

CERTIFICATION FOR KRS 81A.470 FILINGS

I certify I am the duly qualified City Clerk of the City of Ferguson, Kentucky,
and the following 7 pages of Resolution No. (or Resolution dated 22-1 is a true,
correct and complete copy duly adopted by the City Council at a duly convened meeting
held on March 24, 2022, all as appears in the official records of said City.

WITNESS, my hand and (Seal or the Seal of said City), this 27th day of March
_____, 2022.

Debbie Lake
Debbie Lake, City Clerk

(Seal).

RECEIVED AND FILED
DATE April 5, 2022

MICHAEL G. ADAMS
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Kandice Aderson

RESOLUTION 22-1
CITY OF FERGUSON, KENTUCKY

A RESOLUTION TO THE CITY OF FERGUSON, KENTUCKY, REGARDING TERESA AVENUE; RECITATION OF THE HISTORY OF TERESA AVENUE IN THE CITY OF SOMERSET, THE INTENT OF THE CITY OF FERGUSON FOR CONTINUED INCLUSION OF TERESA AVENUE IN THE CITY OF SOMERSET CORPORATE BOUNDARIES, REQUEST FOR STATE AND LOCAL OFFICIALS TO RECOGNIZE THE SAME, AND PROVISION OF AUTHORITY FOR THE MAYOR AND THE CITY ATTORNEY OF THE CITY OF FERGUSON TO FILE QUASI-COURT AND COURT ACTION TO CORRECT IF NEEDED;

WHEREAS, the residential street Teresa Avenue is in the former "Haney Farm" real property boundaries which is described in Deed Book 558, Page Number 414 (Haney to Thacker, 11-29-1994) filed of record in the Pulaski County Court Clerk's Office, and attached as Exhibit A to the Resolution approved by the City of Somerset on the 14th of March, 2022, and incorporated in full into this Resolution by reference; and

WHEREAS, the Haney Farm was annexed by the City of Somerset by Ordinance 494 in May of 1973, and said annexation ordinance references the Haney Farm in the metes and bounds description of the annexed real property by using calls from the Haney Farm boundaries found in the governing deed at the time, said Ordinance attached as Exhibit B to the Resolution approved by the City of Somerset on the 14th of March 2022, and incorporated in full into this Resolution by reference; and

WHEREAS, Teresa Avenue was developed in the early 2000's by the Thacker and Acey families and included application to and supervision of City of Somerset code department. Further, the Teresa Avenue has been dedicated a city street in a Somerset City Council meeting held on July 14, 2003, and the street has been maintained by the City of Somerset since 2003, said street dedication attached as Exhibit C to the Resolution approved by the City of Somerset on the 14th of March 2022, and incorporated in full into this Resolution by reference; and

WHEREAS, the residents of Teresa Avenue have dutifully paid taxes to the City of Somerset and paid "in city" rates for City of Somerset utility services since the residential development of the street. Further, the residents of Teresa Avenue have voted in City of Somerset elections since the residential street was developed; and

WHEREAS, a 2008 survey of the complete boundary of City of Ferguson by a real property certified surveyor, Tim Woodcock, and that same correctly shows Teresa Avenue and the remainder of the Haney Farm outside of the City of Ferguson's city boundaries, the relevant part of said survey for Teresa Avenue attached as Exhibit D to the Resolution approved by the City of Somerset on the 14th of March 2022, and incorporated in full into this Resolution by reference; and

WHEREAS, the City of Ferguson makes no official claim to the Haney Farm or Teresa Lane which is the subject of this resolution, and has indicated so to officials at both the state, and at the local government level, and having made no request for a change to be made placing said street or residents within the boundaries of the City of Ferguson;

NOW THEREFORE, the Common Council of the City of Ferguson hereby states and respectfully requests the following:

1. That Teresa Avenue shall be rightly recognized, based on the records referenced within this Resolution, as well as attached to the City of Somerset's Resolution approved on March 14, 2022 as Exhibits, and finally, items as attached to this Resolution of the City of Ferguson, specifically a plat and legal description as prepared at the request of the Secretary of State Land Office;

2. That the property described in the plat and legal description be determined to be solely within the City of Somerset's corporate boundaries, and not within the City of Ferguson's corporate boundaries;

3. That the Pulaski PVA Office restore its maps and other records as necessary to for Teresa Avenue, and the Haney Farm from which it was conveyed, are located solely in the City of Somerset's corporate boundaries, and not within the City of Ferguson's corporate boundaries;

4. That the Pulaski County Clerk's Office restore its maps and other records showing Teresa Avenue, and the Haney Farm, solely in the City of Somerset's corporate boundaries in order to ensure that the residents of Teresa Avenue and the affected area retain and/or obtain the ability to vote in the primary election, May of 2022; and

5. That the Mayor and City Attorney are hereby given the authority to file any court or quasi-court action/proceeding, including but not limited to, the filing of a Declaratory Action in the Pulaski Circuit Court on behalf of the City of Ferguson, if need be, to ensure the Teresa Avenue residents are determined to be solely in the City of Somerset corporate boundaries, so as to allow said residents to exercise their rights and duties as citizens of the City of Somerset, including, but not limited to, their rights to vote, their duties to pay ad valorem taxes to the proper taxing authority, the City of Somerset, to enjoy the "in city" utility rates as described herein, and any and all other relief to which said residents, of either City, may be entitled under the law.

6. That the City of Ferguson recognizes that the Office of Secretary of State receives filings affecting city boundaries pursuant to KRS 81A.470. Those filings are copied for the Kentucky Geography Network under the auspices of the Commonwealth Office of Technology

in the Finance Cabinet and their staff adjust all interactive maps linked to the Kentucky Cities website.

7. Further, the City of Ferguson recognizes and understands that interactive maps are based on filings with the Office of Secretary of State, and by the approval of this Resolution by the City of Ferguson, the City of Ferguson is asking to sever a particular area that was incorrectly included on the KRS 81.045 boundary submission in 1981. The City of Ferguson herein adopts the attached description and plat limited to the severed area, both of which have been prepared and certified by a professional land surveyor, and both which are incorporated in full herein by reference.

8. By approving this Resolution, the City of Ferguson herein states that the City of Ferguson's submission in 1981 incorrectly depicted the area in question. It is understood that the attached description and plat removing the area will be copied and sent to the state mapping office after review by the proper authorities at the Secretary of State's Office.

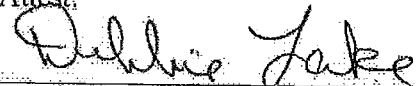
Reading on the 24th of March, 2022.

Approved:



Mayor of City of Ferguson

Attest:



City Clerk, City of Ferguson

A description of
A portion of Somerset City Ordinance #494

A certain tract or parcel of Land lying and being in the city of Somerset Kentucky south of Govers Lane and being more particularly described as follows;

This is NOT a boundary survey. This description is for the purpose of correcting the city boundaries of Ferguson and Somerset in this area only. This description is of an area that was incorrectly shown as part of the City of Ferguson in their 81.045 boundary submission. This area is not now nor has it ever been annexed by the City of Ferguson. This area was annexed by the City of Somerset as a part of Somerset Annexation 494 on May 30, 1972.

Note: All IPS are 5/8" iron rebar with a 2" aluminum disk stamped City of Ferguson City Limits
All bearings are referenced to grid north Kentucky South Zone NAD83.

Beginning at an IPS at a power pole in the south right-of-way of Govers Lane and in the west boundary of the Somerset Acres Subdivision. Said pin also being in the boundary between the City of Somerset (Ordinance #494 and the City of Ferguson Ordinance #26) and having a state plane coordinate of N:1909107.479 E:1976703.502.

Thence with the south right-of-way of Govers Lane N 61°50'46" E a distance of 489.66' to an IPS.

Thence N 68°32'11" E a distance of 185.69' to an IPS.

Thence N 81°07'50" E a distance of 281.22' to an IPS.

Thence S 01°01'07" W a distance of 712.96' to a point.

Thence S 00°59'03" W a distance of 618.19' to a point.

Thence S 59°11'26" W a distance of 348.95' to a point.

Thence S 56°05'40" W a distance of 207.79' to a point.

Thence S 59°03'56" W a distance of 336.96' to a point.

Thence S 73°54'44" W a distance of 655.44' to a point in the Ferguson/Somerset city limits boundary.

Thence with the Ferguson city limits boundary N 17°25'09" W a distance of 253.49' to an IPP.

Thence N 73°58'00" E a distance of 66.81' to an IPP.

Thence N 13°54'29" W a distance of 101.94' to an IPS.

Thence N 78°36'41" E a distance of 32.25' to an NWS.

Thence S 28°15'02" E a distance of 11.47' to an IPS.

Thence N 72°17'33" E a distance of 505.81' to an IPS.

Thence N 20°40'04" W a distance of 121.55' to an IPS.

Thence N 73°38'36" E a distance of 188.03' to an IPS.

Thence S 16°46'39" E a distance of 76.29' to a NWS.

Thence N 84°20'52" E a distance of 181.09' to an IPS near the southwest corner of Somerset Acres subdivision. Thence with the Somerset Acres Subdivision west boundary lines the following 3 courses and distances;

1. N 13°09'51" W a distance of 619.00' to an IPS.
2. N 34°00'37" W a distance of 120.00' to an IPS.
3. N 14°40'27" W a distance of 325.64' to the point of beginning.

Having an area of 1,326,450.53 square feet, 30.451 acres.
Description prepared by Timothy D. Woodcock PLS#3124.
March 21, 2022.

A description of
A portion of Somerset City Ordinance #494

A certain tract or parcel of Land lying and being in the city of Somerset Kentucky south of Govers Lane and being more particularly described as follows:

This is NOT a boundary survey. This description is for the purpose of correcting the city boundaries of Ferguson and Somerset in this area only. This description is of an area that was incorrectly shown as part of the City of Ferguson in their 81.045 boundary submission. This area is not now nor has it ever been annexed by the City of Ferguson. This area was annexed by the City of Somerset as a part of Somerset Annexation 494 on May 30, 1972.

Note: All IPS are 5/8" iron rebar with a 2" aluminum disk stamped City of Ferguson City Limits
All bearings are referenced to grid north Kentucky South Zone NAD83.

Beginning at an IPS at a power pole in the south right-of-way of Govers Lane and in the west boundary of the Somerset Acres Subdivision. Said pin also being in the boundary between the City of Somerset (Ordinance #494 and the City of Ferguson Ordinance #26) and having a state plane coordinate of N:1909107.479 E:1976703.502.

Thence with the south right-of-way of Govers Lane N 61°50'46" E a distance of 489.66' to an IPS.

Thence N 68°32'11" E a distance of 185.69' to an IPS.

Thence N 81°07'50" E a distance of 281.22' to an IPS.

Thence S 01°01'07" W a distance of 712.96' to a point.

Thence S 00°59'03" W a distance of 618.19' to a point.

Thence S 59°11'26" W a distance of 348.95' to a point.

Thence S 56°05'40" W a distance of 207.79' to a point.

Thence S 59°03'56" W a distance of 336.96' to a point.

Thence S 73°54'44" W a distance of 655.44' to a point in the Ferguson/Somerset city limits boundary.

Thence with the Ferguson city limits boundary N 17°25'09" W a distance of 253.49' to an IPF.

Thence N 73°58'00" E a distance of 66.81' to an IPF.

Thence N 13°54'29" W a distance of 101.94' to an IPS.

Thence N 78°36'41" E a distance of 32.25' to an NWS.

Thence S 28°15'02" E a distance of 11.47' to an IPS.

Thence N 72°17'33" E a distance of 505.81' to an IPS.

Thence N 20°40'04" W a distance of 121.55' to an IPS.

Thence N 73°38'36" E a distance of 188.03' to an IPS.

Thence S 16°46'39" E a distance of 76.29' to a NWS.

Thence N 84°20'52" E a distance of 181.09' to an IPS near the southwest corner of Somerset Acres subdivision. Thence with the Somerset Acres Subdivision west boundary lines the following 3 courses and distances;

1. N 13°09'51" W a distance of 619.00' to an IPS.
2. N 34°00'37" W a distance of 120.00' to an IPS.
3. N 14°40'27" W a distance of 325.64' to the point of beginning.

Having an area of 1,326,450.53 square feet, 30.451 acres.
Description prepared by Timothy D. Woodcock PLS#3124.
March 21, 2022.

