

EWEN, MacKENZIE & PEDEN, P. S. C.

ATTORNEYS AT LAW

650 STARKS BUILDING

LOUISVILLE, KENTUCKY 40202

VICTOR W. EWEN
WILLIAM A. MacKENZIE
WILLIAM B. PEDEN
JOHN G. CRUTCHFIELD
BILL V. SEILLER
WAYNE J. CARROLL
THOMAS G. MOONEY
JAMES C. HICKEY
WM. CLIFTON TRAVIS
LEE C. SUMMERS
G. DUNCAN GARRISON
IVAN J. SCHELL

589-1110
AREA CODE 502

December 10, 1981

RECEIVED

DEC 11 1981

SECRETARY OF STATE
COMMONWEALTH OF KY.

Kentucky Secretary of State
Frankfort, Kentucky 40601

Attn.: Dr. Eugene Harrell

Re: City of Ten Broeck

Dear Dr. Harrell:

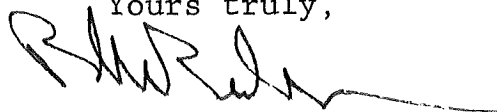
I received a phone call yesterday from Mr. Don MacDonald, Mayor of the City of Ten Broeck. He advised me that the Secretary of State's office was holding a check which had not been forwarded to the City. Mr. MacDonald reported that he understood that the Secretary of State's office did not have a record of receiving the incorporation judgments. Our file reflects that these have been previously sent to the Secretary of State's office. However, if for any reason they were lost in the mail or otherwise misplaced or misdirected, we are herewith submitting copies of the Judgment of Incorporation, and an Amended Judgment of Incorporation.

If anything further is required, do not hesitate to contact me.

The check should be sent directly to Mayor Don MacDonald, 3405 Ten Broeck Way, Louisville, Kentucky 40222.

Thank you for your cooperation.

Yours truly,



Bill V. Seiller

BVS/tc

Enclosures

cc: Mayor Don MacDonald
Ms. Sue Duvall

NO. 79CI-08458

JEFFERSON CIRCUIT COURT
FIRST DIVISION

DONALD MacDONALD, et al

PETITIONERS

RE: TEN BROECK, KENTUCKY

J U D G M E N T

*** **

On motion of the petitioners, by counsel, this action having come for hearing on order of the Court, and it appearing to the Court that a petition has been filed pursuant to KRS 81.050, and that notice of said hearing having been given in accordance with said statute, and the Court being advised on the petition herein of the fulfillment of the requirements of law which govern the creation of sixth class cities, and the Court being sufficiently advised,

IT IS THEREFORE ORDERED AND ADJUDGED that the following described area be, and is hereby established as a municipal corporation of the Sixth Class to be known as TEN BROECK, KENTUCKY:

BEGINNING at a stone in Cartmell's line, at a corner to the tract of land conveyed to Abraham Hite by deed dated May 1, 1833, and recorded in Deed Book KK, page 44, in the office of the Clerk of the County Court of Jefferson County, Kentucky, thence with a line of said tract North 26-1/2 degrees West 58.6 poles to a corner to the tract of land conveyed to William Thompson by deed dated March 5, 1857, and recorded in Deed Book 101, page 131, in said Clerk's office; thence with a line of said last mentioned tract South 60-1/2 degrees West 42.4 poles to a stone in a branch, another corner of said last mentioned tract; thence again with a line of said last mentioned tract North 27 degrees West 33 poles to a stone in Dorsey's line; thence with same South 43 degrees West 8 poles to a

stone, corner to same; thence leaving said Dorsey's line North 42-3/4 degrees West 86.9 poles to the center of the Brownsboro Road; thence with the center of said road South 62-1/4 degrees West 10.9 poles to a stake in said road, North 13 degrees East 1 pole and 2 links from a black locust on the Southwest side of said road, corner to Hughes in Barbour's line; thence with the center of said road South 70 degrees West 9.2 poles; thence again with the center of said road North 65-1/2 degrees West 8 poles; thence again with the center of said road North 56 degrees West 17.6 poles; thence again with the center of said road North 73 degrees West 11.2 poles to a stake at the West lower corner of the bridge over Goose Creek, and corner to Barbour's; thence North 86-1/2 degrees West 20 poles to a branch on the Northwest side of said road; thence leaving said road South 22 degrees East 91 poles to a corner of the tract conveyed Rogers M. Smith by deed dated January 21, 1886, and recorded in Deed Book 287, page 537, in said Clerk's office; thence with a line of said tract South 53 degrees West 7.4 poles to a stake in a line of tract conveyed to Jacob Frey by deed dated February 15, 1868, and recorded in Deed Book 136, page 390, in said Clerk's office; thence with a line of said last mentioned tract South 34 degrees East 14 poles to a stone corner of same on the bank of a branch; thence again with a line of said last mentioned tract South 55 degrees West 106 poles to a stone another corner of same in the center of a County Road; thence with the center of said County Road and with Young's line South 34 degrees East 87.6 poles to a stone, corner to Young in Murray's line; thence with the County Road North 55 degrees East 49-1/2 poles to a stone, one of the Murray's corners; thence with a line of Murray South 36-1/4 degrees East 33.25 poles to a stake, corner to said Murray; thence North 55 degrees East with a line of Dorsey and Cartmell tracts, passing a stone, a corner to said tracts at 17.89 poles, in all 183.89 poles to the beginning.

BEING the same property described of record in the office of the Clerk of Jefferson County, Kentucky, Deed Book 3168, Page 333.

IT IS FURTHER ORDERED that the following named persons are hereby appointed to the Board of Trustees of the City of Ten Broeck:

Mr. William L. Holley
3 Lexington Lane
Louisville, Kentucky 40222

Mr. James M. Rosenblum
3333 Ten Broeck Way
Louisville, Kentucky 40222

Dr. Lynn Ogden
3703 Ten Broeck Way
Louisville, Kentucky 40222

Mr. Theodore L. Jones
9107 Darley Drive
Louisville, Kentucky 40222

Mr. Donald MacDonald
2 Darley Drive
Louisville, Kentucky 40222

In addition to the Trustees above named, the following officers are appointed:

Mr. G. Lane McCroskey, Assessor
3 Spokane Way
Louisville, Kentucky 40222

Mr. Charles L. Jennings, Marshall
3308 Ten Broeck Way
Louisville, Kentucky 40222

Qualifications of the above officers shall be as required by law, and they shall take office upon the taking of their respective oaths of office and the fulfillment of said requirements; record of same shall be entered upon the records of said City and said record may be certified by the City Clerk as needed.

All of the above appointed Trustees and officers shall hold their respective offices until the next election of officers of cities and town may be held.

IT IS FURTHER ORDERED that the Clerk of the Court, not later than ten (10) days after judgment is entered herein, shall certify a copy of this Judgment to the Secretary of State, Frankfort, Kentucky, whose duty it shall be to properly enter and file the same in the Secretary of State's office.

Joseph H. Eckert
JUDGE
DATE: November 21, 1979

TENDRED BY:

Bill V. Seiller
BILL V. SEILLER
EWEN, MACKENZIE & PEDEN, P.S.C.
2100 Commonwealth Building
Louisville, Kentucky 40202 589-1110

FILED IN COURT

NOV 21 1979

S. Chandon

RECEIVED COPY OF JUDGMENT
OF JEFFERSON CIRCUIT COURT
Paulie Miller
PAULIE MILLER, CLERK
BY S. Chandon D.C.

ATTEST: PAULIE MILLER, CLERK
JEFFERSON CIRCUIT COURT
LOUISVILLE, KENTUCKY
BY S. Chandon D.C.

NO. 79CI-08458

FILED IN CLERK'S OFFICE
JEFFERSON CIRCUIT COURT

JEFFERSON CIRCUIT COURT
FIRST DIVISION

80 MAY 16 P 2: 30
P 2: 30

DONALD MacDONALD, et al

PETITIONERS

PAULIE MILLER, CLERK

RE: BY ~~TEN BROECK, D.C.~~ KENTUCKY

AMENDED JUDGMENT

*** **

On motion of the petitioners, by counsel, this action having come for hearing, and it appearing to the Court that notice of said hearing having been given in accordance with Kentucky Revised Statutes, and the Court being advised that the written description contained in the Judgment entered herein contained a clerical error by way of an inadvertent omission of certain words, and did not conform to the plat filed herein, and the Court being otherwise sufficiently advised,

IT IS THEREFORE ORDERED AND ADJUDGED that the Judgment entered herein November 21, 1979, is hereby amended to substitute the following written description for the written description set out in said judgment:

BEGINNING at a stone in Cartmell's line, at a corner to the tract of land conveyed to Abraham Hite by deed dated May 1, 1833, and recorded in Deed Book KK, page 44, in the office of the Clerk of the County Court of Jefferson County, Kentucky, thence with a line of said tract North 26-1/2 degrees West 58.6 poles to a corner to the tract of land conveyed to William Thompson by deed dated March 5, 1857, and recorded in Deed Book 101, page 131, in said Clerk's office; thence with a line of said last mentioned tract South 60-1/2 degrees West 42.4 poles to a stone in a branch, another corner of said last mentioned tract; thence again with

a line of said last mentioned tract North 27 degrees West 33 poles to a stone in Dorsey's line; thence with same South 43 degrees West 8 poles to a stone, corner to same; thence leaving said Dorsey's line North $42\frac{3}{4}$ degrees West 86.9 poles to the center of the Brownsboro Road; thence with the center of said road South $62\frac{1}{4}$ degrees West 10.9 poles to a stake in said road, North 13 degrees East 1 pole and 2 links from a black locust on the Southwest side of said road, corner to Hughes in Barbour's line; thence with the center of said road South 70 degrees West 9.2 poles; then again with the center of said road North $65\frac{1}{2}$ degrees West 8 poles; thence again with the center of said road North 56 degrees West 17.6 poles; thence again with the center of said road North 73 degrees West 11.2 poles to a stake at the West lower corner of the bridge over Goose Creek, and corner to Barbour's; thence North $86\frac{1}{2}$ degrees West 20 poles to a branch on the Northwest side of said road; thence leaving said road South 22 degrees East 91 poles to a corner of the tract conveyed Rogers M. Smith by deed dated January 21, 1886, and recorded in Deed Book 287, page 537, in said Clerk's office; thence with a line of said tract South 53 degrees West 7.4 poles to a stake in a line of tract conveyed to Jacob Frey by deed dated February 15, 1868, and recorded in Deed Book 136, page 390, in said Clerk's office; thence with a line of said last mentioned tract South 34 degrees East 14 poles to a stone corner of same on the bank of a branch; thence again with a line of said last mentioned tract South 55 degrees West 106 poles to a stone another corner of same in the center of a County Road; thence with the center of said County Road and with Young's line South 34 degrees East 87.6 poles to a stone, corner to Young in Murray's line; thence with the County Road North 55 degrees East $49\frac{1}{2}$ poles to a stone, one of the Murray's corners thence with a line of Murray South $36\frac{1}{4}$ degrees East 33.25 poles to a stake, corner to said Murray; thence North 55 degrees East with a line of Dorsey and Cartmell tracts, passing a stone, a corner to said tracts at 17.89 poles, in all 183.89 poles to the beginning.

BEING the same property described of record in the Office of the Clerk of Jefferson County, Kentucky, Deed Book 3168, Page 333.

Excepted from the above and not to be included, the following described area:

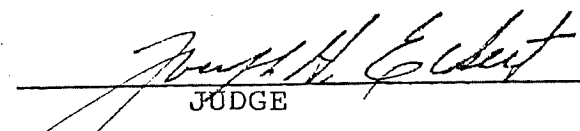
BEGINNING in the easterly right of way of Goose Creek Road at a point 45 feet east of the center line of said road and at the southwest corner of a lot conveyed to Metzger Homes, Inc. by Deed recorded in Deed Book 4559, Page 421 in the Jefferson County Clerk's Office; thence with the easterly right of way line of Goose Creek Road, South 35 degrees 29 minutes East 329.60 feet; thence toward the center line of Goose Creek Road, South 54 degrees 31 minutes West 5 feet; thence again following the easterly right of way line of Goose Creek Road, South 35 degrees 29 minutes East 450 feet to a point; thence with the right of way South 41 degrees 42 minutes East 143.32 feet to a point; thence continuing with said right of way North 43 degrees 18 minutes East 39.45 to a point; thence again following the easterly right of way line of Goose Creek Road, South 51 degrees 05 minutes East 100 feet; South 61 degrees 16 minutes East 100 feet; South 71 degrees 27 minutes East 100 feet; South 81 degrees 36 minutes East 100 feet; South 87 degrees 58 minutes East 191.90 feet; and North 89 degrees 15 minutes East 250 feet to a point said point being 80 feet from the center line of Goose Creek Road; thence continuing with said right of way North 3 degrees 15 minutes East 129.95 feet to a point; thence South 88 degrees 23 minutes East 36 feet; thence leaving the right of way of Goose Creek Road, and with the line of tract 1 as described in deed to Ten-Broeck Corp. recorded in Deed Book 3168 Page 333, North 30 degrees 46 minutes West 107.97 feet to a point; thence North 19 degrees 31 minutes West 107.99 feet to a point; thence North 8 degrees 05 minutes East 107.99 feet to a point; said point being the northerly corner of a tract conveyed to Violet Wright by deed recorded in Deed Book 4380 Page 523 in the aforesaid Clerk's Office; thence with the northeasterly line of said lot South 81

degrees 18 minutes East 250.0 feet to a point said point also being the northwest corner of lot conveyed to Richard Lightfoot by deed recorded in Deed Book 3302 Page 479 in the aforesaid Clerk's Office; thence with the northerly line of said lot North 33 degrees 25 minutes East 177.32 feet; thence North 90 degrees 31 minutes East 475 feet to a point corner to tracts four and five in deed recorded in Deed Book 3168 Page 333 aforesaid; thence North 31 degrees 59 minutes West 560 feet to a point; thence North 53 degrees 36 minutes East 102.21 feet to a point; thence along the westerly line of a lot conveyed to Frank D. Paris and wife recorded in Deed Book 3774 Page 132, North 35 degrees 26 minutes West 274.91 feet to a point said point being in the northerly line of the tract conveyed to Ten-Broeck Corp. in Deed Book 3168 Page 333; thence with the Northwest line of said tract South 53 degrees 51 minutes West 1690.68 feet to a point of beginning.

Being the same property described of record in the office of the Clerk of Jefferson County, Kentucky, Deed Book 4610, Page 186.

IT IS FURTHER ORDERED AND ADJUDGED that all other provisions and appointments of the original judgment are hereby reiterated and reaffirmed, and incorporated by reference herein.

IT IS FURTHER ORDERED that the Clerk of the Court, not later than ten (10) days after this Judgment is entered herein, shall certify a copy of this Judgment to the Secretary of State, Frankfort, Kentucky, whose duty it shall be to properly enter and file the same in the Secretary of State's office.


JUDGE

DATE: _____

ENTERED IN COURT

TENDERED BY:



BILL V. SEILLER
EWEN, MACKENZIE & PEDEN, P.S.C.
2100 Commonwealth Building
Louisville, Kentucky 40202
(589-1110)

MAY 27 1980

PAULIE MILLER, Clerk
By: 