CRAWFORD & BAXTER, P.S.C.

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MICHAEL G. ADAMS SECRETARY OF STATE COMMONWEALTH OF KENTUCKY BY

June 3, 2025

Office of the Secretary of State Capitol Annex, Land Office 702 Capital Avenue, Ste. T-21-B Frankfort, Kentucky 40601

RE: City of Smithfield Annexation of Unincorporated Territory

To Whom it May Concern:

I am writing to you on behalf of the City of Smithfield regarding the annexation of unincorporated territory into the City of Smithfield city limits. Pursuant to KRS 81A.470, within sixty (60) days of annexation of the unincorporated territory, the City of Smithfield is to provide your office with a duly certified copy of the final ordinance annexing the territory, a map and description of the annexed territory prepared by a professional land surveyor, and a copy of the closed geometric figure depicting the territory.

Please find in this enclosed letter the following documents and electronic files:

1. A certified copy of the City of Smithfield Ordinance #2025-01, which had its second reading on May 1, 2025;

2. The map and description of the annexed territory prepared by Neal W. Roberts, a professional land surveyor; and,

3. A copy of the closed geometric figure depicting the territory saved as a DWG file, saved on the enclosed flash drive.

Please let my office know if there is any other information your office needs for the annexation.

Sincerely,

CRAWFORD & BAXTER, P.S.C.

Jake A. Thompson City Attorney

JAT/sma/pep

cc: Greg Gephart, Mayor via email.

ORDINANCE #2025-01

AN ORDINANCE ANNEXING CERTAIN TERRITORY CONSISTING OF A PARCEL OF APPROXIMATELY 2.758 ACRES LOCATED ON THE NORTHERLY SIDE OF GILTNER ROAD, ADJACENT TO THE CITY LIMITS.

WHEREAS, Richard and Deborah Hart; and, Michael L. Noe, and each of them, being the owners of their respective properties, and each party having given their respective written consent for the City of Smithfield, Kentucky, to annex their property pursuant to KRS 81A.412, being all of the same "Property" described in Exhibit "A", which is attached hereto and incorporated herein by reference; and,

WHEREAS, the "Property" was previously a part of the city limits of the City of Smithfield, Kentucky, and were taxed accordingly, but whereas the previous annexation map cannot be located; and,

WHEREAS, the City of Smithfield, Kentucky, has determined that it is desirable, and will add clarity, to annex or re-annex the "Property" which is contiguous to the boundaries of the City; and,

WHEREAS, pursuant to KRS 100.209(1), the City of Smithfield, Kentucky, elects that after the annexation, the territory shall remain subject to the same land use restrictions as applied prior to annexation.

NOW, THEREFORE, Be it ordained by the City Commission of the City of Smithfield, Kentucky, as follows:

(1.) The City of Smithfield, Kentucky, finds that the hereinafter described "Property" meets the requirements of KRS 81A.410 and each of the individual properties meet the following criteria:

(A.) The properties are contiguous to the boundaries of the City of Smithfield, Kentucky;

(B.) The properties are urban in character and suitable for development for urban purposes without unreasonable delay; and,

(C.) The properties are not included within the boundary of another incorporated city;

(2.) That the properties are described hereto in Exhibit "A", and are shown on Exhibit "B", both of which are incorporated herein by reference, and shall be the same which is hereby annexed to the City of Smithfield, Kentucky;

(3.) That the owners of the record properties, and each of them, have filed with the City of Smithfield, Kentucky, their respective written consent under KRS 81A.412, and therefore, the following do not apply to this annexation:

(A.) The notification ordinance required by KRS 81A.420 (1);

(B.) The notice requirement of KRS 81.425; and,

(C.) The waiting period of KRS 81A.420 (2);

(4.) Pursuant to KRS 100.209 (1), the properties shall, after annexation, remain subject to the same land use restrictions as applied prior to the annexation;

(5.) That this Ordinance may be waived, altered, or suspended only by a change of ordinance; and,

(6.) That this Ordinance shall become effective after two readings and publication requirements have been met.

This Ordinance had its first reading on $\underline{A_{pri} | 3, 2025}$; its second reading $\underline{M_{Ary} | 2025}$; was approved by the City Commission on $\underline{M_{Ary} | 2025}$; and was published on $\underline{M_{Ary} | 4, 2025}$;

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ATTEST: Diana X Berry,

Description of Lands:

City of Smithfield, Kentucky Annexation

Being a 2.758 Acre (plus or minus) parcel of land located about two tenths (2/10) of a mile east of the town of Smithfield, Kentucky, said lands having a physical address of 2870 Giltner Road and 2914 Giltner Road, and depicted on this Annexation Plat shown hereon, said land being a portion of those lands deeded to Michael L. Noe, Deed Book #203, Page #797 and Richard and Deborah Hart, Deed Book #308, Page #075, and recorded in the Office of the Clerk, Henry County, Kentucky, and more specifically described as follows:

Unless otherwise denoted, all corners are monumented ("Rebar set") with a 5/8" (#5) by 18" Rebar with a Plastic Cap set in the ground, typically flush in pastureland and yards, and protruding in fence rows and woods, said plastic cap is imprinted with "Neal W. Roberts PLS #3159". Basis of Meridian was derived from GPS Observations, World Grid System (WGS '84), on Tuesday, March 25, 2025, and the Survey was aligned to Grid North, Kentucky North Zone (#1601), North American Datum (NAD '83) of 1983 by employing Static and/or Real Time Kinematic GPS Survey methods to establish control and locate topography with Leica Geosystems GS14 GNSS (Global Navigation Satellite System) GPS Receiver, utilizing the KYCORS (Kentucky Continuous Operating Reference Station) system.

Unless otherwise approved by Neal W. Roberts, PLS #3159, this Description of Lands, which at this time, depicts a complete and updated Retracement Boundary Survey of the Lands Described hereon, shall not be used by any party other than the Original Purchaser, and/or their assigns and/or their interests as they may appear.

Beginning at a Point in the intersection of the north Right-of-Way of Giltner Road (right-ofway 30') and southwest comer to Brandon and Michelle Cook, Deed book #283, Page #065 and the southeast corner to Michael L. Noe, Deed Book #203, Page #797, thence along the north right-ofway of Giltner Road (30' R/W) and Noe N 82°31'53" W a distance of 174.81' to a point in the rightof-way, said point is \$ 02°43'05" W 7.23' of a 1/2" Rebar (#4) found in the line common to Richard and Deborah Hart, Deed Book #308, Page #075, thence along the north line of the right-of-way and the line common to Hart N 82°50'01" W a distance of 110.10' to a point to a point in the intersection of the crossing of the City of Smithfield, Kentucky city limits (scaled from PVA Map) and the north right-of-way, thence leaving said right-of-way and along the existing City of Smithfield, Kentucky city limits (scaled from PVA Map) for the following two (2) calls; thence N 2°36'38" E a distance of 214.97' to a point; thence N 00°00'00" E a distance of 165.53' to a point in the line common to Minice and Alda M. McAlister, Deed Book #210, Page #173; thence along the line common to McAlister for the following two (2) calls: S 81°24'32" E a distance of 216.57' to a 5/8" Rebar with a orange cap found, stamped "Neal W. Roberts, #3159 at the base of a Post; thence 6°08'22" E a distance of 129.35' to a Post in the line common to Brandon and Michelle Cook, Deed Book #283, Page #065; thence along the line common to Cook S 72°46'08" W a distance of 102.22' and passing a 1/2" Rebar (#4) with a yellow cap stamped "Will Hagan, #4113" at 92.22', to a Post in the line common to Michael L. Noe, Deed Book #203, Page #797, thence along the line common to Noe S 02°15'55" E a distance of 169.09' and passing a 1/2" Rebar (#4) with a yellow cap stamped "Will Hagan, #4113" at 10.00' and passing a Post at 166.67' +/- to a Point, in the north right-of-way of Giltner Road (30' R/W), which is point of beginning, as surveyed by Neal W. Roberts, a Commonwealth of Kentucky Registered Professional Land Surveyor #3159 on March 25, 2025.



CERTIFICATION

I, Diana Y. Berry, City of Smithfield, Kentucky, Clerk, do certify that the foregoing record is a true and correct copy of Ordinance #2025-01, An Ordinance Annexing Certain Territory Consisting of a Parcel of Approximately 2.758 Acres Located on the Northerly Side of Giltner Road, Adjacent to the City Limits, as said ordinance appears in this Office. Given under my hand this <u>7 *H*____</u>day of May, 2025.

Diana V. Berry, City of Smithfield Clerk



Neal & Roberts, PLS date Cormonwealth of Kentucky Registration 1989

nealwr@gmail.com

ZONED: AGRICULTURAL-1

Description of Lands: City of Smithfield, Kentucky Annexation

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June 25, 2025