

MAYOR
JERRY S. FANNIN

CITY COUNCIL
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ESTILL LEE CARTER
BILL R. COLLINS
ROY COMPTON
OTIS HANSEL COOLEY
JIMMY JOE DEROSSETT
DANNY H. HAMILTON
THOMAS HEREFORD, III



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(606) 886-2335
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CERTIFICATE

RECEIVED AND FILED
DATE Feb. 20, 2003

JOHN Y. BROWN III
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY H. Adkins

I, the undersigned, hereby certify that I am the duly qualified and acting City Clerk of the City Of Prestonsburg, Kentucky, that the foregoing is a full, true and correct copy of Minutes/Resolution/Ordinance adopted by the City Council of said City at a meeting duly held on Jan. 21, 2003; that said official action appears as a matter of public record in the official records or journal of the governing authority; that said meeting was held in accordance with all applicable requirements of Kentucky law, including KRS 61.810. 61.815. 61.820 and 61.825; that a quorum was present at said meeting; that said official action has not been modified, amended, revoked or repealed and is now in full force and effect.

IN TESTIMONY WHEREOF, witness my signature this 13th day of Feb., 2003.

Peggy Bailey
Peggy Bailey, City Clerk

RESOLUTION NO. _____

ORDINANCE NO. 2-2003



Home of
The Kentucky Opry • Mountain Arts Center • Thunder Ridge Racetrack • Jenny Wiley Summer Music
Theatre and State Park • Jenny Wiley Pioneer Festival



ORDINANCE NO.: 2-2003

AN ORDINANCE OF THE CITY OF PRESTONSBURG, KENTUCKY BY WHICH THE CITY ANNEXES INTO THE CITY CORPORATE LIMITS CERTAIN REAL PROPERTY LOCATED ON MIDDLE CREEK

WHEREAS, the Middle Creek National Battlefield Foundation, Inc., and H.D. Fitzpatrick, Jr., Trustee, owners of property contained within those certain tracts and boundaries of unincorporated territory as more specifically described herein below, and as reflected by the Annexation Map hereto attached as Exhibit "A", have given prior consent in writing and petitioned the City for annexation and incorporation into the city limits of Prestonsburg said property; and,

WHEREAS, the area as hereinbelow more particularly described, and reflected in Exhibit "A" hereto (Proposed Annexation Map) lies adjacent to or is contiguous to the City of Prestonsburg's current boundaries; and,

WHEREAS, the Prestonsburg City Council having considered the matter and determined after due discussion and deliberation that it is in the best interest of the City and best interest of the property owners whose property is contained within the area proposed to be annexed; and,

WHEREAS, the City Council, through passage of this resolution and the ordinance set forth hereinbelow, declares it desirable to annex into the corporate limits of the City of Prestonsburg that certain area more fully described below;

NOW, THEREFORE, IT IS HEREBY RESOLVED AND IS HEREBY ORDAINED BY THE CITY OF PRESTONSBURG, KENTUCKY AS FOLLOWS:

Section I: The City of Prestonsburg does hereby annex into the municipal corporate limits the property described as follows:

TRACT I:

Annexation H.D. Fitzpatrick, Jr. and the Middle Creek National Battlefield property located on Middle Creek, Floyd County, Kentucky and more particularly described as follows:

Beginning at a point on the Northern right-of-way of State Highway 114 and existing corporate limits (Area #1 to Middle Creek) thence N 40-16-01 E 624.69' to a point on a spur, thence N 26-05-44 W 378.21' thence N 22-25-18 E 277.27' with existing corporate limits thence, N 24-05-02 W 502.12'
N 42-57-34 E 204.06'
N 28-29-35 W 440.00' with existing corporate limits
N 17-54-58 E 204.03'
N 50-08-47 W 262.30'

N 18-02-59 E 313.09' with existing corporate limits to the City of
 Prestonsburg, thence
 N 16-28-22 W 231.87'
 N 26-35-19 W 132.41' to a point in hollow on existing corporate limits to
 the city, thence
 N 51-47-00 E 189.03'
 S 84-07-22 E 275.38'
 S 58-57-33 E 253.42' at the 900' +/- contour and corporate limits,
 thence
 S 44-51-54 E 419.88'
 N 70-50-50 E 264.61'
 S 55-52-50 E 333.68'
 S 17-56-43 E 144.69' to a point on the corporate limits to Prestonsburg,
 thence
 S 61-40-04 E 292.65'
 S 04-12-29 E 226.02'
 S 39-19-06 E 256.30'
 N 86-09-12 E 935.12' to a point on the point Northwest of Ike Fitzpatrick
 Branch, thence down said point S 78-53-15 E 305.17' thence S 62-56-
 45 E 241.54' to the Northern right-of-way of State Route 114, thence
 following the Northern right-of-way limits of Route 114 to the beginning
 containing **94.16** acres as designated as Area 2A of the H.D.
 Fitzpatrick, Jr. and the Middle Creek National Battlefield property.

TRACT II:

Annexation of the H.D. Fitzpatrick, Jr. And the Middle Creek National
 Battlefield property lying on Middle Creek at the intersection of State
 Routes 114 and route 404 and more particularly described as follows:

Beginning at a point on the Southern right-of-way of State Route 114
 thence
 S 77-49-39 W 212.55', thence leaving said right-of-way S 75-26-13 W
 316.48',
 S 70-51-01 W 282.95'
 S 64-00-47 W 311.58' to a point near old stream channel thence turning
 left S 18-21-34 E 781.55' and running up hill with the boundary of the
 H.D. Fitzpatrick, Jr. Tract and Battlefield property to a point on center
 line ridge, thence S 52-41-13 W 121.49' to a point on ridge, thence S
 33-56-18 W 306.31'
 S 07-42-14 W 269.71' to a point on center line ridge on the H.D.
 Fitzpatrick, Jr. and the Middle Creek National Battlefield property, then
 continuing with said line and ridge
 S 27-23-38 W 528.12' thence, S 19-29-21 E 309.51'
 S 03-59-52 E 230.50'
 S 62-33-33 E 182.76'

N 78-56-59 E 251.62' to a point on center line ridge and said H.D. Fitzpatrick, Jr. and Middle Creek National Battlefield tract; thence N 76-02-12 E 239.05' thence
 S 87-52-29 E 178.60'
 S 66-21-20 E 213.79'
 S 28-58-48 E 772.78' with said ridge and H.D. Fitzpatrick, Jr. tract,
 S 16-21-59 W 411.52' to a point on said ridge line between Middle Creek and Spurlock Creek S 16-20-02 W 212.06'
 S 22-21-05 W 577.59' to a point on ridge between Left Fork of Middle Creek and Spurlock Creek,
 S 64-52-56 W 307.45'
 S 73-06-31 W 219.69' to a point on said H.D. Fitzpatrick, Jr. and Middle Creek National Battlefield tract, thence
 S 35-12-51 W 317.73'
 S 35-04-17 W 419.41' to a point on center line ridge and Fitzpatrick tract, thence
 S 55-36-42 W 391.92'
 S 82-34-22 W 419.93' to a small knob and center line ridge on said H.S. Fitzpatrick, Jr. and Middle Creek National Battlefield property; thence running down spur
 N 12-53-26 W 517.85'; thence turning left down the hill with H.D. Fitzpatrick, Jr. tract
 S 89-33-14 W 1,122.28' to a Walnut thence West 62.05' crossing to right-of-way of the CSX Railway tracks to a point; thence N 25-00-58 W 144.13' crossing to Western right-of-way of said tracks to a point in the Left Fork of Middle Creek and property line of H.D. Fitzpatrick, Jr., thence up said creek S 54-40-46 W 165.52'; thence S 37-05-26 W 97.30' to a point in said creek; thence S 16-42-34 W 69.90' to a point in said creek on the H.D. Fitzpatrick, Jr. and Middle Creek National Battlefield property; thence leaving said creek N 85-05-27 W 50.24' to a point near the Eastern right-of-way of State Route 404; thence crossing said right-of-way and State Route 404 N 85-05-27 W 63.08' to a point on Western right-of-way of said State Route 404; thence N 85-05-27 W 776.92' up the hill to a point on said Fitzpatrick property, said point being center line spur or ridge; thence N 16-51-06 W 168.27' thence N 26-10-04 W 170.94'
 N 80-32-57 W 242.76'
 N 47-33-14 W 356.75'
 N 71-35-37 W 673.44' to a point on H.D. Fitzpatrick, Jr. property, center line ridge between the Left Fork of Middle Creek and Blueriver Creek; thence with center line said ridge and Fitzpatrick tract N 42-10-24 W 188.25' thence;
 N 13-58-21 W 576.06'
 N 24-18-29 W 558.22'
 N 05-53-25 W 419.38'

N 08-18-27 W 207.52' to a high knob on the H.D. Fitzpatrick, Jr. and Middle Creek National Battlefield property; thence turning right down the point N 44-37-41 E 136.22'

N 45-51-54 E 208.88'

N 67-27-30 E 357.11' with center line point and said H.D. Fitzpatrick, Jr. property thence, N 59-18-37 E 506.21' to a point on the existing corporate limits to the City of Prestonsburg; thence S 80-54-30 E 176.96'

S 71-34-58 E 354.75'

East 246.83' with said Prestonsburg corporate limits; thence N 74-06-37 E 137.04',

N 71-47-33 E 243.92'

N 71-57-25 E 217.11' with said center line ridge and corporate limits; thence N 85-13-09 E 195.31' thence N 75-27-03 E 404.83' to a point on the spur and corporate limits to the City, thence N 33-59-03 E 408.25' to the right-of-way of Kentucky State Routes 114 and 404; thence crossing said right-of-way and State Route 404 N 84-52-04 E 115.60' to the Southern right-of-way of Routes 404 and 114; thence following said right-of-way of Route 114 to the beginning containing **439.24** acres more or less encompassing the H.D. Fitzpatrick, Jr. and Middle Creek National Battlefield lying East and West of State Route 404 and South of State Route 114.

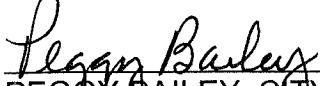
Section II: The Annexation Map attached hereto as Exhibit "A" reflects the descriptions as hereinabove stated and is incorporated herein by reference as a part hereof.

Section III: Upon the enactment of this ordinance the territory shall become a part of the City of Prestonsburg, Kentucky in accordance with Kentucky Revised Statute 81A.412.

So resolved, ordained, and adopted, this 21st day of January, 2003.


JERRY FANNIN, MAYOR

ATTEST:


PEGGY BAILEY, CITY CLERK

FIRST READING: 1/20/03

SECOND READING: 1/21/03

OVERSIZE MAP INCLUDED WITH
SUBMISSION.

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