

RECEIVED AND FILED
DATE November 19, 2021



MICHAEL G. ADAMS
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Gandie Ackerson

**CERTIFICATION: KRS 81A.470 FILINGS
GREER PROPERTY ANNEXATION**

I certify am the duly qualified City Clerk of the City of London, Kentucky,
and the following four pages of Ordinance No. 2020-16 dated December 30,
2020 is a true, correct and complete copy duly adopted by the City of London
City Council as a final annexation ordinance at a duly convened meeting held on
December 30, 2020, all as appears in the official records of said City.

WITNESS, my hand and (Seal or the Seal of said City) this 19th day of
February, 2021.

Marcy Berry
Marcy Berry, City Clerk of City
of London, Kentucky

COMMONWEALTH OF KENTUCKY
CITY OF LONDON
ORDINANCE NO.2020-16

AN ORDINANCE FINALLY ANNEXING
AN AREA OF PROPERTY OWNED BY ELMO GREER AND SONS, INC, AND ELMO
GREER AND SONS, LLC, LOCATED AT THE INTERSECTION OF KENTUCKY
HIGHWAY 192 AND ESQUIRE LANE

BE IT ORDAINED BY THE CITY OF LONDON, KENTUCKY AS FOLLOWS:

WHEREAS, the City of London, Kentucky has:

1. Held a First Reading on August 12, 2020, and passed on Second Reading on September 10, 2020, an Intent to Annex Ordinance designated as Ordinance No. 2020-09 for the area referenced above and described in such Ordinance.
2. Published said Intent to Annex Ordinance 2020-09 in the *Sentinel-Echo* on September 16, 2020.
3. Again Published said Intent to Annex Ordinance 2020-09 in the *Sentinel-Echo* on October 21, 2020.
4. Published notice of the opportunity to petition against said annexation pursuant to KRS 81A.420 in the *Sentinel-Echo* on October 28, 2020, and later on December 16, 2020.
5. Received no timely and/or adequate petition addressed to the Mayor pursuant to KRS 81A.420 and the aforementioned newspaper notices requesting to place the within annexation on the ballot for vote.
6. Conducted a City Council Meeting by Zoom for First Reading on December 28, 2020 and for Second Reading on December 30, 2020 consistent with the above-referenced newspaper notices and by Video Teleconference consistent with KRS 61.826 and Kentucky Attorney General Opinion OAG 20-05 dated March 18, 2020
7. Determined that the area above-referenced and hereinafter described is desirable to be annexed, the same being in an unincorporated area, accurately described below and accurately depicted on an annexation map prepared by a Kentucky-licensed surveyor Ralph S. Peters, of Peters Land Surveying (the "Annexation Map") which is incorporated herein by reference and is adjacent and/or contiguous to the preexisting boundaries of the City of London Kentucky as established by Ordinance 734 and Ordinance 2008-03, as confirmed by Ordinance 2012-15.
8. The City Council further finds that this annexation is a voluntary annexation, being considered at the request and irrevocable written consent of the property owners Elmo Greer and Sons, Inc., and Elmo Greer and Sons, LLC, being the sole owners of the property described herein.
9. The property being annexed, as more specifically described below and depicted on the Annexation Map, is located at the intersection of Kentucky State Highway 192 (a/k/a West Laurel Road) and Esquire Lane.
10. The City Council, in compliance with KRS 81A.410(1)(b), finds the territory being annexed by reason of population density, commercial, and industrial use of land and subdivision of land, to be urban in character and/or suitable for development for urban purposes without unreasonable delay.
11. The City Council, based on the Annexation Map, finds the territory being annexed to be subject to a recorded subdivision plat.
12. The City Council, based on the Annexation Map, finds the territory being annexed to be in the vicinity of the Exit 38 Interchange of Interstate Highway I-75.

13. The City Council, based on the Annexation Map and photographs, finds the territory being annexed to be in the vicinity of a church to the northeast.
14. The City Council, based on the Annexation Map, finds no part of the territory being annexed to be in an Agricultural District as the term is used in KRS 262.850.
15. The City Council, based on photographs of record, finds there is a residential subdivision including numerous homes, as well as a church, generally to the northwest of the territory being annexed.
16. The City Council, based on photographs of record, finds the CHI Saint Joseph Health Hospital southerly access runs from Saint Joseph Lane to Esquire Lane to State Highway 192 in the vicinity of the territory being annexed.
17. The City Council, based on documents and correspondence of record, finds the territory being annexed has access to the following utility services: (a) Water – London Utility Commission; (b) Sewer – London Utility Commission; (c) Electric – Jackson Energy Co-Op; and (d) Gas – Delta Gas.
18. The City Council, based on photographic evidence of record, finds there is a traffic light governing entrance and exit from Highway 192 to Esquire Lane.
19. The City Council, based on photographs of record, finds there is an electrical substation on the north side of State Highway 192 approximately one-thousand five hundred feet (1,500') to the southwest of the territory being annexed.
20. The City Council, based on aerial photographs of record, finds there are numerous residential homes on the south side of Highway 192 which are in the vicinity of the territory being annexed.
21. The City Council finds that all of the foregoing adjudicative facts support annexation of the subject territory being in compliance with KRS 81A.410(1)(b) as being urban in character or suitable for urban development for urban purposes without unreasonable delay.
22. The City Council is aware of no evidence to indicate utility infrastructure owned by another city is in the territory to be annexed.
23. This property is not in any other boundary of an incorporated city, and all of these above findings are in keeping with KRS 81A.410 and KRS 81A.412 and other applicable Kentucky law. For such reasons:

BE IT ORDAINED BY THE CITY OF LONDON, KENTUCKY AS FOLLOWS:

Now, therefore, the City of London, Kentucky, does hereby finally annex the property particularly described below, in keeping with applicable Kentucky law.

A certain tract or parcel of land, lying and being on Kentucky State Highway 192, and Esquire Lane at the junction of same, in the County of Laurel, State of Kentucky, depicted on the Annexation Map, and bounded and described as follows to-wit:

Beginning at a steel rebar set, 20 feet Southwest of centerline Esquire Lane, Laurel County, Kentucky, D.B. 220, Pg. 419, a corner to Eltis Smith Heirs, D.B. 158, Pg. 384, part of Tract 2, Will Bk. 31, Pg. 46, Will Bk. 14, Pg. 613, said corner having Ky. St. Plane, Single Zone, NAD83 (2011) Coordinates, N=3,568,296.9017, E = 5,400,900.6406, thence leaving said Smith Heirs and parallel to the centerline of said Esquire Lane, S 68-15-04 E, 56.14 feet to a point, thence S 71-11-18 E, 172.31 feet to a point, thence S 69-14-49 E, 32.11 feet to a point, thence S 64-50-54 E, 24.45 feet to a steel rebar set, thence S 42-35-36 E, 19.10 feet to a point, thence S 29-03-51 E, 43.41 feet to a steel rebar set, 19.82 feet right or Southwest of approx.

centerline station 0 + 735.484, Esquire Lane, Ky. St. Highway 192, Com. of Ky. Laurel Co. R/W & Easement Bk. 6, Pg. 122, Parcel 49, Tr. C, thence with same, S 25-32-11 W, 26.64 feet to a concrete right of way monument found, 39.37 feet right or west of approx. centerline station 0 + 741.00, thence S 02-22-42 E, 71.18 feet to a concrete right of way monument found, 42.65 feet right of approx. centerline station 0 + 772.00, thence S 58-46-27 W, at 31.56 feet crossing a steel rebar reference monument set, in all 63.11 feet to a concrete right of way monument found, 2.6 feet below ground level, 65.62 feet right or Northwest of approx. centerline station 0 + 799.134, a corner to Steve and Connie Ormsby, D.B. 340, Pg. 578, thence with lines of said Ormsby, N 47-34-36 W, 34.72 feet to a 3/4" steel rebar found, (no cap) thence S 36-15-50 W, 110.53 feet to a concrete right of way monument found, 73.11 feet right or Northwest of approx. centerline station 0 + 833.911, Esquire Lane, thence leaving said Ormsby and with the right of way lines of said Esquire Lane, Ky. St. Highway 192, Com. of Ky. Laurel Co. R/W & Easement Bk. 6, Pg. 122, Parcel 49, Tr. A, and Bk. 5, Pg. 433, Parcel 48, and Bk. 6, Pg. 122, Parcel 49, Tr. B, and Bk. 6, Pg. 117, Parcel 38, Tr. A, and D.B. 655, Pg. 601, Parcel 37, Tr. A, S 38-27-49 W, 30.06 feet to a steel rebar set, 65.37 feet right or Northwest of approx. centerline station 0 + 843.812, thence S 38-24-56 W, 50.22 feet to a steel rebar set, 49.31 feet right or Northwest of approx. centerline station 0 + 859.711, thence S 47-44-06 W, 65.85 feet to a steel rebar set, 32.81 feet right or Northwest of centerline station 0 + 880.000, thence S 68-25-17 W, 65.76 feet to a steel rebar set, 39.37 feet right or Northwest of centerline station 0 + 900.00, thence S 65-01-02 W, 76.09 feet to a steel rebar set, 45.93 feet right or Northwest of centerline station 0 + 920.000, thence S 32-24-02 W, 95.59 feet to a steel rebar set, 49.21 feet right or West of centerline station 0 + 940.00, thence S 05-50-15 E, 97.74 feet to a steel rebar set, 52.49 feet right or West of centerline station 0 + 960.00, thence S 35-30-36 E, 28.78 feet to a steel rebar set, 50.84 feet right or West of centerline station 0 + 965.752, a corner to Rich Lands Holdings, Inc. D.B. 514, Pg. 581A, Parcel 6, thence leaving said Esquire Lane, Ky. St. Highway 192, and with lines of said Rich Lands Holdings, Inc., S 34-51-58 W, 125.16 feet to a steel rebar set, thence N 48-33-13 W, 50.00 feet to a steel rebar set, thence S 34-51-58 W, 85.27 feet to a steel rebar set, 183.47 feet Left or Northwest of approx. centerline station 4 + 591.498, Ky. St. Highway 192, Com. of Ky., D.B. 655, Pg. 601, Parcel 37, Tract A, thence leaving said Rich Land Holdings, Inc. and with right of way line of said Ky. St. Highway 192, S 34-51-58 W, 87.73 feet to a steel rebar set, a corner to Jack Bruner, Et. Al., D.B. 477, Pg. 588, thence leaving said Ky. St. Highway 192 and in part with said Bruner, Et. Al., and with Eugene Thomas Family Properties, LLC, D.B. 518, Pg. 291, Plat D.B. 147, Pg. 97, N 48-33-13 W, 409.63 feet to a steel rebar set, in woven wire fence, a corner to John Howard Ramsey, D.B. 433, Pg. 124, Plat in D.B. 286, Pg. 587, thence leaving said Thomas Family Properties, LLC and in part with said Ramsey, and in part with Larry and Hilda Woodward, D.B. 532, Pg. 545 and with Jerry L. and Janet R. Hurst, D.B. 445, Pg. 600, Tract Two, N 43-42-35 E, 447.51 feet to a point, a corner to the aforementioned Eltis Smith Heirs, and from which a steel rebar reference monument set, bears N 06-45-07 E, 74.16 feet, thence leaving said Hurst and with a line of said Smith Heirs, N 43-42-35 E, 450.28 feet to the Place of Beginning and containing seven and ninety hundredths (7.90) acres more or less with all bearings referred to State Plane NAD 83 Single Zone, and all steel rebars set being 5/8" x 20" with yellow plastic caps stamped RSP, PLS 2776, all according to a survey by Peters Land Surveying, Ralph S. Peters, Licensed Professional Land Surveyor 2776, on June 27, 2017, April 10, 2018 and December 19, 2019.

24. This Final Annexation Ordinance and the various parts thereof are hereby declared to be severable. If any section, clause, sentence, or phrase of this Final Annexation Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall not affect the validity of the ordinance as a whole, or an portion thereof other than the section so declared to be unconstitutional or invalid.
25. This Final Annexation Ordinance shall become effective immediately after passage on second reading and upon publication. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

A Motion to approve the aforementioned Ordinance was made by Councilperson Daniel Carmack, and seconded by Councilperson Bobby Joe Parman on **First Reading on December 28, 2020** at a duly called and noticed meeting of the City Council. The following Members of the City Council voted in favor of such Ordinance: Steve Berry, Bobby Joe Parman, Daniel Carmack, Danny Phelps, Judson Weaver, and Noah White, and the following Members of the City Council, if any, voted against said Ordinance: None.

A Motion to approve the aforementioned Ordinance was made by Councilperson Daniel Carmack and seconded by Councilperson Danny Phelps on **Second Reading on December 30, 2020** at a duly called and noticed meeting of the City Council. The following Members of the City Council voted in favor of such Ordinance: Steve Berry, Daniel Carmack, Danny Phelps, Judson Weaver, and Noah White, and the following Members of the City Council, if any, voted against said Ordinance: None.

FIRST READING – December 28, 2020

SECOND READING – December 30, 2020

PUBLICATION: January 6, 2021

IN WITNESS WHERE, the foregoing Final Annexation Ordinance was passed as specified above.

Troy Rudder
TROY RUDDER, MAYOR
CITY OF LONDON, KENTUCKY
DATE: December 30, 2020

ATTEST: Carolyn Adams
CAROLYN ADAMS, CITY CLERK
CITY OF LONDON, KENTUCKY
DATE: 12-30-2020



November 18, 2021

VIA EMAIL TO KANDIE.ADKINSON@KY.GOV

Kandie Adkinson
Office of the Secretary of State
Land Office Section
Capitol Annex, Suite T21-B
702 Capital Avenue
Frankfort, KY 40601

Re: Review of Prior Annexation Survey and Submission of SHAPE File
Annexation of Greer Tract by City of London, Kentucky
(Ordinance 2020-16)

Dear Ms. Adkinson:

I understand Keith Brown of Pike Legal Group, PLLC, who represents the City of London, Kentucky in annexation matters, has corresponded with you about the circumstances arising from the death of Surveyor Ralph Peters (#2776). Surveyor Peters died prior to him signing and stamping a textual metes and bounds description of the Greer Tract which is subject to City of London Annexation Ordinance 2020-16 and prior to him completing a SHAPE file for such annexation.

In these circumstances, FSTAN has been retained by the City of London to facilitate submissions to your office which will result in a MAPPABLE designation for Ordinance 2020-16.

As Mr. Brown indicated to you, Surveyor Peters had prepared an Annexation Survey which he signed and stamped February 24, 2021. Such Annexation Survey includes calls for the entire boundary of the annexed Greer Tract and other information appropriate for such document. I have reviewed the Annexation Survey as a licensed Surveyor in the Commonwealth of Kentucky #3282 and conclude that the calls in the boundary close in compliance with applicable survey standards and regulations for Kentucky. Furthermore, all calls are consistent with the text of Ordinance 2020-16. To be clear, I have reviewed documents as referenced above, but have not undertaken my own survey field work.

I was able to prepare and have attached a SHAPE file of the Greer Tract Annexation using the Annexation Survey which was signed and sealed by Surveyor Peters. Opening and review of the SHAPE file will reveal an annexation boundary description which closes and meets applicable requirements for such a file. I have attached the SHAPE file to this correspondence



for review by your office and any other state mapping officials. If you need the SHAPE file in some other format, please contact me directly.

Please let me know of any questions or comments or if any other information is required and copy Mr. Brown. Note that Mr. Brown will contemporaneously send you the certified copy of City of London Annexation Ordinance 2020-16 and the above-referenced signed/stamped Annexation Survey in large size format.

Sincerely,

FSTAN

A handwritten signature in cursive script that reads "Frank Sellinger, Jr." followed by the number "#3782".

Frank Sellinger, Jr.

CC: F. Keith Brown, Pike Legal Group, PLLC
(Email: kbrown@pikelegal.com)

A handwritten signature in cursive script that reads "Laura Garrett" followed by "Notary #625326" and "exp. 6-19-23".



13. The City Council, based on the Annexation Map and photographs, finds the territory being annexed to be in the vicinity of a church to the northeast.
14. The City Council, based on the Annexation Map, finds no part of the territory being annexed to be in an Agricultural District as the term is used in KRS 262.850.
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*
Description
of
Annexed
Parcel

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25. This Final Annexation Ordinance shall become effective immediately after passage on second reading and upon publication. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

OVERSIZE MAP INCLUDED WITH
SUBMISSION.

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