

ZIEGLER & SCHNEIDER, P.S.C.
ATTORNEYS AT LAW

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COVINGTON, KENTUCKY 41017-5710

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GREGORY W. HUGHES

1898-1958

ANDREW W. CLARK

1914-1967

D. COLLINS LEE

1888-1949

T.J. BRANDT

1948-1994

WILBERT L. ZIEGLER
DAVID A. SCHNEIDER
JOSEPH L. BAKER
WILLIAM J. DEUPREE, III
THOMAS C. SMITH
KAREN BURRIS BAKER
MICHAEL A. DUNCAN
LORI FIELDS-LEE
ROBERT C. ZIEGLER
SHARON SCHNEIDER ELLISTON
MICHAEL L. BAKER
DEBRA S. PLEATMAN
MATTHEW C. SMITH
STEVEN C. MARTIN
MOLLY McEVVOY BOH
DANIEL A. HUNT

May 13, 2011

REAL ESTATE FAX
(859) 426-0333

RECEIVED AND FILED
DATE May 17, 2011

ELAINE N. WALKER
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Kandie Adkinson

Kentucky Secretary of State
Commonwealth of Kentucky
Ms. Kandie Adkinson,
Administrative Supervisor
Land Office Division
P.O. Box 718
Frankfort, Kentucky 40602-0718

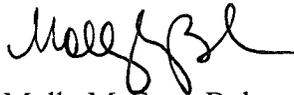
Re: City of Warsaw Annexation Ordinance 2001-0004

Dear Ms. Adkinson:

Thank you for pointing out the discrepancy in the legal description and map. Mr. Logan Murphy found the problem in the legal description and corrected the legal description. The map is correct. Enclosed please find all of the documents previously submitted for the City of Warsaw Ordinance 2001-004 along with the correct legal description.

Thank you again for your patience and cooperation in this matter. Please let me know if you have any other questions or concerns regarding the foregoing.

Best regards,



Molly McEvoy Boh

For ZIEGLER & SCHNEIDER, P.S.C.

MMB:ala
Enclosures

ZIEGLER & SCHNEIDER, P.S.C.
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April 13, 2011

Kentucky Secretary of State
Commonwealth of Kentucky
Ms. Kandie Adkinson,
Administrative Supervisor
Land Office Division
P.O. Box 718
Frankfort, Kentucky 40602-0718

Re: City of Warsaw Annexation Ordinance 2001-0004

Dear Ms. Adkinson:

Pursuant to our telephone conversation last week, enclosed please find the following documents:

1. Certified copy of Ordinance 2001-0004
2. Map
3. Legal Description
4. A Certified Resolution adopting a modern and accurate legal description of territory previously annexed by ordinance.

Thank you for you assistance with this matter. Please do not hesitate to contact me should you have any questions or concerns.

Best regards,



Molly McEvoy Boh

For ZIEGLER & SCHNEIDER, P.S.C.

MMB:ala
Enclosures

CERTIFICATION

I, Carolyn Marksberry, City Clerk of the City of Warsaw, Kentucky, a municipal corporation of the fourth class, hereby certify, as custodian of the City records, that this copy is a true and correct copy of Ordinance 2001-04 , which is lodged in the official City records.

Carolyn Marksberry
Carolyn Marksberry

COMMONWEALTH OF KENTUCKY
COUNTY OF Ballard

The foregoing instrument was sworn to and acknowledged before me this 15th day of March, 2011, CAROLYN MARKSBERRY, City Clerk for the City of Warsaw, Kentucky, a municipal corporation of the fourth class.

Christina Clark
NOTORY PUBLIC

My Commission Expires: 10/9/2011

My Jurisdiction is: State at Large

RECEIVED AND FILED
DATE May 17, 2011

ELAINE N. WALKER
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Hannie Allison

ORDINANCE NO. 2001 - 0004

AN ORDINANCE OF THE CITY OF WARSAW, GALLATIN COUNTY, KENTUCKY, ANNEXING UNINCORPORATED TERRITORY TO THE CITY LIMITS OF THE CITY FOR THE APPROXIMATELY 180+/- ACRES COMPRISING THE BLUE HERON (J. L. DAVIS) PROPERTY AND THE APPROXIMATELY 20 FOOT BY 820 FOOT STRIP OF THE ADJACENT WELDON PROPERTY.

WHEREAS, the property owners of the following properties have requested the City of Warsaw to annex their properties, or portions thereof, into the corporate limits of the City: Approximately 180+/- acres of land on Route 35, Meadowlark Lane, Craig=s Creek and Dry Creek, owned by J. L. Davis and Patricia (aka Patty) Davis, conveyed to them by deeds recorded in Deed Book 52, page 537, in Deed Book 52, page 540, in Deed Book 53, page 531, and in Deed Book 70, page 377; AND an approximately 20 foot by 820 foot strip of land adjacent to the aforementioned Davis property, and adjoining the southwestern boundary of the City of Warsaw, and owned by Robert B, and Alexandra Weldon, conveyed to them by deed recorded in Deed Book 71, page 122 (the City of Warsaw is considering for annexation into the corporate limits of the City both of the aforementioned properties, but only the J. L. Davis property is being considered for a comprehensive plan amendment and zoning or other land use regulations, the Weldon property is being considered only for annexation, not zoning); and

WHEREAS, the City of Warsaw has adopted an Ordinance applying the R-3 Residential zoning classification, with conditions and restrictions which were agreed to by the developer, to the J. L. Davis property upon its annexation.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF WARSAW AS FOLLOWS:

SECTION 1. The City of Warsaw hereby finds that the following properties are adjacent or contiguous to the City=s boundaries: Approximately 180+/- acres of land on Route 35, Meadowlark Lane, Craig=s Creek and Dry Creek, owned by J. L. Davis and Patricia (aka Patty) Davis, conveyed to them by deeds recorded in Deed Book 52, page 537, in Deed Book 52, page 540, in Deed Book 53, page 531, and in Deed Book 70, page 377; AND an approximately 20 foot by 820 foot strip of land adjacent to the aforementioned Davis property, and adjoining the southwestern boundary of the City of Warsaw, and owned by Robert B, and Alexandra Weldon, conveyed to them by deed recorded in Deed Book 71, page 122.

SECTION 2. The properties in Section 1 of this Ordinance are more particularly described and illustrated in the exhibits made part of the annexation and zoning proceedings, which exhibits

are incorporated herein by reference.

SECTION 3. The properties in Section 1 of this Ordinance are suitable for urban purposes without unreasonable delay.

SECTION 4. The properties owners have consented to this annexation.

SECTION 5. The properties in Section 1 of this Ordinance are hereby annexed into the corporate limits of the City of Warsaw.

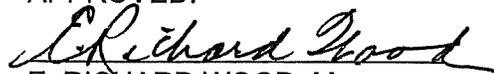
SECTION 6. The J. L. Davis property in Section 1 of this Ordinance is hereby annexed into the corporate limits of the City of Warsaw being zoned according to the R-3 Residential zoning classification, with conditions and restrictions which were agreed to by the developer, upon its annexation, all as provided in the Ordinance previously adopted by the City.

SECTION 7. This Ordinance shall be fully effective upon its adoption, approval and publication according to law.

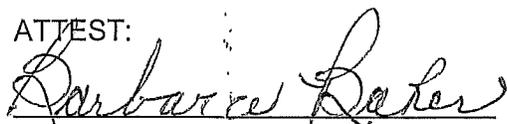
SECTION 8. All ordinances or parts of ordinances in conflict herewith, to the extent of such conflict, if any, are hereby repealed.

SECTION 9. The foregoing Ordinance was read, passed and adopted by the Council of the City of Warsaw, Kentucky, meeting in regular session on the 14th day of May, 2001, and in regular session on the 11th day of June, 2001, with 6 yes votes, 0 no votes, and 0 abstentions, and was ordered published in Summary according to law .

APPROVED:


E. RICHARD WOOD, Mayor

ATTEST:


BARBARA BAKER, Clerk

DATE OF PUBLICATION: 8-15-2001

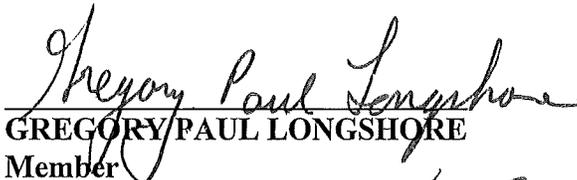
This Ordinance Prepared by: _____
MICHAEL A. DUNCAN, City Attorney

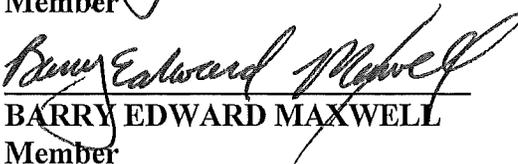
**CONSENT TO ANNEXATION
DAVIS/BLUE HERON**

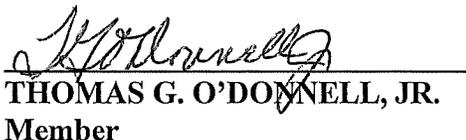
The undersigned is/are property owner(s) of the following properties, or an interest therein, that have requested the City of Warsaw to annex the properties, or portions thereof, into the corporate limits of the City: Approximately 180+/- acres of land on Route 35, Meadowlark Lane, Craig=s Creek and Dry Creek, owned by J. L. Davis and Patricia (aka Patty) Davis, conveyed to them by deeds recorded in Deed Book 52, page 537, in Deed Book 52, page 540, in Deed Book 53, page 531, and in Deed Book 70, page 377, which property is under contract with Blue Heron Group, LLC.

This Consent to Annexation is conditioned upon the property being annexed into the corporate limits of the City of Warsaw being zoned according to the attached Ordinances being considered for adoption by the City during the annexation proceedings.

**By: BLUE HERON GROUP, LLC,
A Kentucky Limited Liability Company**

BY: 
Name: GREGORY PAUL LONGSHORE
Title: Member

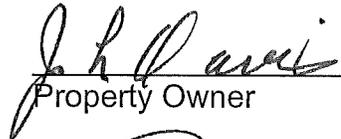
BY: 
Name: BARRY EDWARD MAXWELL
Title: Member

BY: 
Name: THOMAS G. O'DONNELL, JR.
Title: Member

**CONSENT TO ANNEXATION
DAVIS/BLUE HERON**

The undersigned is/are property owner(s) of the following properties, or an interest therein, that have requested the City of Warsaw to annex the properties, or portions thereof, into the corporate limits of the City: Approximately 180+/- acres of land on Route 35, Meadowlark Lane, Craig's Creek and Dry Creek, owned by J. L. Davis and Patricia (aka Patty) Davis, conveyed to them by deeds recorded in Deed Book 52, page 537, in Deed Book 52, page 540, in Deed Book 53, page 531, and in Deed Book 70, page 377, which property is under contract with Blue Heron Group, LLC.

This Consent to Annexation is conditioned upon the property being annexed into the corporate limits of the City of Warsaw being zoned according to the attached Ordinances being considered for adoption by the City during the annexation proceedings.



Property Owner



Property Owner

Property Owner

Property Owner

DESCRIPTION

Blue Heron Group, L.L.C.

180.9401 acres

Lying and being in the City of Warsaw, Gallatin County, Kentucky on the North side of Kentucky Route #35, at the Intersection of Johnson Road(Kentucky Route #455) & Kentucky Route #35, and being more particularly described as follows to-wit:

Unless otherwise stated, any monument referred to herein as an "iron pin set" is a 1/2" steel rebar 18" in length with a yellow plastic cap stamped "3407 3316". All bearing stated herein are referred to the South boundary line of the Robert Weldon Property(Deed Book 71, Page 122).

Beginning at an iron pin found with a yellow cap stamped "Mylor LS 1961" in the North 55' foot Right of way of Kentucky Route #35, a corner to Craig Creek Holiness Church (Deed Book 84, Page 461); thence leaving said right of way and with the lines of Craig's Creek Holiness Church, N 24°39'30" W --- 118.60' to an iron pin found with a yellow cap stamped "Mylor LS 1961"; thence S 68°11'48" W --- 85.77' to a 14" box elder; thence N 48°18'31" W --- 135.88' to a 30" sycamore; thence N 39°55'25" W --- 131.73' to a twin 18" hackberry; thence N 23°24'44" W --- 124.49' to an iron pin found with a yellow cap stamped "Mylor LS 1961"; thence N 49°30'29" W --- 211.88' to a 14" cottonwood; thence N 78°30'34" W --- 384.28' to a 36" box elder; thence S 68°09'01" W --- 142.93' to a twin 10" box elder; thence N 86°35'51" W --- 132.56' to a twin 18" box elder; thence S 86°51'00" W --- 88.62' to a 18" box elder; thence S 34°14'15" W --- 102.12' to a 14" box elder; thence S 11°16'40" E --- 21.41' to a 28" sycamore; thence S 60°58'27" W --- 54.10' to a 30" box elder; thence N 79°26'20" W --- 169.34' to an iron pin found with a yellow cap stamped "Mylor LS 1961", in the line of Robert Weldon (Deed Book 71, Page 122); thence with the lines of Weldon, S 61°12'12" W --- 257.61' to an iron pin found with a yellow cap stamped "3191 2936"; thence N 25°39'35" W --- 739.78' to a point in center of dry creek, a corner to Harry Hopperton (Deed Book 52, Page 714); thence with the lines of Hopperton and along the center of Dry Creek, N 86°11'14" W --- 28.32' to a point in center of dry creek; thence S 48°33'07" W --- 60.96' to a point in center of dry creek; thence S 62°45'39" W --- 224.27' to a point in center of dry creek; thence S 43°19'04" W --- 450.76' to a point in center of dry creek; thence S 85°56'50" W --- 163.91' to a point in center of dry creek; thence S 35°56'55" W --- 97.47' to a point in center of dry creek; thence S 14°23'17" W --- 124.12' to a point in center of dry creek; thence S 17°38'30" E --- 50.76' to a point in center of dry creek; thence S 34°59'11" W --- 73.44' to a point in center of dry creek; thence S 60°38'37" W --- 242.18' to a point in center of dry creek, a corner to Lot 1 of the Markland Park Subdivision(Plat Slide A-23); thence continuing with the line of Lot 1, S 26°13'24" E --- 114.75' to an iron pin found with a yellow cap stamped "Mylor LS 1961", a corner to Gallatin Co. Water District (Deed Book 80, Page 561); thence with the lines of Gallatin Co. Water District, N 63°52'04" E --- 242.61' to an iron pin found with a yellow cap stamped "Mylor LS 1961"; thence N 44°25'04" E --- 94.42' to an iron pin found with a yellow cap stamped "Mylor LS 1961"; thence N 84°03'44" E --- 123.65' to an iron pin found with a yellow cap stamped "Mylor LS 1961"; thence S 76°17'38" E --- 59.85' to an iron pin found with a yellow cap stamped "Mylor LS 1961"; thence S 44°14'25" E --- 57.76' to an iron pin found with a yellow cap stamped "Mylor LS 1961"; thence S 67°56'56" W --- 512.79' to an iron pin found with a yellow

cap stamped "Mylor LS 1961" in the line of Lot #1 of Markland Park; thence with said line of Lot #1 and the terminus of a 50' Right of Way, known as Meadowlark Lane, S 26° 13'24" E --- 86.75' to a iron pin set; thence with the 50' Right of Way of Meadowlark Lane, S 65° 57'02" W --- 1432.97' to a point; thence N 84° 27'15" W --- 669.53' to a point; thence S 83° 36'24" W --- 622.26' to a point; thence S 23° 17'28" E --- 498.75' to a point; thence S 61° 52'30" E --- 113.74' to a point; thence N 88° 32'13" E --- 437.66' to a point; thence N 84° 55'43" E --- 341.80' to a point; thence S 84° 19'26" E --- 81.54' to a point; thence S 63° 53'59" E --- 101.16' to a point; thence S 52° 07'04" E --- 334.26' to a point; thence S 40° 52'03" E --- 250.17' to a point; thence S 56° 02'54" E --- 151.63' to a point; thence S 72° 58'32" E --- 57.87' to a point; thence S 88° 40'05" E --- 284.21' to a point; thence S 78° 57'43" E --- 108.92' to a point; thence S 69° 39'24" E --- 236.24' to a point; thence S 68° 49'33" E --- 200.71' to a point; thence S 68° 06'02" E --- 113.18' to a point; thence S 60° 15'54" E --- 98.46' to a point; thence S 51° 03'17" E --- 136.58' to a point; thence S 43° 20'48" E --- 76.64' to a point; thence S 40° 34'45" E --- 173.01' to an iron pin set in the right of way of Kentucky Route #35; thence with the right of way of Kentucky Route #35, N 34° 44'23" E --- 440.84' to a point; thence N 43° 17'24" E --- 178.03' to a point; thence S 38° 40'06" E --- 40.00' to a point; thence N 51° 19'04" E --- 324.14' to a point; thence S 38° 40'06" E --- 30.00' to a point; thence N 55° 09'24" E --- 588.43' to a point; thence S 33° 42'06" E --- 10.00' to a point; thence N 55° 41'14" E --- 113.64' to a point; thence N 53° 51'04" E --- 90.69' to a point; thence N 51° 47'34" E --- 99.14' to a point; thence N 49° 35'14" E --- 97.84' to a point; thence N 47° 30'34" E --- 91.94' to a point; thence N 45° 55'54" E --- 87.65' to a point; thence N 44° 07'44" E --- 368.62' to a point; thence N 43° 45'24" E --- 362.75' to a point; thence N 46° 08'46" W --- 25.00' to a point; thence N 42° 16'04" E --- 250.35' to a point; thence S 47° 43'56" E --- 25.00' to a point; thence N 40° 46'54" E --- 245.93' to a point; thence N 49° 04'26" W --- 15.00' to a point; thence N 40° 36'55" E --- 96.73' to the place of beginning containing 180.9401 Acres more or less exclusive of all right of ways and easements of record.

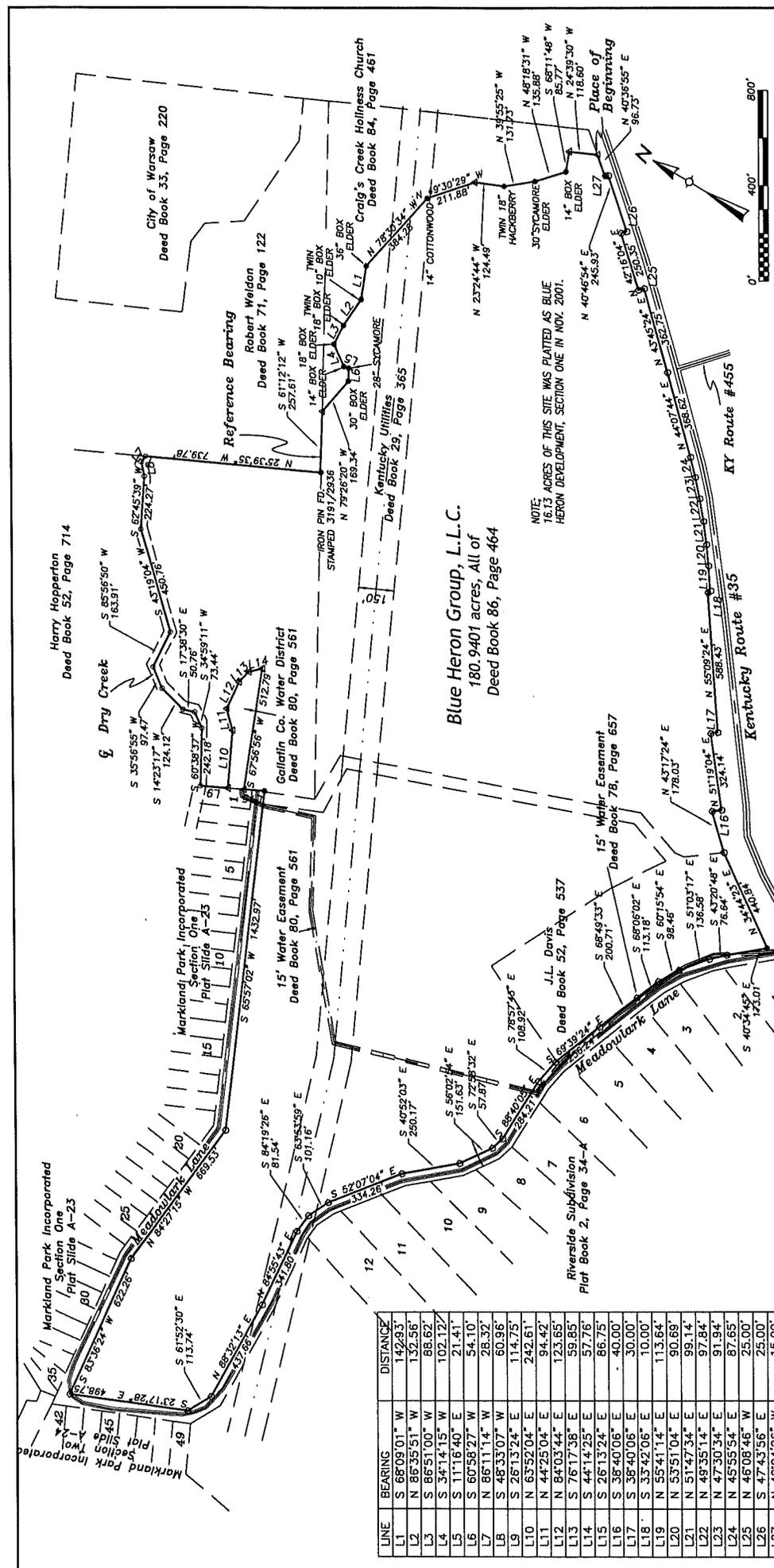
The above description is in accordance with a survey made by Hicks & Mann, Inc. on March 22, 2001, and does not represent a new field survey by Hicks & Mann, Inc.

Hicks & Mann, Inc.



Logan D. Murphy, PE, LS
 Professional Land Surveyor
 Ky. P.E. #15898, L.S. #3316

This being the property described in Deed Book 86, Page 464 as recorded in the Gallatin County Court Clerk's Records in Warsaw, Kentucky.



LINE	BEARING	DISTANCE
L1	S 67°09'01" W	142.93'
L2	N 86°35'51" W	132.56'
L3	S 86°51'00" W	88.62'
L4	S 34°14'15" W	102.12'
L5	S 11°16'40" E	21.41'
L6	S 60°58'27" W	54.10'
L7	N 86°11'14" W	28.32'
L8	S 48°33'07" W	60.96'
L9	S 26°13'24" E	114.75'
L10	N 63°52'04" E	242.61'
L11	N 44°25'04" E	94.42'
L12	N 84°03'44" E	123.65'
L13	S 76°17'38" E	59.85'
L14	S 44°14'25" E	57.76'
L15	S 26°13'24" E	86.75'
L16	S 38°40'06" E	40.00'
L17	S 38°40'06" E	30.00'
L18	S 33°42'06" E	10.00'
L19	N 55°41'14" E	113.64'
L20	N 53°51'04" E	90.69'
L21	N 51°47'34" E	99.14'
L22	N 49°35'14" E	97.84'
L23	N 47°30'34" E	91.94'
L24	N 45°55'34" E	87.65'
L25	N 46°08'46" W	25.00'
L26	S 47°43'56" E	25.00'
L27	N 49°04'26" W	15.00'

LEGEND

- These standard symbols will be found in the drawing.
- IRON PIN SET (1/2"x18" REBAR WITH YELLOW CAP STAMPED 3407 3316)
 - POINT IN THE CENTER OF DRY CREEK
 - POINT IN RIGHT OF WAY
 - △ IRON PIN FOUND STAMPED MYLOR LS 1961

SURVEYOR'S CERTIFICATION

I hereby certify that the survey depicted on this plat was done by personal observation by the method of random traverse with side shots. The unadjusted precision ratio of the traverse exceeds 1:10,000 and was not adjusted. The survey as shown hereon is a Class "A" Survey and the accuracy and precision of said survey meets all specifications of said class. Note: This is a recertification of a survey dated March 22, 2001, and does not represent a new field survey by Hicks & Mann, Inc. This drawing is for information purposes only.

Logan D. Murphy, P.E., L.S.
 Ky. P.E. #15696, L.S. #3316
 Hicks & Mann, Inc. (Permit #209)

STATE OF KENTUCKY
 L.D. MURPHY
 3316
 LICENSED PROFESSIONAL LAND SURVEYOR

PLAT FOR DESCRIPTION
 CITY OF WARSAW & BLUE HERON GROUP, LLC
 ON THE NORTH SIDE OF KY. ROUTE #35, AT THE INTERSECTION OF JOHNSON ROAD & KY. ROUTE #35
 CITY OF WARSAW, GALLATIN COUNTY, KENTUCKY

Scale: 1" = 400'
 Date: 03-03-2011
 Dwn By: LD Murphy
 Job No.: 11-005
 Surveyed: 3-22-01
 Filename: T100596G

HICKS & MANN, INC.
 Consulting Engineers
 Land Surveyors
 P.O. Box 9, 116 Haines Ridge Road
 Williamson, Kentucky 41097
 Ph: (618) 462-0141 Fax: (618) 462-8801

Blue Heron Group, L.L.C.
 180.9401 acres, All of
 Deed Book 86, Page 464

NOTE:
 16.13 ACRES OF THIS SITE WAS PLATTED AS BLUE HERON DEVELOPMENT, SECTION ONE IN NOV. 2001.

PLAT FOR DESCRIPTION

CITY OF WARSAW & BLUE HERON GROUP, LLC
 ON THE NORTH SIDE OF KY. ROUTE #35, AT THE INTERSECTION OF JOHNSON ROAD & KY. ROUTE #35
 CITY OF WARSAW, GALLATIN COUNTY, KENTUCKY

Scale: 1" = 400'
 Date: 03-03-2011
 Dwn By: LD Murphy
 Job No.: 11-005
 Surveyed: 3-22-01
 Filename: T100596G

HICKS & MANN, INC.
 Consulting Engineers
 Land Surveyors
 P.O. Box 9, 116 Haines Ridge Road
 Williamson, Kentucky 41097
 Ph: (618) 462-0141 Fax: (618) 462-8801

DESCRIPTION

Blue Heron Group, L.L.C.

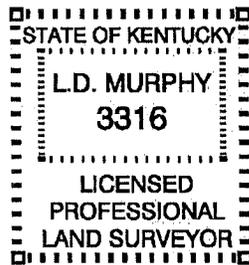
20' Sewer Easement

Lying and being in Gallatin County, Kentucky on the North side of Kentucky Route #35, at the intersection of Johnson Road and being more particularly described as follows, to-wit:

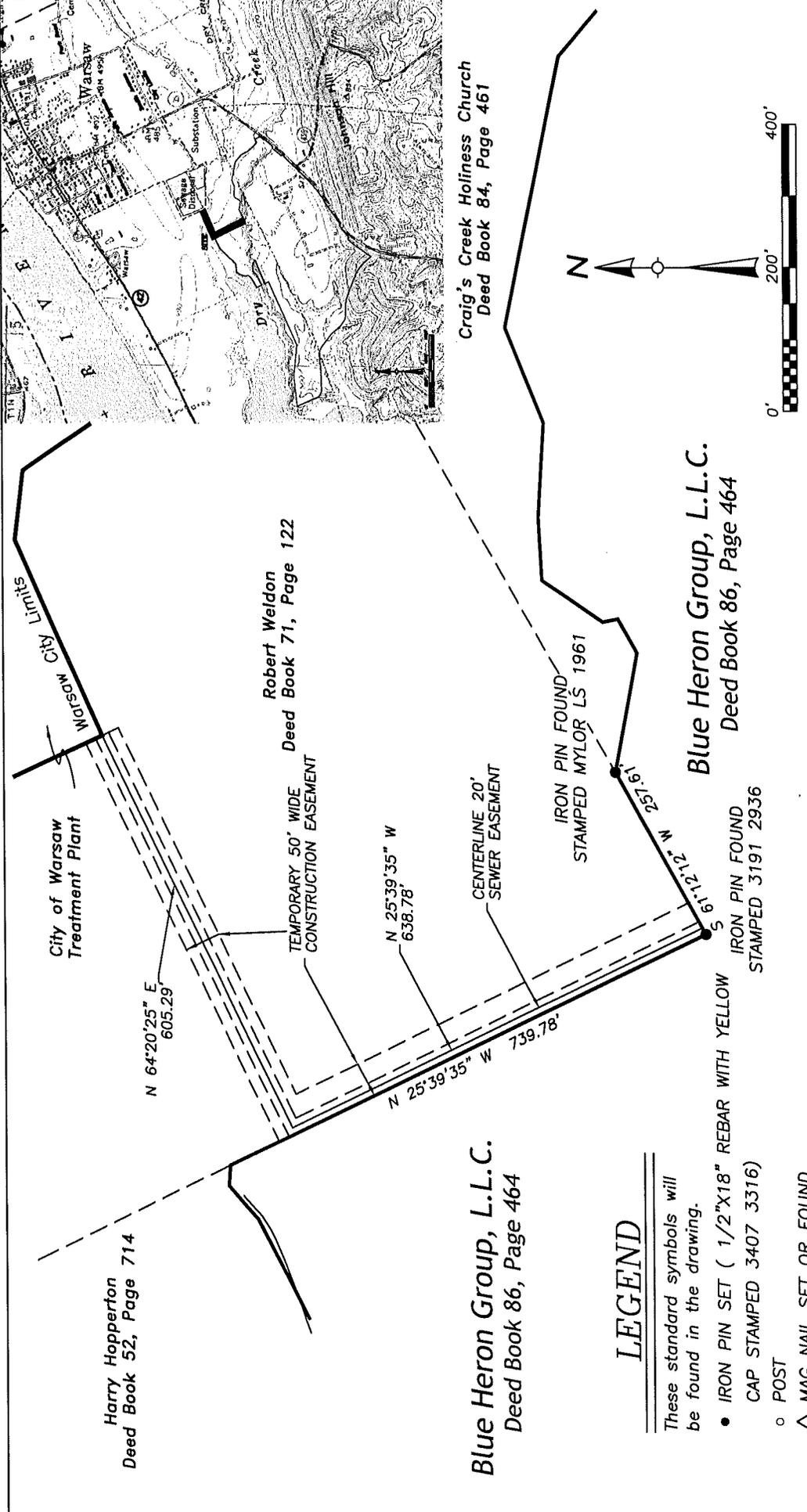
BEGINNING at an iron pin found with a cap stamped "3191 2936" at the Southwest corner of the Robert Weldon Property (Deed Book 71, Page 122) and a corner to Blue Heron Group, L.L.C., Deed Book 86, Page 464; thence with the line of Weldon, N 61°12'12"E ---10.0' to a point being the Real Place of Beginning of a hereby dedicated 20' wide sewer easement; thence with the center of said easement running parallel with the West Line of Robert Weldon, N 25°39'35" W---638.78'' to a point, thence N 64°20'25" E---605.29' to a point, said point being the Southwest corner of the City of Warsaw's Treatment Plant Property and the end of said easement.

The above description is in accordance with a plat by Hicks & Mann, Inc. dated May 1, 2001, and does not represent a new field survey by Hicks & Mann, Inc.

Hicks & Mann, Inc.



Logan D. Murphy, PE, LS
Professional Land Surveyor
Ky. P.E. #15898, L.S. #3316



Harry Hopperton
Deed Book 52, Page 714

Robert Weldon
Deed Book 71, Page 122

Blue Heron Group, L.L.C.
Deed Book 86, Page 464

Craig's Creek Holiness Church
Deed Book 84, Page 461

LEGEND

These standard symbols will be found in the drawing.

- IRON PIN SET (1/2"x18" REBAR WITH YELLOW CAP STAMPED 3407 3316)
- POST
- △ MAG NAIL SET OR FOUND

SURVEYOR'S CERTIFICATION

I hereby certify that the survey depicted on this plat was done by persons under my direct supervision by the method of random traverse with sideshots. The unadjusted precision ratio of the traverse exceeds 1:5,000 and was not adjusted. The survey as shown hereon is a Class "B" Survey and the accuracy and precision of said survey meets all specifications of said class. Note: This is a recertification of a plat dated May 1, 2001, and does not represent a new field survey by Hicks & Mann, Inc. This drawing is for information purposes, only.

Logan D. Murphy, P.E., L.S.
Ky. P.E. #15898, L.S. #3316
Hicks & Mann, Inc. (Permit #209)

Date

STATE OF KENTUCKY
L.D. MURPHY
3316
LICENSED
PROFESSIONAL
LAND SURVEYOR

PLAT FOR DESCRIPTION

CITY OF WARSAW & BLUE HERON GROUP, LLC

ON THE NORTH SIDE OF KY. #35, ±0.30 MILES NORTH OF THE INTERSECTION OF KY. #35 & JOHNSON ROAD CITY OF WARSAW, GALLATIN COUNTY, KENTUCKY

Scale: 1" = 200'
Date: 03-03-2011
Dwn By: LD Murphy
Job No.: 11-005
Surveyed: 3-28-01
Filename: 11005ESMT

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