RESOLUTION NO. 10-007

A RESOLUTION ADOPTING A MODERN AND ACCURATE LEGAL DESCRIPTION OF TERRITORY PREVIOUSLY ANNEXED BY ORDINANCE

10-007

WHEREAS, the City of Hawesville has enacted an ordinance annexing property into the corporate limits of the City of Hawesville; and

WHEREAS, the annexation contains a prior survey of the prepared by now unknown individual, and further references 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 date, same having been certified by a professional land surveyor for the 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 HAWESVILLE, KENTUCKY:

SECTION 1. That the City Council of the City of Hawesville hereby adopts the following legal description, and a plat attached hereto as prepared by Linda Wimmer, Kentucky Land Surveyor No. 3189 by new survey as an accurate depiction of the property previously annexed into the corporate city limits of the City of Hawesville by Ordinance, 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 2. This legal description as prepared by Wimmer Surveying, Licensed Professional Land Surveyor No. 3189 is as follows:

A certain parcel of property containing 0.763 acres located at 335 Ridgewood Drive near Hawesville in Hancock County, Kentucky, more particularly described as follows:

All pins noted "found" are ½" rebar w/ surveyor's cap stamped AWR # 5. The bearings herein are referred to a previous survey as recorded in Plat Cabinet "D", Slide 35.

Beginning at an iron pin (found), said point being N 58x58'49" E, 27.43 feet from an iron pin (found) at a corner to County of Hancock, Kentucky (DB 136, PG 107), which is also the southwest corner of the parent tract, Joseph L. Allen & Joanna M. Allen (DB 112, PG 471), and being in the north R/W of Ridgewood Drive (DB 88,PG 551 & DB 86, PG 109) and being 1580' +/- north of the center of Park Road; thence leaving the road and with a new line being parallel to County of Hancock, Kentucky, N 06x45'00" W, 368.87 feet to an iron pin (found); thence with a new line, N 79x57'51"E, 50.56 feet to an iron pin (found); thence with a new line, S 22x18'43" E, 322.50 feet to an iron pin (found) in the north R/W of Ridgewood Drive; thence with the north R/W, S 59x12'55" W, 150.00 feet to the point of beginning and containing 0.763 acres, more or less, and being subject to all legal and existing easements and rights of way.

BEING a part of the same property conveyed to Darrell B. Newby and Mary Lisa Newby, husband and wife, by a deed dated August 6, 2007, from Joseph L. Allen, single, which deed appears of record in Deed Book 138, Page 701, in the Office of the Hancock County Clerk.

This description was prepared from an actual resurvey performed by Wimmer Surveying in Feb. of 2009.

INTRODUCED, APPROVED AND ADOPTED on this 13 day of April, 2010.

Charles M. King, Mayor

ATTEST Katrina Head

Katrina Head, Deputy Clerk

CITY CLERK'S CERTIFICATION

I certify I am the duly qualified City Clerk of the City of Hawesville, Kentucky, and the foregoing two pages of Resolution No. 10-007 is a true, correct and complete copy duly adopted by the City Council at a duly convened meeting held April 13, 2010, all as appears in the official records of said City.

WITNESS, my hand and seal this 19th day of April, 2010.

Denise Greathouse

Denise Greathouse

City Clerk

RECEIVED AND FILED
DATE May 17, 2010

TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Kardie Adkins

W I M M E R S U R V E Y I N G
3083 HWY. 857
LEWISPORT, KENTUCKY 42351
270-295-4850

PROPERTY DESCRIPTION : 335 RIDGEWOOD DRIVE
HAWESVILLE, KENTUCKY 42348
0.783 ACRES

A certain parcel of property containing 0.783 acres located at 335 Ridgewood Drive near Hawesville in Hancock County, Kentucky, more particularly described as follows:

All pins noted "found" are 1/2" rebar w/ surveyor's cap stamped AWR # 5. The bearings herein are referred to a previous survey as recorded in Plat Cabinet "D", Slide 35.

Beginning at an iron pin (found), said point being N 58x58'48" E, 27.43 feet from an iron pin (found) at a corner to County of Hancock, Kentucky (DB 136, PG 107), which is also the southwest corner of the parent tract, Joseph L. Allen & Joanna M. Allen (DB 112, PG 471), and being in the north R/W of Ridgewood Drive (DB 88, PG 551 & DB 88,PG109) and being 1580' +/- north of the center of Park Road; thence leaving the road and with a new line being parallel to County of Hancock, Kentucky, N 08x45'00" W, 399.87 feet to an iron pin (found); thence with a new line, N 79x57'51"E, 50.58 feet to an iron pin (found); thence with a new line, S 22x19'43" E, 322.50 feet to an iron pin (found) in the north R/W of Ridgewood Drive; thence with the north R/W, S 59x12'55" W, 150.00 feet to the point of beginning and containing 0.783 acres, more or less, and being subject to all legal and existing easements and rights of way.

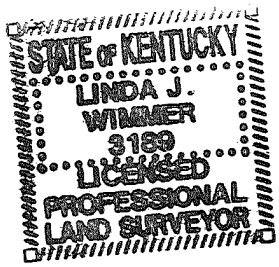
This property being the SAME property conveyed to Darrell B. Newby & Mary Lisa Newby from Joseph L. Allen by deed dated August 3, 2007 which is of record in Deed Book 138, Page 701 in the Hancock County Clerk's Office in Hawesville, Kentucky.

This description was prepared from an actual resurvey performed by Wimmer Surveying in Feb. of 2010.

Linda Wimmer 3-15-10

Linda J. Wimmer Date

Licensed Professional Land Surveyor No. 3189



THIS DEED, made and entered into this August 6, 2007, by and between Joseph L. Allen, an unmarried widower, of 365 Ridgewood Drive, Hawesville, Kentucky, **FIRST PARTY**, and Darrell B. Newby and Mary Lisa Newby, husband and wife, of 1135 Madison Street, Hawesville, Kentucky, **SECOND PARTIES.**

W I T N E S S E T H:

That for and in consideration of the sum of One Dollar ($1.00), cash in hand paid, to said **FIRST PARTY** by said **SECOND PARTIES**, and other good and valuable consideration, the receipt of all of which is hereby acknowledged, said **FIRST PARTY** has this day bargained and sold and does hereby grant and convey unto the **SECOND PARTIES**, for and during their joint and natural lives, with remainder in fee simple to the survivor of them, his or her heirs and assigns forever, the following described property located at 335 Ridgewood Drive, Hawesville, in Hancock County, Kentucky, to-wit:

> A certain 0.763 acre tract located on Ridgewood Drive near Hawesville, Hancock County, Kentucky, and more particularly described as follows:
>
> Beginning at an iron pipe (set) which is 27.37 feet S. 59° 15' 00" W. from an iron pipe (found) at the Senior Citizens property, also being the north right-of-way of Ridgewood Drive; thence, N. 6° 45' 00" W. 368.79 feet with Joe L. Allen 25 foot wide passway to an iron pipe (set); thence, N. 79° 57' 56" E, 50.65 feet to an iron pipe (set); thence, S. 22° 18' 11" E, 322.49 feet to an iron pipe (set) at the north right of way of Ridgewood Drive; thence, S. 59° 15' 00" W., 150.00 feet to the beginning point of this 0.763 acre tract per survey dated July 12, 2007 by Anthony W. Roberts, Kentucky Land Surveyor No. 5.
>
> AND BEING a part of the same property acquired by Joseph L. Allen and Joanna Allen, husband and wife, by deed dated July 14, 1995 from Earnest W. McFarling and wife, and recorded at Deed Book 112, Page 471, Office of the Hancock County Clerk; Joanna Allen is deceased, and Joseph L. Allen is the sole owner of the above described real estate.

TO HAVE AND TO HOLD the above described property, together with all the rights, privileges and appurtenances thereunto belonging or in anywise appertaining, unto the **SECOND PARTIES**, for and during their joint and natural lives, with remainder in fee simple to the survivor of them, his or her heirs and assigns forever, with Covenant of **GENERAL WARRANTY**.

CONSIDERATION CERTIFICATE

We, the undersigned, being the parties to this deed, do hereby state that the total consideration paid for the transfer of the above property is the sum of $19,000.00, and we certify that this sum is the full consideration paid for the property. The **SECOND PARTIES** join in this certificate solely for the purpose of complying with K.R.S. 382.

IN TESTIMONY WHEREOF, witness the signatures of the parties hereto, this the day and year first above written.

FIRST PARTY: Joseph L. Allen

Joseph L. Allen

SECOND PARTIES:

Darrell B. Newby

Mary Lisa Newby

COMMONWEALTH OF KENTUCKY
COUNTY OF HANCOCK

The foregoing **DEED** and **CONSIDERATION CERTIFICATE** was sworn to and acknowledged before me, a Notary Public, by Joseph L. ~~Allen~~, an unmarried widower, **FIRST PARTY**, this August 6, 2007.

Dianne Estes

Notary Public, State at Large--Kentucky
My Commission Expires: 09/30/2009

COMMONWEALTH OF KENTUCKY
COUNTY OF HANCOCK

The foregoing **DEED** and **CONSIDERATION CERTIFICATE** was sworn to and acknowledged before me, a Notary Public, by Darrell B. Newby and Mary Lisa Newby, husband and wife, **SECOND PARTIES**, this August 6, 2007.

Dianne Estes
Notary Public, State at Large–Kentucky
My Commission Expires: 09/30/2009

THIS INSTRUMENT PREPARED BY:

Harold Wayne Newton
HAROLD WAYNE NEWTON
ATTORNEY AT LAW
P. O. BOX 355
HAWESVILLE, KENTUCKY 42348
Neither The Grantor Nor Grantee
Requested An Opinion As To The Title
To The Property Described Therein,
And No Opinion Was Rendered.

DOCUMENT NO: 37288
RECORDED ON: AUGUST 06, 2007 11:04:35AM
TOTAL FEES: $17.00
TRANSFER TAX: $19.00
COUNTY CLERK: TRINA OGLE
COUNTY: HANCOCK COUNTY CLERK
DEPUTY CLERK: SARAH HOWARD
BOOK D138 PAGES 701 - 703

OVERSIZE MAP INCLUDED WITH SUBMISSION.

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