OFFICE OF THE GOVERNOR
DEPARTMENT OF LOCAL GOVERNMENT
FRANKFORT, KENTUCKY 40601-8204

WALLACE G. WILKINSON
GOVERNOR

LEE TROUTWINE
COMMISSIONER

RECEIVED
JUN 20 1991
SECRETARY OF STATE
COMMONWEALTH OF KY

June 19, 1991

RECEIVED
JUN 20 1991
SECRETARY OF STATE
COMMONWEALTH OF KY

Kandie Adkinson
Secretary of State
State Capitol Building
Land Office
Room 150
Frankfort, Kentucky 40601-3493

Dear Ms. Adkinson:

Enclosed is information on the incorporation of the city of Van Lear.

If I can be of further assistance, please do not hesitate to contact me at 564-3710

Sincerely,

Gene Stinchcomb

Gene Stinchcomb
Local Government Advisor Chief
Research and Technical Assistance Branch

GS:dlb

Enclosure

JOHNSON CIRCUIT COURT
BY CB D.C.

COMMONWEALTH OF KENTUCKY
JOHNSON CIRCUIT COURT
D.C. DIVISION NO. I

ENTERED
JUN 07 1991
VICKI (CRACE) RICE
JOHNSON CIRCUIT COURT CLERK
BY: D.C.

C. A. No. 96-CI-267

IN RE: INCORPORATION OF THE CITY OF VAN LEAR

FINDINGS OF FACT, CONCLUSIONS OF LAW,
ORDER AND JUDGMENT

This matter came before the Court pursuant to Court Order. The Court having reviewed the record, conducted a Hearing, and being otherwise suffiently advised, hereby enters the following:

FINDINGS OF FACT

Petitioners seek the Incorporation of Van Lear as a Sixth-Class City, and the Court Finds:

1. The evidence is uncontroverted in that there are six hundred and fifty (650) registered voters within the proposed area to be incorporated, and Petitioners submitted five hundred and twenty-two (522) signatures of registered voters Petitioning for Incorporation.

2. The required two-thirds (2/3) of the registered voters, per K.R.S. 81.050, are four hundred and fourty-three (443). Petitioners have in excess of the two-thirds required, after giving Respondents' Motion to Remove Names due consideration. The Petitioners have filed sworn Affidavits of thirty-two (32) registered voters listed in the Motion to Remove Names, but who subsequently became in favor of Incorporation after being fully informed.

3. A statement of the proposed boundaries was

included, and the evidence is uncontroverted the population of the proposed area is two thousand and sixty-four (2,064), according to the boundaries set out in Petitioners' statement of boundaries recited herein.

4. Petitioners seek Incorporation for the purposes of providing fire and police protection to residents; to provide a sewage system; to promote economic development; and to provide for the public good.

5. The facilities existing in the proposed area at this time are water and gas utility service.

6. The Petitioners will utilize a Mayor and Commission Form of Government.

7. Petitioners published proper Notice of Intention To Incorporate in the Paintsville Herald.

8. The Petitioners have fully complied with the statutory requirements of K.R.S. 81.050.

CONCLUSIONS OF LAW

K.R.S. 81.050 delineates the proceedings to incorporate a city, and are conditions precedent to the Court's consideration of the granting of the Petition. The Court finds Petitioners have fully complied with those requirements.

K.R.S. 81.060 provides the standards for Incorporation, and if objections are made to the Incorporation, the Court shall hear and determine the same, and enter a Judgment establishing or refusing to establish a city as the Court deems proper.

The Court holds, as a matter of law, the following standards have been met:

a. At least three hundred (300) persons reside in the territory sought to be incorporated, as the population of the area is two thousand sixty-four (2,064).

b. Incorporation constitutes a reasonable manner of providing the public services sought by the voters, and there is no other reasonable way of providing these services.

c. The territory is contiguous, as shown on the map of the area attached hereto.

d. The territory is able to provide necessary city services to the residents within a reasonable period after its' incorporation.

e. The interest of other areas and adjacent local governments is not unreasonably prejudiced by the incorporation.

The Court has considered the following criteria, but has not necessarily limited its' consideration to these criteria:

a. Whether the character of the territory is urban or rural;

b. The ability of any existing city, county, or district to provide needed services;

c. Whether the territory and any existing city are interdependent or part of one community;

d. The need for City services in the territory;

e. The development scheme of the applicable land use plan;

f. The area and topography of the territory; and

g. The effect of the proposed incorporation on population growth and assessed valuation of the real property in the territory.

ORDER AND JUDGMENT

ITS IS HEREBY ORDER AND ADJUDGED:

1. There is established a city to be known as Van Lear, KY.

2. Van Lear will be classified as a sixth-class city, as dictated by its' population of two thousand sixty-four (2,064) residents.

3. The metes and bounds description of the boundaries of Van Lear, KY shall be as follows:

Beginning at the bolt set in a rock on the top of the ridge at the head of the Ep. Welch Branch of Millers Creek and the Honeycutt Branch of the Levisa Fork of Big Sandy River which bolt is the beginning corner of the original area of one hundred and sixty acres, incorporated as the Town of Van Lear; thence N54 32`W 210 ft. to a service and chestnut oak, corner to Jasper Webb; John C. Durett and Abraham Elliott; thence with the line between John C. Durett and Abraham Elliott to corner between Elliott and John C. Durett and C.R. Preston; thence with the line between C. R. Preston and Abraham Elliott to corner between C. R. Preston and Abraham Elliott and H. F. Strong; thence with the line between C. E. Preston and E. F. Strong to corner between Winfield Preston, C.R. Preston and H. F. Strong; thence with line between H. F. Strong and Winfield Preston to two small buckeyes, corner on east bank of Levisa Fork of Big Sandy River; thence due west to point opposite and due west from a stake on the east bank of said river, corner common to J. G. Castle and John M. Duncan;

thence S 85 40` E 338 ft. to a rock and dead beech, corner common to John M. Duncan. J.G. Castle and Abraham Elliott estate; thence with line between J. G. Castle and Abraham Elliott N. 43 10` E 617 ft. to a hickory and white oak, corner common to J. G. Castle, Abraham Elliott and Wm. J. Webb; thence with the line between Abraham Elliott and Wm. J. Webb to a clump of chestnuts corner to W. J. Webb. Abraham Elliott and W. J. Mayo: thence with the line between W. J. Webb and W. J. Mayo, to a black oak, corner common to Wm. J. Webb, W. J. Mayo and R. A. Murphy; thence with the line between W. J. Mayo and R. A Murphy, and James H. Preston; thence with the line between R. A. Murphy and James H. Preston to a black oak; corner to James H. Preston, R. A. Murphy and Jasper Webb; thence with the line between R. A. Murphy, David G. Wells and Jasper Webb; thence with line between David G. Wells and Jasper Webb to a chestnut oak; corner to David C. Wells, Jasper Webb and N. K. Price; thence with line between N. K. Price and Jasper Webb to corner between N. K. Price, Jasper Webb and J. M. Arrwood; thence with the line between J. M. Arrowood and Jasper Webb and M. L. Ford; thence with line between M. L. Ford and Jasper Webb to corner between Jasper Webb and M. L. Ford and J. E. Burgess; thence with line between M. L. Ford J. E. Burgess to corner between M. L. Ford and J. E. Burgess and Peter G. Elliott; thence with line between M. L. Ford and Peter G. Elliott to corner between M. L. Ford, Peter G. Elliott, and John W. Grayson; thence with line between M. L. Ford and John W. Grayson to corner between M. L. Ford, John W. Grayson and J. C. Cumbo; thence with line between J. C. Cumbo M. L. Ford, to corner between M. L. Ford, J. C. Cumbo and W. S. Dollarhide; thence with line between W. S. Dollarhide and J. C. Cumbo to corner between W. S. Dollarhide, Marion Spears and J. C. Cumbo to corner between Marion Spears, J. C. Cumbo and James D. Hall thence with line between James L. Hall and J. C. Cumbo to corner between James L. Hall, J. C. Cumbo and Jane and Hezikaiah Brown; thence with line between James L. Hall and Jane and Hezikiah Brown to corner between James L. Hall, Jane Brown and Hezikiah Brown and S. J. Short; thence with line between S. J. Short and Jane and Hezikiah Brown to corner between S. J. Short, Jane and Hezikiah Brown and W. E. Porter; thence with line between S. J. Short and W. E. Porter to corner between S. J. Short, W. E. Porter and Isaac Patrick; thence with line between Isaac Patrick and W. E. Porter to corner between Isaac Patrick, W. E. Porter and Noah Patrick; thence with line between Noah Patrick and W. E. Porter to corner between Noah Patrick, W. E. Porter and John Goble; thence with line between W. E. Porter and John Goble to the Millers Creek Fork of same; thence following the meanders of same and the right fork in a south-easterly direction for a distance of 1485 ft. to a

cross on a rock, corner to W. C. Porter and Geo. Goble; thence with a line between W. E. Porter and Geo. Goble to a hickory on a knob corner to W. E. Porter, Geo. Goble and A. J. Baldridge; thence with Geo. Goble and A. J. Baldridge line to corner between Geo. Goble, A. J. Baldridge and R. Boyd; thence with the line between A. J. Baldridge and R. Boyd to corner between R. Boyd, A. J. Baldridge, L. Butcher, and G. Hall; thence with the line between G. Hall and Lewis Butcher to corner between L. W. Butcher, G. Hall and J Baldridge; thence with line between James Baldridge and L. Butcher, to corner between L. Butcher, J. Baldridge and H. Hyden estate; thence with line between H. Hyden estate and J. Baldridge to corner between J. Baldridge, H. Hyden estate and N. Honeycutt; thence with line between Nathan Honeycutt and Henry Hyden estate to corner between Nathan Honeycutt, Henry Hyden estate and M. F. Music; thence with line between M. F. Music and Nathan Honeycutt to corner between M. F. Music, Nathan Honeycutt and Henry Baldridge; thence with line between Henry Baldridge and M. F. Music to corner between Henry Baldridge, M. F. Music and Martha and J. E. Shurran: thence with line between Martha and J. E. Shurran and M. F Music to corner between Martha and J. E. Shurran, M. F. Music and Wm. R. Hanna; thence with line between Wm. R. Hanna and M. F. Music to corner between Wm. R. Hanna, M. F. Music and J. E. Akers; thence with line between J. E. Akers and M. F. Music to corner between J. E. Akers, M. F. Music and S. K. Akers; thence with line between S. K. Akers, and M. F. Music to corner between M. F. Music, S. K. Akers and J. C. Akers; thence with line between J. C. Akers and M. F. Music to corner between J.C. Akers, M. F. Music and John Richmond; thence with line between J.C. Akers and John Richmond to corner between J.C. Akers, John Richmond and George Walters; thence with line between John Richmond and George Walters to corner common to John Richmond, Geo. Walters and James Richmond; thence with line between John Richmond and James Richmond to corner common to James Richmond, John Richmond, S.P. King to corner common to S. P. King, John Richmond tract No. 131 and tract No. 9; thence with line between John Richmond tract No.131 and tract No. 9 to corner common to John Richmond, tracts Nos. 131 and 9 on John B. Auxier; thence with line between John B. Auxier and John Richmond tract No. 9 to corner between John B. Auxier, John Richmond tract No. 9, and John C. Durett thence with line between John Richmond tract no. 9 and John C. Durett; thence with line between John C. Durett and John Richmond tract No. 9 to corner between John C. Durett, John Richmond tract No. 9 and Jasper Webb; thence with line between Jasper Webb and John C. Durett to bolt set in a rock, the point of beginning.

4. The Officers of the City of Van Lear shall be:

Mayor: Albert Hackworth

Commissioners: Tim Barker
Paul Combs
De-Mart Bowling
Timmy Young
Terry Bowling
David Collins
Paul Jennings, Jr.

City Clerk: Marsie Estepp

These Officers shall hold their respective Offices until the next regular election, to be held November 5, 1991, at which time City Officers shall be elected by the residents of Van Lear, KY.

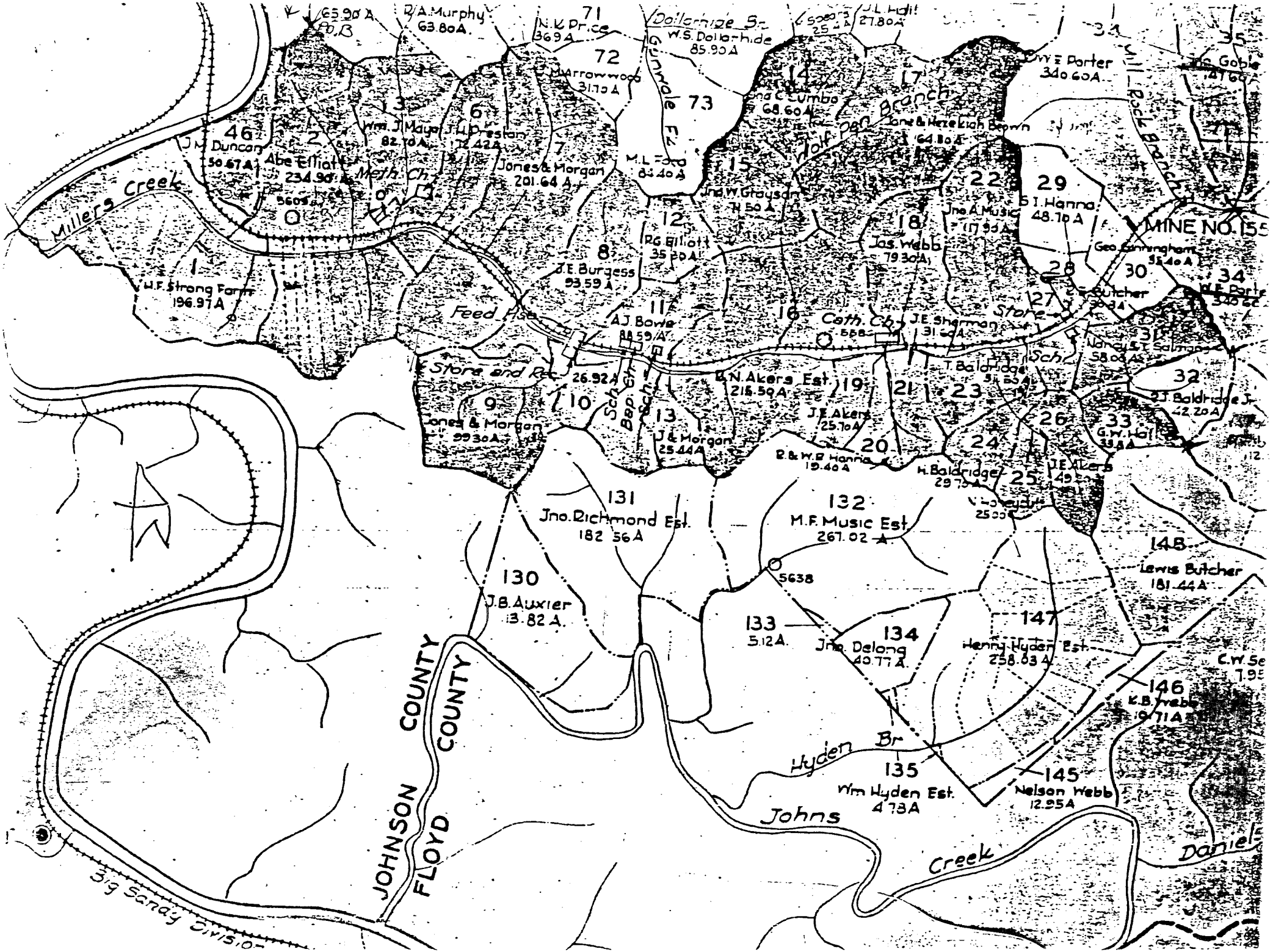
5. The Clerk of the Johnson Circuit Court is hereby directed, not later than 10 days after the Entry of this JUDGMENT, to certify a copy of this Judgment to the Secretary of State, whose duty is to properly index and file the same as a permanent record in his office.

There being no just cause for delay of entry, this is a final and appealable Judgment.

This 6th day of June, 1991.

Stephen N. Frazier

HONORABLE STEPHEN N. FRAZIER
JUDGE, JOHNSON CIRCUIT COURT
DIVISION NUMBER ONE



Millers Creek
Meth. Ch.
Feed Hse
Store and Rec
Store
Cath. Ch.
Sch.
Bap. Ch.
Gunwale Fk
Wolf Pen Branch
Mill Rock Branch
MINE NO. 155
Hyden Br
Johns Creek
Daniels
JOHNSON COUNTY
FLOYD COUNTY
Big Sandy Division
R.A. Murphy 63.80 A.
N.K. Price 36.9 A
Dollarhide Br.
W.S. Dollarhide 85.90 A
J.L. Hall 27.80 A
W.E. Porter 340.60 A.
Jane & Hezekiah Brown 64.80 A
Jno. C. Cumbo 68.60 A
M.L. Ford 84.40 A
Jones & Morgan 201.64 A
Wm. J. Mayo 82.70 A
J.H. Preston 72.42 A
Abe Elliott 234.90 A
J.M. Duncan 50.67 A
H.F. Strong Farm 196.97 A
J.E. Burgess 93.59 A
R.G. Elliott 35.20 A
Jno. W. Grayson 71.50 A
Jas. Webb 79.30 A
Jno. A. Music 117.95 A
S.I. Hanna 48.70 A
Geo. Cunningham 35.40 A
W.E. Porter 340.60 A
A.J. Bowe 88.59 A
J.E. Sherman 31.60 A
T. Baldridge 31.60 A
R.N. Akers Est. 215.50 A
J.E. Akers 25.70 A
J.& Morgan 25.44 A
Jones & Morgan 99.30 A
R.& W.R. Hanna 19.40 A
H. Baldridge 29.70 A
J.E. Akers 49.50 A
G.W. Hall 33.8 A
J.J. Baldridge Jr. 42.20 A
Nancy S. T. Salmons 58.00 A
Jno. Richmond Est. 182.56 A
M.F. Music Est. 267.02 A
5638
J.B. Auxier 13.82 A.
Jno. Delong 40.77 A.
Henry Hyden Est. 258.03 A
Lewis Butcher 181.44 A
K.B. Webb 10.71 A
Wm. Hyden Est. 4.78 A
Nelson Webb 12.95 A