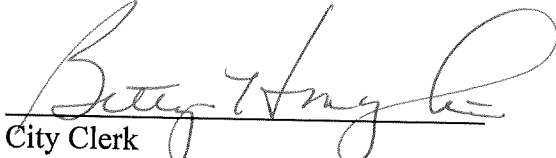


CERTIFICATION


I, Betty Houghton, Clerk of the City of Richmond do hereby certify that, the above Resolution 09-45 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.


City Clerk

(SEAL)

RECEIVED AND FILED
DATE Oct. 30, 2009

THEY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY


RESOLUTION 09-45

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 95-53 dated December 12, 1995, 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.

Tract 1: A certain tract of land situated on Red House Road in the Commonwealth of Kentucky, County of Madison consisting of 96.984 acres and described as follows:

The point of beginning being at the intersection of the 300' parallel line and the intersection of Red House Road, thence N32°45'33"E 919.26 feet with said centerline to the corner of the tract, thence S52°17'45"E 1798.50 feet to a point, thence, S57°39'46"E 1868.48 feet to a point, thence S13°57'15"W 858.00 feet to a point, thence S19°27'15"W 196.35 feet to a point and corner with James Caperton Burnam and Anthony R. Burnam, thence N75°32'45"W 1402.54 feet with said line to the intersection of the 300' parallel line, thence N33°52'30"W 495.77 feet, thence N39°35'08"W 172.08 feet, thence N22°56'24"W 220.00 feet, thence N44°31'38"W 361.13 feet, thence N41°18'32"W 536.34 feet, thence N52°44'30"W 733.66 feet, thence N55°14'18"W 250.34 feet to the point of beginning containing 96.984 acres more or less.

Tract 2

Tract 2: A certain tract of land situated on Red House Road in the Commonwealth of Kentucky, County of Madison consisting of 17.403 acres and described as follows:

The point of beginning being a point at the intersection of the 300' parallel line and the centerline of Red House Road seven (7) calls, S55°14'18"E 250.34 feet, S52°44'30"E 733.66 feet, S41°18'32"E 536.34 feet, S44°31'38"E 361.13 feet, S22°56'24"E 220.00 feet, S39°35'08"E 172.08 feet, S33°52'30"E 495.77 feet to a point in the line with James Caperton Burnam and Anthony Burnam, thence N75°32'45"W 451.23 feet with said line to a point in the new Richmond By-Pass, thence seven (7) calls with said right-of-way, N33°52'30"W 143.75 feet, thence N39°35'08"W 201.00 feet, thence N22°56'24"W 206.69 feet, thence N44°31'38"W 312.36 feet, thence N41°18'31"W 514.74 feet, thence N52°44'30"W 697.09 feet, thence N55°14'18"W 202.02 feet to a point in the centerline of Red House Road, thence N23°27'15"E 117.10 feet with said centerline, thence N28°57'15"E 186.13 feet to the point of beginning containing 17.403 acres more or less.

Tract 3

Tract 3: A certain tract of land situated on Red House Road in the Commonwealth of Kentucky, County of Madison consisting of 18.794 acres and described as follows:

The point of beginning being a point in the southwest right-of-way of the new Richmond By-Pass and the centerline of Red House Road, thence with the right-of-way of Red House Road four (4) calls, S59°24'42"E 245.10 feet, S52°11'20"E 517.18 feet, S42°09'39"E 631.62 feet, S29°43'49"E 422.32 feet to a point in the line with James C. and Anthony R. Burnam, thence N75°32'45"W 1424.38 feet to the common corner with same and the centerline of Red House Road, thence N6°57'15"E 792.00 feet, thence N12°42'15"E 138.39 feet to the point of beginning containing 18.794 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*

VOTE:	YES	NO
Commissioner Blythe	x	
Commissioner Brewer	x	
Commissioner Smart	x	
Commissioner Strong	<i>Absent</i>	
Mayor Lawson	x	

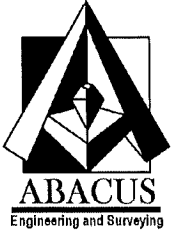
Constantine Lawson

Mayor

ATTEST:

Betty Hughes

City Clerk



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

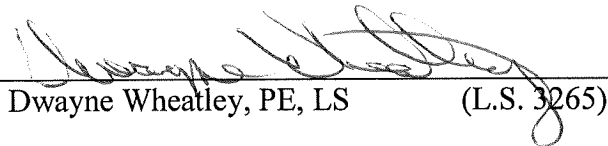
"Surveys you can count on."

**LEGAL DESCRIPTION FOR
RESOLUTION 09-45
(ORDINANCE 95-53)
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.

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


Date



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

"Surveys you can count on."

**LEGAL DESCRIPTION FOR
RESOLUTION 09-45
(ORDINANCE 95-53)
TRACT 2**


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.

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



Date



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

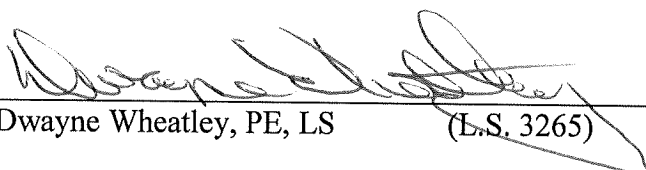
"Surveys you can count on."

**LEGAL DESCRIPTION FOR
RESOLUTION 09-45
(ORDINANCE 95-53)
TRACT 3**

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.

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The point of beginning being a point in the southwest right-of-way of the new Richmond By-Pass and the centerline of Red House Road, thence with the right-of-way of Red House Road four (4) calls, S59°24'42"E 245.10 feet, S52°11'20"E 517.18 feet, S42°09'39"E 631.62 feet, S29°43'49"E 422.32 feet to a point in the line with James C. and Anthony R. Burnam, thence N75°32'45"W 1424.38 feet to the common corner with same and the centerline of Red House Road, thence N6°57'15"E 792.00 feet, thence N12°42'15"E 138.39 feet to the point of beginning containing 18.794 acres more or less.


Dwayne Wheatley, PE, LS

(L.S. 3265)

10/23/09

Date

NOT THIS ONE

1897 conveyed by a general warranty deed which is recorded in said book 45 at page 382 of the Madison County Courts Clerk's office a tract of 137 1/2 acres of land lying on the waters of Otter Creek in Madison County Kentucky to his wife Sallie D. Phelps for and during her natural life and at her death to her daughter Catherine P. Caperton in fee simple

That said conveyance however provided that at the death of the life tenant, the party of the first part Minerva P. Jennings should be entitled to receive from Catherine P. Caperton the sum of \$156.25 and a lien was reserved upon the interest conveyed to Catherine P. Caperton to secure the payment of said sum of \$156.25 to the said Minerva P. Jennings the said tract of land is described as follows.

Beginning at a new corner to J. W. Caperton due west to George Hume E side of fence and running with Hume's line N 20 degrees E 11 1/2 poles to N 14 1/2 E 52 poles to stone on the E side of fence corner to W. O. French thence with French line S 9 1/2 W 118 poles to a locust stump S 51 1/2 degrees ^{START} W 109 poles to a point on the center of the Richmond Otter Creek and Booneborough turnpike road corner to W. French in line of road thence with the center of the old bed to the pike S 53 1/2 W 53 poles S 29 1/2 W 14 poles S 24 W 20 poles S 13 1/2 W 10 1/2 poles S 7 1/2 W 48 poles to point in center of said pike corner to the two hundred acre tract of land of J. W. Caperton thence with Caperton's line S 75 degrees E 2 1/4 poles to the beginning and containing 137 1/2 acres.

By a greenback between the parties, the said Catherine P. Caperton has paid to the party of the first part the said sum of \$156.25 before the time fixed for its payment in the deed of the said Thomas

less than 20 - 25A - 25B - 25C covered 40 the Commission of KY by deed dated 9-14-94, recorded in Deed Book 449 and Page 13

Sallie de Phelps, and the receipt of which is hereby acknowledged by the parties of the first part, and in consideration thereof do hereby sell, grant convey and release to the party of the second part her heirs and assigns all of the interest belonging to them in the agave and tract of land to have and to hold same with all appurtenances thereon to the second party her heirs and assigns forever with covenant of General Warranty the testimony whereof witness our signatures this day of December 1909.

Minerva Phelps Jennings (real)
Frank E Jennings (real)

State of Florida
City of Jacksonville

I a Notary Public in and for the County and State of Florida do certify that this deed for Minerva P Jennings and her husband Frank E Jennings was this day produced to me by the parties and the contents and effect of the instrument being explained to the said Minerva P Jennings by me separately and apart from her husband she thereupon declared that she freely and voluntarily executed and allowed the same to be taken and read and consented as same might be recorded and which was also acknowledged by the said Frank E Jennings to be her act and deed given in my hand and seal of this office

Eugene Hale

Notary Public State of Florida at Large -
My Commission expires December 23 1910.

State of Kentucky
County of Madison

I Jesse Cook Clerk of the Madison County Court do certify that the foregoing deed to Catherine Phelps Caperton was on the 16th

DEED OF CONVEYANCE

*max
Aug 2, 1994
By Am
11-16-94*

PARCEL NO. 22

THIS DEED, between CAPERTON BURNAM, TRUSTEE UNDER THE WILL OF KATHERINE PHELPS CAPERTON (KATHERINE PHELPS CAPERTON ESTATE), 317 Lancaster Avenue, Richmond, Kentucky 40475; CAPERTON BURNAM, SINGLE, 317 Lancaster Avenue, Richmond, Kentucky 40475; and ANTHONY ROLLINS BURNAM, 2021 Club Drive, Vero Beach, Florida 32967, parties of the first part, and the COMMONWEALTH OF KENTUCKY for the use and benefit of the TRANSPORTATION CABINET, DEPARTMENT OF HIGHWAYS, Frankfort, Kentucky 40622, party of the second part.

WITNESSETH: That the parties of the first part in consideration of Nineteen Thousand Two Hundred Dollars (\$19,200) cash in hand paid to Caperton Burnam, Trustee, the receipt of which is hereby acknowledged, have bargained and sold and do hereby sell, grant and convey to the party of the second part its successors and assigns forever, the following property, viz:

A parcel of land lying and being in Madison County, Kentucky, and being a portion of the same tract of land devised by Will of Katherine Phelps Caperton to Caperton Burnam and Anthony Rollins Burnam, in trust, recorded in Will Book 7, page 399 in the office of the Madison County Clerk, and said parcel being described as follows:

RECEIVED
MARY JANE GINTER
MADISON COUNTY CLERK
NOV 15 11 53 AM '94

PARCEL NO. 22

Beginning at a point 116.00 feet left of RICHMOND BYPASS station 135+74.62; thence South 55 degrees 14 minutes 18 seconds East, 30.76 feet to a point 114.32 feet left of RICHMOND BYPASS station 136+04.47; thence 250.41 feet along an arc to the left, having a radius of 1908.48 feet, the chord of which is South 13 degrees 00 minutes 55 seconds West, 250.23 feet to a point 121.64 feet right of RICHMOND BYPASS station 136+87.89; thence North 59 degrees 24 minutes 42 seconds West, 60.78 feet to a point 123.79 feet right of RICHMOND BYPASS station 136+25.19; thence 245.22 feet along an arc to the right, having a radius of 1880.39 feet, the chord of which is North 19 degrees 53 minutes 59 seconds East, 245.05 feet to the point of beginning.

The above described parcel contains 0.249 acres (10,861 square feet). It is understood between the parties hereto and made a covenant herein that the above described property is conveyed in fee simple.

PARCEL NO. 22A

Beginning at a point 116.00 feet left of RICHMOND BYPASS station 135+74.62; thence 65.54 feet along an arc to the right, having a

PARCEL NO. 22

radius of 1880.39 feet, the chord of which is North 25 degrees 49 minutes 03 seconds East, 65.54 feet to a point 181.23 feet left of RICHMOND BYPASS station 135+68.49; thence North 25 degrees 36 minutes 23 seconds East, 53.67 feet to a point 234.63 feet left of RICHMOND BYPASS station 135+63.43; thence South 58 degrees 38 minutes 13 seconds East, 15.20 feet to a point 234.63 feet left of RICHMOND BYPASS station 135+77.78; thence 123.52 feet along an arc to the left, having a radius of 1908.48 feet, the chord of which is South 18 degrees 37 minutes 42 seconds West, 123.49 feet to a point 114.32 feet left of RICHMOND BYPASS station 136+04.47; thence North 55 degrees 14 minutes 18 seconds West, 30.76 feet to the point of beginning.

The above described parcel contains 0.061 acres (2,650 square feet). It is understood between the parties hereto and made a covenant herein that the above described property is conveyed in fee simple.

PARCEL NO. 22B

Beginning at a point 234.63 feet left of RICHMOND BYPASS station 135+63.43; thence North 25 degrees 36 minutes 23 seconds East, 421.89 feet to a point 33.42 feet right of RELOCATED KY 388 station 99+50.00; thence South 65 degrees 48 minutes 29 seconds East, 4.57 feet to a point 37.99 feet right of RELOCATED KY 388 station 99+50.00; thence South 25 degrees 28 minutes 24 seconds West, 96.57 feet to a point 36.63 feet right of RELOCATED KY 388 station 98+54.06; thence 327.12 feet along a transition to the right, the chord of which is South 23 degrees 47 minutes 47 seconds West, 327.12 feet to a point 49.13 feet right of RELOCATED KY 388 station 95+27.84; thence North 58 degrees 38 minutes 13 seconds West, 15.20 feet to the point of beginning.

The above described parcel contains 0.087 acres (3,804 square feet) It is understood between the parties hereto and made a covenant herein that the above described property is conveyed in fee simple.

PARCEL NO. 22C

Beginning at a point 110.00 feet left of RICHMOND BYPASS station 137+22.37; thence South 52 degrees 44 minutes 30 seconds East, 697.09 feet to a point 125.00 feet left of RICHMOND BYPASS station 144+00.00; thence South 41 degrees 18 minutes 32 seconds East, 514.74 feet to a point 110.00 feet left of RICHMOND BYPASS station 149+00.00; thence South 44 degrees 31 minutes 38 seconds East, 312.36 feet to a point 150.00 feet left of RICHMOND BYPASS station 152+00.00; thence South 22 degrees 56 minutes 24 seconds East, 206.69 feet to a point 110.00 feet left of RICHMOND BYPASS station 154+00.00; thence South 39 degrees 35 minutes 08 seconds East, 201.00 feet to a point 130.00 feet left of RICHMOND BYPASS station 156+00.00; thence South 33 degrees 52 minutes 30 seconds East, 143.75 feet to a point 130.00 feet left of RICHMOND BYPASS station 157+43.75; thence North 75 degrees 32 minutes 45 seconds West, 421.15 feet to a point 150.00 feet right of RICHMOND BYPASS station 154+29.16; thence North 29 degrees 43 minutes 49 seconds West, 422.32 feet to a point 110.00 feet right of RICHMOND BYPASS station 150+00.00; thence North 42 degrees 09 minutes 39 seconds West, 631.62 feet to a point 105.00 feet right of RICHMOND BYPASS station 143+50.00; thence North 52 degrees 11 minutes 20 seconds West, 517.18 feet to a point 114.09 feet right of RICHMOND BYPASS station 138+17.75; thence 42.14 feet along a transition to the left, the chord of which is North 5 degrees 46 minutes 16 seconds East, 42.14 feet to a point 77.25 feet right of RICHMOND BYPASS station 137+96.80; thence 201.71 feet along an arc to the right, having a radius of 1793.48 feet, the chord of which is North 12 degrees 21 minutes 19 seconds East, 201.60 feet to the point of beginning.

PARCEL NO. 22

The above described parcel contains 9.966 acres (434,118 square feet). It is understood between the parties hereto and made a covenant herein that the above described property is conveyed in fee simple.

First parties, Caperton Burnam and Anthony Rollins Burnam, have only a life estate in the Trust income and they execute this Deed only to release their right to income from the property herein conveyed, retaining their right to income from the consideration paid to the Trustee.

It is understood between the parties hereto and made a covenant herein that parties of the first part, their heirs, successors and assigns, shall have the right at any future time to construct at their own expense a commercial access entrance of not more than 100 feet in width at the locations shown on the final plans for this project (attached as Exhibit "A" to the Petition in Madison Circuit Court, Civil Action No. 94-CI-00357) as centered at left of Station 142+00, right of Station 142+00 and left of Station 155+00, and shall have the right to remove any then existing guardrails or other obstructions reasonably necessary for such construction purposes.

The specifications and methods of construction of the above-provided entrances shall be conducted under the permit process and any permits required shall not unreasonably be withheld.

The acquisition of the right of way of this project was authorized by the Kentucky Department of Highways Official Order No. 94566. This project (the main line) is a partially controlled access highway as required to be set forth in Section 6 of the Kentucky Administrative Regulations, (603 KAR 5:120). The remaining property of the first party is not a part of the main line and access to such property shall be by permit as above provided.

The proposed public Richmond Bypass Extension, FSP 076 7116 007R 00DSB 04213 004, is Item No. 7-0138.00, the plans for which are on file in the office of the Department of Highways in Frankfort, Kentucky.

TO HAVE AND TO HOLD said property unto the party of the second part, its successors and assigns, with all the rights and privileges thereunto belonging with the covenants of General Warranty.

IN TESTIMONY WHEREOF the parties of the first part executed this deed on this the 14th day of September, 1994.

Caperton Burnam

CAPERTON BURNAM, TRUSTEE UNDER WILL OF KATHERINE PHELPS CAPERTON (KATHERINE PHELPS CAPERTON ESTATE)

Caperton Burnam

CAPERTON BURNAM

OVERSIZE MAP INCLUDED WITH
SUBMISSION.

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