City of Paintsville

I certify I am the duly qualified City Clerk of the City of Paintsville, Kentucky, and the following eight (8) pages of Ordinance No. 2021-005 is a true, correct and complete copy duly adopted by the City Council at a duly convened meeting held on August 9, 2021, all as appears in the official records of the City of Paintsville.

WITNESS, my hand and the Seal of the City of Paintsville, this 18th day of August 2021.

Robin Perry

Robin Perry, City Clerk

(seal)

RECEIVED AND FILED
DATE Sept 10, 2021

MICHAEL G. ADAMS
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Kandie Adkerson

P. O. Box 1588, Paintsville, KY 41240 Ph.: (606) 789-2600 Fax: (606) 789-2602

ORDINANCE NO. 2021 -005

ORDINANCE ANNEXING PROPERTY BY CONSENT

ORDINANCE ANNEXING MARATHON GAS STATION
(Hager Hill, Kentucky) INTERSECTION US 23 & KY. RT. 1428

WHEREAS, pursuant to KRS 81A.412, the City of Paintsville may annex any area which meets the requirements for annexation established by KRS 81A.410 if the owners of record of the land to be annexed give prior consent in writing to the annexation; and

WHEREAS, the owner of the land to be annexed, VIP Fuels, LLC, by and through its sole members, David Hensley, Nonnie Hensley and Michael Moore; has/have requested and consented in writing to the annexation of the land to be annexed, being hereinafter further specifically identified on the map attached hereto as Exhibit A and being further described by the legal description hereto as follows:

Beginning at an unmonumented point, being in the R/W of US 23 North Bound Lane and the R/W of KY Rt 1428 , having a coordinate of N:2178795.33 E:2491784.31 and being adjacent to the City Limits of Paintsville;
thence leaving the R/W of US 23 and running with the R/W of KY RT 1428 the next 4 consecutive calls;
1) N 69°12'25" E a distance of 119.26';
2) N 03°56'57" W a distance of 49.81';
3) N 25°57'01" E a distance of 162.63';
4) N 34°18'38" E a distance of 202.56';
thence leaving R/W of KY RT 1428 and running the next 16 consecutive calls;
1) S 33°23'07" E a distance of 63.65';
2) S 34°53'28" E a distance of 59.58';
3) S 27°37'27" E a distance of 51.67';
4) S 43°05'30" E a distance of 84.81';
5) S 10°42'15" E a distance of 53.98';
6) S 02°33'58" E a distance of 10.46';
7) N 81°20'39" W a distance of 18.04';
8) N 67°02'11" W a distance of 151.19';
9) S 62°38'11" W a distance of 36.22';
10)S 08°32'27" W a distance of 134.67';
11)S 00°00'00" E a distance of 107.31';
12)S 06°32'31" W a distance of 87.77';

13)N 90°00'00" W a distance of 52.73';
14)S 69°53'49" W a distance of 51.57';
15)S 04°01'08" E a distance of 142.29';
16)S 88°51'58" W a distance of 97.17' to a point in the R/W of US 23 having a coordinate of N:2178483.47 E:2491831.65;
Thence running with the R/W of US 23
N 08°37'53" W a distance of 315.43' to the point of beginning.
Having an area of 115,133.96 SQ FT or 2.64 Acres

WHEREAS, the Affidavit and Notice of Consent to Annexation of the owners of record of the land to be annexed is attached hereto as Exhibit B, respectively; and

WHEREAS, the City of Paintsville hereby declares it desirable to annex the subject land further described in Exhibits C attached to this ordinance.

NOW, THEREFORE, BE IT ORDAINED by the City of Paintsville, Kentucky, as follows:

SECTION I

The City of Paintsville finds that the area of land described hereinafter in Exhibit C attached to this ordinance meets the requirements for annexation as provided in KRS 81A.410, as follows:

a. Is adjacent to the boundaries of the City of Paintsville, and

b. Is urban in character and suitable for development for urban purposes without unreasonable delay, and

c. No part of the area to be annexed is included within the boundary of another incorporated city.

SECTION II

That the area of land described in Exhibit C and the subject of the Affidavit and Notice of Consent to Annexation attached hereto as Exhibit B, each of the said exhibits being attached hereto and incorporated herein by reference, shall be and hereby are annexed into the City of

Paintsville, Kentucky, by consent of the owners of said land, and the boundaries of the City of Paintsville are hereby extended so as to include and incorporate all of this land into the City of Paintsville, Kentucky.

SECTION III

All prior municipal orders, ordinances or parts of any municipal order or ordinance in conflict herewith are hereby repealed.

SECTION IV

This ordinance shall be published in full.

PASSED AND APPROVED ON FIRST READING, THIS 27th DAY OF July, 2021.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED, THIS 9th DAY OF August, 2021.

APPROVED:

Bill M. Runyon

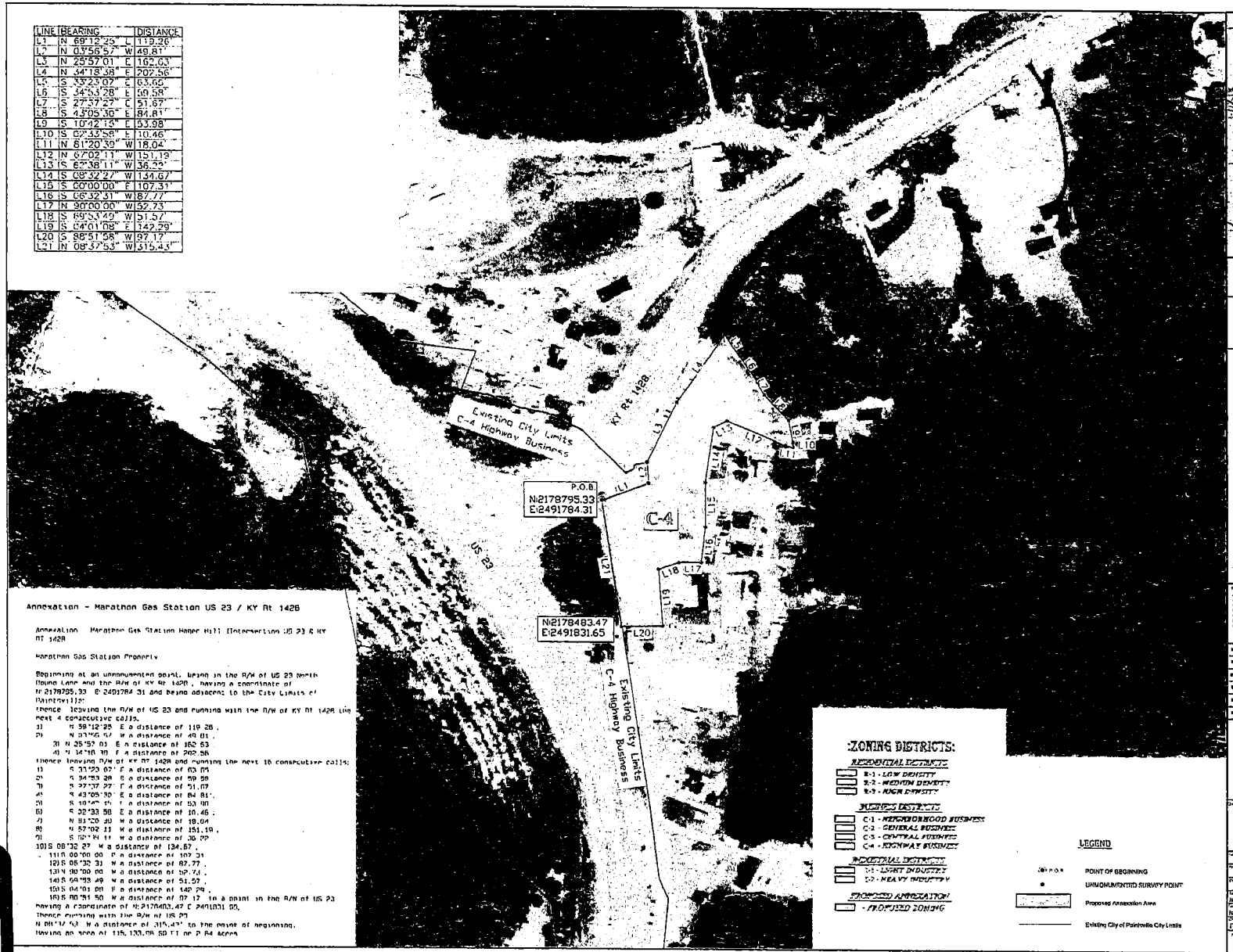
BILL MIKE RUNYON, MAYOR

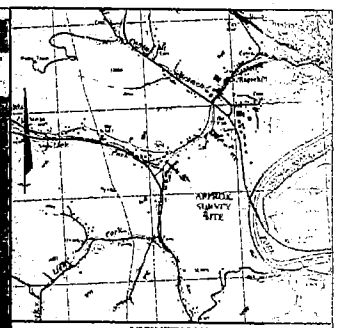
ATTEST:

Robin Perry

ROBIN PERRY, CITY CLERK

LINE	BEARING		DISTANCE
L1	N 69°12'25"	E	119.26'
L2	N 03°56'57"	W	49.81'
L3	N 25°57'01"	E	162.63'
L4	N 34°18'38"	E	202.56'
L5	S 33°23'07"	E	63.66'
L6	S 54°53'28"	E	59.58'
L7	S 27°37'27"	E	51.67'
L8	S 43°05'30"	E	84.81'
L9	S 10°42'15"	E	53.98'
L10	S 02°32'58"	E	10.46'
L11	N 81°20'39"	W	18.04'
L12	N 67°02'11"	W	151.19'
L13	S 62°38'11"	W	36.22'
L14	S 08°32'27"	W	134.67'
L15	S 00°00'00"	E	107.31'
L16	S 06°32'31"	W	87.77'
L17	N 90°00'00"	W	52.73'
L18	S 69°53'49"	W	51.57'
L19	S 04°01'08"	E	142.29'
L20	S 86°51'58"	W	97.17'
L21	N 08°57'53"	W	315.43'





VICINITY MAP
TAKEN FROM
PAINTSVILLE, LAWRENCE COUNTY, KENTUCKY
1" = 1000'

NOTES

1) THIS DRAWING IS FOR PAINTSVILLE CITY ANNEXATION PURPOSES ONLY AND IS NOT TO BE CONSTRUED AS A BOUNDARY SURVEY. THIS DRAWING DOES NOT MEET THE STANDARDS OF A RECORDABLE BOUNDARY SURVEY.

2) THE PURPOSE OF THIS PLAT IS TO DESCRIBE AN ANNEXATION OF THE MARATHON GAS STATION INTERSECTION OF US 23 & KY RT 1428

MAP INFORMATION OBTAINED FROM

A) BASE MAP TAKEN FROM 1992 PAINTSVILLE 7.5 MINUTE SERIES ORTHOPHOTO

B) RIGHT OF WAY PLANS TAKEN FROM COMMONWEALTH OF KENTUCKY DEPT OF HIGHWAY PLANS, KY RT 1428 PAINTSVILLE & US 23 (PLANS NOT USED)

Annexation - Marathon Gas Station US 23 / KY Rt 1428

Annexation - Marathon Gas Station Hager Hill Intersection US 23 & KY Rt 1428

Marathon Gas Station Property

Beginning at an unmonumented point, being in the R/W of US 23 North Mayo Lane and the R/W of KY Rt 1428 , having a coordinate of N 2178795.33 E 2491784.31 and being adjacent to the City Limits of Paintsville;
thence leaving the R/W of US 23 and running with the R/W of KY Rt 1428 the next 4 consecutive calls,
1) N 69°12'25" E a distance of 119.26 ,
2) N 03°56'57" W a distance of 49.81 ,
3) N 25°57'01" E a distance of 162.63
4) N 34°18'38" E a distance of 202.56
thence leaving R/W of KY Rt 1428 and running the next 16 consecutive calls;
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thence running with the R/W of US 23
N 08°57'53" W a distance of 315.43' to the point of beginning,
having an area of 115,133.06 SQ FT or 2.64 acres

:ZONING DISTRICTS:

RESIDENTIAL DISTRICTS
- R-1 - LOW DENSITY
- R-2 - MEDIUM DENSITY
- R-3 - HIGH DENSITY

BUSINESS DISTRICTS
- C-1 - NEIGHBORHOOD BUSINESS
- C-2 - GENERAL BUSINESS
- C-3 - CENTRAL BUSINESS
- C-4 - HIGHWAY BUSINESS

INDUSTRIAL DISTRICTS
- I-1 - LIGHT INDUSTRY
- I-2 - HEAVY INDUSTRY

PROPOSED ANNEXATION
- PROPOSED ZONING

LEGEND
- P.O.B. POINT OF BEGINNING
- UNMONUMENTED SURVEY POINT
- Proposed Annexation Area
- Existing City of Paintsville City Limits

KEY "A"	N/A	N/A	
KEY "B"	N/A	N/A	
KEY "C"	N/A	N/A	
KEY "D"	N/A	N/A	6
KEY "E"	N/A	N/A	
KEY "F"	N/A	N/A	

BOCOOK ENGINEERING, INC.
CONSULTING ENGINEERS
312 TENTH STREET
PAINTSVILLE, KY 41240
(606) 789-5161 Phone
(606) 789-7671 - Facsimile
250 NORTH ARNOLD AVENUE
PRESTONSBURG, KY 41653
(606) 886-7884 Phone
(606) 886-7805 Facsimile

SCALE: 1"=100'

Marathon Gas Station Hager Hill Annexation
for
CITY of PAINTSVILLE
Intersection
US 23 & KY Rt 1428
Johnson County, KY

Project Number	Sheet Number	Revision	Date	Scale	Sheet of	Title
4410	1 of 1		7-20-21	1"=100'		Annexation

tabbies

EXHIBIT

AFFIDAVIT AND NOTICE OF CONSENT TO ANNEXATION

Comes now the Affiants, DAVID HENSLEY, 473 Rockhouse Road, Tomahawk, Kentucky 41262, NONNIE HENSLEY, 473 Rockhouse Road, Tomahawk, Kentucky 41262 and MICHAEL MOORE, 140 Frank Street, Staffordsville, Kentucky 41256, and, after first being duly sworn, hereby states as follows:

1. That, to the best of our knowledge and belief, David Hensley, Nonnie Hensley and Michael Moore are the sole members of VIP Fuels, LLC, and VIP Fuels, LLC, are the only owner of record of certain real property located in Johnson County, Kentucky, and more particularly described as follows:

> Beginning at an unmonumented point, being in the R/W of US 23 North Bound Lane and the R/W of KY Rt 1428 , having a coordinate of N:2178795.33 E:2491784.31 and being adjacent to the City Limits of Paintsville;
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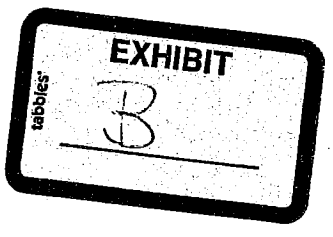

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2. That the City of Paintsville has expressed an interest in annexing the above-described property at some future date in order to include the above-described property within the corporate limits of the City of Paintsville.

3. That we hereby provide notice of our consent, individually and on behalf of VIP Fuels, LLC, to the annexation of the above-described property by the City of Paintsville to include said property within the corporate limits of the City of Paintsville; and we further hereby covenant and agree that neither we nor VIP Fuels, LLC, will bring any legal action against the City of Paintsville or its officers, agents, employees or representatives, or prosecute any action through which the City of Paintsville or its officers, agents, employees or representatives are, or may be made, a party for or on account of the annexation of the above-described property; and that we further hereby waive any right to assert the requirements of KRS Chapter 81A or any other legal requirements with respect to annexation of the above-described property by the City of Paintsville.

Further the Affiant sayeth naught.

David Hensley

DAVID HENSLEY, INDIVIDUALLY and ON BEHALF OF VIP FUELS, LLC

NONNIE HENSLEY, INDIVIDUALLY and ON BEHALF OF VIP FUELS, LLC

MICHAEL MOORE, INDIVIDUALLY and ON BEHALF OF VIP FUELS, LLC

COMMONWEALTH OF KENTUCKY
COUNTY OF Greenup, Ky

SUBSCRIBED, SWORN and ACKNOWLEDGED to before me by DAVID HENSLEY, Individually and on Behalf of VIP FUELS, LLC, this 26 day of July, 2021.

My Commission expires: June 1 2023 623874 Notary ID

NOTARY PUBLIC

COMMONWEALTH OF KENTUCKY
COUNTY OF Greenup, Ky

SUBSCRIBED, SWORN and ACKNOWLEDGED to before me by NONNIE HENSLEY, Individually and on Behalf of VIP FUELS, LLC, this 26 day of July, 2021.

My Commission expires: June 1 2023 623874 ID

NOTARY PUBLIC

COMMONWEALTH OF KENTUCKY
COUNTY OF Greenup, Ky

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NOTARY PUBLIC

Annexation - Marathon Gas Station Hager Hill (Intersection US 23 & KY RT 1428

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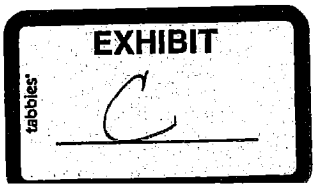

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OVERSIZE MAP INCLUDED WITH SUBMISSION.

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