconds W., 99.33 feet to a point in the present Corporate Limits of the City of

Corbin; thence continuing with the present Corporate Limits of the City of Corbin, S. 80 degrees 20 minutes 03 seconds E., 370.10 feet; thence N. 18 degrees 08 minutes 57 seconds E., 1488.10 feet to a point in Bacon Creek; thence continuing with the present Corporate Limits of the City of Corbin, with the meanders of Bacon Creek as reduced to and described as straight lines, S. 66 degrees 16 minutes 03 seconds E., 50.40 feet; thence S. 79 degrees 58 minutes 03 seconds E., 1749.80 feet to the BEGINNING CORNER, containing 64.7808 acres.

#### PARCEL II

BEGINNING at an iron pin [set]. Said iron pin being a southwest corner of the Kindoll property near the centerline of Bacon Creek. Said iron pin also being contiguous to the present Corporate Limits of the City of Corbin, Whitley County, Kentucky; thence continuing with the present Corporate Limits of the City of Corbin, Bacon Creek and the south lines of Kindoll, Neal and Barton properties, N. 33 degrees 44 minutes 57 seconds E., 177.32 feet to an iron pin [set]; thence N. 23 degrees 15 minutes 15 seconds E., 220.00 feet to an iron pin [set]; thence N. 38 degrees 45 minutes 40 seconds E., 56.00 feet to an iron pin [set]. Said iron pin being in a west line of the Owens property; thence leaving the lines of Barton, continuing with the west lines of the Owens property, S. 52 degrees 14 minutes 13 seconds E., 276.91 feet to a wood fence post; thence S. 62 degrees 40 minutes 46 seconds E., 70.86 feet to a 12' poplar tree in fence line; thence S. 71 degrees 35 minutes 40 seconds E., 72.30 feet to a wood fence post in fence line; thence S. 48 degrees 17 minutes 27 seconds E., 43.10 feet to a forked sycamore tree in fence line; thence S. 65 degrees 47 seconds 52 minutes E., 78.10 feet to a found wood stake; thence leaving the lines of Owens and the existing Corporate Limits of the City of Corbin, continuing with the north lines of the Wells property, S. 20 degrees 25 minutes 40 seconds W., 21.92 feet to a wood fence post; thence S. 43 degrees 21 minutes 44 seconds W., 54.30 feet to a wood fence post; thence S. 47 degrees 39 minutes 18 seconds W., 114.11 feet to a wood fence post; thence S. 49 degrees 37 minutes 45 seconds W., 90.43 feet to a wood fence post; thence S. 49 degrees 32 minutes 00 seconds W., 56.93 feet to a forked tree in fence line; Thence S. 49 degrees 32 minutes 44 seconds W., 183.89 feet to forked tree in fence line; thence S. 51 degrees 55 minutes 38 seconds W., 94.88 feet to a 6' painted sapling in fence; thence S. 47 degrees 22 minutes 46 seconds W., 148.42 feet to a 8' painted beech tree; thence S. 41 degrees 03 minutes 48 seconds W., 49.86 feet to a 3' painted rebar; thence S. 36 degrees 51 minutes 43 seconds W., 94.12 feet to a 4' painted beech tree; thence S. 40

degrees 41 minutes 16 seconds W., 65.53 feet to a 2' painted beech tree; thence S. 40 degrees 05 minutes 21 seconds W., 262.65 feet to a 4' painted beech tree; thence S. 30 degrees 22 minutes 06 seconds W., 182.18 feet to a point near the centerline of Bacon Creek. Said point also being at the present Corporate Limits of the City of Corbin. thence leaving the lines of the Wells property, continuing with the present Corporate Limits of the City of Corbin, with the centerline of Bacon Creek as reduced to and described as straight lines, N. 24 degrees 10 minutes 45 seconds E., 455.44 feet; thence N. 23 degrees 51 minutes 57 seconds E., 128.70 feet; thence N. 09 degrees 59 minutes 57 seconds E., 224.44 feet; thence N. 36 degrees 38 minutes 03 seconds W., 104.60 feet; thence N. 38 degrees 50 minutes 57 seconds E., 110.00 feet to the **BEGINNING CORNER, containing 7.5639 Acres.**

**BEING PART OF THE SAME LAND** acquired by The South Corbin Development, LTD, by deed of record in Deed Book 176, Page 113, and Deed Book 133, Page 563, Whitley County Court Clerk's Office.

### TRACT III

**BEGINNING** at a rebar corner in the south right of way of US 25 W. Said rebar also being a northwest corner of James Walters Heirs property (Deed Book 189, Page 039); thence leaving the south right of way of US 25 W, continuing with the west and south lines of James Walter Heirs, S. 10 degrees 03 minutes 00 seconds E., 549.99 feet to a rebar corner; thence S. 78 degrees 02 minutes 56 seconds E., 357.63 feet to a rebar corner; thence S. 74 degrees 16 minutes 52 seconds E., 487.62 feet to a rebar corner; thence N. 38 degrees 56 minutes 36 seconds E., 131.90 feet to a rebar corner in a west line of Danny R. Crawford (Deed Book 310, Page 272). Said rebar corner also being the point of contiguity of the existing corporate limits of the City of Corbin. Thence leaving the lines of the James Walters Heirs continuing with the west line of Danny Crawford and the corporate limits of the City of Corbin, S. 22 degrees 07 minutes 13 seconds E., 394.58 feet to a rebar corner; thence S. 55 degrees 10 minutes 47 seconds E., 246.31 feet to a rebar corner; thence S. 44 degrees 10 minutes 20 seconds E., 263.65 feet to a rebar corner; thence S. 47 degrees 02 minutes 25 seconds E., 422.95 feet to a rebar corner; thence S. 87 degrees 00 minutes 58 seconds E., 271.01 feet to a rebar corner; thence leaving the lines of Danny R. Crawford and the present corporation limits of the City of Corbin, continuing with the lines of Terrell Roaden Heirs (Deed Book 133, Page 418) and the Ova G. Roaden Heirs (Deed Book 133, Page 119), S. 11 degrees 19 minutes 31 seconds E., 140.98 feet; thence continuing with the

lines of the Ova G. Roaden Heirs, S. 09 degrees 42 minutes 18 seconds E., 864.32 feet to a rebar corner; thence S. 17 degrees 41 minutes 56 seconds W., 210.20 feet to a rebar at the base of a 15" Gum; thence S. 65 degrees 48 minutes 57 seconds W., 947.38 feet to a rebar at the base of a 10" Maple; thence N. 80 degrees 25 minutes 41 seconds W., 255.08 feet to a rebar at the base of a fence post corner of Ned Roaden; thence N. 37 degrees 24 minutes 07 seconds W., 873.62 feet to a rebar at the base of a cross tie fence post; thence N. 73 degrees 41 minutes 17 seconds W., 1243.44 feet to a rebar; thence N. 45 degrees 51 minutes 08 seconds W., 106.69 feet to a rebar; thence N. 16 degrees 02 minutes 55 seconds E., 89.97 feet to a rebar; thence N. 41 degrees 12 minutes 19 seconds E., 955.27 feet to a rebar; thence N. 29 degrees 57 minutes 05 seconds W., 660.00 feet to a rebar; thence N. 75 degrees 32 minutes 55 seconds E., 210.00 feet to a rebar; thence N. 29 degrees 57 minutes 05 seconds W., 630.00 feet to a rebar in the south right of way of US Highway 25W; thence N. 79 degrees 51 minutes 04 seconds E., with the south right of way of US Highway 25W, 488.21 feet to the **BEGINNING CORNER, containing 109.7279 acres.**

**BEING ALL THE SAME LAND** acquired by Scott Roaden by deed of record in Deed book 314, Page 502, Deed Book 266, Page 389, and Deed Book 306, Page 431, Whitley County Court Clerk's Office.

**SECTION TWO.** That the above-described property in SECTION ONE above owned by Terry E. Forcht and Nelda L. Barton-Collins is hereby zoned General Business District (C-1).

**SECTION THREE.** That the above-described property in SECTION ONE above owned by South Corbin Development, LTD, is hereby zoned General Business District (C-1).

**SECTION FOUR.** That the above-described property in SECTION ONE above owned by Scott Roaden and Audria Roaden is hereby zoned Residential/Rural District (R/R).

**SECTION FIVE.** That the Zoning Map of the City of Corbin, Kentucky, is hereby amended to add the above-described tracts of real property in SECTION ONE above, to the City of Corbin,


Kentucky, boundaries and to reflect the zoning classification given to said tracts of real property as set forth in SECTION TWO, SECTION THREE and SECTION FOUR above.

**SECTION SIX.** This Ordinance includes a map showing the zoning classifications given to the above-referenced tracts of real property annexed and zoned herein. Said map is attached hereto and marked Exhibit "A" and is hereby incorporated herein by reference. This Ordinance and the map attached hereto as Exhibit "A" can be reviewed and inspected at the office of the City Clerk of the City of Corbin, Kentucky, City Hall, 805 South Main Street, Corbin, Kentucky 40701, Monday through Friday from 8:00 a.m., until 4:00 p.m.

**SECTION SEVEN.** This Ordinance shall take effect upon two (2) readings, passage, and advertisement.

**SECTION EIGHT.** All ordinances or portions thereof in conflict herewith are hereby repealed.

FIRST READING 4-14-97  
SECOND READING 5-29-97

  
J. SCOTT WILLIAMSON, MAYOR  
CITY OF CORBIN, KENTUCKY

ATTEST:

  
ERIN BLOUNT, CITY CLERK

## CERTIFICATION

I certify I am the duly qualified City Clerk of the City of Corbin, Kentucky, and the foregoing 7 pages of Ordinance No. 3-97 is a true, correct and complete copy duly adopted by the City Commission at a duly convened meeting held on October 29, 2008, all as appears in the official records of said City.

WITNESS, my hand and seal this 29<sup>th</sup> day of October, 2008.



City Clerk

(SEAL)

RECEIVED AND FILED  
DATE May 29, 2009

TREY GRAYSON  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
BY Charlie Adkins



# “EXHIBIT A”

## ORDINANCE 3-97

