

RESOLUTION 2010- 3

A RESOLUTION ADOPTING AN ACCURATE AND LEGAL DESCRIPTION AND MAP OF TERRITORY PREVIOUSLY ANNEXED BY ORDINANCE.

WHEREAS, the City of Madisonville has enacted numerous ordinances annexing property into the corporate limits of the City of Madisonville.

WHEREAS, each individual annexation contains a prior survey often prepared by unknown individuals, and further references documentation that is no longer in existence, or that was annexed without benefit of an accurate drawing; 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 ordinances, but rather to re-affirm its previous annexations as well as Hopkins County Circuit Court, Civil Action No. 78-CI-537.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MADISONVILLE, KENTUCKY.

1. That the City Council of the City of Madisonville hereby adopts the new legal description and plat attached hereto as prepared by Thomas W. Crabtree, Licensed Professional Land Surveyor No. 3277, for Parcel #1 (Yorktown), as an accurate depiction of property previously annexed into the City of Madisonville by ordinance and adopted by the Madisonville City Council on October 2, 1978, a true and complete copy of which is attached and hereby adopts said new legal description and plat as the official legal description and plat adopted by the City for all purposes when referencing this prior annexation.

The foregoing Resolution is read and presented to a regular meeting of the City Council of Madisonville, Kentucky on the 4 day of January, 2010. Motion was made by Council Member Smith, seconded by Council Member Stewart, that the Resolution be adopted to be effective immediately.

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

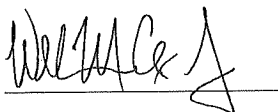
<u>COUNCIL MEMBERS</u>	YEA	NEA
Dallas Cunningham	<u>Absent - illness</u>	_____
Rudy Stone	<u>✓</u>	_____
Nora Stewart	<u>✓</u>	_____
Hannah Myers	<u>✓</u>	_____
Bob G. Simmons	<u>✓</u>	_____
Bill Smith	<u>✓</u>	_____

RECEIVED AND FILED  
DATE January 15, 2010

TREY GRAYSON  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
BY Francis Johnson

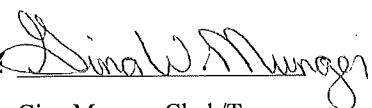
It appearing that 5 Council Members voted for the motion and 0 Council Members voted against it, the Mayor announced that the motion was passed and that the above resolution would be effective immediately.

Dated this the 11 day of January, 2010.



William M. Cox Jr., Mayor

ATTEST:



Gina Munger, Clerk/Treasurer

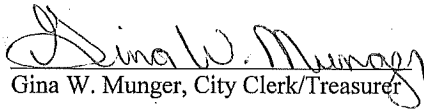
City of Madisonville, Kentucky

I, Gina Munger, City Clerk/Treasurer for the City of Madisonville, Kentucky do hereby certify that the City Council passed the attached Resolution at a regular meeting on January 4, 2010 and that the attached Resolution is a true, correct, and complete copy.

**IN THE MATTER OF ANNEXATION TO THE CITY LIMITS, A TRACT OF LAND REFERRED TO AS YORKTOWN, COMPRISING APPROXIMATELY 40.5 ACRES.**

A motion was made by Council Member Smith, seconded by Council Member Stewart, that the Resolution No. 2010-3 be adopted as law of the City of Madisonville, Kentucky, to be effective upon publication thereof, as required by law. Upon roll call, (5) Council Members voted "Aye," (0) Council Members voted "Nea," with (1) Council Members being absent.

Given under my hand and seal  
this 12 day of January, 2010.

  
Gina W. Munger, City Clerk/Treasurer

RECEIVED AND FILED  
DATE January 15, 2010

TREY GRAYSON  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
BY Handie Addison



**RONALD JOHNSON & ASSOCIATES, P.S.C.**

ENGINEERING • LAND SURVEYING • ENVIRONMENTAL

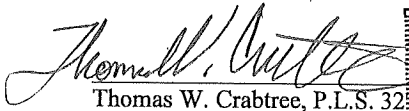
24 W. CENTER ST. MADISONVILLE, KY 42431

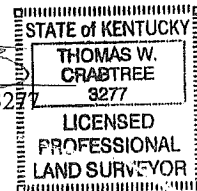
Legal Description  
Annexation for the  
City of Madisonville  
Hopkins County  
Ordinance #  
Annexed: October 2, 1978  
41.53 Acres

The boundary for Annexation Ordinance for the City of Madisonville, Kentucky herein described is based on the following information: Existing aerial photos, previous surveys, previous descriptions, GIS mapping and maps provided by the City of Madisonville were used to develop this description and plat. No survey was conducted at the time of this description. The purpose of this boundary description is to delineate the limits of the aforesaid annexation. It does not in any way reflect a determination of the individual parcel boundaries and should not be used for that purpose.

A certain tract of land located east of Madisonville, Hopkins County, Kentucky

Beginning at a point in the existing east line of the City of Madisonville City Limits having approximate Kentucky State Plane Coordinates Kentucky Single Zone, N:3653480 and E: 4421565 and being a point in the east right of way of Brown Road/KY Hwy 254; thence running with the said east right of way of Brown Road/KY Hwy 254 the following calls S22°14'44"W for a distance of 490.70; S22°15'04"W for a distance of 330.08 feet to a point on the south side of the CSX Railroad at a corner to the existing city limits; thence running S85°24'10"W for a distance of 1062.67 feet to a corner of the existing city limits; thence running with the existing city limit line N23°40'05"W for a distance of 1707.53 feet to a point in the west line of the Hopkins County Economic Development as recorded in Deed Book 585 Page 346 in the Hopkins County Court Clerks Office; thence running S72°10'43"E for a distance of 2179.57 feet to the point of beginning containing 41.53 acres.

  
Thomas W. Crabtree, P.L.S. 3277  
December 28, 2009



10-31-78  
x D B, x D C

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

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

ORDER FIXING TIME TO FILE  
DEFENSE TO PETITION FOR  
ANNEXATION

The Court finds that on October 31, 1978, the City of Madisonville, Kentucky, filed a petition pursuant to KRS 81.210 seeking to annex certain territory to the City of Madisonville, Kentucky; and

The Court further finds that KRS 81.220 provides that a defense to such proceedings is authorized at the first term of this Court after the filing of the Petition and notice or within the time fixed by the Court by its order; and

The Hopkins Circuit Court now being a court of continuous session and not a court of terms, and the court being desirous of fixing a time within which defenses may be filed in these proceedings;

it is ordered that the time fixed by this





LEGAL NOTICE

Notice is hereby given that on October 2, 1978, at a regular meeting of the City Council of Madisonville, Kentucky, the following Ordinance was entered by the City Council:

"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° - 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.

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

The foregoing Ordinance was read to and presented to a regular meeting of the City Council of Madisonville, Kentucky, for first reading on the 18 day of September, 1978, and second reading on the 2 day of October, 1978. Motion was made by Councilman Randall Jones, seconded by Councilman Joe G. Hawkins, that the Ordinance be adopted as the law of the City of Madisonville, Kentucky, to be effective immediately upon publication thereof as required by law.

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

COUNCILMAN	YEA	NAY
James L. Gill	—	<u>X</u>
O. L. Lantaff	—	<u>X</u>
Randall Jones	<u>X</u>	—
Joe G. Hawkins	<u>X</u>	—
George Moore	<u>X</u>	—
Justice Rhodes	(passed)	—

It appearing that 3 Councilmen voted for the motion and 2 voted against it, the Mayor announced that the motion was carried 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.

This the 2 day of October, 1978.

/s/ Charlotte Baldwin  
Charlotte Baldwin, Mayor  
City of Madisonville, Kentucky

ATTEST:

/s/ Wendell Smith  
Wendell Smith, Clerk  
City of Madisonville, Kentucky

Notice is further given that pursuant to the provisions of KRS 81.210 that a Petition will be filed in the Hopkins County Circuit Court within 30 days asking the Court to approve the annexation 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.

The affiant states that on November 10, 1978, the following legal notice was printed, published and distributed in the regular issue of the Madisonville Messenger published on November 10, 1978:

LEGAL NOTICE

Notice is hereby given that on October 31, 1978, there was filed in the Hopkins Circuit Court in Madisonville, Kentucky, a Petition by the City of Madisonville, Kentucky, asking the Hopkins Circuit Court to approve the annexation of the territory described in the Ordinance of the City of Madisonville, Kentucky, which was enacted on October 2, 1978. The Ordinance and the property sought to be annexed is as follows:

"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

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Randall Jones	<u>X</u>	—
Joe G. Hawkins	<u>X</u>	—
George Moore	<u>X</u>	—
Justice Rhodes	(passed)	—

It appearing that 3 Councilmen voted for the motion and 2 voted against it, the Mayor announced that the motion was carried 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.

This the 2 day of October, 1978.

/s/ Charlotte Baldwin  
Charlotte Baldwin, Mayor  
City of Madisonville, Kentucky

ATTEST:

/s/ Wendell Smith  
Wendell Smith, Clerk  
City of Madisonville, Kentucky

NOTICE OF LAST DATE TO FILE PROTESTS

The petition was filed in the Hopkins Circuit Court on October 31, 1978, and the Court order has set 4:30 p.m., prevailing time, on December 15, 1978, as the last date upon which any person who desires to protest the annexation may do so by filing proper pleadings in the Hopkins Circuit Court. After said date, the City of Madisonville will ask the Hopkins Circuit 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 in the City Limits of the City of Madisonville, Kentucky.

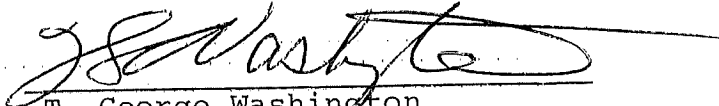
/s/ Charlotte Baldwin  
Charlotte Baldwin, Mayor  
City of Madisonville, Kentucky

ATTEST:

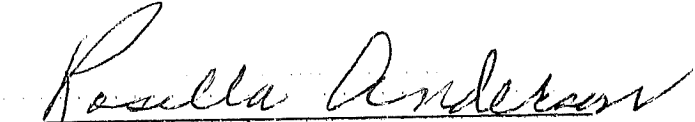
/s/ Wendell Smith  
Wendell Smith, Clerk-Treasurer  
City of Madisonville, Kentucky

The affiant further states that Madisonville is in Hopkins County, Kentucky, and that the Madisonville Messenger is required under the Kentucky Revised Statutes to publish advertisements for Hopkins County, Kentucky, and has the largest bona fide circulation in Hopkins County, Kentucky, and in Madisonville, Kentucky.

This the 8th day of January, 1979.

  
T. George Washington

Subscribed and sworn to before me by T. George Washington, on this the 8th day of January, 1979.

  
Notary Public  
My commission expires: 6-15-80  
State of Kentucky; County of Hopkins