RECEIVED AND FILED
DATE Feb 8, 2013

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

CITY OF FLEMINGSBURG
COMMONWEALTH OF KENTUCKY
RESOLUTION NO. 2012-12-6

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SECTION 1: Resolution No. 2012-10-7 adopted by the City Council of the City of Flemingsburg on October 8, 2012 is repealed hereby.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. 2142, on November 11, 1977 and recorded in Order Book No. 82, Page 251, Fleming County Circuit Clerk's Office, 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:

TERRITORY 1 - 1:

Being the same Area "A", Area "B" and Area "C" of the territory previously annexed to the City of Flemingsburg pursuant to judgment in Fleming County Circuit Court, Civil Action File No. 2142, on November 11, 1977 and recorded in Order Book No. 82, Page 251, Fleming County Circuit Clerk's Office, of which a certified copy is attached hereto as Exhibit No. 2, the new description of same as prepared by this surveyor is as follows:

BEGINNING at a point in the existing city limits in or near the common line of Southridge Subdivision (D.B. 137, P. 584) and the Simons Heirs (D.B. 120, P. 405), the State Plane Coordinates of said point being Northing 4046465.647 and Easting 5497042.833; thence leaving said line with the existing city limits and crossing said subdivision South 43 degrees 33 minutes 05 seconds East, 1039.57 feet to a point in or near the Easterly line of said subdivision; thence along or near the Easterly and Southerly lines of same with new city limits for the following four (4) calls:

(1) South 23 degrees 36 minutes 57 seconds West, 60.00 feet to a point;

(2) Thence North 78 degrees 08 minutes 29 seconds West, 254.36 feet to a point;

(3) Thence South 11 degrees 25 minutes 30 seconds West, 349.53 feet to a point;

(4) Thence North 78 degrees 54 minutes 14 seconds West, 710.01 feet to a point in or near the East right of way line of Glascock Drive; thence along or near said right of way line South 9 degrees 32 minutes 16 seconds West, 149.04 feet to a point on the North side of High Street; thence South 78 degrees 16 minutes 28 seconds East, 535.21 feet to a point; thence continuing with new city limits and along or near the lines of Ridgeway Park, LTD (D.B. 144, P.

429) for the following three (3) calls:

(1) South 10 degrees 13 minutes 05 seconds West, 518.00 feet to a point;

(2) Thence North 57 degrees 56 minutes 22 seconds West, 684.40 feet to a point in or near the line of aforesaid Simons Heirs;

(3) Thence North 3 degrees 55 minutes 38 seconds East, 282.60 feet along or near the line of Simons Heirs to a point; thence South 78 degrees 16 minutes 28 seconds East, 81.22 feet to a point in or near the West right of way line of aforesaid Glascock Drive; thence continuing with the new city limits for the following two (2) calls:

(1) North 9 degrees 32 minutes 16 seconds East, 148.49 feet along or near aforesaid right of way line to a point in or near the South line of aforesaid subdivision;

(2) Thence along or near the line of same North 78 degrees 54 minutes 15 seconds West, 159.87 feet to a point in or near the line of aforesaid Simons Heirs; thence continuing with new city limits and along or near the lines of Simons Heirs for the following four (4) calls:

(1) North 10 degrees 42 minutes 05 seconds East, 419.07 feet to a point;

(2) Thence North 1 degree 00 minutes 40 seconds West, 303.08 feet to a point;

(3) Thence South 86 degrees 40 minutes 40 seconds East, 440.57 feet to a point;

(4) Thence North 4 degrees 01 minute 20 seconds East, 233.00 feet to the point of beginning; **enclosing 23.71 acres.**

TERRITORY 1 - 2:

Being the same Area "D", Area "E", Area "F" and Area "G" of the territory previously annexed to the City of Flemingsburg pursuant to judgment in Fleming County Circuit Court, Civil Action File No. 2142, on November 11, 1977 and recorded in Order Book No. 82, Page 251, Fleming County Circuit Clerk's Office, of which a certified copy is attached hereto as Exhibit No. 2, the new description of same as prepared by the surveyor is as follows:

BEGINNING at or near the Northeast corner of Indian Fields Subdivision (D.B. 120, P. 150 and 151), State Plane Coordinates of said point being Northing 4047888.600 and Easting 5492788.760; thence with the North line of same and existing city limits North 85 degrees 18 minutes 15 seconds West, 1684.50 feet to a point at or near the Northeast corner of Fleming County Board of Education (High School) (D.B. 150, P. 39); thence with the North line of same North 85 degrees 18 minutes 15 seconds West, 417.00 feet to a point; thence leaving said school property across the property of Randall V. Fritz, et ux (D.B. 182, P. 82) with new city limits North 6 degrees 37 minutes 15 seconds West, 347.00 feet to a point in or near Flemingsburg Reservoir; thence continuing along or near the lines of said Fritz and Reservoir and new city limits for the following two (2) calls:

(1) South 86 degrees 05 minutes 15 seconds East, 271.00 feet to a point;

(2) Thence North 72 degrees 19 minutes 45 seconds East, 117.00 feet to a point at or near the Southwest corner of Robert W. Fidler Trust (D.B. 180, P. 188); thence continuing with new city limits along or near the lines of said Fidler and Reservoir for the following four (4) calls:

(1) North 6 degrees 04 minutes 45 seconds East, 144.00 feet to a point;

(2) Thence North 31 degrees 11 minutes 45 seconds East, 170.50 feet to a point;

(3) Thence North 45 degrees 32 minutes 45 seconds East, 143.00 feet to a point;

(4) Thence North 55 degrees 18 minutes 45 seconds East, 177.00 feet to a point at or near the Northwest corner of David O. Lykins, Jr. (D.B. 213, P. 46); thence leaving said Reservoir along or near the common lines of said Fidler Trust and Lykins, Jr. and new city limits for the following two (2) calls:

(1) South 26 degrees 51 minutes 15 seconds East, 162.00 feet to a point;

(2) Thence South 10 degrees 18 minutes 45 seconds West, 419.45 feet to a point; thence crossing said Lykins, Jr. and Robert W. Crain with new city limits South 85 degrees 18 minutes 14 seconds East, 1436.82 feet to a point; thence South 4 degrees 41 minutes 45 seconds West, 350.00 feet to the point of beginning; **enclosing 20.77 acres.**

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

Yeas: Ricky Hurst, Adam Hinton, Scott Manning, Benjamin Sparks, Meredith Story

Nays: _____

Not Present: Van Alexander

I do hereby certify 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 above Resolution 2012-12-6 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 Feb 8 2013

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

CERTIFICATION
for
Kentucky Secretary of State

I, **Joy Roark**, Clerk of the City of Flemingsburg do hereby certify that the attached copy of a Judgment in Fleming County Circuit Court, Civil Action File No. 2142 dated November 11, 1977 and identified as Exhibit 2 to Resolution No. 2012-12-6, 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)

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

Walton

CITY MINUTE BOOK 13 P. 450

FLEMING CIRCUIT COURT
CIVIL ACTION FILE NO. 2142

IN RE: ANNEXATION OF UNINCORPORATED TERRITORY BY

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

VS.: JUDGEMENT

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 on the North and south of the present corporate limits of said city, as follows:

A. Beginning at a post corner in Joe Simons Estate line; thence S 80° 00' E 680.0 ft. to post corner to Raymond Carpenter; thence with his line S 10° 00' W 518.0 ft. to a stake; thence N 59° 40' W 684.4 ft. to a post; thence N 02° 12' E 282.6 ft. to post. The beginning, containing 6.00 acres.

This tract is presently owned by Clarence Oliver, Flemingsburg, Kentucky.

B. Beginning at an iron pipe in the western edge of Greenway Drive, corner to Hurd and Shannon; thence S 21° 00' W 192 feet to Clarence Oliver property; thence Southeast following Clarence Oliver's property line 50 feet to a stake; thence N 21° 00' E 192 feet to an iron pipe; thence Northwe 50 feet to the point of beginning.

Part of this tract is owned by Mrs. Henry Osborne and part of it includes a public road, known as High Street.

Filed 11-11-77

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ATTORNEYS-AT-LAW
105 MAIN CROSS ST.
FLEMINGSBURG, KY.
41041
TEL. (606) 845-2771

C. Beginning at a stake in City Limits line; thence S 15° 00' W 60.0 ft. to a post; thence N 79° 50' W 258.0 ft. to a post; thence S 14° 10' W 349.0 ft. to post; thence N 76° 47' W 745.0 ft. to center of Greenway Drive Road; thence crossing road N 76° 47' W 176.0 ft. to post corner in Joe Simons Estate line; thence with his line N 13° 17' E 419.0 ft. to post; thence N 01° 38' E 303.5 ft. to post; thence S 82° 07' E 455.0 ft. to post; thence N 08° 35' E 233.0 ft. to City Limits line; thence with same S 40° 30' E 990.0 ft. to the beginning, containing 17.468 acres.

This property is part of South Ridge Park Subdivision, Flemingsburg, Kentucky.

D. Beginning at a post corner to Robert Crain et al and Mr. an Mrs. Aaron Miller, Jr. property; thence with Miller's line N 85° 00' W 357.0 ft. to a post at City Reservoir; thence along Reservoir N 07° 05' E 144.0 ft. to a post; thence N 32° 12' E 170.5 ft. to a post; thence N 46° 24' E 143.0 ft. to a post; thence N 56° 10' E 177.0 ft. to a post corner to Robert Crain et al; thence leaving Reservoir with the Crain line S 26° 00' E 162.0 ft. to wild cherry tree in fence line; thence S 11° 10' W 372.0 ft. to a post corner to Mr. and Mrs. Aaron Miller, Jr., the beginning, containing 3.331 acres.

This property is presently owned by Dr. and Mrs. Robert Fidler, Flemingsburg, Kentucky.

E. Beginning at a stake corner to Mr. and Mrs. Noel Storey property and the present City Limits at East side of Country Lane road; thence leaving the road with Storey's line S 81° 20' E 115.0 ft. to a stake corner to Robert Crain; thence with his line N 11° 10' E 144.5 ft. to a stake; thence N 81° 20' W 115.0 ft. to a stake at East side of Country Lane Road; thence along the road S 11° 10' W 144.5 ft. to a

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stake corner to Mr. and Mrs. Noel Storey to the beginning, containing 0.381 acre.

This property is presently owned by Mr. and Mrs. Gilber Kinder, Flemingsburg, Kentucky.

F. Beginning at the West edge of the Road, corner to Mr. and Mrs. Marvin Carroll property; thence along the West side of the Road N 11° 10' E 110.0 ft. to a corner to the Crain property; thence leaving the Road with Crain's line N 83° 30' W 150.27 ft. to a stake; thence S 11° 10' W 110.0 ft. to a corner to Carroll's property; thence with Carroll's line S 83° 30' E 150.27 ft. to the edge of the road. The beginning, containing 0.379 acre.

This property is presently owned by Mr. and Mrs. Aaron Miller, Jr., Flemingsburg, Kentucky.

G. Beginning at a post corner to John L. Taylor and Indian Fields Subdivision; thence with the line of said Subdivision N 83° 30' W 1375.0 ft. to corner of Mr. and Mrs. Gilbert Kinder Lot; thence with the line of their Lot N 11° 10' E 144.5 ft. to a stake; thence N 83° 30' W 115.0 ft. to the edge of a 20.0 ft. wide road (Country Lane); thence along the edge of the road S 11° 10' W 144.5 ft. to a corner; thence crossing road N 83° 30' W 20.0 ft. to a corner to Miller and Carroll property; thence along road with Miller's line N 11° 10' E 110.0 ft. to corner; thence leaving road N 83° 30' W 150.27 ft. to a stake; thence S 11° 10' W 110.0 ft. to a stake corner in Carroll's line; thence with Carroll's line N 83° 30' W 35.23 ft. to post corner to Fleming County High School Property; thence with school property line N 84° 06' W 300.0 ft. to a post; thence N 84° 48' W 117.0 ft. to post corner to the McKee property; thence with McKee's line N 05° 37' W 347.0 ft. to a post at Flemingsburg Reservoir; thence with the Reservoir fenceline

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S 85° 05' E 271.0 ft. to a post; thence N 73° 20' E 117.0 ft. to a post corner to Fidler; thence with Fidler's line S 85° 00' E 357.0 ft. to post corner to Crain on the East side of the Road (Country Lane); thence along road with Crain's line S 11° 10' W 38.0 ft. to a stake corner; thence leaving road S 83° 30' E 1453.0 ft. to post corner to John L. Taylor; thence with Taylor's line S 06° 30' W 350.0 ft. to post corner to Indian Field Subdivision. The beginning. Containing 16.648 acres. The above includes Roadway 20.0 ft. wide and 388.0 ft. in length.

This property is presently owned by Mrs. Eugene Crain and Robert W. Crain, Flemingsburg, Kentucky,

be and the same is hereby annexed to the City of Flemingsburg and its corporate boundaries extended in conformity herewith all of which is provided for under KRS 81.210.

JUDGE, 19th JUDICIAL CIRCUIT

DATED: Nov 11, 1977

Pages 251, 252, 253, 254
OB 82
11 November, 1977
NB Farley, D.C.

DONALD & WALTON
TORNEYS-AT-LAW
5 MAIN CROSS ST.
EMINGSBURG, KY.
41041
(606) 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. 2012-12-6, 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)

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

OVERSIZE MAP INCLUDED WITH SUBMISSION.

To research the map, contact the Office of Secretary of State or the County Clerk.