



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

# City of Cynthiana

RECEIVED AND FILED  
 DATE July 31, 2006  
 TREY GRAYSON  
 SECRETARY OF STATE  
 COMMONWEALTH OF KENTUCKY  
*Gandee Adkins*

July 20, 2006

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

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 #1419 of the City of Cynthiana, Kentucky extending its present boundary and annexing certain contiguous property to the City consisting of approximately 118.304 acres generally lying near the north side of the City and West of U.S. Highway 27 and North of CSX Railroad belonging to Jess H. Burrier II and 5.680 acres belonging to the Commonwealth of Kentucky Department of Transportation and being a portion of the right-of-way of U.S. Hwy. 27 North.

*Charleen McIlvain*  
 Charleen McIlvain, City Clerk

Subscribed, sworn to, and acknowledged before me this the 20th day of July 2006.

*Kathy M. Brooks*  
 Kathy M. Brooks, Notary

My Commission expires May 2, 2009

DATE July 31, 2006

ORDINANCE NO. 1419

TREY GRAYSON  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
BY Katie Adkinson

**AN ORDINANCE OF THE CITY OF CYNTHIANA, KENTUCKY EXTENDING ITS PRESENT BOUNDARY AND ANNEXING CERTAIN CONTIGUOUS PROPERTY TO THE CITY CONSISTING OF APPROXIMATELY 118.304 ACRES GENERALLY LYING NEAR THE NORTH SIDE OF THE CITY AND WEST OF U.S. HIGHWAY 27 AND NORTH OF CSX RAILROAD BELONGING TO JESS H. BURRIER, II AND 5.680 ACRES BELONGING TO THE COMMONWEALTH OF KENTUCKY DEPARTMENT OF TRANSPORTATION AND BEING A PORTION OF THE RIGHT-OF-WAY OF U.S. HIGHWAY 27 NORTH.**

**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 industrial development in the area west of U.S. Highway 27 and lying generally north of the existing city boundary; and

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

**WHEREAS,** plans are underway by the developer to extend municipal water and sewer facilities to the area to be annexed and to ensure safe and healthful disposal of waste in the area of development and to provide other urban services and the area is otherwise proper and suitable for annexation pursuant to KRS 81A.410 and other applicable law; and

**WHEREAS,** the City Commission of the City of Cynthiana enacted Ordinance No. 1403 dated September 13, 2005 declaring the intent of the City of Cynthiana to annex the subject property and that the City further proposed to established zoning classifications for the newly annexed property and to amend its zoning map accordingly and did further refer the matter to the Cynthiana-Harrison County-Berry Joint Planning Commission for a public hearing and findings as required by law; and

**WHEREAS,** the Cynthiana-Harrison County-Berry Joint Planning Commission conducted a public hearing on the 19th day of September 2005 continued from time to time through May 15, 2006, and subsequently made written findings of fact and conclusions regarding the appropriate zoning classifications for the subject property which findings and conclusions have been duly adopted by the City of Cynthiana; and

**WHEREAS,** the City of Cynthiana has duly published the ordinance of intent to annex along with a notice of right to protest in the Cynthiana Democrat for the time required by law with no protest having been received; and

**WHEREAS,** it is now appropriate for the City of Cynthiana to annex the subject property;

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

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

All those certain tracts or parcels of land, lying and being located in Harrison County, Kentucky: and situated on the west side of Falmouth Pike (US 27); and more particularly described as follows:

Unless stated otherwise, any monument referred to herein as an "iron pin" is a set #4 rebar, eighteen (18") inches in length, with an orange cap stamped "Darnell 3553." All bearings stated herein are referenced to Deed Book 62, Page 477.

**PARCEL 1 (17.676 Acres)**

Beginning at a mag nail in the center of St. Edwards Lane, a corner to Estil R. Anderson & Anna Ruth Anderson (D.B. 149, Pg. 749) and Don Ray Mattingly & Thelma Beatrice Mattingly (D.B. 166, Pg. 228); said point lying N.65°25'57"W. 72.01 feet from the intersection of the centerline of St. Edwards Lane and the west right-of-way of Falmouth Pike (US 27); thence with the center of St. Edwards Lane S.65°25'57"E. 72.01 feet to a mag nail at the intersection the centerline of St. Edwards Lane and the west right-of-way of Falmouth Pike (US 27); thence with the said right-of-way for ten calls as follows: (1) S.12°12'15"W. passing an iron pin at 20.44 feet, in al 313.45 feet to an

iron pin, (2) S.16°09'34"W. 300.37 feet to an iron pin, (3) S.13°17'49"W. 315.00 feet to an iron pin, (4) S.89°43'35"W. 149.16 feet to an iron pin, (5) S.73°02'41"E. 139.74 feet to an iron pin, (6) S.20°29'46"W. 51.49 feet to a point, (7) S.15°12'22"W. 240.13 feet to a point, (8) S.11°23'16"W. 150.08 feet to an iron pin, (9) S.03°24'08"E. 104.40 feet to an iron pin, and (10) S.16°55'21"W. 79.07 feet to an iron pin, a corner to Parcel 2, a new division of Jess H. Burrier, II (D.B. 193, Pg. 295); thence with said Parcel 2 S.88°19'50"W. 100.90 feet to a point and N.82°18'06"W. 433.16 feet to an iron pin, a corner to Parcel 3, a new division of Jess H. Burrier, II (D.B. 193, Pg. 295); thence with said Parcel 3 for three calls as follows: (1) N.19°12'36"E. 364.90 feet to a point, (2) N.12°18'58"E. 315.06 feet to a point, and (3) N.13°18'31"E. 258.69 feet to an iron pin, a corner to Parcel 4, a new division of Jess H. Burrier, II (D.B. 193, Pg. 295); thence with said Parcel 4 for three calls as follows: (1) N.13°18'31"E. 100.25 feet to a point, (2) with a curve to the right having a radius of 500.00 feet, an arc length of 47.69 feet, and a chord bearing N.16°02'27"E. 47.67 feet to a point, and (3) N.18°46'23"E. 311.89 feet to a mag nail in the center of St. Edwards Lane, a corner to Saint Edwards Catholic Church (D.B. 53, Pg. 511; D.B. 62, Pg. 477); thence with the center of St. Edwards Lane for seven calls as follows: (1) N.25°00'20"E. 87.76 feet to a point, (2) N.36°03'25"E. 98.88 feet to a point, (3) N.67°51'36"E. 138.29 feet to a point, (4) N.84°21'16"E. 86.21 feet to point, (5) S.77°51'23"E. 67.92 feet to a point, (6) S.73°40'59"E. 41.89 feet to a mag nail, and (7) S.68°24'33"E. 32.98 feet to the point of beginning containing an area of 17.676 acres more or less, and being subject to any and all easements or right-of-way of record and in existence and in accordance with a survey and plat by Allen Patrick Darnell, PE, PLS on June 14, 2005. See Plat recorded in Plat Cabinet \_\_\_\_\_, Sheet \_\_\_\_\_.

#### **PARCEL 2 (12.703 Acres)**

Beginning at an iron pin in the west right-of-way of Falmouth Pike (US 27); said point lying S.15°39'14"W. 1580.48 feet from the intersection of the centerline of St. Edward Lane and Falmouth Pike (US 27); thence with the said west right-of-way of Falmouth Pike (US 27) for three calls as follows: (1) S.13°26'28"W. passing an iron pin at 110.08 feet, in all 264.56 feet to an iron pin, (2) S.19°39'23"W. 196.27 feet to an iron pin, and (3) S.28°22'12"W. 255.45 feet to an iron pin, a corner to Harold Arnold (D.B. 195, Pg. 822; P.C. 3, Sh. 48D); thence with said Arnold N.74°07'07"W. 134.80 feet to an iron pin and S.00°40'58"E.

189.86 feet to a found iron pin bearing "Willhoit 3004" in the west right-of-way of Falmouth Pike (US 27); thence with said right-of-way S.45°15'32"W. 369.56 feet to a mag nail set in a tree, in the east right-of-way of CSX Railroad; thence with said right-of-way for three calls as follows: (1) N.09°27'28"W. 710.82 feet to a point, (2) N.11°52'28"W. 264.00 feet to a point, and (3) N.17°47'28"W. 132.00 feet to an iron pin, a corner to Parcel 3, a new division of Jess H. Burrier, II (D.B. 193, Pg. 295); thence with said Parcel 3 N.77°33'25"E. 141.75 feet to a point and N.83°55'06"E. 182.74 feet to an iron pin, a corner to Parcel 1, a new division of Jess H. Burrier, II (D.B. 193, Pg. 295); thence with said Parcel 1 S.82°18'06"E. 433.16 feet to a point and N.88°19'50"E. 100.90 feet to the point of beginning containing an area of 12.703 acres more or less, and being subject to any and all easements or right-of-way of record and in existence and in accordance with a survey and plat by Allen Patrick Darnell, PE, PLS on June 14, 2005. See Plat recorded in Plat Cabinet \_\_\_\_\_, Sheet \_\_\_\_\_.

**PARCEL 3 (26.467 Acres)**

Beginning at an iron pin, a corner between Parcel 1 and Parcel 4, new divisions of Jess H. Burrier, II (D.B. 193, Pg. 295); said point lying S.51°18'47"W. 903.44 feet from the intersection of the centerline of St. Edward Lane and Falmouth Pike (US 27); thence with said Parcel 1 for three calls as follows: (1) S.13°18'31"W. 258.69 feet to a point, (2) S.12°18'58"W. 315.06 feet to a point, and (3) S.19°12'36"W. 364.90 feet to an iron pin, in the line of Parcel 2, a new division of Jess H. Burrier, II (D.B. 193, Pg. 295); thence with said Parcel 2 S.83°55'06"W. 182.74 feet to a point and S.77°33'25"W. 141.75 feet to an iron pin in the east right-of-way of CSX Railroad; thence with said right-of-way for 12 calls as follows: (1) N.24°47'28"W. 264.00 to a point, (2) N.28°17'28"W. 198.00 feet to a point, (3) N.34°02'28"W. 132.00 feet to a point, (4) N.38°17'28"W. 132.00 feet to a point, (5) N.41°47'28"W. 132.00 feet to a point, (6) N.46°47'28"W. 66.00 to a point, (7) N.51°17'28"W. 198.00 feet to a point, (8) N.56°47'28"W. 155.76 feet to an iron pin, (9) N.55°17'28"W. 268.62 feet to an iron pin, (10) N.64°32'28"W. 198.00 feet to a point, (11) N.55°47'28"W. 143.22 feet to a point, and (12) N.51°57'28"W. 164.34 feet to an iron pin, a corner to Parcel 5, a new division of Jess H. Burrier, II (D.B. 193, Pg. 295); thence with said Parcel 5 N.51°34'24"E. 404.70 feet to a point, a corner to Parcel 4, a new division of Jess H. Burrier, II (D.B. 193, Pg. 295); thence with said Parcel 4 for five calls as follows: (1) S.60°41'51"E. 899.89 feet to a point, (2) S.37°45'54"E. 352.32 feet to

an iron pin, (3) N.66°27'55"E. 215.75 feet to a point, (4) with a curve to the right having a radius of 250.00 feet, an arc length of 162.24 feet, and a chord bearing N.85°03'22"E. 159.40 feet to a point, and (5) S.76°21'11"E. 330.70 feet to the point of beginning containing an area of 26.467 acres more or less, and being subject to any and all easements or right-of-way of record and in existence and in accordance with a survey and plat by Allen Patrick Darnell, PE, PLS on June 14, 2005. See Plat recorded in Plat Cabinet \_\_\_\_\_, Sheet \_\_\_\_\_.

**PARCEL 4 (22.260 Acres)**

Beginning at a mag nail in the center of St. Edwards Lane, a corner between Saint Edwards Catholic Church (D.B. 53, Pg. 511; D.B. 62, Pg. 477) and Parcel 1, a new division of Jess H. Burrier, II (D.B. 193, Pg. 295); said point lying S.77°47'43"W. 586.38 feet from the intersection of the centerline of St. Edward Lane and Falmouth Pike (US 27); thence with the said Parcel 1 for three calls as follows: (1) S.18°46'23"W. 311.89 feet to a point, (2) with a curve to the left having a radius of 500.00 feet, an arc length of 47.69 feet, and a chord bearing S.16°02'27"W. 46.67 feet to a point, and (3) S.13°18'31"W. 100.25 feet to an iron pin, a corner to Parcel 3, a new division of Jess H. Burrier, II (D.B. 193, Pg. 295); thence with said Parcel 3 for five calls as follows: (1) N.76°21'11"W. 330.70 feet to a point, (2) with a curve to the left having a radius of 250.00 feet, an arc length of 162.24 feet, and a chord bearing S.85°03'22"W. 159.40 feet to a point, (3) S.66°27'55"W. 215.75 feet to an iron pin, (4) N.37°45'54"W. 352.32 feet to a point, and (5) N.60°41'51"W. 899.89 feet to a point in the line of Parcel 5, a new division of Jess H. Burrier, II (D.B. 193, Pg. 295); thence with said Parcel 5 N.51°34'24"E. 289.64 feet to an iron pin, in the line of Daniel F. Wright & Nancy K. Wright (D.B. 214, Pg. 38); thence with said Wright for seven calls as follows: (1) S.41°19'34"E. 68.49 feet to an iron pin, (2) S.61°00'31"E. 198.00 feet to an iron pin, (3) N.74°13'13"E. 178.20 feet to an iron pin, (4) N.73°08'13"E. 343.20 feet to an iron pin, (5) S.88°11'47"E. 132.00 feet to an iron pin, (6) S.84°01'47"E. 396.00 feet to an iron pin, and (7) N.06°20'56"W. 18.29 feet to a mag nail in the center of St. Edwards Lane, a corner to Saint Edwards Catholic Church (D.B. 53, Pg. 511; D.B. 62, Pg. 477); thence with the center of said road for eight calls as follows: (1) S.70°45'40"E. 78.94 feet to a point, (2) S.39°19'33"E. 48.27 feet to a point, (3) S.28°29'51"E. 106.33 feet to a point, (4) S.28°35'52"E. 77.53 feet to a point, (5) S.30°01'07"E. 71.99 feet to a point, (6) S.34°47'53"E. 70.68 feet to a point, (7) S.39°21'39"E. 64.93 feet to a

point, and (8) S.65°13'17"E. 39.23 feet to the point of beginning containing an area of 22.260 acres more or less, and being subject to any and all easements or right-of-way of record and in existence and in accordance with a survey and plat by Allen Patrick Darnell, PE, PLS on June 14, 2005. See Plat recorded in Plat Cabinet \_\_\_\_\_, Sheet \_\_\_\_\_.

**PARCEL 5 (39.199 Acres)**

Beginning at an iron pin in the line of Daniel F. Wright & Nancy K. Wright (D.B. 214, Pg. 38) and a corner to Parcel 4, a new division of Jess H. Burrier, II (D.B. 193, Pg. 295); said point lying N.81°45'31"W. 2179.30 feet from the intersection of the centerline of St. Edward Lane and Falmouth Pike (US 27); thence with said Parcel 4 S.51°34'24"W. 289.64 feet to a point, a corner to Parcel 3, a new division of Jess H. Burrier, II (D.B. 193, Pg. 295); thence with said Parcel 3 S.51°34'24"W. 404.70 feet to an iron pin in the east right-of-way of CSX Railroad; thence with said right-of-way for four calls as follows: (1) N.47°17'28"W. 258.72 feet to point, (2) N.41°17'28"W. 198.00 feet to a point, (3) N.33°17'28"W. 176.88 feet to an iron pin, and (4) N.38°02'28"W. passing an iron pin at 1392.25 feet, in all 1444.08 feet to a point at the south bank of the South Fork of the Licking River; thence with said bank for six calls as follows: (1) N.60°34'48"E. 203.28 feet to a point, (2) N.57°34'48"E. 170.94 feet to a point, (3) N.72°49'48"E. 161.04 feet to point, (4) S.89°50'12"E. 150.48 feet to a point, (5) S.75°50'12"E. 191.40 feet to a point, and (6) S.68°25'12"E. 217.14 feet to a point, a corner to the City of Cynthiana (A. Keller Dam); thence with said City of Cynthiana for three calls as follows: (1) S.32°34'48"W. 154.44 feet to an iron pin, (2) S.36°05'12"E. 262.02 feet to an iron pin, and (3) N.59°09'48"E. 201.30 feet to a point at the south bank of the South Fork of the Licking River; thence with said bank S.62°25'14"E. 248.82 feet to a point, a corner to Daniel F. Wright & Nancy K. Wright (D.B. 214, Pg. 38); thence with said Wright for four calls as follows: (1) S.22°52'56"W. 92.40 feet to an iron pin, (2) S.59°07'04"E. 330.00 feet to an iron pin, (3) S.04°59'00"E. 109.56 feet to an iron pin, and (4) S.11°34'00"E. 584.10 feet to the point of beginning containing an area of 39.199 acres more or less, and being subject to any and all easements or right-of-way of record and in existence and in accordance with a survey and plat by Allen Patrick Darnell, PE, PLS on June 14, 2005. See Plat recorded in Plat Cabinet \_\_\_\_\_, Sheet \_\_\_\_\_.

**PARCEL 6 (5.680 Acres)**

Beginning at a mag nail in the center of St. Edwards Lane and the west right-of-way of Falmouth Pike (US 27), a corner to Jess H. Burrier, II (D.B. 193, Pg. 295); said point lying N.65°25'57"W. 67.28 feet from the intersection of the centerline of St. Edward Lane and Falmouth Pike (US 27); thence crossing Falmouth Pike (US 27) S.65°25'57"E. 124.56 feet to an iron pin in the east right-of-way of Falmouth Pike (US 27), in the line of The Perry W. Wornall, James R. Rice, and David Grinstead Partnership (D.B. 218, Pg. 117); thence with the said Perry W. Wornall, James R. Rice, and David Grinstead Partnership S.13°37'56"W. 289.49 feet to a point and S.07°36'29"W. 12.98 feet to a point, a corner to Garnett Bruin & Susan Bruin (D.B. 199, Pg. 345); thence with said Bruin S.07°36'29"W. 64.45 feet to a point, a corner to Donald Thomas Ware & Polly C. Ware (D.B. 182, Pg. 121; P.C. 2, Sh. 140A); thence with said Ware for four calls as follows: (1) S.07°36'29"W. 123.57 feet to a point, (2) S.11°40'55"W. 350.14 feet to a point, (3) S.12°30'01"W. 350.04 feet to an iron pin, and (4) S.20°26'37"W. 62.28 feet to a point in the north right-of-way of Indian Creek Road; thence in part with said right-of-way and the Burley Co-op Marketing Center, LLC (D.B. 258, Pg. 210; P.C. 3, Sh. 44C) S.20°26'37"W. 139.27 feet to a point; thence continuing with said Burley Co-op Marketing Center, LLC S.16°31'04"W. 179.19 feet to point and S.22°55'17"W. 111.45 feet to an iron pin, a corner to Robert L. Ammerman & Betty W. Ammerman (D.B. 161, PG. 512; D.B. 89, Pg. 296) and a corner to Church Street; thence with said Church street and across Falmouth Pike (US 27) N.76°33'32"W. 100.64 feet to an iron pin, in the line of Jess H. Burrier, II (D.B. 193, Pg. 295); thence with said Burrier for 11 calls as follows: (1) N.13°26'28"E. 110.08 feet to an iron pin, (2) N.16°55'21"E. 79.07 feet to an iron pin, (3) N.03°24'08"E. 104.40 feet to an iron pin, (4) N.11°23'16"E. 150.08 feet to a point, (5) N.15°12'22"E. 240.13 feet to a point, (6) N.20°29'46"E. 51.49 feet to an iron pin, (7) N.73°02'41"W. 139.74 feet to an iron pin, (8) N.89°43'35"E. 149.16 feet to an iron pin, (9) N.13°17'49"E. 315.00 feet to an iron pin, (10) N.16°09'34"E. 300.37 feet to an iron pin, and (11) N.12°12'15"E. passing an iron pin at 293.01 feet, in all 313.45 feet to the point of beginning containing an area of 5.680 acres more or less, and being subject to any and all easements or right-of-way of record and in existence and in accordance with a survey and plat by Allen Patrick Darnell, PE, PLS on June 14, 2005. See Plat recorded in Plat Cabinet \_\_\_\_\_, Sheet \_\_\_\_\_.



Said properties being a portion of that property conveyed Jess H. Burrier, III by Martha Thom LeBus Estate by deed dated July 1, 1992 and recorded in Deed Book 193, Page 295. See Also Deed Book 271, Page 440.

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:** Pursuant to the recommendation of the Cynthiana-Harrison County-Berry Joint Planning Commission, the property to be annexed has been assigned the following zoning classifications as set forth below and as further set forth on the map which is attached hereto as a part hereof:

- (1) Parcel 1 is B-3 (Highway Commercial).
- (2) Parcel 2 is I-1 (Light Industry).
- (3) Parcel 3 is R-2 (Residential 2).
- (4) Parcel 4 is R-1B (Residential 1B).
- (5) Parcel 5 is A-1 (Agricultural).
- (6) Parcel 6 is highway right-of-way. Zoning unchanged.

**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 immediately from and after its passage, approval and publication as required by law.

First reading and approval:

June 26, 2006

Second reading and passage:

June 27, 2006

Virgie Florence Wells  
Mayor Virgie F. Wells

**ATTEST:**

Charleen McIlvain  
Charleen McIlvain, City Clerk

OVERSIZE MAP INCLUDED WITH  
SUBMISSION.

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