RECEIVED AND FILED
DATE September 10, 2014

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

CITY OF FLEMINGSBURG

COMMONWEALTH OF KENTUCKY

RESOLUTION NO. 14-08-1

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, 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 FLEMINSBURG, KENTUCKY:

Section 1: That the City Council of the City of Flemingsburg hereby adopts the following legal descriptions and a 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. 12-02-01 dated December 9, 2002 and on file in the official records of the City of Flemingsburg office. A certified copy of said ordinance is attached hereto as Exhibit 2. The copy of said ordinance is accompanied by a surveyor's map depicting the territory described in the ordinance and hereby attached hereto as Exhibit 3.

Section 2: The new description as prepared by William T. (Tommy) Carpenter, Kentucky 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. 12-02-01, dated December 9, 2002 and on file in the Official Records of 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 attached hereto as Exhibit 3. While the description cited in said ordinance was a result of an actual field survey prepared by me utilizing bearings computed from magnetic observation, the boundaries and map generated for this submission was derived by re-orienting the monuments and lines cited in the new description to the Kentucky State Plane Coordinates NAD 83, Kentucky Single Zone Datum. Said coordinate data was provided from Travis A. McGlone, Kentucky Licensed Professional Land Surveyor No. 3919, obtained during his survey of adjoining property of North Bypass Properties, Inc. (D.B. 213, P. 634). Additional information used in conjunction with the previous survey and this survey was obtained from deeds and plats of the subject 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:

A certain area of land lying or situated North of the centerline of KY Hwy. No. 597, The Cherry Grove Road, in Fleming County, Kentucky, and more specifically described as follows:

Beginning at a point in the center of Cherry Grove Road and in the existing city limits of Flemingsburg, State Plane Coordinates NAD 83, Single Zone datum: Northing 4053096.855 and Easting 5498740.636; thence with the center of said road and the existing city limits for the following four (4) calls:

(1) South 64 deg. 48 min. 10 sec. West, 462.74 ft. to a point of curvature (P.C.);
(2) Thence 380.97 ft. along the arc of a curve to the left to a point of tangency (P.T.), said curve having a radius of 11,460.00 ft. and a chord South 63 deg. 51 min. 01 sec. West, 380.95 ft.;
(3) Thence South 62 deg. 53 min. 53 sec. West 1396.60 ft. to a point;
(4) Thence South 63 deg. 14 min. 36 sec. West, crossing KY Hwy. No. 11, The Flemingsburg-Maysville Road, a distance of 368.75 ft. to a point in the West right-of-way line of same, said point being thirty (30) ft. from the center of KY Hwy. No. 11; thence with said right-of-way line and new city limits North 17 deg. 16 min. 23 sec. West, 30.45 ft. to a point opposite the North right-of-way line of KY Hwy. No. 597; thence continuing with new city limits, crossing back across said KY Hwy. No. 11, North 63 deg. 14 min. 36 sec. East with the North right-of-way line of KY Hwy. No. 597, passing a 5/8 inch X 30 inch rebar with a 3 ¼ inch diameter aluminum I.D. cap stamped: "CITY LIMITS BOUNDARY, FLEMINGSBURG, KENTUCKY, W.T. CARPENTER, PLS 2380" at 15.21 ft. (Reference Monument set at the intersection of the back side of the Northwest wing and outside barrel line of an existing 6 ft. X 3 ft. X 36 ft. RC box culvert), for a total distance of 363.74 ft. to a 5/8 inch X 30 inch rebar with afore-described I.D. cap (set) at or near the Southeast corner of Otto Jewett and Paula A. Hyatt (D.B 249, P. 677); thence continuing with new city limits along the east line of said Hyatts North 12 deg. 50 min. 53 sec. West, 618.95

ft. to a 5/8 inch X 30 inch rebar with afore-described I.D. cap (set) in an existing fence and line of Doyle Mobile Homes, Inc. (D.B. 218, P. 467); thence continuing with new city limits along said fence and lines of same for the following five (5) calls:

(1) North 69 deg. 29 min. 03 sec. East, 85.81 ft. to a 5/8 inch X 30 inch rebar with afore-described I.D. cap (set);

(2) Thence North 59 deg. 03 min. 04 sec. East, 516.55 ft. to a 5/8 inch X 30 inch rebar with afore-described I.D. cap (set);

(3) Thence North 58 deg. 53 min. 46 sec. East, 240.22 ft. to a 5/8 inch X 30 inch rebar with afore-described I.D. cap (set);

(4) Thence North 59 deg. 17 min. 33 sec. East, 133.20 ft. to a 5/8 inch X 30 inch rebar with afore-described I.D. cap (set);

(5) Thence North 49 deg. 45 min. 49 sec. East, 435.45 ft. to a 5/8 inch X 30 inch rebar with afore-described I.D. cap (set) in or near North Bypass Properties, Inc. (D.B. 213, P. 634); thence continuing with new city limits along the existing fence of same North 84 deg. 14 min. 05 sec. East, 751.84 ft. to a 5/8 inch X 30 inch rebar with afore-described I.D. cap (set) at or near the Northwest corner of James E. Whisman, et ux (D.B. 165, P. 537 and D.B. 171, P. 161); thence continuing with new city limits along the existing fence South 25 deg. 59 min. 48 sec. East, passing a 5/8 inch X 30 inch rebar with afore-described I.D. cap (set reference monument) at 497.09 ft., for a total distance of 527.09 ft. to the point of beginning; enclosing 33.415 acres.

William T. (Tommy) Carpenter

William T. (Tommy) Carpenter, PLS
700 Shady Brook Lane
Flemingsburg, KY 41041
(606) 748-7789

STATE OF KENTUCKY
WILLIAM T. CARPENTER
2380
LICENSED
PROFESSIONAL
LAND SURVEYOR

8-11-14

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

Yeas: Ricky Hurst, Kathy Moore, Scott Manning, Georgianna Sparks, Meredith Story, Kim Alexander

Nays: _____

Not Present: _____

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

Martin L. Voiers

Martin L. Voiers, Mayor

Introduced and adopted: 11 August, 2014
Signed by Mayor: 11 August, 2014
Recorded by Clerk: 11 August, 2014

ATTEST:

Joy Roark

Joy Roark, City Clerk

CERTIFICATION

I, **Joy Roark**, Clerk of the City of Flemingsburg do hereby certify that the above Resolution 14-08-1 is a true and correct copy as was presented to the City Council of the City of Flemingsburg at a meeting held on August 11, 2014.

Given under my hand this 10 day of September, 2014.

Joy Roark

Joy Roark, City Clerk

(SEAL)

EXHIBIT 2

RECEIVED AND FILED
DATE September 10, 2014

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

CITY OF FLEMINGSBURG, KENTUCKY
ORDINANCE NO. 12-02-1

A FINAL ANNEXATION ORDINANCE OF THE CITY OF FLEMINGSBURG, KENTUCKY ANNEXING INTO ITS CORPORATE LIMITS THE HEREINAFTER DESCRIBED LAND LOCATED ON KENTUCKY HIGHWAY 587, THE CHERRY GROVE ROAD.

WHEREAS, certain owners of real estate have consented in writing to the annexation of certain parcels of their real estate located on the northern side of Kentucky Highway 587, the Cherry Grove Road, in Fleming County, Kentucky, and being contiguous with the current 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 03-10-02 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 current 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 below referenced written consents to annexation executed, acknowledged and delivered to the City of Flemingsburg, Kentucky pursuant to KRS 81A.412 and of record in the office of the Fleming County Clerk, are hereby acknowledged and accepted by the City of Flemingsburg, Kentucky for all intents and purposes expressed therein; said consents to annexation are made a part of this ordinance by reference; to-wit:-

Estate of Ruth W. Colgan and Jackie Ruth, single; D.B. _____, Page _____, accepted November 13, 2002;

J. E. Ruth, II, single; D.B. _____, Page _____, accepted November 14, 2002.

SECTION 3: ANNEXATION

A. The land generally described in subsection C. below is found to be contiguous with and adjacent to the current 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 land, lying or situated on the Northern side of Ky. Hwy. No. 597, the Cherry Grove Road and adjoining the current City Limits of Flemingsburg, Fleming County, Kentucky, said area more specifically described as follows:

BEGINNING at a point in the center of Cherry Grove Road opposite the common corner of James E. Whisman, et ux (D.B. 165, P. 537 and D.B. 171, P. 161) and Ruth M. Colgan and Jackie Ruth (D.B. 169, P. 328); thence along the center of said road and the current City Limits of Flemingsburg for the following four (4) calls:

(1) South 66 deg. 07 min. 48 sec. West, 462.74 ft. to a Point of Curve (P.C.);
(2) Thence 380.97 ft. along the arc of a curve to the left o a Point of Tangent (P.T.), with said curve having a radius of 11,460.00 ft. and a chord South 65 deg. 10 min. 39 sec. West, 380.95 ft.;
(3) Thence South 64 deg. 13 min. 31 sec. West, 1396.60 ft. to a point;
(4) Thence South 64 deg. 34 min. 14 sec. West, 368.75 ft. to a point in the west right of way line of Ky. Hwy. No. 11, the Flemingsburg-Maysville Road, said point being 30 ft. from the center of Ky. Hwy. No. 11; thence with said right of way line North 15 deg. 56 min. 45 sec. West, 30.42 ft. to a point; thence back across Ky. Hwy. No. 11 North 64 deg. 34 min. 14 sec. East, passing a 5/8 inch rebar and I.D. cap (set witness corner) at 15.21 ft. and continuing generally with the North right of way line of Cherry Grove Road for a total distance of 363.74 ft. to a 5/8 inch rebar and I.D. cap (set) at or near the common corner of aforesaid Colgan and Ruth and John Cheap (D.B. 112, P. 84); thence along the common line of same North 11 deg. 31 min. 15 sec. West, 618.95 ft. to a 5/8 inch rebar and I.D. cap (set) corner to Peoples Bank of Fleming County, Trustee for Fleming County Library Building Co., Inc. (D.B. 170, P. 506); thence with the line of said Library Building Co., Inc. and

along the existing fence for the following five (5) calls:

(1) North 70 deg. 48 min. 41 sec. East, 85.81 ft. to a 5/8 inch rebar and I.D. cap (set);
(2) Thence North 60 deg. 22 min. 42 sec. East, 516.55 ft. to a 5/8 inch rebar and I.D. cap (set);
(3) Thence North 60 deg. 13 min. 24 sec. East, 240.22 ft. to a 5/8 inch rebar and I.D. cap (set);
(4) Thence North 60 deg. 37 min. 11 sec. East, 133.20 ft. to a 5/8 inch rebar and I.D. cap (set);
(5) Thence North 51 deg. 05 min. 27 sec. East, 435.45 ft. to a 5/8 inch rebar and I.D. cap (set) in the line of Peoples Bank of Fleming County (D.B. 205, P. 743, Parcel No. II); thence with the line of same North 85 deg. 33 min. 33 sec. East, 751.83 ft. to a 5/8 inch rebar and I.D. cap (set), said point a corner to aforesaid Whismans; thence with the line of Whisman South 24 deg. 40 min. 10 sec. East, passing a 5/8 inch rebar and I.D. cap (set witness corner) at 497.09 ft., for a total distance of 527.09 ft. to the Point of Beginning; **Containing 33.41 acres.**

The above described boundary is comprised of the following conveyances:

(1) All of the same property conveyed to William S. Colgan and Ruth W. Colgan, husband and wife, and Jackie Ruth by deed from Calvin B. Hazelrigg, as Executor of the Estate of Vernice Ross, deceased, dated the 13th day of April, 1990 and of record in **D.B. 169, Page 328**, Fleming County Clerk's Office, **less the 2 exceptions** out set forth in the Consent to Annexation.

(2) All of Tract No. 2 of the same property conveyed to J.E. Ruth, II, single, by deed from William S. Colgan and Ruth W. Colgan, husband and wife, dated the 11th day of May, 1994 and of record in **D.B. 179, Page 333**, Fleming County Clerk's Office.

(3) Part of the same property conveyed to the Commonwealth of Kentucky by deed from Lester M. Ross, single, and Bess Ross, single, dated the 28th day of February, 1940 and recorded in **Right of Way Deed Book 91C, Page 522**, Fleming County Clerk's Office.

This description was prepared in conjunction with a Class "A" survey field completed by William T. (Tommy) Carpenter, PLS 2380 on March 7, 2002. A plat depicting that survey (Drawing No. 02-002) is on file in Plat Cabinet No. 2, Slide No. _____, Fleming County Clerk's Office. The 5/8 inch x 30 inch rebars bear a 3-1/4 inch diameter aluminum I.D. cap stamped "CITY LIMITS BOUNDARY, FLEMINGSBURG, KENTUCKY, W.T. CARPENTER, PLS 2380" and are partially encased in concrete. The bearings stated in this description are referenced to the Magnetic Meridian as noted on said plat.

D. The map of the area described in subsection "C." has been 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, and recording of the Plat, a Certified Copy of Ordinance, and List of Property Owner name and address, all in the office of the Fleming County Clerk, the Kentucky Secretary of State, and the Department of Local Government.

x	x	x
x	x	x
x	x	x
x	x	x

COUNCIL ACTION
ORDINANCE NO. 12-02-1

First Reading of this Ordinance was had on the 18th day of November, 2002.

Joy S. Roark
Joy S. Roark, City Clerk

Second Reading of this Ordinance was had on the 9th day of December, 2002, 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 (#12-02-1)

I hereby accept and approve the foregoing Ordinance No. 12-02-1 and direct same to be published in accordance with applicable law this 9th day of December, 2002.

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

I, **Joy Roark,** Clerk of the City of Flemingsburg do hereby certify that Exhibit 2, the old annexation Ordinance No. 12-02-1, is a true and correct copy as was presented to the City Council of The City of Flemingsburg at a meeting held on August 11, 2014.

Given under my hand this 10th day of September, 2014

Joy Roark

Joy Roark, City Clerk

(SEAL)

CERTIFICATION

I, **Joy Roark,** Clerk of the City of Flemingsburg do hereby certify that Exhibit 3, the old annexation plat, is a true and correct copy as was presented to the City Council of The City of Flemingsburg at a meeting held on August 11, 2014.

Given under my hand this 10th day of September, 2014

Joy Roark

Joy Roark, City Clerk

(SEAL)

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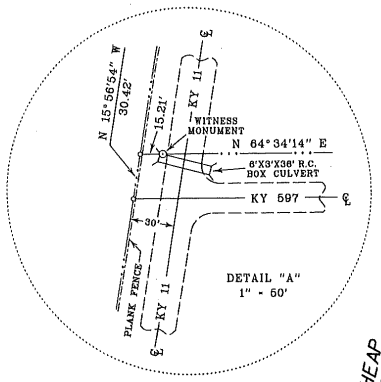
EXHIBIT 3

PROPOSED ANNEXATION TO THE CITY OF FLEMINGSBURG, FLEMING COUNTY, KENTUCKY ALONG KY HWY. NO. 597 - THE CHERRY GROVE ROAD

TOTAL ANNEXATION AREA = 33.41 ACRES

J.E. RUTH - 0.90 ACRE
RUTH M. COLGAN - 30.62 ACRES
EXISTING R/W - 1.89 ACRES

NOTE NO. 1: BEARINGS FOR THIS SURVEY ORIENTED TO THE EXISTING CITY LIMITS BEARING: N 49°30' E



COUNTY CLERK'S CERTIFICATION
FLEMING COUNTY, KENTUCKY

I MARILYN SPENCER, CLERK OF THE COUNTY AND STATE FORESAID DO HEREBY CERTIFY THE FOREGOING PLAT OF THE PROPOSED ANNEXATION TO THE CITY OF FLEMINGSBURG, ALONG KY HWY. NO. 597, THE CHERRY GROVE ROAD WAS PRODUCED TO ME AND LODGED FOR RECORD AT _____ DAY OF _____ BEARING _____ LEVY TAX DULY RECORDED IN MY OFFICE IN CABINET #2 SLIDE # _____ FLEMING COUNTY CLERKS OFFICE.
WITNESS MY HAND THIS THE _____ DAY OF _____

MARILYN SPENCER

_____ DC

SURVEYOR'S CERTIFICATION

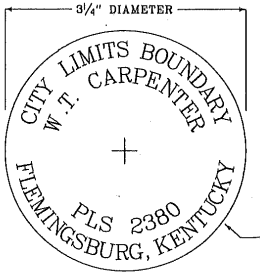
I DO HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON WAS PERFORMED BY ME BY THE METHOD OF RANDOM TRAVERSE WITH SIDE SHOTS. THE UNADJUSTED PRECISION RATIO OF THE SURVEY WAS 1:18,545 WITH AN ANGULAR ERROR OF 5N = 0°00'38". THE BEARINGS & DISTANCES SHOWN HEREON HAVE BEEN ADJUSTED FOR CLOSURE. THE SURVEY AS SHOWN WAS FIELD COMPLETED AS A CLASS "A" SURVEY ON 3-07-2002 & THE PRECISION OF SAID SURVEY MEETS ALL THE SPECIFICATIONS OF THIS CLASS.

WILLIAM T. "TOMMY" CARPENTER, P.L.S. 2380

MARCH 11, 2002
DATE

LEGEND

- ⊙ 5/8" X 30" REBAR WTIH 3 1/4" DIA. ALUMINUM I.D. CAP STAMPED: "CITY LIMITS BOUNDARY, FLEMINGSBURG KENTUCKY, W.T. CARPENTER, P.L.S. 2380" (SET THIS SURVEY - SEE DETAIL "B")
- ○ POINT ON SURVEY - NO MONUMENT SET
- EXISTING RIGHT OF WAY
- EXISTING PLANK FENCE
- EXISTING WIRE FENCE
- PROPOSED ANNEXATION AREA



GRAPHIC SCALE:

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

CERTIFICATION

I, **Joy Roark,** Clerk of the City of Flemingsburg do hereby certify that Exhibit 1, the new amended annexation plat, is a true and correct copy as was presented to the City Council of The City of Flemingsburg at a meeting held on August 11, 2014.

Given under my hand this 10th day of September, 2014

Joy Roark

Joy Roark, City Clerk

(SEAL)

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ALISON LUNDERGAN GRIMES
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OVERSIZE MAP INCLUDED WITH SUBMISSION.

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