

# **CERTIFICATION**

I, Phyllis Hudson, Clerk of the City of Midway do hereby certify that, the above Resolution 2009 - 03 is a true and correct copy as was presented to the City Council of the City of Midway at their special scheduled meeting dated December 30, 2008.

Given under my hand this 30th day of December, 2008.

Phyllis Hudson  
City Clerk

(SEAL)

RECEIVED AND FILED  
DATE March 24, 2009

TREY GRAYSON  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
BY Kandice Addison

**RESOLUTION ~~2009-~~ 63**

**A RESOLUTION ADOPTING A MODERN AND ACCURATE LEGAL DESCRIPTION OF TERRITORY PREVIOUSLY ANNEXED BY ORDINANCE**

WHEREAS, the City of Midway has enacted numerous ordinances annexing property into the corporate limits of the City of Midway; and

WHEREAS, each individual annexation contains a prior survey oft prepared by now unknown individual, and further references documentation that is no longer in existence; and

WHEREAS, the City wishes to provide a modern, accurate, easily identifiable legal description, same having been certified by a professional land surveyor for each prior annexation; and

WHEREAS, the City wishes to comply with the requirements of Amended KRS 81A.470 effective June 26, 2007; and

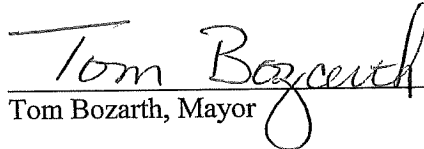
WHEREAS, the City does not intend to amend or replace its prior ordinance annexing, but rather to interpret the defined boundaries of the territory previously annexed and adopt a modern and accurate legal description of territory previously annexed.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIDWAY, KENTUCKY:


SECTION 1: That the City Council of the City of Midway hereby adopts the following legal description, and a plat attached hereto as prepared Malcolm Endicott, PLS, Licensed Professional Land Surveyor No. 2005 by new survey as an accurate depiction of the property previously annexed into the corporate city limits of the City of Midway by Ordinance ~~98-8~~ dated ~~Nov 16~~, 1998 a copy of which is attached hereto as Exhibit "2", and hereby adopts said new legal description and plat as the official legal description and plat to be adopted by the City for all purposes when referencing this prior annexation.

SECTION 2: This new legal description as prepared by Malcolm Endicott, PLS, a Licensed Professional Land Surveyor No. 2005 is as follows:

Passed and Approved this 30<sup>th</sup> day of December 2008

  
Tom Bozarth, Mayor

Attest:

  
Phyllis Hudson  
City Clerk/Treasurer

December 22, 2008

Original Legal Description as used with Annexation Ordinance 98-08.

*Malcolm Endicott* 12/22/08

September 24, 1998

**LEGAL DESCRIPTION  
Betsy B. Weems Property  
US Highway No. 421 at the Interstate 64 Interchange  
Near the City of Midway  
Woodford County, Kentucky  
B-5 Zone**

**A certain tract or parcel of land located near the northerly city limit of the City of Midway in Woodford County, Kentucky and being more particularly described as follows:**

**All bearings referred to herein are based on the centerline of US Highway 421 or Leestown Road having a bearing of S 64° 52' 30.4" E as revealed on the Plan for Right-Of-Way (or acquisition) SP120-64-2 or I64-4(32) 64, Sheet 11 of 259 for the relocation of KY HWY No. 341 as available in the District Seven Office of the Commonwealth of Kentucky, Department of Highways in Lexington, Kentucky, the title document of which is Deed Book 183, Page 204. The method of survey is by random access having a closure greater than 1:10,000 with no adjustments. The survey is Class A and was completed in the field on September 21, 1998. This legal description is prepared in accordance with the Minimum Standards of Practice for Professional Land Surveyors (201 KAR 18.150) effective August 1, 1998 with particular reference to pages 11, 12, 16 and 17. The language in this legal description shall not be altered without the consent of the undersigned, Malcolm Endicott.**

**Beginning at a concrete right-of-way monument found on the north or northeast side of US HWY 421 (Leestown Road), said monument being located 70 feet northeast of the centerline of the existing road (Leestown Road) this date at Station 53+00 of the above referenced plan; thence with said right-of-way N 55° 26' 25" W, 256.01 feet to a metal post in concrete,**

**Weems Legal Description - Zoned B-5**

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said post being at or near Station 50+50 of Leestown Road; thence with said right-of-way along the easterly side of KY HWY No. 341 N 08° 43' 10" E, 113.10 feet to a post in concrete at or near Station 44+60 of KY HWY 341; thence with said right-of-way along the southerly side of the east bound ramp (Ramp D) of Interstate Highway I-64 N 53° 04' 01" E, 227.94 feet to a metal post in concrete at or near Station 3+50 of Ramp D; thence with said right-of-way N 73° 24' 55" E, 553.88 feet to a metal post in concrete at or near Station 9+00 of Ramp D; thence leaving said right-of-way with a new line S 06° 42' 31" W, 836.56 feet to a meander point in the centerline of Leestown Road, said point being witnessed by an iron pin ([set], 18 inch long, 3/4 inch diameter re-bar and orange colored cap with lettering HME/PLS 2005 ) in the fence line on the northerly side of said road at 32.8 feet as measured back along said line; thence with the center of said road for the following four calls and meander points -- N 63° 29' 21" W, 62.25 feet; thence N 63° 58' 26" W, 59.28 feet; thence N 64° 52' 30" W, 236.77 feet; thence N 64° 52' 30" W, 141.82 feet; thence leaving said centerline N 25° 07' 30" E, 70.92 feet to the Point Of Beginning and containing 8.292 Acres as surveyed by Malcolm Endicott, PLS 2005, 126 South Main Street, Versailles, Kentucky, September 21, 1998 and being a portion of the property bequest to Betsy B. Weems in Will Book 16 at Page 42 in the Office of the Woodford County Court Clerk.

The above described property is subject to all applicable easements and rights-of-way.

**MALCOLM ENDICOTT AND ASSOCIATES**

**Malcolm Endicott, PLS**

OVERSIZE MAP INCLUDED WITH  
SUBMISSION.

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