

104 E. Pleasant Street  
 P.O. Box 67  
 Cynthiana, KY 41031-0067  
 Phone: (859) 234-7150  
 Fax: (859) 234-0035

# City of Cynthiana

May 16, 2005

The Honorable Trey Grayson  
 Secretary of State  
 700 Capital Avenue, Suite 152  
 The Capital  
 Frankfort, Kentucky 40601

RECEIVED AND FILED  
 DATE June 30, 2005  
 \_\_\_\_\_  
 \_\_\_\_\_  
 TREY GRAYSON  
 SECRETARY OF STATE  
 COMMONWEALTH OF KENTUCKY  
 BY Garbie Adkinson

TO WHOM IT MAY CONCERN:

I, Charleen McIlvain, City Clerk of the City of Cynthiana, Kentucky, do certify that the attached is a true and correct copy of Ordinance #1394 of the City of Cynthiana, Kentucky establishing appropriate zoning classifications and annexing approximately 14.652 into the City limits.

Charleen McIlvain  
 Charleen McIlvain, City Clerk

Subscribed, sworn to, and acknowledged before me this the 29th day of June 2005.

Kathy M. Brooks  
 Kathy M. Brooks, Notary

My Commission expires May 2, 2009

ORDINANCE NO. 1394

**AN ORDINANCE OF THE CITY OF CYNTHIANA, KENTUCKY EXTENDING ITS PRESENT BOUNDARY AND ANNEXING CERTAIN CONTIGUOUS PROPERTY TO THE CITY CONSISTING OF APPROXIMATELY 14.652 ACRES MORE OR LESS GENERALLY LOCATED AT THE INTERSECTION OF U.S. 62 AND OLD U.S. 62, AND BEING CURRENTLY OWNED BY FIRST CHURCH OF GOD, 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 consisting of approximately 14.652 acres, more or less, generally located at the intersection of U.S. 62 and Old U.S. 62, 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 owners of said property have 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:

BEGINNING at a corner fence post in the right of way of new U.S. 62 and being a common corner with Joe Fitzgerald and Craig Irvin; thence with the lines of Irvin for two calls, to wit: N. 21\*43'26" W. 368.00 feet to a corner fence post; S. 57\*52'45" W. 626.06 feet to a corner fence post, a corner with Fitzgerald, Irvin and John C. Schroder; thence with the line of Schroder one (1) call to wit: N. 26\* 25'37" W. 673.26 feet to a corner fence post; thence with the lines of Fitzgerald four (4)

calls to wit: N. 75\*41'34" E. 805.74 feet to an iron pin by a fence post; S. 72\*25'34" E. 253.65 feet to an iron pin by a gatepost; S. 62\*22'41" E. 15.86 feet to an iron pin by a gatepost; S. 35\*32'23" E. 459.80 feet to a P-K nail in the centerline of old U.S. #62; thence with the centerline of old U.S. #62 and with the property of John Paul Taylor for three (3) calls to wit: S. 23\*48'42" W. 6.66 feet to a P-K nail; S. 31\*06'09" W. 141.66 feet to a P-K nail; S. 32\*17'28" W. 49.04 feet to a P-K nail at the intersection of old U.S. #62 and the right of way of new U.S. #62; thence with the right of way of new U.S. #62 for three (3) calls to wit: S. 53\*57'57" W. 73.58 feet to a 4" square concrete right of way marker; S. 50\*15'00" W. 142.82 feet to a concrete marker; S. 53\*16'27" W. 81.83 feet to a corner fence post in the right of way of new U.S. #62, the original beginning point of this survey, containing fourteen and 652/1000 or (14.652) acres as prepared from a physical survey under the supervision of Berlyn Brown, Ky. RLS #763, on May 15, 1995; a copy of the Plat of which being recorded in Plat Cabinet 3, Sheet 94A.

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

**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 prior to annexation pending any changes which may be made subsequent to the adoption of this Ordinance 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, the Office of the Secretary of State of the Commonwealth of Kentucky and the Office of the Department For Local Government. The Clerk 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:** April 26, 2005

**SECOND READING AND PASSAGE:** May 10, 2005

  
Virgie F. Wells, Mayor

**ATTEST:**

  
Charleen McIlvain, City Clerk

STATE OF KENTUCKY

Sct

COUNTY OF HARRISON

I, Linda B. Furnish, Clerk of the County Court within and for the County and State aforesaid, the same being a Court of Record, having a Seal and having records of the Wills and Estates, Transactions of Real and Personal Property, Marriage Records and other County Court matters do hereby certify that the foregoing and hereto writing contains a full and complete copy of the

Deed for the First Church of God recorded in Deed Book 206 Page 685

---

---

---

---

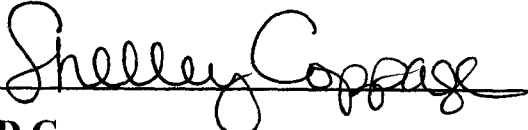
as fully as the same appears from the records on file in my office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my hand and affixed the seal of said Court at my office in Cynthiana, Kentucky, this the 8th day of December A.D. 2004

Linda B. Furnish

---

Clerk

  
\_\_\_\_\_

D.C.

D E E D

THIS DEED OF CONVEYANCE made and entered into this the 11th day of August, 1995, by and between Joe H. Fitzgerald, a single man, presently residing at 116 Taylor Drive, Cynthiana, Kentucky 41031, Party of the First Part and the First Church of God, Inc., P. O. Box 35, North Main Street, Cynthiana, Kentucky 41031, Party of the Second Part.

W I T N E S S E T H:

That the Party of the First Part, for and in consideration of the sum of Seventy-Five Thousand Dollars (\$75,000.00) paid and to be paid as follows: Fifty-Five Thousand Dollars (\$55,000.00) cash herein paid, and the further sum of Twenty Thousand Dollars (\$20,000.00) as is evidenced by Second Party's certain promissory note, of even date herewith, due and payable in two (2) years from the date hereof and bearing no interest from date until maturity and bearing interest after maturity on the unpaid balance at the rate of seven percent (7%) per annum until paid, the receipt of all of which is hereby acknowledged, has bargained and sold and does by these presents grant, bargain, sell, convey, and confirm unto the Party of the Second Part, its successors and assigns forever, the following real estate lying and being in Harrison County, Kentucky located approximately 1.50 miles South of Cynthiana, Harrison County, Kentucky on the West side of old U.S. #62 and on the North side of new U.S. #62 (Leesburg Pike) and more particularly described as follows:

BEGINNING at a corner fence post in the right of way of new U.S. #62 and being a common corner with Joe Fitzgerald and Craig Irvin; thence with the lines of Irvin for two calls, to wit: N. 21\* 43' 26" W. 368.00 feet to a corner fence post; S. 57\* 52' 45" W. 626.06 feet to a corner fence post, a corner with Fitzgerald, Irvin, and John C. Schroder; thence with the line of Schroder one (1) call, to wit: N. 26\* 25' 37" W. 673.26 feet to a corner fence post; thence with the lines of Fitzgerald four (4) calls to wit: N. 75\* 41' 34" E. 805.74 feet to an iron pin by a fence post; S. 72\* 25' 34" E. 253.65 feet to an iron pin by a gatepost; S. 62\* 22' 41" E. 15.86 feet to an iron pin by a gatepost; S. 35\* 32' 23" E. 459.80 feet to a PK nail in the centerline of old U.S. #62; thence with the centerline of old U.S. #62 and with the property line of John Paul Taylor three (3) to wit: S. 23\* 48' 42" W. 6.66 feet to a PK nail; S. 31\* 06' 09" W. 141.66 feet to a PK nail; S. 32\* 17' 28" W. 49.04 feet to a PK nail at the intersection of old U.S. #62 and the right-of-way of new U.S. #62; thence with the right-of-way line of new U.S. #62 three (3) calls to wit:

For Full Value Received the Notarize  
Herein contained having been paid in full  
released on 8/11/95  
Date April 11, 1995  
Signed Joe Fitzgerald  
Attest [Signature]  
By [Signature]

S. 53\* 57' 57" W. 73.58 feet to a 4" square concrete right-of-way marker; S. 50\* 15' 29" W. 142.82 feet to a concrete marker; S. 53\* 16' 27" W. 81.83 feet to a corner fencepost in the right-of-way line of new U.S. #62, the original beginning point of this survey, containing fourteen and 652/1000 or (14.652) acres as prepared from a physical survey under the supervision of Berlyn Brown, KY RLS #763 on May 15, 1995; a copy of a Plat of which being recorded in Plat Cabinet 3, Sheet 94A B

BEING a part of the same property as conveyed Joe H. Fitzgerald by H. Todd Smiser Estate by deed of date August 10, 1988 recorded in Deed Book 179, Page 310 Harrison County Court Clerk's Office.

TO HAVE AND TO HOLD the above-described tract or parcel of real estate together with all and singular, its privileges and appurtenances thereunto belonging or in anywise appertaining unto the Party of the Second Part, its successors and assigns forever with covenants of "General Warranty".

A lien is hereby retained on the herein described real estate in favor of the First Party to secure payment for the balance of the purchase price.

It is understood and agreed that the taxes growing out of the assessment of January, 1995 shall be paid by First Party.

It is further understood and agreed that no tobacco base shall be transferred with the property herein conveyed and that the terms and conditions of the contract of sale between the Parties dated July 31, 1995 is made a part hereof by reference and included herein as if copied herein in full.

IN WITNESS WHEREOF, the Party of the First Part has hereunto subscribed his name this date first above written.

*Joe H. Fitzgerald*  
JOE H. FITZGERALD

STATE OF KENTUCKY )  
                                  )  
COUNTY OF HARRISON)

I hereby certify that the foregoing Deed of even date was acknowledged and signed by JOE H. FITZGERALD, on this the 11<sup>th</sup> day of November, 1995.

My Commission Expires:

1-12-1998

*William W. DeFend*  
Notary Public  
State of Kentucky at Large

CERTIFICATE OF CONSIDERATION

The undersigned JOE H. FITZGERALD, Grantor, and FIRST CHURCH OF GOD, INC., by Earl McNabb, Chairman of the Board and Process Agent, Grantee state that the consideration recited herein is the full and complete consideration in this transaction.

*Joe H. Fitzgerald*  
JOE H. FITZGERALD, Grantor

STATE OF KENTUCKY )  
COUNTY OF HARRISON )

The foregoing Consideration Certificate was signed sworn to, and acknowledged before me this the 11th day of August, 1995 by JOE H. FITZGERALD.

My Commission Expires:  
1-12-1998

*Alvin W. Deard*  
Notary Public  
State of Kentucky at Large

FIRST CHURCH OF GOD, INC., Grantee  
BY: *Earl C. McNabb*  
Chairman of Board and Process Agent

STATE OF KENTUCKY )  
COUNTY OF HARRISON )

The foregoing Consideration Certificate was signed, sworn to, and acknowledged before me this the 11<sup>th</sup> day of August, 1995 by FIRST CHURCH OF GOD, INC., by Earl McNabb, Chairman of the Board and Process Agent.

My Commission Expires:  
1-12-1998

*Alvin W. Deard*  
Notary Public  
State of Kentucky at Large

THIS INSTRUMENT HAS BEEN DRAFTED BY:

*Wayne W. Fitzgerald*  
WAYNE W. FITZGERALD  
Attorney at Law  
P.O. Box 427  
Cynthiana, KY 41031  
(606) 234-3619

*J. T. ... # 75.00*

AUG 11 1995  
3:16 PM

NOT A TITLE EXAMINATION.



State of Kentucky  
County of Harrison

I, Ralph E. Coppage, Clerk of the Harrison County Court do hereby certify that the foregoing Deed was on the 11th day of August 1995 at 3:16 P.M.; lodged in my office certified as above for record, whereupon, the same and this certificate are now duly recorded.

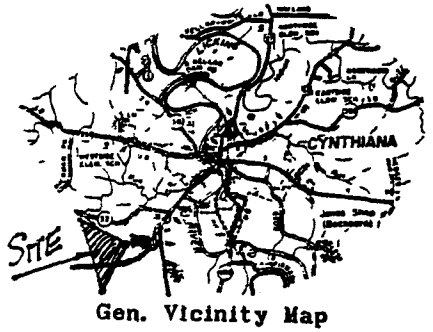
Given under my hand this the 14th day of August 1995.

Ralph E. Coppage Clerk  
Linda Dimes D.C.

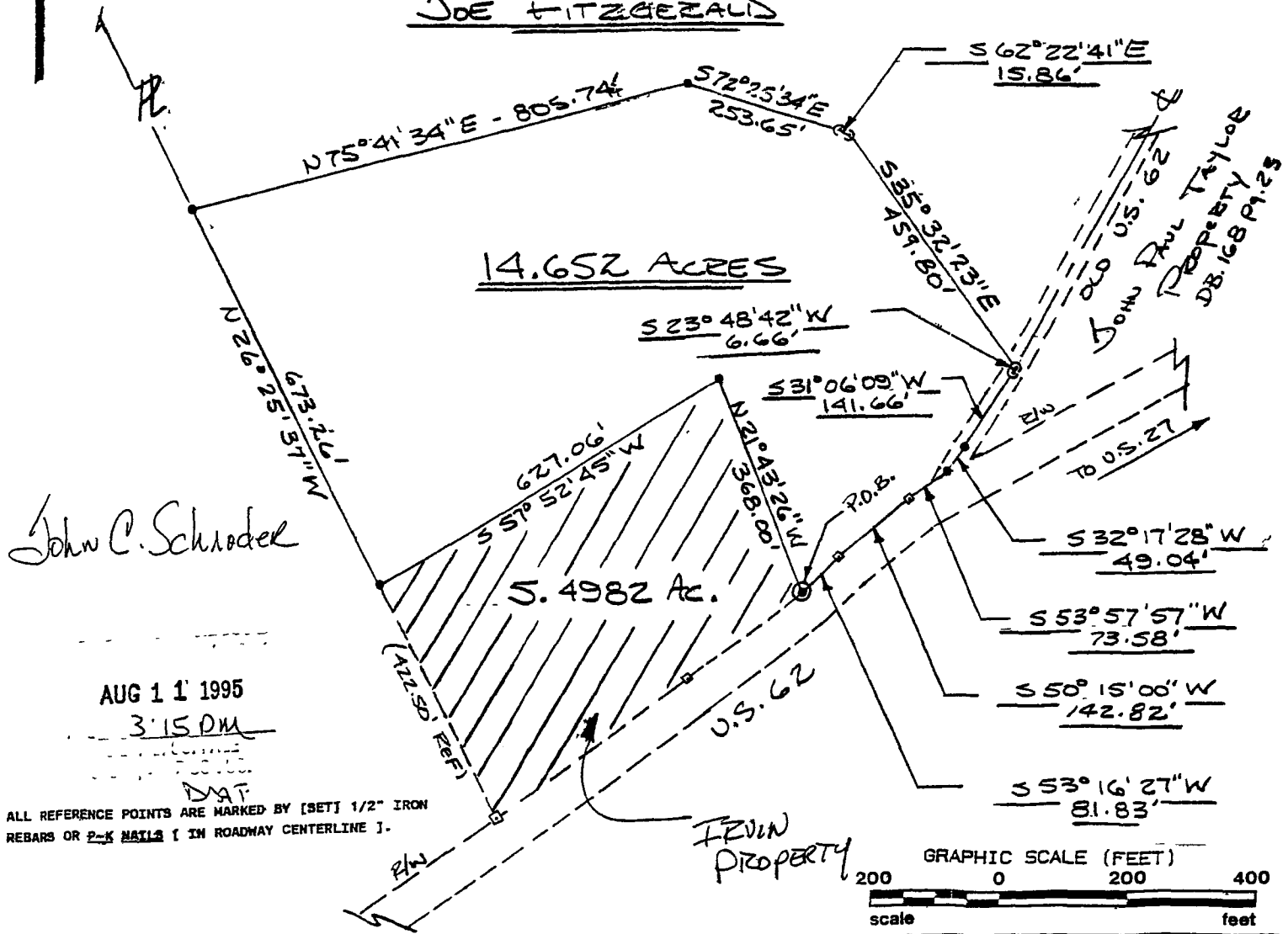
Tax Collected: \$75.00

n-74H

Being a portion of a parent tract of land owned by Joe H. Fitzgerald, D.B. 179 Pg. 310 PlatCab. 1 Pg. 89A and having approximately 63.93 Acres remaining Total Road Frontage (surveyed tract)= 495.59 feet Total Road Frontage (remaining tract)= 757.32 feet From: H. Tod Smiser Estate, D.B. 117/532 and 152/452



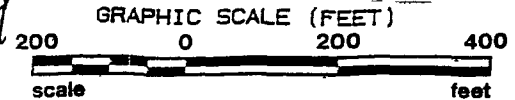
JOE FITZGERALD



John C. Schroder

AUG 1 1' 1995 3:15 PM

ALL REFERENCE POINTS ARE MARKED BY [SET] 1/2" IRON REBARS OR 2-K NAILS [ IN ROADWAY CENTERLINE ].



SURVEYOR'S CERTIFICATE OF ACCURACY

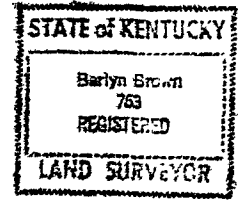
I HEREBY CERTIFY THAT THE PLAN SHOWN AND DESCRIBED HEREON IS A TRUE AND CORRECT SURVEY TO THE ACCURACY BY THE CYNTHIANA - HARRISON CO. - BERRY JOINT PLANNING COMMISSION. THAT THE MONUMENTS HAVE BEEN PLACED AS SHOWN HEREON TO THE SPECIFICATIONS OF THE HARRISON CO. ENGINEER OR OTHER AUTHORIZED OFFICER, THAT THE SURVEY HEREON WAS PERFORMED UNDER MY DIRECTION BY THE METHOD OF RANDOM TRAVERSE AND THE UNADJUSTED MATHEMATICAL ERROR OF CLOSURE OF THE TRAVERSE WAS 1:5000. THE BEARINGS AND DISTANCES SHOWN HEREON HAVE BEEN ADJUSTED FOR CLOSURE ON BASIS FOR THE BEARINGS SHOWN HEREON WAS A MAGNETIC NORTH TAKEN IN THE FIELD ALONG A RANDOM TRAVERSE LINE NEAR NORTHWEST PROPERTY LINE SHOWN HEREON.

SIGNATURE \_\_\_\_\_ KY. REG. NO. 783 DA

CERTIFICATE OF APPROVAL FOR RECORDING

I HEREBY CERTIFY THAT THE PLAT SHOWN AND DESCRIBED HEREON HAS BEEN FOUND TO COMPLY WITH THE REGULATIONS OF THE CYNTHIANA - HARRISON CO. - BERRY JOINT PLANNING COMMISSION WITH THE EXCEPTION OF SUCH CONDITIONS, IF ANY, AS ARE IN THE MINUTES OF THE PLANNING COMMISSION AND THAT IT HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE COUNTY CLERK.

ADMIN. OFFICER, PLANNING COMM. DATE 8/11/95



Brown Land S  
211 Western Ave  
Cynthiana, Ky.  
(505) 234-1822

A PLAT OF SURVEY OF A PORTION OF THE ESTATE OF JOE FITZGERALD

SCALE: 1" = 200' DATE: 15 MAY. 95 APPROVED BY:

LOCATED APPROX. 1.5 MILES SOUTH OF HARRISON CO., KY ON US 62 AND SMISER

DEED OF RECORD: DB 179 Pg. 310