

ORDINANCE NO. 10 - 2011

**ORDINANCE ANNEXING CERTAIN TERRITORY INTO THE CITY OF GRAYSON,
KENTUCKY, PURSUANT TO KRS CHAPTER 81A**

Preamble

Whereas, the City of Grayson, Kentucky, adopted, approved, and enacted Ordinance No. 02-2011, whereby the City of Grayson, expressed its intent to annex the territory described in said Ordinance;

Whereas, the City of Grayson has satisfied statutory requirements, including, but not limited to KRS 81A.425, KRS 83A.060 and KRS 424.130(1)(b), with respect to Ordinance No. 02-2011;

Whereas, a petition in opposition to Ordinance No. 02-2011 was filed with the City of Grayson by owners of certain property located within the territory to be annexed thereby requiring the proposed annexation to be placed on the ballot for vote by any person or persons qualified to vote on the matter, and the matter was placed on the ballot for vote on November 8, 2011;

Whereas, no qualified person voted to defeat the proposed annexation on November 8, 2011;

Whereas, the territory to be annexed is an unincorporated area, and is contiguous to the City limits of the City of Grayson;

Whereas, the territory to be annexed is suitable for development for urban purposes without unreasonable delay in accordance with KRS 81A.410;

Whereas, the territory to be annexed does not lie within the boundary of another incorporated city;

Whereas, the territory to be annexed does not lie outside Carter County, Kentucky; and

Whereas, it is deemed beneficial for the welfare of the occupiers, residents and/or property owners of the territory and beneficial to the safety and welfare of inhabitants of the City of Grayson to annex the territory described Ordinance No. 02-2011.

RECEIVED AND FILED
DATE December 8, 2011

ELAINE N. WALKER
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Janice Williams

Now, Therefore, Be It Ordained By the City Council of the City of Grayson, County of Carter, State of Kentucky, as follows:

Section 1

The City of Grayson having adopted, approved, and enacted Ordinance No. 02-2011, whereby the City of Grayson expressed its intent to annex the territory described in Ordinance No. 02-2011, and the City of Grayson having satisfied all statutory requirements and conditions precedent to annexation of the unincorporated territory described in Ordinance No. 02-2011, which is incorporated by reference as if set forth at length herein *verbatim*, the same constituting part of this Ordinance, the City Council, pursuant to Kentucky Revised Statutes, Chapter 81A.005 *et seq.*, and all other applicable law, does hereby annex into the City of Grayson the territory described in Exhibit "A" hereto and the accompanying map.

Section 2

The corporate limits of the City of Grayson are hereby extended and increased so as to include and embrace within the corporate limits of the City of Grayson the territory described hereinabove and as set forth in the attached description and map.

Section 3

The map attached to this Ordinance is an accurate map of the territory annexed, and such map is hereby adopted as the official map of the territory annexed, and the same shall be recorded in the Carter County Clerk's Office along with this Ordinance as the official map of the annexed territory. (This Ordinance and the attachments hereto comport with the requirements of KRS 81A.470 in all applicable respects.)

Section 4

If any section, subsection, sentence, clause, or phrase of this Ordinance is held unconstitutional or otherwise invalid, such infirmities shall not affect the validity of the remaining portions of this Ordinance.

This Ordinance becomes effective upon its adoption, approval, and publication as provided by law.

First reading, approval and adoption on the 14th day of November, 2011.

Second reading, approval and adoption on the 17th day of November, 2011


MAYOR GEORGE STEELE

ATTEST:


CINDY STRATTON
CITY CLERK

CITY OF GRAYSON

302 East Main Street
Grayson, Kentucky 41143

Phone: (606) 474-6651
Fax: (606) 474-6653

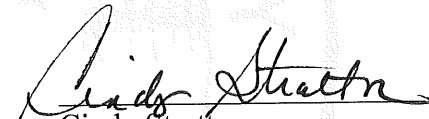
www.graysonky.net

CERTIFICATE

CITY OF GRAYSON

I, the undersigned, hereby certify that I am the duly qualified and acting City Clerk for the City of Grayson, that the foregoing is a full, complete and correct copies of Ordinance 10-2011, annexation of property owned by the CPDC, LLC, which have been duly filed with the Mayor of the City of Grayson and the records thereof all appearing as a matter of public record in the official records or journal of said governing authority.

IN TESTIMONY WHEREOF, witnessed by me this 6th day of December, 2011


Cindy Stratton
City Clerk

LEGAL DESCRIPTION

Being a 1.87 acres (more or less) tract of land, lying on the south side of an unnamed 50' roadway, approximately 587 feet east from Interstate Drive, County of Carter, State of Kentucky and being the same property conveyed to GPDC, LLC and from Horton, Goebel, and Johnson, Inc., deed dated December 29, 2010 and filed with the Carter County Clerk's Office in official record book 264, page 83 and also being a 30 feet wide utility easement strip commencing at the existing City of Grayson Boundary and running on the south side of an 50' right of way of unnamed roadway to the parcel owned by GPDC, LLC, see attached plat for further reference and is more particularly described by metes and bounds as follows:

Beginning at a point in the north right of way of a 30' wide utility easement and being a point in the existing City of Grayson Boundary, being 250' east from the center of Interstate Drive, said point also being in the southern proposed right of way of a 50' roadway;

Thence leaving the existing City of Grayson Boundary and running with the north right of way of a 30' wide utility easement and the southern proposed right of way of a 50' roadway N 78 DEGREES 06 MINUTES 51 SECONDS E a distance of 318.26 feet to an iron pin found (1/2" rebar with surveyor's cap stamped "LS 2178"), being the northwest corner of the land owned by GPDC, LLC (official record book 264, page 83);

Thence continuing with the 30' wide utility easement and southern right of way of a 50' roadway N 78 DEGREES 06 MINUTES 51 SECONDS E a distance of 254.81 feet to an iron pin set, being the northeast corner of the land owned by GPDC, LLC (official record book 264, page 83);

Thence leaving the southern proposed right of way of 50' wide roadway and 30' wide utility easement, crossing said utility easement S 11 DEGREES 52 MINUTES 28 SECONDS E a distance of 266.66 feet to an iron pin found (1/2" rebar with surveyor's cap stamped "LS 2178"), being the southeast corner of the land owned by GPDC, LLC (official record book 264, page 83);

Thence S 78 DEGREES 05 MINUTES 05 SECONDS W a distance of 254.86 feet to an iron pin set, being southwest corner of the land owned by GPDC, LLC (official record book 264, page 83);

Thence N 11 DEGREES 51 MINUTES 51 SECONDS W a distance of 236.79 feet to a point in the south right of way of a 30' wide utility easement, an iron pin found (1/2" rebar with surveyor's cap stamped "LS 2178") bears north 11 degrees 51 minutes 51 seconds west a distance of 30.00 feet;

Thence leaving the land owned by GPDC, LLC and running with the southern right of way of 30' wide utility easement S 78 DEGREES 06 MINUTES 51 SECONDS W a distance of 325.35 feet to a point in the existing City of Grayson Boundary, being 250' from the center of Interstate Drive;

Thence running with the existing City of Grayson Boundary N 01 DEGREES 26 MINUTES 34 SECONDS E a distance of 30.83 feet, which is the point of beginning and containing 1.78 acres, more or less.

All iron pin sets are 3/4" rebar 24" long with surveyor's cap stamped "E. Elliott KY, PLS 3760"

Field Survey Date: 01/15/2011 preliminary 02/08/2011 final

Being subject to all restrictions, right of ways, easements, utilities, covenants, exceptions, conveyances, leases, and exclusions previously imposed and appearing of record, and those not of record.

This parcel is more fully shown on a plat titled "Plat of Survey of GPDC, LLC Property", lying on the south side of an unnamed 50' roadway, approximately 587 feet east from Interstate Drive, County of Carter, State of Kentucky" job number 0112011KC, dated February 8, 2011 by Elliott and Associates, PLLC, Professional Land Surveying, Edison Elliott, Professional Land Surveyor, No. 3760.

Edison Elliott 02-08-2011
(Signature) (Date)

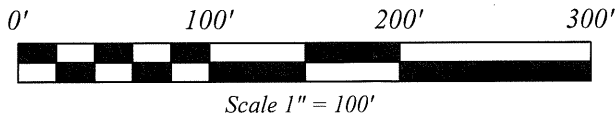


GENERAL NOTES:

1. THIS PLAT REPRESENTS A BOUNDARY SURVEY OF THE PARCEL SHOWN.
2. SOURCE OF TITLE:
GPDC, LLC FROM HORTON, GOEBEL, AND JOHNSON, INC., DEED DATED DECEMBER 29, 2010 AND FILED WITH THE CARTER COUNTY CLERK'S OFFICE IN DEED BOOK 264, PAGE 83.
3. CLIENT PROPERTY ADDRESS:
CITY OF GRAYSON
302 EAST MAIN STREET, GRAYSON, KENTUCKY 41143
4. THE WORD CERTIFY AS SHOWN AND USED HEREON MEANS AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THE FACTS OF THE SURVEY AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EXPRESSED OR IMPLIED.
5. DATE OF FIELD WORK: 1/15/2011 PRELIMINARY 02/08/2011 FINAL
6. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY ELLIOTT & ASSOCIATES, PLLC. PROFESSIONAL LAND SURVEYING TO DETERMINE OWNERSHIP AND EASEMENTS OF RECORD.
7. FOR ALL INFORMATION REGARDING RIGHT-OF-WAYS, EASEMENTS, TITLE OF RECORD AND SUBJECT PROPERTY LINES WE RELIED UPON THE CARTER COUNTY CLERK'S OFFICE.
8. BEING SUBJECT TO ALL RESTRICTIONS, RESERVATIONS, RIGHT OF WAYS, EASEMENTS, UTILITIES, COVENANTS, EXCEPTIONS, CONVEYANCES, LEASES AND EXCLUSIONS PREVIOUSLY IMPOSED AND APPEARING OF RECORD, AND THOSE NOT OF RECORD.
9. BASIS OF BEARINGS: KENTUCKY STATE PLAN NORTH ZONE
10. GENERAL MAP SYMBOLS AND LINES:

- IRON PIN SET ~ 3/4" x 24" REBAR WITH SURVEYOR'S CAP MARKED "E.ELLIOTT KY P.L.S. 3760"
- IRON PIPE FOUND ~ 1" DIAMETER
- POINT IN CENTER OF KENTUCKY ROUTE 1947

- p.o.b. POINT OF BEGINNING
- BOUNDARY LINE
 - - - - TRACT / DEED LINE
 - - - - EXISTING CITY BOUNDARY



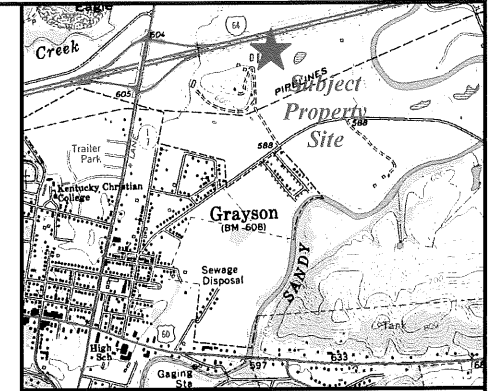
~ Plat of Survey - of ~

GPDC, LLC

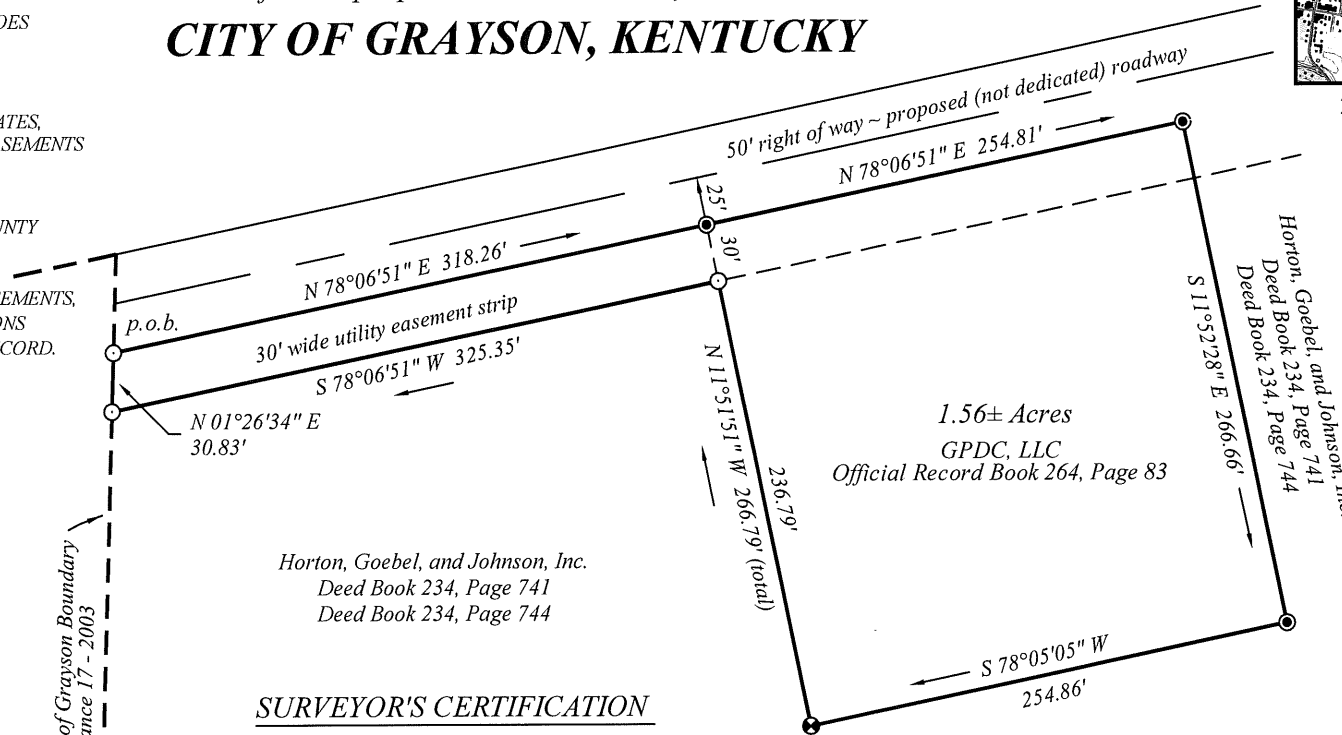
Property

Lying on the south side of unnamed 50' roadway,
approximately 587' east from the intersection of Interstate Drive,
County of Carter, State of Kentucky
for the purpose to annex territory in the

CITY OF GRAYSON, KENTUCKY



7.5' USGS Grayson Quadrangle (n.t.s.)



Horton, Goebel, and Johnson, Inc.
Deed Book 234, Page 741
Deed Book 234, Page 744

SURVEYOR'S CERTIFICATION

I, EDISON ELLIOTT, A PROFESSIONAL LAND SURVEYOR LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF KENTUCKY, DO HEREBY CERTIFY THAT THIS PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE LANDS SURVEYED AND HAS BEEN PREPARED IN CONFORMITY WITH THE STATUTORY REQUIREMENTS OF THE STATE OF KENTUCKY. THE SURVEY WAS PERFORMED UNDER MY DIRECT SUPERVISION USING THE METHOD OF RANDOM TRAVERSE. THE UNADJUSTED MATHEMATICAL ERROR OF CLOSURE WAS 1: 30,496 AND WAS NOT ADJUSTED. THE SURVEY SHOWN HEREON IS A CLASS "A" SURVEY.

Edison Elliott 02-08-2011
EDISON ELLIOTT P.L.S. NO. 3760 (DATE SIGNED)



ELLIOTT & ASSOCIATES, PLLC.

PROFESSIONAL LAND SURVEYING

KENTUCKY ★ WEST VIRGINIA

★ TENNESSEE ★

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