CITY OF MARTIN

Pamela S. Justice
City Clerk
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Martin, KY 41649

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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 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 eighth and ~~ninth~~ fourth additional tracts 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 All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.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 separqble 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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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 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 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, across the 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 November, 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.

[illegible] drain and thence [illegible] 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 [illegible] tion having been filed in the Office of the Clerk of the [illegible] and thence with the Northeastern boundary of the right of way of County Court, as Item Number 109 in Map File Box Two, to the plats said highway to the point of its intersection with Kentucky of which additions, reference is here made for a greater particu- Route No. 122, the Haymond Highway, and thence with the Northern larity of description, and thence from a point on the Southeastern boundary of Kentucky Route No. 122 to a point opposite the mouth

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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.

7. 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 P. Flannery and Thace 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 Thaoe 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 above the County Road and the Chesapeake & Ohio Rail Road of elevation _____ hundred feet above the highway~~), and thence in a generally Northerly direction along the ridge line, (~~a point 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 hill 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.

[illegible] Spencer, Frank Crisp and [illegible] lying between the [illegible] and the highway. Thence with [illegible] of the said Harry Branham Subdivision so as to include and embrace all of the lots in the said Subdivision, numbered, 1 through 25, not excluding the tracts numbered 7 through 10, of an extensive acreage, in said Subdivision, and including and embracing the lots as [illegible] in Branham [illegible] including the entire highway [illegible]

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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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MARTIN, 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, Hans Stoude

The votes opposed to the motion were: None

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SHALL DAVIDSON
NSBURG, 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 ·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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OVERSIZE MAP INCLUDED WITH SUBMISSION.

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