


CERTIFICATION PURSUANT TO KRS 81A.470

I certify I am the duly qualified Clerk of the City of Russell, Greenup County, Kentucky, and the following pages of the Resolution dated December 23, 2013 is a true, correct and complete copy duly adopted by the City Council at a duly convened meeting held on December 23, 2013, all as appears in the official records of the City of Russell, Kentucky.

WITNESS, my hand and the seal of the City this 23rd day of December, 2013.

  
\_\_\_\_\_  
JOYCE E. CONLEY, CLERK  
CITY OF RUSSELL, KENTUCKY

SEAL:

RECEIVED AND FILED  
DATE April 10, 2014  
\_\_\_\_\_  
ALISON LUNDERGAN GRIMES  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
BY Kandice Adkins

**RESOLUTION # 24**

*December 23, 2013*

**A RESOLUTION CORRECTING AN ORIGINAL KRS 81.045 FILING AND ADOPTING A MODERN LEGAL DESCRIPTION OF TERRITORY PREVIOUSLY ANNEXED BY ORDINANCE.**

WHEREAS, the City of Russell, Kentucky, (hereinafter the "City"), on June 17, 1981 and July 16, 1981 submitted boundary statements and other information in compliance with KRS 81.045; and

WHEREAS, an area annexed by Ordinance No. 15 dated January 5, 1981 was not included in the KRS 81.045 boundary statements inasmuch as the maps submitted were prepared before 1981, and the City failed to make a correction to the map to include the hereinabove referenced Ordinance No. 15 dated January 5, 1981 when the KRS 81.045 filing was submitted to the Secretary of State's Office in 1981; and

WHEREAS, Ordinance No. 15, dated January 5, 1981 was not overturned in court or in an election process; and

WHEREAS, the City further wishes to provide a modern legal description and annexation plat for the purposes of showing the location of the prior January 5, 1981 annexation, same having been prepared by a professional land surveyor for the purposes stated therein; and

WHEREAS, the City wishes to correct its KRS 81.045 filing and comply with the requirements of Amended KRS 81A.470, effective July 13, 2004; and

WHEREAS, with respect to Ordinance No. 15 dated January 5, 1981, the City does not intend to replace its prior Ordinance annexing, but rather to interpret the defined boundaries of the territory previously annexed and adopt a modern legal description of territory previously annexed; and

WHEREAS, the City wishes to add the modern legal description of the territory previously annexed to its KRS 81.045 filing, thereby correcting same,

NOW, THEREFORE be it resolved by the City of Russell, Kentucky as follows:

1. The City adopts the following legal description and plat attached hereto as prepared by Philip T. Biggs, PE PLS 1965, Licensed Professional Land Surveyor for the purposes stated therein, as a modern description of the property previously annexed into the corporate city limits of the City by Ordinance No. 15 dated January 5, 1981, a certified copy of which is attached hereto as Exhibit C, and hereby adopts said new legal description and plat as the official legal description and plat to be adopted by the City for all purposes when referencing this prior annexation.

2. The new legal description as prepared by Philip T. Biggs, PE PLS 1965, Licensed Professional Land Surveyor for the purposes stated therein, is as follows:


See Attached Exhibit A for said Legal Description  
See Attached Exhibit B for said Annexation Plat

3. This Resolution and the attached documents shall be filed with the Office of the Secretary of State to correct the City's KRS 81.045 filing.

ADOPTED unanimously upon proper motion, second and vote on this 23<sup>rd</sup> day of December, 2013.

  
\_\_\_\_\_  
WILLIAM C. HOPKINS, MAYOR  
CITY OF RUSSELL, KENTUCKY

ATTEST:

  
\_\_\_\_\_  
JOYCE CONLEY, CLERK  
CITY OF RUSSELL, KENTUCKY

SEAL:

**PHOENIX-DIAMOND, INC.**

P.O. Box 706 ( 410 Main Street )

Greenup, Kentucky 41144

(606) 473-5474 / (606) 922-6848

E-mail : [diamond.biggs@zoominternet.net](mailto:diamond.biggs@zoominternet.net)

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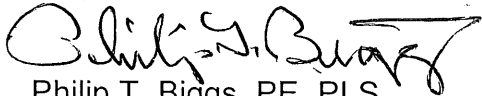
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LICENSED IN : KENTUCKY, OHIO, & WEST VIRGINIA

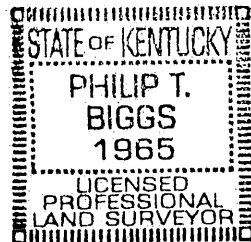
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**RUSSELL REVISED ANNEXATION DESCRIPTION  
FOR ORDINANCE No.15 dated 01-05-1981:**

Beginning at the northeast corner of the Annexation Boundary located on the original eastern Flatwoods Corporation Boundary of the "FOURTH ANNEXATION OF THE CITY OF FLATWOODS IN 1960", said corner having Geodetic KY North Zone State Plane Coordinates of: NORTH: 376,519.32 Feet / EAST: 2,443,651.14 Feet, and being located at the mid-point of the rear line of Lot-55 of HILLCREST COURT SUBDIVISION; Thence running with the former common line of the Cities of Flatwoods and Russell, South 19°28'00" West a Distance of 1,515.00 Feet to a point with North Zone Coordinates of: 375,099.13 Feet / EAST: 2,443,123.67 Feet; Thence continuing with the original line between the Cities of Flatwoods and Russell, South 43°15'47" West a Distance of 1,032.58 Feet to a Concrete Monument with Cap Stamped "FCL-30" with North Zone Coordinates of: NORTH: 374,358.515 Feet / EAST: 2,442,404.160 Feet on the Original and Present Common City Limits Line between Flatwoods and Russell, and from which point another Common City Limits Corner No. 31 between Flatwoods and Russell bears South 23°25'15" West a Distance of 184.75 Feet with North Zone Coordinates of: NORTH: 374,188.987 Feet / EAST: 2,442,330.726 Feet; Thence with the west line of this Annexation of Russell and producing the Revised City Limits between Russell and Flatwoods, North 23°09'34" East a Distance of 780.00 Feet to an original corner of "THE FOURTH ANNEXATION - 1960" of the City of Flatwoods with North Zone Coordinates of NORTH: 375,070.69 Feet / EAST: 2,442,722.26 Feet; Thence continuing with the Revised City Limits, North 19°12'29" East a Distance of 1,600.61 Feet to the Northwest Corner of the Russell Annexation with North Zone Coordinates of: NORTH: 376,573.64 Feet / EAST: 2,443,272.77 Feet, and being the Northwest Corner of the HILLCREST COURT SUBDIVISION as recorded in Plat Book 3, Page 94 of the Greenup County Clerk's Office; Thence with the north line of said Subdivision and the Revised City Limits, South 82°44'21" East a distance of 382.26 Feet to the point of beginning.

Prepared October 1, 2013

  
Philip T. Biggs, PE, PLS



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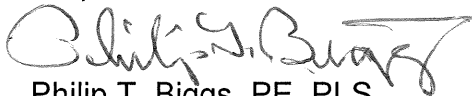
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Prepared October 1, 2013

  
Philip T. Biggs, PE, PLS



OVERSIZE MAP INCLUDED WITH  
SUBMISSION.

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