



CITY OF PIKEVILLE

118 College Street
Pikeville, Kentucky 41501
(606) 437-5100
Fax Number (606) 437-5106

Frank M. Morris
Mayor

Kenny Blackburn
City Manager

September 17, 2001

Mr. John Y. Brown, III
Secretary of State
P O Box 718
Frankfort KY 40602

RE: O.W. Thompson, et al v. City of Pikeville
1995 Annexation of property along US 23 North
to the Coal Run Village City Limits

Dear Mr. Brown:

Please find enclosed a Final Order and Judgment de-annexing property owned by Dr. O.W. Thompson and Joe Ramsey, more specifically known as the Walters Toyota property and the Linton Building, from the City of Pikeville.

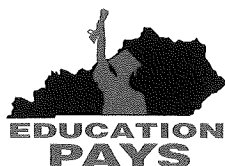
A description of the property is included for your files.

To my knowledge, there are no voters in these two areas that have been deleted from the City limits. The de-annexation is effective on October 1, 2001.

Please contact me at 437-5100 if you should need further documentation or have any questions.

Sincerely,

Karen W. Harris
City Clerk

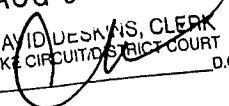


AUG 31 2001

PIKE CIRCUIT COURT
DIVISION NO. 1

ENTERED

AUG 30 2001

DAVID DESMONS, CLERK
PIKE CIRCUIT DISTRICT COURT
BY:  D.C.

ACTION NO. 95-CI-01269

OSCAR W. THOMPSON, JR.
and JOE RAMSEY

PLAINTIFF

VS:

ORDER AND JUDGMENT

THE CITY OF PIKEVILLE, a municipal
Corporation of the Third Class

DEFENDANT

The plaintiffs in this action challenge the validity of an Annexation Ordinance enacted by the City of Pikeville on August 28, 1995, finally annexing to the City of Pikeville property north of the City of Pikeville, including property which is the subject matter of the plaintiffs' Complaint herein. The plaintiffs, Thompson and Ramsey, are the sole parties filing an objection to the annexation. They are property owners of two separate tracts of land within the annexation boundaries and object in this suit to their properties being annexed to the City of Pikeville. The substance of the plaintiffs' Complaint is that the City of Pikeville went too far in annexing the plaintiffs' properties which adjoin the U.S. 23 right-of-way that is included within the annexation boundary. The plaintiffs have no objection to the annexation property outside of the two tracts of property in which the plaintiffs own.

The Commission for the City of Pikeville has by resolution stated that it has no objection to the Court entering an Order deleting from the annexation boundary the two tracts of property owned by the plaintiffs, which are the subject matter of this suit, so long as the remaining property annexed by Annexation Ordinance No. 95-005 remains within the corporate boundary. This Court has the power to reduce from the annexation boundary the property owned by the plaintiffs.

Therefore, based upon the foregoing, IT IS HEREBY ORDERED AND ADJUDGED AS FOLLOWS:

1. That the two tracts of property hereinafter described as Tract I and Tract II are adjudged to be deleted and removed from the corporate boundaries of the City of Pikeville as of October 1, 2001. From and after 2001, Tracts I and II described herein shall not be considered a part of the corporate limits of the City of Pikeville.

2. Tracts I and II as described herein shall for all purposes be deemed to have been within the corporate limits of the City of Pikeville pursuant to Ordinance No. 95-005 adopted on August 28, 1995, by the City of Pikeville from the effective date thereof up and to September 30, 2001, and all rights, responsibilities, duties, payments, taxes, licence fees, assessments or other governmental charges, assessments or obligation on the part of the plaintiffs, defendant, or any other third-party shall be due and payable for Tract I and II through and including September 30, 2001.

3. All of the remaining portion of property annexed by the City of Pikeville by virtue of Annexation Ordinance No. 95-005 adopted on August 28, 1995, not specifically excluded herein, shall remain a part of the City of Pikeville and so much of this action has challenges that annexation is dismissed with prejudice.

4. The property which is subject to this Order and Judgment is described as follows:

TRACT I:

BEGINNING at a point on the City of Pikeville corporation limit line as described in Ordinance #110.13. Point being on the right-of-way of the Kentucky Department of Highways right-of-way line for U.S. 23 and being 120.00' feet left of centerline station 1150+50.

Thence in a northwest direction with said right-of-way to a point 120.00' feet left of centerline station 1148+00;

Thence with right-of-way northwest to a point 330.00' feet left of centerline station 1145+00 and being on the City of Pikeville corporation limit line as described in Ordinance #110.13;

Thence leaving the right-of-way for U.S. 23 and running with the City of Pikeville corporation limit line in an easterly direction to a point 450.00' feet left of centerline station 1148+67;

Thence, a southeast direction 500.00 feet to the point of beginning and containing 3.4 +/- acres more or less.

The above described parcel is a portion of the City of Pikeville corporation limits as described in Ordinance #110.13.

TRACT II:

BEGINNING at a point on the City of Pikeville corporate limit line as described in Ordinance #110.13, said point being on the Coal Run Village annexation line and being in the center of Levisa Fork of the Big Sandy River at the confluence of Stone Coal Creek.

Thence, running with the Coal Run Village line and up the center of Stone Coal Creek as it meanders with the City of Pikeville corporation limit line to a point on the Kentucky Department of Highways right-of-way for U.S. Highway 23 to a point 150' feet right of centerline station 1121+00;

Thence, leaving the City of Pikeville corporation line and with said right-of-way in a northeast direction to a point 75.00' feet right of centerline station 1122+50;

Thence, running with the right-of-way in a southeast direction to a point 105' +/- feet left of centerline station 1124+50 +/- and also being on the Kentucky Department of Highways right-of-way Coal Run Hill and Lykens Branch Bridge;

Thence, with the right-of-way for the Coal Run Hill and Lykens Branch Bridge in a southwest direction to a point in the center of the Levisa Fork of the Big Sandy River and being on the line of the City of Pikeville corporation limit line as described in Ordinance #110.13;

Thence, running down the Levisa Fork with the City of Pikeville corporation limit line to the point of beginning and containing 4.20 +/- acres more or less.

The above described parcel is a portion of the City of Pikeville
corporation limits as described in Ordinance #110.13.

ENTERED this 28th day of August, 2001.

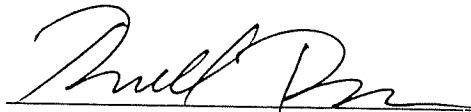


JUDGE, PIKE CIRCUIT COURT

AGREED TO:



LAWRENCE WEBSTER
Attorney for Plaintiffs



RUSSELL H. DAVIS, JR.
Attorney for Defendant