

MAYOR
JERRY S. FANNIN

CITY COUNCIL
PHILLIP CHAFFINS
GORMON COLLINS
DIANE FISH
DANNY H. HAMILTON
KELLY MOORE
KAY HALE ROSS
DONNA BLACKBURN WELLS
DON WILLIS



200 North Lake Drive
Prestonsburg, Kentucky 41653

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

CERTIFICATE

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 a Resolution/Ordinance adopted by the City Council of said City at a meeting duly held on Sept 27, 2006; 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61.825; that a quorum was present at said meeting; that said official action has not been modified, amended, revoked or repealed and is now in full force and effect.

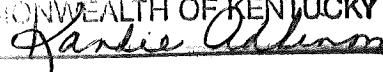
IN TESTIMONY WHEREOF, witness my signature this 28 day of Sept, 2006.


Sharon Schoolcraft, City Clerk

RESOLUTION NO. _____

ORDINANCE NO. 16-2006

RECEIVED AND FILED
October 2, 2006

TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY




Home of
The Kentucky Opry • Mountain Arts Center • Thunder Ridge Racetrack • Jenny Wiley Summer Music
Kentucky State Park • Kentucky State Fair • Kentucky State Fairgrounds • Kentucky State Fairgrounds



ORDINANCE NO. 16-2006

AN ORDINANCE OF THE CITY OF PRESTONSBURG, KENTUCKY BY WHICH THE CITY ANNEXED INTO THE CITY CORPORATE LIMITS CERTAIN REAL PROPERTY LOCATED ALONG STEPHEN'S BRANCH

WHEREAS, property owners, Deedra and Stephen Gearheart and Ronald David Peppi II, 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 is herein below 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 ordinance set forth herein below, declares it desirable to annex into the corporate limits of the City of Prestonsburg that certain are 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:

ANNEXATION DESCRIPTION

for

Deedra and Stephen Gearheart

Ronald David Peppi II

A certain tract(s) or parcel(s) of land lying along Stephen's Branch Road of Stephen's 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 right of way line (KRS 178.040) of the Stephens Branch Road, said point being 3' (feet) from the right edge of the pavement and said point being a corner common with Toney and Jo Ann Conn, (DB 460, Pg. 451), Deedra and Stephen Gearheart Tract I and II (DB 471, Pg 495) and the City of Prestonsburg Corporate Limit Line (City Ordinance 4-2006); thence leaving the Conn line, following the right of way line of the Stephens Branch Road, the Corporate Limit Line and the Gearheart line, N 73° 15' 37" E, 35.01' to a point; thence N 86° 05' 53" E, 39.78' to a point; thence N 84° 24' 20" E, 57.11' to a point, said point being the Northwest corner of Edith and Jerry Butcher property Tract I (DB 479, Pg 101); thence leaving the Corporate Limit Line, with the Gearheart and Butcher line, S 06° 40' 43"

E, 121.43' to a point; thence S 33° 27' 17" E, 65.06' to a point, said point being a corner to Deedra and Stephen Gearheart property (DB 453, Pg. 70); thence with the Gearheart and Butcher line, N 75° 11' 52" E, 102.87' to a point, said point being a corner to Ronald David Peppi property (DB 394, Pg. 648); thence leaving the Gearheart line, N 22° 37' 17" W, 46.64' to a point, said point being a common corner with Edith and Jerry Butcher's Tract II; thence leaving the Butcher Tract I line, with the Tract II line, N 66° 21' 54" E, 90.00' to a point, said point being a corner common to said Ronald David Peppi and Mark and Suzanne White (DB 392, Pg. 504); thence leaving Jerry Butcher's Tract II line, with the Peppi and White line, S 23° 38' 06" E, 75.00' to a point, said point being on the property line of Von E. and Dolly A. Whitaker (DB 484, Pg. 395; thence leaving Mark and Suzanne White's property, with the line of Von Whitaker and Ronald David Peppi S 66° 21' 54" W, 90.00' to a point; said point being a corner to said Ronald David Peppi and on the property line of said Deedra and Stephen Gearheart; thence leaving Ronald David Peppi's line, S 24° 50' 04" E, 49.73' to an Iron Pin/Cap, Marked Abbott Engineering PLS 2878, said iron pin being a corner common with Von and Dolly Whitaker and Curt and Marilyn Tackett, (DB 372, Pg. 228); thence leaving Von Whitaker's line, with Curt and Marilyn Tackett's line, S 73° 04' 13" W, 112.91' to an Iron Pin/Cap, Marked Abbott Engineering, PLS 2878; thence S 14° 54' 03" W, 84.51' to a point, said point being a corner to Curt and Marilyn Tackett, said Prestonsburg Corporate Limits Line, and

Ronald and Karen Wicker (DB 256, Pg. 496); thence leaving Curt and Marilyn Tackett's line, and with the Prestonsburg Corporate Limit line and Ronald and Karen Wicker's line, S 36° 22' 59" W, 133.92' to a point; thence N 50° 07' 36" W, 156.73' to a point, said point being a corner to said Toney and Jo Ann Conn; thence leaving Ronald and Karen Wicker's line, with the Conn line N 01° 45' 50" W, 320.12' to the point of beginning, containing 2.04 acres more or less.

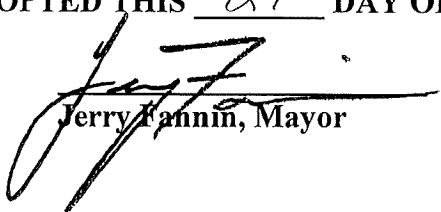
Note: All Iron Pins Set are ½" x 18" rebars with caps stamped "Abbott Engineering PLS 2878" unless otherwise stated or described. All deeds are duly recorded in the office of the Floyd County Court Clerk, Floyd County, Kentucky

Note: This description is intended for annexation purposes only and is not intended for property transfer. The above described is a proposed Annexation boundary and does not represent exact property lines.

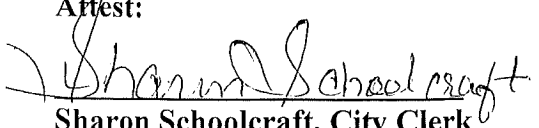
Section II. The Annexation Map attached hereto as Exhibit "A" reflects the descriptions as hereinabove stated and is incorporated herein by reference as a part of hereof.

Section III. Upon enactment of this ordinance the territory shall become a part of the City of Prestonsburg in accordance with KRS 81A.412.

SO RESOLVED, ORDAINED AND ADOPTED THIS 27 DAY OF Sept, 2006.


Jerry Fannin, Mayor

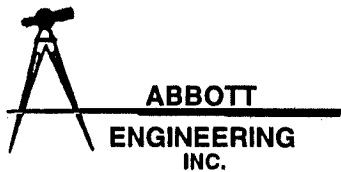
Attest:


Sharon Schoolcraft, City Clerk

CITY OF PRESTONSBURG - ANNEXATION

**STEPHEN R. & DEEDRA GEARHEART
RONALD DAVID PEPPI II TRACTS
STEPHENS BRANCH, KY.**

September 5, 2006



ABBOTT ENGINEERING, INC.
CONSULTING ENGINEERS/LAND SURVEYORS

3073, Ky. Rt. 321
Prestonsburg, Kentucky 41653

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

Mayor Jerry Fannin
City of Prestonsburg
200 North Lake Drive
Prestonsburg, Kentucky, 41653

September 6, 2006

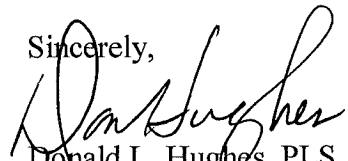
RE: Proposed Annexation

Mayor Fannin,

Please find enclosed proposed annexations to be added to the City of Prestonsburg. These areas include the Stephen and Deedra Gearheart tract as well as the Ronald David Peppi property at Stephens Branch. These areas are contiguous with existing City Ordinances 10-2006 and 4-2006, which is noted on the mapping included.

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

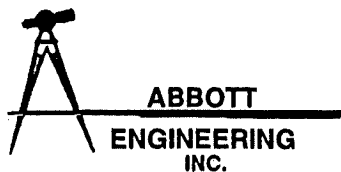
Sincerely,



Donald L. Hughes, PLS
Abbott Engineering, Inc.

File
Enclosures

XC: Mr. Bob Carpenter, Zoning Officer
City of Prestonsburg



ABBOTT ENGINEERING, INC.
CONSULTING ENGINEERS/LAND SURVEYORS

3073, Ky. Rt. 321
Prestonsburg, Kentucky 41653

Office (606) 886-1221
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Mr. Bob Carpenter, Zoning Officer
City of Prestonsburg
200 North Lake Drive
Prestonsburg, Kentucky, 41653

September 6, 2006

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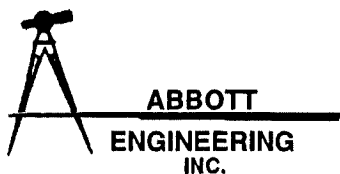
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Sincerely,

Donald L. Hughes, PLS
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File
Enclosures

XC: Mayor Jerry Fannin
City of Prestonsburg



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Ronald and Karen Wicker (DB 256, Pg. 496); thence leaving Curt and Marilyn Tackett's line, and with the Prestonsburg Corporate Limit line and Ronald and Karen Wicker's line, S 36° 22' 59" W, 133.92' to a point; thence N 50° 07' 36" W, 156.73' to a point, said point being a corner to said Toney and Jo Ann Conn; thence leaving Ronald and Karen Wicker' line, with the Conn line N 01° 45' 50" W, 320.12' to the point of beginning, containing 2.04 acres more or less.

Note: All Iron Pins Set are ½" x 18" rebars with caps stamped "Abbott Engineering PLS 2878" unless otherwise stated or described. All deeds are duly recorded in the office of the Floyd County Court Clerk, Floyd County, Kentucky

Note: This description is intended for annexation purposes only and is not intended for property transfer. The above described is a proposed Annexation boundary and does not represent exact property lines.



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JERRY S. FANNIN

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DON WILLIS



200 North Lake Drive
Prestonsburg, Kentucky 41653

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

PETITION FOR VOLUNTARY ANNEXATION

I (WE) STEPHAN R. GEARHEART hereby swear and affirm that we are
the owner(s) of certain property located on 50 BEST ST
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.

Stephan R. Gearheart
Property Owner

Property Owner

5/31/20
Date



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



MAYOR
JERRY S. FANNIN

CITY COUNCIL
PHILLIP CHAFFINS
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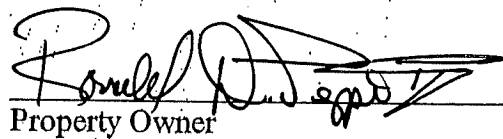


200 North Lake Drive
Prestonsburg, Kentucky 41653

(606) 886-2335
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PETITION FOR VOLUNTARY ANNEXATION

I (WE) RONALD DAVID PEPPER hereby swear and affirm that we are
the owner(s) of certain property located on P.O. Box 642 Stephen Br. Rd.
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.



Property Owner

Property Owner

06/08/2006.

Date



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



PROPOSED ANNEXATION - CITY OF PRESTONSBURG

**STEPHEN R. AND DEEDRA GEARHEART
And
RONALD DAVID PEPP I II**

<u>TRACT/OWNER</u>	<u>2006 PVA LISTING</u>	<u>DEED BOOK/PAGE #</u>
STEPHEN R. & DEEDRA GEARHEART 50 BEST STREET PRESTONSBURG, KY. 41653	034-00-00-56.09 034-00-00-57.00	453/070 471/495
RONALD DAVID PEPP I II P.O. BOX 642 PRESTONSBURG, KY. 41653	034-00-00-56.06	394/648

Being the same property conveyed to Proctor S. Brown from Masoud Meshkat by Deed dated November 9, 1992, and recorded in Deed Book 362, Page 589, records of the Johnson County Clerk's Office.

TO HAVE AND TO HOLD unto the Grantees, for and during their joint lives with the remainder going to the survivor of them, their heirs and assigns forever, with covenant of general warranty.

The parties hereto certify that the consideration reflected in this deed is the full consideration paid for the property. The Grantees execute this deed for the sole purpose of certifying the consideration pursuant to KRS 382.135.

IN TESTIMONY WHEREOF, Grantors and Grantees have hereunto subscribed their names the day and year first above written.

GRANTORS:

Proctor Brown
PROCTOR S. BROWN

Hanna S. Brown
HANNA S. BROWN

GRANTEES:

Deedra Lynn Brown Gearheart
DEEDRA LYNN BROWN GEARHEART

Stephen R. Gearheart
STEPHEN R. GEARHEART

Marilyn Tackett, Deed Book 372, Page 228; thence leaving said Tackett Tract and running down Stephens Branch N 05-29-48 E, 39.52'; thence N 29-25-15 W, 45.42' to a rebar and cap (set and stamped PLS #2728) on the corner of Jerry and Edith Butcher, Deed Book 281, Page 635; thence with said Butcher line N 79-34-16 E, 10.40' to a rebar and cap (set and stamped PLS #2878) on top of creek bank; thence with said Butcher line N 79-34-57 E, 92.47' to a rebar and cap (set and stamped PLS #2878) on corner of Jerry and Edith Butcher line as well as being a point on 20' easement; thence turning right and following said easement line S 20-37-13 E, 78.11' to a rebar and cap (set and stamped PLS #2878) on corner of Curtis and Marilyn Tackett and said easement line; thence right and following said Tackett line S 77-30-50 W, 112.82' to the point of beginning containing 0.18 acres, more or less.

Being a portion of the property conveyed to Euna Laven from Douglas Stephens Williams, by deed dated May 6, 1980, of record in Deed Book 251, Page 187. Also being a part of the same property inherited by the Grantors by Affidavit of Descent of Euna Laven, recorded in Deed Book 422, Page 191, all records of the Floyd County Court Clerk's Office.

TO HAVE AND TO HOLD, the above-described property, together with all of the appurtenances and privileges thereunto belonging, unto the said Parties of the Second Part, for and during their joint lives, with the remainder in fee simple absolute unto the survivor of them, with a Covenant of **GENERAL WARRANTY**.

CERTIFICATION OF CONSIDERATION/VALUE

We, GEORGE LAVEN AND TOMMIE LAVEN HAMPTON, Grantors, and STEPHEN RANDALL GEARHEART AND DEEDRA GEARHEART, Grantees, do

DEED

394
648

THIS DEED, made and entered into this 30th day of April, 1996, by and between GEORGE LAVEN, individually, and EUNA LAVEN, his wife, by and through her attorney in fact, GEORGE LAVEN, of 1931 Stephens Branch Road, Prestonsburg, Kentucky 41653, Parties of the First Part; and RONALD DAVID PEPPI, II and MELISSA ANN PEPPI, husband and wife, of 42 Francis Court, Prestonsburg, Kentucky 41653, Parties of the Second Part

W I T N E S S E T H

THAT FOR AND IN CONSIDERATION of the sum of Eight Thousand (\$8,000.00) Dollars, the receipt of which is hereby acknowledged, the Parties of the First Part have bargained and sold and by these presents, do hereby bargain, sell, grant and convey unto the Parties of the Second Part, with right of survivorship, that certain tract or parcel of land located near Prestonsburg on Stephens Branch in Floyd County, Kentucky, and more particularly described as follows:

Beginning at a metal stake at the property line of David Mark White and Mary Suzanne White 20 feet behind the common boundary of Lot Number 2 and Lot Number 3 of that plat of the Henry Setser property lodged as Map Number 557, on November 14, 1983, in the Floyd County Court Clerk's Office; thence running parallel 20 feet from the back line of said Lot Number 2 a straight line 90 feet to a metal stake at the edge of the roadway; thence turning left 75 feet with the roadway a straight line to a metal stake; thence turning left 90 feet a straight line to the property line of David White and Mary White; thence turning left with the property line of David White and Mary White 75 feet to the point of beginning.

There is also conveyed herein by First Parties to Second Parties a permanent 20 foot right-of-way easement to be utilized as ingress and egress from Stephens Branch Road to the above described tract of land, said easement running beside and behind Lot Number 3 described above, behind Lot Number 2 described above, and beside the property herein conveyed. It is understood the above right-of-way will also be utilized as ingress and egress for property not conveyed herein.

Being a part of the same property devised by the Will of Tom Stephens lodged September 13, 1958, and recorded in Will Book C, Page 558, Floyd County Court Clerk's Office.

Being a part of the same property conveyed to Euna Laven by Douglas Stephens Williams, by deed dated May 6, 1980, and recorded in Deed Book 251, Page 187, Floyd County Court Clerk's Office.

The Power of Attorney of Euna Laven to George Laven, lodged December 17, 1992, is recorded in Deed Book 362, Page 773, Floyd County Court Clerk's Office.

This property is conveyed to Parties of the Second Part for and during their joint lives with remainder in fee simple to the survivor of them.

TO HAVE AND TO HOLD the same together with all the improvements thereon, with covenant of General Warranty.

IN WITNESS WHEREOF, the Parties of the First Part have hereunto set their hands the day and year first above written.

George Laven
GEORGE LAVEN, INDIVIDUALLY

Euna Laven by George Laven
GEORGE LAVEN, AS ATTORNEY IN FACT FOR EUNA LAVEN

CONSIDERATION CERTIFICATE

We, GEORGE LAVEN, individually, and EUNA LAVEN, his wife, by and through her attorney in fact, GEORGE LAVEN, Parties of the First Part, and RONALD DAVID PEPPI, II and MELISSA ANN PEPPI, Parties of the Second Part, do hereby certify, pursuant to KRS Chapter 382, that the above-stated consideration in the amount of Eight Thousand (\$8,000.00) Dollars, is the true, correct and full consideration paid for the property herein conveyed.

PARTIES OF THE FIRST PART

George Laven
GEORGE LAVEN, INDIVIDUALLY

Euna Laven by George Laven
GEORGE LAVEN, AS ATTORNEY IN FACT FOR EUNA LAVEN

PARTIES OF THE SECOND PART

Ronald David Peppi II
RONALD DAVID PEPPI, II

Melissa Ann Peppi
MELISSA ANN PEPPI

OVERSIZE MAP INCLUDED WITH
SUBMISSION.

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