CITY OF MARTIN

Pamela S. Justice
City Clerk
P. O. Box 749
Martin, KY 41649

Telephone 606-285-9335
Fax 606-285-3309

December 3, 1998

RECEIVED
DEC 10 1998
SECRETARY OF STATE
COMMONWEALTH OF KY

Kentucky Secretary of State
Attn: Kandi
Capitol Building
Frankfort, KY 40601

Re: Filing of Ordinances and Map

Dear Kandi:

Pursuant to our telephone conversation on this day, enclosed please find copies of Ordinances describing the metes and bounds marked on the enclosed map. Both are for filing in your office.

From our records, it is not clear if any or all of the Ordinances along with maps were filed in your office at the proper time. Therefore, I am attempting to clear up any discreprencies in the records at City Hall in Martin.

If you have any questions, please feel free to contact me.

Sincerely,

Pamela Justice

Pamela Justice
City Clerk

enclosures
cc: Department of Local Government
Floyd County Offices

ORDINANCE ZAP-2 02-80

CITY OF MARTIN, KENTUCKY

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARTIN, KENTUCKY, ANNEXING INTO THE CITY OF MARTIN, KENTUCKY, SUBJECT TO THE APPROVAL OF THE COURTS AS SET OUT IN SECTION 2 OF THIS ORDINANCE, CERTAIN TERRITORY WHICH IS BOUNDED AND DESCRIBED AS FOLLOWS AND MADE A PART OF THIS ORDINANCE

BE IT ORDAINED, by the City Council of the City of Martin, Kentucky, as follows:

SECTION ONE:

That the territory, hereinafter described, be made a part of the City of Martin, Kentucky, as it is now incorporated, to be annexed and made a part of the City of Martin, Kentucky, subject to the approval of the Courts as set out in Section Two of this Ordinance.

Said territory is bounded and described beginning on Page Two (2) of this Ordinance, and continuing through Page Thirteen (13).

S MART LOT

A PARCEL OF SURFACE LAND LOCATED AT THE UPPER END OF MARTIN PAST THE TWIN BRIDGES, AND ON THE RIGHT SIDE GOING UP, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at upper corner in front of S MART, and being Reed Eng. sta. #1, Thence northeast 226 feet along Rout #80 right-of-way to a culvert; Thence N 30°00' W approx. 460 feet between Pic Pac and S MART to center line Right Beaver Creek; Thence meandering up Right Beaver Creek approx. 170 feet; Thence S 8°16' E approx. 115 feet; Thence S 33°42' E 232.30 feet to the beginning.

Note: This is not an exact survey.

PIC PAC LOT

A PARCEL OF SURFACE LAND LOCATED AT THE UPPER END OF MARTIN PAST THE TWIN BRIDGES, AND ON THE RIGHT SIDE GOING UP, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning on a culvert and being a corner of S MART LOT, and running northeast along Route #80 right-of-way 131 feet to end of concrete curb; Thence N 30°00' W approx. 510 feet to center line Right Beaver Creek; Thence up said creek approx. 190 feet; Thence S 30°00' E approx. 460 feet between S MART and PIC PAC to the beginning.

Note: This is not an exact survey.

A PARCEL OF SURFACE LAND LOCATED AT THE UPPER END OF MARTIN PAST THE TWIN BRIDGES, AND ON THE RIGHT SIDE GOING UP, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the end of a concrete curb, and being a corner to the Pic Pac Lot, and running northeast along St. Rt. 80 right of way approximately 167 ft. to the end of another concrete curb and edge of parking lot; Thence N30° 00'W approx. 450 ft. to the center of Right Beaver Creek; Thence meandering up said creek approx. 140 ft.; Thence S30° 00'E approx. 510 ft. to the Beginning.

Note: This is not an exact survey.

WASTE AREA LOT (behind Kelly Dingus Lot)

A PARCEL OF SURFACE LAND LOCATED BETWEEN THE TWIN BRIDGES AT MARTIN BEHIND THE KELLY DINGUS LOT, AND ON THE RIGHT SIDE GOING UP, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING on the Northern Right-of-Way of the C & O Railroad and being on the existing Corporate Limits of Martin, and being the Northeast Corner of the Lot; Thence along Said right-of-way approximately 1070 feet in a southerly direction; Thence S35° 46' 13" W 270.02 feet; S48° 59' 33" W 151.66 feet; Thence in a northwesterly direction approximately 60 feet to the right-of-way line of New Route 80; Thence along Said right-of-way approximately 1,470 feet to the Corporate Limits Line; Thence in a southeasterly direction approximately 89 feet to the BEGINNING, and being 5.70 acres, more or less.

* Note: This description was taken from a State Highway map used in the construction of New Route 80.

WASTE AREA LOT (at mouth of Stephens Br.)

A PARCEL OF SURFACE LAND LOCATED AT THE UPPER END OF MARTIN AT THE MOUTH OF STEPHENS BRANCH, AND ON THE RIGHT SIDE GOING UP, AND BEING THE SAME LOT USED AS A WASTE AREA FOR THE CONSTRUCTION OF NEW ROUTE 80, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at the lower corner of the lot, and being on the right-of-way line of New Route 80, and being the Northeast Corner of the lot; Thence up said right-of-way and fence line approximately 1,421 feet to the center of Right Beaver Creek; Thence meandering down said Creek 777.37 feet; Thence leaving said Creek S57° 23' 58" E 130 feet; N31° 04' 29" E 268.61 feet; N53° 33' 45" W 150 feet across Right Beaver Creek to the C & O Railroad Right-of Way; Thence along Said right-of-way in a northeasterly direction 679.64 feet; Thence crossing Right Beaver Creek S29° 03' 45" E 150 feet; N64° 07' 21" E 159.77 feet; N67° 18' 27" W 170 feet to the C & O Right-of-Way; Thence N67° 18' 27" E 57 feet; Thence S22° 41' 33" E 58 feet; S68° 48' 11" E 223.09 feet down Right Beaver Creek; Thence leaving Said creek S50° 09' 50" E 383.85 feet to the BEGINNING, and being 22 acres, more or less.

* Note: This description was taken from a State Highway map used in the construction of New Route 80.

A PARCEL OF SURFACE LAND LOCATED BETWEEN THE TWIN BRIDGES AT MARTIN, AND ON THE LEFT SIDE GOING UP, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning on South right-of-way of State Route #80 and being N 67°30' W 307 feet to Beaver Creek, S 67°30' W 155 feet with South right-of-way of Route #80; Thence S 22°30' E 85 feet to the face of a rock cliff; Thence N 67°30' E 155 feet to a dirt road up hill; Thence N 22°30' W 85 feet down the dirt road to the beginning.

Note: This is not an exact survey.

LOT BEHIND FIRST NATIONAL BANK

A PARCEL OF SURFACE LAND LOCATED BETWEEN THE TWIN BRIDGES, AT MARTIN, AND ON THE LEFT SIDE GOING UP, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING on south corner of Messer's Lot; Thence N 22° 30' W 50 feet to corner of First National Branch Bank Lot; Thence S 67° 30' W 157 feet to center of dirt road; Thence up road S 65° 00' E 50 feet; S 84° 00' E 82.5 feet, and S 62° 00' E 77 feet; Thence leaving dirt road and running down hill N 67° 30' E 400 feet to Beaver Creek; Thence down Beaver Creek as it meanders in a northwesterly direction 250 feet; Thence leaving Beaver Creek S 67° 30' W 100 feet to the BEGINNING.

Note: This is not an exact survey.

A PARCEL OF SURFACE LAND LOCATED BETWEEN THE TWO BRANCHES, ON THE LEFT SIDE GOING UP, AND ON THE HILL, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a dirt road and being a northeast corner to Barnett's Lot; thence up said road in a southeasterly direction approx. 150 ft.; thence leaving said road in a southerly direction to the Gene Johnson Lot Property Line; thence along Gene Johnson Line S60°00'W approx. 344 ft. to a point near an old cemetery; thence down point in a southwesterly direction to the county road; thence running with the county road in a northerly direction to the southeast corner of Barnett's Lot; thence with Barnett's Lot N51° 30'E approx. 400 ft. to the BEGINNING.

Note: This is not an exact survey.

GENE JOHNSON LOT

A PARCEL OF SURFACE LAND LOCATED BETWEEN THE TWIN BRIDGES, BEHIND HALBERT'S GARAGE, NEAR THE OLD RACE TRACK, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning on the lower corner of a concrete driveway and running N40° 00'W approx. 307 ft. up a hill (by an old graveyard) to a fence; thence N60° 00'E approx. 344 ft. along the fence line; thence down a point S85° 00'E 220 ft. to a corner of filled bottom behind Gene Johnson's metal garage; thence S55° 00'E approx. 160 ft. to a wooden post on corner of filled bottom; thence S25° 00'W approx. 345 ft. to a bend in the old county road; thence N85° 00'W 212 ft. to a curve in said road; thence S70° 00'W approx. 129 ft. to the Beginning.

Note: This is not an exact survey.

A PARCEL OF SURFACE LAND LOCATED BETWEEN THE TWIN BRIDGES, BEHIND HALBERT'S GARAGE, NEAR THE OLD RACE TRACK, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING with a 24" elm and being a corner to the Bottom Lot; thence S32° 10.5'W 107.77 ft. to a 34 inch elm; thence N65° 15.5'W 156.30 ft. to a concrete marker; thence N89° 00'W 128.42 ft. to a concrete marker; thence S62° 49'W approx. 75 ft. to the center of Right Beaver Creek ; thence meandering up said creek in a northwesterly direction approx. 105 ft.; thence leaving said creek N62° 49'E approx. 85 ft. to a concrete marker; thence N62° 49'E 247.42 ft. to a concrete marker; thence S43°13.5'E approx. 62 ft.; thence N3° 15'W approx. 38 ft.; thence S37° 25'E 21.60 ft.; thence S0° 16'W 21.80 ft.; thence S40°33'E 88.76 ft.; thence S43° 13.5'E approx. 94 ft. to the BEGINNING.

Note: This is not an exact survey.

A PARCEL OF SURFACE LAND LOCATED BETWEEN THE TWIN BRIDGES, BEHIND HALBERT'S GARAGE, NEAR THE OLD RACE TRACK, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a 24 inch elm, being corner to Betty Hall Lot; Thence S 32°10½' W 107.77 feet to a 34 inch elm, being corner to Lee and Della Osborne Lot; Thence S 26°00' W 125 feet to a Concrete Marker; Thence S 35°17' W 121 feet to a Concrete Marker; Thence S 34°51' W 151 feet to the center of Right Beaver Creek; Thence running down Right Beaver Creek as it meanders in a southeasterly direction 1,612 feet to the anastomosis of Right Beaver Creek, Left Beaver Creek, and Beaver Creek; Thence running down Beaver Creek as it meanders in a northwesterly direction 1,855 feet; Thence leaving Beaver Creek and running in a southwesterly direction approx. 150 feet to edge of fill on Gene Johnson Lot; Thence S 55°00' E 160 feet to a wooden post; Thence S 25°00' W 345 feet to curve in road; Thence N 85°00' W 212 feet to curve in old county road on Gene Johnson's Lot; Thence crossing old county road in a southerly direction 16 feet to a Concrete Marker on Betty Hall Lot; Thence S 43°13½' E 62 feet; Thence N 3°15' W 38 feet; Thence S 37°25' E 21.60 feet; Thence S 40°33' E 88.76 feet; Thence S 43°13½' E 94 feet to the BEGINNING.

Note: This is not an exact survey.

COAL BUILDING LOT

A PARCEL OF SURFACE LAND LOCATED BEHIND THE FIRST GUARANTY BANK BUILDING, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING on Station No. 21 of Reed Engineering Company surveys, said station being a cross in lead plug on curb on east end of The First Guaranty Bank parking lot, having coordinates of Latitude 49,665.15 feet and Departure 49,863.19 feet; thence S 65°07' E 102.08 feet to a stake on edge of proposed road, 12 feet from property line of E. P. Grigsby; with proposed road N 40°00' E 115.54 feet to a stake; N 48°52' W 137.66 feet to Station No. 6, said station being a cross in lead plug on northeast corner of curb of bank parking lot; thence along center of curb S 24°53' W 150.00 feet to the beginning and containing 0.360 acres.

Note: This is an exact survey.

SECTION TWO:

That the City Attorney be and he is hereby authorized and empowered to institute suit in the Floyd Circuit Court on behalf of the City of Martin, Kentucky, for the entry of Judgment annexing the hereinabove described territory as a part of the City of Martin, Kentucky.

SECTION THREE:

All ordinances and parts of ordinances in conflict herewith be and they are expressly repealed.

Larry B. Hall
MAYOR - LARRY B. HALL

ATTEST:

Gwen Hall
CITY CLERK

A Vote was taken on said Motion which was as follows:

FOR	AGAINST
J. R. Key	NONE
David Chafin	
Phillip Jenkins	
Joe Everage	
Alan R. Whicker	
Bobby Sherman Dinges	

The Mayor ruled that the Motion to adopt said Ordinance was duly approved this the 22 day of May, 1980.

ORDINANCE ZAP-2

CITY OF MARTIN, KENTUCKY

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARTIN, KENTUCKY, ANNEXING INTO THE CITY OF MARTIN, KENTUCKY, SUBJECT TO THE APPROVAL OF THE COURTS AS SET OUT IN SECTION 2 OF THIS ORDINANCE, CERTAIN TERRITORY WHICH IS BOUNDED AND DESCRIBED AS FOLLOWS AND MADE A PART OF THIS ORDINANCE

BE IT ORDAINED, by the City Council of the City of Martin, Kentucky, as follows:

SECTION ONE:

That the territory, hereinafter described, be made a part of the City of Martin, Kentucky, as it is now incorporated, to be annexed and made a part of the City of Martin, Kentucky, subject to the approval of the Courts as set out in Section Two of this Ordinance.

Said territory is bounded and described beginning on Page Two (2) of this Ordinance, and continuing through Page Thirteen (13).

CITY OF MARTIN, KENTUCKY

ORDINANCE NO. 74-1

WHEREAS, the City of Martin, Kentucky, is providing the Amanda and T. J. Dingus Subdivision of Floyd County, water, sewage, and fire protection, and

WHEREAS, owners of property in the said Subdivision have requested that this City provide police protection; and in the interest of the general welfare of the citizenry of Martin, Kentucky, the City Council, at its regular meeting of May 4, 1974, does hereby enact the following ordinance:

BY THESE PRESENTS, it is hereby ordained by the City of Martin, Floyd County, Kentucky:

1. That pursuant to K.R.S. 81.210, lots numbered 46 through 67, and the unnumbered lots behind same, of the Amanda and T.J. Dingus Subdivision, as shown by map filed in the Floyd County Court Clerk's Office, Map No. 393, which by reference thereto is incorporated herein and made a part hereof, are annexed by the City of Martin.

2. That the City of Martin, Floyd County, Kentucky, shall seek, by petition or petitions to be filed with the Floyd Circuit Court of the Commonwealth of Kentucky no later than May 11, 1974, in its name and on its behalf, said Court's approval of this ordinance annexing the aforementioned property into the corporation of Martin, Floyd County, Kentucky.

3. That pursuant to K.R.S. 424.130 (a), the City Clerk of Martin shall cause to be published and advertised this Ordinance in The Floyd County Times on May 8, 1974.

4. That pursuant to K.R.S. 424.130 (b), the City Clerk of Martin shall cause to be published and advertised in The Floyd County Times on May 15, 1974, and on June 19, 1974, and on June 26, 1974, the pendency of the City of Martin's petition or petitions in the Floyd Circuit Court for judicial approval of the above mentioned annexation, such that any person so affected may file exceptions, protests, remonstrances, objections or resistance in the said Court before the end of the Floyd Circuit Court's June Term 1974.

ORDAINED this 4th day of May, 1974, by the full City Council of Martin, Floyd County, Kentucky.

CITY COUNCIL:

Glen Patrick

Clyde Hogsed

Denzil Halbert

Sanford Ousley

James E. "Jack" Conley

Demp Allen

MAYOR, CITY OF MARTIN, KENTUCKY

E. P. Grigsby

E. P. Grigsby

ATTEST:

G. W. Spencer

G. W. Spencer - Clerk

FLOYD CIRCUIT COURT

No. 10342

IN RE: CITY OF MARTIN, KENTUCKY

PETITION FOR ANNEXATION

AMANDA AND T. J. DINGUS SUBDIVISION
OF FLOYD COUNTY, KENTUCKY
LOTS NUMBERED 46 THROUGH 67
AND THE UNNUMBERED LOTS BEHIND SAME

** ** ** ** ** ** **

Comes the Petitioner, City of Martin, of Floyd County, Kentucky, by and through counsel, and petitions as follows:

1. That the City of Martin is a duly incorporated city of the fourth class in the County of Floyd, Commonwealth of Kentucky.

2. That the City Council of Martin, on the 4th day of May, 1974, at its regular monthly council meeting, did pass Ordinance No. 74-1, a copy of which is attached hereto and marked Exhibit "A" and incorporated herein, annexing Lots numbered 46 through 67 and the unnumbered lots behind same of the Amanda and T. J. Dingus Subdivision, as shown by map filed in the Floyd

County Court Clerk's Office, Map No. 393, a copy of which is attached hereto and marked Exhibit "B" and made a part hereby for a more particular reference.

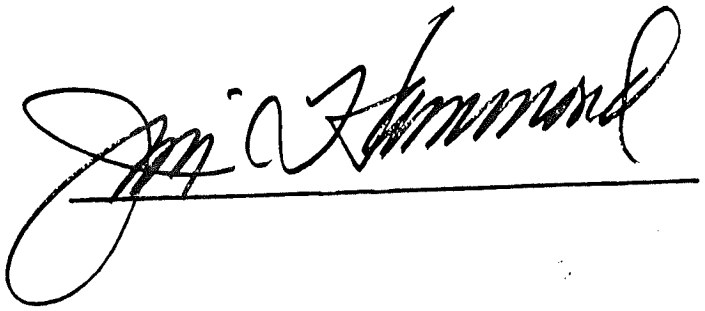
3. That the City of Martin has been requested by owners of said property to include in its corporate limits the above described property; that the City of Martin presently provides said property with water, sewage and fire protection; that the said property needs to be incorporated into the corporate limits of the City of Martin in order that the City of Martin may provide other municipal services, including, but not limited to, police protection; that the City of Martin needs to derive revenue from the said property by means of property tax, in order to defray the cost of providing the aforementioned services; and that in the interest of the general welfare of the citizenry of Martin, said property should be allowed to be incorporated into the City of Martin Corporation.

4. That Ordinance No. 74-1 annexing said property was duly published in The Floyd County Times on May 8, 1974, as required by K.R.S. 424.130 (a); and that notice of the pendency of this petition for judicial approval of said annexation will be published in The Floyd County Times on May 15, 1974; on June 19, 1974; and on June 26, 1974, pursuant to K.R.S. 424.130 (b), thereby giving notice to any person so affected so that they may

file exceptions, protests, remonstrances, objections, or resistance in the Floyd Circuit Court's June Term 1974.

WHEREUPON, the Petitioner, City of Martin, of Floyd County, Kentucky, demands that the said annexation of Lots numbered 46 through 67 and the unnumbered lots behind same of the Amanda and T. J. Dingus Subdivision, as shown by map filed in the Floyd County Court Clerk's Office, Map No. 393, be approved by this Court at the end of its June 1974 Term.

JIM HAMMOND
City Attorney, City of Martin,
Floyd County, Kentucky



Ordinance #60

The City Council of the City of Martin does ordain as follows:-

That wheras the West line of First Street fronting the lot and property of the Beaver Valley Hospital extends beyond and includes the concrete wall in front of the building of the Beaver Valley Hospital, but that said portion of said street is not used nor needed as a street and cou. notbe put into condition and kept in repair for use as a part of said Street except at great and prohibitive costs, and that an alteration in the width of said Street is necessary for the welfare, safety, comfort, convenience,and general ~~xxxxxxx~~ health of the citizens of the City of Martin and also the general public, it is hereby ordered that that portion of said Street West of the outside of the concrete wall in front of the Beaver Valley Hospital lot be and the same is hereby abandoned as a part of said street so that width of said Street hereafter shall be from said concrete wall to the Chesepeake and Ohio Railway right of way.

Attest: Ruth Reynolds
Clerk

J. Osborne
Mayor

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ORDINANCE NO. 108

A special meeting of the City Council in and for the City of Martin, Kentucky, a city of the fourth class, held on February ~~18~~ 19, 1960, called pursuant to notice hereto attached and accepted by the Members of the City Council for the purpose of considering the annexation of lands adjacent to the Southern boundary of the City of Martin, Kentucky, a copy of which waiver is attached to the minutes of this meeting. The following Members of the City Council were present:

Alton Craig — George Barnette
Ivy Goff — Robert E. Dermont
Cecil Conley

Upon motion of Cecil Conley, seconded by Robert E. Dermont, it was RESOLVED as follows:

WHEREAS, the City Council of the City of Martin did on January 5, 1959, adopt and enact an ordinance directing that the City of Martin annex certain boundaries adjoining and adjacent thereto, and pursuant to such ordinance, advertisement was duly had and action No. CR-2409 was

filed in the Floyd Circuit Court on February 3, 1959, and

WHEREAS, a hearing was held and proceedings were duly had in such action on June 30, 1959, at which time the Court, in an oral opinion, announced that it would be improper for the Court to decree an annexation of all of the territory sought to be annexed, but that the Court would order the annexation of the properties hereinafter set out, and

WHEREAS, attorneys for the City advised the City Council that a new proceeding for the annexation of the lands hereinafter described would be necessary, as the Court does not have the authority to order partial annexation under the Opinions in the Court of Appeals of Kentucky in the cases of City of Prestonsburg vs. Conn, 317 S. W. 2d 484, and Donovan vs. City of Louisville, 299 S. W. 2d 636, and

WHEREAS, the City accordingly permitted Action No. CR-2409 to be dismissed by an order entered January 28, 1960, with the view of commencing new proceedings to annex that part of the territory which the Court determined could and should be annexed, and

WHEREAS, the City Council of the City of Martin desires to annex the following described territory which the Court determined could be annexed,

BE IT, THEREFORE, RESOLVED that the following Ordinance be adopted and enacted:

#108

ORDINANCE

An Ordinance of the City Council of the City of Martin, Kentucky,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARTIN, KENTUCKY:

Section 1. That the territory, hereinafter described, lying on Kentucky Highway No. 80 adjacent to the upper city limits of Martin, Kentucky, as it is now incorporated, be annexed to and made a part of the City of Martin, Kentucky, subject to the approval of the courts as set out in Section 2 of this ordinance.

The territory to be annexed is bounded and described as follows:

BEGINNING at the City limits on the west near the property of Jack Blackburn; thence a westerly course up the ridge on the Amanda Preston farm and following the ridge to the top of the hill; thence following the ridge to the C & O Railroad tunnel so as to include the E. L. Dingus lands; thence down the hill to the southern end of the C & O Railroad tunnel; thence across the railroad track to the center of Right Beaver Creek; thence up the center

of Right Beaver Creek to a point opposite the Dinwood School (the point where the Old County Road leading from the Henry Dingus farm intersected with Route 80); thence a southerly direction and crossing Highway 80 to the Amanda Dingus farm; thence an easterly direction and following Route 80 right of way line down Right Beaver Creek to the junction of Route 80 and Route 122 at the rear of the Mason Moore property; thence an easterly direction with the highway right of way at the rear of the Mason Moore property to a hollow on the Amanda Dingus lands at the High-way Culvert; thence across Highway 122 thence a northerly direction with the right of way line of Route 122 to the junction of Routes 122 and 80 at the front of the Mason Moore property; thence a northeasterly direction to the center of Right Beaver Creek to the Lawrence Keathley line; thence following the Lawrence Keathley line to the C. R. Marshall line; thence a northerly direction to the corner of C. R. Marshall's line; thence an easterly direction to the corner of C. R. Marshall's line; thence following C. R. Marshall's line to the line of Lawrence Keathley; thence to the center of Main Beaver Creek; thence a northerly direction and following Main Beaver Creek to the right of way line of Route 80; thence a northeasterly direction crossing Main Beaver Creek to the S. P. Osborne line; thence following the S. P. Osborne line to the top of the ridge; thence a northerly direction and following the

ridge to the City limits of Martin, Kentucky, so as to include the Mason Moore property and the R. M. Barnett Subdivision.

Section 2. That the attorney for the City of Martin be and he is hereby authorized and directed to institute suit in the Floyd Circuit Court on behalf of the City of Martin, Kentucky, for the entry of a judgment annexing the above described property as a part of the City of Martin, Kentucky, and to take all steps necessary to such end.

Section 3. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Thereupon the question was put to the Council which resulted in the following vote:

Voting for:	Voting Against:
Alton Crisp.	None.
H. G. Gaff.	
Cecil Conley.	
George Barnett	
Robert E. Vermont.	

WHEREUPON the Mayor declared that the Resolution had carried and that the ordinance was duly enacted.

FLOYD CIRCUIT COURT

CR NO. 3360

CITY OF MARTIN PETITIONER

CITY OF MARTIN ANNEXATION

FINDING OF FACT, RULING OF
LAW AND JUDGMENT

****

This cause having been submitted to the court upon the pleadings, and proof herein the court orders and adjudges as follows:

FINDING OF FACT

The City of Martin is a Fourth Class city located in Floyd County, Kentucky. On the 6th day of March, 1961, the City Council of the City of Martin passed an ordinance annexing to the boundary of said city the hereinafter described tract of land which definitely defines the boundary of the territory proposed to be annexed. Said ordinance was published for three (3) consecutive weeks in the Floyd County Times, a newspaper published in Floyd County, Kentucky, to-wit: On March 9, 1961, March 16, 1961, and March 23, 1961. On April 5, 1961, a petition was filed in the Floyd Circuit Court in the name and on behalf of the plaintiff setting forth the passage, publication and advertisement of

69.

ORDINANCE No. 117-A

AN ORDINANCE ANNEXING CERTAIN TERRITORY NEAR THE INTERSECTION OF KENTUCKY HIGHWAY 80 AND KENTUCKY HIGHWAY 122 TO THE CITY OF MARTIN, KENTUCKY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARTIN, FLOYD COUNTY, KENTUCKY:

1. That pursuant to Kentucky Revised Statutes 81.210 and 81.220, the City Council of the City of Martin, Kentucky, a municipality of the Fourth Class, does hereby ~~propose to~~ enact an ordinance annexing certain unincorporated territory to the City of Martin. Said territory is adjacent to the City of Martin and is more particularly bounded and described as follows:

"Beginning on the west right-of-way line of Kentucky State Highway No. 80 at the point where it intersects the line of the corporation of the City of Martin on the south side of the city and running southward with the west right-of-way line of Kentucky State Highway No. 80, crossing Beaver Creek and Right Beaver Creek and continuing with said west right-of-way line to a point in said right-of-way line in line with a fence extending up the hill in a southerly direction to or near a concrete block building previously used as a mine explosives magazine, thence crossing Kentucky State Highway No. 80 and running up the hill with the fence to the south side of the abandoned county road, thence running with the south side of the abandoned county road, passing a cemetary to a fence running down the hill to Kentucky State Highway No. 122, thence leaving the south side of the abandoned county road and crossing same down the hill with the fence and continuing in the same direction across Kentucky Highway No. 122 to the North right-of-way line of Kentucky State Highway No. 122; thence running with the North and the East right-of-way line of highway No. 122 to the intersection of the East right-of-way line of Kentucky State Highway No. 80, thence running with the East right-of-way line of Kentucky State Highway No. 80; thence running with the east right-of-way line of Kentucky State Highway No. 80, crossing right Beaver Creek and Beaver Creek to the present southern city limits of the City of Martin, Kentucky, thence crossing said state highway with the city limit line to the beginning."

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2. This ordinance shall be published for not less than three (3) weeks in the Floyd County Times, the only newspaper published in Floyd County, Kentucky. Within thirty (30) days after the adoption, publication and advertisment of the ordinance a petition shall be published in the Floyd Circuit Court in the name and on behalf of the city setting forth the passage, publication and advertisement of this ordinance and its object and purpose together with an accurate description of the territory proposed to be annexed and asking that said territory be annexed to the city.

3. All ordinances or parts of ordinances in conflict herewith are expressly repealed to such extent of conflict.

4. This ordinance shall become effective after due passage by the City Council and publication as required by law.

This 6th day of March, 1961.

Lackel True Jr
MAYOR, CITY OF MARTIN

ATTEST:

Myrtle Ringuet
CITY CLERK

This Ordinance was adopted by the City Council in Regular Sesson, March 6, 1961. All members voting for the adoption.

ORDINANCE NO. 82 OF THE CITY OF MARTIN, FLOYD COUNTY, KY, AND PROPOSING

An ordinance providing for the annexation of certain lands adjoining the corporate limits of the City of Martin, Kentucky.

WHEREAS, there are certain lands adjacent to the City of Martin which have become built-up residential property, and other lands have been platted and subdivisions created thereon, and certain inhabitants of these lands wishtto be brought into the corporate limits of the City of Martin, and it is to the mutual advantage of both the city and these lands that they be incorprated and included in the City limits, and now therefore let it be resolved:

BE IT ORDAINED by the Mayor and Council in and for the City of Martin, Kentucky:

1. That the City of Martin take the necessary legal steps to annex as part of the City the following described portions and tracts of territory as shown in the ~~fifth, sixth, seventh~~, seventh fourth eighth and ~~ninth~~ additions of this ordinance.

2. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

3. This ordinance shall be in full force and effect when passed by the Council, posted, recorded and published according to law.

4x The provisions of this ordinance are separable and if any of the provisions thereof shall be held invalid, the decision of the Court shall not impair or affect this ordinance as a whole, or any part thereof.

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HA DAVIDSON
NSBURG, KENTUCKY

Beginning at a point in the corporate limits of Martin, Kentucky in that section known as "Old Martin" or "Preston", where a County Road leading up the Left Fork of Beaver Creek to the community of Hite and the property line of Lillie Osborne intersect and adjoin the present corporate limits and up to the ridge line, in a generally Northeasterly direction with the said property line of the said Lillie Osborne and thence along the said ridge line with the property of Lillie Osborne and then down the hill, so as to include that tract of property where "Judge" Bush resides, to the right of way of the Chesapeake and Ohio Rail Road Company, thence along the Northern boundary of said right of way in a generally Westerly direction and across the new State Route No. 80 with the present corporate limits of the City of Martin to the property line of Wess Halbert and Lora K. Stephens and with said property line and along the fence now enclosing the improved property of Wess Halbert so as to include all of this said improved property and with the fence back to the right of way of the State Highway No. 80 and thence along the Southeastern boundary of the said right of way to the bridge of said highway across the waters of Main Beaver Creek and including all of the land between the boundary of said right of way and the

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Southeastern boundary of the said County road leading to Hite up to a point on the said County road North of and opposite to the Northeastern corner of the said bridge over Main Beaver Creek, and thence a straight line in a Southerly direction to the bridge, so as to include all of the territory within the said boundaries. Thence with the bridge, forming part of Kentucky Route No. 80, acrossthe waters of Main Beaver Creek, and thence a line along the left descending bank of Main Beaver Creek South-West of the bridge to a point where the elevation of the land belonging to Dr. W. D. Osborne begins to slope sharply to a lower elevation and thence in a generally Easterly direction with this said elevation contour line to the base of a mountain and thence in a generally Northeasterly direction to the right of way of Kentucky Route No. 80, so as to embrace and include a level, improved tract of land adjacent to the said Highway and level therewith, belonging to Dr. W. D. Osborne, excluding the bottom and hill land of this property. Thence along the right of way of the said highway to the bridge crossing the Right Fork of Beaver Creek and to the waters of this Creek and across the highway at that point so as to embrace and include the R. M. Barnetts Additions Numbers One and Two to the City of Martin, as is shown

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by plats of these two Subdivisions of August 23, 1952 and of [illegible] and Northern, 195[illegible], respectively, which are on file in the Office of the Clerk of the Floyd County Court in Map File Box Three, numbered 136 and 139 respectively, to which plats reference is here made for a greater particularity of description.

hollow or drain and thence down the center of this hollow or drain to the right of way of Kentucky Route 80, and thence with the Eastern boundary of the said right of way to a point where a

Thence with the bridge, part of Kentucky Route 80, across the waters of the Right Fork of Beaver Creek and thence in a generally Northeasterly direction along the right descending bank of the Right Fork of Beaver Creek and including the waters of that Creek to the property line of R. M. Barnett, thence with said property line in a generally Easterly direction to the Northeast extension of the property line aforesaid, thence in a generally Southwest direction to the right of way of Kentucky Route No. 80 and thence with the Northeastern boundary of the right of way of said highway to the point of its intersection with Kentucky Route No. 122, the Haymond Highway, and thence with the Northern boundary of Kentucky Route No. 122 to a point opposite the mouth

ion having been filed in the Office of the Clerk of the Floyd County Court, as Map Number 109 in Map File Box Two, to the plats of which Additions, reference is here made for a greater particularity of description, and thence from a point on the Southeast

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STONSBURG, KENTUCKY

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of a hollow or drain on the property of Amanda Dingus, the first hollow beyond and North-east of the intersection of Kentucky Routes 122 and 80, and thence up the center of this hollow or drain to the ridge line of the mountain and thence along the ridge line in a generally southerly direction to the next large hollow or drain and thence down the center of this hollow or drain to the right of way of Kentucky Route 80, and thence with the Eastern boundary of the said right of way to a point where a swinging bridge crosses the Right Fork of Beaver Creek and thence across the waters of Right Fork of Beaver Creek to the fence line on the opposite bank and with said fence line to and across the right of way of the Chesapeake & Ohio Rail Road so as to connect with the Southwestern limits of the David Dingus Addition to the Community of Dinwood and thence in a generally Northwesterly direction so as to embrace and include the David Dingus and E. D. Dingus Additions to Dinwood, the plat of the latter Addition having been filed in the Office of the Clerk of the Floyd County Court, as Map Number 109 in Map File Box Two, to the plats of which Additions, reference is here made for a greater particularity of description, and thence from a point on the Southeast-

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ern limits of the said E. L. Dingus Addition to Dinwood and thence with a road in a generally Southeasterly direction across the right of way of the Chesapeake & Ohio Rail Road Company and along the base of a mountain to the right of way of the Kentucky Route No. 80, so as to include all of the waters of the Right Fork of Beaver Creek from the point where the line was first extended across the waters of the said Creek at the swinging bridge and embracing and including all of the land between the left descending bank of the Right Fork of Beaver Creek and the said two Dingus Additions to Dinwood and the aforesaid road leading from Dinwood to Kentucky Route No. 80. Thence a line from the Southeastern end of the bridge forming part of Kentucky Route 80 across the waters of the Right Fork of Beaver Creek and in an upstream direction along the right descending bank of the Right Fork of Beaver Creek to a point where the aforesaid swinging bridge crosses the waters of said Creek so as to join and connect with the Southernmost limits of the line of annexation, and so as to embrace and include the property of Amanda Dingus, Mason Moore, and Dr. W. D. Osborne.

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6. There is herewith formally accepted and incorporated into the corporate limits of the City of Martin, as a formal matter of record, the heretofore annexed territory, known and described as the Frazier Addition to the City of Martin, and there is further formally accepted and incorporated as a matter of formal record, those heretofore annexed subdivisions, known as New Martin, a plat of which was filed of record on October 9, 1922 in Deed Book 62, page 222 of the Floyd County Court Clerk's Office; The Osborne Addition to the City of Martin, a plat of which was filed of record on February 6, 1924 in the Office of the Clerk of the Floyd County Court, as Map No. 25, in Map File Box One; and the S. D. Osborne Addition to the City of Martin, a plat of which was filed of record in the Office of the Clerk of the Floyd County Court as Map No. 33, File Box One, dated June 23, 1928. Reference is here made to the above plats for a more particularity of description.

There is further annexed the following described property.

Beginning at the present corporate limits of the City of Martin at a point in the Northeastern limits of the Frazier Addition where the corporate limits intersect the property line between Myrtle F. Flannery and Thaoe Frazier and thence around the hill

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in a Southern direction at the same line of elevation as are the present corporate limits and thence to the property line between Thace Frazier and Dr. W. D. Osborne and thence down the hill with said line to the roadway, which was duly reserved and excepted as a roadway in the division of the Will Frazier farm and thence up the hill on the West side of the Ice Plant Branch to the same point or line of elevation as are the present corporate limits and thence around the hill in a Northwesterly direction to the present corporate limits at the point of beginning, so as to embrace and include all of the presently inhabited and improved land in the area known as Ice Plant Hollow.

7. Beginning at a hollow at a point in the corporate limits of the City of Martin on the waters of Bucks Branch and thence up the center of the hollow to the ridge line on the property of W. J. Reynolds and thence with the ridge line in a Southwesterly direciton up the Branch so as to include and embrace all of the land and road between the ridge line and the present corporate limits of the City, all of the property on the Northwest side of the said Branch to the Northwest ridgeline and including the Hunter Branch Hollow up to the Western limits and property line of of the lands of John Lee Hunter, and extending up to and

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including the tipple belonging to the Bucks Branch Mining Company.

8. Beginning at the corporate limits of the City of Martin at the property line of Rudolph Griffith and Virge Stephens and up the hill with the said property line to the ridge line (~~a point of elevation~~ _____ ~~hundred feet above the highway~~), and thence in a generally Northerly direction along the ridge line, (~~line of elevation of~~ _____ ~~hundred feet above the highway~~), to the Crisp Branch and including and embracing the property of Bascom Crisp and thence across the Branch with the property line of Bascom Crisp and up the ridge line of the adjoining hill, (~~and up the adjoining hills to a point of elevation~~ _____ ~~hundred feet above the highway~~) and thence in a generally Northerly direction to a point opposite a four mile concrete post on the Chesapeake & Ohio Rail Road Company right of way and thence down the hill to the post and then across the right of way of the C & O and across the waters of Main Beaver Creek to the present corporate limits of Martin and thence upstream along the right desecending bank of the Creek to a point opposite the place of beginning and thence across the Creek to the point of beginning, so as to include and embrace all of the land within said Boundaries, known as McGuire's Camp.

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7. (Continued): And thence from the said tipple across the waters of Buck's Branch a straight line to the ridge line or crest on the right descending bank of the waters of Buck's Branch and thence down the ridge line to a point West of and above the County Road and the Chesapeake & Ohio Rail Road Company right of way and thence in an easterly direction to the property line of Jack Blackburn and the County Road at their point of intersection and thence with the County road in a northerly direction to the present corporation limits of the City of Martin at the intersection of the Chesapeake & Ohio Rail Road Company right of way with the County road, so as to include all of the land between the ridge line and the waters of Buck's Branch and between the downstream point or apex of this ridge line and the County road.

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9. Beginning at a point in the corporate limits of the City of Martin, known as the Southwest corner of Lot Number One of Block A of the Osborne Addition to the City of Martin and thence in a Southwest line to the right descending bank of the waters of Main Beaver Creek and thence in a generally Northerly direction downstream with the said bank to the Southern limits of a recent real estate development, known as the Harry Branham Subdivision, a plat of which is on record in the files of the Clerk of the Floyd County Court to which plat reference is here made for a more particular description, and said line is extended from the said bank laterally so as to include and embrace all of the lands between the bank and the right of way of State Highway No. 80 and to include and embrace the entire highway right of way and the lands of the Chesapeake & Ohio Rail Road Company, Glover Spencer, Frank Crisp and Pearl Mayo lying between the Creek and the Highway. Thence with the lines and limits of the said Harry Branham Subdivision so as to include and embrace all of the lots in the said Subdivision, numbered, 1 through 225, but excluding the tracts numbered 2 through 10, of an extensive acreage, in said Subdivision, and including and embracing the lots as platted in Branham Hollow, and including the entire highway right of way of

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PRESTONSBURG, KENTUCKY

Kentucky Route 80 from near the point of beginning and the corporate limits of Martin to the Northernmost limits of the said Harry Branham Subdivision. There is further proposed to be annexed the following described property, beginning at a point on the right descending bank of Main Beaver Creek near the mouth of Arkansas Creek and within the above described territory, thence a straight line across the Creek to the Southeastern limits of the property line of Frank Crisp and thence in a generally Northerly direction down stream to the Northernmost limits of the property lines of the Chesapeake & Ohio Rail Road Company so as to include and embrace all of the improved and inhabited lands in the community, known as " Cracker ", and thence across the waters of the Creek to the lines of the Harry Branham Subdivision, so as to include the waters of Beaver Creek lying between these two tracts.

E. P. Grigsby
E. P. GRIGSBY, MAYOR

ATTEST: Anna Griffith
Anna Griffith, City Clerk

Motion was made by Denzil Halbert and seconded by L. L. Osborne that the above ordinace be adopted by the City Council of Martin, Ky. The motion was carried by the Unanimous vote of the Council and the said ordinance was declared duly adopted by the Council, this 3rd day of May, 1954. Those members of the Council present and voting Yea in favor of the motion to adopt this ordinance were as follows: Denzil Halbert L. L. Osborne, Eugene Frazier, Haas Stoane

The votes opposed to the motion were: none

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NSBURG, KENTUCKY

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An Ordinance relating to the annexation of certain lands adjoining the Southern Corporate Limits of the City of Martin.

Be it ordained and enacted by the Council of the City of -tin , Floyd County , Commonwealth of Kentucky, that:

1. The City of Martin , Kentucky take the necessary legal steps to annex as part of the City the following described tract of land,

Beginning at a point on the Western Limit of the right of way for State Route No. 80 , a corner to the property line between the lands of J.W. Halbert and Lora K. Stephens , which forms a boundary to the Southern Corporate Limits to the City of Martin, Floyd County , Kentucky , and thence along said property line and Southern Boundary of the Corporate Limits a Westerly direction and with the fence presently enclosing the property belonging to said J.W. Halbert, to a point on the said Highway Right of Way South of the point of beginning and thence North along the Highway Right of Way to the point of beginning, so as to include all of the enclosed property of J. W. Halbert adjoining the City of Martin containing ¼ Acre, more or less.

2. This ordinance is separable and should any part thereof be d invalid by a Court of competent jurisdiction , the remaining parts shall be severable and contimue to be of full force and effect.

3. This ordinance shall be deemed to be in addition to and supplementary to , and not in conflict with , nor a repeal of the existing ordinances of this City , but shall be an additional provision for the annexation of this particular territory. However , all ordinances or parts or ordinances conflicting with the provisions of this ordinance are hereby repealed, insofar as the same are affected by this ordinance.

4. This ordinance shall be in full force and effect following its posting and publication according to law, as provided in KRS 81. 0.

Denzil Halbert

Denzil Halbert, Mayor

Attest: _____
Anna Griffith, City Clerk

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ORDINANCE NUMBER 99 OF THE CITY OF MARTIN , KENTUCKY

An ordinance relating to the annexation of certain lands adjoining the Southern Corporate Limits of the City of Martin.

Be it ordained and enacted by the Council of the City of Martin , Kentucky , Floyd County, that:

1. Pursuant to the provisions of KRS 81.210-220 and of judgement of the Floyd Circuit Court , duly entered June 18,1957, as is shown by attested copy of same filed with the records of the City Clerk, in action No. CR 1,524 filed by the City of Martin,Ky. for the annexation of certain territory on the Southern limits of the City, wherein such annexation was approved and further under the terms of Ordinance No. 97 of this City relating to the same matter, the following described tract of land is hereby annexed to, incorporated within, and made a part of the City of Martin, Ky., viz:

Beginning at a point on the Western Limit of the right of way for State Route No. 80, a corner to the property line between the lands of J W Halbert and Lora K Stephens, which forms a boundary to the Southern Corporate Limits to the City of Martin, Floyd County, Kentucky, and thence along said property line and Southern Boundary of the Cprporate Limits, a Westerly direction and with the fence presently enclosing the property belonging to said J W Halbert, to a point on the said Highway right of way South of the point of beginning and thence North along the Highway right of way to the point of beginning, so as to include all of the enclosed property of J W Halbert adjoining the City of Martin, containing 1/4 of an acre , more or less.

2. This ordinance is separable and should any part thereof be held invalid by a Court of competent jurisdiction, the remaining parts shall be severable and continue to be of fullfforce and effect. This ordinance shall further be deemed in addition to and supplementary to, and not in conflict with , nor a repeal of the existing ordinances of the City, but shall be an additional provision for the annexation of this particular territory. However,all ordinances or parts of ordinances conflicting with the provisions of this ordinance are hereby repealed, insofar as the same are affected by this ordinance.

3. This ordinance shall be in full force and effect, immediately on its posting and publication.

Attest: _____ Anne Griffith, City Clerk

_____ Denzil Halbert,Mayor

At a regular meeting to the Council of the City of Martin,Ky., held in the Martin Municipal Building at 7:30 PM, on the 1 day of July ,1957, motion was duly made by L. L. Osborne and seconded by Eugene Frazier that the above Ordinance be adopted. The motion was carried by the Unanimous vote of the Council, and the said Ordinance was declared adopted by the Council, this the 1 day of July ,1957. Those members of the Council present and voting in favor of the motion to adopt the Ordinance were:

L. L. Osborne, Eugene Frazier, D. M. Hutchinson Sr. Denzil Halbert

Those members of the Council opposed to the motion were: none

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FLOYD CIRCUIT COURT

CITY OF MARTIN , KENTUCKY PLAINTIFF

VS: MOTION CR 1,524

IN RE ANNEXATION OF A
CERTAIN TRACT OF PROPERTY
ON SOUTHERN CORPORATE LIMITS

Comes the Plaintiff by counsel and moves the Court that the above action be submitted for judgement , as set out in the proposed judgement filed herewith for annexation of certain property belonging to J W Halbert and located on the Southern Corporate Limits of the City of Martin , Kentucky , the Ordinance authorizing this suit and Notice of this suit having been duly published according th law, as provided in KRS 81.220-220 , and no defence having been made or filed at the time of the filing of this motion, on this June 14 , 1957.

Marshall Davidson
Attorney for the Plaintiff,
The City of Martin , Ky.

C E R T I F I C A T E

I, Marshall Davidson , a regular practicing Attorney of this Court do certify that there have been no papers served upon me in the above action.

Marshall Davidson
Marshall Davidson, Attorney at Law,
Prestonsburg , Kentucky

I, Denzil Halbert , Mayor and Chief Officer of the City of Martin, Kentucky , do certify that there have been no papers served upon me in the above action.

Denzil Halbert
Denzil Halbert, Mayor ,
City of Martin, Kentucky

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JRG, KENTUCKY

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FLOYD CIRCUIT COURT

CITY OF MARTIN, KENTUCKY PLAINTIFF

VS: AFFIDAVIT CR 1,524

IN RE ANNEXATION OF A
CERTAIN TRACT OF PROPERTY
ON SOUTHERN CORPORATE LIMITS

On this 14 day of June, came the affiant, Norman Allen, who being first duly sworn, deposes and says that he is the editor and publisher of the Floyd County Times, a weekly newspaper, published in Prestonsburg, Floyd County, Kentucky, and having a general circulation in Floyd County and in the City of Martin, Kentucky in that County, and that Ordinance Numbered 97 of the City of Martin, Kentucky, relative to the annexation of certain territory on the Southern Corporate Limits of that City, belonging to J W Halbert, was duly published in this said paper for the issues of April 18th, and 25th, 1957 and of May 2, 1957. Deponet says further that a Notice that the above styled action had been filed was published in this said paper for the issues of May 9th, 16th and 23rd, 1957, and that a true copy of this Notice is filed here-with as an exhibit and as part of this affidavit. Deponet states further that the copy of Ordinance filed with the Complaint in this action is a true copy of the Ordinance as published in said issues of said newspaper. And further deponety sayeth NAT

Norman Allen

Norman Allen

Signed, subscribed and sworn to before me by Norman Allen, this June 14, 1957, to which witness my hand and notarial seal of office this June 14, 1957. My Commission expires Oct 13, 1957.

Marshall Davidson, Notary Public, State at Large

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SBURG, KENTUCKY

Com of Ky

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PRESTONSBURG, KENTUCKY

PATTON BUILDING
COURT STREET
P. O. BOX 563

PHONES
6231, OFFICE
6884, HOME

Notice is hereby given that the City of Martin, Kentucky has on the 7th day of May, 1957, filed suit CR 1,324 in the Floyd Circuit Court for the annexation of a certain tract of land on the Southern Corporate Limits of the City, belonging to J. W. Halbert, pursuant to Ordinance No. 97 of the City of Martin.

COPY

FLOYD CIRCUIT COURT

CITY OF MARTIN , KENTUCKY PLAINTIFF

JUDGEMENT CR B,524

IN RE ANNEXATION OF A
CERTAIN TRACT OF PROPERTY
ON SOUTHERN CORPORATE LIMITS

This cause coming on to be heard , and it appearing that this action for annexation was filed pursuant to the authority and provisions of Ordinance No. 97 of the City of Martin , a fourth class city located in Floyd County , Kentucky , which Ordinance was duly posted and published according to law in three consecutive issued of the Floyd County Times , immediately prior to the filing of this action , and that notice of the filing of this action was published in the same newspaper , which is published and has a general circulation in this County, in three consecutive issued immediately following the filing of this action ; such publications being corroborated by an affidavit of the editor and publisher of this paper, Norman Allen , filed herewith as an exhibit to be incorporated with the pleadings, together with true copy of the latter notice of filing of suit , true copy of the publication of the ordinance having been filed as a part of the complaint. It further appears that this action was filed on May 7th , 1957, within 30days after posting and publication of Ordinance No. 97 of the City of Martin , Kentucky , and more than twenty days prior to the convening of the present June ,1957 term of this Court. It is therefore adjudged that this Court now has the necessary jurisdiction to try this action.

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A. DAVIDSON
ISBURG, KENTUCKY

196.

On motion of the Plaintiff , accompanied by certificate of the Plaintiff's Attorney that no papers have been served upon him in defense of this action and a similar certificate to this effect by the Mayor of the City of Martin , Kentucky , it is ordered and adjudged that the relief and judgement as sought in this action by the Plaintiff be granted and it is ordered and adjudged that the following described territory be annexed to and made a part of the City of Martin , Floyd County , Kentucky.

Beginning at a point on the Western Limit of the Right Right of Way from State Route No. 80, a corner to the property line between the lands of J W Halbert and Lora K Stephens , which forms a boundary to the Southern Corporate Limits to the City of Martin , Floyd County , Kentucky , and thence along said property line and Southern Boundary of the Corporate Limits , a Westerly direction and with the fence presently enclosing the property belonging to J W Halbert , to a point on the said Highway Right of Way South of the point of beginning and thence North along the Highway Right of Way to the point of beginning , so as to include all of the enclosed property of J W Halbert , adjoining the City of Martin , containing ½ of an acre ,more or less.

This the 18 day of June , 1957.

Edward F Hill, Jr.,
Judge

Attestdd, a true copy: W W Cooley, Clerk,

By Christine Spradlin D C

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TONESBURG, KENTUCKY

the ordinance and its object and purpose together with an accurate description by metes and bounds of the territory proposed to be annexed. Notice of the filing of the petition was published for three (3) issues in the Floyd County Times on April 13, April 20 and April 27th. Said publication consists of an exact copy of the petition together with the date and place of its filing.

No person or resident voter of the territory proposed to be annexed has filed any defense in this proceeding or has set forth any reason why the territory should not be annexed to the City.

The Court further finds that the proposed extension and annexation will be for the interest of the city and will cause no material injury to the owners of real estate in the limits of the proposed extension.

RULING OF LAW

The Petitioner has complied with the requirements of K. R. S. 81.210.

JUDGMENT

IT IS THEREFORE ORDERED AND DECREED by this court that the territory hereinafter described be annexed and shall become a part of the incorporated area of the City of Martin. Said territory is more particularly bounded and described as follows:

> "Beginning on the west right-of-way line of Kentucky State Highway No. 80, crossing Beaver Creek and Right Beaver Creek and continuing with said west right-of-way line to a point in said right-of-way line in line with a fence extending up the hill in a southerly direction to or near a concrete block building previously used as a mine explosives magazine, thence crossing

Kentucky State Highway No. 80 and running up the hill with the fence to the south side of the abandoned county road, thence running with the south side of the abandoned county road, passing a cemetery to a fence running down the hill to Kentucky State Highway No. 122, thence leaving the south side of the abandoned county road and crossing same down the hill with the fence and continuing in the same direction across Kentucky Highway No.122 to the North right-of-way line of Kentucky State Highway No. 122; thence running with the North and the East right-of-way line of Highway No. 122 to the intersection of the East right-of-way line of Kentucky State Highway No. 80, thence running with the East right-of-way line of Kentucky State Highway No. 80; thence running with the east right-of-way line of Kentucky State Highway No. 80, crossing Right Beaver Creek and Beaver Creek to the present southern city limits of the City of Martin, Kentucky, thence crossing said state highway with the city limit line to the beginning."

The Clerk of this court is hereby directed to certify the judgment to the City Council of the City of Martin, which shall enter this judgment on its records and shall thereby annex to the City of Martin the territory described in this judgment.

May 2-1961
A Copy attest.
Henry Stephens, Clerk

+ Edw P Hill
JUDGE, FLOYD CIRCUIT COURT