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 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: _____ Denzil Halbert,Mayor
Anne Griffith, City Clerk

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 Fraga 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 Fraga, D. M. Hutchison Jr. Denzil Halbert

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

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LL DAVIDSON

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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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 , 16 th 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 Not

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 19, 1957. My Commission expires Oct 13, 1957.

Marshall Davidson, Notary Public, State at Large

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ALL DAVIDSON
SBURG, KENTUCKY

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MARSHALL BYRD
PRESTONSBURG, KENTUCKY

PATTON BUILDING
COURT STREET
P. O. BOX 563

PHONES
6231, OFFICE
6684, HOME

Notice is hereby given that the City of Martin , Kentucky has on the 7th day of May , 1957 , filed suit CR 1324 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 1,524

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 issues 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

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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 andn 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 fnn State Route No. 80, a corner to the property line between the lands of J W Halbert and Lora K Stephens , which forms a boundery 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 P Hill, Jr.,
Judge

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

By Christine Spradlin D C

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LAW OFFICES OF
MARSHALL DAVIDSON
ITONSBURG, 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 Hopkins, Clerk

+ Edwin P. Hall

JUDGE, FLOYD CIRCUIT COURT

OVERSIZE MAP INCLUDED WITH SUBMISSION.

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