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. 2021-002 is a true, correct and complete copy duly adopted by the City Council at a duly convened meeting held on April 12, 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 22nd day of April 2021.

Robin Perry

Robin Perry, City Clerk

(seal)

RECEIVED AND FILED
DATE September 10, 2021

MICHAEL G. ADAMS
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Kandis Adkins

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

ORDINANCE NO. 2021 - 002

ORDINANCE ANNEXING PROPERTY BY CONSENT

ORDINANCE ANNEXING A CERTAIN PARCEL OF PROPERTY LOCATED ADJACENT TO KENTUCY ROUTE 40

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 has requested and consented in writing to the annexation of the land to be annexed, with the subject tract of property being hereinafter further specifically identified on the map attached hereto as **Exhibit A**, and being further described by the legal description attached hereto as **Exhibit B** follows:

Beginning at an unmonumented point, in the R/W of the East Bound Lane of KY RT 40, having a coordinate of N:2199203.73 E: 2475458.32 (Zone NAD 83 KY South) Thence running with the R/W of KY RT 40 the next 2 calls,

1) curve turning to the left with an arc length of90.95', with a radius of539.75', with a chord bearing of S 78°11'50" W, with a chord length of 90.84'
2) with a reverse curve turning to the right with an arc length of294.41', with a radius of1774.63', with a chord bearing of S 74°53'27" W, with a chord length of 294.08'

Thence leaving the R/W, S 12°11'31" E a distance of 114.20' to a point in the center line of Paint Creek,
thence running the center of Paint Creek, the next 7 consecutive calls,
1) N 83°05'13" E a distance of 17.80';
2) S 89°49'12" E a distance of 43.44';
3) N 85°12'32" E a distance of 54.91';
4) N 83°48'24" E a distance of 126.31';

5) N 83°50'27" E a distance of 28.63';
6) N 81°25'09" E a distance of 68.65';
7) N 72°21'56" E a distance of 43.20';
Thence leaving the center of Paint Creek N 10°40'25" W a distance of 163.06'; to a point in the East Bound Lane R/W of KY RT 40.
which is the point of beginning,
Having an area of 55,316.13 square feet or 1.27 acres

WHEREAS, the Affidavit and Notice of Consent to Annexation of the owner of record of the land to be annexed, is attached hereto as **Exhibit C**; and

WHEREAS, the City of Paintsville hereby declares it desirable to annex the subject land further described in Exhibit B 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 B 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 B, and the subject of the Affidavit and Notice of Consent to Annexation attached hereto as Exhibit C, 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 owner 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 22nd DAY OF March, 2021.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED, 12th DAY OF April, 2021.

APPROVED:

Bill M. Runyon

BILL MIKE RUNYON, MAYOR

ATTEST:

Robin Perry

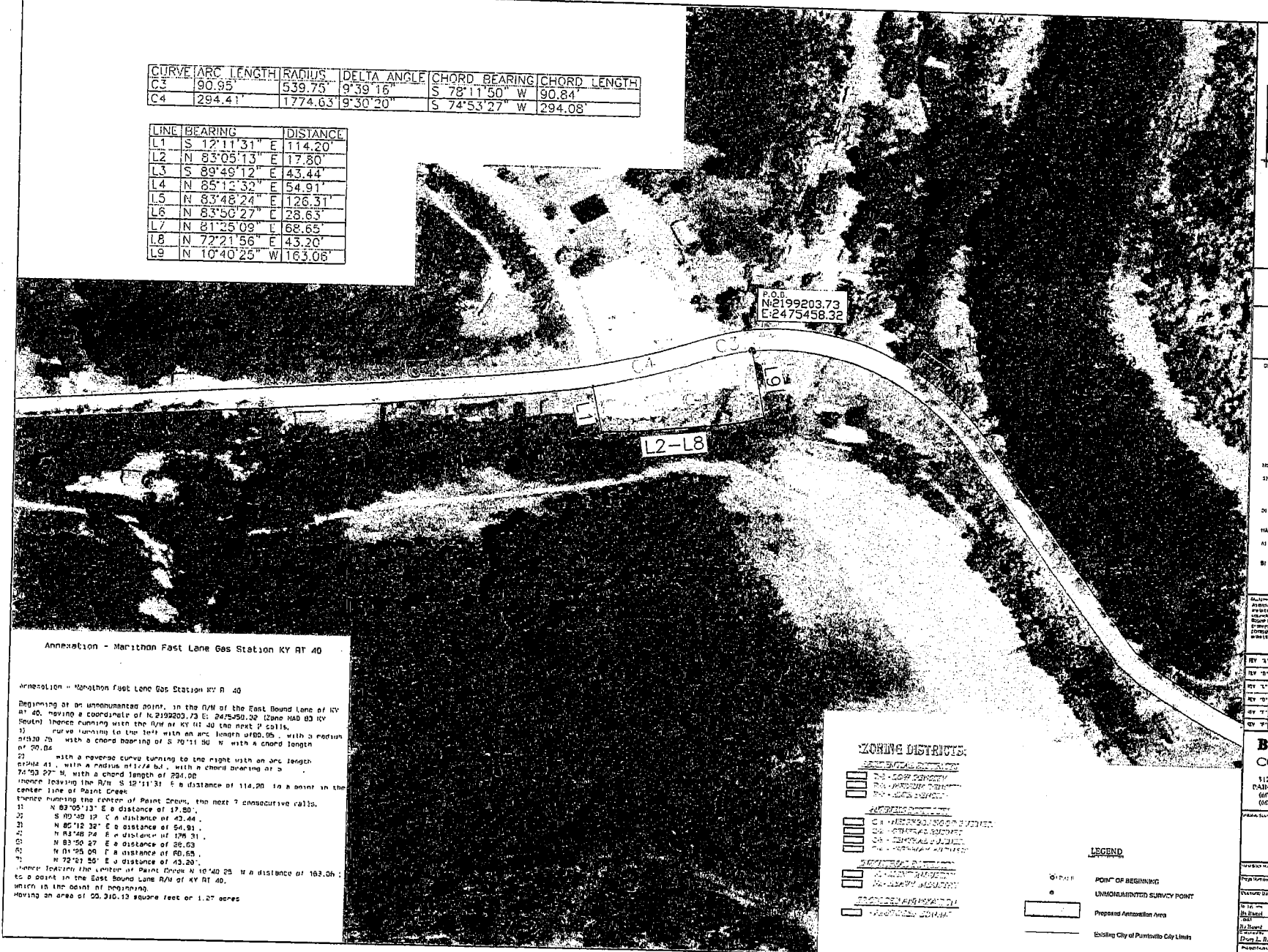
ROBIN PERRY, CITY CLERK

EXHIBIT

A

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C3	90.95'	539.75'	9°39'16"	S 78°11'50" W	90.84'
C4	294.41'	1774.63'	9°30'20"	S 74°53'27" W	294.08'

LINE	BEARING	DISTANCE
L1	S 12°11'31" E	114.20'
L2	N 83°05'13" E	17.80'
L3	S 89°49'12" E	43.44'
L4	N 85°12'32" E	54.91'
L5	N 83°48'24" E	126.31'
L6	N 83°50'27" E	28.63'
L7	N 81°25'09" E	68.65'
L8	N 72°21'56" E	43.20'
L9	N 10°40'25" W	163.06'



Annexation - Marithon Fast Lane Gas Station KY RT 40

Annexation - Marathon Fast Lane Gas Station KY R 40

Beginning at an unmonumented point, in the R/W of the East Bound Lane of KY RT 40, having a coordinate of N:2199203.73 E: 2475458.32 (Zone NAD 83 KY South) thence running with the R/W of KY RT 40 the next 9 calls,
1) curve turning to the left with an arc length of 90.95', with a radius of 539.75', with a chord bearing of S 78°11'50" W, with a chord length of 90.84'
2) with a reverse curve turning to the right with an arc length of 294.41', with a radius of 1774.63', with a chord bearing of S 74°53'27" W, with a chord length of 294.08'
thence leaving the R/W S 12°11'31" E a distance of 114.20' to a point in the center line of Paint Creek
thence running the center of Paint Creek, the next 7 consecutive calls,
1) N 83°05'13" E a distance of 17.80',
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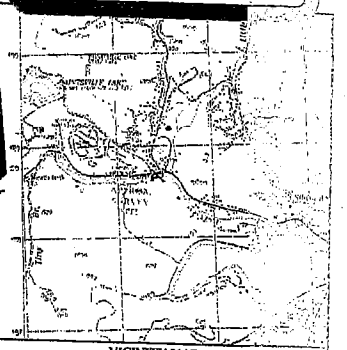
6) N 81°25'09" E a distance of 68.65',
7) N 72°21'56" E a distance of 43.20',
thence leaving the center of Paint Creek N 10°40'25" W a distance of 163.06' to a point in the East Bound Lane R/W of KY RT 40, which is the point of beginning.
Having an area of 99,310.13 square feet or 1.27 acres



VICINITY MAP

PAINTSVILLE 7.5 MINUTE SERIES QUADRANGLE

DAVID L. BOCOOK, JR. P.E. 2211

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 THE ANNEXATION OF THE MARITHON FAST LANE GAS STATION KY RT 40

MAP INFORMATION OBTAINED FROM:
A) BASE MAP TAKEN FROM 1992 PAINTSVILLE 7.5 MINUTE CENTER QUADRANGLE
B) RIGHT OF WAY PLANS TAKEN FROM COMMONWEALTH OF KENTUCKY DEPT OF HIGHWAY PLANS, KY RT 40 PAINTSVILLE
PID14 008 0040 010-019

Disclaimer:
Annexation of lands, all Deeds, Conveyances and Legal Documents are the property of the Engineer and are not to be used in any way without the written consent of the Engineer. Any unauthorized use, reuse or modification of these documents will be at the user's sole risk and without liability to the Engineer. The user will indemnify and hold harmless the Engineer from all claims, damages, losses and expenses including attorney's fees arising out of or resulting therefrom. Any such verification or adaptation will entitle the Engineer to further compensation at rates to be agreed upon by the user and the Engineer.

KY "A"	n/a	n/a
KY "B"	n/a	n/a
KY "C"	n/a	n/a
KY "D"	n/a	n/a
KY "E"	n/a	n/a
KY "F"	n/a	n/a

6

ZONING DISTRICTS:

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

BUSINESS DISTRICTS
C-1 - NEIGHBORHOOD SERVICE
C-2 - GENERAL BUSINESS
C-3 - REGIONAL SERVICE
C-4 - HIGHWAY ORIENTED

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

PROPOSED ANNEXATION
ANNEXATION ZONING

LEGEND

POINT OF BEGINNING

UNMONUMENTED SURVEY POINT

Proposed Annexation Area

Existing City of Paintsville City Limits

BOCOOK ENGINEERING, INC.
CONSULTING ENGINEERS

112 TENTH STREET
PAINTSVILLE, KY 41240
(606) 789-5961 phone
(606) 789-7671 facsimile

259 NORTH ARNOLD AVENUE
PRESTONSBURG, KY 41653
(606) 886-7884 phone
(606) 886-7804 facsimile

SCALE: 1"=100'

Drawing Title:
Marithon Fast Lane Gas Station KY RT 40 Annexation
for
CITY of PAINTSVILLE
Johnson County, KY

Project Number	Sheet No. of	Design	Date	Scale	Drawing No.
4410	1 of 1		2-19-21	1"=100'	Marithon Annexation

Annexation – Marathon Fast Lane Gas Station KY RT 40

Beginning at an unmonumented point, in the R/W of the East Bound Lane of KY RT 40, having a coordinate of N:2199203.73 E: 2475458.32 (Zone NAD 83 KY South) Thence running with the R/W of KY RT 40 the next 2 calls,

1) curve turning to the left with an arc length of90.95', with a radius of539.75', with a chord bearing of S 78°11'50" W, with a chord length of 90.84'
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Thence leaving the R/W, S 12°11'31" E a distance of 114.20' to a point in the center line of Paint Creek,

thence running the center of Paint Creek, the next 7 consecutive calls,

1) N 83°05'13" E a distance of 17.80';
2) S 89°49'12" E a distance of 43.44';
3) N 85°12'32" E a distance of 54.91';
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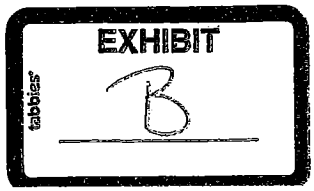
6) N 81°25'09" E a distance of 68.65';
7) N 72°21'56" E a distance of 43.20';

Thence leaving the center of Paint Creek N 10°40'25" W a distance of 163.06'; to a point in the East Bound Lane R/W of KY RT 40.

which is the point of beginning,

Having an area of 55,316.13 square feet or 1.27 acres



AFFIDAVIT AND NOTICE OF CONSENT TO ANNEXATION

Comes now the Affiant, JAMES H. BOOTH, sole member of R & J DEVELOPMENT COMPANY, LLC, 1441 Riverfront Road, Lovely County, Kentucky 41312, and, after first being duly sworn, hereby states as follows:

1. That, to the best of my knowledge and belief, I am the sole member of R & J Development Company, LLC; and R & J Development Company, LLC is 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, in the R/W of the East Bound Lane of KY RT 40, having a coordinate of N:2199203.73 E: 2475458.32 (Zone NAD 83 KY South) Thence running with the R/W of KY RT 40 the next 2 calls,
>
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> Thence leaving the center of Paint Creek N 10°40'25" W a distance of 163.06'; to a point in the East Bound Lane R/W of KY RT 40.
> which is the point of beginning,

EXHIBIT
C

Having an area of 55,316.13 square feet or 1.27 acres

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 I hereby provide notice of my consent, individually and on behalf of R & J Development Company, 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 I further hereby covenant and agree that neither I nor R & J Development Company, 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 I 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.

JAMES H. BOOTH, INDIVIDUALLY and
AS SOLE MEMBER ON BEHALF OF
R & J DEVELOPMENT COMPANY, LLC

COMMONWEALTH OF KENTUCKY
COUNTY OF Martin

SUBSCRIBED, SWORN and ACKNOWLEDGED to before me by JAMES H. BOOTH, Individually and as Sole Member on Behalf of R & J Development Company, LLC, this 3 day of March, 2021.

My Commission expires: 08/18/2021

NOTARY PUBLIC

Annexation - Marathon Fast Lane Gas Station KY RT 40

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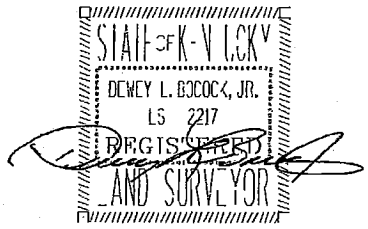

OVERSIZE MAP INCLUDED WITH SUBMISSION.

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