

CERTIFICATION PURSUANT TO KRS 81A.470

I certify I am the duly qualified Clerk of the City of Prestonsburg, Kentucky, and the following pages of the Resolution dated November 20, 2017, is a true, correct and complete copy duly adopted by the City Council at a duly convened meeting held on November 20, 2017, all as appears in the official records of said City.

WITNESS, my hand and seal of said City, this 29 day of November, 2017.



Sharon Setser, City Clerk
City of Prestonsburg, Kentucky

RECEIVED AND FILED
DATE December 5, 2017

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

RESOLUTION NO. 15-2017

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 Prestonsburg, Kentucky, (hereafter call the "City") in 1981 submitted a boundary statement and other information in compliance with KRS 81.045; and,

Whereas, an area annexed by Ordinance No. 01-76 dated January 15, 1976 was not included in the KRS 81.045 boundary statement inasmuch as the map submitted was prepared in 1976 and the City failed to make a correction to the map to include the hereinabove referenced January 15, 1976 ordinance when the KRS 81.045 filing submitted to the Secretary of State's Office in 1981; and,

Whereas, Ordinance No. 01-76, dated January 15, 1976, was not overturned in court or in an election process; and,

Whereas, the City further wishes to provide a modern legal description and annexation plat for the purpose of showing the location of the prior January 15, 1976 annexation, same having been prepared by a professional land surveyor for the purposes stated herein; and,

Whereas, the City wishes to correct the 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 No. 01-76, dated January 15, 1976, 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,

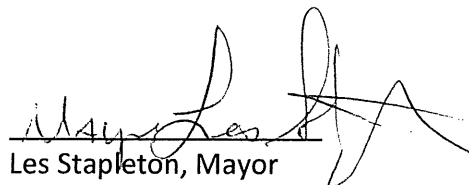
NOW, THEREFORE, be it resolved by the City of Prestonsburg, Kentucky (the "City") as follows:

1. The City adopts the following legal description and plat attached hereto as prepared by Thomas Nairn, Licensed Professional Land Surveyor No. 3921 for the purposes stated therein, as a modern description of the property previously annexed into the corporate city limits of the City by Ordinance No. 01-76, dated January 15, 1976, a certified copy of which is attached hereto as Exhibit C, and hereby adopts said new legal description and plat as the official legal description and plat to be adopted by the City for all purposes and referencing this prior annexation.
2. The new legal description as prepared by Thomas Nairn, Licensed Professional Land Surveyor No. 3921 for the purposes stated herein, is as follows:

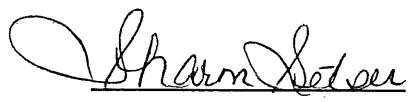
See Attached Exhibit A for said Legal Description
See Attached Exhibit B for said Annexation Plat

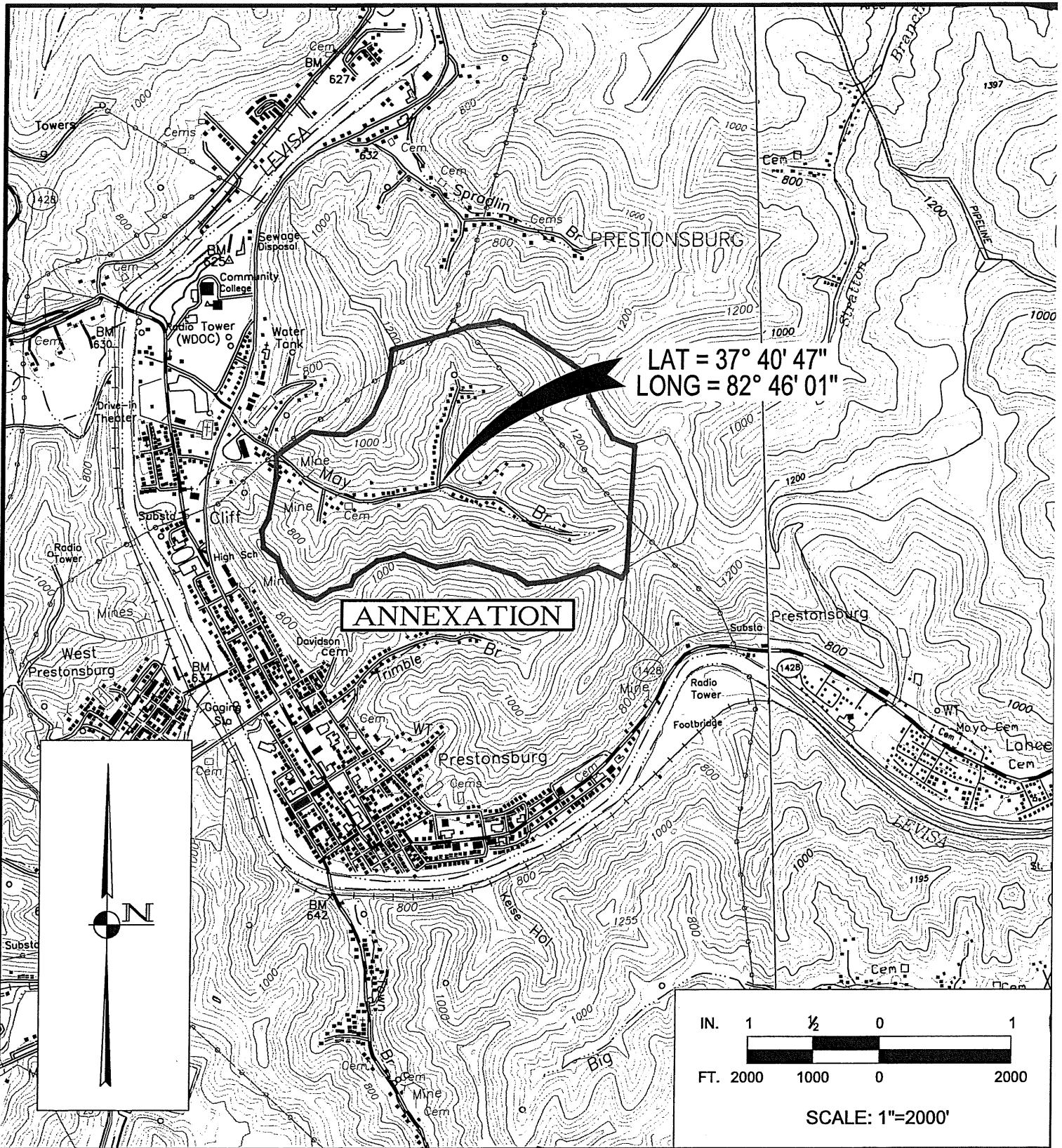
3. This resolution and the attached documents shall be filed with the Secretary of State to correct the City's KRS 81.045 filing.

Adopted unanimously upon proper motion, second and vote on this 20th day of November, 2017.


Les Stapleton, Mayor

Attest:


Sharon Setser, City Clerk
City of Prestonsburg, Kentucky



**Vicinity Map for
CITY of PRESTONSBURG
ANNEXATION
May's Branch**

w.o. 9646

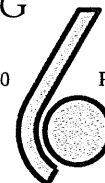
date: 10/31/17

- Prepared By -

BOCOOK ENGINEERING, INC
CONSULTING ENGINEERS

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PAINTSVILLE, KY 41240
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(606) 789-7671 - facsimile

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(606) 886-7895 - facsimile



ANNEXACTION DESCRIPTION

of
MAY'S BRANCH

A TRACT OF LAND SITUATED IN MAYS BRANCH, PRESTONSBURG, KENTUCKY,
AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a point on the northern right-of-way of May's Branch road, said point having NAD83 Kentucky state plane south zone coordinate system values of North 2,144,798 and East 2,501,110, said point also being a common corner to the corporate limits of the City of Prestonsburg; thence crossing May's Branch road and across the bottom S00°26'56"E, 349.11 feet to a point; thence crossing May's Branch and up the hill S10°32'35"W, 587.36 feet to a point; thence continuing up the hill S28°35'24"W, 212.76'; thence S06°28'39"E, 250.70' to a point on the center of the ridge between May's Branch and Levisa Fork of the Big Sandy River; thence continuing with the center of the ridge for the next seven (7) courses and distances:

- 1) S51°41'10"E, 273.95'
- 2) S18°57'19"E, 191.55'
- 3) S36°50'47"E, 339.57'
- 4) S57°30'24"E, 221.31'
- 5) S74°20'42"E, 146.86'
- 6) N57°19'01"E, 262.10'
- 7) N76°41'26"E, 319.69' to a point on the center of the ridge between May's Branch and Trimble Branch. Thence continuing with the center of the ridge between May's Branch and Trimble Branch for the next twelve (12) courses and distances:

- 1) N25°32'27"E, 144.31'
- 2) N55°10'52"E, 406.51'
- 3) N77°27'39"E, 417.21'
- 4) S69°25'40"E, 531.67'
- 5) N80°37'55"E, 521.69'
- 6) S73°17'14"E, 354.35'
- 7) S73°01'13"E, 348.94'
- 8) S55°06'06"E, 227.59'
- 9) N84°03'48"E, 437.89'
- 10) N72°59'44"E, 425.88'
- 11) N72°23'37"E, 243.31'
- 12) S66°43'45"E, 387.71'

Thence leaving the center of the ridge between May's Branch and Trimble Branch and following the ridge of May's Branch N36°01'37"E, 124.79 feet to a point; thence leaving the centerline of the ridge and crossing the hollow of May's Branch N03°19'48"E, 1855.67 feet to a point in the center of the dividing ridge between May's Branch and Stratton Branch; thence along the center of the dividing ridge for the next 3 (three) courses and distances:

- 1) N69°00'37"W, 363.51'
- 2) N30°23'54"W, 715.43'
- 3) N13°49'02"W, 378.95'

ANNEXACTION DESCRIPTION

of
MAY'S BRANCH

to a point on the center of the ridge between May's Branch and Spradlin Branch; thence continuing with the center of the ridge N56°58'31"W, 650.42 feet to a point; thence along the centerline of the ridge for the next 6 (six) courses and distances:

- 1) N58°21'38"W, 608.52'
- 2) N71°05'56"W, 227.20'
- 3) S80°31'47"W, 481.71'
- 4) S71°51'49"W, 327.37'
- 5) S74°29'06"W, 804.24'
- 6) S63°15'11"W, 75.82'

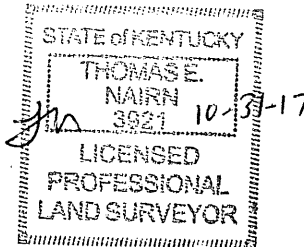
To a point common with an existing exclusion from the corporate limits in the centerline of the ridge; thence going down the point for the next nine (9) courses and distances:

- 1) S05°42'38"W, 301.86'
- 2) S14°02'10"W, 243.78'
- 3) S24°54'16"W, 456.31'
- 4) S46°04'49"W, 277.03'
- 5) S63°26'03"W, 231.37'
- 6) N87°57'20"W, 207.07'
- 7) N85°36'08"W, 192.73'
- 8) N80°32'19"W, 134.87'
- 9) S55°41'30"W, 642.61 feet to the beginning and containing 360.9 acres or 15,720,735 sq. ft. The boundary depicted by this description is for clarification purposes regarding a previous annexation only and is adjacent to the City of Prestonsburg's corporate limits.

Bocook Engineering's file of this annexation can be found in W:\9000\9646 – Prestonsburg City\Microstation Files\9646 – May's Branch Annexation.dgn

Thomas E. Nairn

Thomas E. Nairn, PLS #3921
Bocook Engineering, Inc.
259 North Arnold Ave., Prestonsburg, Ky. 41653
October 31, 2017



OVERSIZE MAP INCLUDED WITH
SUBMISSION.

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