

MAYOR
JERRY S. FANNIN

CITY COUNCIL
HARRY ADAMS
ROBERT ALLEN
C.E. "Little Shag" BRANHAM
OTIS HANSEL COOLEY
JIMMY J. DEROSSETT
DANNY H. HAMILTON
KELLY MOORE
DONNA BLACKBURN WELLS



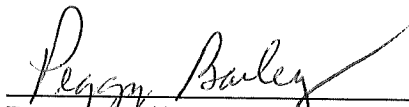
200 North Lake Drive
Prestonsburg, Kentucky 41653

(606) 886-2335
Fax (606) 886-0563

CERTIFICATE

I, certify I am the duly qualified City Clerk of the City Of
Prestonsburg, Kentucky, and the foregoing 4 pages of Ordinance
No. 4-2004 is a true, correct and complete copy duly adopted by the
Prestonsburg City Council at a duly convened meeting held on
8/23/04, all as appears in the official records of said City.

IN TESTIMONY WHEREOF, witness my signature this 9th day
of Sept, 2004.


Peggy Bailey, City Clerk

RECEIVED AND FILED
DATE February 7, 2005

TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Gandie Allison



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.: 4-2004

AN ORDINANCE OF THE CITY OF PRESTONSBURG, KENTUCKY BY WHICH THE CITY ANNEXES INTO THE CITY CORPORATE LIMITS CERTAIN REAL PROPERTY LOCATED ON KATY FRIEND BRANCH, U.S. 23 SOUTH

WHEREAS, the Dale and Carol Tomlinson, and Kentucky Oil and Refining Company, owners of property contained within that certain tract and boundary 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:

A certain tract(s) or parcel(s) of property lying along U.S. Route 23 on Mutton Fork and Katy Friend Branch of the Levisa Fork of the Big Sandy River, near Prestonsburg, Floyd County, Kentucky and more particularly described as follows:

Beginning at a point on the Commonwealth of Ky. Right of way for U.S. 23 (Deed Book 204, Pg. 35), said point being 80' right of U.S. 23 centerline station 78+00, thence crossing U.S. Route 23, N 41° 25' 25" E, 290.00' a point on the U.S 23 right of way line and Lucy McGuire property (Deed Book WB E, Pg. 156), said point being 210.00' left of U.S. 23 centerline station 78+00, thence with the U.S. 23 right of way line and with the lines of Lucy McGuire, S 46° 17' 57" E 251.46', to a point, said point being 200' left of U.S. 23 centerline station 80+52.55, thence S 49° 46' 06" E, 234.27' to

a point, said point being 200' left of U.S. 23 centerline station 83+02.55, thence with the U.S. 23 right of way line and the McGuire line, S 56° 42' 13" E, 170.59' to a point, said point being a corner for Lucy McGuire and Dale and Carol Tomlinson, Ky, Oil and Refining Co. (Deed Book 483, Pg. 513) and said point being 204.67' left of U.S. 23 centerline station 84+92, thence leaving the U.S. 23 right of way line and with the McGuire and Tomlinson line, going up the center of a point, N 17° 29' 54" W, 226.00', to a point, thence continuing with the center of the point, N. 50° 44' 13" E, 411.46' to a point in the center of the point, thence with the center of the point, N 65° 59' 40" E, 353.50' to the center of a high knob in the center of the ridge, said point being a corner of Dale and Carol Tomlinson, Lucy McGuire and Delmas and Watheda Hall (Deed Book 283, Pg. 638) thence leaving the Lucy McGuire property and with the Tomlinson, and Hall lines and running with the center of the ridge, S 58° 14' 14" E, 381.51' to a point in the gap, thence S 69° 39' 07" E, 331.32' to a point on a knob in the center of the ridge, said point being a corner to the Steve and Diane Ousley property, (Deed Book 395, Pg. 846), Dale and Carol Tomlinson and Delmas Hall properties, thence leaving the the Delmas Hall property and with the Tomlinson and Ousley lines and running with a drain, S 54° 27' 45" W, 144.19', to a point, thence with the drain, and Ousley and Tomlinson lines, S 43° 46' 04" W, 319.32' to a point in the drain, thence S 28° 47' 02" W, 297.74 to a point in the U.S. 23 right of way, said point being a corner to the Dale and Carol Tomlinson and Steve and Diane Ousley property, and said point being 200' left of U.S. 23 centerline station 94+95.45', thence leaving the Tomlinson and Ousley properties and crossing U.S. 23, S 09° 36' 13" W, 382.80' to a point on the U.S. 23 right of way line, said point being 180' right of U.S. 23 centerline station 94+67 and being a corner on the Tommy Ruth Estate (Deed Book 387, Pg. 329) property, thence with the U.S. 23 right of way line and with the Tommy Ruth Estate line, N 80° 40' 04" W, 600.82' to a point, said point being a corner to the Tommy Ruth Estate, the U.S. 23 right of way line and with said point being in the fence line of the Tommy Ruth Estate line-East Ky. Equipment (Deed Book 336, Pg. 329) and said point being 205' right of the U.S. 23 centerline station 89+15, thence leaving the Tommy Ruth Estate and with the U.S. 23 right of way and the Tommy Ruth Estate-East Ky. Equipment fence, N 05° 33' 37" E, 128.64' to a point on the U.S. 23 right of way line and the corner of the Tommy Ruth Estate-East Ky. Equipment, said point being 80' right of the U.S. 23 centerline station 88+86.70', thence with the right of way and the Tommy Ruth Estate-East Ky. Equipment line, N 68° 45' 33" W, 90.32' to a point, said point being 80' right of U.S. 23 centerline station 88+00, thence N 66° 07' 50" W, 62.49' to a point, said point being a corner to the Prestonsburg Inn, Inc. (Deed Book 260, Pg. 425), the Tommy Ruth Estate-East Ky. Equipment and on the U.S. 23 right of way line and said point being 79.36' right of U.S. 23 centerline station 87+40, thence with the U.S. 23 right of way line and with the lines of

Prestonsburg Inn, Inc. and leaving the Tommy Ruth Estate-East Ky. Equipment, N 65° 42' 33" W, 39.40' to a point, said point being 80' right of U.S. 23 centerline station 87+00, thence with the Prestonsburg Inn, Inc. line and right of way line and N 62° 42' 40" W, 104.16' to a point, said point being 80' right of U.S. 23 centerline station 86+00, thence N 59° 42' 38" W, 104.19, a point, said point being 80' right of U.S. 23 centerline station 85+00, thence, N 56° 43' 04" W 104.16' to a point on the U.S. 23 right of way, said point being 80' right of U.S. 23 centerline station 84+00, thence, N 53° 43' 04" W, 104.11' to a point, said point being 80' right of U.S. 23 centerline station 83+00, thence, N 53° 57' 24" W, 102.94' to the point, said point being 80' right of U.S. 23 centerline station 82+00, thence staying with the Prestonsburg Inn Inc. and the U.S. 23 right of way line, N 48° 13' 10" W, 95.04' to a point said point being 80' right of U.S. 23 centerline station 81+06, thence N 48° 38' 01" W, 53.66' to a point, said point being 80' right of U.S. 23 centerline station 80+52.55, thence N 48° 34' 35" W, 252.54' to the point of beginning containing 27.99 acres more or less.

Note: All deeds are duly recorded in the office of the Floyd County Court Clerk, Floyd County, Kentucky

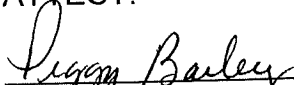
Section II: The Annexation Map attached hereto as Exhibit "A" reflects the descriptions as hereinabove stated and is incorporated herein by reference as a part hereof.

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 23rd day of August 2004.

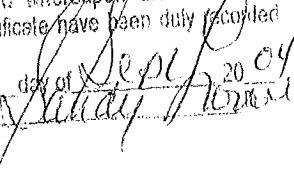

JERRY FANNIN, MAYOR

ATTEST:


PEGGY BAILEY, CITY CLERK

FIRST READING: 8/9/04

SECOND READING: 8/23/04

STATE OF KENTUCKY, COUNTY OF FLOYD, S.S.
I, CHERYL W. WRIGHT, Clerk of Floyd County certify that the foregoing Ordinance was on the 3 day of Sept, 2004 at 1:30 o'clock P.M. lodged in record whereupon the same with the foregoing and this certificate have been duly recorded in my office.
Witness my hand, this 23 day of Sept, 2004
CHERYL W. WRIGHT, CLERK By: 

BOOK m.10
PAGE 309
Chris Vaughn
Floyd County Clerk

LODGED FOR RECORD

DATE 9-3-04

TIME 3:33

FEE 9.00 due

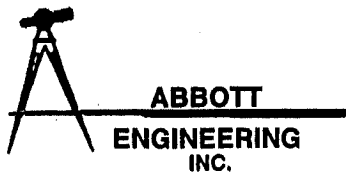
Chris Vaughn

Clerk of Floyd County

BY: Sandy Howe D.C.

CITY OF PRESTONSBURG - ANNEXATION

**DALE AND CAROL TOMLINSON TRACT
Katy Friend Branch – Floyd County Kentucky
August 3, 2004**



ABBOTT ENGINEERING, INC.
CONSULTING ENGINEERS/LAND SURVEYORS

3073, Ky. Rt. 321
Prestonsburg, Kentucky 41653

Office (606) 886-1221
Fax Number (606) 886-6986

Box 674
Holden, West Virginia 25625-0674

Office (304) 475-4095
Fax Number (304) 475-4098

Mr. Bob Carpenter, Zoning Officer
City of Prestonsburg
200 North Lake Drive
Prestonsburg, Kentucky, 41653

August 3, 2004

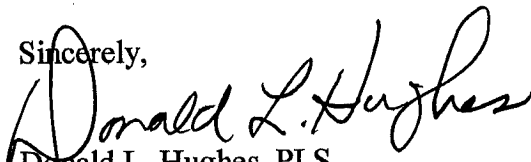
RE: Proposed Annexation

Mr. Carpenter,

Please find enclosed a proposed annexation to be added to the City of Prestonsburg. This area includes the Commonwealth of Kentucky right of way contingent the Holiday Inn property which is the present corporate limits as well as the vacant lot on the North East side of U.S. 23 that is owned by Dale and Carol Tomlinson. Also included is petition for voluntary annexation signed by the Tomlinsons.

After your review if you should need anything additional or should have questions don't hesitate to call me at the Prestonsburg office.

Sincerely,


Donald L. Hughes, PLS
Abbott Engineering, Inc.

File
Enclosures

XC: Mayor Jerry Fannin
Mr. David Neeley
City Attorney

JUN-22-2004 TUE 11:55 AM

JUN-22-04 12:03 PM CITY OF P-BURG

6068860563

P. 02

P. 02

MAYOR
JERRY S. FANNINCITY COUNCIL
HARRY ADAMS
ROBERT ALLEN
C.E. "Uncle Shag" BRANHAM
OTS HANSEL COOLEY
JIMMY J. DEROSSETT
DANNY H. HAMILTON
KELLY MOORE
DONNA BLACKBURN WELLS200 North Lake Drive
Prestonsburg, Kentucky 41653(606) 886-2335
Fax (606) 886-0563

PETITION FOR VOLUNTARY ANNEXATION

I (WE) Kentucky Oil & Ref Co hereby swear and affirm that we are
 the owner(s) of certain property located on 1718 US Hwy 23 North Prestonsburg
41653
 Floyd County, Kentucky. We hereby request and petition the City Council, City of
 Prestonsburg, Kentucky, to annex said property into the city of Prestonsburg, which
 action is taken voluntarily as of the date and year set out below.

[Signature] Pres. KORE
 Property Owner

Property Owner

Date

6/22/04

'Home of
 The Kentucky Clay • Mountain Arts Center • Thunder Ridge Race Track • Jimmy Wiley Summer Music
 Theatre and State Park • Jimmy Wiley Pioneer Festival



CITY OF PRESTONSBURG - ANNEXATION DESCRIPTION

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right of way and the Tommy Ruth Estate-East Ky. Equipment fence, N 05° 33' 37" E, 128.64' to a point on the U.S. 23 right of way line and the corner of the Tommy Ruth Estate-East Ky. Equipment, said point being 80' right of the U.S. 23 centerline station 88+86.70', thence with the right of way and the Tommy Ruth Estate-East Ky. Equipment line, N 68° 45' 33" W, 90.32' to a point, said point being 80' right of U.S. 23 centerline station 88+00, thence N 66° 07' 50" W, 62.49' to a point, said point being a corner to the Prestonsburg Inn, Inc. (Deed Book 260, Pg. 425), the Tommy Ruth Estate-East Ky. Equipment and on the U.S. 23 right of way line and said point being 79.36' right of U.S. 23 centerline station 87+40, thence with the U.S. 23 right of way line and with the lines of Prestonsburg Inn, Inc. and leaving the Tommy Ruth Estate-East Ky. Equipment, N 65° 42' 33" W, 39.40' to a point, said point being 80' right of U.S. 23 centerline station 87+00, thence with the Prestonsburg Inn, Inc. line and right of way line and N 62° 42' 40" W, 104.16' to a point, said point being 80' right of U.S. 23 centerline station 86+00, thence N 59° 42' 38" W, 104.19, a point, said point being 80' right of U.S. 23 centerline station 85+00, thence, N 56° 43' 04" W 104.16' to a point on the U.S. 23 right of way, said point being 80' right of U.S. 23 centerline station 84+00, thence, N 53° 43' 04" W, 104.11' to a point, said point being 80' right of U.S. 23 centerline station 83+00, thence, N 53° 57' 24" W, 102.94' to the point, said point being 80' right of U.S. 23 centerline station 82+00, thence staying with the Prestonsburg Inn Inc. and the U.S. 23 right of way line, N 48° 13' 10" W, 95.04' to a point said point being 80' right of U.S. 23 centerline station 81+06, thence N 48° 38' 01" W, 53.66' to a point, said point being 80' right of U.S. 23 centerline station 80+52.55, thence N 48° 34' 35" W, 252.54' to the point of beginning containing 27.99 acres more or less.

Note: All deeds are duly recorded in the office of the Floyd County Court Clerk, Floyd County, Kentucky



Donald L. Hughes
8/3/04

PROPOSED ANNEXATION – CITY OF PRESTONSBURG
DALE AND CAROL TOMLINSON PROPERTY AND RIGHT OF WAY
HOLIDAY INN AREA – NORTH EAST

<u>TRACT/OWNER</u>	<u>PVA LISTING</u>	<u>DEED BOOK/PAGE</u>
(1) DALE & CAROL TOMLINSON 155 KENTUCKY OIL VILLAGE BETSY LAYNE, KY. 41605	035-00-00-54.01	483/513
(2) COMMENWEALTH OF KENTUCKY DEPARTMENT OF TRANSPORTATION 109 LORAIN STREET PIKEVILLE, KENTUCKY 41501	NO PVA LISTING	209/211 203/150 211/121 203/136 210/579 203/175 203/155 203/135 204/35

OVERSIZE MAP INCLUDED WITH
SUBMISSION.

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