



COMMONWEALTH OF KENTUCKY
OFFICE OF THE SECRETARY OF STATE
ALISON LUNDERGAN GRIMES
January 27, 2012

Ms. Karen V. Gathof
City of Hillview
283 Crestwood Drive
Louisville, KY 40229

Dear Ms. Gathof,

We received the resolution, description, and plat for Resolution 2012-04 in today's mail. Unfortunately we are unable to file the information at this time.

By now the city has received the resolutions we returned January 26 along with our cover letter explaining the filing process. We refer the city to the letter for additional information regarding KRS 81A.470 filings.

Regarding Resolution 2012-04:

- Please copy and certify Annexation Ordinance 2009-13. It must be included with the submission. (Ordinances are the primary filings; resolutions simply present the original description and plat in a format that meets the filing requirements of KRS 81A.470 as amended in 2004.)
- Please remove "Metes and Bounds Description of the City of Hillview" from the description prepared by the professional land surveyor for this resolution. (*I will be presenting a seminar in February at the annual Surveyors' Conference. We will address misleading headers during my presentation. Hopefully he or she will be in attendance.*) A reminder we share with all cities, KRS 81A.470 requires professional land surveyors to prepare descriptions and plats for submissions affecting city boundaries. Persons who are not land surveyors should not be writing descriptions or preparing plats. Several years ago, prior to 2004, an individual who had good intentions used a plat to prepare the description for an annexation. He received a warning letter from the Board of Licensure for Professional Engineers & Land Surveyors. (Actually the problems experienced with vague and poorly written descriptions prompted the changes in KRS 81A.470 in 2004.) The surveyor who prepared the descriptions for the resolutions approved by Hillview is not identified. We strongly encourage the city to correct that omission by including the surveyor's name and

certification on descriptions prepared for all annexations and any resolutions used to enhance older annexations so there will be no question the description was properly prepared.

- Please enlarge the annexation drawing. We compare all calls in the description against the annotated lines on the annexation drawing. We also check for the surveyor's designation of the existing city boundaries and his summary of resources used to construct the description and plat. The text on the submitted plat is illegible.

In summary, the process is:

Older Ordinances Affecting City Boundaries: Certified copy of Annexation Ordinance attached to Certified Copy of Resolution adopting a new description and plat prepared by a professional land surveyor.

Current & Future Ordinances Affecting City Boundaries: Certified copy of ordinance with surveyor-prepared description and plat. Resolutions should not be necessary for current ordinances affecting city boundaries. Descriptions and plats, both of which have been prepared by a surveyor to meet filing requirements, should be adopted by the city during the annexation process. (Note: As property owners submit requests for annexation pursuant to KRS 81A.412, many cities are asking the owners to provide a description and plat that meet KRS 81A.470 requirements as one of the conditions for annexation.)

If you have questions, please contact our office. I look forward to working with you and the city during the boundary update project.

Sincerely,

Kandie Adkinson, Administrative Supervisor
Land Office Division, for

ALISON LUNDERGAN GRIMES
SECRETARY OF STATE

Encl

Copy: KIPDA
J. D. Chaney, Kentucky League of Cities

RESOLUTION NO. 2012-04

AN RESOLUTION ADOPTING A MODERN AND ACCURATE LEGAL DESCRIPTION FOR TERRITORY PREVIOUSLY ANNEXED BY THE CITY OF HILLVIEW.

WHEREAS, the City of Hillview was previously incorporated pursuant to a Judgment of the Bullitt Circuit Court in compliance with then existing Kentucky Revised Statutes, and

WHEREAS, the City of Hillview has enacted various ordinances annexing real estate into the municipal boundaries of the City of Hillview, and

WHEREAS, each individual annexation contained a legal description in compliance with then existing Kentucky Revised Statutes and from prior surveys which were prepared by now unknown individuals, and further reference documentation and boundaries of property that may no longer be in existence, and

WHEREAS, the City of Hillview wishes to provide an accurate easily identifiable legal description reflecting bearings and coordinates based upon the State plain coordinate system, including relevant GPS and GIS data, same having been certified by a professional land surveyor, and

WHEREAS, the City of Hillview is mandated to comply with the requirements of Kentucky Revised Statutes 81A.470 now in effect requiring an accurate map of the City's boundaries and any new annexations, and

WHEREAS, the City of Hillview does not amend or replace its prior ordinances annexing, but rather to interpret the defined boundaries of the territory previously annexed and adopt, an accurate legal description of real estate previously annexed into the City of Hillview, now, therefore,

BE IT RESOLVED by the City Council of the City of Hillview, Kentucky as follows:

SECTION I: The City Council of the City of Hillview hereby reaffirms and incorporates herein the description of the prior annexation Ordinance 2009-13 and adopts the legal description and plat attached hereto as Exhibit "A" as if set forth herein in full as prepared by John A. St. Clair, Professional Land Surveyor No. 1907 by a new survey as an accurate depiction of the real estate previously annexed into the municipal boundaries of the City of Hillview, and hereby adopts said new legal description and plat as the official legal description and plat of the previous annexation into the municipal boundaries of the City of Hillview for all purposes without referencing each and every prior annexation description.

Adopted this 16th day of January, 2012.

Votes For 5; Votes Against 0; Not Voting _____.



JAMES EADENS, Mayor

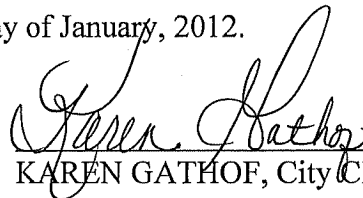
ATTEST:



KAREN GATHOF, City Clerk

I, Karen Gathof, City Clerk of the City of Hillview, Bullitt County, Kentucky, do hereby certify that the above Resolution No. 2012-04 is a true and correct copy as was presented to the City Council of the City of Hillview at there regular scheduled meeting on January 16, 2012.

Given under my hand this 16 day of January, 2012.



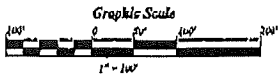
KAREN GATHOF, City Clerk

METES AND BOUNDS DESCRIPTION OF THE CITY OF HILLVIEW

A 12.446 acre parcel of land located in the County of Bullitt,
State of Kentucky and more particularly described as follows:

Beginning at a magnetic nail in the centerline of West Williams Lane n/k/a North Williams Lane in the current boundary of the City of Hillview as established in City of Hillview Ordinance No. 90-17 at the southwest corner of lot 1 in The Willabrook West development as recorded in plat cabinet 2, slide 40 in the office of the clerk of Bullitt County, Ky., and said nail also being in the north line of Ky. Highway 1526 (aka Brooks Hill Road); Thence with the north line of Ky. Highway 1526, thirty feet north of the centerline of said road, with a curve to the right having a radius of 2,905.63 feet and a chord bearing South 85 degrees 14 minutes 42 seconds West, 316.76 feet to a set rod and cap stamped "jas 1907" in the east line of Robert and Delilah Price property located at 844 Brooks Hill Road and recorded in deed book 181, Page 605 in the office of the clerk of Bullitt County, Ky.; thence with the west line of the tract herein being described, North 12 degrees 12 minutes 11 seconds East 187.44 feet to a set rod and cap stamped "jas 1907" at the southeast corner of the Keith Mattingly property located at 146 Marvin Avenue in Brooks, Ky. and recorded in deed book 312, page 630, thence North 12 degrees 17 minutes 8 seconds East 100.00 feet to an existing pipe at the northeast corner of Mattingly and the southeast corner of Gary and Jane Sherer located at 170 Marvin Avenue and recorded in deed book 398, page 63, thence North 12 degrees 28 minutes 04 seconds East 101.26 feet to an existing iron pipe corner to Sherer at the southeast corner of the James and Betty Fowler property located at 194 Marvin Avenue and recorded in deed book 266, Page 224 in the office of the clerk of Bullitt County, Ky., thence North 12 degrees 15 minutes 40 seconds East 195.32 feet to a small leaning pipe at the southeast corner of the James and Linda Jones property located at 208 Marvin Avenue and recorded in deed book 541, page 750 in the office of the clerk of Bullitt County, Ky., thence North 12 degrees 23 minutes 42 seconds East 161.00 feet to a existing pipe at a chain link post at the southeast corner of the Jolene Sumner property located at 267 O'Henry Avenue and recorded in deed book 456, page 87, thence North 12 degrees 17 minutes 16 seconds East 160.03 feet to an existing rod and cap stamped "MAX541" at the northeast corner of Sumner in the south line of O'Henry Avenue, thence North 12 degrees 27 minutes 52 seconds East, (passing a set iron rod at 0+27.51 feet on the north side of O'Henry Avenue at the southeast corner of Robert Bates as recorded in deed book 266, page 764 and passing another set iron rod at 1+32.26 feet) in all 236.86 feet to an existing pipe corner to Bates in the south line of Marvin Avenue; thence North 12 degrees 02 minutes 08 seconds East 126.55 feet to an existing rod at an angle iron corner to the Jefferson Gun Club, Inc. as recorded in deed book 110, page 469 and also being the southwest corner of the Wayman and Shirley Flowers property recorded in deed book 219, page 117 in the office of the clerk of Bullitt County, Ky.; thence South 86 degrees 04 minutes 36 seconds East (passing an existing iron rod and cap stamped "SRW3018" at 2+91.82 feet at the southeast corner of Flowers and the southwest corner of the Michael and Debra Cooksey property

located at 345 North Williams Lane and also passing an existing small pipe in the line of Cooksey at (14.48 feet) in all 554.85 feet to a set magnetic nail in the centerline of West Williams Lane in the west line of lot #2 of Willabrook West as recorded in plat cabinet 2, slide 40 in the office of the clerk of Bullitt County, Ky.; thence with the west line of Willabrook West, South 22 degrees 22 minutes 56 seconds West, (passing a magnetic nail in the centerline of West Williams Lane at 4+87.20 feet and being corner to lot 2 and 2A in Willabrook West) in all 1267.27 feet to the beginning containing 12.446 acres per plat and survey by John A. Clair, PLS #1907, dated October 20, 2004.



THE HENDERSON GUN CLUB, INC.
P.O. BOX 53
BROOKS, KY. 40109
D.B. 110, PG. 462
PLAT PG. 470

WAYMAN &
SHINLEY FLOWERS
D.B. 219, PG. 117
PLAT PG. 119

MICHAEL & DEBRA COOKNEY
345 N WILLIAMS LANE
D.B. 221, PG. 249
PLAT PG. 251

CYNTHIA HALL HADLEY
387 MARVIN AVE.
D.B. 394, PG. 749

ROBERT HATES
D.B. 206, PG. 704

JOHN & JANE O'BRYEN
507 O'BRYEN AVE
D.B. 456, PG. 637

JAMES & LINDA JONES
209 MARVIN
D.B. 541, PG. 750
PLAT PG. 751

JAMES & BETTY FOWLER
174 MARVIN AVE
D.B. 704, PG. 224

GARY & JANE SHEPHERD
170 MARVIN AVE
D.B. 898, PG. 663

KATHY MATTINGLY
146 MARVIN AVE
D.B. 872, PG. 650

MICHAEL &
DOROTHY COLE
D.B. 172, PG. 49

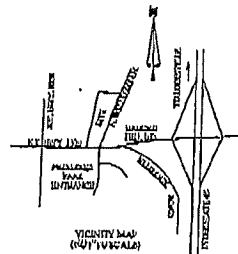
ROBERT & JANE
SHEPHERD
D.B. 112, PG. 61

12.446 ACRES
CHARLES C. SANDERS &
DAVID SANDERS
D.B. 284, PG. 04
CHARLES C. SANDERS
D.B. 310, PG. 496
BALLANTYNE COUNTY, KY.

LOT 2
WILLABROOK WEST
P.C. 2, BLK 40

LOT 2A
1.75 AC
MUSHELMAN HOLDINGS II, LLC
D.B. 450, PG. 347
WILLABROOK WEST
P.C. 2, BLK 40

REMAINDER LOT 1
WILLABROOK WEST
P.C. 2, BLK 40



I HEREBY CERTIFY THAT THIS PLAT AND SURVEY WAS PERFORMED UNDER MY DIRECTION BY THE METHOD OF RANDOM TRANSVERSAL WITH SIGHT SOUNDS AND MEASUREMENTS THE SURVEY BEING CONDUCTED IN ACCORDANCE WITH THE SURVEY ACT OF 1978 AND ALL THE SPECIFICATIONS OF THIS CLASS.

JOHN A. ST. CLAIR
D.B. 1197



I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN HEREON AND RECORDED IN D.B. 284, PG. 04 AND D.B. 310, PG. 496 IN THE BULLITT COUNTY CLERK'S OFFICE AND I DO HEREBY ADMIT THIS PLAT AND SURVEY.

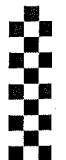
DATE _____

THIS SURVEY AND PLAT IS SUBJECT TO ALL EASEMENTS (SUCH AS EASEMENTS OF RECORD) SHOWN ON RECORD MAPS.

RETRACEMENT SURVEY FOR
CHARLES C. SANDERS
1411 WEST AVENUE, SUITE 200
AUSTIN, TEXAS. 78701

BY
JOHN A. ST. CLAIR
 198 WILLOW WOOD DRIVE
 MT. WASHINGTON, KY. 40047

OCTOBER 20, 2004 SCALE 1"=100'



City of Hillview

Jim Eadens • Mayor

283 Crestwood Drive
Louisville, Kentucky 40229
(502) 957-5280 • Fax (502) 955-5673

January 25, 2012

Office of Secretary of State
Attn: Kandie Adkinson
702 Capital Avenue, Room T40
Frankfort, KY 40601

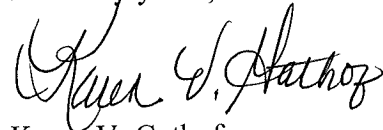
Re: City of Hillview Resolution
adopting and accurate legal
description for territory
previously annexed by Hillview

Dear Ms. Adkinson:

Enclosed you will find a copy of the following resolutions:
City of Hillview Resolution 2012-04

Resolution 2012-04 as promised to you in the earlier letter. Please just let me know if I need to provide anything else to you in order to facilitate this process. Thank you for your assistance.

Sincerely yours,



Karen V. Gathof
City Clerk