

**BOLLING & TACKETT**  
ATTORNEYS AT LAW  
40 MAIN STREET  
WHITESBURG, KENTUCKY 41858

HAROLD D. BOLLING  
CALVIN R. TACKETT

TELEPHONE  
(606) 633-0126  
FAX  
(606) 633-0972

January 17, 2005

RECEIVED AND FILED  
DATE January 21, 2005

Kandie Adkinson  
Land Office Division  
Secretary of State  
P. O. Box 718  
Frankfort, KY 40602

TREY GRAYSON  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
BY Kandie Adkinson

**RE: CITY OF JENKINS**


Dear Ms. Adkinson:

As per your letter of January 11, 2005, I resubmit the City boundary map to now delineate additional annexations to the City of Jenkins. There has been no deannexation or severing of City boundary.

Likewise, as per your suggestion, I enclose the two annexation ordinances with certification cover page pursuant to KRS 81A.470. We ask the Secretary of State to record these maps as the official City boundary.

If you have any questions or feel that the submittal is incomplete, please call me immediately.

Sincerely yours,

  
Calvin R. Tackett

CRT/ba  
Jenkins\Annex.5Lt

Enclosure

CERTIFICATION: KRS 81A.470 FILINGS

I certify I am the duly qualified City Clerk of the City of Jenkins, Kentucky, and the foregoing 6 pages of Ordinance No. April 1978 is a true, correct and complete copy duly adopted by the City Council at a duly convened meeting held on April 1978, all as appears in the official records of said City.

WITNESS my hand and seal this 14 day of January, 2005.

Sandra P. [Signature]  
CITY CLERK

( SEAL )

RECEIVED AND FILED  
DATE January 21, 2005  
\_\_\_\_\_  
TREY GRAYSON  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
[Signature]

LETCHER CIRCUIT COURT

Action No. 78-C1-112

CITY OF JENKINS, EX PARTE)

JUDGMENT

This cause is before the Court for Final Judgment, and it appearing to the Court that Petitioner, the City of Jenkins, filed its Petition herein, pursuant to the provisions of KRS 81.210 seeking annexation of certain properties hereinafter described, said Petition setting forth the passage, publication and advertisement of ordinance enacted by Petitioner's legislative body annexing said territory to the City of Jenkins and,

IT FURTHER APPEARING from proofs of publication, filed herein, that notice of the filing of its Petition, was given in the same manner as notice of passage of the ordinance and,

IT FURTHER APPEARING that no defense was made within 30 days after the filing of the Petition and Notice or at any time; upon consideration of all of which the Court finds that Petitioner is entitled to the Judgment of annexation sought herein.

The Court further finds that the proposed annexation will be to the best interests of the City of Jenkins, as part of the logical growth of the City and to the best interests of the owners, residents and potential residents of the property proposed to be annexed and shall cause no material injury to the owners of real estate within the limits of the proposed extension of the city limits.

IT IS THEREFORE, IN ACCORDANCE WITH THE STATUTE, ADJUDGED that all that certain territory hereinafter described be and hereby is annexed to the City of Jenkins.

Said territory is embraced in two separate areas described as Areas A and B, as follows:

AREA A

Lying within the water shed of Little Elkhorn Creek, in Letcher County, Kentucky, lying to the Southwest of the present city limits of said City and more particularly bounded and described as follows:

BEGINNING at a point in the northern right-of-way line of U. S. Highway No. 23 & 119 at its intersection with the present city limits in a southwesterly direction to a point at its intersection with the westerly right-of-way line of the Chesapeake & Ohio Railway Company (now abandoned); thence with said railway right-of-way line in a northerly direction to a point at its intersection with top of the ridge between the waters of Little Elkhorn Creek and Childs Branch of said Little Elkhorn Creek; thence running in a southwesterly direction along top of said ridge as it meanders to a point at its intersection with the dividing ridge between the waters of said Childs Branch of Little Elkhorn Creek and the North Fork of Kentucky River; thence running in a westerly direction along top of said dividing ridge as it meanders to a point at its intersection with the dividing ridge between the waters of Lick Branch of said North Fork of Kentucky River and said Childs Branch; thence running in a northwesterly direction along top of said ridge as it meanders to a point at its intersection with the dividing ridge between the waters of Fish Pond Branch of said North Fork of Kentucky River and said Childs Branch; thence running in a northeasterly direction along top of said dividing ridge as it meanders to a point at its intersection with the dividing ridge between the waters of said Fish Pond Branch and Giles Clay Branch of said Little Elkhorn Creek; thence running in a northerly direction along top of said dividing ridge as it meanders to a point at its intersection with the ridge between the waters of said Little Elkhorn Creek and said Giles Clay Branch; thence leaving top of said ridge and running down the said Giles Clay Branch side of the ridge S 45-1/2° E 220 feet to a stake on the hillside; thence running along side of hill N 35° E 330 feet to a stake near the top of said ridge between the waters of Little Elkhorn Creek and Giles Clay Branch; thence N 87° E 215 feet to a stake on the hillside; thence N 74-3/4° E 435 feet to a stake on the hillside; thence S 76° E 180 feet to a hickory on top of said ridge

between the waters of Little Elkhorn Creek and Giles Clay Branch; thence leaving top of said ridge and running down the said Little Elkhorn side of the ridge N 31° 51' E 875 feet to a white oak and beech on the northeasterly side of Little Elkhorn Creek County Road; thence with said northeasterly side of County Road as it runs up said Little Elkhorn Creek in a northwesterly direction to a point at its intersection with the property line between Beth-Elkhorn Corporation and John Mullins; thence running with said property line up a spur in a northwesterly direction to a point at its intersection with top of the dividing ridge between the waters of said Little Elkhorn Creek and Potters Fork of Boone Creek; thence running in a northeasterly direction along top of said ridge as it meanders to a point at its intersection with the dividing ridge between the waters of said Little Elkhorn Creek and Elkhorn Creek, said point being in line of the said city limits; thence running with said city limits in a southerly direction along top of said ridge as it meanders to the place of beginning, containing 881 acres, more or less.

#### AREA B

Lying on the head of Bens Branch, in Letcher County, Kentucky, lying to the Northeast of the present city limits of said city, and more particularly bounded and described as follows:

BEGINNING at a point in the center of Bens Branch of Elkhorn Creek at its intersection with the present city limits of the City of Jenkins; thence with said city limits in a westerly direction to a point at its intersection with the top of the ridge between the waters of said Bens Branch and Joes Branch of Elkhorn Creek; thence running along top of said ridge in a northeasterly direction to a point at its intersection with top of the ridge between the waters of Bens Branch and McPeaks Branch of Elkhorn Creek; thence running along top of said ridge in a southeasterly direction for approximately 750 feet to a point; thence leaving top of said ridge and going on the Bens Branch side S 13° E 2,700 feet; thence N 80° E 100 feet to a point on top of said ridge; thence running along top of said ridge in a southeasterly direction to its intersection with said city limits; thence with said city limits in a westerly direction to the place of beginning, containing 112 acres, more or less.



ORDINANCE PROVIDING FOR THE ANNEXATION TO THE CITY OF JENKINS OF TERRITORY (A) LYING WITHIN THE WATERSHED OF LITTLE ELKHORN CREEK, AND (B) LYING ON THE HEAD OF BENS BRANCH, AND BEING AREAS TO THE SOUTHWEST AND NORTHEAST, RESPECTIVELY, OF THE PRESENT CITY LIMITS.

BE IT ORDAINED by the City Council of the City of Jenkins as follows:

WHEREAS, certain areas adjoining the present City Limits of Jenkins, Kentucky, to-wit, (A) an area containing approximately 881 acres on the watershed of Little Elkhorn Creek, and lying immediately to the southwest of the present City Limits and (B) an area containing approximately 112 acres on the head of Bens Branch and being a part of the remainder of the watershed of said Bens Branch not now within the City Limits, both of said areas being more particularly described by metes and bounds on Exhibit "A" hereto, and shown within red lines on a Map attached hereto as Exhibit "B", (both of which Exhibits adopted are incorporated by reference as a part of this Ordinance) should be annexed and the owners of said areas desire to have this territory annexed to the City of Jenkins in order to provide the owners, residents and potential residents thereof with the facilities of the City as and when they can be lawfully provided; and,

WHEREAS, it appears to the best interests of the City as part of the logical growth of the City and to the best interests of the owners, residents and potential residents of the property sought to be annexed to annex said territory and to make it a part of the City of Jenkins; and,

WHEREAS, it appears that no material injury will result to the owners of the real estate within the limits of the property proposed to be

annexed,

NOW, THEREFORE, BE IT ORDAINED, that the territory described on Exhibit "A" hereto, and shown on Exhibit "B" hereto be annexed to the City of Jenkins pursuant to the provisions of KRS 81.210 and KRS 81.220 and other laws of the State of Kentucky as made and provided and applicable thereto.

BE IT FURTHER ORDAINED, that the property proposed to be annexed hereunder is accurately defined in Exhibit "A", and Exhibit "B" heret and each of them; said Exhibit "A" containing a complete and accurate description by metes and bounds of the property sought to be annexed.

BE IT FURTHER ORDAINED, that immediately following passage of this Ordinance the City Clerk will cause this Ordinance to be published in one issue each of both the Community Press and Mountain Eagle, either or both of which are newspapers of general circulation published in Letcher County, Kentucky, and within thirty (30) days thereafter the City will cause to be filed and notice is hereby given of the proposed filing of, a Petition in the Letcher Circuit Court seeking judgment of annexation pursuant to the provisions of KRS 81.210 and other applicable provisions of the law in such cases with notice of the filing of said Petition to be given upon such filing in the same manner as notice of passage of this Ordinance, as required by law.

An emergency is declared to exist in regard to this Ordinance and the same shall be in full force and effect immediately upon adoption and subscription of this Ordinance.

Councilman MOORE moved for the adoption of the foregoing Ordinance and Councilman SANDERS seconded the Motion. Upon roll call the vote was as follows:

	YEA	NAY
JESSE BATES, MAYOR		
VERNON ADDINGTON, COUNCILMAN	<u>X</u>	___
GEORGE CHAFFIN, COUNCILMAN	<u>X</u>	___
ROBERT HARRIS, COUNCILMAN	<u>X</u>	___
ALFONSO MOORE, COUNCILMAN	<u>X</u>	___
KEDRICK SANDERS, COUNCILMAN	<u>X</u>	___
ORVILLE VANOVER, COUNCILMAN	<u>X</u>	___

WHEREUPON, the Mayor declared the Ordinance adopted, this  
3rd day of April, 1978.

APPROVED:

  
 \_\_\_\_\_  
 JESSE BATES, MAYOR

ATTEST:

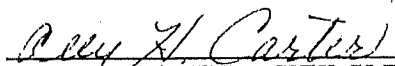
  
 \_\_\_\_\_  
 OLLIE H. CARTER, CITY CLERK

EXHIBIT "A" TO ANNEXATION ORDINANCE

AREA "A" OF LAND TO BE ANNEXED TO THE CITY OF JENKINS:

BEGINNING at a point in the northern right-of-way line of U. S. Highway No. 23 & 119 at its intersection with the present city limits of the City of Jenkins; thence with said right-of-way line in a southwesterly direction to a point at its intersection with the westerly right-of-way line of the Chesapeake & Ohio Railway Company (now abandoned); thence with said railway right-of-way line in a northerly direction to a point at its intersection with top of the ridge between the waters of Little Elkhorn Creek and Childs Branch of said Little Elkhorn Creek; thence running in a southwesterly direction along top of said ridge as it meanders to a point at its intersection with the dividing ridge between the waters of said Childs Branch of Little Elkhorn Creek and the North Fork of Kentucky River; thence running in a westerly direction along top of said dividing ridge as it meanders to a point at its intersection with the dividing ridge between the waters of Lick Branch of said North Fork of Kentucky River and said Childs Branch; thence running in a northwesterly direction along top of said ridge as it meanders to a point at its intersection with the dividing ridge between the waters of Fish Pond Branch of said North Fork of Kentucky River and said Childs Branch; thence running in a northeasterly direction along top of said dividing ridge as it meanders to a point at its intersection with the dividing ridge between the waters of said Fish Pond Branch and Giles Clay Branch of said Little Elkhorn Creek; thence running in a northerly direction along top of said dividing ridge as it meanders to a point at its intersection with the ridge between the waters of said Little Elkhorn Creek and said Giles Clay Branch; thence leaving top of

said ridge and running down the said Giles Clay Branch side of the ridge S 45-1/2° E 220 feet to a stake on the hillside; thence running along side of hill N 35° E 330 feet to a stake near the top of said ridge between the waters of Little Elkhorn Creek and Giles Clay Branch; thence N 87° E 215 feet to a stake on the hillside; thence N 74-3/4° E 435 feet to a stake on the hillside; thence S 76° E 180 feet to a hickory on top of said ridge between the waters of Little Elkhorn Creek and Giles Clay Branch; thence leaving top of said ridge and running down the said Little Elkhorn side of the ridge N 31° 51' E 875 feet to a white oak and beech on the northeasterly side of Little Elkhorn Creek County Road; thence with said northeasterly side of County Road as it runs up said Little Elkhorn Creek in a northwesterly direction to a point at its intersection with the property line between Beth-Elkhorn Corporation and John Mullins; thence running with said property line up a spur in a northwesterly direction to a point at its intersection with top of the dividing ridge between the waters of said Little Elkhorn Creek and Potters Fork of Boone Creek; thence running in a northeasterly direction along top of said ridge as it meanders to a point at its intersection with the dividing ridge between the waters of said Little Elkhorn Creek and Elkhorn Creek, said point being in line of the said city limits; thence running with said city limits in a southerly direction along top of said ridge as it meanders to the place of beginning, containing 881 acres more or less.

Present Property Owners

Beth-Elkhorn Corporation owns major portion of the surface.

The Board of Education of The Jenkins Independent School District owns remaining portion of the surface.

AREA "B" OF LAND TO BE ANNEXED TO THE CITY OF JENKINS:

BEGINNING at a point in the center of Bens Branch of Elkhorn Creek at its intersection with the present city limits of the City of Jenkins; thence with said city limits in a westerly direction to a point at its intersection with the top of the ridge between the waters of said Bens Branch and Joes Branch of Elkhorn Creek; thence running along top of said ridge in a north-easterly direction to a point at its intersection with top of the ridge between the waters of Bens Branch and McPeaks Branch of Elkhorn Creek; thence running along top of said ridge in a southeasterly direction for approximately 750 feet to a point; thence leaving top of said ridge and going on the Bens Branch side S 13° E 2,700 feet; thence N 80° E 100 feet to a point on top of said ridge; thence running along top of said ridge in a southeasterly direction to its intersection with said city limits; thence with said city limits in a westerly direction to the place of beginning, containing 112 acres, more or less.

Present Property Owners

Beth-Elkhorn Corporation owns major portion of the surface.

Kentucky Housing Corporation owns remaining portion of the surface.

OVERSIZE MAP INCLUDED WITH  
SUBMISSION.

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