CERTIFICATION

I, **Joy Roark**, Clerk of the City of Flemingsburg do hereby certify that the above Resolution 2009-12-1 is a true and correct copy as was presented to the City Council of the City of Flemingsburg at a special meeting held on December 31, 2009.

Given under my hand this 31st day of December, 2009.

Joy Roark

Joy Roark, City Clerk

(SEAL)

RECEIVED AND FILED
DATE December 31 2009

TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Kadie Adkisson

CITY OF FLEMINGSBURG
COMMONWEALTH OF KENTUCKY
RESOLUTION NO. 2009-12-1

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, each individual annexation contains a prior survey often prepared by a now unknown individual, and further references documentation that is no longer in existence, and

WHEREAS, the City wishes to provide a modern, accurate, easily identifiable legal description 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 annexing, but rather to interpret the defined boundaries of the territory previously annexed and adopt a modern and accurate legal description of territory previously annexed.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FLEMINGSBURG, 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 W. T. (Tommy) Carpenter, Licensed Professional Land Surveyor No. 2380 by new survey as an accurate depiction of the property previously annexed into the corporate limits of the City of Flemingsburg by Ordinance dated June 1, 1964, a copy of which is attached hereto as Exhibit 2, and hereby adopts said new legal description and plat as the official legal description and plat to be adopted by the City for all purposes when referencing this prior annexation.

SECTION 2: This new legal description as prepared by W. T. (Tommy) Carpenter, Licensed Professional Land Surveyor No. 2380 is as follows:

> The following description of territory previously annexed in 1964 by the City of Flemingsburg, Fleming County, Kentucky was prepared by William T. (Tommy) Carpenter, PLS 2380, in December, 2009. It is the intent of the metes and bounds

cited hereinafter to retrace the mathematically unclosed traverse described in a final enabling Ordinance for annexation to the City dated June 1, 1964, of which a certified copy is filed herewith. The boundary and map generated by this surveyor was derived from the map of Farm Service Agency (FSA) National Agricultural Imagery Program for Kentucky ("NAIP") 2004. The bearings stated herein are referenced to Kentucky state plane coordinates NAD 83, Ky. 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 bordering the boundary of the final annexation, said records on file in Fleming County Clerk's Office. The area previously annexed to the corporate limits of the City of Flemingsburg is newly described as follows:

BEGINNING at a point in the existing city limits of Flemingsburg and in the west right of way line of Lakepoint Drive, state plane coordinates of said point being Northing 4047462.72 and Easting 5495386.51, thence with the existing city limits South 84 deg. 32 min. 00 sec. West, 1772.00 ft. to a point at or near the Northwest corner of Fleming County Hospital District (D.B. 125, P. 105); thence continuing with the existing city limits South 3 deg. 01 min. 30 sec. West and crossing Ky. Hwy. No. 32, Elizaville Avenue, 821.00 ft. to a point in or near the common line of Fleming Properties, LLC (D.B. 214, P. 187 and Jeanette M. Atkinson (D.B. 216, P. 527); thence with new city limits for the following nine (9) calls:

(1) continuing South 3 deg. 01 min. 30 sec. West, 44.00 ft. along or near aforesaid common line of Fleming Properties, LLC and Atkinson to a point;

(2) Thence North 86 deg. 40 min. 50 sec. West and crossing the Flemingsburg ByPass, 1487.42 ft. to the center of Ky. Hwy. No. 57, Energy Road (aka Craintown Road);

(3) Thence North 82 deg. 20 min. 37 sec. West, 1129.24 ft. to a point in Fleming-Mason RECC, Inc. (D.B. 115, P. 309) in line with the west boundary of Indian Fields Subdivision (Plat of record in D.B. 121, P. 150, 151);

(4) Thence North 5 deg. 45 min. 23 sec. East, passing the center of Ky. Hwy. No. 32, Elizaville Road, at approximately 350 ft. continuing same bearing along the west line of said subdivision for a total distance of 1366.70 ft. to the northwest corner of same;

(5) Thence along the north line of the subdivision South 85 deg. 18 min. 15 sec. East, 1684.50 ft. to a point in the west line of Mallard Heights Subdivision (Plat Cab. No. 1, Slides No. 71 & 74), said point at or near the Northwest corner of the former fairgrounds;

(6) Thence crossing Mallard Heights and the Flemingsburg ByPass South 85 deg. 52 min. 43 sec. East, 649.50 to a point at or near the line of Fleming County Hospital District (D.B. 224, P. 489 & 499);

(7) Thence North 2 deg. 11 min. 19 sec. East, 11.00 ft. to a point;

(8) Thence along or near the North line of said Hospital District, Commonwealth of Kentucky (D.B. 119, P. 155), Adrian Doyle, et ux (D.B. 114, P. 489 and Ruth Price D.B. 161, P. 581) South 87 deg. 47 min. 41 sec. East, 1971.60 ft. to a point;

(9) Thence South 3 deg. 45 min. 19 sec. West, 315.00 ft. to the Point of Beginning; **enclosing 100.72 Acres.**

The above resolution was adopted on roll call, the voting resulting as follows:

Yeas: Ricky Hurst, Scott Manning, Georganna Sparks, Meredith Story, Van Alexander

Nays: _____

Not Present: Marty Voiers

I do hereby certify that the above is a true and correct copy of an Order of the City Council of the City of Flemingsburg, Kentucky.

Louie Flanery

Louie Flanery, Mayor

Introduced and adopted: 31st December, 2009.
Signed by Mayor: 31st December, 2009
Recorded by Clerk: 31st December, 2009

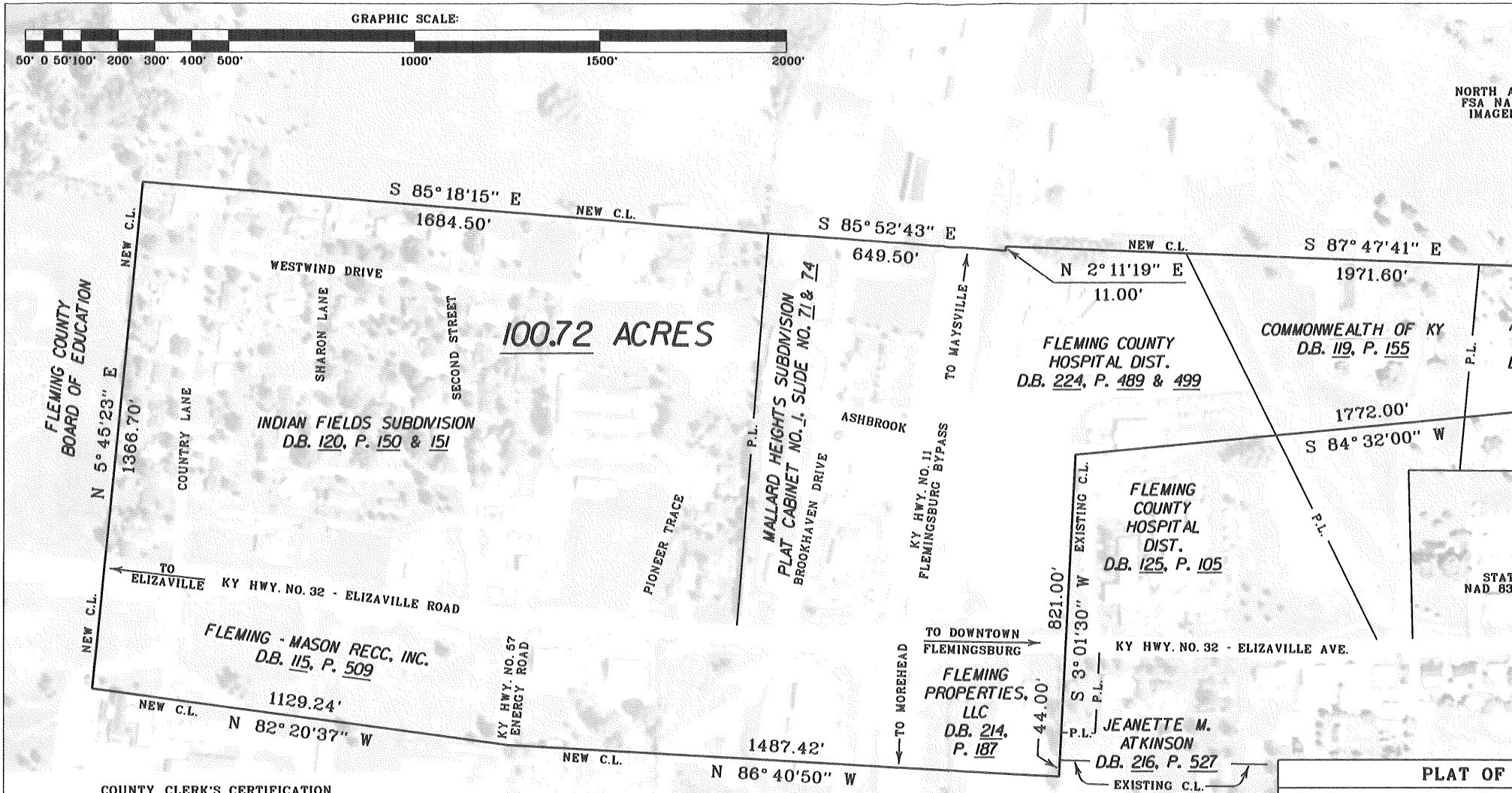
ATTEST:

Joy Roark

Joy Roark, City Clerk

Prepared By:

Thomas L. MacDonald
City Attorney



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 JUNE 1, 1964

WAS PRODUCED TO ME AND LODGED FOR RECORD AT _____ DAY OF _____

BEARING _____ LEVY TAX DULY RECORDED IN MY OFFICE IN CABINET "3 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 BY 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 THAT ADJOIN THE BOUNDARY OF THE NEW ANNEXATION. THIS MAP WAS NOT GENERATED BY AN ACTUAL FIELD SURVEY BY ME, BUT IS INTENDED TO RETRACE THE UNNAMED SURVEYOR'S DESCRIPTION OF ANNEXATION CITED IN CITY OF FLEMINGSBURG ORDINANCE DATED JUNE 1, 1964. THE COORDINATES SHOWN HEREON WERE OBTAINED BY USING SAID MAP & ARE ONLY ACCURATE TO THE PRECISIONAL LIMITATIONS OF FSA NAIP ACCURACY.

William T. (Tommy) Carpenter — DEC. 28, 2009

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

PLAT OF

NEW MAP OF
FINAL ENACTMENT BY T
FLEMING COUNTY, KE

ENCLOSING THE TERRI
CITY LIMITS ON NO
KY HWY. NO. 32

DRAWING NUMBER: 0

WM. T. (TOMMY) CARPENT
700 SHADY BROOK LA
FLEMINGSBURG, KY 4
PHONE: (606) 845-9691

DRAWN BY:	CHECKED BY:	DATE
D.L.E.	W.T.C.	12-28-