CERTIFICATION
for
Kentucky Secretary of State

I, **Joy Roark**, Clerk of the City of Flemingsburg do hereby certify that the above Resolution 2012-12-5 is a true and correct copy as was presented to the City Council of the City of Flemingsburg at a meeting held on December 10, 2012.

Given under my hand this 10 day of December, 2012.

Joy Roark
Joy Roark, City Clerk

(SEAL)

RECEIVED AND FILED
DATE December 12, 2012

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

RECEIVED AND FILED
DATE December 12, 2012

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

CITY OF FLEMINGSBURG
COMMONWEALTH OF KENTUCKY
RESOLUTION NO. 2012-12-5

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 under old methods of closure, and further may reference 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SECTION 1: Resolution No. 2012-10-6 adopted by the City Council of the City of Flemingsburg on October 8, 2012 is repealed hereby.

SECTION 2: That the City Council of the City of Flemingsburg hereby adopts the following legal description in Section 2 hereof, 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 pursuant to judgment in Fleming County Circuit Court, Civil Action file no. 1537 on March 9, 1973, 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 3: This new legal description as prepared by W. T. (Tommy) Carpenter, Licensed Professional Land Surveyor No. 2380 is as follows:

It is the intent of the metes and bounds descriptions of the areas stated in the above Section 1 and cited hereinafter to retrace the mathematically unclosed traverses described in the final enabling ordinance in Exhibit No. 2. The boundaries 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 boarding 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 are newly described as follows:

Being the same territory previously annexed to the City of Flemingsburg pursuant to judgment in Fleming County Circuit Court, Civil Action file no. 1537 on March 9, 1973 and described in Exhibit No. 2, attached hereto; the new legal description prepared by this surveyor is as follows:

BEGINNING at or near the Northwest corner of Indian Fields Subdivision (D.B. 120, P. 150 and 151) and the Northeast corner of Fleming County Board of Education (High School property) (D.B. 150, P. 39), state plane coordinates of said point being Northing 4048026.500 and Easting 5491109.910; thence with the common line of same and the existing city limits South 5 degrees 45 minutes 23 seconds West, 1072.84 feet to a point in the former South right of way line of Kentucky Highway No. 32, the Elizaville Road, said point being thirty (30) feet from the former center of said road; thence with new city limits along said former right of way line North 83 degrees 31 minutes 10 seconds West, 1232.11 feet to a point in or near the common lines of William T. Walton (D.B. 182, P. 553) and William T. Walton (D.B. 134, P. 100 and 131); thence continuing with new city limits along the common lines of same South 4 degrees 25 minutes 27 seconds West, 425.00 feet to a point, said point being at or near the Southeast corner of latter said Walton property; thence continuing with new city limits and along or near the lines of same for the following four (4) calls:

(1) North 85 degrees 34 minutes 33 seconds West, 170.00 feet to a point;

(2) Thence North 1 degree 49 minutes 33 seconds West, 132.00 feet to a point;

(3) Thence North 16 degrees 40 minutes 27 seconds East, 200.00 feet to a point;

(4) Thence North 4 degrees 10 minutes 27 seconds East, 101.96 feet to a point in aforesaid former right of way line; thence with same for the follow two (2) calls:

(1) North 84 degrees 07 minutes 14 seconds West, 131.55 feet to a point;

(2) Thence North 86 degrees 49 minutes 13 seconds West, 157.41 feet to a point opposite in line with the West boundary of W.S.H. Subdivision (D.B. 134, P. 493); thence crossing the road and continuing with new city limits and along or near the lines of said subdivision for the following two (2) calls:

(1) North 0 degrees 53 minutes 13 seconds West, 573.84 feet to a point;

(2) Thence South 84 degrees 12 minutes 13 seconds East, 477.36 feet to a point in or near the West line of aforesaid school property; thence continuing with new city limits and along or near the lines of same for the following three (3) calls:

(1) North 3 degrees 42 minutes 21 seconds East, 485.59 feet to a point;

(2) Thence South 84 degrees 19 minutes 04 seconds East, 852.72 feet to a point;

(3) Thence South 85 degrees 18 minutes 15 seconds East, 417.00 feet to the point of beginning; **enclosing 37.87 acres**.

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

Yeas: Adam Hinton, Ricky Autrey, Scott Manning, Georgina Sparks, Mrolich Story

Nays: _____

Not Present: Van Alexander

I do hereby accept this Resolution Adopting a Modern Legal Description of Previously Annexed Territory adopted by the City Council of the City of Flemingsburg, Kentucky on December 10, 2012.

Martin L. Voiers

Martin L. Voiers, Mayor

Introduced and adopted: 10 December, 2012
Signed by Mayor: 10 December, 2012
Recorded by Clerk: 10 December, 2012

ATTEST:

Joy Roark

Joy Roark, City Clerk

CERTIFICATION
for
Kentucky Secretary of State

I, **Joy Roark**, Clerk of the City of Flemingsburg do hereby certify that the attached copy of the judgment in Fleming County Circuit Court, Civil Action file no. 1537 on March 9, 1973 and identified as Exhibit 2 to Resolution No. 2012-12-5, is a true and correct copy as was presented to the City Council of the City of Flemingsburg at a meeting held on December 10, 2012.

Given under my hand this 16 day of December, 2012.

Joy Roark
Joy Roark, City Clerk

(SEAL)

Book 11
Page 287

3-9-73

ORDINANCE

THAT, WHEREAS, THE CITY COUNCIL OF THE CITY OF FLEMINGSBURG is desirous of annexing and bringing within the corporate limits of the City the specific territory hereinafter described, and,

WHEREAS, such annexation will redound to the mutual interests of the City and the resident property owners and free holders therein, whereby municipal services and facilities will be provided such areas.

NOW, THEREFORE, City Council of the City of Flemingsburg does ordain as follows, viz:-

(1) That pursuant to the provisions of Section 81.210, et. seq. of the Kentucky Revised Statutes the City of Flemingsburg by and through the City Legislative Body does hereby propose to annex to the City of Flemingsburg the following described unincorporated territory lying on the North and South sides of Kentucky Highway No. 32, West of the present corporate limits of said city, viz:-

A. Beginning in the center of Kentucky Highway No. 32 at the present western corporate limits; thence with the center of said highway N 82.75 West 1.53 chains; thence N 81 West 7.80 chains; thence N 83 1/2 W 9.35 chains to a point in the center of Kentucky Highway No. 32; thence leaving the highway N 4.75 East 14.20 chains; thence S 86 1/2 East 12.92 chains; thence following same course in all 19.25 chains; thence S 7 West 15.50 chains to the point of beginning. The aforesaid tract is the entire boundary of land conveyed from John R. Collins, et al to the Fleming County Board of Education

B. Beginning at an iron pipe in the fence between WSH Construction Company, Inc., and the Fleming County Board of Education property and 30 feet from the center of Kentucky Highway No. 32 on the North side; thence North along the common property line 4° 45' East a distance of 503.53 feet to an iron pipe at a fence corner; thence with the old dividing fence N 83° 09'' West a distance of 477.36 feet to an iron pipe at a fence corner; thence South

LLOYD A. MACDONALD
WILLIAM T. WALTON
MACDONALD & WALTON
[illegible] E. MAIN CROSS STREET
FLEMINGSBURG, KY. 41041
PH. 845-2771

RECEIVED AND FILED
DATE December 12, 2012

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

00° 10' West a distance of 513.84 feet to an iron pipe at a fence corner 30 feet from the center of Kentucky Highway No. 32; thence with a line 30 feet from the center of Kentucky Highway No. 32 on the North side South 85° 46" East a distance of 157.41 feet to an iron pipe; thence S 83° 08" East a distance of 278.76 feet to the beginning.

C. Beginning at a post on the South margin of Kentucky Highway No. 32 and corner to H. S. Dunbar's line; thence with same S 5 1/2° West 425 feet to a stake; thence N 84 1/2° West 170 feet to a stake; thence N 03/4° West 132 feet to a stake; thence N 17 3/4° East 200 feet to a stake; thence N 5 1/2° East 100 feet to a stake at the south margin of Kentucky Highway No. 32; thence with a line of same S 81° East 150 feet to the beginning.

D. Beginning at the western most boundary of Parcel B at the North side of the right of way of Kentucky Highway No. 32; thence across said highway S 00° 10" West a distance of 60 feet; thence following the said highway right of way S 85° 46" east a distance of 157.41 feet. Said point terminating at the intersection of the property line of H. S. Dunbar and W. T. Walton; thence following the property line of H. S. Dunbar and Fleming Mason R.E.C.C. along the south side of Kentucky Highway No. 32 in a southeasterly direction a distance of 18.68 chains to the present corporate limits of the City of Flemingsburg.

2. In accordance with the provisions of Section 81.210, et. seq, of the Kentucky Revised Statutes this Ordinance shall be published as provided in Kentucky Revised Statutes, Chapter 424. Within thirty (30) days after the adoption, publication and advertisement of this Ordinance, a Petition shall be filed in the Fleming Circuit Court in the name and on the behalf of the City of Flemingsburg wherein Judgment will be prayed for asking that the territory described herein be annexed to the City of Flemingsburg.

LLOYD A. MACDONALD
WILLIAM T. WALTON
MACDONALD & WALTON
108 N. MAIN CROSS STREET
FLEMINGSBURG, KY. 41041
PH. 845-3771

WITNESS my hand as Mayor of the City of Flemingsburg this 26th day of September 1972.

CITY OF FLEMINGSBURG

BY Jack G. Thomas
Jack G. Thomas, Mayor

ATTEST:

Martha Eldridge
Martha Eldridge, Clerk

LLOYD A. MACDONALD
WILLIAM T. WALTON
MACDONALD & WALTON
[illegible] MAIN CROSS STREET
[illegible]SBURG, KY. 41041
PH. 845-2771

No. 1531

COMMONWEALTH OF KENTUCKY
FLEMING CIRCUIT COURT

CITY OF FLEMINGSBURG, KY. — PLAINTIFF

VS.

NOTICE — MOTION — ORDER

EX PARTE — DEFENDANT

TO: Fleming County Fiscal Court, Fleming County Board of Education, WSH Construction Co., Inc., Major L. & Gladys L. Watson, J. B. Shannon, James Hurd and Dorothy Hurd, William T. and Barbara H. Walton, Commonwealth of Kentucky, Department of Highways
Attorney for

Take notice that the undersigned, on Friday, March 9, 19 73, at 10:00 A. M., in the court room of the above Court, will make the motion and tender the order set out below.

CERTIFICATE

It is hereby certified that a copy hereof was, on Tuesday, March 6, 19 73, mailed to the person and address listed above.

MOTION

City of Flemingsburg, Kentucky, by counsel, moves the Court to enter the following order. For Annexation of property

AUTHORITY:

KRS
CR
RCr
Ky
Local

William T Walton
ATTORNEY FOR PLAINTIFF
105 N. Main Cross Street
Flemingsburg, Ky. 41041
Phone 845-2771

ORDER

Motion having been made, it is ordered that the territory West of the present City Limits of Flemingsburg, as described in an Ordinance published in the Flemingsburg Times Democrat on November 9, 1972 is hereby annexed to the City of Flemingsburg, Ky., pursuant to attached Judgment

FILED
6 March 19 73 AM PM
[illegible] CLERK

CIRCUIT JUDGE

Date: 9 March 73

LOYD A
WILLIAI
DONA
N. MAI
MINGSB
PH.

ORSC
Pub 421

FLEMING CIRCUIT COURT
CIVIL ACTION, FILE NO. 1537

IN RE: ANNEXATION OF UNINCORPORATED TERRITORY BY

CITY OF FLEMINGSBURG, KENTUCKY
a Municipality of the Fourth Class, PETITIONER

VS.: JUDGMENT

EX PARTE, DEFENDANT

THIS ACTION having come on for Hearing before the Court upon the Petition of the City of Flemingsburg, Kentucky, a Municipality of the Fourth Class and after proper notice having been given to the legal and equitable owners of the property sought to be annexed by the City and no defense having been presented to the Court

It is now ORDERED and ADJUDGED that the following property, viz:

Lying and being on the North and South sides of Kentucky Highway No. 32, West of the present corporate limits of said city, viz:

A. BEGINNING in the center of Kentucky Highway No. 32 at the present western corporate limits; thence with the center of said highway N 82 75 West 1.53 chains; thence N 81 West 7.80 chains; thence N 83-1/2 W 9.35 chains to a point in the center of Kentucky Highway No. 32; thence leaving the highway N 4.75 East 14.20 chains; thence S 86-1/2 East 12.92 chains; thence following same course in all 19.25 chains; thence S 7 West 15.50 chair to the point of beginning. The aforesaid tract of land is the entire boundary o land conveyed from John R. Collins, et. al., to Fleming Co. Board of Educa

B. FILED BEGINNING at an iron pipe in the fence between WSH Construction Company, Inc., and the Fleming Co. Board of Education property

6 March 1973 PM

N B Faulkner D.C.
Fleming Circuit Court

LLOYD A. MACDONALD
WILLIAM T. WALTON
MACDONALD & WALTON
35 N. MAIN CROSS STREET
FLEMINGSBURG, KY. 41041
PH. 845-2771

and 30 feet from the center of Kentucky Highway No. 32 on the North side; thence North along the common property line 4 deg. 45' East a distance of 503.53 feet to an iron pipe at a fence corner; thence with the old dividing fence N 83 deg. 09' West a distance of 477.36 feet to an iron pipe at fence corner; thence South 00 deg. 10' West a distance of 513.84 feet to an iron pipe at a fence corner 30 feet from the center of Kentucky Highway No. 32; thence with a line 30 feet from the center of Kentucky Highway No. 32 on the North side South 85 deg. 45' East a distance of 157.41 feet to an iron pipe; thence S 83 deg. 08' East a distance of 278.76 feet to the beginning.

C. BEGINNING at a post on the South margin of Kentucky Highway No. 32 and corner to H.S. Dunbar's line; thence with same S 5-1/2 deg. West 425 feet to a stake; thence N 84-1/2 deg. West 170 feet to a stake; thenc N 3/4 deg. West 132 feet to a stake; thence N 17-3/4 deg. E 200 feet to a stak thence N 5-1/2 deg. E 100 feet to a stake at the south margin of Kentucky Highway No. 32; thence with a line of same S 81 deg. East 150 feet to the beginning.

D. BEGINNING at the westernmost boundary of Parcel B at the North side of the right of way of Kentucky Highway No. 32; thence across sai highway S 00 deg. 10' West a distance of 60 feet; thence following the said highway right of way S 85 deg. 46' East a distance of 157.41 feet; said point terminating at the intersection of the property line of H.S. Dun bar and W.T. Walton; thence following the property line of H.S. Dunbar and Fleming-Maso R.E.C.C. along the south side of Kentucky Highway No. 32 in a southeasterly direction a distance of 18.68 chains to the present corporate limits of the City of Flemingsburg.,

be and the same is hereby annexed to the City of Flemingsburg and its corpor ate boundaries extended in conformity herewith all of which is provided for

LLOYD A. MACDONALD
WILLIAM T. WALTON
MACDONALD & WALTON
105 N. MAIN CROSS STREET
FLEMINGSBURG, KY. 41041
PH. 845-2771

CERTIFICATION
for
Kentucky Secretary of State

I, **Joy Roark**, Clerk of the City of Flemingsburg do hereby certify that the attached Plat identified as Exhibit 1 to Resolution No. 2012-12-5, is a true and correct copy as was presented to the City Council of the City of Flemingsburg at a meeting held on December 10, 2012.

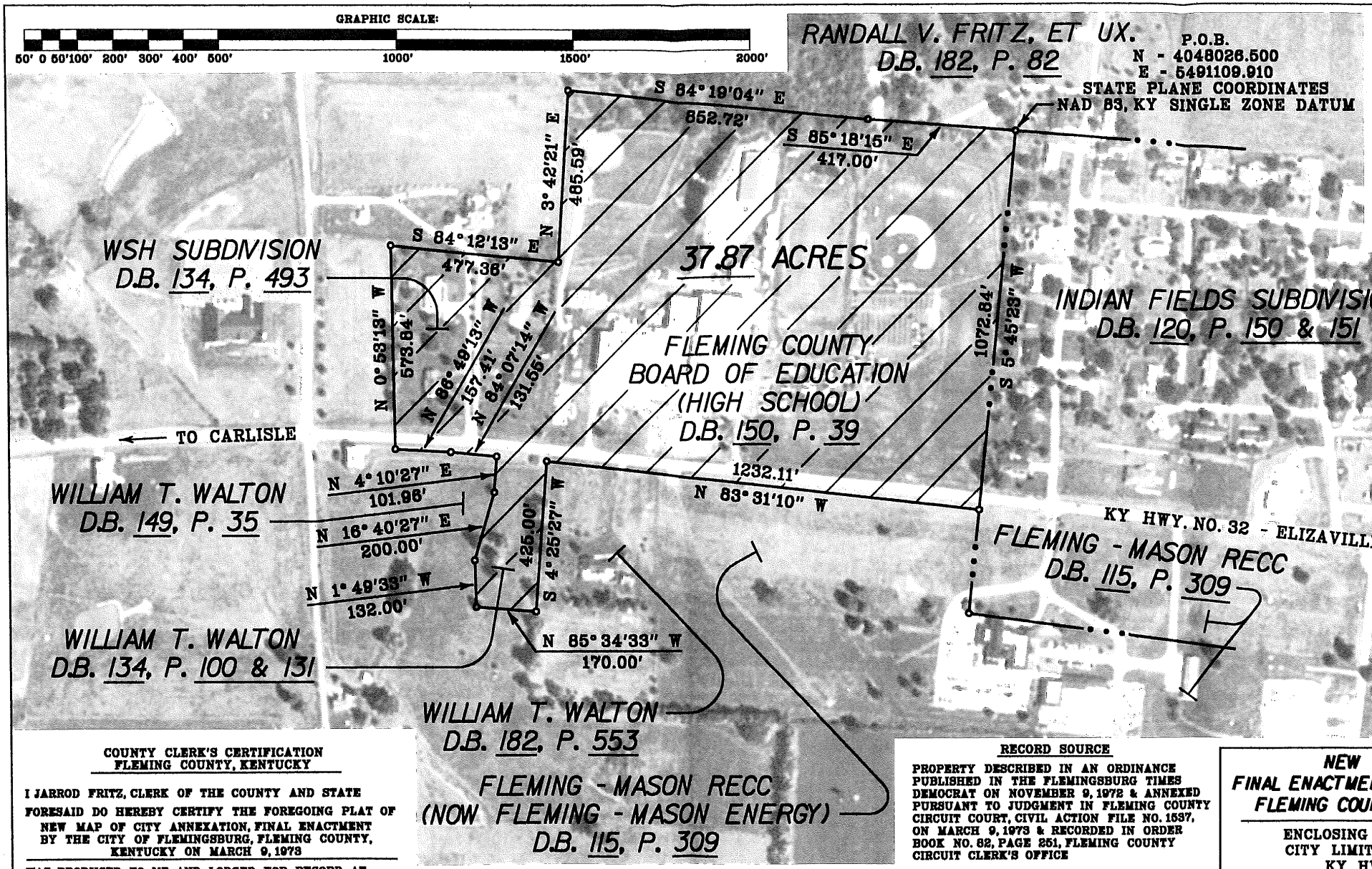
Given under my hand this 10 day of December, 2012.

Joy Roark
Joy Roark, City Clerk

(SEAL)

RECEIVED AND FILED
DATE December 13, 2012

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



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 MARCH 9, 1973 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

RECORD SOURCE

PROPERTY DESCRIBED IN AN ORDINANCE PUBLISHED IN THE FLEMINGSBURG TIMES DEMOCRAT ON NOVEMBER 9, 1972 & ANNEXED PURSUANT TO JUDGMENT IN FLEMING COUNTY CIRCUIT COURT, CIVIL ACTION FILE NO. 1537, ON MARCH 9, 1973 & RECORDED IN ORDER BOOK NO. 82, PAGE 251, FLEMING COUNTY CIRCUIT CLERK'S OFFICE

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 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 CITED IN THE RECORD SOURCE SHOWN HEREON. 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 — OCT 1, 2012

WILLIAM T. (TOMMY) CARPENTER, P.L.S. NO. 2360 — DATE

NEW MAP OF
FINAL ENACTMENT BY TH
FLEMING COUNTY, KENT

ENCLOSING TERRITOR
CITY LIMITS ON NOR
KY HWY. NO. 32,

DRAWING NUMBER: 12

WM. T. (TOMMY) CARPENT
700 SHADY BROOK LAN
FLEMINGSBURG, KY 41
PHONE: (606) 845-9691

DRAWN BY:	CHECKED BY:	DATE:
D.L.E.	W.T.C.	9-29-12