

CITY OF CYNTHIANA

P.O. BOX 67
CYNTHIANA, KENTUCKY 41031
(606) 234-7150

October 18, 1999

John Y. Brown III
Secretary of State
700 Capitol Avenue Suite 152
The Capitol
Frankfort, Kentucky 40601

RECEIVED

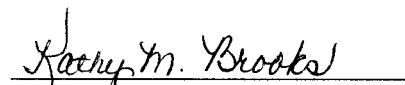
OCT 21 1999

SECRETARY OF STATE
COMMONWEALTH OF KY

I, Charleen McIlvain, City Clerk of the City of Cynthiana, Kentucky, do certify that the attached is a true and correct copy of the Request for Annexation by Consent and Affidavit Pursuant to KRS 81A.412 and Ordinance #1304 of the City Cynthiana, Kentucky


Charleen McIlvain, City Clerk

Subscribed, sworn to, and acknowledged before me this the
18th day of October 1999.


Kathy M. Brooks, Notary

My Commission expires May 2, 2001

ORDINANCE NO. 1304

AN ORDINANCE OF THE CITY OF CYNTHIANA, KENTUCKY EXTENDING ITS PRESENT BOUNDARY AND ANNEXING CERTAIN CONTIGUOUS PROPERTY TO THE CITY CONSISTING OF APPROXIMATELY 120.99 ACRES LYING GENERALLY EAST OF THE PRESENT CITY BOUNDARY AND NORTH OF U.S. HIGHWAY 62 (ODDVILLE PIKE) AND BEING CURRENTLY OWNED BY HANDY FARM, INC.

WHEREAS, the City Commission of the City of Cynthiana recognizes the importance of orderly urban growth in preserving and expanding the benefits of municipal government for all citizens; and,

WHEREAS, the City Commission recognizes the potential for growth of business and/or residential development in the area of U.S. 62 east of the City of Cynthiana; and,

WHEREAS, the area to be annexed is suitable for development for urban purposes without unreasonable delay and it is desirable for all concerned that said growth and development occur within the expanded limits of the City of Cynthiana; and

WHEREAS, the owner of said property has requested and consented to the annexation pursuant to KRS 81A.412,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF CYNTHIANA, KENTUCKY AS FOLLOWS:

SECTION 1: That the City of Cynthiana, Kentucky, hereby extends its boundaries and annexes the following described contiguous property to the City:

(FOR LEGAL DESCRIPTION SEE EXHIBIT "A")

SECTION 2: A plat of the subject property is attached hereto as a part hereof.

SECTION 3: Annexation of this area to the City of Cynthiana is desirable due to its potential for development and the advantages to be derived by all concerned from the annexation of this area without unreasonable delay.

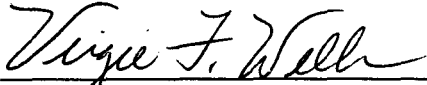
SECTION 4: The property annexed has been zoned A-1 Agricultural and the duly annexed territory shall retain the same zoning classification as applied to prior to annexation pending any changes which may be made subsequent to the annexation by appropriate zoning map amendments or other regulations in accordance with KRS 100.209 and other applicable law.

SECTION 5: The City Clerk shall immediately cause an accurate map of the newly annexed area with a metes and bounds description together with a certified copy of this Ordinance to be recorded in the Office of the Harrison County Clerk and the Office of the Secretary of State of the Commonwealth of Kentucky. She shall further forward a map delineating the boundaries of the annexed area along with a list of the names and addresses of those property owners and/or registered voters who reside in such area all in compliance with KRS 81A.470 and KRS 81A. 475.

SECTION 6: This Ordinance shall take effect from and after its passage, approval and publication as required by law.


FIRST READING AND APPROVAL: Sept. 28, 1999

SECOND READING AND PASSAGE: Oct. 12, 1999



Virgie F. Wells, Mayor

ATTEST:



Charleen McIlvain, City Clerk

TRACT NO. 1:

BEGINNING at a 1/2 inch x 18 inch Rebar (Set) on the northern right-of-way line of U.S. 62 (Cynthiana - Oddville Pike), marking the southeast corner to Harrison County R.E.C.C. (Deed Book 103 Page 161); thence leaving said right-of-way line and with Harrison County R.E.C.C., N 2 deg 51 min 12 sec E, a distance of 221.40 Feet, to a Rebar (Set), marking the northeast corner to Harrison County R.E.C.C. and TRACT 2 of the Charles L. Swinford Estate Subdivision; thence with TRACT 2 of said subdivision for two calls, S 87 deg 08 min 43 sec E, a distance of 297.72 Feet, to a Rebar (Set) on the east side of a drain; thence S 2 deg 51 min 12 sec W, a distance of 217.29 Feet, to a Rebar (Set) on the northern right-of-way line of U.S. 62 (Cynthiana-Oddville Pike), marking a corner to TRACT 2 of the Charles L. Swinford Estate Subdivision; thence with the northern right-of-way line of U.S. 62 and crossing a drain, N 88 deg 05 min 24 sec W, a distance of 90.41 Feet, to a wooden fence Post; thence continuing with said right-of-way line, N 87 deg 52 min 13 sec W, a distance of 207.34 Feet, to the POINT OF BEGINNING; said described tract containing 1.500 Acres, more or less, and being subject to easements and rights-of-way of record and in existence and in accordance with a new survey and plat by Ronald F. Willhoit, PLS 3004 in March, 1998. This is Tract 1 as shown on plat recorded in Plat Cabinet 5, Sheet 67A.

TRACT 2

BEGINNING at a 1/2 inch x 18 inch Rebar (Set) on the northern right-of-way line of U.S. 62 (Cynthiana - Oddville Pike), marking the southeast corner to TRACT 1 of the Charles L. Swinford Estate Subdivision; thence with said right-of-way line for five calls, S 88 deg 05 min 24 sec E, a distance of 96.93 Feet, to a 1/2 inch x 18 inch Rebar (Set); thence N 71 deg 58 min 30 sec E, a distance of 360.17 Feet, to a 1/2 inch x 18 inch Rebar (Set); thence N 58 deg 32 min 43 sec E, a distance of 160.11 Feet, to a 1/2 inch x 18 inch Rebar (Set); thence N 57 deg 19 min 53 sec E, a distance of 110.26 Feet, to a 1/2 inch x 18 inch Rebar (Set); thence N 61 deg 58 min 32 sec E, a distance of 295.75 Feet, to a 1/2 inch x 18 inch Rebar (Set), marking the southwest corner to TRACT 3 of the Charles L. Swinford Estate Subdivision; thence leaving the northern right-of-way line of US 62 (Cynthiana - Oddville Pike) and crossing Flat Run Creek along the western boundary line of TRACT 3 for three calls, N 17 deg 33 min 21 sec W, a distance of 167.61 Feet, to a wooden Fence Post; thence N 17 deg 33 min 21 sec W, a distance of 806.37 Feet, to a 1/2 inch x 18 inch Rebar (Set); thence N 19 deg 44 min 34 sec W, a distance of 477.51 Feet, to a 1/2 inch x

18 inch Rebar (Set) at the base of a Gate Post; thence S 49 deg 45 min 11 sec W, a distance of 25.55 Feet, to a 1/2 inch x 18 inch Rebar (Set) at the base of a corner Fence Post marked with a P-K Nail (Found), marking a corner to TRACT 3 and Lebus Tobacco Company (Deed Book 139 Page 896); thence with the southern boundary line of Lebus Tobacco Company and continuing with Reynolds Estate Subdivision (Deed Book 89 Page 296) for five calls, S 50 deg 45 min 00 sec W, a distance of 1261.75 Feet, to a Rebar (Found); thence S 39 deg 15 min 00 sec E, a distance of 129.36 Feet, to a 1/2 inch x 18 inch Rebar (Set) on the northeast side of Flat Run Creek; thence crossing Flat Run Creek, S 30 deg 45 min 00 sec W, a distance of 62.10 Feet, to a Rebar (Set); thence S 2 deg 56 min 32 sec W, a distance of 186.31 Feet, to a 1/2 inch Rebar (Found); thence S 2 deg 18 min 27 sec W, a distance of 371.87 Feet, to a 1/2 inch x 18 inch Rebar (Set) at the base of a corner fence post on the east side of an Alley, marking the northwest corner to Harrison County R.E.C.C. (Deed Book 103 Page 161); thence with northern boundary line of Harrison County R.E.C.C., S 87 deg 08 min 48 sec E, a distance of 210.00 Feet, to a 1/2 inch x 18 inch Rebar (Set), marking the northwest corner to TRACT 1 of the Charles L. Swinford Estate Subdivision; thence with TRACT 1 of said subdivision for two calls, S 87 deg 08 min 48 sec E, a distance of 297.72 Feet, to a 1/2 inch x 18 inch Rebar (Set) on the east side of a drain; thence S 2 deg 51 min 12 sec W, a distance of 217.29 Feet, to the POINT OF BEGINNING; said described tract containing 35.895 Acres, more or less, and being subject to easements and rights-of-way of record and in existence and in accordance with a new survey and plat by Ronald F. Willhoit, PLS 3004 in March, 1998. This is Tract 2 as shown on the plat recorded in Plat Cabinet 5, Sheet 67A.

TRACT 3

BEGINNING at a 1/2 inch x 18 inch Rebar (Set) on the northern right-of-way line (30' R/W) of U.S. 62 (Cynthiana - Oddville Pike), marking the the southeast corner to TRACT 2 of the Charles L. Swinford Estate Subdivision; thence along the western boundary line of TRACT 2 and crossing Flat Run Creek or four calls, N 17 deg 33 min 21 sec W, a distance of 167.61 Feet, to a wooden Fence Post on the north side of Flat Run Creek; thence N 17 deg 33 min 21 sec W, a distance of 806.37 Feet, to a 1/2 inch x 18 inch Rebar (Set); thence N 19 deg 44 min 34 sec W, a distance of 477.51 Feet, to a 1/2 inch x 18 inch Rebar (Set) at the base of a Gate Post; thence S 49 deg 45 min 11 sec W, a distance of 25.55 Feet, to a 1/2 inch x 18 inch Rebar (Set) at the base of a corner fence post marked with a P-K Nail (Found), marking a corner to TRACT 2 and a corner to

Lebus Tobacco Company (Deed Book 139 Page 896); thence with the southern boundary line of Lebus Tobacco Company for four calls, N 23 deg 12 min 33 sec W, a distance of 260.33 Feet, to a P-K Nail (Found) in wooden corner fence post; thence N 35 deg 00 min 52 sec E, a distance of 881.32 Feet, to a 1/2 inch x 18 inch Rebar (Set) at the base of a fence post; thence down the hill, N 21 deg 53 min 23 sec W, a distance of 120.97 Feet, to a point on the south side of Indian Creek at a Stone Water Gap; thence crossing said creek, N 12 deg 25 min 16 sec E, a distance of 171.77 Feet, to a 1/2 inch x 18 inch Rebar (Set) on the southern boundary line of Garnet Bruin, et.ux. (Deed Book 199 Page 345), marking a corner to Lebus Tobacco Company (Deed Book 139 Page 896); thence with Garnet Bruin, et.ux. for two calls, N 87 deg 48 min 52 sec E, a distance of 580.14 Feet, to a 1/2 inch x 18 inch Rebar (Set); thence N 45 deg 18 min 29 sec E, a distance of 460.43 Feet, to a 1/2 inch x 18 inch Rebar (Set), marking a corner common to Garnet Bruin, et.ux. and Mary June Bruner Feedback (Will Book W Page 21); thence crossing Indian Creek and with Mary June Bruner Feedback for three calls, S 60 deg 35 min 16 sec E, a distance of 196.68 Feet, to a 1/2 inch x 18 inch Rebar (Set) on the south side of Indian Creek; thence up the hill, S 16 deg 45 min 42 sec E, a distance of 1307.46 Feet, to a 1/2 inch x 18 inch Rebar (Set); thence S 12 deg 38 min 45 sec W, a distance of 1013.76 Feet, to a 1/2 inch x 18 inch Rebar (Set) on the northern right-of-way line (30' R/W) of U.S. 62 (Cynthiana - Oddville Pike), marking a corner to Mary June Bruner Feedback; thence with the northern right-of-way line of U.S. 62 for three calls, S 62 deg 14 min 19 sec W, a distance of 332.70 Feet, to a wooden fence post; thence S 62 deg 20 min 00 sec W, a distance of 215.78 Feet, to a 1/2 inch x 18 inch Rebar (Set); thence S 61 deg 58 min 32 sec W, a distance of 757.10 Feet, to the POINT OF BEGINNING; said described tract containing 83.595 Acres, more or less, and being subject to easements and rights-of-way of record and in existence and in accordance with a new survey and plat by Ronald F. Willhoit, PLS 3004 in March 1998. This is Tract 3 as shown on plat recorded in Plat Cabinet 5, Sheet 67A.

This is part of the same property as that conveyed Charles L. Swinford by J. Roy Peak and Frances Peak, his wife, and Virgil D. Florence and Pauline M. Florence, his wife, by deed dated February 27, 1946, and recorded in Deed Book 107, Page 376.

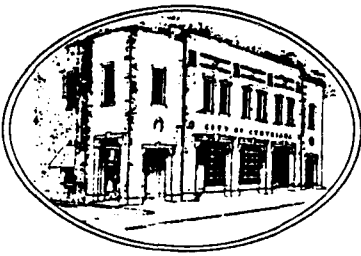
Dr. C. L. Swinford died intestate a resident of Harrison County, Kentucky, on November 24, 1951, leaving his widow, Ruth Swinford and five children, Sue S. Breckinridge, C. W. Swinford, Ruth Walker Swinford, Charles McCauley Swinford and James Taylor Swinford, as his only heirs-at-law. See Affidavit

of Descent recorded in Deed Book 114, Page 368. By Deed dated August 21, 1954, and recorded in Deed Book 117, Page 257, Harry R. Lair, Master Commissioner of the Harrison Circuit Court, on behalf of C. W. Swinford and Frances K. Swinford, his wife, Sue Breckinridge and Ethelbert L. D. Breckinridge, her husband, Ruth Walker Swinford, who had become Ruth Walker Swinford Smith and Forest F. Smith, her husband, Charles McCauley Swinford and Wanda Swinford, his wife, and James Taylor Swinford conveyed the above described property to Ruth Swinford for her lifetime only and as her dower in the landed estate of Dr. C. L. Swinford, deceased, and with the understanding that the remainder of the real estate was the property of the children of Dr. C. L. Swinford. C. W. Swinford died on the 27th day of April, 1986, and in Item II of his will, which is a matter of record in Will Book AA, Page 398, he gave his interest in the above described property to his three children, the parties of the first part, Susan Swinford Bullard, C. William Swinford, Jr. and Rodman Keenon Swinford. Sue Swinford Breckinridge died on the 6th day of May, 1996, and by Item IV of her will, which is a matter of record in Will Book BB, Page 57, she gave her interest in the above described property to the parties of the first part, Susan Swinford Bullard, C. William Swinford, Jr. and Rodman Keenon Swinford.

Ruth Swinford, who owned the above described property for her lifetime only, died on March 9, 1997.

This property is subject to an easement dated September 4, 1951, in favor of the City of Cynthiana, Kentucky, which is recorded in Deed Book 115, Page 426.

All references are to the records of the Harrison County Court Clerk's Office.



CITY OF CYNTHIANA

P.O. BOX 67
CYNTHIANA, KENTUCKY 41031
(606) 234-7150

October 18, 1999

The only owner of the annexed property is:

Handy Farm, Inc.
C/o Joe Fitzgerald, President
116 Taylor Drive
Cynthiana, KY 41031

There are no registered voters.

Respectfully Submitted,
Charleen M. McIlvain
City Clerk

Line Table		
Id	Bearing	Distance
L1	S 88°05'24" E	96.93'
L2	N 88°05'24" W	90.41'
L3	N 87°52'13" W	207.34'
L4	S 87°08'48" E	210.00'
L5	S 2°56'32" W	186.31'
L6	S 30°45'00" W	62.10'
L7	S 39°15'00" E	129.36'
L8	S 49°45'11" W	25.55'
L9	N 21°53'23" W	120.97'
L10	N 12°25'16" E	171.77'
L11	S 60°35'16" E	196.68'
L12	S 62°20'00" W	215.78'
L13	N 17°33'21" W	167.61'
L14	N 57°19'53" E	110.26'
L15	N 58°32'43" E	160.11'

Surveyor's Certificate

I hereby certify that the survey shown hereon was performed by me from evidence found in record and in the field, by method of random traverse using a TOPCON - GTS-2R total station at a precision of 1/16,030+ with adjustments for for closure by Compass Rule. The basis for the bearings shown hereon are to the parent tract along the southern boundary line of Lebus Tobacco Co. There was no adjustment for a radial survey. With the equipment used, it is assumed the accuracy of the collected field data exceeded 1/5000 as specified in 201 KAR 18 150(5)

Ronald F. Willhoit 5/17/98
 Ronald F. Willhoit, PLS 3004 Date

Recording Certificate

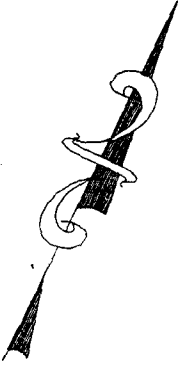
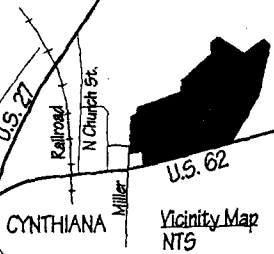
I hereby certify that this record plat conforms with the regulations of the Cynthiana-Harrison County-Berry Joint Planning Commission and that it has been approved for recording in the Harrison County Clerk's Office.

Delphi 5/24/1998
 Signed Date

STATE of KENTUCKY
 RONALD F. WILLHOIT
 3004 REGISTERED
 LAND SURVEYOR

LEGEND

- I.P. (Found)
- ⊙ 1/2 inch x 18 inch Rebar (Set)
- Fence Post



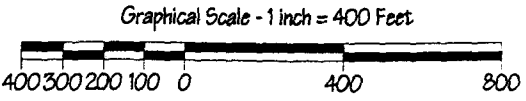
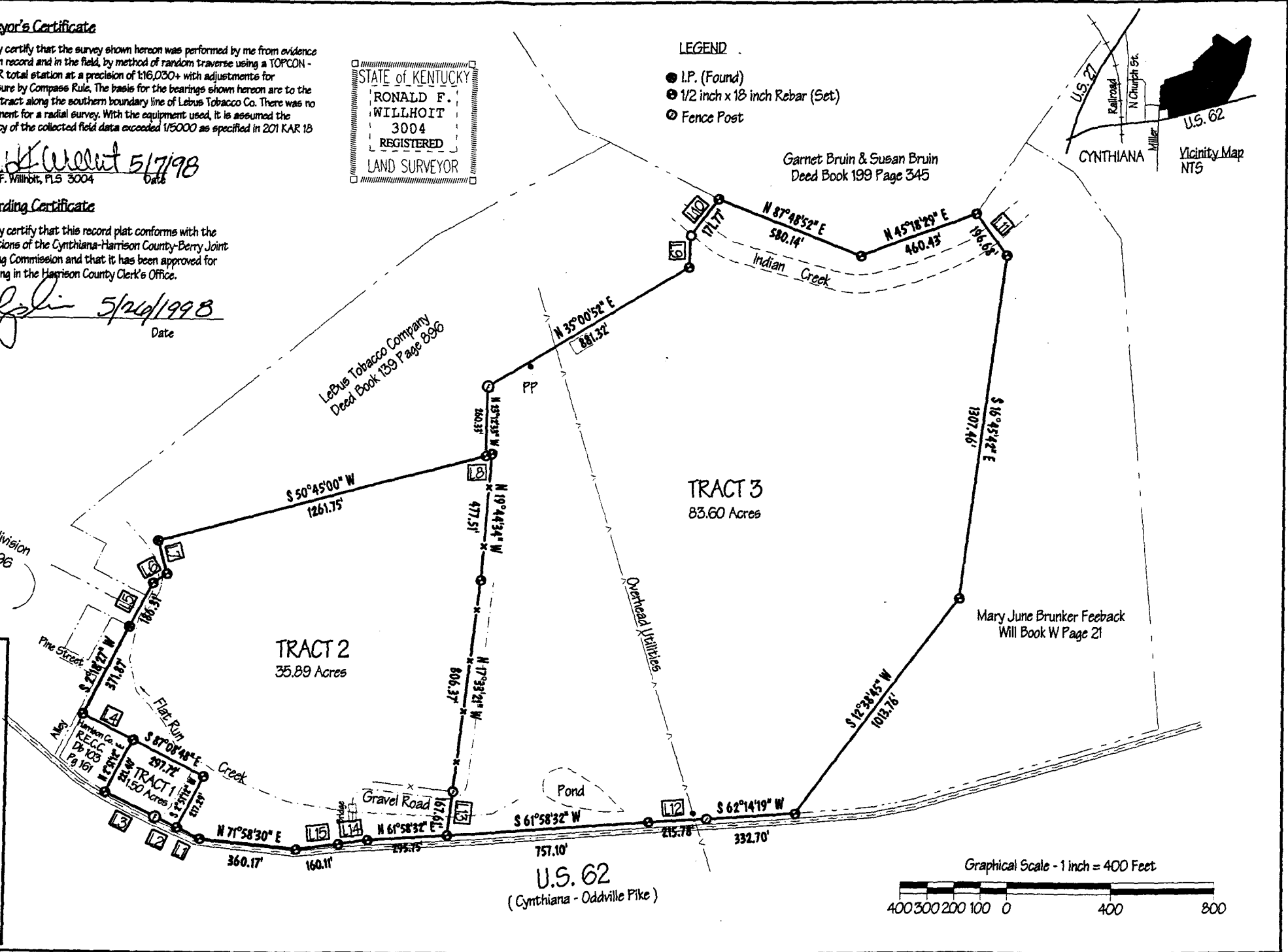
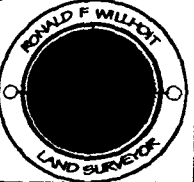
Reynolds Estate Subdivision
 Deed Book 89 Page 296

Boundary Survey & Division of:
Charles L. Swinford Estate
 U.S. 62 (Oddville Pike)
 Cynthiana, Harrison Co., Ky.
 Deed Book 107 Page 376

Survey by:
RONALD F. WILLHOIT, PLS

P.O. BOX 1-550 North Broadway
 Carlisle, Ky. 40311
 (606)289-7103

Scale: 1 inch = 400 Feet
 Date: March 15, 1998
 File Name: CAPCS\Proj\Swinford.PCS
 Field Book: SMI via 485X - Swinford
 Storage: Acer PC Survey Win95



**REQUEST FOR ANNEXATION BY CONSENT
AND AFFIDAVIT PURSUANT TO KRS 81A.412**

Come the Affiants, Joe H. Fitzgerald, Charles Bradley Marshall, Robert L. Ammerman and Mike Ammerman, individually, and as the sole owners, officers and directors of Handy Farm, Inc., after being duly sworn, and for their request for annexation and affidavit, state as follows:

1. That the Affiants are the sole and only shareholders, owners, officers and directors of Handy Farm, Inc.

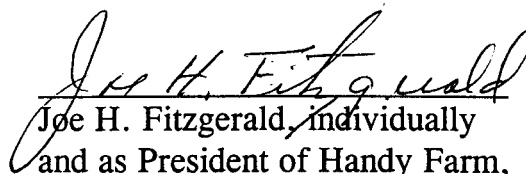
2. That Handy Farm, Inc. is the sole and only owner of a certain parcel or tract of property located east of the present city boundary and north of US Highway 62 (Oddville Pike) and consisting of approximately 171 acres, said property being more particularly described on Exhibit "A" attached hereto.

3. That there are no residents or registered voters residing on said property.

4. That the Affiants, individually, and in their capacities as shareholders, officers and directors of Handy Farm, Inc., hereby request and consent to the annexation of said property by the City of Cynthiana and the Affiants waive any and all right to object or remonstrate to the annexation of said property as described herein.

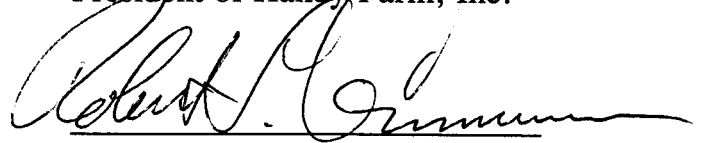
5. This consent and affidavit is executed under the authority of KRS 81A.412 and other applicable law.

Further the Affiants saith naught.

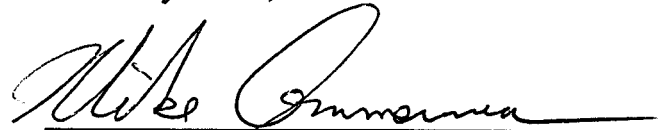

Joe H. Fitzgerald, individually
and as President of Handy Farm,
Inc.



Charles Bradley Marshall,
individually and as Vice-
President of Handy Farm, Inc.



Robert L. Ammerman,
individually and as Treasurer
of Handy Farm, Inc.



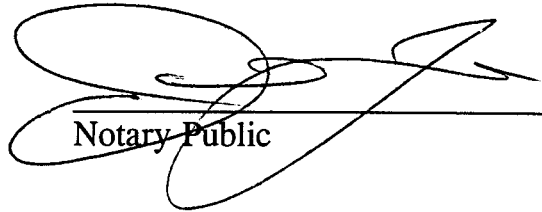
Mike Ammerman, individually
and as Secretary of Handy Farm,
Inc.

**STATE OF KENTUCKY
COUNTY OF HARRISON**

Subscribed, sworn to and acknowledged before me by Joe H. Fitzgerald,
individually and as President of Handy Farm, Inc., on this the 14 day of
September 1999.

My commission expires:

2/25/01



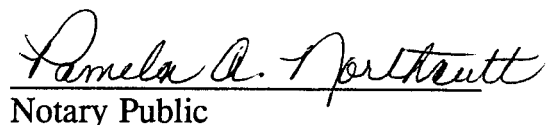
Notary Public

**STATE OF KENTUCKY
COUNTY OF HARRISON**

Subscribed, sworn to and acknowledged before me by Charles Bradley
Marshall, individually and as Vice-President of Handy Farm, Inc., on this the
28th day of September 1999.

My commission expires:

1/13/2002



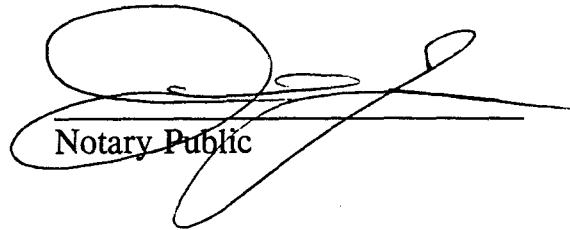
Notary Public

**STATE OF KENTUCKY
COUNTY OF HARRISON**

Subscribed, sworn to and acknowledged before me by Robert L. Ammerman, individually and as Treasurer of Handy Farm, Inc., on this the 14 day of September 1999.

My commission expires:

2/25/01



Notary Public

**STATE OF KENTUCKY
COUNTY OF HARRISON**

Subscribed, sworn to and acknowledged before me by Mike Ammerman, individually and as Secretary of Handy Farm, Inc., on this the 15th day of September 1999.

My commission expires:

1/13/2002


Notary Public