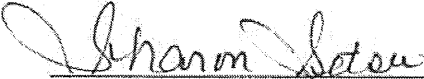


I certify I am the duly qualified City Clerk of the City of Prestonsburg, Kentucky,
and the following 3 pages of Ordinance No. 04-76 is a true,
correct and complete copy duly adopted by the City Commission at a duly convened meeting
held on March 4, 1976, all as appears in the official records of said City.

WITNESS, my hand and Seal, this 5th day of December, 2017.



(Signature of City Clerk)



RECEIVED AND FILED
DATE December 5, 2017

ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Gandie Adams

ORDINANCE NO. 4-76

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PRESTONSBURG, KENTUCKY, ANNEXING AS A PART OF THE CITY OF PRESTONSBURG, KENTUCKY, AS OF MARCH 4, 1976, A TRACT OF LAND SITUATED IN THE MAYS BRANCH AREA ADJACENT TO THE NORTHERN LIMITS OF THE CITY LIMITS OF THE CITY OF PRESTONSBURG, KENTUCKY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PRESTONSBURG, KENTUCKY, AS FOLLOWS:

SECTION I. That whereas, on January 15, 1976, the City Council of the City of Prestonsburg, Kentucky, enacted an Ordinance which was in words and figures as follows:

ORDINANCE NO. 1-76

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PRESTONSBURG, KENTUCKY, AUTHORIZING AND INSTRUCTING THE CITY ATTORNEY TO TAKE STEPS TO ANNEX AS A PART OF THE CITY OF PRESTONSBURG A TRACT OF LAND SITUATED IN THE MAYS BRANCH AREA ADJACENT TO THE NORTHERN LIMITS OF THE CITY LIMITS OF PRESTONSBURG, KENTUCKY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PRESTONSBURG, KENTUCKY, AS FOLLOWS:

SECTION I. That the City Attorney institute an action and file a petition in the Floyd Circuit Court, within thirty (30) days after the adoption and required publication and advertisement of this Ordinance, according to law, to annex as a part of the City of Prestonsburg a tract of land situated in the Mays Branch area adjacent to the northern limits of the city limits of Prestonsburg, Kentucky, and described as follows:

"BEGINNING at a point in the existing City limits line located on the northeast side of the Mays Branch Road where the present City limits line crosses May Branch Road; thence leaving the present City limits in a northeast direction to the top of the hill between Spradlin Branch and Mays Branch, corner of the property of Dr. David White; thence with the property line of Dr. David White, around the head of the hollow, and down the point to a point on the north side of the Mays Branch Road; thence in a southern direction to a point in the existing City limits line, located on a high point on the ridge between Mays Branch and Trimble Branch."

For more particular reference to the tract of land described, a map of said territory is filed with Richard Earl Martin, Civil Engineer, Prestonsburg, Kentucky.

SECTION II. All ordinances, or parts of ordinances in conflict herewith, are hereby expressly repealed to the extent of such conflict.

SECTION III. This ordinance shall be in full force and effect from this date, after publication as required by law and the Provisions of this ordinance.

PASSED AND APPROVED, THIS THE 15th DAY OF JANUARY, 1976.

/s/ William O. Goebel, Jr.
MAYOR, CITY OF PRESTONSBURG, KENTUCKY

ATTEST:

/s/ Beverly M. Hackworth
CLERK, CITY OF PRESTONSBURG, KENTUCKY

SECTION II. Whereas, said Ordinance was duly published in the Floyd County Times in its issue of February 4, 1976, and

SECTION III. Whereas, pursuant to said Ordinance, the City Attorney of the City of Prestonsburg, Kentucky, instituted a suit in the Floyd Circuit Court on February 6, 1976, to annex the territory described in such Ordinance as a part of the City of Prestonsburg, Kentucky, and

SECTION IV. Whereas, a notice of the filing of said suit was published in the Floyd County Times in its issue of February 11, 1976, and by said notice all persons were notified that if no defense to said proceeding setting forth the reason why the territory or any part of it should not be annexed to the City of Prestonsburg, Kentucky, by March 1, 1976, that the City of Prestonsburg, Kentucky, would request the Floyd Circuit Court to render judgment annexing said territory as a part of the City of Prestonsburg, Kentucky, and

SECTION V. Whereas, no defense was made by any person to said petition seeking annexation of said territory as a part of the City of Prestonsburg, Kentucky, and

SECTION VI. Whereas, the Floyd Circuit Court in said action, entered the following judgment:

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND JUDGMENT

* * * * *

FINDINGS OF FACT

The Court finds the facts in this case to be as follows:

(1) The City Council of the City of Prestonsburg, Kentucky, at its regular meeting held on January 15, 1976, adopted and passed Ordinance No. 1-76, which was published in the Floyd County Times, a weekly newspaper published at Prestonsburg, Kentucky, on February 4, 1976, as provided by law, directing the City Attorney to institute an action and file a petition in the Floyd Circuit Court within the time required by law to annex as a part of the City of Prestonsburg the following described territory:

"BEGINNING at a point in the existing City limits line located on the northeast side of the Mays Branch Road where the present City limits line crosses Mays Branch Road; thence leaving the present City limits in a northeast direction to the top of the hill between Spradlin Branch and Mays Branch, corner of the property of Dr. David White; thence with the property line of Dr. David White, around the head of the hollow, and down the point to a point on the north side of the Mays Branch Road; thence in a southern direction to a point in the existing City limits line, located on a high point on the ridge between Mays Branch and Trimble Branch."

For more particular reference to the tract of land described, a map of said territory is filed with Richard Earl Martin, Civil Engineer, Prestonsburg, Kentucky.

(2) Pursuant to this Ordinance, this action was filed in the Floyd Circuit Court by the City of Prestonsburg, Kentucky, seeking to annex said territory to the City of Prestonsburg, Kentucky.

(3) Notice of filing of said action was published in the Floyd County Times in its issue of February 11, 1976. This notice in part provided as follows:

"...Notice is further given that said petition was filed pursuant to the provisions of KRS Section 81.210, and that if no defense to said proceeding setting forth the reason why the territory or any part of it should not be annexed to the City of Prestonsburg, Kentucky, by March 1, 1976, the first day of the March Term of the Floyd Circuit Court commencing more than 20 days after the filing of said petition unless the time for such defense is extended by the Floyd Circuit Court by its order, that the City of Prestonsburg, Kentucky, will request the Floyd Circuit Court to render judgment annexing the said territory as a part of the City of Prestonsburg, Kentucky."

(4) No defense was made on March 1, 1976, the first day of the March Term of the Floyd Circuit Court, which term did not begin until more than 20 days after the filing of said petition seeking said annexation and this Court made no order granting further time for making defense.

CONCLUSIONS OF LAW

Pursuant to the above Findings of Fact, the petitioner is entitled to entry of judgment annexing said territory into and as a part of the City of Prestonsburg, Kentucky.

JUDGMENT

Pursuant to the above Findings of Fact and Conclusions of Law, it is adjudged by the Court that the territory described in the petition and in the foregoing Findings of Fact shall be incorporated herein by reference as if it was set out at length, be and the same is hereby ordered annexed into and as a part of the City of Prestonsburg, Kentucky.

It is further ordered by the Court that said territory shall hereinafter be treated and considered for all purposes as a legal part of the City of Prestonsburg, Kentucky.

That this action be filed away and hence stricken from the docket at the cost of the petitioner, City of Prestonsburg, Kentucky.

Dated: March 4, 1976.

JUDGE, FLOYD CIRCUIT COURT

SECTION VII. Pursuant to the proceedings had in said action, the City Council of the City of Prestonsburg, Kentucky, does hereby ordain that the property hereinafter described be annexed as a part of the City of Prestonsburg, Kentucky, to be effective as of March 4, 1976, when the judgment directing such annexation was entered by the Floyd Circuit Court.

Said property herein referred to is a tract of land adjoining the northern limits of the City of Prestonsburg, Kentucky, and described as follows:

"BEGINNING at a point in the existing City limits line located on the northeast side of the Mays Branch Road where the present City limits line crosses Mays Branch Road; thence leaving the present City limits in a northeast direction to the top of the hill between Spradlin Branch and Mays Branch, corner of the property of Dr. David White; thence with the property line of Dr. David White, around the head of the hollow, and down the point to a point on the north side of the Mays Branch Road; thence in a southern direction to a point in the existing City limits line, located on a high point on the ridge between Mays Branch and Trimble Branch."

For more particular reference to the trance of land described, a map of said territory is filed with Richard Earl Martin, Civil Engineer, Prestonsburg, Kentucky.

SECTION VIII. All ordinances, or parts of ordinances in conflict herewith, are hereby expressly repealed to the extent of such conflict.

SECTION IX. The City Clerk will have this ordinance duly published in the Floyd County Times, a weekly newspaper published in Prestonsburg, Kentucky.

PASSED AND APPROVED, THIS THE 4th DAY OF MARCH, 1976.

/s/ William O. Goebel, Jr.
MAYOR, CITY OF PRESTONSBURG, KENTUCKY

ATTEST:

/s/ Beverly M. Hackworth
CLERK, CITY OF PRESTONSBURG, KENTUCKY

Motion was made by Councilman Branham, seconded by Councilman Brown, that the foregoing Ordinance be adopted as read. The Mayor thereupon called for a vote upon said motion, which resulted as follows:

VOTING FOR SAID MOTION: Donald C. Nunnery, Edgille "Shag" Branham, Ronald Hager, George C. Brown, Hansel Cooley, and Paul P. Hughes.

VOTING AGAINST SAID MOTION: None.

ABSENT, NOT VOTING: Cloyd Johnson and Harold Cooley.

Thereupon, Mayor Goebel, declared said Ordinance duly adopted and said motion duly passed.

Two names were presented for membership in the Auxiliary Police Department, William Ed Bays and William Alex Hall. Motion was made by Councilman Nunnery, seconded by Councilman Hughes, that these two persons be accepted as members of the Auxiliary Police Department. Motion was unanimously passed.

Motion was made by Councilman Brown, seconded by Councilman Nunnery, that Edgar Wright be hired retroactive to March 1, 1976, at \$2.44 per hour, for the Sanitation Department. Motion was unanimously passed.

Motion was made by Councilman Nunnery, seconded by Councilman Brown, to hire James Wright, retroactive to March 1, 1976, for Public Works, at \$2.44 per hour, to be paid from Revenue Sharing Fund. Motion was unanimously passed.

Motion was made by Councilman Nunnery, seconded by Councilman Brown, to hire Bradis Eugene Childers for Public Works, at \$2.44 per hour to be paid from Revenue Sharing. Motion was unanimously passed.

AOC- 060
Rev. 12-10
Page 1 of 1



Commonwealth of Kentucky
Court of Justice www.courts.ky.gov

**CERTIFICATION OF
COURT RECORDS**

Case No. 11,810
Court CIRCUIT
County Floyd

IN RE: ANNEXATION INTO THE CITY _____

PLAINTIFF/PETITIONER

VS.

DEFENDANT/RESPONDENT

I, DOUGLAS RAY HALL _____,

Clerk of the FLOYD CIRCUIT Court, do certify that the following are true and correct copy(s) of the:
**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND JUDGMENT WITH DATE BEING
MARCH 4, 1976.**

BOOK NUMBER 68 AND PAGE 26

IN TESTIMONY WHEREOF, witness my hand as Clerk aforesaid, OCTOBER _____, 19 _____, 2017 _____.

RECEIVED AND FILED
DATE December 5, 2017

DOUGLAS RAY HALL _____ Clerk

By: Denise Porter _____ D.C.

ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY: Handie Allison _____

MARCH Term, 4TH Day, 4TH Day of MARCH 19 76.

IN RE: ANNEXATION INTO THE CITY OF PRESTONSBURG, KENTUCKY, OF A CERTAIN TRACT OF LAND SITUATED IN THE MAYS BRANCH AREA ADJACENT TO THE NORTHERN LIMITS OF THE CITY OF PRESTONSBURG, KENTUCKY

O R D E R

Motion of the petitioner to submit this case for final trial and judgment is sustained.

Dated: March 4, 1976.

/s/ HOLLIE CONLEY, JUDGE

IN RE: ANNEXATION INTO THE CITY OF PRESTONSBURG, KENTUCKY, OF A CERTAIN TRACT OF LAND SITUATED IN THE MAYS BRANCH AREA ADJACENT TO THE NORTHERN LIMITS OF THE CITY LIMITS OF PRESTONSBURG, KENTUCKY

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND JUDGMENT CR NO. 11,810

FINDINGS OF FACT

The Court finds the facts in this case to be as follows:

1. The City Council of the City of Prestonsburg, Kentucky, at its regular meeting held on January 15, 1976, adopted and passed Ordinance No. 1-76, which was published in the Floyd County Times, a weekly newspaper published at Prestonsburg, Kentucky, on February 4, 1976, as provided by law, directing the City Attorney to institute an action and file a petition in the Floyd Circuit Court within the time required by law to annex as a part of the City of Prestonsburg the following described territory:

"BEGINNING at a point in the existing City limits line located on the northeast side of the Mays Branch Road where the present City limits line crosses Mays Branch Road; thence leaving the present City limits in a northeast direction to the top of the hill between Spradlin Branch and Mays Branch, corner of the property of Dr. David White; thence with the property line of Dr. David White, around the head of the hollow, and down the point to a point on the north side of the Mays Branch Road; thence in a southern direction to a point in the existing City limits line, located on a high point on the ridge between Mays Branch and Trimble Branch."

For more particular reference to the tract of land described, a map of said territory is filed with Richard Earl Martin, Civil Engineer, Prestonsburg, Kentucky.

3. Notice of filing of said action was published in the Floyd County Times in its issue of February 11, 1976. This notice in part provided as follows:

"...Notice is further given that said petition was filed pursuant to the provisions of KRS Section 81.210, and that if no defense to said proceeding setting forth the reason why the territory or any part of it should not be annexed to the City of Prestonsburg, Kentucky, by March 1, 1976, the first day of the March Term of the Floyd Circuit Court commencing more than 20 days after the filing of said petition unless the time for such defense is extended by the Floyd Circuit Court by its order, that the City of Prestonsburg, Kentucky, will request the Floyd Circuit Court to render judgment annexing the said territory as a part of the City of Prestonsburg, Kentucky."

4. No defense was made on March 1, 1976, the first day of the March Term of the Floyd Circuit Court, which Term did not begin until more than 20 days after the filing of said petition seeking said annexation and this Court made no order granting further time for making defense.

CONCLUSIONS OF LAW

Pursuant to the above Findings of Fact, the petitioner is entitled to entry of judgment annexing said territory into and as a part of the City of Prestonsburg, Kentucky.

JUDGMENT

Pursuant to the above Findings of Fact and Conclusions of Law, it is adjudged by the Court that the territory described in the petition and in the foregoing Findings of Fact shall be incorporated herein by reference as if it was set out at length, be and the same is hereby ordered annexed into and as a part of the City of Prestonsburg, Kentucky.

It is further ordered by the Court that said territory shall hereinafter be treated and considered for all purposes as a legal part of the City of Prestonsburg, Kentucky.

That this action be filed away and hence stricken from the docket at the cost of the petitioner, City of Prestonsburg, Kentucky.

Dated: March 4, 1976.

/s/ HOLLIE CONLEY, JUDGE

STATE OF KENTUCKY
COUNTY OF FLOYD . . . SCT.

I, FRANK DeROSSETT, CLERK, hereby certify that the foregoing are true copies of the original orders and/or judgments as signed and approved by the Judge of this Court and ordered filed and entered of record in this office.

FRANK DeROSSETT, CLERK

BY Devin M. Anderson, D.C.

It is ORDERED that Court be adjourned.