

RECEIVED AND FILED
DATE July 10, 2012

**CITY OF KUTTAWA
RESOLUTION NO. 12-5-14-04**

ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Handwritten Signature

**A RESOLUTION ADOPTING A MODERN AND ACCURATE LEGAL
DESCRIPTION OF TERRITORY PREVIOUSLY ANNEXED BY
ORDINANCE DATED MARCH 24, 1960 (COMMONLY REFERRED TO AS
THE MINERAL MOUND PROPERTY), AS WELL AS AMEND KUTTAWA'S
KRS 81.045 FILING**

WHEREAS, the City of Kuttawa, Kentucky has enacted numerous ordinances annexing property into the corporate limits of the City of Kuttawa; 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 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 annexation ordinance, but rather to interpret the defined boundaries of the territory previously annexed and adopt a modern and accurate legal description of territory previously annexed under an Annexation Ordinance adopted on March 24, 1960, as reflected by the minutes of the City of Kuttawa, a certified copy of which is attached hereto and incorporated fully herein as Exhibit A; and

WHEREAS, the March 24, 1960 Annexation Ordinance is recorded in Miscellaneous Book 24, page 267, Lyon County Court Clerk's Office, a certified copy of which is attached hereto and incorporated fully herein as Exhibit B; and

WHEREAS, the City of Kuttawa had an error on its KRS 81.045 filing that did not correctly reflect the location of the March 24, 1960 annexation boundary, and this Resolution is intended to correct and amend the KRS 81.045 filing with a modern and accurate legal description relative to the March 24, 1960 annexation boundary.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF KUTTAWA, KENTUCKY:**


SECTION 1. That the City Council of the City of Kuttawa hereby adopts the following legal description, attached hereto and incorporated fully herein as Exhibit C, and a

plat, by new survey, as prepared by Jacob C. Selph, Licensed Professional Land Surveyor No. 3810, attached hereto and incorporated fully herein as Exhibit D, as an accurate depiction of the property previously annexed into the corporate city limits of the City of Kuttawa by Ordinance dated March 24, 1960. The Council hereby adopts said new legal description and plat as the official legal description and plat for all purposes when referencing this prior annexation, as well as amending the KRS 81A.470 filing to reflect the correct corporate boundary limits as it pertains to the current Mineral Mound property.

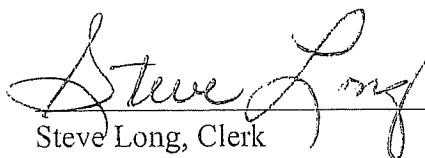
SECTION 2. The intent and purpose of this resolution is to provide a new and more accurate legal description of the boundary involved in the March 24, 1960 Annexation Ordinance and the KRS 81.045 filing, which did not correctly reflect the location of the March 24, 1960 annexation boundary.

PASSED AND APPROVED, by resolution of the Kuttawa City Council on this 14th day of May, 2012.

APPROVED:


Lee McCollum, Mayor
City of Kuttawa

ATTEST:


Steve Long, Clerk
City of Kuttawa

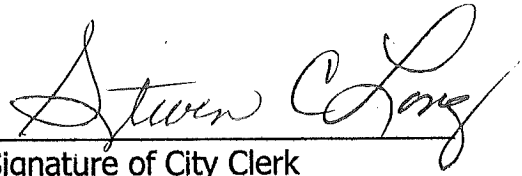
City of Kuttawa

P.O. Box 400
Kuttawa, Kentucky 42055
270-388-7151

CITY CLERK'S CERTIFICATION

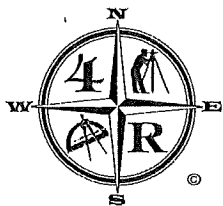
I certify I am the duly qualified City Clerk of the City of Kuttawa, Kentucky and the foregoing 2 pages of Resolution No. 12-05-14-04 is a true, correct and complete copy duly adopted by the City Commission at a duly convened meeting held on May 14, 2012, all as appears in the official records of said City:

WITNESS, my hand and (Seal or the Seal of said City), this 22th day of May, 2012.



Signature of City Clerk

Seal(Notarial or City Seal)



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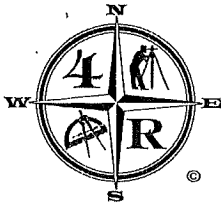
LEGAL DESCRIPTION

City of Kuttawa-1960 Annexation Revised

Exhibit "C"

A parcel of land being bounded on the north by Lake Barkley, bounded on the east by the Commonwealth of Kentucky (Department of Parks), Gregory Road and Tract 1106 (Army Corps of Engineers), bounded on the south by Tract 1107 (Army Corps of Engineers)(a.k.a. formerly Mabel Kenady), Tract 1112-4 (Army Corps of Engineers)(a.k.a. formerly The Chicago, St. Louis and New Orleans Railroad Company) and Lake Barkley; and bounded on the west by the Town of Kuttawa, said parcel being in the Community of Kuttawa, Kentucky, being in Lyon County and being more particularly described as follows:

Beginning at a point in the eastern corporate boundary line of the Town of Kuttawa, said point also being at the southwesterly corner of Tract 1110 (a.k.a. formerly Nora B. Mason, et al), said point being in the southerly right of way of old Highway 62 at its intersection with the easterly right of way of Hazel Street, said point having a Kentucky State Plane Coordinate (south zone) of N: 1912578.6, E: 953478.4; Thence, from said **Point of Beginning** and along the southerly right of way of said Highway the following eight (8) courses: (1) Thence, S 79°10'14" E a distance of 127.76 feet to a point; (2) Thence, S 77°33'02" E a distance of 1114.51 feet to a point; (3) Thence, S 75°55'00" E passing through a point in Knob Creek (the original Point of Beginning per 1960 Annexation) at a distance of 364.25 feet, continuing a total distance of 729.60 feet to a point; (4) Thence, S 72°23'24" E a distance of 675.10 feet to a point; (5) Thence, S 80°27'53" E a distance of 577.68 feet to a point; (6) Thence, S 80°22'34" E a distance of 577.40 feet to a point; (7) Thence, S 78°13'22" E a distance of 988.01 feet to a point; (8) Thence, S 74°38'30" E a distance of 199.61 feet to a point at the southwesterly corner of Tract 1112-4 (Army Corps of Engineers) (a.k.a. Formerly the Chicago, St. Louis and New Orleans Railroad Company); Thence, along the west line of said Tract, N 08°00'34" E a distance of 510.33 feet to a point at the northwest corner of said Tract; Thence, along the north line of said Tract, S 82°14'26" E a distance of 200.40 feet to a point at the northeast corner of said Tract; Thence, along the east line of said Tract, S 08°00'34" W a distance of 156.50 feet to a point at the northwest corner of Tract 1107 (Army Corps of Engineers) (a.k.a. Formerly Mabel Kenady); Thence, along the north line of said Tract, S 82°14'26" E a distance of 232.00 feet to a point at the northeast corner of said Tract, said point being in the west line of Tract 1106 (Army Corps of Engineers) (a.k.a. the west line of S.M. Martin Estate); Thence, along said west line the following seven (7) courses: (1) Thence, N 08°44'26" W a distance of 80.00 feet to a point; (2) Thence, N 00°45'34" E a distance of 130.00 feet to a point; (3) Thence, N 28°44'26" W a distance of 190.00 feet to a point; (4) Thence, N 36°14'26" W a distance of 215.00 feet to a point; (5) Thence, N 49°29'26" W a distance of 475.00 feet to a point; (6) Thence, N 42°14'26" W a distance of 270.00 feet to a point; (7) Thence, N 43°25'57" E a distance of 695.43 feet to a 6 inch by 6 inch concrete monument found in the center of old road bed, said point being at the westerly corner to S.M. Martin and R.S. Mason Estate; Thence, leaving the center of old road bed, N 47°21'33" E a distance of 387.04 feet to a point in the westerly right of way of Gregory



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Road (a 40 foot right of way); Thence, with the westerly right of way of Gregory Road the following five (5) courses: (1) Thence, with a curve turning to the right with an arc length of 301.73 feet, a radius of 1358.81 feet, a chord bearing of N 59°53'57" E, a chord length of 301.11 feet to a point; (2) Thence, N 61°47'27" E a distance of 232.68 feet to a point; (3) Thence, N 10°06'13" E a distance of 277.11 feet to a point; (4) Thence, with a curve turning to the right with an arc length of 198.35 feet, a radius of 545.91 feet, a chord bearing of N 23°14'00" E, a chord length of 197.26 feet to a point; (5) Thence, N 32°27'51" E a distance of 27.17 feet to a ½" iron rod and cap set in the westerly right of way of aforesaid Road, said point also being at the southeasterly corner of the Commonwealth Of Kentucky, as described in deed book 81, page 342 (a.k.a. formerly W.T. Gregory heirs); Thence, along the Commonwealth of Kentucky's southwesterly line the following three (3) courses: (1) Thence, N 48°45'00" W a distance of 872.89 to a found concrete monument stamped "ACE 1109-41"; (2) Thence, N 48°45'00" W a distance of 621.01 feet to a found concrete monument stamped "ACE 1116-1"; (3) Thence, N 47°48'35" W a distance of 580.76 feet to a concrete monument (no identification) found at a common corner to the Commonwealth of Kentucky (a.k.a the westerly corner of aforesaid Gregory heirs); Thence, along the northerly line of Tract 1111 (Army Corps of Engineers) (a.k.a. formerly A.O. Thomson and Heirs), N 88°45'10" W a distance of 2448.27 feet to a point at the northwest corner of aforesaid Tract and also at the intersection of Twelfth Street and Maple Street; Thence, along said Tract's westerly line and along the centerline of Maple Street, S 46°49'03" W a distance of 920.00 feet to a point in the easterly line of Tenth Street, said point being the intersection of Tract 1111 and in the original corporation boundary line of the City of Kuttawa; Thence, along the westerly line of Tract 1111 and with original Corporate Limits the following two (2) courses: (1) Thence, with the easterly right of way of Tenth Street, S 43°10'57" E a distance of 240.00 feet to a point; (2) Thence, along the centerline of an alley, S 46°49'03" W a distance of 1440.00 feet to a point in the easterly right of way line of Seventh Street; Thence, continuing along Corporate Limits and along said Street's easterly line, S 43°10'57" E a distance of 760.00 feet to a point in the southerly line of Hazel Street; Thence, along said Street's southerly line, S 46°49'03" W a distance of 1236.28 feet back to the **Point of Beginning** of the herein described tract.

The above described parcel contains 379.79 acres more or less as surveyed under the supervision of Jacob C. Selph, Kentucky Professional Land Surveyor No. 3810, of Four Rivers Engineering & Surveying on April 16, 2012.

Source of Title. The above described parcel is a portion of the property conveyed to the Commonwealth of Kentucky, as described in deed book 81, page 342 and recorded in the Lyon County Clerk's Office.

All bearings referred to are based on Global Positioning Systems (GPS), Kentucky South Zone, NAD83 (2007 datum), as observed between May 18, 2010 and December 3, 2011. Differences in the bearings cited in the above description and those called for in the original deed are due to variations between magnetic and grid north. All iron pins referred to as set in the above description are 24" long ½" ribbed steel rebar with a 1" plastic cap marked "FRES LS 3810".

OVERSIZE MAP INCLUDED WITH
SUBMISSION.

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