

**CERTIFICATION**

I, Betty Houghton, Clerk of the City of Richmond do hereby certify that, the above Resolution 09-72 is a true and correct copy as was presented to the Richmond Board of Commissioners of the City of Richmond at their regular schedule meeting dated October 27, 2009.

Given under my hand this 27 day of October, 2009.

Betty Houghton  
City Clerk

(SEAL)

RECEIVED AND FILED  
DATE October 30, 2009  
\_\_\_\_\_  
TREY GRAYSON  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
BY Nandie Ledbetter

## RESOLUTION 09-72

### **AN RESOLUTION ADOPTING A MODERN AND ACCURATE LEGAL DESCRIPTION OF TERRITORY PREVIOUSLY ANNEXED BY ORDINANCE**

**WHEREAS**, the City of Richmond has enacted numerous ordinances annexing property into the corporate limits of the City of Richmond; and

**WHEREAS**, each individual annexation contains a prior survey of prepared by now unknown individual, and further references documentation that is no longer in existence, and

**WHEREAS**, the City wishes to provide a modern, accurate, easily identifiable legal description reflecting bearings and coordinates based upon the state plane coordinate system, including relevant GPS and GIS data, same having been certified by a professional land surveyor for each prior annexation; and

**WHEREAS**, the City wishes to comply with the requirements of Amended KRS 81A.4 70 effective July 13, 2004, and

**WHEREAS**, the City does not intend to amend or replace its prior ordinance annexing, but rather to interpret the defined boundaries of the territory previously annexed and adopt a modern and accurate legal description of territory previously annexed.

### **NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RICHMOND, KENTUCKY:**

**SECTION 1.** That the Richmond Board of Commissioners of the City of Richmond hereby adopts the following legal description, and a plat attached hereto as prepared by Dwayne Wheatley, Licensed Professional Land Surveyor No. 3265 as an accurate depiction of the property previously annexed into the corporate city limits of the City of Richmond by Ordinance 97-16 dated April 1, 1997, a copy of which is attached and hereby adopts said new legal description and plat as the official legal description and plat to be adopted by the City for all purpose when referencing this prior annexation.

**SECTION 2.** This new legal description as prepared by Dwayne Wheatley a Licensed Professional Land Surveyor No. 3265 is as follows:

#### Tract 1

**Note:** The following legal description is an accurate representation of the subject property as per listed ordinance and resolution. The legal description is based upon information provided to Abacus Engineering and Land Surveying, Inc., by the City of Richmond. This legal description is not intended to comply with 201 KAR 18:150 and as such shall not be used in connection with the sale or transfer of land.

A certain tract of land situated on Heathcliff Drive in the Commonwealth of Kentucky, County of Madison consisting of 36.50 acres and described as follows:

The point of beginning being a steel pin in the north right-of-way line of Heathcliff Drive, thence leaving said right-of-way line with the line of Argyll Subdivision two (2) calls, S35°02'07"E 908.56 feet, S30°01'28"W 224.56 feet to an iron pin and common corner to Lancaster Woods, thence leaving the line of Argyll Subdivision with the line of Lancaster Woods for a portion of, Lewis Estates the remainder four (4) calls, S27°11'28"W 637.37 feet, S25°37'28"W 169.35 feet, S27°04'28"W 262.15 feet, S29°50'13"W 339.66 feet to an iron pin and corner to Tract B, thence leaving the line of Lewis Estates with the line of Tract B, S51°33'27"W 693.92 feet to an iron pin in the east right-of-way line of Interstate 75, thence leaving the line of Tract B with the east right-of-way line of Interstate 75, N2°40'40"W 928.15 feet to an iron pin and corner to Berea College, thence leaving the east right-of-way line of Interstate 75 with the line of Berea College three (3) calls S88°30'55"E 159.50 feet, N7°47'59"W 412.99 feet, N11°45'37"W 300.17 feet to an iron pin and corner to Killarney Heights and Proposed R-2 tract, thence leaving the line of Berea College with the line of the proposed R-2 tract three (3) calls, N45°27'13"E 586.01 feet, N14°09'00"E 474.52 feet, N64°43'12"E 281.54 feet to a steel pin and the point of beginning containing 36.50 acres more or less.

Tract 2

A certain tract of land situated on Heathcliff Drive in the Commonwealth of Kentucky, County of Madison consisting of 6.86 acres and described as follows:

The point of beginning being a steel pin in the north right-of-way line of Heathcliff Drive, thence leaving said right-of-way line with the proposed R1-B tract three (3) calls, S64°43'12"W 296.39 feet, S14°09'00"W 474.52 feet, S45°27'13"W 586.01 feet to an iron pin and corner to Berea College and Killarney Heights, thence leaving the line of the proposed R1-B tract with the line of Killarney Heights N24°12'36"E 1430.34 feet to an iron pin and corner to JCM Construction, thence leaving the line of Killarney Heights with the line of JCM Construction S35°02'07"E 374.66 feet to a steel pin and the point of beginning containing 6.86 acres more or less.

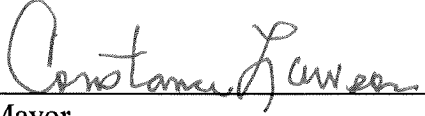
This Resolution shall be in full force and effect upon reading and adoption by the City of Richmond Board of Commissioners.

**DATE OF READING:** *October 27, 2009*  
**MOTION BY:** *Brewer*  
**SECONDED BY:** *Blythe*

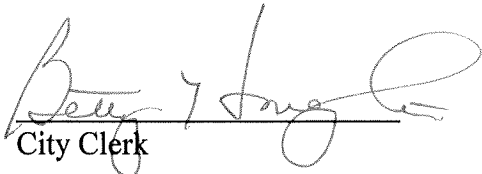
<b>VOTE:</b>	<b>YES</b>	<b>NO</b>
<b>Commissioner Blythe</b>	X	
<b>Commissioner Brewer</b>	X	

**Commissioner Smart**  
**Commissioner Strong**  
**Mayor Lawson**

X  
*Absent*  
X

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk



P.O. Box 1164, Richmond, Kentucky 40476  
236 Boggs Lane, Suite 4

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*"Surveys you can count on."*

**LEGAL DESCRIPTION FOR  
RESOLUTION 09-72  
(ORDINANCE 97-16)  
TRACT 1**

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Dwayne Wheatley, PE, LS (L.S. 3265)

10/23/09  
\_\_\_\_\_  
Date



P.O. Box 1164, Richmond, Kentucky 40476  
236 Boggs Lane, Suite 4

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*"Surveys you can count on."*

**LEGAL DESCRIPTION FOR  
RESOLUTION 09-72  
(ORDINANCE 97-16)  
TRACT 2**

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Dwayne Wheatley, PE, LS (L)S. 3265

  
\_\_\_\_\_  
Date

OVERSIZE MAP INCLUDED WITH  
SUBMISSION.

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