ORDINANCE NO. 97-03-13-03

RECEIVED
MAR 27 1997
SECRETARY OF STATE
COMMONWEALTH OF KY

FINAL ORDINANCE
ANNEXING TERRITORY INTO
THE CITY OF SEBREE
PURSUANT TO KRS 81A.412

BE IT ORDAINED BY THE CITY OF SEBREE, AS FOLLOWS:

WHEREAS, the owners of each of the tracts have requested and consented to all of their property which lies in the Highway 56 area East of Sebree being annexed into the City of Sebree pursuant to KRS 81A.412, the letter consenting to annexation is on file in the office of the City Clerk and is incorporated herein by reference.

City Councilperson Jane Warren announced at the outset that Trusts with her children as beneficiaries are the owners of part of the property being considered for annexation and that Sebree Development Co., Inc., is the owner of the balance of the property being considered for annexation. That she and her husband, George E. Warren, are officers and directors of Sebree Development Co., Inc. Councilperson Jane Warren disqualified herself from participating in any facet of this proposed annexation including discussions, decisions and voting. Councilperson Warren left the room during the entire proceeding on this matter. The City Council specifically finds that notwithstanding any conflict or potential conflict which may exist, it is in the best interest of the City of Sebree to annex this territory.

The City of Sebree does hereby annex into its boundaries all those parcels of territory in the Highway 56 area East of the City of Sebree described by the following property owner deeds which are incorporated herein by reference:

1. All of that property owned by Citizens Bank of Kentucky, N.A., Trustee UTA 12/28/82 FBO George Emery Warren, II, as described in deeds dated December 28, 1982 of record in Deed Book 186, Page 522, and in deed dated January 17, 1983, of record in Deed Book 186, Page 515 (the Southwestern portion of this property is already in the City of Sebree as it is within 1,500 feet of Highway 370).

2. All of that property owned by Citizens Bank of Kentucky, N.A., Trustee UTA 12/28/82 FBO John Richard Warren, as described in deeds dated December 28, 1982 of record in Deed Book 186, Page 536, and in deed dated January 17, 1983, of record in Deed Book 186, Page 529 (the Southwestern portion of this property is already in the City of Sebree as it is within 1,500 feet of Highway 370).

3. All of that property owned by Citizens Bank of Kentucky, N.A., Trustee UTA 12/28/82 FBO Elizabeth Ann Warren, as described in deeds dated December

28, 1982 of record in Deed Book 186, Page 508, and in deed dated January 17, 1983, of record in Deed Book 186, Page 501 (the Southwestern portion of this property is already in the City of Sebree as it is within 1,500 feet of Highway 370).

4. The remainder of that property owned by Sebree Development Co., Inc., as described in Deed dated June 4, 1971 of record in Deed Book 152, Page 113, and also described as exceptions to Tract 3 (Tract C, Tract D, and Tract E) in deed dated June 5, 1978, of record in Deed Book 175, Page 485.

All of the foregoing deeds are recorded in the Webster County Clerk's Office. A drawing of the subject property as it appears on the Webster County tax map is also attached.

Each tract or parcel shall be considered a separate annexation and if the annexation of any tract or parcel is held invalid by a court of competent jurisdiction, such holding shall not affect the validity of the annexation of the other tracts or parcels.

Ronald L. Todd, Mayor

On first reading of the foregoing Ordinance at a regular meeting of the Sebree City Council duly held on the 3rd day of February, 1997, it was moved by Councilperson WRIGHT, seconded by Councilperson O'NAN, that the Ordinance be adopted.

On roll call, the vote stood:

Councilperson Jane Warren:	abstained and did not participate in discussion, decision or vote
Councilperson Rex Warren:	NO
Councilperson Ora Lee Majors:	AYE
Councilperson Oscar O'Nan:	AYE
Councilperson Mike Cartwright:	NO
Councilperson Kenny Wright:	AYE

WHEREUPON, the Mayor approved this Ordinance adopted on first reading and ordered that it be presented for second reading at the next meeting of the Sebree City Council.

On second reading of the foregoing Ordinance at a regular meeting of the Sebree City Council on the 3rd day of MARCH, 1997, it was moved by Councilperson KENNY WRIGHT, seconded by Councilperson OZZIE O'NAN, that the Ordinance be adopted.

On roll call, the vote stood:

Councilperson Jane Warren:	abstained and did not participate in discussion, decision or vote
Councilperson Rex Warren:	NO
Councilperson Ora Lee Majors:	AYE
Councilperson Oscar O'Nan:	AYE
Councilperson Mike Cartwright:	NO
Councilperson Kenny Wright:	AYE

WHEREUPON the Mayor approved this Ordinance by affixing his signature hereto as provided in KRS 83A.130(6) during such meeting and ordered that this Ordinance be recorded and published as provided in KRS 83A.060(8-9).

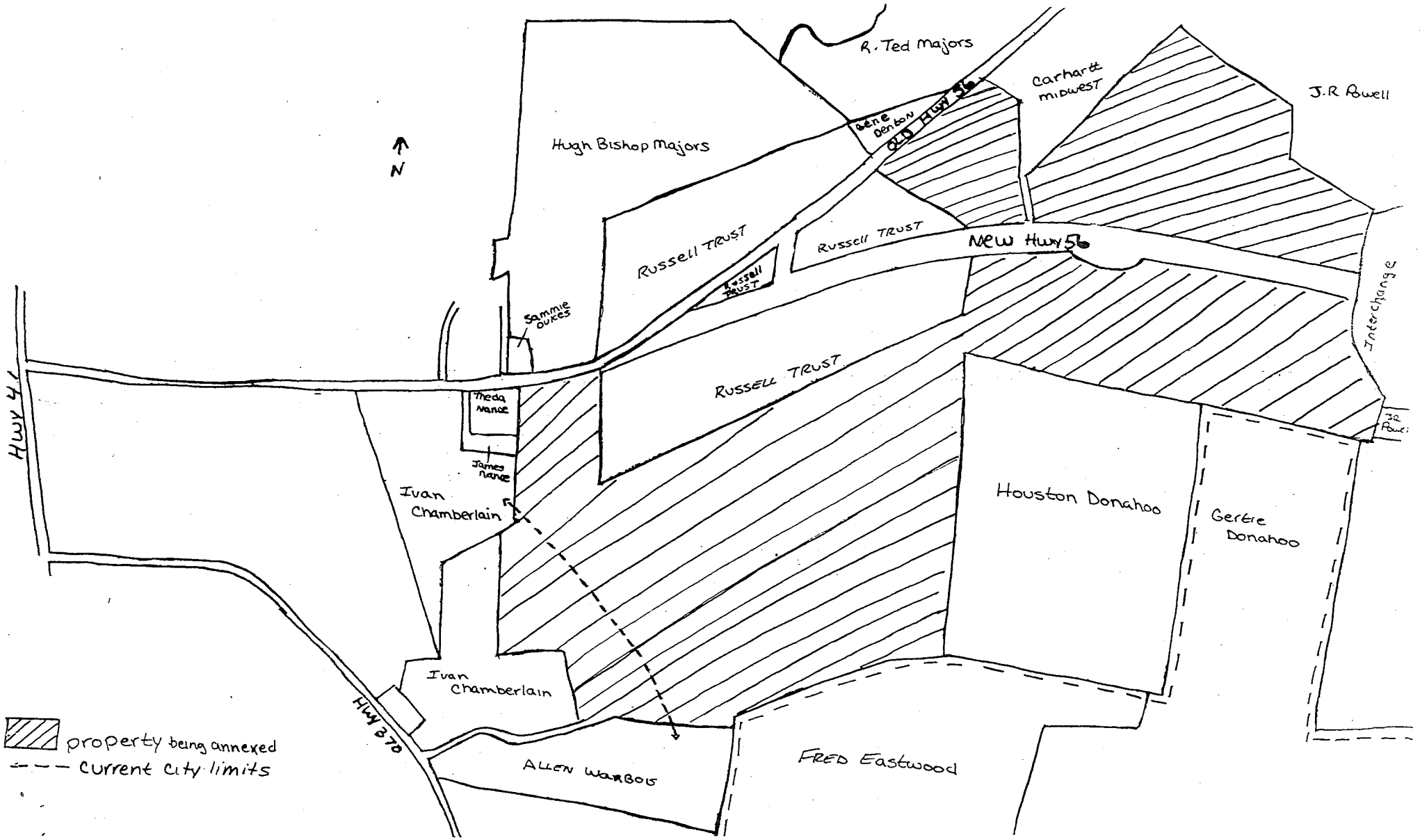
Ronald L. Todd, Mayor

CERTIFICATE

I hereby certify that I am the City Clerk of the City of Sebree, that the foregoing Ordinance was adopted as aforesaid, and that such Ordinance was duly published in the Sebree Banner, a newspaper qualified to make such publication, on the 13th day of MARCH, 1997.

Mary Thomas, City Clerk

(City Seal)


R. Ted Majors
Carhartt Midwest
J.R Bwell
Gene Denson
Old Hwy 56
Hugh Bishop Majors
N
Russell Trust
Russell Trust
New Hwy 56
Russell Trust
Sammie Dukes
Interchange
Hwy 41
Theda Nance
James Nance
Russell Trust
Ivan Chamberlain
Houston Donahoo
Gerrie Donahoo
Ivan Chamberlain
Hwy 270
Allen Warbois
Fred Eastwood
property being annexed
Current city limits

Sebree Development, Inc.
Sebree, KY 42455

Citizens Bank of Kentucky, N.A.
Henderson, KY 42420

January 3, 1997

Ron Todd, Mayor
City of Sebree
Municipal Bldg.
P. O. Box 254
Sebree, KY 42455

Dear Mayor Todd:

We the undersigned irrevocably request, agree and consent for all of our property east of the City of Sebree to be annexed into the City of Sebree. Our property lies in the general area of Highway 56 East of Sebree and is described by the metes and bounds descriptions contained in the deeds to our property which are incorporated herein by reference and by the attached plat.

Sebree Development, Inc., holds title to a portion of the property shown on the attached plat and Citizens Bank of Kentucky, N.A., Trustee, holds title to a portion of such property under three separate Trusts all dated 12/28/82, one each for the benefit of George Emery Warren, II, John Richard Warren and Elizabeth Ann Warren. Citizens Bank of Kentucky, N.A., is successor trustee to First National Bank of Henderson. A portion of the Citizens Bank property is already in the City of Sebree (the West end).

Sebree Development Co., Inc.

By: _____
George E. Warren, President

Citizens Bank of Kentucky, N.A.
Trustee UTA 12/28/82 fbo John Richard Warren

By: _____
Authorized Agent

Citizens Bank of Kentucky, N.A.,
Trustee UTA 12/28/82 fbo George Emery Warren, II

By: _____
Authorized Agent

Citizens Bank of Kentucky, N.A.
Trustee UTA 12/28/82 fbo Elizabeth Ann Warren

By: _____
Authorized Agent

NAMES AND ADDRESSES OF PROPERTY OWNERS ANNEXED INTO THE CITY OF SEBREE ORDINANCE # 97-03-13-03:

GEORGE E. WARREN, 6717 STATE RT 56, P O BOX 96, SEBREE, KY 42455
JANE P. WARREN, 6717 STATE RT 56, P O BOX 96, SEBREE, KY 42455
GEORGE E. WARREN, II, 6717 STATE RT 56, P O BOX 96, SEBREE KY 42455
JOHN RICHARD WARREN, 6717 STATE RT 56, P O BOX 96, SEBREE KY 42455
ELIZABETH ANN WARREN, 6717 STATE RT 56, P O BOX 96, SEBREE KY 42455

NAMES AND ADDRESSES OF REGISTERED VOTERS:

GEORGE E. WARREN, 6717 STATE RT 56, P O BOX 96, SEBREE KY 42455
JANE P. WARREN, 6717 STATE RT 56, P O BOX 96, SEBREE KY 42455
GEORGE E. WARREN,II, 6717 STATE RT 56, P O BOX 96, SEBREE KY 42455
JOHN RICHARD WARREN, 6717 STATE RT 56, P O BOX 96, SEBREE KY 42455
ELIZABETH ANN WARREN, 6717 STATE RT 56, P O BOX 96, SEBREE KY 42455

CERTIFICATE

I HEREBY CERTIFY THAT I AM THE CITY CLERK OF THE CITY OF SEBREE AND THAT THE FOREGOING REQUIREMENTS OF KRS 81A.470 HAVE BEEN DULY COMPLIED WITH THIS THE 19th DAY OF March, 1997.

Mary Thomas
MARY THOMAS, CITY CLERK-TREASURER

(city seal)

KRS 81A.470 requires the City Clerk to do the following:

1. Record the following in the Webster County Clerk's Office 03/19/97 (date)
   Secretary of State's Office in Frankfort 03/19/97 (date)
   Department of Local Government 03/19/97 (date)

   (a) An accurate map of the annexed area
   (b) A metes and bounds description of the annexed area
   (c) A copy of the Ordinance duly certified by the City Clerk

2. Furnish to the Webster County Clerk a list, certified by the City Clerk of the following:

   (a) Names and addresses of property owners in the annexed area 03/19/97 (date)
   (b) Names and addresses of registered voters in the annexed area 03/19/97 (date)

CERTIFICATE

I hereby certify that I am the City Clerk of the City of Sebree and that the foregoing requirements of KRS 81A.470 have been duly complied with this the 19th day of March, 1997.

Mary Thomas

Mary Thomas, City Clerk-Treasurer

(city seal)