RECEIVED AND FILED
DATE April 13, 2018

ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY K Adkins

CITY OF FLEMINGSBURG, KENTUCKY
ORDINANCE NO. 2-18-1

AN ORDINANCE OF THE CITY OF FLEMINGSBURG, KENTUCKY ANNEXING INTO ITS CORPORATE LIMITS LAND OWNED BY ASHLEY ALDERMAN AND MARY L. ALDERMAN HEREINAFTER DESCRIBED.

WHEREAS, certain owners of real estate have consented in writing to the annexation of a certain parcel of their real estate located in Mallard Heights in Fleming County, Kentucky, said property being contiguous with the current corporate limits of the City of Flemingsburg; and

WHEREAS, said property is identified and described in the land survey and plat representing said survey by Travis M. McGlone, R.L.S., dated April 5, 2018 and which will be placed of record in Plat Cabinet No. 4, Slide No. 513, Fleming County Clerk's Office, and will be recorded within sixty (60) days of passage as permitted by KRS 81A.470 and KRS 81A.475, and

WHEREAS, said property is adjacent to and contiguous with the City's boundaries and is urban in character and is suitable for development for urban purposes without unreasonable delay,

WHEREFORE, BE IT ORDAINED BY THE CITY OF FLEMINGSBURG, KENTUCKY:

SECTION 1: AUTHORITY

The annexation of the hereinafter described land is authorized by KRS 82.082 and KRS 81A.400 et seq.

SECTION 2: CONSENT TO ANNEXATION

The below referenced written consent to annexation executed, acknowledged and delivered to the City of Flemingsburg, Kentucky pursuant to KRS 81A.412 and of record in the office of the Fleming County Clerk are hereby acknowledged and accepted by the City of Flemingsburg, Kentucky for all intents and purposes expressed therein; said consents to annexation are made a part of this ordinance by reference; to-wit:-

Property Owner:	Consent Recorded At	Property Consent Applies To
Ashley Alderman and Mary L. Alderman	MC 3, Page 582	*D.B. 193 Page 198

SECTION 3: ANNEXATION

A. The land described in subsection C. below is found to be contiguous with and adjacent to the boundaries of the City of Flemingsburg, Kentucky and is suitable for development for urban purposes without unreasonable delay.

B. The land described in subsection C. below is hereby annexed to and shall be within the corporate limits of the City of Flemingsburg, Kentucky.

C. The land annexed by the City of Flemingsburg, Kentucky by operation of this ordinance is described as follows:

A certain tract of land located in Mallard heights, Flemingsburg, Fleming County, Kentucky. Being a part of the property described in Deed Book 153, Page 448.

BEGINNING at a pin and cap in the West right-of-way line of Windsor road. Said pin and cap being located S 12° 51' 03" W a distance of 50.00 feet from the right-of-way intersection of the North right-of-way of Brookhaven with the West right-of-way of Windsor Road; thence with the West right-of-way of Windsor Road S 12° 51' 03" W a distance of 266.89 feet to a pin and cap; thence leaving Windsor Road N 77° 08' 57" W a distance of 226.79 feet to a pin and cap in the boundary line of Indian Fields Subdivision; thence with the boundary line of Indian Fields Subdivision N 4° 43' 09" E a distance of 269.60 feet to a pin and cap thence leaving the boundary line S 77° 08' 57" E a distance of 264.93 feet to the beginning.

This tract of land **contains 1.507 acres** including the 15 foot utility easement located at the front of the property along Windsor Road.

Being the same property conveyed to Ashley Alderman and Mary L. Alderman, husband and wife, from J. B. Shannon and Evelyn L. Shannon, husband and wife, et al by deed dated the 26th day of May, 1998, and of record in Deed Book 193, Page 198, Fleming County Clerk's Office.

This conveyance is subject to all other easements and restrictive covenants of record in the Fleming County Clerk's Office.

First parties also by this conveyance grant unto Second Parties the non-exclusive right for the benefit of themselves, their heirs and assigns, the right to use Windsor Road and Ashbrook Drive for purposes of ingress and egress and from public roads and streets.

The Grantors herein have on this date executed a Restrictive Covenant prohibiting the sale of recreational vehicles on the remaining land they own in Mallard Heights

Subdivision.

THERE IS EXCEPTED AND NOT CONVEYED HEREIN a parcel of land located in the City Limits of Flemingsburg, Fleming County, Kentucky, and which is more particularly described as follows:-

BEGINNING at a pin and cap in the West R. O. W. Line of Windsor Road said pin and cap being located S 12°51'03" W a distance of 316.89 feet from the R. O. W. intersection of the North R. O. W. of Brookhaven Drive and the West R. O. W. of Windsor Road; thence with the West R. O. W. of Windsor Road S 9°27'37" W a distance of 294.17 feet to a pin and cap; thence leaving Windsor Road N 77°08'57" a distance of 202.47' to a pin and cap in the boundary line of Indian Fields Subdivision; thence with the boundary line N 4°43'09" E a distance of 296.63 feet to a pin and cap; thence leaving the boundary line S 77°08'57" E a distance of 227.03 feet to the beginning.

This tract of land **contains 1.488 acres** including the 15 foot utility easement located at the front of this property along Windsor Road.

Being the same property conveyed to Fred Crump, single from Ashley Alderman and Mary Alderman, husband and wife, et al by deed dated the 22nd day of December, 2014, and of record in Deed Book 255, Page 372, Fleming County Clerk's Office.

IT IS AGREED AND UNDERSTOOD that this conveyance is subject to the following restrictive covenants, which run with the land conveyed hereby:

1. No car wash may be operated hereon for ten (10) years from the date of this deed; and

2. No storage buildings may be operated hereon for twenty (20) years from the date of this deed.

If either of these covenants are violated the Sellers herein shall have a right to collect actual damages from the Buyer herein, in the Fleming Circuit Court Action for damages which must be filed within five (5) years of the date of sale to the Party violating the restrictions.

D. The map of the area described in subsection C. above is drawn and will be placed of record in the Fleming County Plat Cabinet upon final passage of this Annexation Ordinance .

SECTION 4: EFFECTIVE DATE

This Ordinance shall become effective upon two (2) readings thereof, roll call vote passage by the City Council, approval by the Mayor and publication as required by law.

(Balance of page intentionally left blank)

COUNCIL ACTION
ORDINANCE NO. 2-18-1

First Reading of this Ordinance was had on January 8th, 2018.

Joetta Marshall

Joetta Marshall, City Clerk

Second Reading of this Ordinance was had on February 12 2018, and upon roll call vote was adopted by the City Council of the City of Flemingsburg, Kentucky.

Joetta Marshall

Joetta Marshall, City Clerk

MAYORAL APPROVAL

I hereby accept and approve the foregoing Ordinance No. 2-18-1 and direct same to be published in accordance with applicable law this 15th day of February 2018.

Martin L. Voiers

Martin L. Voiers, Mayor

ATTEST:

Joetta Marshall

Joetta Marshall, City Clerk

PREPARED BY:

Kimberly Leet Razor
Attorney-At-Law
City Attorney
129 West Water Steet
Flemingsburg, Kentucky 41041
Phone: 606-845-2771
Fax: 606-849-3010
E-mail: kimrazorlaw@outlook.com

CERTIFICATION PURSUANT TO KRS 81A.470

I, Joetta Marshall, duly appointed City Clerk for the City of Flemingsburg, certify that the attached copy of Annexation ordinance # 2-18-1, passed on February 15, 2018, is a true and accurate copy of the ordinance on file at City Hall.

Joetta Marshall

Joetta Marshall, City Clerk

City of Flemingsburg, Kentucky

(seal)

Surveyor's Intention and Legal Description

The intent of this legal description is to provide a metes and bounds description of the area denoted in Ordinance No. 2-18-1 by the City of Flemingsburg, Kentucky to annex the property of Ashley and Mary L. Alderman DB 193 PG 198 per the Records of the Fleming County Clerk's Office; as prepared by Travis A. McGlone PLS 3919 of Buffalo Trace Surveying, LLC of 1386 Logan Run Road, Flemingsburg, KY 41041 on 4/5/2018. The following description was prepared in accordance with the information collected at the Fleming County Clerk's & Property Valuation Administration offices and the official records of the City of Flemingsburg. The boundary is based on deed plots and Record Plats. Some deeds were adjusted for closure and placed within the Kentucky State Plane Coordinate System (NAD 83) Single zone.

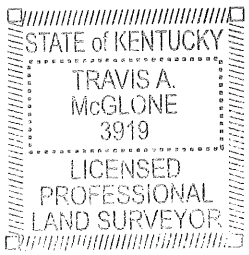
Ordinance No. 2-18-1 legal description:

Being a certain territory of land adjoining the existing limits of the City of Flemingsburg and lying approximately 300' West of the Flemingsburg By-Pass at the junction Brookhaven Drive and Windsor Road in Fleming County, Kentucky and being more particularly described as follows:

Beginning at the West Right of way of Windsor Road (PC 1 Slide 71) at its junction with Brookhaven Drive being corner to Ashley & Mary L. Alderman DB 193 PG 198 and Rowan Restaurants LLC & Fleming Pharmacists Properties LLC DB 235 PG 236, having a Kentucky State Plane Coordinate (NAD 83-Single Zone) position of Northing: 4048210.33 & Easting: 5493077.67; Thence along the West right of way of Windsor Road S11°56'04"W a distance of 267.13' to the South East corner of Alderman; Thence leaving the right of way along the existing City Limits and Fred Crump DB 255 PG 372 line N 78°00'20"W a distance of 226.79' to the South West corner of Alderman; Thence along the Eugene W. Crain DB 249 PG 1 Tract 4 line N03°48'10" E a distance of 269.60' to the North West Corner of Alderman; Thence along the North line of Alderman S78°03'56"E a distance of 264.92' to the point of beginning containing 1.507 acres of territory included in the City of Flemingsburg Ordinance 2-18-1 annexation.

4/5/2018

Travis A. McGlone PLS 3919 Date

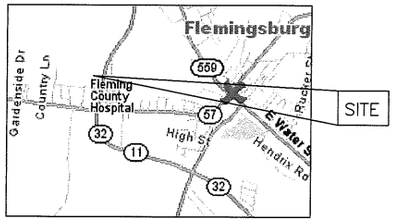


LEGEND

- 1/2" X 18" IRON PIN & CAP SET (ORANGE PLASTIC CAP STAMPED "T. MCGLONE PLS 3919")
- MAG NAIL SET (2 1/4") – WITH 1.5" WASHER STAMPED "T.MCGLONE PLS 3919"
- 1/2" IRON PIN & CAP FOUND
- POINT ON BOUNDARY LINE (NO MONUMENT SET)
- TREE (AS NOTED ON PLAT)
- EXISTING FENCE
- BOUNDARY LINE – ORDINANCE 0-00-0
- CENTERLINE OF ROAD
- GRAVEL DRIVE/ROAD

ALL MONUMENTS ARE NEW UNLESS NOTED AS FOUND (RECORD)

VICINITY MAP (NTS)



FILE: FLEMINGSBURG ANNEX STORAGE.DWG

BUFFALO TRACE SURVEYING, LLC

TRAVIS MCGLONE, PLS
1386 LOGAN RUN ROAD
FLEMINGSBURG, KY 41041
PHONE: 606-845-2812
EMAIL:btsurveying@gmail.com

NEW PLAT OF CITY ANNEXATION FOR THE CITY OF FLEMINGSBURG (ORDINANCE NO. 2-18-1)

259 WINDSOR ROAD
FLEMINGSBURG, FLEMING COUNTY, KENTUCKY
DATE: 4/5/2018 SCALE: 1"=100'

CLIENT: CITY OF FLEMINGSBURG
ADDRESS: 140 W. ELECTRIC AVE
FLEMINGSBURG, KY 41041

REVIEW DATE: 1/29/2018

FIELD SURVEY DATE: 1/24/2018

SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THE INFORMATION SHOWN ON THIS PLAT WAS OBTAINED BY MYSELF OR PERSONS UNDER MY DIRECT SUPERVISION. DEED PLOTS AND PRIOR PLATS WERE USED TO ESTABLISH BOUNDARY AND WERE ADJUSTED FOR CLOSURE. THIS PLAT IS NOT A PRODUCT OF A FIELD SURVEY AND DOES NOT COMPLY WITH 201 KAR 18:150 AND IS NOT INTENDED FOR TRANSFER.

4/5/2018

TRAVIS A. MCGLONE PLS 3919 DATE

THIS PLAT OF SURVEY DOES NOT REPRESENT A BOUNDARY SURVEY AND IS NOT INTENDED FOR LAND TRANSFER.

0' 100' 200' 300'

RECORD SOURCE
DEED BOOK:193 PAGE:198

STATE of KENTUCKY
TRAVIS A. McGLONE
3919
LICENSED PROFESSIONAL LAND SURVEYOR

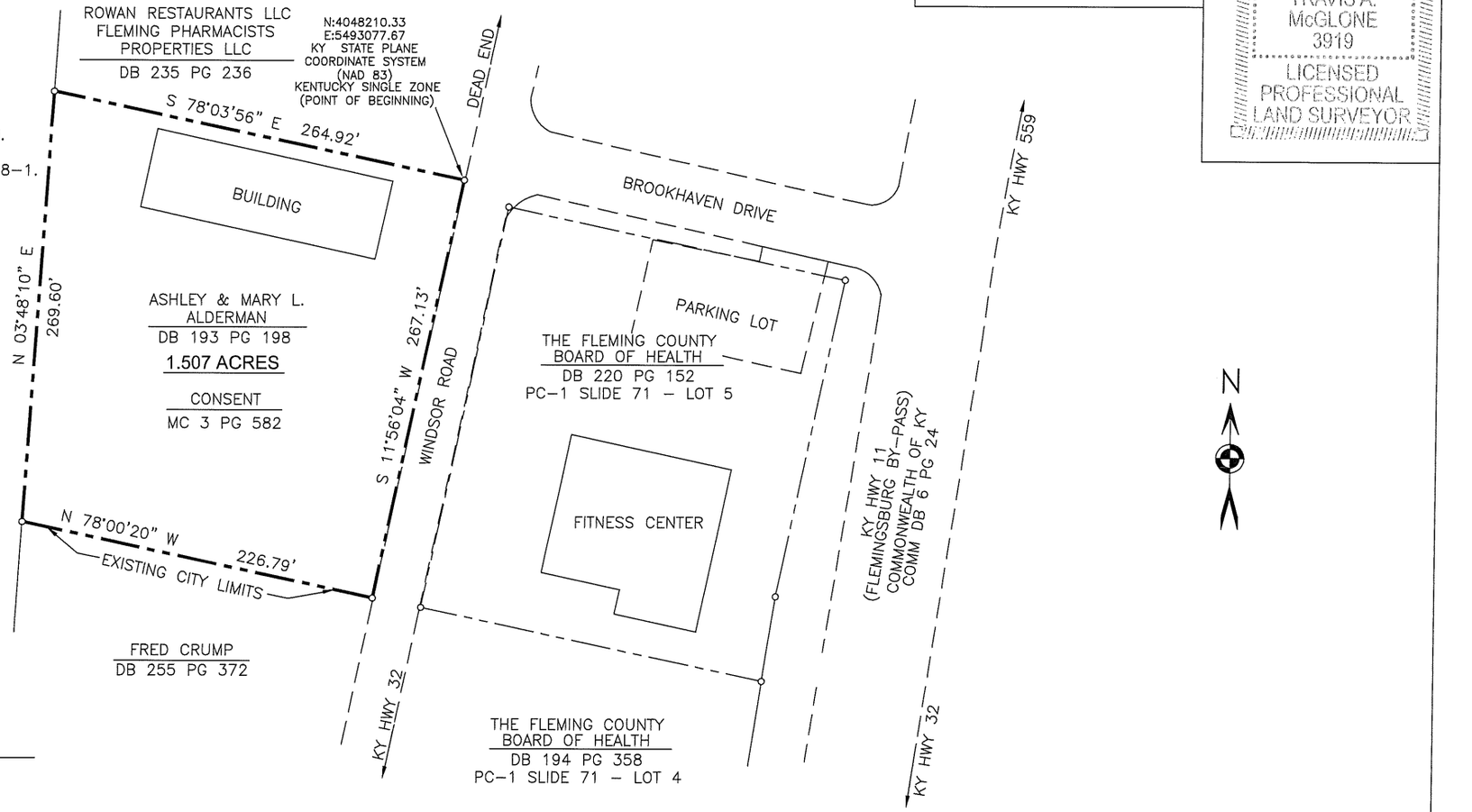
NOTES:

BEARINGS COORDINATED TO THE KY STATE PLANE COORDINATE SYSTEM (SINGLE ZONE) (NAD 83) PER GPS OBSERVATIONS ON DATE OF SURVEY 1/24/2018.

THIS PLAT OF SURVEY DOES NOT REPRESENT A BOUNDARY SURVEY, ONLY FITTED DEED PLOTS AND PRIOR PLATS. SOME DEEDS WERE ADJUSTED FOR CLOSURE AND WERE ORIENTED WITHIN THE KENTUCKY SINGLE ZONE STATE PLANE COORDINATE SYSTEM.

PURPOSE OF PLAT IS TO MORE ACCURATELY DEFINE THE BOUNDARY DESCRIBED IN THE CITY OF FLEMINGSBURG ORDINANCE 2-18-1.

ALL DEED SOURCES SHOWN ACCORDING TO INFORMATION COLLECTED AT THE FLEMING COUNTY CLERK'S OFFICE AND FLEMING COUNTY PROPERTY VALUATION ADMINISTRATION AND WERE NOT FIELD VERIFIED.



COUNTY CLERK CERTIFICATION

I hereby certify that this subdivision plat was presented to me and accepted for recording in the office of the County Clerk and Recorder of Fleming County at the City of Flemingsburg, Kentucky on this ____ day of _____, 20__ at _____(time).

SIGNATURE OF FLEMING COUNTY CLERK/RECORDED RECEPTION NO.

RECORDED IN PLAT CABINET 4 SLIDE _____