RECEIVED AND FILED
DATE December 4, 2014

ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Kandie Atkinson

CITY OF FLEMINGSBURG

COMMONWEALTH OF KENTUCKY

RESOLUTION NO. 14-11-1

A RESOLUTION ADOPTING A MODERN AND ACCURATE

LEGAL DESCRIPTION OF TERRITORY PREVIOUSLY ANNEXED BY ORDINANCE

Whereas, the City of Flemingsburg has enacted numerous ordinances annexing property into the corporate limits of the City of Flemingsburg, and

Whereas, while each individual annexation contains a prior survey often prepared by a now unknown individual with reference documentation that no longer exists, the surveyor responsible for the performance of the survey of the area described in the ordinance stated hereinafter in Section 1 being one and the same surveyor responsible for the preparation on the NEW MAP and LEGAL DESCRIPTION of that same area as stated in Section 2 herein, and

Whereas, the City wishes to provide modern, accurate, easily identifiable legal descriptions reflecting bearings and coordinates based upon the state plane coordinate system, including relevant GPS and GIS data, same having been certified by a professional land surveyor for each prior annexation and

Whereas, the City wishes to comply with the requirements of Amended KRS 81A.470 effective July 13, 2004, and

Whereas, the City does not intend to amend or replace its prior ordinance(s) annexing, but rather to interpret the defined boundaries of the territories previously annexed and adopt modern and accurate legal description of the territories previously annexed.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FLEMINSBURG, KENTUCKY:

Section 1: That the City Council of the City of Flemingsburg hereby adopts the following legal description and a plat attached hereto (as Exhibit 1) as prepared by William T. (Tommy) Carpenter, Kentucky Licensed Professional Land Surveyor No. 2380, by a new survey as an accurate description of the territory previously annexed into the corporate limits of the City of Flemingsburg by Ordinance No. 11-02-1 dated November 11, 2002 and on file in the official records of the City of Flemingsburg office. A certified copy of said ordinance is attached hereto as Exhibit 2. The copy of said ordinance is accompanied by a surveyor's map depicting the territory described in the ordinance and hereby attached hereto as Exhibit 3.

Section 2: The new description as prepared by William T. (Tommy) Carpenter, Kentucky Licensed Professional Land Surveyor No. 2380 is as follows:

It is the intent of the metes and bounds description of the area stated in the above Section 1 and cited hereinafter to retrace the traverse described in the Final Enabling Ordinance No. 11-02-1, dated November 11, 2002 and on file in the Official Records of the City of Flemingsburg Office, of which a certified copy is attached hereto as Exhibit 2, along with a copy of the surveyor's map of that area attached hereto as Exhibit 3. While the description cited in said ordinance was a result of an actual field survey prepared by me, the boundaries and map generated by this surveyor for this submission was derived from the map of Farm Service Agency (FSA) National Agricultural Imagery Program for Kentucky ("NAIP") 2004. The bearings stated thereon are referenced to Kentucky State Plane Coordinates NAD 83, Single Zone Datum as provided on said map. Additional information used in conjunction with aforesaid map was obtained from deeds and plats of some of the properties within and bordering the boundaries of the final annexation, said records on file in the offices of the Fleming County Clerk and Fleming County PVA. The area previously annexed to the corporate limits of the City of Flemingsburg is newly described as follows:

A certain area of land adjoining the existing City Limits of Flemingsburg and lying or situated on the North side of KY Hwy. No. 32, the Flemingsburg Bypass (Flemingsburg – Morehead Road), in Fleming County, Kentucky, and more specifically described as follows:

Beginning at a point in the existing City Limits of Flemingsburg, said point being in or near the North right of way line of the Flemingsburg Bypass (KY Hwy. No. 32), at or near the common corner to Cahall Bros., LLC, the subject annexation property (D.B. 238, P. 626) and Russell O. Montgomery, et ux (D.B. 248, P. 45), State Plane Coordinate NAD 83, Single Zone Datum Northing 4044306.705 and Easting 5497640.513; thence with new city limits along or near the rear lines of said Montgomery's and Larry T. Watson (D.B. 252, P. 555) for the follow two (2) calls:

(1) North 24 Deg. 39 Min. 10 Sec. East, 296.54 ft. to a point;
(2) Thence North 16 Deg. 15 Min. 24 Sec. East, 137.35 ft. to a point at or near a corner to William Ray Weaver, et ux (D.B. 180, P. 748); thence continuing with new city limits along or near the line of said Weaver's and Ronnie Gillum, et ux (D.B. 174, P. 159) South 79 Deg. 58 Min. 47 Sec. East, 245.00 ft. to a point at or near the common corner to said Gillum's and Kent Cooper (D.B. 191, P. 334); thence continuing with new city limits along or near the lines of said Cooper for the following three (3) calls:
    (1) South 4 Deg. 44 Min. 13 Sec. West, 522.44 ft. to a point;
    (2) Thence North 78 Deg. 34 Min. 26 Sec. West, 106.39 ft. to a point;
    (3) Thence South 21 Deg. 02 Min. 48 Sec. West, 73.49 ft. to a point in the existing city limits and in or near aforesaid right of way line; thence with existing city limits along or near said right of way line for the following two (2) calls:
        (1) North 59 Deg. 17 Min. 31 Sec. West, 128.33 ft. to a point;

(2) Thence North 39 Deg. 39 Min. 02 Sec West, 186.89 ft. to the Point of Beginning; enclosing 3.799 Acres

William T. (Tommy) Carpenter

William T. (Tommy) Carpenter, PLS
700 Shady Brook Lane
Flemingsburg, KY 41041
(606) 748-7789

STATE OF KENTUCKY
WILLIAM T CARPENTER
2360
LICENSED
PROFESSIONAL
LAND SURVEYOR

11-10-14

The foregoing Resolution No. 14-11-1 was adopted on roll call with the following vote:

Yeas: Hurst, Moore, Manning, Sparks, Story, Alexander

Nays: None

Not Present: None

I do hereby certify that the above is the true and correct Original of a Resolution of the City Council of the City of Flemingsburg, Kentucky, as adopted.

Martin L. Voiers

Martin L. Voiers, Mayor

Introduced and adopted: 10 November, 2014

Signed by Mayor: 10 November, 2014

Recorded by Clerk: 10 November, 2014

Attest:

Joy Roark

Joy Roark, City Clerk/Treasurer

CERTIFICATION

I, **Joy Roark,** Clerk of the City of Flemingsburg do hereby certify that the above Resolution No. 14-11-1 is a true and correct copy as was presented the City Council of the City of Flemingsburg at their regular scheduled meeting dated November 10, 2014.

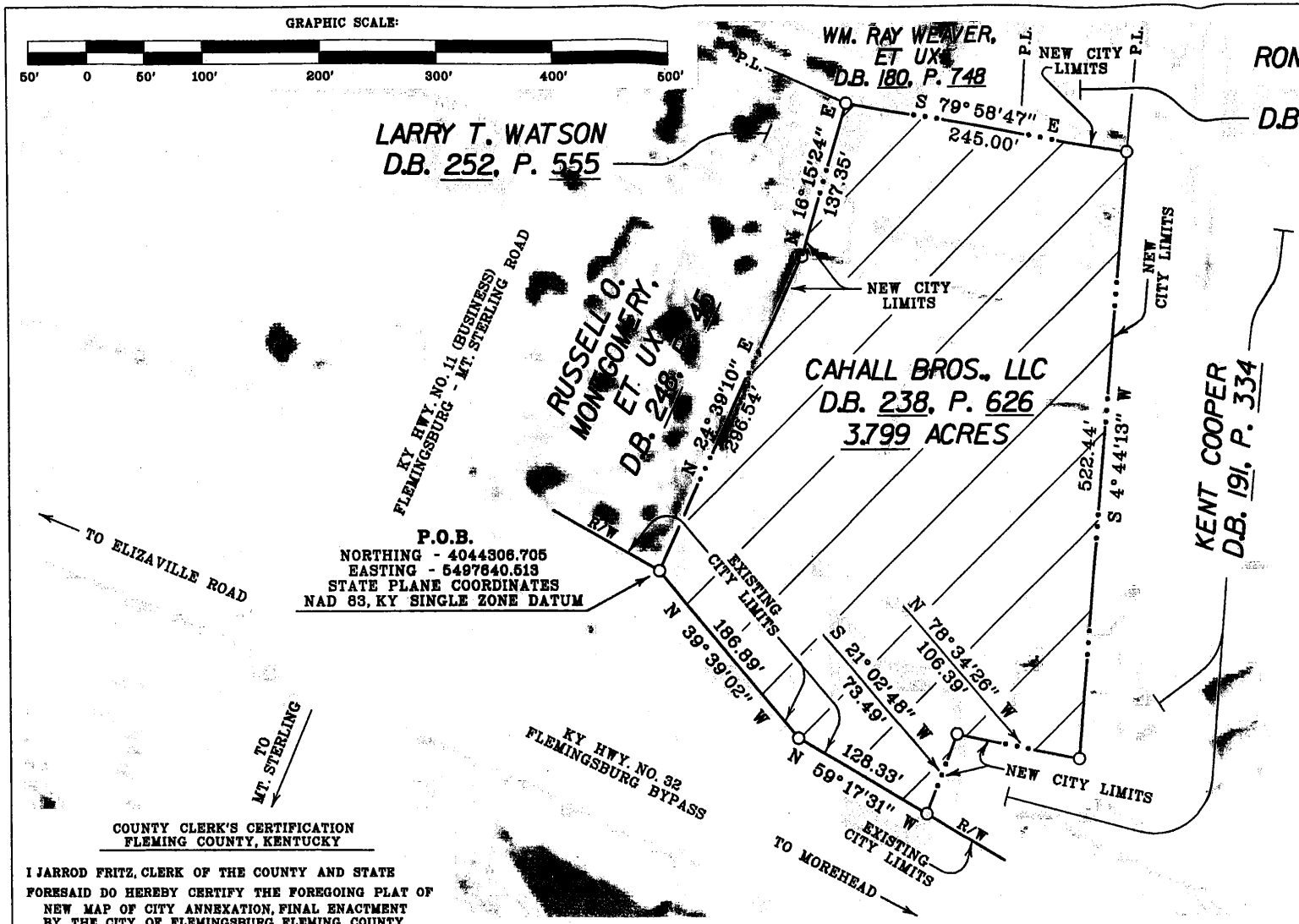
Given under my hand this 17 th day of November, 2014

Joy Roark

Joy Roark, City Clerk

(SEAL)

EXHIBIT 1



NORTH AS DERIV
FSA NAIP DIGIT
IMAGERY FOR

UNMONUME

NEW CITY
PRESCRIBED

EXISTING

TERRITORY
IN SUBJEC

COUNTY CLERK'S CERTIFICATION
FLEMING COUNTY, KENTUCKY

I JARROD FRITZ, CLERK OF THE COUNTY AND STATE FORESAID DO HEREBY CERTIFY THE FOREGOING PLAT OF NEW MAP OF CITY ANNEXATION, FINAL ENACTMENT BY THE CITY OF FLEMINGSBURG, FLEMING COUNTY, KENTUCKY ON NOVEMBER 11, 2002 WAS PRODUCED TO ME AND LODGED FOR RECORD AT _____ DAY OF _____ BEARING _____ LEVY TAX DULY RECORDED IN MY OFFICE IN CABINET #4 SLIDE #_____ FLEMING COUNTY CLERKS OFFICE.

WITNESS MY HAND THIS THE _____ DAY OF _____

JARROD FRITZ

_____ DC

SURVEYOR'S CERTIFICATION

I DO HEREBY CERTIFY THAT THE MAP SHOWN HEREON WAS COMPILED UNDER MY DIRECTION BY THE COMBINED USE OF MAPPING PROVIDED BY FARM SERVICES AGENCY (FSA) NATIONAL AGRICULTURAL IMAGERY PROGRAM (NAIP) DIGITAL ORTHO IMAGERY FOR KENTUCKY, 2004 & THE DEEDS & PLATS OF PUBLIC RECORD OF PROPERTIES THAT FALL WITHIN & ADJOIN THE NEW TERRITORY SHOWN FOR ANNEXATION. THIS NEW MAP WAS NOT GENERATED BY AN ACTUAL NEW FIELD SURVEY BY ME OF THE SUBJECT TERRITORY, BUT IS INTENDED TO RETRACE THE TRAVERSE DESCRIBED IN THE FINAL ENABLING ORDINANCE NO. 11-02-1 DATED NOVEMBER 11, 2002 & ON FILE IN THE OFFICIAL RECORDS OF THE CITY OF FLEMINGSBURG OFFICE, OF WHICH THE SURVEY, MAP & LEGAL DESCRIPTION OF SAME IN SAID ORDINANCE WAS PERFORMED & PREPARED UNDER MY DIRECTION. THE COORDINATES SHOWN HEREON FOR THE POINT OF BEGINNING OF SAID TERRITORY WERE OBTAINED BY USING SAID FSA NAIP MAP AND ARE ONLY ACCURATE TO THE PRECISIONAL LIMITATIONS OF FSA NAIP ACCURACY.

William T. Tommy Carpenter — Nov. 12, 2014

WILLIAM T. (TOMMY) CARPENTER, P.L.S. NO. 2380 — DATE

NEW MAP OF CITY
FINAL ENACTMENT BY THE C
FLEMING COUNTY, KENTUCKY

ENCLOSING TERRITORY AD
CITY LIMITS ON NOR
KY HWY. NO. 32, FLEMIN
(FLEMINGSBURG - MOR

THE PERFORMANCE OF WORK T
DOES NOT REPRESENT A BOUNI
INTENDED FOR LAN

DRAWING NUMBER: 14-010

WM. T. (TOMMY) CARPENTER, P
700 SHADY BROOK LANE
FLEMINGSBURG, KY 41041
PHONE: (606) 748-7789

DRAWN BY:	CHECKED BY:	DATE:	S
D.L.E.	W.T.C.	11-9-14	1"