CERTIFICATION

I, Joy Roark, Clerk of the city of Flemingsburg do hereby certify that the above Resolution 13-7-2 is a true and correct copy as was presented to the City Council of the City of Flemingsburg at a meeting held on July 8th, 2013.

Given under my hand this 8th day of July, 2013.

Joy Roark

Joy Roark, City Clerk

(SEAL)

RECEIVED AND FILED
DATE September 6, 2013

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

CITY OF FLEMINGSBURG

COMMONWEALTH OF KENTUCKY

RESOLUTION NO. 13-7-2

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 FLEMINGSBURG, KENTUCKY:

Section 1: That the City Council of the City of Flemingsburg hereby adopts the following new legal description with 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. 09-01-4 dated September 17, 2001 and on file in the official records of the City of Flemingsburg Office. A certified copy of said old ordinance is attached hereto as **Exhibit 2**, accompanied by a surveyor's map depicting the territory described in the old ordinance attached hereto as **Exhibit 3**.

Section 2: The new legal description as prepared by William T. (Tommy) Carpenter, 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. 09-01-4, dated September 17, 2001 and on file in the City of Flemingsburg Office of which a certified copy is attached hereto as Exhibit 2, along with a certified copy of the map of survey of that area being a part of Exhibit 2. 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 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 the new 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:

Beginning in the existing city limits of Flemingsburg North of KY Highway No. 32, Elizaville Road, in or near the East Access Control line of KY Highway No. 11 (By-pass), State Plane Coordinates of said point of beginning being Northing 4047852.9100 and Easting 5493437.0000, at or near the common corner of Fleming County Hospital District (D.B. 224, P. 489) and the Commonwealth of Kentucky (C.B. 6, P. 24, Parcel No. 34A); thence along or near said Access Control line and said Commonwealth of Kentucky property with new city limits North 6 degrees 02 minutes 00 seconds East, 247.91 feet to a point; thence continuing with new city limits along or near said Access Control line and aforesaid Commonwealth property and another Commonwealth of Kentucky property (D.B. 130, P. 318 and C.B. 5, P. 82); for the following two (2) calls:

(1) North 15 degrees 06 minutes 23 seconds East, 593.02 feet to a point;

(2) Thence North 28 degrees 54 minutes 25 seconds East, 501.75 feet to a point at or near the corner of Eugene Woodford Crain (D.B. 184, P. 414); thence continuing with new city limits along or near the lines of said Crain for the following three (3) calls:

(1) South 77 degrees 59 minutes 34 seconds East, 334.00 feet to a point;

(2) Thence South 3 degrees 02 minutes 45 seconds West, 816.23 feet to a point;

(3) Thence South 53 degrees 21 minutes 22 seconds East, 708.45 feet to a point at or near the common corner to said Crain, aforesaid Commonwealth of Kentucky property, Minnie Doyle (D.B. 119, P. 489) and another Commonwealth of Kentucky property (D.B. 119, P. 155) in the existing city limits; thence with existing city limits North 87 degrees 47 minutes 41 seconds West, 1275.84 feet to the point of beginning; enclosing 18.98 Acres.

The foregoing Resolution No. 13-7-2 was adopted on roll call with the following vote:

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

Nays: _____

Not Present: _____

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: 8th July, 2013
Signed by Mayor: 8th July, 2013
Recorded by Clerk: 8th July, 2013

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 a ORDINANCE 09-01-4 dated 9-17-01 and identified as Exhibit 2 to Resolution No. 13-7-2, is a true and correct copy as was presented to the City Council of the City of Flemingsburg at a meeting held on the 8TH day of July, 2013.

Given under my hand this 6th day of September, 2013.

Joy Roark
Joy Roark, City Clerk

(SEAL)

RECEIVED AND FILED
DATE Sept 6, 2013

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

CITY OF FLEMINGSBURG, KENTUCKY
ORDINANCE NO. 09-01-4

AN ORDINANCE OF THE CITY OF FLEMINGSBURG, KENTUCKY ANNEXING INTO ITS CORPORATE LIMITS THE HEREINAFTER DESCRIBED LAND LOCATED ON THE EASTERN SIDE OF KY. HWY. NO. 11 (FLEMINGSBURG BY-PASS).

WHEREAS, the owner of certain real estate has consented in writing to the annexation of a certain parcel of its real estate located on the eastern side of Kentucky Highway No. 11 (Flemingsburg By-Pass) in Fleming County, Kentucky and being contiguous with the corporate limits of the City of Flemingsburg; and

WHEREAS, said property is identified and described in the land survey and plat representing said survey by W.T. (Tommy) Carpenter, R.L.S. 2380, dated 8-25-00 and which will be of record in Plat Cabinet No. 2, Slide No. ___ Fleming County Clerk's Office, and will be recorded within sixty (60) days as permitted by KRS 81A.470 and KRS 81A.475, and

WHEREAS, said property is adjacent to and contiguous with the City's boundaries and is urban in character and is suitable for development for urban purposes without unreasonable delay,

WHEREFORE, BE IT ORDAINED BY THE CITY OF FLEMINGSBURG, KENTUCKY;

SECTION 1: AUTHORITY

The annexation of the hereinafter described land is authorized by KRS 82.082 and KRS 81A.400 et seq.

SECTION 2: CONSENT TO ANNEXATION

The written consent to annexation executed, acknowledged and delivered to the City of Flemingsburg, Kentucky by the Commonwealth of Kentucky, Department of Highways pursuant to KRS 81A.412 and of record in D.B. 209, Page 101 in the office of the Fleming County Clerk is hereby acknowledged and accepted by the City of Flemingsburg, Kentucky for all intents and purposes expressed therein; said consent to annexation is made a part of this ordinance by reference.

SECTION 3: ANNEXATION

A. The land described in subsection C. below is found to be contiguous with and adjacent to the boundaries of the City of Flemingsburg, Kentucky and is suitable for development for urban purposes without unreasonable delay.

B. The land described in subsection C. below is hereby annexed to and shall be within the corporate limits of the City of Flemingsburg, Kentucky.

C. The land annexed by the City of Flemingsburg, Kentucky by operation of this ordinance is described as follows:

A certain area of real estate proposed for Annexation into the city limits of Flemingsburg, Fleming County, Kentucky, located and lying on the East side of Ky. Hwy. No. 11 (Flemingsburg By-Pass) adjacent to the current Flemingsburg city limits and more specifically described as follows:

Beginning at a 3 inch O.D. galvanized steel post in the Easterly Control of Access line of Ky. Hwy. No. 11 (Flemingsburg By-Pass) at or near the common corner of Elmer R. Doyle, et al (D.B. 131, P. 366) and the Commonwealth of Kentucky (C.D.B. 6, P. 24, Parcel No. 34A); thence along the current city limits and with said Commonwealth of Kentucky property North 11 deg. 49 min. 04 sec. East, 247.91 ft. to a point; thence continuing along the current city limits and with said Commonwealth property and another Commonwealth of Kentucky property (D.B. 130, P. 318 and C.D.B. 5, P. 82) for the following two (2) calls:

(1) North 20 deg. 53 min. 34 sec. East, 592.92 ft. to a point;

(2) Thence North 34 deg. 41 min. 07 sec. East, 501.84 ft. to a 3 inch O.D. galvanized steel post at or near the corner of Eugene Woodford Crain, II (D.B. 171, P. 201; D.B. 174, P. 350; D.B. 177; P. 21; D.B. 181, P. 372; and D.B. 184, P. 414); thence with the line of Crain and the existing chain link fence South 72 deg. 12 min. 31 sec. East, 334.00 ft. to a 3 inch O.D. galvanized steel post; thence continuing with the lines of said Crain for the following two (2) calls:

(1) South 8 deg. 49 min. 48 sec. West, 816.23 ft. to an existing wood fence post, said point witnessed by a 2-1/2 inch O.D. galvanized steel pipe (found) at South 14 deg. 05 min. 45 sec. East, 0.70 ft.;

(2) Thence South 47 deg. 34 min. 19 sec. East, 708.45 ft. to an existing wood fence post, said point a common corner to said Crain, aforesaid Commonwealth of Kentucky, Adrian Doyle, et ux (D.B. 119, P. 489) and another Commonwealth of Kentucky property (D.B. 119, P. 155); thence along an existing chain link fence with

the latter said Commonwealth property (D.B. 119, P. 155), aforesaid Doyles property and first said Commonwealth property (C.D.B. 6, P. 24) North 82 deg. 00 min. 38 sec. West, passing a 3 inch O.D. galvanized steel post at 6.98 ft., for a total distance of 1275.84 ft. to the Point of Beginning; **Containing 18.98 Acres.**

This description was prepared in conjunction with a Class "A" survey field completed on July 9, 2000, by William T. (Tommy) Carpenter, P.L.S. 2380. A plat depicting that survey (Drawing No. 000-042) is on file in Plat Cabinet No. 2, Slide No. _____, Fleming County Clerk's Office. The bearings stated in this description are referenced to the Magnetic Meridian as noted on said plat.

Being a part of the same real estate conveyed to the Commonwealth of Kentucky, Department of Highways by deed from Marvin W. Suit, Special Commissioner of the Fleming Circuit Court, dated the 3rd day of November, 1971, and of record in Commissioner's Deed Book 5, Page 82. Also being all of the same real estate conveyed the Commonwealth of Kentucky, Department of Highways by deed from J.B. Lathram, widower, dated the 17th day of June, 1970, and of record in D.B. 130, Page 318. Further being a part of the same real estate (and being all of "PARCEL NO. 34A" therein) conveyed the Commonwealth of Kentucky, Department of Highways by deed from Lloyd A. MacDonald, Master Commissioner, dated the 10th day of April, 1981, and of record in Commissioner's Deed Book 6, Page 24. All citations to the office of the Fleming County Clerk.

D. The map of the area described in subsection "C." above is drawn and will be recorded within the time limits required by the Annexation statute.

SECTION 4: EFFECTIVE DATE

This Ordinance shall become effective upon two (2) readings thereof, roll call vote passage by the City Council, approval by the Mayor and publication as required by law.

x x x

x x x

COUNCIL ACTION
ORDINANCE NO. 09-01-4

First Reading of this Ordinance was had on September 10th, 2001.

Joy S. Roark
Joy S. Roark, City Clerk

Second Reading of this Ordinance was had on the 17th day of September, 2001, and upon roll call vote was adopted by the City Council of the City of Flemingsburg, Kentucky.

Joy S. Roark
Joy S. Roark, City Clerk

MAYORAL APPROVAL (#9-01-4)

I hereby accept and approve the foregoing Ordinance No. 09-01-4 and direct same to be published in accordance with applicable law this 17th day of September, 2001.

Demaree C Todd
Demaree C. Todd, Mayor

ATTEST:

Joy S. Roark
Joy S. Roark, City Clerk

PREPARED BY:

Thomas L. MacDonald
MacDonald, Walton & Razor, PLLC
City Attorneys

CERTIFICATION
for
Kentucky Secretary of State

I, **Joy Roark**, Clerk of the City of Flemingsburg do hereby certify that the attached copy of a Plat dated 7-30-2000 and identified as Exhibit 3 to Resolution No. 13-7-2, is a true and correct copy as was presented to the City Council of the City of Flemingsburg at a meeting held on the 8TH day of July, 20 13.

Given under my hand this 6th day of September, 2013.

Joy Roark
Joy Roark, City Clerk

(SEAL)

RECEIVED AND FILED
DATE Sept. 6, 2013

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

OVERSIZE MAP INCLUDED WITH SUBMISSION.

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

CERTIFICATION
for
Kentucky Secretary of State

I, **Joy Roark**, Clerk of the City of Flemingsburg do hereby certify that the attached copy of a PLAT dated 7-08-13 and identified as Exhibit 1 to Resolution No. 13-7-2, is a true and correct copy as was presented to the City Council of the City of Flemingsburg at a meeting held on the 8TH day of July, 20 13.

Given under my hand this 5th day of September, 2013.

Joy Roark
Joy Roark, City Clerk

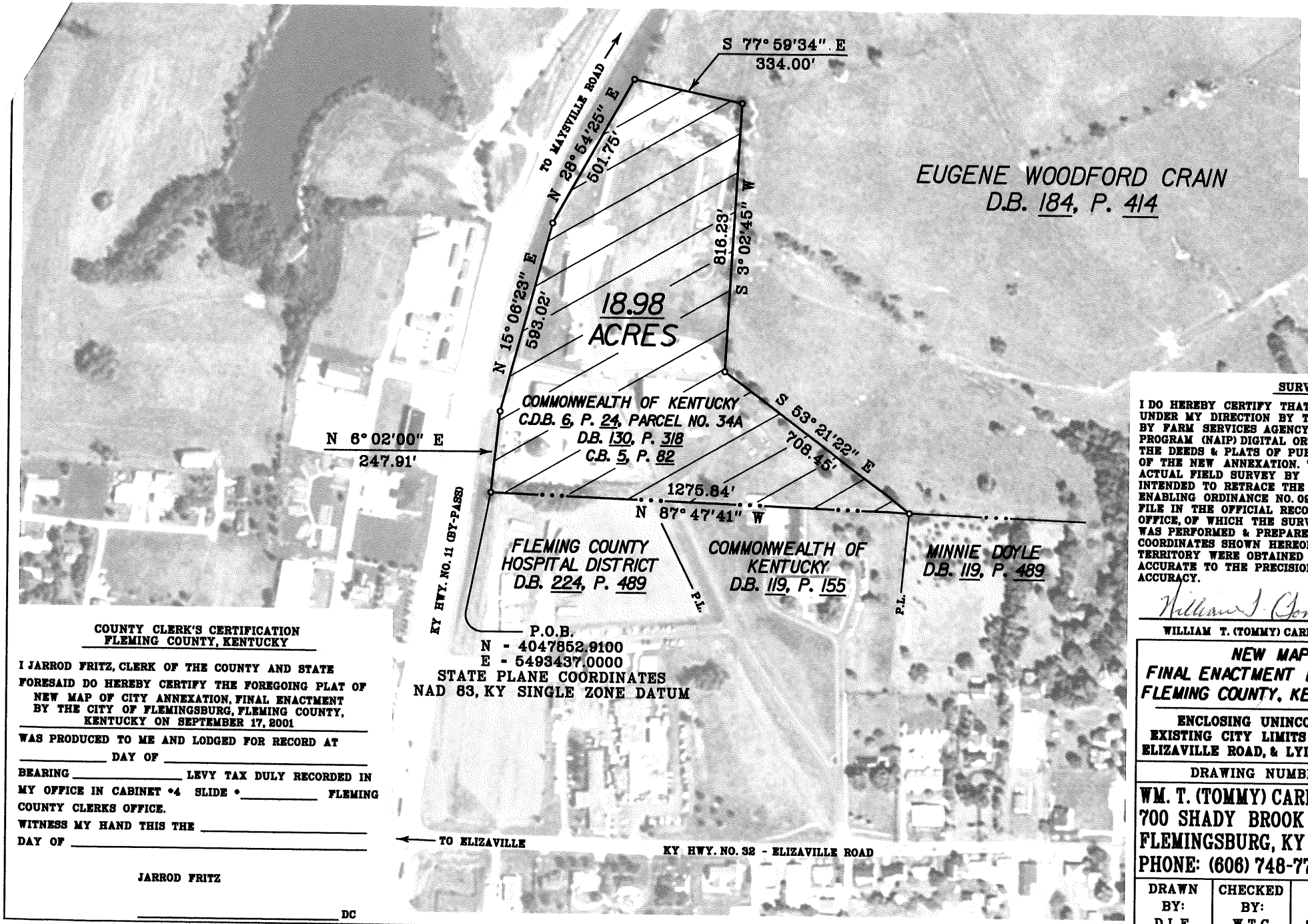
(SEAL)

RECEIVED AND FILED
DATE Sept. 6, 2013

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

GRAPHIC SCALE:

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



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SURVEYOR'S CERT

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PROGRAM (NAIP) DIGITAL ORTHO IMAGERY
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ENABLING ORDINANCE NO. 09-01-4 DATED
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WAS PERFORMED & PREPARED UNDER MY
COORDINATES SHOWN HEREON FOR THE PO
TERRITORY WERE OBTAINED BY USING SA
ACCURATE TO THE PRECISIONAL LIMITATIO
ACCURACY.

William T. Tommy Car

WILLIAM T. (TOMMY) CARPENTER, P.L.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 SEPTEMBER 17, 2001 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

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

ENCLOSING UNINCORPORATED T
EXISTING CITY LIMITS ON NORTH
ELIZAVILLE ROAD, & LYING EAST OF

DRAWING NUMBER: 13-007

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

DRAWN BY:	CHECKED BY:	DATE:	SC
D.L.E.	W.T.C.	7-7-13	1"