

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 22, 2014 is a true, correct and complete copy duly adopted by the City Council at a duly convened meeting held on December 22, 2014, all as appears in the official records of the City of Russell, Kentucky.

WITNESS, my hand and the seal of the City this 22nd day of December, 2014.

Joyce C. Conley
JOYCE C. CONLEY, CLERK
CITY OF RUSSELL, KENTUCKY

SEAL:

RECEIVED AND FILED
DATE April 28, 2016

ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Randee Adkinson

RECEIVED AND FILED
DATE April 23, 2016

RESOLUTION NO. 5
DECEMBER 22, 2014

ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Randee Adkinson

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. 14 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. 14 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. 14, 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. 14 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. 14 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 - DWG-8

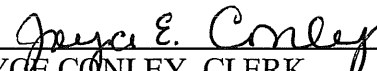
3. This Resolution and the attached documents shall be filed with the Office of the Secretary of State to correct the City's KRS 81.045 filing.

ADOPTED unanimously upon proper motion, second and vote on this 22nd day of December, 2014.



WILLIAM C. HOPKINS, MAYOR
CITY OF RUSSELL, KENTUCKY

ATTEST:



JOYCE CONLEY, CLERK
CITY OF RUSSELL, KENTUCKY

SEAL:

Exhibit "A"

REVISED LEGAL DESCRIPTION FOR ANNEXATION ORDINANCE No. 14 of 1981 CITY OF RUSSELL, GREENUP COUNTY, KENTUCKY

Beginning at a point (POB) on the centerline of McCown Street and on the boundary of the City of Flatwoods, and being located approximately SOUTH 29°02'54" WEST a distance of 25 FEET from the existing corner of Annexation No. 5 of 1968 at or near the common corner of Lots 14 and 15 of Block C of Berkshire Estates as recorded in Plat Book 5, Page 30 of the County Clerk's Office, and from which POB the corner of the City of Flatwoods Boundary on the south side of McCown Street bears SOUTH 29°02'54" WEST a distance of approximately 27.97 FEET, said POB having KY Single Zone State Plane Coordinates of NORTH: 4,086,558.13 / EAST: 5,788,829.85;

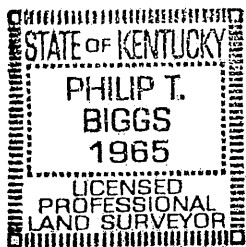
Thence with the centerline of McCown Street, NORTH 61°36'44" WEST a distance of 834.44 FEET to the intersection of said centerline with the centerline of Oma Drive (formerly Hamer Road), said intersection having KY Single Zone State Plane Coordinates of NORTH: 4,086,954.85 / EAST: 5,788,095.75;

Thence with the centerline of Oma Drive, NORTH 27°56'18" EAST a distance of 443.87 FEET to the boundary line between the City of Russell and the City of Flatwoods as shown on a survey of said boundary by KENCO Associates in 1978, said point having KY Single Zone State Plane Coordinates of NORTH: 4,087,346.99 / EAST: 5,788,303.71;

Thence following the original boundary line between Flatwoods and Russell prior to Ordinance No. 14 of 1981, SOUTH 60°53'21" EAST a distance of 842.98 FEET to a corner in said original boundary line and having KY Single Zone State Plane Coordinates of NORTH: 4,086,936.88 / EAST: 5,789,040.21;

Thence continuing with said original boundary line, SOUTH 29°02'54" WEST a distance of 433.25 FEET to the Point Of Beginning (POB).

This Annexation Boundary Description has been prepared from KY GIS Aerial Photography from "KYMARTIAN.GOV" and an assimilation of the Annexation Ordinances of the City of Russell and the 1978 City Limits Boundary Survey of the City of Flatwoods. This Description does not comply with the standards of KRS 322 or 201 KAR 18:150



12-18-2014

A handwritten signature in black ink that reads "Philip T. Biggs".

Philip T. Biggs, PLS-1965
Phoenix-Diamond, Inc.
P.O. Box 706, Greenup, KY 41144

OVERSIZE MAP INCLUDED WITH
SUBMISSION.

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