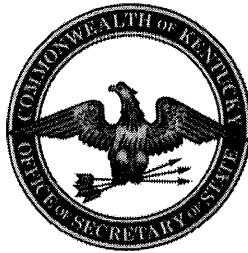


RECEIVED AND FILED  
DATE December 1, 2014



ALISON LUNDERGAN GRIMES  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
BY Kandie Adkinson

COMMONWEALTH OF KENTUCKY  
ALISON LUNDERGAN GRIMES  
SECRETARY OF STATE

**NOTICE OF CITY RECLASSIFICATION**

Pursuant to the Municipal Reclassification Reform Act, House Bill 331 (Regular Session 2014), which is codified at KRS 81.005, cities must file written notice of reclassification with the Office of Secretary of State before January 1, 2015. Any city that fails to comply with the filing requirement will be barred from receiving state moneys until the notice of reclassification is submitted.

Please complete this form and send to the Office of the Secretary of State before January 1, 2015.

Name of City: North Middletown

Year of Incorporation: unknown; see attached

New Classification: *(check one)*

- First Class *(formerly Classification 1)*  
 Home Rule Class *(formerly Classifications 2 through 6)*

Form of Government: *(check one)*

- Mayor – Alderman *(First Class Classification only)*  
 City Manager *(KRS 83A.150)*  
 Mayor – Council *(KRS 83A.130)*  
 Commission *(KRS 83A.140)*  
 Consolidated Local Government or CLG *(KRS 67C, example Louisville)*  
 Urban County Government or UCG *(KRS 67A, example Lexington)*

Submitted by: Henry Watson III  
Title: Counsel to the City of North Middletown  
Date: 25 NOV 2014

Type of election for city officials: *(check one)* Partisan  Non-Partisan   
If non-partisan, does your city waive the primary? Yes  No

After printing, complete the form, scan and e-mail, or send via mail or fax to: Office of the Secretary of State  
Attn: Kandie Adkinson  
700 Capital Avenue, State Capitol, Suite 152  
Frankfort, KY 40601  
[kandie.adkinson@ky.gov](mailto:kandie.adkinson@ky.gov); Fax: (502) 564-5687

HENRY WATSON III  
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19 EAST PIKE STREET  
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CYNTHIANA, KENTUCKY 41031

(606) 234-1190

July 2, 1991

Office of General Counsel  
US Department of Agriculture  
Farmers Home Administration  
c/o Chesley E. Nell  
District Director  
3161 Custer Drive  
Lexington, KY 40517

RE: City of North Middletown -  
Water Supply Improvements Project

Dear Sir or Madam:

The purpose of this communication is to provide evidence of establishment of the City of North Middletown, along with a legal opinion stating the date the City was duly incorporated and the fact that it is still in continued legal existence.

After a diligent search of the statutes of the General Assembly of the Commonwealth of Virginia, from its creation until 1792, the date of statehood for the Commonwealth of Kentucky, and a search of statutes of the General Assembly of the Commonwealth of Kentucky since its creation, I am unable to find any legislation which established the Municipal Corporation of the Town of North Middletown.

However, attached hereto is Chapter CCCCXXVIII of the Acts of the General Assembly of 1818 of the Commonwealth of Kentucky, approved February 9, 1819, and in Section 5, the Town of North Middletown, in the County of Bourbon, was "recognized", and certain conditions regulating said Town were established. In my opinion, this enactment by the General Assembly of the Commonwealth of Kentucky establishes the date of incorporation of the City of North Middletown, Kentucky.

The General Assembly of the Commonwealth of Kentucky enacted two statutes relating to North Middletown prior to the adoption of the current constitution in 1892, specifically, Chapter CCXX of the 1821 General Assembly, relating to the election of Trustees, and Chapter 1401 of the Acts of

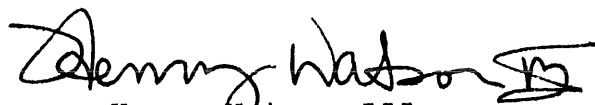
1869, amending the City's charter to allow the licensing of alcohol and coffee houses the same as in Paris, Kentucky.

Chapter 30 of the Acts of the General Assembly of 1960 reclassified the City of North Middletown from a sixth to a fifth class city.

I have carefully researched the records in the office of the Bourbon Circuit Court Clerk to determine whether or not any litigation has dissolved the City of North Middletown, or whether same is now pending. Having found none, it is my opinion that since its incorporation in 1818 the City of North Middletown is and has been in continued existence.

The purpose of this Opinion is to fulfill requirements for receipt of a grant from the Farmers Home Administration, and for purchase of the City's bonds by the Farmers Home Administration, and is intended for the use of the Farmers Home Administration. Any use or reliance hereupon by any other agency or entity is not authorized. Please do not hesitate to contact me should you have any questions, and thank you for your kind and prompt attention.

Sincerely,



Henry Watson III  
Counsel for City of  
North Middletown

HW/ma

Enc.

cc: Mayor Lutes ✓  
City Council Members  
City Clerk  
Bluegrass Area Development District  
William W. Davis, Esq.

The clerk of the court of appeals, on application, to make out a complete copy of the record of any suit at law or in equity, to make out a true copy of so much of the record of any suit as yet remains on the record books of said supreme court in his office, and transmit the same to the clerk of the circuit court where the original papers were removed to by virtue of the provisions of the before recited act.

Sec. 2. *Be it further enacted*, That it shall be the duty of the several clerks of the circuit courts where the original papers of any suit were removed, to receive the copy made out by the clerk of the court of appeals as aforesaid, and file the same in his office; and he shall, upon a like application, make out a complete copy of the record from the original papers and the copy received by him from the clerk of the court of appeals; which, when made out as aforesaid, and certified by the clerk of the circuit court, shall be received as evidence in any court of record in this commonwealth, in as full and ample a manner as if the same had been made out by the clerk of the court of appeals, or the clerk of the late supreme court for the district of Kentucky, any law or usage to the contrary notwithstanding.

Sec. 3. *And be it further enacted*, That it shall be the duty of the clerk of the circuit court to note upon the record, what portion of the record was made from the [office of the] clerk of the court of appeals, and what portion from his own office.

CHAP. CCCCXXXVIII.

An ACT establishing and regulating certain Towns in this Commonwealth.

Approved February 9, 1819.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a town be established in the county of Gallatin, on the Kentucky river, on the land owned by John T.

Marion established.

Hawkins, William Cochran and others, at the place where the road from Cincinnati to New-castle crosses said river, to be called and known by the name of MARION; and that John T. Hawkins, William Cochran, Richard Valandingham, Moses Baker and Thomas Woolfolk, be, and they are hereby appointed trustees of said town; and they shall cause not exceeding two hundred acres of land to be laid off, including the lots laid off by said Hawkins and Cochran, as the boundaries of said town, and cause a certified plat thereof to be recorded in the clerk's office of the court of said county, and another to be recorded in the book of said trustees.

Sec. 2. *Be it further enacted*, That a town be established on the land owned by Elijah Creel and Elsey Creel, in Cumberland county, on the south side of Cumberland river, adjoining the land of Thomas Graves, to be known by the name of CREELSBOROUGH; and that any number of acres, not exceeding one hundred, be laid off by Charles Thomas, James Pergus, sen. John M. Emerson, Richard Graves, Joel Owsley and James Richey, who are hereby appointed trustees of said town; who shall cause two plats of said town to be made out, one of which shall be recorded in the clerk's office of the court of said county, and the other in the book of said trustees.

Sec. 3: That a town be established on the land owned by Gordonian Oldham, on the state road, in Knox county, to be called and known by the name of OLDHAMSVILLE; and that any number of acres not exceeding fifty, be laid off by John Jackson, Jarvis Jackson, William M'Kee, John Brodus and John Freeman, who are hereby appointed trustees of said town; who shall cause two plats of said town to be made out, one of which shall be recorded in the clerk's office of the county court of said county, and the other in the book of said trustees.

Sec. 4. That the proprietors of the aforesaid towns of Marion, Creelsborough and Oldhamsville, shall, previous to the sale of said lots, respectively, enter into bonds with good security, in their res-

The trustees of said towns to give bonds.

Condition.

pective county courts, conditioned to pay the amount of the sale of said lots to any person who may hereafter set up and establish a better and superior title to said lands.

North Middle-town.

Sec. 5. That it shall and may be lawful for the white male inhabitants of said towns, and also of North Middletown, in the county of Bourbon, of the age of twenty-one years or upwards, to elect, on the first Monday in June, annually, five fit persons as trustees for said towns respectively, who shall hold their offices until their successors shall be elected and qualified. The said elections shall be holden by the clerks of said respective boards, who shall give one week's previous notice thereof by advertisements in writing.

Said towns to elect trustees.

Sec. 6. That the trustees, respectively, so elected, and their successors in office, or a majority of them, shall appoint a president of their own body, and shall have full power to pass such by-laws and ordinances for the government and regulation of said towns, as to them may seem expedient, not contrary to the constitution or laws of this state; and they are hereby empowered to fix such fines or penalties, not exceeding ten dollars, for a breach or breaches of said by-laws, as they shall deem proper; and all fines by them respectively imposed, shall be sued for in the names of the boards of trustees respectively, and be recoverable before any justice of the peace; and the money so recovered shall be appropriated to the benefit of said towns.

To pass by-laws.

Fines, how recoverable.

Sec. 7. That the said trustees, respectively, shall appoint a clerk, who shall be removable at pleasure, and shall, before he enters on the duty of his office, take an oath, before one of the trustees, to keep a fair record of their proceedings; and the trustees, respectively, for the time being, and their successors in office, shall severally, before they enter on the duties of their office, take an oath, before some justice of the peace, that they will faithfully discharge the duties to them committed, without favor, affection or partiality, a certificate of which oath shall be filed with the respective clerks of said boards of trustees.

To appoint a clerk.

Trustees to take oath.

Sec. 8. That the said trustees shall annually appoint for their respective boards, a treasurer, who shall continue in office until a successor be appointed, unless removed, for good cause, by a majority of all the trustees of the board to which he may belong. He shall receive a compensation for his services, to be allowed by the said trustees respectively, not to exceed six per centum on the amount by him received. The treasurer, before he enters on the duties of his office, shall enter into bond, with approved security, payable to the trustees, respectively, and deposited with the clerk, which bond shall be in the penalty of five hundred dollars, and conditioned that he will well and truly discharge the duties of his office; on a breach of the conditions of which bond, the said trustees, or their successors, respectively, may from time to time commence suit and recover judgment thereon; and on issuing execution on any judgment so obtained, the clerk issuing the same shall endorse that no security be taken. And said treasurer, if he fails to pay over any money in his hands, after being ordered so to do by a board of said respective trustees, shall be liable, on suit brought therefor on his said bond, to pay the same, together with fifteen per centum damages on the amount thereof, together with interest thereon and the costs of suit.

Treasurer to give bond.

May be put in suit.

Sec. 9. The trustees, respectively, shall appoint a town assessor, who shall assess the value and his duty of all lots in said towns and the improvements thereon, and such other property as the trustees, respectively, may direct, and also take a list of all the housekeepers, with the numbers of white male inhabitants, over twenty-one years of age, resident in each family; which assessments and lists shall be returned by the assessors to the clerks of the respective boards, on or before the time directed by the trustees, and kept for the inspection of those listed thereon; and any person who thinks himself aggrieved by the assessment, may make a complaint to the respective boards of trustees, who shall make any necessary alterations in said assessment or list, that to them may seem expedient and just.

**Town collector.** Sec. 10. The said trustees, respectively, shall have power to appoint a town collector, who, before he enters on the duties of his office, shall enter into bond, as is herein prescribed for the treasurer, and to continue in office one year; and until his successor be appointed; and in case of a failure to comply with the duties of his office, he shall be subject to the same penalty and proceedings as are herein prescribed in case of treasurer. He shall regularly, at the time prescribed by the trustees, respectively, settle with, and pay over to the treasurer, all sums by him collected. The said collectors shall have the same power to collect and distrain for the taxes of said towns, which the sheriffs now possess for the collection of the taxes of this Commonwealth, and shall have a compensation for their services, to be allowed by the trustees, respectively, not exceeding six per cent on the amount by them collected.

**His duty.** Sec. 11. The said trustees, respectively; and their successors in office, or a majority of them, shall have power and authority to impose a tax, annually, on the persons and property, both real and personal, within the limits of such respective towns, not exceeding fifty cents on each of the said towns, and twenty-five cents on every hundred dollars' worth of property therein.

**Who may be a trustee.** Sec. 12. That no person shall be elected a trustee of either of said towns, unless he be the fee simple owner of ground therein, and resides in said town; and shall also be above the age of twenty-one years; and in case of a vacancy in either of the boards of trustees, by death, resignation or removal out of said town, the said trustees, respectively, or a majority of them, shall have full power to fill such vacancy or vacancies; and the member or members so added, shall continue in office until the succeeding annual election.

**Vacancies, how filled.** Sec. 13. The trustees, respectively, shall have further power to impose a tax on any person or persons, of trustees, who, for a compensation, shall exhibit any show within the town; which tax shall not exceed ten dollars per day, for each feat or show, collectable by any one of the trustees, by warrant in the

name of the trustees of said town, together with cost of suit.

**Nuisances may be removed.** Sec. 14. The trustees of said towns shall have the exclusive privilege, by an ordinance or by-laws, of declaring what shall be a nuisance or obstruction in said town; and that whenever any such nuisance or obstructions may be erected or created in said towns, by any person or persons whatsoever, or by any tenant or other persons in whose possession the premises are, that the trustees may impose a fine by their by-laws, not exceeding ten dollars, collectable by warrant in the name of the trustees, for every twenty-four hours such nuisance may remain in said town; or they may, at their election, remove the same at the expense of the person or persons erecting or creating the same.

**Penalty on trustee for not attending their meetings.** Sec. 15. That every trustee who shall fail to attend their appointed meetings, without a reasonable excuse, shall forfeit and pay two dollars for every failure, to be appropriated for the use of said town; which fines shall be collected, upon judgment from any justice of the peace.

**Taxes to be collected and applied to the provisions of improvement of town.** Sec. 16. All taxes, fines or assessments that may be collected and recovered by the trustees of said towns, respectively, under the provisions of this act, shall be by them applied to the improvement of the streets and alleys, and to such other purposes as they may deem necessary for the general benefit and safety of said towns.

**Further duty of collectors.** Sec. 17. It shall be the duty of the collector, as soon as the list of taxes is put into his hands for collection, to proceed to collect from the persons on his list the amount so charged against them; and on their failing or refusing to pay the amount, may proceed to collect the same by distress and sale of the personal or real estate of such persons, or so much thereof as will be sufficient to pay the tax and expenses of distress and sale—first giving ten days' notice of the sale, by advertising at some public door in said towns. **May distrain.**