

RESOLUTION

ALISON LUNDERGAN GRIMES  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
BY Kandice Odum

A RESOLUTION CORRECTING AN ORIGINAL KRS 81.045 FILING AND ADOPTING A MODERN LEGAL DESCRIPTION OF TERRITORY PREVIOUSLY ANNEXED BY ORDINANCE.

WHEREAS, the City of Pineville, Kentucky, (hereinafter the "City"), on April 14, 1981 submitted a boundary statement and other information compliance with KRS 81.045; and,

WHEREAS, an area annexed by Ordinance To Correct A Portion Of Pineville Kentucky's City Limits Boundary Line dated January 9, 2012 was not included in the KRS 81.045 boundary statement inasmuch as the map submitted was prepared in 2011 and the City failed to make a correction to the map to include the hereinabove referenced January 9, 2012 ordinance when the KRS 81.045 filing was submitted to the Secretary of State's Office in 2012; and,

WHEREAS, Ordinance To Correct A Portion Of Pineville Kentucky's City Limits Boundary Line, dated January 9, 2012, was not overturned in court or in an election process; and,

WHEREAS, the City wishes to correct its KRS 81.045 filing and comply with the requirements of Amended KRS 81A.470, effective July 13, 2004, and

WHEREAS, with respect to the Ordinance To Correct A Portion of Pineville Kentucky's City Limits Boundary Line, dated January 9, 2012, the City does not intend to replace its prior ordinance annexing, but rather to interpret the defined boundaries of the territory previously annexed and adopt a modern legal description of territory previously annexed; and,

WHEREAS, the City wishes to add the modern legal description of the territory previously annexed to its KRS 81.045 filing, thereby correcting same,

NOW THEREFORE, be it resolved by the City of Pineville, Kentucky (the "City") as follows:


1. The City adopts the following legal description and plat attached hereto as prepared by Dempsey Miracle, Jr., PLS, Survey Manager of Vaughn Melton Consulting Engineers for the purposes stated therein, as a modern description of the property previously annexed into the corporate city limits of the City by Ordinance To Correct A Portion of Pineville, Kentucky's City Limits Boundary Line, dated January 9, 2012, and hereby adopts said new legal description and plat as the official legal description and plan to be adopted by the City for all purposes when referencing this prior annexation.

2. The new legal description as prepared by Dempsey Miracle, Jr., PLC, Survey Manager of Vaughn Melton Consulting Engineers for the purposes stated therein, is as follows:

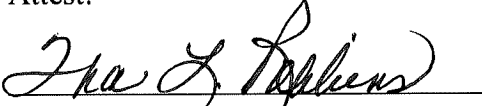
See Attached Exhibit A for said Legal Description  
See Attached Exhibit B for said ~~Annexation~~ Plat

3. This resolution and the attached documents shall be filed with the Office of the Secretary of State to correct the City's KRS 81.045 filing.

Adopted unanimously upon proper motion, second and vote on this the 10<sup>th</sup> day of September, 2012.

  
\_\_\_\_\_  
Sherwin Rader, Mayor  
City of Pineville, Kentucky

Attest:

  
\_\_\_\_\_  
Ina Robbins, Clerk  
City of Pineville, Kentucky

# CORRECTIVE BOUNDARY LINE DESCRIPTION

The Purpose of this description is to correct a portion of Pineville Kentucky's city limits boundary. Some property shown on the state map is not currently within the city boundary and the owners of this property do not wish to be considered as part of the city at this time. This described land is to be removed from the map of the City Of Pineville, Bell County, Kentucky. The following description is based on information derived from the deed plots and highway right of way data. The deeds were found in the records of the Bell County Court Clerks Office. Field surveys were performed only to the point of establishing state plane values on the features and locating some on the corners on the critical tracts effecting this description, this description is based wholly on the information listed above, this area generally lies between Jones Avenue - Stone Road and Ky 66 and the Cumberland river and being more particularly described as follows,

Beginning at the current city limits line which has a Kentucky South Zone state plane Coordinate Value of N 1,803,098.14, E 2,243,456.69 and a Lat N 36°45'43.58", Long W083°41'28.48, thence leaving said line N 89°42'17"W, 51.25 feet to the East right of way of the L&N Railroad;  
Thence with said RR Right of way N 2°21'29"W, 388.05 feet to a point in the center of Straight Creek;  
Thence up straight creek the following calls N56°33'36"E, 299.59 feet  
Thence N28°43'13"E, 196.32 feet  
Thence N17°21'14"E, 375.58 feet to a common corner between the city of Pineville and Lee Warren;  
Thence along this common line S 71°54'10"E, 189.81 feet to a point in the right of way of Jones Ave;  
Thence along Jones Ave S29°14'56"W, 67.58 feet;  
Thence S24°20'28"W, 108.72 feet;  
Thence S26°33'54"W, 73.83 feet;  
Thence S30°18'16"W, 90.43 feet;  
Thence Crossing Jones Ave S47°48'38"E, 19.68 feet to a corner of the Diane Gambrel Property;  
Thence continuing along the Gambrel Property S48°02'52"E, 250.28 feet to the centerline of Stone Road;  
Thence along said centerline N50°58'55"E, 80.27 feet;  
Thence leaving road and along the common line between Gambrel and Stewart N 48°46'04"W, 273.55 feet to the South Right of way of Jones Avenue,  
Thence along Jones Avenue and Stewart N27°50'26"E, 63.14 feet to a common point between Stewart and the Pineville Housing Authority;  
Thence along the common line between Stewart and the Pineville Housing Authority S47°01'49"E, 137.85 feet,  
Thence S53°42'56"E, 167.26 feet to the center of Stone Road;

Thence leaving Stewart and along the centerline of Stone Road N55°15'47"E, 200.45 feet,  
Thence continuing along the road N46°16'15"E, 139.45 feet,  
Thence N49°07'11"E, 254.22 feet,  
Thence N51°45'55"E, 188.29 feet,  
Thence N54°42'09", 70.50 feet,  
Thence N66°09'03"E, 153.10 feet,  
Thence N56°33'54"E, 143.23 feet,  
Thence N54°41'23"E, 210.08 feet to a point where the existing city limits line crosses the centerline of Stone Road, said point has a KY South Zone Coordinate value of N 1,804,464.44, E 2,245,253.43 and a Lat N 36°45'56.70", Long W083°41'06.04"



# Annexation Description

The Purpose of this description is to correct a portion of Pineville Kentucky's city limits boundary. Some property shown on the state map is not currently within the city boundary and the owner of this property does not wish to be considered as part of the city at this time. This described land is to be removed from the map of the City Of Pineville, Bell County, Kentucky. The following description is based on information derived from the deed plots and highway right of way data. The deeds were found in the records of the Bell County Court Clerks Office. Field surveys were performed only to the point of establishing state plane values on the features and locating some on the corners on the critical tracts effecting this description, this description is based wholly on the information listed above, this area generally lies between Jones Avenue - Stone Road and Ky 66 and the Cumberland river and being more particularly described as follows,

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Thence with said RR Right of way N 2°21'29"W, 388.05 feet to a point in the center of Straight Creek;  
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Thence N17°21'14"E, 375.58 feet to a common corner between the city of Pineville and Lee Warren;  
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Thence S24°20'28"W, 108.72 feet;  
Thence S26°33'54"W, 73.83 feet;  
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Thence Crossing Jones Ave S47°48'38"E, 19.68 feet to a corner of the Diane Gambrel Property;  
Thence continuing along the Gambrel Property S48°02'52"E, 250.28 feet to the centerline of Stone Road;  
Thence along said centerline N50°58'55"E, 80.27 feet;  
Thence leaving said road and along the common line between Gambrel and Stewart N 48°46'04"W, 273.55 feet to the South Right of way of Jones Avenue,  
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centerline of Stone Road, said point has a KY South Zone Coordinate value of N  
1,804,464.44, E 2,245,253.43 and a Lat N 36°45'56.70", Long W083°41'06.04"



*Dempsey Miracle, Jr.*  
9-19-2012



# The City of Pineville



*From the desk of ...*

**Ina Lemar Robbins, City Clerk**

P.O. Box 688 • Pineville, KY 40977  
(606) 337-2958

## CLERK CERTIFICATION

CERTIFICATION PURSUANT TO KRS 81A.470

I CERTIFY THAT I AM THE DULY QUALIFIED CLERK OF THE CITY OF PINEVILLE, KENTUCKY AND THE FOLLOWING PAGES OF AN ORDINANCE ADOPTED JANUARY 9, 2012, ARE TRUE, CORRECT AND COMPLETE COPY DULY ADOPTED BY THE PINEVILLE CITY COUNCIL AT A DULY CONVENED MEETING HELD ON JANUARY 9, 2012 AS ALL APPEARS IN THE OFFICIAL RECORDS OF THE CITY.

WITNESS MY HAND AND THE SEAL OF THE CITY, THIS THE 9<sup>TH</sup> DAY OF JANUARY 2012.

INA L. ROBBINS, CLERK/TREASURER  
CITY OF PINEVILLE, KENTUCKY

*Received & Filed  
Sept. 21, 2012*

ORDINANCE NO.

ORDINANCE TO CORRECT A PORTION  
OF PINEVILLE KENTUCKY'S  
CITY LIMITS BOUNDARY LINE

WHEREAS, the City of Pineville must correct the boundary line to the property in the Jones Avenue area of the City; and

WHEREAS, the City declares it desirable to correct a portion of the City's limits boundary line; further described in Exhibit A attached to the Ordinance; and

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

1. The City of Pineville hereby declares that it is desirable and it intends and proposes to correct the boundary line description in the area of JONES AVENUE, which territory is more particularly described in the attached description and map marked Exhibit A and incorporated hererin by this reference as if fully rewritten herein.

2. Pursuant to the Kentucky Revised Statutes and laws of the Commonwealth, the City of Pineville hereby declares that it is desirable and it intends to correct the boundary line description as to the city limits.

3. All prior Orders and Ordinances and parts of any Order and Ordinance in conflict herewith hereby are repealed and the provisions of this Ordinance shall govern and the provisions of this Ordinance hereby are declared to be severable and, if any section, phrase, provision or part shall, for any reason, be declared invalid, such declaration of invalidity shall not affect the remainder of this Ordinance.

4. This Ordinance is adopted pursuant to KRS 83A.060 in that it was introduced on December 12, 2011 and given final reading on January 9, 2012, 2012, and said Ordinance shall be in full force and effect upon signature, recordation and publication in summary pursuant to KRS Chapter 424.

Adopted this 9th day of January, 2012.

EXECUTED:

Sherwin Rader  
SHERWIN R. RADER, MAYOR  
CITY OF PINEVILLE

Ina Robbins  
INA ROBBINS, CLERK  
CITY OF PINEVILLE

FIRST READING

BY: Patricia Bingham DATE: December 12, 2011


SECOND READING

BY: Patricia Bingham DATE: January 9, 2012

**CERTIFICATION: KRS 81A.470 FILINGS**

I certify I am the duly qualified City Clerk of the City of Pineville, Kentucky, and the following 2 pages of Resolution dated 9/10/12 is a true, correct and complete copy duly adopted by the City Commission at a duly convened meeting held on Sept. 10, 2012 all as appears in the official records of said City.

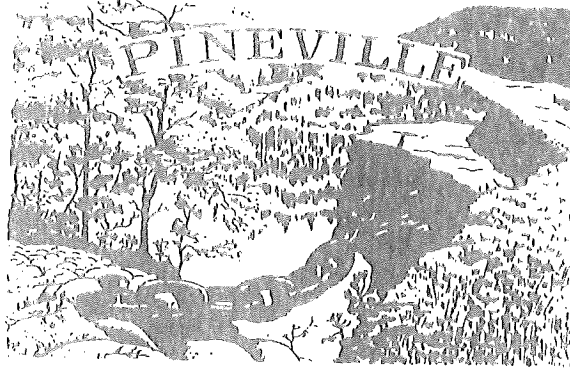
WITNESS, my hand and Seal, this the 10<sup>th</sup> day of September 2012.

  
\_\_\_\_\_  
INA ROBBINS, City Clerk

ROBERT L. MADON  
Mayor

CAROLYN GOODIN  
Clerk-Treasurer-Tax Collector

STEVE CAWOOD  
City Attorney



HOME OF THE CHAINED ROCK  
KENTUCKY MOUNTAIN LAUREL FESTIVAL  
BOOK OF JOB PINE MT. RESORT STATE PARK

## CITY OF PINEVILLE

PINEVILLE, KENTUCKY 40977  
PHONE 337-2958

COUNCILMEN:  
Duncan Asher  
Abr. M. Euster  
Eugene Howard  
Richard Pence  
Glenn B. VanBever  
Jon Ward, Jr.  
Kelly Williams  
Ike Wilson

April 10, 1981

RECEIVED

APR 12 1981

SECRETARY OF STATE  
COMMONWEALTH OF KY.

George L. Atkins, Secretary  
Commonwealth of Kentucky  
Department of Finance  
Frankfort, Kentucky 40601

Dear Sir:

This is a reply to your memorandum dated April 8, 1981  
in regard to Financial Administration for Cities.

The City of Pineville was first incorporated on March 26,  
1873, and again as a City on April 16, 1890. Our present  
classification is fourth class. Enclosed is a flood plain map  
showing the boundaries of the City of Pineville. Our boundary  
has not changed since 1977.

Thank you.

Yours truly,

Wanda Johnson, City Clerk

# **Gambrel & Wilder Law Offices, PLLC**

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**John M. Gambrel\***  
**R. Scott Wilder\***  
**Melissa R. Dixon**

July 8, 2011

Mr. Dempsey Miracle, Jr.  
Vaughn & Melton Consulting Engineers, Inc  
109 South 24<sup>th</sup> Street  
Middlesboro, Kentucky 40965

RE: Jones Avenue

Dear Mr. Miracle:

On behalf of the City of Pineville, I have had the opportunity to review the surveyed boundary line description for the Jones Avenue and Stone Road area of the City of Pineville. Based on the information provided to me – being the corrective boundary line description and map – I can state that description of the area corrects any prior error in the boundary of the City of Pineville. I will have the City approve new boundary line at the next council meeting.

Sincerely,

John M. Gambrel

JMG/af

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P.O. Box 206, 115 Virginia Avenue, Pineville, Kentucky 40977  
(606) 337-5015 Fax: (606) 337-5128  
Additional locations in London and Richmond, Kentucky

\*Admitted to practice in Kentucky and Tennessee

REGULAR COUNCIL MEETING

THE PINEVILLE CITY COUNCIL MET IN ITS REGULAR MONTHLY MEETING MONDAY  
DECEMBER 12, 2011 AT 6:00 P.M. IN THE COUNCIL CHAMBERS AT PINEVILLE CITY  
HALL. MAYOR RADER PRESIDED.

ROLL CALL: Council Members present were Patricia Bingham, David Gambrell, Bruce Nunn, Terry Pannell and Tuck Woolum. Councilman Bo Bush was absent.

APPROVAL OF MINUTES: A motion to approve the minutes was made by Bruce Nunn. Seconded by Woolum. All votes "Aye".

MAIN STREET UPDATE: JoAnna Foley was not available to give an update.


FIRST READING OF ORDINANCE CORRECTING CITY LIMIT BOUNDARY LINE ON JONES AVENUE:  
A motion was made by Patricia Bingham to approve the first reading. Seconded by Bruce Nunn. All votes "Aye".

MAYOR RADER RECOMMENDED TO THE COUNCIL TO GO INTO EXECUTIVE SESSION TO DISCUSS  
POSSIBLE LITIGATION: Motion to go out of regular session into executive session was made by Terry Pannell. Seconded by Woolum. All votes "Aye".

MOTION TO GO OUT OF EXECUTIVE SESSION AND BACK INTO REGULAR SESSION: A motion was  
Made by Bruce Nunn. Seconded by Tuck Woolum. All votes "Aye".

FIRST READING OF ORDINANCE AMENDING THE PERSONNEL POLICY TO EXTEND THE ALLOWABLE  
ACCUMULATED VACATION DAYS FROM 45 DAYS TO 50 DAYS. A motion was made by Terry Pannell.  
Seconded by Tuck Woolum. All votes "Aye". With exception/ David Gambrell had left  
the meeting before the vote.

MOTION TO ADJOURN: A motion to adjourn was made by Woolum. Seconded by Bingham. All  
Votes "Aye".

  
\_\_\_\_\_  
ATTEST: INA L. ROBBINS, CLERK/TREASURER

  
\_\_\_\_\_  
MAYOR: SHERWIN RADER

REGULAR COUNCIL MEETING

THE PINEVILLE CITY COUNCIL MET IN ITS REGULAR MONTHLY MEETING MONDAY, JANUARY 9, 2012 AT 6:00 P.M. IN THE COUNCIL CHAMBERS AT PINEVILLE CITY HALL. MAYOR RADER PRESIDED.

ROLL CALL: Council Members Present were Patricia Bingham, Bo Bush, David Gambrell, Bruce Nunn and Tuck Woolum. Councilman Terry Pannell was absent.

APPROVAL OF MINUTES: A motion was made by Nunn to approve. Seconded by Bo Bush. All votes "Aye".

SECOND READING OF ORDINANCE CORRECTING A PORTION OF THE CITY LIMITS IN THE NEW TOWN AREA: A motion was made by Bingham. Seconded by Gambrell. All votes "Aye".

SECOND READING OF AN AMEDEMMENT TO THE PERSONNEL POLICY ORDINANCE AMENDING THE VACATION DAYS ALLOWED TO BE CARRIED TO THE NEXT CALENDAR YEAR FROM 45 TO 50 DAYS: A Motion to approve the second reading was made by Bruce Nunn. Seconded by Tuck Woolum. All votes "Aye".

REAPPOINT BILL DYE TO THE PINEVILLE HOUSING BOARD AUTHORITY, TERM TO EXPIRE NOVEMBER 2015: Motion to approve reappointment made by Patricia Bingham. Seconded by Bo Bush. All votes "Aye".

APPOINT MARTHA STEWART TO FILL THE UNEXPIRED TERM VACATED BY LARRY CINNAMON: TERM TO EXPIRE NOVEMBER 2013: A motion to appoint Ms. Stewart was made by Bo Bush. Seconded by Tuck Woolum. All votes "Aye".

POLICE CHIEF BILL MATTHEWS REQUEST APPROVAL TO ACCEPT A 50/50 MATCHING GRANT IN THE AMOUNT OF \$ 1,202.47 TO PURCHASE SIX BULLETT PROOF VESTS: A motion to approve was made By Bo Bush. Seconded by Bingham. All votes "Aye". Mayor Rader also advised Council that we were presently working on various grants as deadlines are fast approaching.

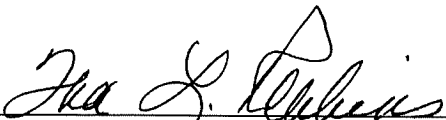
MAIN STREET UPDATE: JoAnna Foley stated that they were presently working on getting quotes for Street Signs and Flower Pots. These are to be purchased with Coal Severance Tax monies. Main Street is working on other potential projects, but it is to early to go into details in regards to these projects.

MAYOR READ PROCLAMATION: JANUARY IS SCHOOL BOARD RECOGNITION MONTH, Recognizing the Pineville Board of Education Members: Motion to approve the Proclamation was made by Woolum. Seconded By Bingham. All votes "Aye".

CITY OF PINEVILLE ENTERED INTO A MUTUAL AGREEMENT WITH THE PINEVILLE COMMUNITY HOSPITAL THAT SHOULD AN EMERGENCY ARISE THE CITY WOULD ALLOW THE HOSPITAL TO USE THEIR RADIO FREQUENCY AND THE HOSPITAL WILL ALLOW THE CITY TO USE THEIR FREQUENCY: A motion was

By Patricia Bingham to allow the City to enter into this agreement. Seconded by Gambrell. All votes "Aye".

MOTION TO ADJOURN: A motion to adjourn was made by Bo Bush. Seconded by David Gambrell. All "Aye"s".

  
\_\_\_\_\_  
ATTEST: INA L. ROBBINS, CLERK/TREASURER

  
\_\_\_\_\_  
MAYOR: SHERWIN RADÉR

OVERSIZE MAP INCLUDED WITH  
SUBMISSION.

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