CERTIFICATION
for
Kentucky Secretary of State

I, **Joy Roark**, Clerk of the City of Flemingsburg do hereby certify that the above Resolution 2012-12-3 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 Sandie Adkins

CITY OF FLEMINGSBURG
COMMONWEALTH OF KENTUCKY
RESOLUTION NO. 2012-12-3

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SECTION 1: Resolution No. 2012-10-4 adopted by the City Council of the City of Flemingsburg on October 8, 2012 is repealed hereby.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 by Ordinance dated August 10, 1961, 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:

LAKEWOOD SOUTH:

The following description was prepared by William T. (Tommy) Carpenter, PLS 2380, on September 27, 2010. It is the intent of the metes and bounds cited hereinafter to retrace the mathematically unclosed traverse described in the above stated final enabling ordinance for annexation to the City of Flemingsburg dated August 10, 1961, of which a certified copy is filed herewith. The boundary and map generated by this surveyor was derived from the map of Farm Services Agency (FSA) National Agricultural Imagery Program (NAIP) Digital ORTHO Photo Imagery for Kentucky 2004. The bearing 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 this annexation, said records on file in the Fleming County Clerk's Office.

Being the same territory previously annexed to the City of Flemingsburg by ordinance dated August 10, 1961 and of record in Minute Book 8, Page 430, and described in Exhibit 2, attached hereto; the new legal description prepared by this surveyor is as follows:

BEGINNING at a point in the center of Ky. Hwy. No. 32, Elizaville Avenue, and in line with the west right of way line of Lakepoint Drive, state plane coordinates of said point of beginning being Northing 4046796.425 and Easting 5495342.779; thence with the undeveloped portion of Lakepoint Drive as prescribed in the original ordinance South 3 deg. 45 min. 19 sec. West, 306.25 ft. to a point in or near the line of the Simons Heirs (D.B. 98, P. 337); thence South 89 deg. 26 min. 55 sec. West, 1743.56 ft. to a point in the current city limits and in or near Fleming Properties, LLC (D.B. 214, P. 187); thence with the current city limits North 3 deg. 01 min. 30 sec. East, 310.93 ft. to the center of Elizaville Avenue; thence with the center of same as prescribed in the original ordinance for the following five (5) calls:

(1) South 88 deg 28 min. 27 sec. East, 269.47 ft.;

(2) Thence South 89 deg. 25 min. 50 sec. East, 338.53 ft.;

(3) Thence North 89 deg. 22 min. 59 sec. East, 493.03 ft.;

(4) Thence North 88 deg. 06 min. 39 sec. East, 416.22 ft.;

(5) Thence North 89 deg. 09 min. 29 sec. East, 230.28 ft. to the Point of Beginning; **enclosing 11.99 Acres.**

The above resolution was adopted on roll call, the voting resulting as follows:
Yeas: Ricky Hukst, Adam Hinton, Scott Manning, Georgianna Sparks, Meredith Story
Nays: _____
Not Present: Pam 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 an Ordinance dated August 10, 1961 and identified as Exhibit 2 to Resolution No. 2012-12-3, 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 Kaitlin Adkerson

Minute B. 8 P. 430

EXHIBIT 2 TO City of FLEMINGSBURG RESOLUTION No. 2012-12-3

I, Joy Roark, Clerk of the City of Flemingsburg do hereby certify that the above Exhibit 2 is a true and correct copy as presented to the City Council of Flemingsburg at a meeting held on Dec. 10, 2012.

Joy Roark

(SEAL)

RECEIVED AND FILED
DATE December 12, 2012

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

ORDINANCE

THAT, WHEREAS, THE CITY COUNCIL OF THE CITY OF FLEMINGSBURG, pursuant to the provisions of Sections 81, 100-110, and 81,230 et seq. of the Kentucky Revised Statutes having properly published in the Flemingsburg Times Democrat and the Fleming Gazette an Ordinance for the required time for the proposed Annexation of the unincorporated territory specifically set forth in said proposed Ordinance, and

WHEREAS, said proposed Annexation Ordinance has been duly enacted by the City Legislative Body and no protest having been filed against said annexation in accordance with the provisions of KRS 81,110.

NOW, THEREFORE,
THE CITY COUNCIL OF THE CITY OF FLEMINGSBURG does ordain as follows, viz:

(1) That pursuant to the provisions of Section, 81, 100-110 and 81,230, et. seq. of the Kentucky Revised Statutes, the City of Flemingsburg, by and through the City Legislative Body, does hereby annex to the City of Flemingsburg and extend the Corporate limits of said City to include and incorporate within said limits the following unincorporated territory lying West of the Belmont Subdivision from its present corporate limits along Kentucky State Highway No. 32, on the South side thereof, viz:

South side of Kentucky State Highway No. 32, Fleming County, Ky.,

BEGINNING at a point in the westernmost line of the existing City limits of the City of Flemingsburg, Kentucky, said line being the west right-of-way line of the undeveloped portion of Lakepoint Drive, Belmont Subdivision, and this line also being the common line with W. H. Shrout property, said beginning point being in the centerline of Kentucky State Highway No. 32, thence along the west right-of-way line of the undeveloped portion of Lakepoint Drive and the property line of W. H. Shrout, S 8 deg. 00'W 306 feet to a point in the division fence between the lands of Joe Simons and the thence S 89 deg. 00'E 1762 feet property of W. H. Shrout; thence running parallel with and 306 feet south of the centerline of said highway N 89 deg. 00'W 1762 feet to a set stake in the Glennon Hall lands; thence N 9 deg. 15'E 306 feet to a nail and cap in the centerline of Kentucky State Highway No. 32; along the centerline of said highway to the point of beginning, and enclosing 12 acres, more or less.

THIS ORDINANCE shall be published in both the Flemingsburg Times-Democrat and Fleming Gazette, weekly newspapers of this city.

WITNESS my hand as Mayor of the City of Flemingsburg, this the 10th day of August, 1961.

CITY OF FLEMINGSBURG
DAN A. JONES, Mayor
Attest. Henry B. Dudley, Clerk

Book 8
Page 427

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 interest of the City and the Resident Property Owners and freeholders therein, whereby municipal services and facilities will be provided such areas,

NOW THEREFORE

THE CITY COUNCIL OF THE CITY OF FLEMINGSBURG does ordain as follows, viz:

(1) That pursuant to the provisions of Sections 81.100, 81.110 and 81.230 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 West of the Belmont Subdivision from its present corporate limits along Kentucky State Highway No. 32, on the South side thereof, viz

South side of Kentucky State Highway No. 32, Fleming County, Ky.,

Beginning at a point in the westernmost line of the existing City limits of the City of Flemingsburg, Ky., said line being the west right-of-way line of the undeveloped portion of Lakepoint Drive, Belmont Subdivision, and this line also being the common line with W. H. Shrout property, said beginning point being in the center line of Kentucky State Highway No. 32; thence along the west right-of-way line to the undeveloped portion of Lakepoint Drive and the property line of W. H. Shrout, S. 8 deg. 00 W 306 feet to a point in the division fence between the lands of Joe Simons and the property of W. H. Shrout; thence running parrallel with and 306 feet south of the center line of said highway N 89 deg. 00' W 1762 feet to a set stake in the Glennon Hall lands; thence N 9 deg. 15' E306 feet to a nail and cap in the centerline of Kentucky State Highway No. 32; thence S89 deg. 00'E 1762 feet along the center line of said highway to the point of beginning, and enclosing 12 acres, more or less.

The above described area includes property and/or portions of property owned by:

Aitkin Story, Glennon Hall, E. A. Berry and Raymond Arnold, heirs and W. H. Shrout.

(2) In accordance with the provisions of the Sections 81.110 and 81.230 of the Kentucky Revised Statutes, the City of Flemingsburg, by its legislative body, will proceed by ordinance to annex said unincorporated Territory within Thirty (30) Days, after proper publication, from the enactment of this Ordinance unless precluded from so doing by legal procedure.

(3) This Ordinance shall be published in four weekly issues in the Flemingsburg Times-Democrat and The Fleming Gazette, weekly newspapers of this city.

WITNESS my hand as Mayor of the City of Flemingsburg this the ____ day of March, 1961.

CITY OF FLEMINGSBURG
BY DAN A. JONES
Mayor

ATTEST:
Henry B. Dudley, Clerk

2tc39

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. 2012-12-3, 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

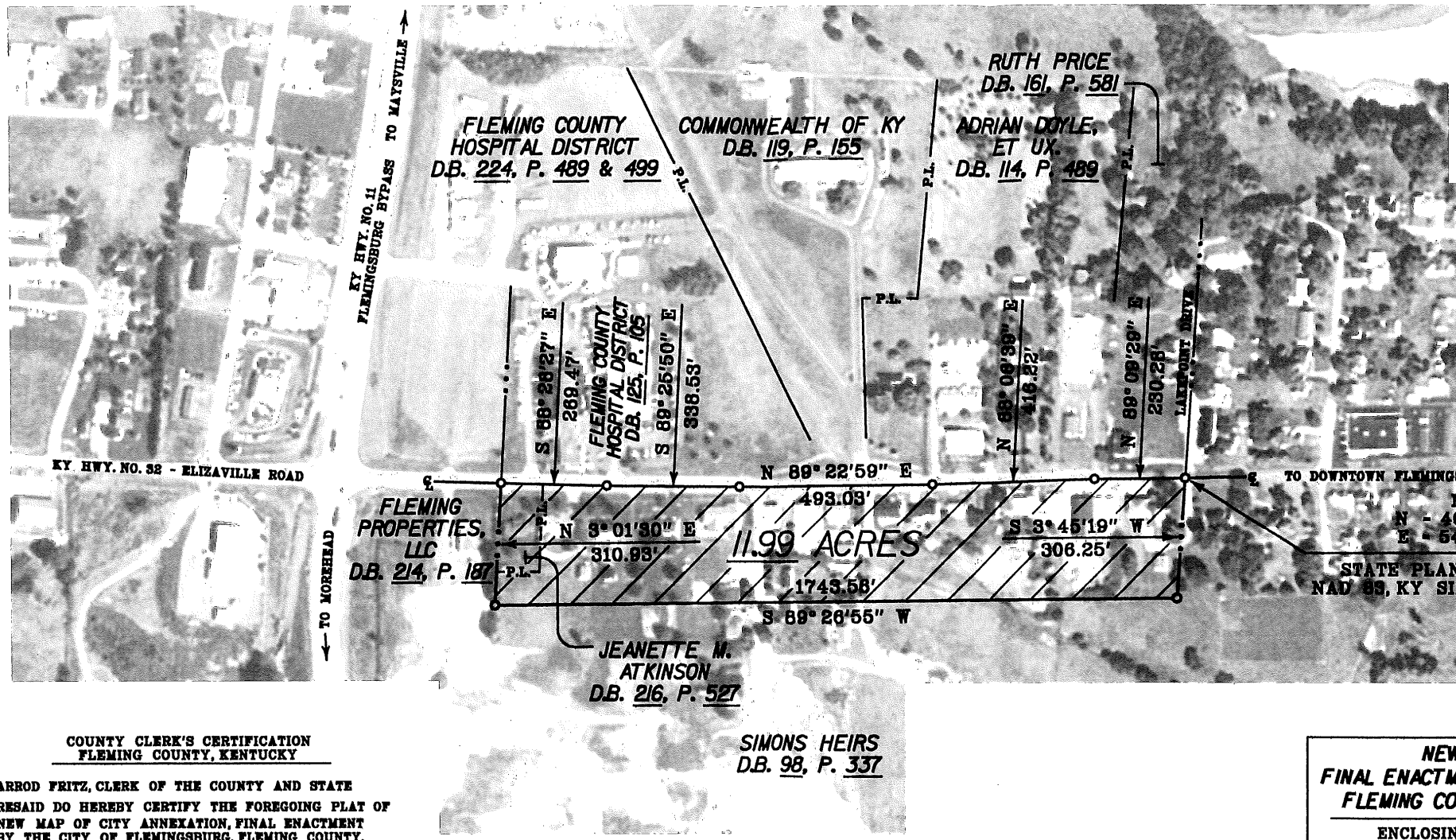
(SEAL)

RECEIVED AND FILED
DATE December 12, 2012

ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Bandie Ackerman

GRAPHIC SCALE:

50' 0 50'100' 200' 300' 400' 500' 1000' 1500' 2000'



NORTH A
FSA NAI
IMAGER

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EXI

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PRESC

TER
IN S

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 AUGUST 10, 1961

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 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 DATED AUGUST 10, 1961 & OF RECORD IN MINUTE BOOK NO. 6, PAGE 430, CITY OF FLEMINGSBURG, KY RECORDS. 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. 2380 — DATE

NEW MAP OF C
FINAL ENACTMENT BY TH
FLEMING COUNTY, KENT

ENCLOSING TERRITORY
CITY LIMITS ON SOUTH
ELIZAVILLE ROAD, & WEST

DRAWING NUMBER: 12-

WM. T. (TOMMY) CARPENTE
700 SHADY BROOK LANE
FLEMINGSBURG, KY 410
PHONE: (606) 845-9691

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