RECEIVED AND FILED
DATE Oct. 19, 2009

TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Kandie Adkins

**ORDINANCE NO. 2009-001**

**ORDINANCE ANNEXING PROPERTY BY CONSENT**

ORDINANCE ANNEXING CERTAIN LAND CONSISTING OF THREE SEPARATE PARCELS OF PROPERTY LOCATED ON THE NORTH SIDE OF THE INTERSECTION OF U. S. HIGHWAY 40 AND KENTUCKY ROUTE 321, ADJACENT TO THE CITY LIMITS

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, each of the owners of the land to be annexed (with respect to Tracts I and Tract III, A. John Gray; and with respect to Tract II, Link B. Lemaster and Janie Lemaster) have requested and consented in writing to the annexation of the land to be annexed, both tracts being hereinafter further specifically identified on the map attached hereto as Exhibit A, and being further described by the legal description for each tract attached hereto as follows:

Tract I - Exhibit B

A CERTAIN TRACT OF LAND LOCATED IN PAINTSVILLE, JOHNSON COUNTY, KENTUCKY AND RECORDED IN THE COURT CLERK'S OFFICE AS "AUTUMN RIDGE", DEED BOOK 408, PAGE 460 AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

UNLESS STATED OTHERWISE, ANY MONUMENT REFERRED TO HEREIN AS AN "IPC SET" IS A SET 5/8" REBAR, EIGHTEEN TO TWENTY-FOUR INCHES (18"-24") LENGTH, WITH AN ALUMINUM CAP STAMPED "BOCOOK ENGINEERING, INC. LS 2217". ALL BEARINGS STATED HEREIN ARE REFERRED TO THE KENTUCKY STATE PLANE COORDINATE SYSTEM SOUTH ZONE, NAD 83 DATUM.

BEGINNING AT A POINT BEING AN IPC FOUND STAMPED LS 3439, POINT BEING LOCATED IN THE NORTHERN RIGHT-OF-WAY LINE OF U.S. 460, POINT BEING

LOCATED 125.46 FEET LEFT OF CENTERLINE STATION 730+82.75; POINT BEING A COMMON CORNER TO THE HAZEL DAVIS, LOU DAVIS & MAY DAVIS GAMBILL PROPERTY, WILL BOOK D, PAGE 227; THENCE WITH THE RIGHT-OF-WAY LINE OF U.S. 460 AND LEAVING THE DAVIS/GAMBILL PROPERTY NORTH 54°13'57" EAST, A DISTANCE OF 148.61 FEET TO A POINT BEING LOCATED 121.27 FEET LEFT OF CENTERLINE STATION 732+25.98, SAID POINT ALSO BEING LOCATED IN THE WESTERN RIGHT-OF-WAY LINE OF ROUTE 321, POINT BEING LOCATED 219.39 FEET LEFT OF STATION 1+99.36; THENCE LEAVING THE RIGHT-OF-WAY LINE OF U.S. 460 AND WITH THE RIGHT-OF-WAY LINE OF ROUTE 321 NORTH 21°02'58" WEST, A DISTANCE OF 239.84 FEET TO A POINT BEING LOCATED 215.39 FEET LEFT OF CENTERLINE STATION 4+26.06; THENCE NORTH 08°53'31" WEST, A DISTANCE OF 210.56 FEET TO A POINT BEING LOCATED 168.93 FEET LEFT OF CENTERLINE STATION 6+31.46; THENCE NORTH 20°25'27" WEST, A DISTANCE OF 708.30 FEET TO A POINT BEING LOCATED 155.31 FEET LEFT OF CENTER LINE STATION 13+36.21 AND BEING A COMMON CORNER TO LINK B. & JANE LEMASTER, DEED BOOK 409, PAGE 433; THENCE LEAVING THE RIGHT-OFWAY LINE OF ROUTE 321 AND WITH THE LINE OF LEMASTER SOUTH 77°27'45" WEST, A DISTANCE OF 151.09 FEET TO AN IPC FOUND STAMPED PLS 3439 AND BEING A COMMON CORNER TO THE AFOREMENTIONED DAVIS/GAMBILL PROPERTY AND TO THE HAZEL DAVIS ESTATE, WILL BOOK K, PAGE 291 & 295; THENCE LEAVING THE HAZEL DAVIS ESTATE AND WITH DAVIS/GAMBILL SOUTH 06°28'01" EAST, A DISTANCE OF 291.34 FEET TO AN IPC FOUND STAMPED PLS 3439; THENCE SOUTH 11°12'51" EAST, A DISTANCE OF 150.90 FEET TO AN IPC FOUND STAMPED PSL 3439; THENCE SOUTH 06°26'00" EAST, A DISTANCE OF 160.40 FEET TO AN IPC FOUND STAMPED PLS 3439; THENCE SOUTH 04°20'11" EAST, A DISTANCE OF 153.54 FEET TO AN IPC FOUND STAMPED PLS 3439; THENCE SOUTH 06°50'08" EAST, A DISTANCE OF 156.95 FEET TO AN IPC FOUND PLS 3439; THENCE SOUTH 32°40'43" EAST, A DISTANCE OF 91.37 FEET TO AN IPC FOUND STAMPED PLS 3439; THENCE SOUTH 54°22'40" EAST, A DISTANCE OF 286.65 FEET TO THE POINT OF BEGINNING, CONTAINING 6.87 ACRES, MORE OR LESS.

Tract II – Exhibit C

A CERTAIN TRACT OF LAND LOCATED IN PAINTSVILLE, JOHNSON COUNTY, KENTUCKY AND RECORDED IN THE COURT CLERK'S OFFICE AS "LINK B. & JANE LEMASTER", DEED BOOK 409, PAGE 433 AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

UNLESS STATED OTHERWISE, ANY MONUMENT REFERRED TO HEREIN AS AN "IPC SET" IS A SET 5/8" REBAR, EIGHTEEN TO TWENTY-FOUR INCHES (18"-24") LENGTH, WITH AN ALUMINUM CAP STAMPED "BOCOOK ENGINEERING, INC. LS 2217". ALL BEARINGS STATED HEREIN ARE REFERRED TO THE KENTUCKY STATE PLANE COORDINATE SYSTEM SOUTH ZONE, NAD 83 DATUM.

BEGINNING AT A POINT BEING A COMMON CORNER TO AUTUMN RIDGE, DEED BOOK 408, PAGE 460, AND BEING ON THE RIGHT-OF-WAY OF KY ST. RT. 321

LOCATED 155.31 FEET LEFT OF CENTERLINE STATION 13+36.21; THENCE LEAVING THE AUTUMN RIDGE PROPERTY AND WITH THE RIGHT-OF-WAY NORTH 81°30'18" EAST, A DISTANCE OF 25.87 FEET TO A POINT, POINT BEING LOCATED 130.00 FEET LEFT OF CENTERLINE STATION 13+31.00; THENCE NORTH 26°10'49" WEST, A DISTANCE OF 174.27 FEET TO A POINT, POINT BEING LOCATED 150.00 FEET LEFT OF CENTERLINE STATION 15+00.00; THENCE NORTH 17°14'46" WEST, A DISTANCE OF 307.82 FEET TO A POINT BEING LOCATED 150.00 FEET LEFT OF CENTERLINE STATION 18+00.00; THENCE NORTH 13°15'30" WEST, A DISTANCE OF 458.50 FEET TO AN IPC FOUND STAMPED 6797-6, POINT BEING LOCATED 147.98 FEET LEFT OF CENTERLINE STATION 22+46.99 AND BEING A COMMON CORNER TO AUTUMN RIDGE, DEED BOOK 411, PAGE 239; THENCE LEAVING THE RIGHT-OF-WAY LINE OF ROUTE 321 AND WITH THE LINE OF AUTUMN RIDGE SOUTH 82°28'01" WEST, A DISTANCE OF 59.28 FEET TO A 24" WITH OAK TRIPLE BLAZED FOUND; THENCE SOUTH 82°28'01" WEST, A DISTANCE OF 80.41 FEET TO AN IPC FOUND STAMPED 6797-5; THENCE SOUTH 82°28'01" WEST, A DISTANCE OF 80.41 FEET TO A 22" MAPLE TRIPLE BLAZED FOUND; THENCE SOUTH 79°09'29" WEST, A DISTANCE OF 21.84 FEET TO A 12" WHITE OAK TRIPLE BLAZED FOUND; THENCE SOUTH 73°48'46 WEST, A DISTANCE OF 46.96 FEET TO AN IPC FOUND STAMPED 3076A-5 AND BEING A COMMON CORNER TO THE HAZEL DAVIS ESTATE, WILL BOOK K, PAGES 291 & 295; THENCE LEAVING AUTUMN RIDGE AND WITH THE HAZEL DAVIS ESTATE SOUTH 17°10'47" EAST, A DISTANCE OF 65.73 FEET TO AN IPC FOUND STAMPED 3076A-6; THENCE SOUTH 14°15'22" EAST, A DISTANCE OF 264.47 FEET TO AN IPC FOUND STAMPED 3076A-4; THENCE SOUTH 16°18'43" EAST, A DISTANCE OF 244.25 FEET TO AN IPC FOUND STAMPED 3076A-3; THENCE SOUTH 34°31'01" EAST, A DISTANCE OF 214.73 FEET TO AN IPC FOUND STAMPED 3076A-2; THENCE SOUTH 36°30'25" EAST, A DISTANCE OF 150.35 FEET TO AN IPC FOUND STAMPED 3076A-1 THENCE SOUTH 30°01'29" EAST A DISTANCE OF 41.47 FEET TO AN IPC FOUND STAMPED PLS 3439, POINT BEING A COMMON CORNER TO AUTUMN RIDGE; THENCE LEAVING THE HAZEL DAVIS ESTATE AND WITH AUTUMN RIDGE NORTH 77°27'45" EAST, A DISTANCE OF 151.09 FEET TO THE POINT OF BEGINNING, CONTAINING 5.52 ACRES, MORE OR LESS.

Tract III – Exhibit D

A CERTAIN TRACT OF LAND LOCATED IN PAINTSVILLE, JOHNSON COUNTY, KENTUCKY AND RECORDED IN THE COURT CLERK'S OFFICE AS "AUTUMN RIDGE", DEED BOOK 411, PAGE 239 AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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BEGINNING AT A POINT BEING AN IPC FOUND STAMPED 6797-2, POINT BEING LOCATED IN THE EASTERN RIGHT-OF-WAY LINE OF U.S. 23 AND THE WESTERN

RIGHT-OF-WAY LINE OF KY. ST. RT. 321 (THE U.S. 23 CONNECTOR), POINT BEING LOCATED A DISTANCE OF 191.62 FEET RIGHT OF U.S. 23 CENTERLINE STATION 781+50.00, POINT BEING LOCATED A DISTANCE OF 310.01 FEET LEFT OF KY. ST. RT. 321 CENTERLINE STATION 40+70.50; THENCE LEAVING THE RIGHT-OF-WAY OF U.S. 23 AND RUNNING WITH THE RIGHT-OF-WAY OF KY. ST. RT. 321 SOUTH 19ø38'27" EAST, A DISTANCE OF 125.35 FEET TO AN IPC FOUND 6797-1, POINT BEING LOCATED A DISTANCE OF 245.34 FEET LEFT OF CENTERLINE STATION 39+70.00; THENCE SOUTH 11ø33'27" EAST, A DISTANCE OF 880.23 FEET TO AN IPC FOUND STAMPED 6797-6, POINT BEING A COMMON CORNER TO LINK B. & JANE LEMASTER, DEED BOOK 409, PAGE 433, POINT BEING LOCATED A DISTANCE OF 147.98 FEET LEFT OF OLD U.S. 23 CENTERLINE STATION 22+46.99; THENCE LEAVING THE SAID RIGHT-OF-WAY LINE AND UP THE HILL WITH LEMASTER SOUTH 82ø28'01" WEST A DISTANCE OF 59.28 FEET TO A 24" WHITE OAK TRIPLE BLAZED; THENCE SOUTH 82ø28'01" WEST, A DISTANCE OF 80.41 FEET TO AN IPC FOUND STAMPED 6797-5; THENCE SOUTH 82ø28'01" WEST, A DISTANCE OF 80.41 FEET TO A 22" MAPLE TRIPLE BLAZED; THENCE SOUTH 79ø09'29" WEST, A DISTANCE OF 21.84 FEET TO A 12" WHITE OAK TRIPLE BLAZED; THENCE SOUTH 73ø48'46" WEST, A DISTANCE OF 46.96 FEET TO AN IPC FOUND STAMPED 3076A-5 ON TOP OF THE RIDGE, POINT BEING A COMMON CORNER TO THE HAZEL DAVIS ESTATE, WILL BOOK K, PAGE 291 & 295; THENCE LEAVING THE LINE OF LEMASTER AND RUNNING UP THE RIDGE WITH THE LINE OF THE HAZEL DAVIS ESTATE NORTH 07ø25'52" WEST, A DISTANCE OF 58.94 FEET TO AN IPC FOUND STAMPED 3076A-7; THENCE NORTH 17ø12'10" WEST, A DISTANCE OF 284.19 FEET TO AN IPC FOUND STAMPED 3076A-8; THENCE NORTH 35ø18'08" WEST, A DISTANCE OFF 127.59 FEET TO AN IPC FOUND STAMPED 3076A-9, POINT BEING LOCATED IN THE EASTERN RIGHT-OF-WAY LINE OF U.S. 23, POINT BEING LOCATED A DISTANCE OF 292.97 FEET RIGHT OF CENTERLINE STATION 775+75.65; THENCE LEAVING THE RIDGE AND THE LINE OF THE HAZEL DAVIS ESTATE AND WITH THE RIGHT-OF-WAY LINE NORTH 34ø38'56" EAST, A DISTANCE OF 200.90 FEET TO AN IPC FOUND STAMPED 6797-4, POINT BEING LOCATED A DISTANCE OF 289.99 FEET RIGHT OF CENTERLNIE STATION 777+49.99; THENCE NORTH 04ø47'23" EAST, A DISTANCE OF 246.13 FEET TO AN IPC FOUND STAMPED 6797-3, POINT BEING LOCATED A DISTANCE OF 185.01 FEET RIGHT OF CENTERLINE STATION 779+49.99; THENCE NORTH 28ø03'16" EAST, A DISTANCE OF 206.12 FEET TO THE POINT OF BEGINNING, CONTAINING 5.44 ACRES, MORE OR LESS.

WHEREAS, the Affidavit and Notice of Consent to Annexation of each of the owners of record of the land to be annexed, Tract I, Tract II and Tract III, is attached hereto as Exhibits E & F, respectively; and

WHEREAS, the City of Paintsville hereby declares it desirable to annex the subject land further described in Exhibits B, C and D 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 Exhibits B, C and D 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 Exhibits B, C and D and the subject of the Affidavit and Notice of Consent to Annexation attached hereto as Exhibits E and F, 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 8th DAY OF September, 2009.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED, THIS 13 DAY OF October, 2009.

APPROVED:

BOB PORTER, MAYOR

ATTEST:

VIRGIE CASTLE, CITY CLERK

PUBLICATION DATE: 10-21-2009

# EXHIBIT A

# EXHIBIT B

A CERTAIN TRACT OF LAND LOCATED IN PAINTSVILLE, JOHNSON COUNTY, KENTUCKY AND RECORDED IN THE COURT CLERK'S OFFICE AS "AUTUMN RIDGE", DEED BOOK 408, PAGE 460 AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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TRACT #1

BEGINNING AT A POINT BEING AN IPC FOUND STAMPED LS 3439, POINT BEING LOCATED IN THE NORTHERN RIGHT-OF-WAY LINE OF U.S. 460, POINT BEING LOCATED 125.46 FEET LEFT OF CENTERLINE STATION 730+82.75; POINT BEING A COMMON CORNER TO THE HAZEL DAVIS, LOU DAVIS & MAY DAVIS GAMBILL PROPERTY, WILL BOOK D, PAGE 227; THENCE WITH THE RIGHT-OF-WAY LINE OF U.S. 460 AND LEAVING THE DAVIS/GAMBILL PROPERTY NORTH 54°13'57" EAST, A DISTANCE OF 148.61 FEET TO A POINT BEING LOCATED 121.27 FEET LEFT OF CENTERLINE STATION 732+25.98, SAID POINT ALSO BEING LOCATED IN THE WESTERN RIGHT-OF-WAY LINE OF ROUTE 321, POINT BEING LOCATED 219.39 FEET LEFT OF STATION 1+99.36; THENCE LEAVING THE RIGHT-OF-WAY LINE OF U.S. 460 AND WITH THE RIGHT-OF-WAY LINE OF ROUTE 321 NORTH 21°02'58" WEST, A DISTANCE OF 239.84 FEET TO A POINT BEING LOCATED 215.39 FEET LEFT OF CENTERLINE STATION 4+26.06; THENCE NORTH 08°53'31" WEST, A DISTANCE OF 210.56 FEET TO A POINT BEING LOCATED 168.93 FEET LEFT OF CENTERLINE STATION 6+31.46; THENCE NORTH 20°25'27" WEST, A DISTANCE OF 708.30 FEET TO A POINT BEING LOCATED 155.31 FEET LEFT OF CENTER LINE STATION 13+36.21 AND BEING A COMMON CORNER TO LINK B. & JANE LEMASTER, DEED BOOK 409, PAGE 433; THENCE LEAVING THE RIGHT-OFWAY LINE OF ROUTE 321 AND WITH THE LINE OF LEMASTER SOUTH 77°27'45" WEST, A DISTANCE OF 151.09 FEET TO AN IPC FOUND STAMPED PLS 3439 AND BEING A COMMON CORNER TO THE AFOREMENTIONED DAVIS/GAMBILL PROPERTY AND TO THE HAZEL DAVIS ESTATE, WILL BOOK K, PAGE 291 & 295; THENCE LEAVING THE HAZEL DAVIS ESTATE AND WITH DAVIS/GAMBILL SOUTH 06°28'01" EAST, A DISTANCE OF 291.34 FEET TO AN IPC FOUND STAMPED PLS 3439; THENCE SOUTH 11°12'51" EAST, A DISTANCE OF 150.90 FEET TO AN IPC FOUND STAMPED PSL 3439; THENCE SOUTH 06°26'00" EAST, A DISTANCE OF 160.40 FEET TO AN IPC FOUND STAMPED PLS 3439; THENCE SOUTH 04°20'11" EAST, A DISTANCE OF 153.54 FEET TO AN IPC FOUND STAMPED PLS 3439; THENCE SOUTH 06°50'08" EAST, A DISTANCE OF 156.95 FEET TO AN IPC FOUND PLS 3439; THENCE SOUTH 32°40'43" EAST, A DISTANCE OF 91.37 FEET TO AN IPC FOUND STAMPED PLS 3439; THENCE SOUTH 54°22'40" EAST, A DISTANCE OF 286.65 FEET TO THE POINT OF BEGINNING, CONTAINING 6.87 ACRES, MORE OR LESS.

# EXHIBIT C

A CERTAIN TRACT OF LAND LOCATED IN PAINTSVILLE, JOHNSON COUNTY, KENTUCKY AND RECORDED IN THE COURT CLERK'S OFFICE AS "LINK B. & JANE LEMASTER", DEED BOOK 409, PAGE 433 AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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TRACT #2

BEGINNING AT A POINT BEING A COMMON CORNER TO AUTUMN RIDGE, DEED BOOK 408, PAGE 460, AND BEING ON THE RIGHT-OF-WAY OF KY ST. RT. 321 LOCATED 155.31 FEET LEFT OF CENTERLINE STATION 13+36.21; THENCE LEAVING THE AUTUMN RIDGE PROPERTY AND WITH THE RIGHT-OF-WAY NORTH 81°30'18" EAST, A DISTANCE OF 25.87 FEET TO A POINT, POINT BEING LOCATED 130.00 FEET LEFT OF CENTERLINE STATION 13+31.00; THENCE NORTH 26°10'49" WEST, A DISTANCE OF 174.27 FEET TO A POINT, POINT BEING LOCATED 150.00 FEET LEFT OF CENTERLINE STATION 15+00.00; THENCE NORTH 17°14'46" WEST, A DISTANCE OF 307.82 FEET TO A POINT BEING LOCATED 150.00 FEET LEFT OF CENTERLINE STATION 18+00.00; THENCE NORTH 13°15'30" WEST, A DISTANCE OF 458.50 FEET TO AN IPC FOUND STAMPED 6797-6, POINT BEING LOCATED 147.98 FEET LEFT OF CENTERLINE STATION 22+46.99 AND BEING A COMMON CORNER TO AUTUMN RIDGE, DEED BOOK 411, PAGE 239; THENCE LEAVING THE RIGHT-OF-WAY LINE OF ROUTE 321 AND WITH THE LINE OF AUTUMN RIDGE SOUTH 82°28'01" WEST, A DISTANCE OF 59.28 FEET TO A 24" WITH OAK TRIPLE BLAZED FOUND; THENCE SOUTH 82°28'01" WEST, A DISTANCE OF 80.41 FEET TO AN IPC FOUND STAMPED 6797-5; THENCE SOUTH 82°28'01" WEST, A DISTANCE OF 80.41 FEET TO A 22" MAPLE TRIPLE BLAZED FOUND; THENCE SOUTH 79°09'29" WEST, A DISTANCE OF 21.84 FEET TO A 12" WHITE OAK TRIPLE BLAZED FOUND; THENCE SOUTH 73°48'46 WEST, A DISTANCE OF 46.96 FEET TO AN IPC FOUND STAMPED 3076A-5 AND BEING A COMMON CORNER TO THE HAZEL DAVIS ESTATE, WILL BOOK K, PAGES 291 & 295; THENCE LEAVING AUTUMN RIDGE AND WITH THE HAZEL DAVIS ESTATE SOUTH 17°10'47" EAST, A DISTANCE OF 65.73 FEET TO AN IPC FOUND STAMPED 3076A-6; THENCE SOUTH 14°15'22" EAST, A DISTANCE OF 264.47 FEET TO AN IPC FOUND STAMPED 3076A-4; THENCE SOUTH 16°18'43" EAST, A DISTANCE OF 244.25 FEET TO AN IPC FOUND STAMPED 3076A-3; THENCE SOUTH 34°31'01" EAST, A DISTANCE OF 214.73 FEET TO AN IPC FOUND STAMPED 3076A-2; THENCE SOUTH 36°30'25" EAST, A DISTANCE OF 150.35 FEET TO AN IPC FOUND STAMPED 3076A-1 THENCE SOUTH 30°01'29" EAST A DISTANCE OF 41.47 FEET TO AN IPC FOUND STAMPED PLS 3439, POINT BEING A COMMON CORNER TO AUTUMN RIDGE; THENCE LEAVING THE HAZEL DAVIS ESTATE AND WITH AUTUMN RIDGE NORTH 77°27'45" EAST, A DISTANCE OF 151.09 FEET TO THE POINT OF BEGINNING, CONTAINING 5.52 ACRES, MORE OR LESS.

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TRACT #3

BEGINNING AT A POINT BEING AN IPC FOUND STAMPED 6797-2, POINT BEING LOCATED IN THE EASTERN RIGHT-OF-WAY LINE OF U.S. 23 AND THE WESTERN RIGHT-OF-WAY LINE OF KY. ST. RT. 321 (THE U.S. 23 CONNECTOR), POINT BEING LOCATED A DISTANCE OF 191.62 FEET RIGHT OF U.S. 23 CENTERLINE STATION 781+50.00, POINT BEING LOCATED A DISTANCE OF 310.01 FEET LEFT OF KY. ST. RT. 321 CENTERLINE STATION 40+70.50; THENCE LEAVING THE RIGHT-OF-WAY OF U.S. 23 AND RUNNING WITH THE RIGHT-OF-WAY OF KY. ST. RT. 321 SOUTH 19ø38'27" EAST, A DISTANCE OF 125.35 FEET TO AN IPC FOUND 6797-1, POINT BEING LOCATED A DISTANCE OF 245.34 FEET LEFT OF CENTERLINE STATION 39+70.00; THENCE SOUTH 11ø33'27" EAST, A DISTANCE OF 880.23 FEET TO AN IPC FOUND STAMPED 6797-6, POINT BEING A COMMON CORNER TO LINK B. & JANE LEMASTER, DEED BOOK 409, PAGE 433, POINT BEING LOCATED A DISTANCE OF 147.98 FEET LEFT OF OLD U.S. 23 CENTERLINE STATION 22+46.99; THENCE LEAVING THE SAID RIGHT-OF-WAY LINE AND UP THE HILL WITH LEMASTER SOUTH 82ø28'01" WEST A DISTANCE OF 59.28 FEET TO A 24" WHITE OAK TRIPLE BLAZED; THENCE SOUTH 82ø28'01" WEST, A DISTANCE OF 80.41 FEET TO AN IPC FOUND STAMPED 6797-5; THENCE SOUTH 82ø28'01" WEST, A DISTANCE OF 80.41 FEET TO A 22" MAPLE TRIPLE BLAZED; THENCE SOUTH 79ø09'29" WEST, A DISTANCE OF 21.84 FEET TO A 12" WHITE OAK TRIPLE BLAZED; THENCE SOUTH 73ø48'46" WEST, A DISTANCE OF 46.96 FEET TO AN IPC FOUND STAMPED 3076A-5 ON TOP OF THE RIDGE, POINT BEING A COMMON CORNER TO THE HAZEL DAVIS ESTATE, WILL BOOK K, PAGE 291 & 295; THENCE LEAVING THE LINE OF LEMASTER AND RUNNING UP THE RIDGE WITH THE LINE OF THE HAZEL DAVIS ESTATE NORTH 07ø25'52" WEST, A DISTANCE OF 58.94 FEET TO AN IPC FOUND STAMPED 3076A-7; THENCE NORTH 17ø12'10" WEST, A DISTANCE OF 284.19 FEET TO AN IPC FOUND STAMPED 3076A-8; THENCE NORTH 35ø18'08" WEST, A DISTANCE OFF 127.59 FEET TO AN IPC FOUND STAMPED 3076A-9, POINT BEING LOCATED IN THE EASTERN RIGHT-OF-WAY LINE OF U.S. 23, POINT BEING LOCATED A DISTANCE OF 292.97 FEET RIGHT OF CENTERLINE STATION 775+75.65; THENCE LEAVING THE RIDGE AND THE LINE OF THE HAZEL DAVIS ESTATE AND WITH THE RIGHT-OF-WAY LINE NORTH 34ø38'56" EAST, A DISTANCE OF 200.90 FEET TO AN IPC FOUND STAMPED 6797-4, POINT BEING LOCATED A DISTANCE OF 289.99 FEET RIGHT OF CENTERLNIE STATION 777+49.99; THENCE NORTH 04ø47'23"

EAST, A DISTANCE OF 246.13 FEET TO AN IPC FOUND STAMPED 6797-3, POINT BEING LOCATED A DISTANCE OF 185.01 FEET RIGHT OF CENTERLINE STATION 779+49.99; THENCE NORTH 28ø03'16" EAST, A DISTANCE OF 206.12 FEET TO THE POINT OF BEGINNING, CONTAINING 5.44 ACRES, MORE OR LESS.

# EXHIBIT E

# AFFIDAVIT AND NOTICE OF CONSENT TO ANNEXATION

Comes now the Affiant, A. JOHN GRAY, of Paintsville, Johnson County, Kentucky, and, after first being duly sworn, hereby states as follows:

1. That, to the best of my knowledge and belief, I am currently the only owner of record of certain real property located in Johnson County, Kentucky, and more particularly described as follows:

TRACT I

A CERTAIN TRACT OF LAND LOCATED IN PAINTSVILLE, JOHNSON COUNTY, KENTUCKY AND RECORDED IN THE COURT CLERK'S OFFICE AS "AUTUMN RIDGE", DEED BOOK 408, PAGE 460 AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

UNLESS STATED OTHERWISE, ANY MONUMENT REFERRED TO HEREIN AS AN "IPC SET" IS A SET 5/8" REBAR, EIGHTEEN TO TWENTY-FOUR INCHES (18"-24") LENGTH, WITH AN ALUMINUM CAP STAMPED "BOCOOK ENGINEERING, INC. LS 2217". ALL BEARINGS STATED HEREIN ARE REFERRED TO THE KENTUCKY STATE PLANE COORDINATE SYSTEM SOUTH ZONE, NAD 83 DATUM.

BEGINNING AT A POINT BEING AN IPC FOUND STAMPED LS 3439, POINT BEING LOCATED IN THE NORTHERN RIGHT-OF-WAY LINE OF U.S. 460, POINT BEING LOCATED 125.46 FEET LEFT OF CENTERLINE STATION 730+82.75; POINT BEING A COMMON CORNER TO THE HAZEL DAVIS, LOU DAVIS & MAY DAVIS GAMBILL PROPERTY, WILL BOOK D, PAGE 227; THENCE WITH THE RIGHT-OF-WAY LINE OF U.S. 460 AND LEAVING THE DAVIS/GAMBILL PROPERTY NORTH 54°13'57" EAST, A DISTANCE OF 148.61 FEET TO A POINT BEING LOCATED 121.27 FEET LEFT OF CENTERLINE STATION 732+25.98, SAID POINT ALSO BEING LOCATED IN THE WESTERN RIGHT-OF-WAY LINE OF ROUTE 321, POINT BEING LOCATED 219.39 FEET LEFT OF STATION 1+99.36; THENCE LEAVING THE RIGHT-OF-WAY LINE OF U.S. 460 AND WITH THE RIGHT-OF-WAY LINE OF ROUTE 321 NORTH 21°02'58" WEST, A DISTANCE OF 239.84 FEET TO A POINT BEING LOCATED 215.39 FEET LEFT OF CENTERLINE STATION 4+26.06; THENCE NORTH 08°53'31" WEST, A DISTANCE OF 210.56 FEET TO A POINT BEING LOCATED 168.93 FEET LEFT OF CENTERLINE STATION 6+31.46; THENCE NORTH 20°25'27" WEST, A DISTANCE OF 708.30 FEET TO A POINT BEING LOCATED 155.31 FEET LEFT OF CENTER LINE STATION 13+36.21 AND BEING A

COMMON CORNER TO LINK B. & JANE LEMASTER, DEED BOOK 409, PAGE 433; THENCE LEAVING THE RIGHT-OFWAY LINE OF ROUTE 321 AND WITH THE LINE OF LEMASTER SOUTH 77°27'45" WEST, A DISTANCE OF 151.09 FEET TO AN IPC FOUND STAMPED PLS 3439 AND BEING A COMMON CORNER TO THE AFOREMENTIONED DAVIS/GAMBILL PROPERTY AND TO THE HAZEL DAVIS ESTATE, WILL BOOK K, PAGE 291 & 295; THENCE LEAVING THE HAZEL DAVIS ESTATE AND WITH DAVIS/GAMBILL SOUTH 06°28'01" EAST, A DISTANCE OF 291.34 FEET TO AN IPC FOUND STAMPED PLS 3439; THENCE SOUTH 11°12'51" EAST, A DISTANCE OF 150.90 FEET TO AN IPC FOUND STAMPED PSL 3439; THENCE SOUTH 06°26'00" EAST, A DISTANCE OF 160.40 FEET TO AN IPC FOUND STAMPED PLS 3439; THENCE SOUTH 04°20'11" EAST, A DISTANCE OF 153.54 FEET TO AN IPC FOUND STAMPED PLS 3439; THENCE SOUTH 06°50'08" EAST, A DISTANCE OF 156.95 FEET TO AN IPC FOUND PLS 3439; THENCE SOUTH 32°40'43" EAST, A DISTANCE OF 91.37 FEET TO AN IPC FOUND STAMPED PLS 3439; THENCE SOUTH 54°22'40" EAST, A DISTANCE OF 286.65 FEET TO THE POINT OF BEGINNING, CONTAINING 6.87 ACRES, MORE OR LESS.

TRACT II

A CERTAIN TRACT OF LAND LOCATED IN PAINTSVILLE, JOHNSON COUNTY, KENTUCKY AND RECORDED IN THE COURT CLERK'S OFFICE AS "AUTUMN RIDGE", DEED BOOK 411, PAGE 239 AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

UNLESS STATED OTHERWISE, ANY MONUMENT REFERRED TO HEREIN AS AN "IPC SET" IS A SET 5/8" REBAR, EIGHTEEN TO TWENTY-FOUR INCHES (18"-24") LENGTH, WITH AN ALUMINUM CAP STAMPED "BOCOOK ENGINEERING, INC. LS 2217". ALL BEARINGS STATED HEREIN ARE REFERRED TO THE KENTUCKY STATE PLANE COORDINATE SYSTEM SOUTH ZONE, NAD 83 DATUM.

BEGINNING AT A POINT BEING AN IPC FOUND STAMPED 6797-2, POINT BEING LOCATED IN THE EASTERN RIGHT-OF-WAY LINE OF U.S. 23 AND THE WESTERN RIGHT-OF-WAY LINE OF KY. ST. RT. 321 (THE U.S. 23 CONNECTOR), POINT BEING LOCATED A DISTANCE OF 191.62 FEET RIGHT OF U.S. 23 CENTERLINE STATION 781+50.00, POINT BEING LOCATED A DISTANCE OF 310.01 FEET LEFT OF KY. ST. RT. 321 CENTERLINE STATION 40+70.50; THENCE LEAVING THE RIGHT-OF-WAY OF U.S. 23 AND RUNNING WITH THE RIGHT-OF-WAY OF KY. ST. RT. 321 SOUTH 19ø38'27" EAST, A DISTANCE OF 125.35 FEET TO AN IPC FOUND 6797-1, POINT BEING LOCATED A DISTANCE OF 245.34 FEET LEFT OF CENTERLINE STATION 39+70.00; THENCE SOUTH 11ø33'27" EAST, A DISTANCE OF 880.23 FEET TO AN IPC FOUND STAMPED 6797-6, POINT BEING A COMMON CORNER TO LINK B. & JANE LEMASTER, DEED BOOK 409, PAGE 433, POINT BEING LOCATED A DISTANCE OF 147.98 FEET LEFT OF OLD U.S. 23 CENTERLINE STATION

22+46.99; THENCE LEAVING THE SAID RIGHT-OF-WAY LINE AND UP THE HILL WITH LEMASTER SOUTH 82ø28'01" WEST A DISTANCE OF 59.28 FEET TO A 24" WHITE OAK TRIPLE BLAZED; THENCE SOUTH 82ø28'01" WEST, A DISTANCE OF 80.41 FEET TO AN IPC FOUND STAMPED 6797-5; THENCE SOUTH 82ø28'01" WEST, A DISTANCE OF 80.41 FEET TO A 22" MAPLE TRIPLE BLAZED; THENCE SOUTH 79ø09'29" WEST, A DISTANCE OF 21.84 FEET TO A 12" WHITE OAK TRIPLE BLAZED; THENCE SOUTH 73ø48'46" WEST, A DISTANCE OF 46.96 FEET TO AN IPC FOUND STAMPED 3076A-5 ON TOP OF THE RIDGE, POINT BEING A COMMON CORNER TO THE HAZEL DAVIS ESTATE, WILL BOOK K, PAGE 291 & 295; THENCE LEAVING THE LINE OF LEMASTER AND RUNNING UP THE RIDGE WITH THE LINE OF THE HAZEL DAVIS ESTATE NORTH 07ø25'52" WEST, A DISTANCE OF 58.94 FEET TO AN IPC FOUND STAMPED 3076A-7; THENCE NORTH 17ø12'10" WEST, A DISTANCE OF 284.19 FEET TO AN IPC FOUND STAMPED 3076A-8; THENCE NORTH 35ø18'08" WEST, A DISTANCE OFF 127.59 FEET TO AN IPC FOUND STAMPED 3076A-9, POINT BEING LOCATED IN THE EASTERN RIGHT-OF-WAY LINE OF U.S. 23, POINT BEING LOCATED A DISTANCE OF 292.97 FEET RIGHT OF CENTERLINE STATION 775+75.65; THENCE LEAVING THE RIDGE AND THE LINE OF THE HAZEL DAVIS ESTATE AND WITH THE RIGHT-OF-WAY LINE NORTH 34ø38'56" EAST, A DISTANCE OF 200.90 FEET TO AN IPC FOUND STAMPED 6797-4, POINT BEING LOCATED A DISTANCE OF 289.99 FEET RIGHT OF CENTERLNIE STATION 777+49.99; THENCE NORTH 04ø47'23" EAST, A DISTANCE OF 246.13 FEET TO AN IPC FOUND STAMPED 6797-3, POINT BEING LOCATED A DISTANCE OF 185.01 FEET RIGHT OF CENTERLINE STATION 779+49.99; THENCE NORTH 28ø03'16" EAST, A DISTANCE OF 206.12 FEET TO THE POINT OF BEGINNING, CONTAINING 5.44 ACRES, MORE OR LESS.

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 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 I will not 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 a party for or on

account of the annexation of the above-described property; and that I further hereby waive my private 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.

A. JOHN GRAY

COMMONWEALTH OF KENTUCKY)
:sct.
COUNTY OF JOHNSON)

SUBSCRIBED and SWORN to before me by A. JOHN GRAY, Affiant, this ____ day of August, 2009.

My Commission expires: 7/17/2010

Notary Public

"Notary Public"
Lesha K. Ison
State at Large, Kentucky

# EXHIBIT F

# AFFIDAVIT AND NOTICE OF CONSENT TO ANNEXATION

Come now the Affiants, LINK B. LEMASTER and JANIE LEMASTER, husband and wife, of Paintsville, Johnson County, Kentucky, and, after first being duly sworn, hereby state as follows:

1. That, to the best of our knowledge and belief, we are currently the only owners of record of certain real property located in Johnson County, Kentucky, and more particularly described as follows:

A CERTAIN TRACT OF LAND LOCATED IN PAINTSVILLE, JOHNSON COUNTY, KENTUCKY AND RECORDED IN THE COURT CLERK'S OFFICE AS "LINK B. & JANE LEMASTER", DEED BOOK 409, PAGE 433 AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

UNLESS STATED OTHERWISE, ANY MONUMENT REFERRED TO HEREIN AS AN "IPC SET" IS A SET 5/8" REBAR, EIGHTEEN TO TWENTY-FOUR INCHES (18"-24") LENGTH, WITH AN ALUMINUM CAP STAMPED "BOCOOK ENGINEERING, INC. LS 2217". ALL BEARINGS STATED HEREIN ARE REFERRED TO THE KENTUCKY STATE PLANE COORDINATE SYSTEM SOUTH ZONE, NAD 83 DATUM.

BEGINNING AT A POINT BEING A COMMON CORNER TO AUTUMN RIDGE, DEED BOOK 408, PAGE 460, AND BEING ON THE RIGHT-OF-WAY OF KY ST. RT. 321 LOCATED 155.31 FEET LEFT OF CENTERLINE STATION 13+36.21; THENCE LEAVING THE AUTUMN RIDGE PROPERTY AND WITH THE RIGHT-OF-WAY NORTH 81°30'18" EAST, A DISTANCE OF 25.87 FEET TO A POINT, POINT BEING LOCATED 130.00 FEET LEFT OF CENTERLINE STATION 13+31.00; THENCE NORTH 26°10'49" WEST, A DISTANCE OF 174.27 FEET TO A POINT, POINT BEING LOCATED 150.00 FEET LEFT OF CENTERLINE STATION 15+00.00; THENCE NORTH 17°14'46" WEST, A DISTANCE OF 307.82 FEET TO A POINT BEING LOCATED 150.00 FEET LEFT OF CENTERLINE STATION 18+00.00; THENCE NORTH 13°15'30" WEST, A DISTANCE OF 458.50 FEET TO AN IPC FOUND STAMPED 6797-6, POINT BEING LOCATED 147.98 FEET LEFT OF CENTERLINE STATION 22+46.99 AND BEING A COMMON CORNER TO AUTUMN RIDGE, DEED BOOK 411, PAGE 239; THENCE LEAVING THE RIGHT-OF-WAY LINE OF ROUTE 321 AND WITH THE LINE OF AUTUMN RIDGE SOUTH 82°28'01" WEST, A DISTANCE OF 59.28 FEET TO A 24" WITH OAK TRIPLE BLAZED FOUND; THENCE SOUTH 82°28'01" WEST, A DISTANCE OF 80.41 FEET TO AN IPC FOUND STAMPED 6797-5; THENCE SOUTH 82°28'01"

WEST, A DISTANCE OF 80.41 FEET TO A 22" MAPLE TRIPLE BLAZED FOUND; THENCE SOUTH 79°09'29" WEST, A DISTANCE OF 21.84 FEET TO A 12" WHITE OAK TRIPLE BLAZED FOUND; THENCE SOUTH 73°48'46 WEST, A DISTANCE OF 46.96 FEET TO AN IPC FOUND STAMPED 3076A-5 AND BEING A COMMON CORNER TO THE HAZEL DAVIS ESTATE, WILL BOOK K, PAGES 291 & 295; THENCE LEAVING AUTUMN RIDGE AND WITH THE HAZEL DAVIS ESTATE SOUTH 17°10'47" EAST, A DISTANCE OF 65.73 FEET TO AN IPC FOUND STAMPED 3076A-6; THENCE SOUTH 14°15'22" EAST, A DISTANCE OF 264.47 FEET TO AN IPC FOUND STAMPED 3076A-4; THENCE SOUTH 16°18'43" EAST, A DISTANCE OF 244.25 FEET TO AN IPC FOUND STAMPED 3076A-3; THENCE SOUTH 34°31'01" EAST, A DISTANCE OF 214.73 FEET TO AN IPC FOUND STAMPED 3076A-2; THENCE SOUTH 36°30'25" EAST, A DISTANCE OF 150.35 FEET TO AN IPC FOUND STAMPED 3076A-1 THENCE SOUTH 30°01'29" EAST A DISTANCE OF 41.47 FEET TO AN IPC FOUND STAMPED PLS 3439, POINT BEING A COMMON CORNER TO AUTUMN RIDGE; THENCE LEAVING THE HAZEL DAVIS ESTATE AND WITH AUTUMN RIDGE NORTH 77°27'45" EAST, A DISTANCE OF 151.09 FEET TO THE POINT OF BEGINNING, CONTAINING 5.52 ACRES, MORE OR LESS.

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 each of us hereby provide notice of our consent 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 we will not 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 a party for or on account of the annexation of the above-described property; and that we further hereby waive our private 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 Affiants sayeth naught.

**STATE OF KENTUCKY**
**COUNTY OF JOHNSON**

**I, VIRGIE CASTLE, City Clerk of the City of Paintsville, Kentucky, do hereby certify that the hereto attached is a true and correct copy of Ordinance No. 2009-001, Ordinance Annexing Certain Land Consisting of Three Separate Parcels of Property Located on the North Side of the Intersection of U. S. Highway 40 and Kentucky Route 321, Adjacent to the City Limits, the original of which appears of record in my said office.**

**WITNESS MY HAND as Clerk of the City of Paintsville this the 14th day of October, 2009.**

Virgie Castle

**Virgie Castle, City Clerk**

OVERSIZE MAP INCLUDED WITH SUBMISSION.

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