

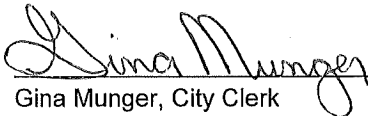
CITY OF MADISONVILLE

Gina W. Munger
City Clerk/Treasurer

William M. Cox, Jr.
Mayor

I certify that I am the duly qualified City Clerk of the City of Madisonville, Kentucky, and the foregoing sixteen (16) pages of Civil Action 78CI537, are a true, correct, and complete copy duly adopted by the City Council at a duly convened meeting held on October 18, 1978, all as appears in the official records of the City.

WITNESS, my hand and Seal of the Madisonville, this 29th day of December, 2009.


Gina Munger, City Clerk

RECEIVED AND FILED
DATE December 30, 2009

TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Andie Addison

Book 16
Page 141
4/7/09

AN ORDINANCE PROVIDING FOR
THE ANNEXATION OF TERRITORY
ADJACENT TO THE CITY OF
MADISONVILLE, KENTUCKY.

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

That all of the following described real estate
lying adjacent to the City of Madisonville, Kentucky, be
annexed to the City of Madisonville, Kentucky:

RECEIVED AND FILED
ON December 30, 2009
BY Karlie Adkins
TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY

Filed
10-31-78
KLAB, JC

COMMONWEALTH OF KENTUCKY
HOPKINS CIRCUIT COURT
MADISONVILLE, KENTUCKY 42431
CIVIL ACTION NO. *78-CV-537*

IN THE MATTER OF ANNEXATION PROCEEDINGS
OF THE CITY OF MADISONVILLE, KENTUCKY

EX PARTE PETITION

I.

The petitioner, City of Madisonville, Kentucky, states that it is a City of the Fourth Class of the Commonwealth of Kentucky, duly organized and incorporated as required by law. The Petitioner states that on September 18, 1978, at a regular meeting of the City Council of the City of Madisonville, Kentucky, in the City of Madisonville, Kentucky, there was a first reading before the Council of the following described Ordinance. On October 2, 1978, at a regular meeting of the City Council of the City of Madisonville, in the City of Madisonville, there was a second reading of the following described Ordinance. At said regular meeting of the Madisonville City Council on October 2, 1978, a Motion was made by Councilman Randall Jones and seconded by Joe G. Hawkins, that the following Ordinance be adopted as the law of the City of Madisonville, Kentucky, to be effective immediately upon publication thereof as required by law.

RECEIVED AND FILED
DATE *December 30, 2009*

TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
Randie Adkins

"AN ORDINANCE OF THE CITY OF MADISONVILLE,
KENTUCKY, TO ANNEX A CERTAIN TERRITORY
AND INCLUDE IT WITHIN THE CITY LIMITS OF
MADISONVILLE, KENTUCKY.

WHEREAS, the territory to be annexed is contiguous to the City of Madisonville, Kentucky, and is situated in the unincorporated area of Hopkins County, Kentucky; and

WHEREAS, it is within the best interest of the City of Madisonville, Kentucky, that all of said territory be annexed;

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Madisonville, Kentucky, as follows:

That all of the following described territory be annexed and included in the City limits of the City of Madisonville, Kentucky:

Tract I: Beginning at the Northwest corner at new division corner in line of Nisbet an iron pin No. 44; thence with Nisbet S. 77° - 24' E. 2,044.55 feet to a fence corner post in the West right of way line of Ky. 254; thence with the right of way of Ky. 254; S. 17° - 08' W. 835.37 feet to a corner with the L. & N. R. R. North right of way line, thence S. 80° 17' W. 852.77 feet with the L. & N. R. R. Right of way to a 36" post oak in the original line and the railroad right of way; thence continuing with the railroad right of way S. 80° 17' W. 830.90 feet to an iron pin, a corner with Whittington; thence with Whittington N. 22° - 11' E. 442.07 feet to an iron pin in the original line, corner of Whittington; thence with Whittington N. 67° - 19' W. 847.25 feet to the 10" sweet gum, the new division corner on the bank of Elk Creek; thence with the new division line and down Elk Creek the following courses and distances; N. 10° - 33' E 112.25 feet; N. 47° - 57' E. 47.80 feet; N. 09° - 13' W. 53.20 feet; N. 35° - 13' E. 148.82 feet; S. 54° - 44' E. 55.19 feet; N. 86° - 55' E. 27.81 feet; N. 30° - 04' E. 64.26 feet; N. 57° - 17' E. 48.12 feet; S. 78° - 09' E. 126.07 feet; N. 46° - 59' E. 67.06 feet; N. 78° - 31' E. 66.31 feet; N. 55° - 23' E. 68.76 feet; N. 15° - 18' E. 52.73 feet; N. 36 - 37 E. 26.02 feet to the division corner in the center of Elk Creek in the West right of way line of the proposed L. & N. R. R. right of way access; thence with the West right of way line and division line N. 28° - 30' W. 60.00 feet; thence with the railroad access N. 61° - 30 E. 60.00 feet to a new division corner 50-X; thence with the division line N. 28° - 30 W. 218.68 feet to the beginning containing 53.106 acres by DMD;

Tract II: Beginning at the intersection of the L. & N. R. R. south right of way line in the original south line of this tract and corner to Horace Cates; thence with L. & N. ROW N. 80° - 17' E. 687.63 feet to its intersection with the west right of way line of Ky. 254; thence with the West right of way line of Ky. 254, S. 17° - 08' W. 369.10 feet to a corner with Cartwright on the south side of a public access road; thence with Cartwright N. 67° - 19' W. 190.04 feet to the fence corner in the original line corner with Cartwright and Cates; thence with Cates and the original line N. 67° - 19' W. 424.54 feet to the beginning containing 2.591 acres, by D.M.D.

The City Attorney, Byron L. Hobgood, is requested to take the necessary legal action in the Hopkins Circuit Court to complete the annexation proceedings. "

Upon vote being taken upon the said Ordinance, three councilman voted in favor of same they were, Randall Jones, Joe G. Hawkins, and George Moore, one councilman, Justice Rhodes passed and did not vote, and two councilmen, James L. Gill and O. L. Lantaff voted against said Ordinance. The Ordinance was signed by Mayor Charlotte Baldwin and attested by Wendell Smith, City Clerk, and was on said day duly entered in the Ordinance records of the City of Madisonville as a regular Ordinance thereof.

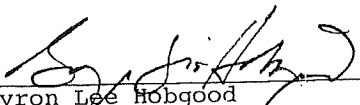
II.

The objects and purposes of the Ordinance being to include the territory described therein within the City Limits of Madisonville, Kentucky. The annexation of the property described will improve the City of Madisonville, Kentucky, and will be beneficial to all concerned. After the passage of said Ordinance on October 2, 1978, it was published and advertised in the Madisonville Messenger as provided by KRS Chapter 424 on October 16, 1978; and the publication and advertisement mentioned contained a notice that this action would be filed in the Hopkins Circuit Court asking the Court to approve the annexation as set out in the Ordinance and to enter a Judgment annexing the territory described in the Ordinance so that it will be included within the City Limits of Madisonville, Kentucky.

III.

The City of Madisonville, Kentucky, is a Fourth Class City, and it desires to annex the above described territory, and this action is being filed by it pursuant to the provision of KRS 81.210. The City of Madisonville is in Hopkins County, Kentucky. The Madisonville Messenger is published in Madisonville, Kentucky, and it is qualifeid under KRS 424.120 to publish advertisements for Madisonville and Hopkins County, Kentucky. The Madisonville Messenger has the largest bona fide circulation in Madisonville, and in Hopkins County, Kentucky, and the October 16, 1978, issue in which the notice mentioned above was published was a regular issue fo the Madisonville Messenger.

WHEREFOR, the petitioner prays and demands that the Court enter a Judgment annexing to the City of Madisonville, Kentucky, the territory described above.



Byron Lee Hobgood
City Attorney
City of Madisonville, Kentucky
P. O. Box 195
Madisonville, Kentucky 42431

JAN 22 1979

FILED

NOTED ON DOCKET

ATTY: Reba Free
CLERK HOPKINS CIRCUIT COURT

COMMONWEALTH OF KENTUCKY
HOPKINS CIRCUIT COURT
MADISONVILLE, KENTUCKY 42431
CIVIL ACTION No. 78-CI-537

By: Margaret Purdy, DC.

IN THE MATTER OF ANNEXATION PROCEEDINGS
OF THE CITY OF MADISONVILLE, KENTUCKY

JUDGMENT

It appearing that this action was filed in this Court on October 31, 1978, and by order of the Court, remonstrances were allowed to be filed on or before December 15, 1978, and this action having been filed to annex certain territory as described in the Petition of the City of Madisonville, Kentucky; and it now appearing that no defense has been made to this Petition and to the annexation sought therein; and it appearing that proper notices have been published concerning the ordinance enacted by the City Council of Madisonville, Kentucky, authorizing the annexation; and proper notices have been published concerning the filing of the petition mentioned herein and that the publication of the ordinance contained a notice of this proceeding in this Court and the last day on which to remonstrate; all of which is shown in the Affidavit filed herein of the publisher and proprietor of the Madisonville Messenger, wherein said notices were published; and December 15, 1978, having passed with no defense being made within the ordered time period; it is now ordered and adjudged that the allegations of the petition be and they are taken as confessed and the Court finds that the annexation by the City of Madisonville, Kentucky, of the property described in the

petition will be for the best interest of the owners of the property and beneficial for the City of Madisonville, Kentucky, and all concerned. The Court further finds that all proper legal proceedings have been complied with as set out in the Kentucky Revised Statutes in such annexation proceedings and that the property described in the petition and notices and hereinbelow should be annexed to and made a part of the City of Madisonville, Kentucky.

WHEREUPON, it is now ordered and adjudged that the petition be and it is approved and that the following described property now be and it is annexed to and made a part of the City of Madisonville, Kentucky, and from and after this date shall be included within the City Limits of Madisonville, Kentucky. The property is described as follows:

TRACT I

Beginning at the Northwest corner at new division corner in line of Nisbet an iron pin No. 44; thence with Nisbet S. 77° - 24' E. 2,044.55 feet to a fence corner post in the West right of way line of Ky. 254; thence with the right of way of Ky. 254; S. 17° - 08' W. 835.37 feet to a corner with the L & N R. R. North right of way line, thence S. 80° 17' W. 852.77 feet with the L & N R.R. right of way to a 36" post oak in the original line and the railroad right of way; thence continuing with the railroad right of way S. 80° 17' W. 830.90 feet to an iron pin, a corner with Whittington; thence with Whittington N. 22° - 11' E. 442.07 feet to an iron pin in the original line, corner of Whittington; thence with Whittington N. 67° - 10' W. 847.25 feet to the 10" sweet gum, the new division corner on the bank of Elk Creek; thence with the new division line and down Elk Creek on the following courses and distances; N. 10° - 33' E. 112.25 feet; N. 47° - 57' E. 47.80 feet; N. 09° - 13' W. 53.20 feet; N. 35° - 13' E. 148.82 feet; S. 54° - 44' E. 55.19 feet; N. 86° - 55' E. 27.81 feet; N. 30° - 04' E. 64.26 feet; N. 57° - 17' E. 48.12 feet; S. 78° - 09' E. 126.07 feet; N. 46° - 59' E. 67.06 feet; N. 78° - 31' E. 66.31 feet;


N. 55° - 23' E. 68.76 feet; N. 15° - 18 E. 52.73 feet;
N. 36 - 37 E. 26.02 feet to the division corner in
the center of Elk Creek in the West right of way line
of the proposed L & N R. R. right of way access; thence
with the West right of way line and division line
N. 28° - 3-' W. 60.00 feet; thence with the railroad
access N. 61° - 30 E. 60.00 feet to a new division
corenr 50-X; thence with the division line N. 28° - 30
W. 218.68 feet to the beginning containing 53.106
acres by DMD;

TRACT II

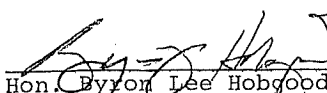
Beginning at the intersection of the L & N R.R. south
right of way line in the original south line of this
tract and corner of Horace Cates; thence with L & N ROW
N. 80° - 17' E. 687.63 feet to its intersection with
the west right of way line of Ky. 254; thence with the
West right of way line of Ky. 254, S. 17° - 08' W. 369.10
feet to a corner with Cartwright on the south side of
a public access road; thence with Cartwright N. 67° - 19'
W. 190.04 feet to the fence corner in the original line
corner with Cartwright and Cates; thence with Cates and
the original line N. 67° - 19' W. 424.54 feet to the
beginning containing 2.591 acres, by D.M.D.

Upon payment of costs this action may be now stricken from
the docket.

This the 22nd day of January, 1979.


Hon. Thomas B. Spain
Judge, Hopkins Circuit Court

PREPARED BY:


Hon. Byron Lee Hobgood
City Attorney
City of Madisonville
47 South Main Street
P. O. Box 195
Madisonville, Kentucky 42431

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Department for Libraries and Archives
Commonwealth of Kentucky

Date:

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