

CITY OF VANCEBURG, KENTUCKY  
ORDINANCE NO. 110.12

ALISON LUNDERGAN GRIMES  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY

**AN ORDINANCE ANNEXING A PARCEL OF  
REAL PROPERTY ADJOINING THE EXISTING  
CORPORATION LIMITS OF THE CITY OF VANCEBURG  
ALONG STATE ROUTE #10 (VFW POST 5438)**

WHEREAS, the Veterans of Foreign Wars (VFW) Post 5438, Monte Lewis Stamm Memorial Post (the "Owner") owns a tract of real property adjoining the existing corporation limits of the City of Vanceburg, (the "Real Property") and which is more particularly described as follows, viz:

A certain tract or parcel of land, lying and being in Lewis County, Kentucky, and described as follows:

Lying and being on the East side of new State Route #10 and beginning at the right of way of State Route #10 at a corner to lot of Litteral; thence with line of Litteral, Easterly 133 feet to a stone, a corner to Litteral and J. C. Reis; thence with said line of J. C. Reis, 470 feet to a stone; thence Westerly 4 feet to the right of way of said new Route #10; thence Southerly with said right of way of new Route #10, 475 feet to the place of beginning.

Being the same property conveyed from Ellis Tolliver and Callie Tolliver, his wife, to Larry Logan, Cecil Staggs, and Kenneth Hilger, as Trustees for the Monte Lewis Stamm Memorial Post 5438, Veterans of Foreign Wars, by Deed dated April 17, 1993, and recorded in Deed Book 165, page 449, Lewis County Clerk's Records.

WHEREAS, the Real Property by reason of commercial use of land is urban in character and is suitable for development for urban purposes without unreasonable delay, and

WHEREAS, no part of the Real Property is included within the boundary of another incorporated city, and

WHEREAS, the owner of record of the Real Property has given prior written consent in writing to the annexation of the Real Property, and

WHEREAS, the City Council of the City of Vanceburg has determined that it is desirable to annex said unincorporated territory,

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL  
OF THE CITY OF VANCEBURG, KENTUCKY:**

**Section 1. Purpose and Authority.**

A. It is the purpose of this Ordinance to annex the hereinabove described unincorporated territory.

B. This Ordinance is enacted under the power vested in the City by KRS 82.082, KRS 81A.400, 81A.410 and 81A.412.

**Section 2. Annexation of Unincorporated Territory.** The hereinabove described real property is hereby annexed to and made a part of the City of Vanceburg and the boundaries of the City of Vanceburg are hereby extended so as to include said real property.

**Section 3. Roads and Streets.**

A. All roads and streets necessary for the development of said annexed area shall be the sole expense of the Owner of said real property.

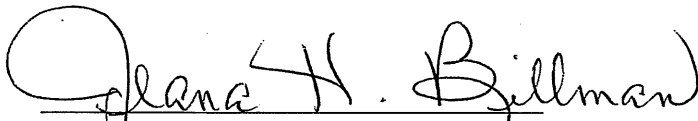
B. All roads and streets hereinafter constructed in the annexed area shall meet the standards established by the City.

**Section 4. Conflicting Ordinances Repealed.** All other ordinances and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.

**Section 5. Effective Date.** This Ordinance shall take full force and effect immediately upon enactment, publication required by law, and the filing of same with the Lewis County Clerk, and the Land Office of the Kentucky Secretary of State.

  
\_\_\_\_\_  
MATT GINN, MAYOR

ATTEST:

  
\_\_\_\_\_  
JEANA H. BILLMAN, City Clerk

Given the first reading on the 15<sup>th</sup> day of October, 2018.

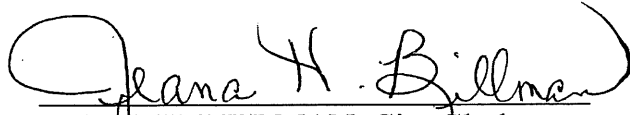
Given the second reading and duly enacted by the City Council of the City of Vanceburg, on the 18<sup>th</sup> day of October, 2018.

### CERTIFICATION

I, Jeana H. Billman, City Clerk of Vanceburg, Kentucky, to hereby certify that the foregoing is a full, true, and complete copy of Ordinance No. 110.11 as appears of record in my office.

I further certify that a summary said Ordinance was duly published in the October 23<sup>rd</sup>, 2018 edition of the *Lewis County Herald*.

In testimony whereof, I have hereunto set my hand and affixed the seal of the City of Vanceburg, Kentucky, on this 18<sup>th</sup> day of October, 2018.

  
JEANA H. BILLMAN, City Clerk

## CONSENT FOR ANNEXATION

Pursuant to the provisions of KRS 81A.412, Veterans of Foreign Wars (VFW) Post 5438, Monte Lewis Stamm Memorial Post, does hereby request the City Council of Vanceburg, Kentucky, to extend the boundaries of the City of Vanceburg, Kentucky, so as to include the real property owned by it and more particularly described as follows, viz:

A certain tract or parcel of land, lying and being in Lewis County, Kentucky, and described as follows:

Lying and being on the East side of new State Route #10 and beginning at the right of way of State Route #10 at a corner to lot of Litteral; thence with line of Litteral, Easterly 133 feet to a stone, a corner to Litteral and J. C. Reis; thence with said line of J. C. Reis, 470 feet to a stone; thence Westerly 4 feet to the right of way of said new Route #10; thence Southerly with said right of way of new Route #10, 475 feet to the place of beginning.

Being the same property conveyed from Ellis Tolliver and Callie Tolliver, his wife, to Larry Logan, Cecil Staggs, and Kenneth Hilger, as Trustees for the Monte Lewis Stamm Memorial Post 5438, Veterans of Foreign Wars, by Deed dated April 17, 1993, and recorded in Deed Book 165, page 449, Lewis County Clerk's Records.

In connection herewith, Veterans of Foreign Wars (VFW) Post 5438, Monte Lewis Stamm Memorial Post, does hereby state and certify:

1. Said real property has been developed for commercial business by Veterans of Foreign Wars (VFW) Post 5438, Monte Lewis Stamm Memorial Post.
2. No part of said real property is included within the boundary of another incorporated city.
3. Veterans of Foreign Wars (VFW) Post 5438, Monte Lewis Stamm Memorial Post, the owner of record of said real property hereby consents to the annexation of said real property.

IN TESTIMONY WHEREOF, Veterans of Foreign Wars (VFW) Post 5438, Monte Lewis Stamm Memorial Post, by and through Richard B. Moran, its Post Commander, has hereunto set its hand, this 17 day of October, 2018.

Veterans of Foreign Wars (VFW) Post 5438  
Monte Lewis Stamm Memorial Post

BY: Richard B. Moran  
Post Commander, Richard B. Moran

COMMONWEALTH OF KENTUCKY  
COUNTY OF LEWIS

The foregoing was duly acknowledged to before me by Veterans of Foreign Wars (VFW) Post 5438, Monte Lewis Stamm Memorial Post, by and through Richard B. Moran, its Post Commander, to be its free and voluntary act and deed, this 17 day of October, 2018.

Beverly A. Pedersen  
NOTARY PUBLIC, ID # 445885  
STATE OF KENTUCKY AT LARGE  
My Commission Expires: 7-6-19

**PROPOSED CITY OF VANCEBURG ANNEXATION  
OF THE V.F.W. POST 5438 PARCEL  
Ordinance 110.12**

Being a Parcel of land situated on Clarksburg Road (State Route 3037), and being the Monte Lewis Stamm Memorial Post 5438, Veterans of Foreign Wars property (D.B 165 PG. 449). Being more particularly described as follows:

Beginning at a 5/8" iron pin found (AAK #3662). Said point is in the Easterly R/W of KY 3037, Clarksburg Road (Ordinance No. 110.11) and being the North West corner of the Todd Prater property (D.B. 243 PG. 464) and being the south west corner of the Monte Lewis Stamm Memorial post 5438, veterans of foreign wars property. Having the Kentucky Single Zone, SPCS U.S. Feet. (FIPS: 1600) Coordinates of N: 4113246.9202 E: 5606651.9365.

Thence, with the Right-of-Way of State Route 3037, being a curve to the right and having a Radius of 1133.25 and a length of 195.28 and a chord of N 27-22-43 E and 195.04' to a point.

Thence, N 32-18-55 E and 274.40' to a 5/8" iron pin found. (AAK #3662). And being a corner to the Gordon E. and Dorothy Reis Brown property (D.B. 140 PG. 380). Having the Kentucky Single Zone, SPCS U.S. Feet. (FIPS: 1600) Coordinates of N: 4113652.0125 E: 5606888.3163.

Thence, S 13-59-55 W and 471.26' to a 5/8" iron pin found (AAK #3662). Said iron pin is the northeast corner of the Todd Prater property (D.B. 243 PG. 464).

Thence, with the north line of the Prater property, N 66-54-38 W and 133.04' to the point of beginning, Containing 0.78 acres.

Bearings and distances rotated to NAD83 Kentucky Single Zone State Plane Coordinates (FIPS: 1600).

For a more detailed description, see drawing #1416 by Richard L. Howerton, P.L.S. #3582, of Howerton Engineering & Surveying in Greenup, Kentucky, dated November 29, 2018. See Kentucky Department of Highways Project #68-114-4.

*Richard L. Howerton* 1/30/2019  
Richard L. Howerton PLS # 3582

