

CITY OF  
**Madisonville**

**Kevin Cotton**  
MAYOR

**CERTIFICATION: KRS 81A.470 FILINGS**

I certify I am the duly qualified City Clerk of the City of Madisonville, Kentucky, and the following 5 pages of Ordinance No. 2019-11 is a true, correct and complete copy duly adopted by the City Commission at a duly convened meeting held on August 5, 2019 all as appears in the official records of said City.

WITNESS, my hand and Seal of the City of Madisonville, this 18<sup>th</sup> day of November, 2019.

(Signature of City Clerk)

(Seal)

RECEIVED AND FILED  
DATE December 11, 2019

ALISON LUNDERGAN GRIMES  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
BY Handie Adkins

**CITY OF MADISONVILLE, KY  
ORDINANCE O-2019-11**

**ORDINANCE ANNEXING CERTAIN REAL ESTATE INTO THE CITY LIMITS OF  
MADISONVILLE, KENTUCKY KNOWN AS LOT 5, OAKWOOD HILLS SUBDIVISION**

**BE IT ORDAINED BY THE CITY OF MADISONVILLE, KY, AS FOLLOWS:**

Section 1: The City of Madisonville, Kentucky, pursuant to KRS 81A.412, does hereby annex certain unincorporated territory into the city limits of Madisonville. The unincorporated territory hereby annexed is more particularly described on Exhibit A, attached hereto and incorporated herein by reference.

Section 2: Jerry T. Markham and Tyra L. Markham, Co-Trustees of the Jerry and Tyra Markham Living Trust dated May 18, 2016, are the record title owners of the property to be annexed and they have given their written notarized consent to the annexation of the subject property. Since the owners of the subject property to be annexed have consented in writing to the proposed annexation pursuant to the provisions of KRS 81A.412, there is no requirement for a notification ordinance as required by KRS 81A.420(1), or a notice requirement pursuant to KRS 81A.425, or a waiting period of 60 days as provided in KRS 81A.420(2) prior to enacting a final ordinance annexing the subject area.

Section 3: The area hereby annexed is adjacent or contiguous to the City's boundaries and, by reason of population density, commercial, industrial, institutional, or governmental use of land or subdivision of land, is urban in character and suitable for development for urban purposes without unreasonable delay.

Section 4: No portion of the area to be annexed is included within the boundary of another incorporated city.

Section 5: The City of Madisonville hereby finds it to be desirable to annex the unincorporated territory described in Exhibit A.

Section 6: The unincorporated territory hereby annexed has been assigned a zoning classification of Low Density Residential as established by the Madisonville City Council on July 15, 2019. A map reflecting the area hereby annexed and the zoning classification relating thereto is attached hereto as

required by KRS 81A.412 and is further identified as set forth on the official zoning map on file in the Office of the City Clerk which map is also incorporated herein by reference.


The foregoing Ordinance is read to and presented to a regular meeting of the City Council of Madisonville, Kentucky, for first reading on the 1st day of July, 2019 and the second reading on the 5th day of August, 2019. Motion was made by Tony Space, seconded by Frank Stevenson, that the Ordinance be adopted as the law of the City of Madisonville, Kentucky, to be effective upon publication, as required by law.

Upon vote being taken thereon, the votes were cast as follows:

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Tony Space, Ward 2  
**SECONDER:** Frank Stevenson, Ward 5  
**AYES:** Cavanaugh, Space, Townsend, Noffsinger, Stevenson, Johnson

It appearing that the Councilmembers voted [Unanimous] the Mayor announced that the Motion was Adopted and that the above Ordinance would be published as required by law and would be effective as a new Ordinance of the City of Madisonville, Kentucky, immediately upon publication thereof, unless otherwise stated.

Dated 5th day of August, 2019

  
\_\_\_\_\_  
Kevin Cotton, Mayor 8/6/2019

City of Madisonville, KY

ATTEST:

  
\_\_\_\_\_  
Kim Blue, City Clerk 8/6/2019

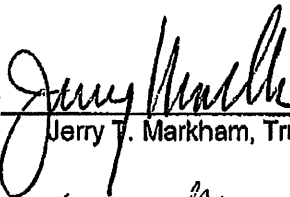
City of Madisonville, KY


**CONSENT TO ANNEXATION PURSUANT TO KRS 81A.412**

Jerry T. Markham and Tyra L. Markham, Co-Trustees of the Jerry and Tyra Markham Living Trust dated May 18, 2016, P. O. Box 431, Madisonville, Kentucky 42431, do hereby consent to and request the City of Madisonville to annex all of Lot No. 5 of the Oakwood Hills Subdivision as recorded in Plat Cabinet 3, Slide 52, Hopkins County Court Clerk's Office, in the city limits of the City of Madisonville. The plat of the property which we are requesting to be annexed is attached hereto and incorporated herein. The property to be annexed is a part of Parcel III and Parcel IV set forth in a deed of conveyance executed by Jerry T. Markham and his wife, Tyra L. Markham, to Jerry T. Markham and Tyra L. Markham, Co-Trustees of the Jerry and Tyra Markham Living Trust dated May 18, 2016, dated October 20, 2016 and of record in Deed Book 751, page 176, Hopkins County Court Clerk's Office. A copy of said deed of conveyance is attached herewith and incorporated herein.

This 20<sup>th</sup> day of June, 2019.

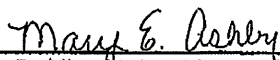
JERRY AND TYRA MARKHAM LIVING TRUST  
DATED MAY 18, 2016

By:   
Jerry T. Markham, Trustee

By:   
Tyra L. Markham, Trustee

STATE OF KENTUCKY     )  
  )  
COUNTY OF HOPKINS    )

Subscribed and sworn to before me by Jerry T. Markham and Tyra L. Markham, Co-Trustees of the Jerry and Tyra Markham Living Trust dated May 18, 2016, persons known to me or presenting sufficient evidence of their identifications, on this 20 day of June, 2019.

  
Notary Public, State at Large, KY  
My Commission Expires: 8-13-2019  
Notary No: 446999



## OAKWOOD HILLS SUBDIVISION – LOT NO. 5 BOUNDARY DESCRIPTION

A certain parcel of land that abuts the South Right-of Way of Buffalo Trace near the City of Madisonville, KY. This parcel is made up of 8.44 acres belonging to Jerry and Tyra Markham as recorded in the Hopkin County Clerk's Office in Plat Cabinet 3, Slide 052 and Deed Book 571, Page 176 – Parcels III and IV.

A more particular description is as follows according to the survey by Richard E. Parks KY LPLS No. 2297 of Associated Engineers, Inc. completed on October 15, 2019:

Unless stated otherwise any monument referred to herein as iron pin (set) is a 5/8 inch diameter rebar iron pin, 24 inches in length, with a 1 ½ inch diameter aluminum cap stamped "AEI LPLS 2297" All bearings stated herein are based on the Kentucky State Plane Coordinate System, NAD 83, Single Zone.

Beginning at an existing iron pin in the West Right-of-Way of Buffalo Trace, said iron pin being the Northeast corner of Lot No. 5 of Oakwood Hills Subdivision as recorded in Plat Cabinet 3 Slide 052 in the Hopkins County Clerk's Office and the Southeast corner of Lot No. 8 of Oakwood Hills Subdivision as recorded in Plat Cabinet 2 Slide 169 in the Hopkins County Clerk's Office, Thence with the said West Right-of-Way of Buffalo Trace the following calls: S 05° 20' 41" W – 150.00 feet, S 05° 20' 52" W – 57.02 feet and S 06° 12' 54" W – 220.89 feet to a 5/8" x 24" rebar with 1 ½" aluminum cap stamped "AEI #2286", said 5/8" rebar corner being the Northeast corner of Lot No. 3 of Oakwood Hills Subdivision as recorded in Plat Cabinet 3 Slide 052 in the Hopkins County Clerk's Office, Thence leaving the West Right-of-Way of Buffalo Trace and the following the North line of Lot No. 3 of Oakwood Hills Subdivision N 82° 29' 48" W – 741.77 feet to a 5/8" x 24" rebar with 1 ½" aluminum cap stamped "AEI #2286", said 5/8" rebar corner being the Northwest corner of Lot No. 3 of Oakwood Hills Subdivision, Thence leaving the North line of Lot No. 3 of Oakwood Hills Subdivision and following the West line of Lot No. 3 of Oakwood Hills Subdivision S 16° 59' 22" W – 375.16 feet to a 5/8" x 24" rebar with 1 ½" aluminum cap stamped "AEI #2286", said 5/8" rebar corner being the in the North line of Lot No. 2 of Oakwood Hills Subdivision as recorded in Plat Cabinet 3 Slide 320 in the Hopkins County Clerk's Office, Thence with the North line of Lot No. 2 of Oakwood Hills Subdivision N 74° 36' 13" W – 174.20 feet to a 5/8" x 24" rebar with 1 ½" aluminum cap stamped "AEI #2286", said 5/8" rebar corner being the

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Northwest corner of Lot No. 2 of Oakwood Hills Subdivision and being a common corner with property belonging to Jerry and Tyra Markham, Co-Trustees as recorded in Deed Book 751 Page 176, Parcels I and II in the Hopkins County Clerk's Office, Thence leaving the North line of Lot No. 2 of Oakwood Hills Subdivision and following the East line of the Jerry and Tyra Markham Co-Trustee tract (Deed Book 751 Page 176, Parcel I) N 26° 29' 29" W – 29.68 feet to an iron pin set (formerly a 2" pipe corner), said iron pin corner being the Northeast corner of the Jerry and Tyra Markham, Co-Trustees tract (Deed Book 751 Page 176, Parcel I) and also being the Southeast corner of the Jerry and Tyra Markham, Co-Trustees tract (Deed Book 751 Page 176, Tract II), Thence leaving the East line of the Jerry and Tyra Markham, Co-Trustees tract (Deed Book 751 Page 176, Parcel I) and following the east line of the Jerry and Tyra Markham, Co-Trustees tract (Deed Book 751 Page 176, Tract II) N 32° 52' 54" E – 827.80 feet to a pipe corner, said pipe corner being the Northwest corner of Lot No. 5 of Oakwood Hills Subdivision and a common corner with Lot No. 8 of Oakwood Hills Subdivision as recorded in Plat Cabinet 2 Slide 169 in the Hopkins County Clerk's Office and a common corner with Lot No. 9 of Oakwood Hills Subdivision as recorded in Plat Cabinet 2 Slide 178 in the Hopkins County Clerk's Office, Thence leaving the East line of the Jerry and Tyra Markham, Co-Trustees tract (Deed Book 751 Page 176, Tract II) and following the South line of Lot No. 8 of Oakwood Hills Subdivision S 82° 36' 55" E – 625.19 feet to the Beginning and Containing 8.44 Acres.

This description was prepared by Richard E. Parks, LPLS No. 2297 of Associated Engineers, Inc. on December 5, 2019.

 LPLS# 2297 12/05/19

Richard E. Parks, LPLS No. 2297      Date  
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Madisonville, Kentucky 42431  
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OVERSIZE MAP INCLUDED WITH  
SUBMISSION.

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