

Tendered

16-CI-00146

06/14/2016

Heather Winfrey, Graves Circuit Clerk

RECEIVED AND FILED

DATE August 17, 2016

COMMONWEALTH OF KENTUCKY
GRAVES CIRCUIT COURT
CIVIL ACTION NO. 16-CI-00146

ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY *Handie Adkinson*

LAURA WIGGINS

PETITIONER

VS.

KENT McCORD, LAST MAYOR
WATER VALLEY, KENTUCKY

RESPONDENT

JUDGEMENT DISSOLVING
THE CITY OF WATER VALLEY,
GRAVES COUNTY, KENTUCKY

This matter having been submitted to the court on the pleadings and proof filed herein, and the court having entered its Findings of Fact and Conclusions of Law herein, and the court being sufficiently advised,

1. **IT IS HEREBY ORDERED AND ADJUDGED** that the City of Water Valley, Graves County, Kentucky, which was incorporated in the 1800's, be and it is hereby dissolved because it has failed to maintain a city government by the election or the appointment of officers and/or the levying and collection of necessary taxes for a period of more than one (1) year, and for other reasons as set forth in this court's Findings of Fact and Conclusions of Law.

2. **IT IS FURTHER HEREBY ORDERED AND ADJUDGED** that Graves County, Kentucky, shall assume all the assets of the City of Water Valley, Graves County, Kentucky, and discharge all the obligations of the City of Water Valley, Graves County, Kentucky, if any of the latter.

3. **IT IS FURTHER HEREBY ORDERED AND ADJUDGED** that Heather Clapp Winfrey, Clerk of the Graves Circuit Court, shall certify a copy of this Judgment to the

ENTERED
DATE 6-20-16
HEATHER CLAPP WINFREY, CLERK
GRAVES COUNTY CIRCUIT COURT

Heather Winfrey, Graves Circuit Clerk D.C.

Tendered

16-CI-00146

06/14/2016

Presiding Judge: HON. TIMOTHY C. STARK (652231)

TD: 000001 of 000002

Secretary of State of the Commonwealth of Kentucky, no later than ten (10) days from this date, whose duty it shall be to properly index and file the same as a permanent record in the office of the Secretary of State, Commonwealth of Kentucky.

DATED this the 20th day of June, 2016.


TIMOTHY C. STARK, JUDGE
GRAVES CIRCUIT COURT

CLERK'S CERTIFICATE

I, the undersigned, Clerk of the below named court, hereby certify that I have caused a true and correct copy of the foregoing Judgment Dissolving the City of Water Valley, Graves County, Kentucky, to be served upon all other parties to this action, by mailing same postage prepaid as follows:

- 1. Laura Wiggins
7 Monroe Street
Water Valley, KY 42085
- 2. Kent McCord
Last Mayor of Water Valley
4272 State Route 339 W
Wingo, KY 42088
- 3. James B. Brien, Jr., Esq.
Neely, Brien, Wilson & Toombs, PLLC
P.O. Box 708
Mayfield, KY 42066
Attorney for Laura Wiggins
- 4. Ms. Alison Lundergan Grimes
Secretary of State
Commonwealth of Kentucky
P.O. Box 718
Frankfort, KY 40602-0718

On this the 20 day of June, 2016.

HEATHER WINFREY, CLERK
GRAVES CIRCUIT COURT

BY: 

RECEIVED AND FILED
DATE August 17, 2016

COMMONWEALTH OF KENTUCKY
GRAVES CIRCUIT COURT
CIVIL ACTION NO. 16-CI-00146

ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
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LAURA WIGGINS

PETITIONER

VS.

KENT McCORD, LAST MAYOR
WATER VALLEY, KENTUCKY

RESPONDENT

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter having been submitted to the court on the pleadings, affidavits and proof filed herein, and the court being fully aware of the provisions of KRS 81.094 and 81.096, and the court being sufficiently advised, now enters the following Findings of Fact and Conclusions of Law as follows:

FINDINGS OF FACT

1. The court finds that the original City of Water Valley, Kentucky, was incorporated in the 1800's. A copy of the plat of the original City of Water Valley, Kentucky, is located in the Graves County Attorney's Office. The original City of Water Valley, Kentucky was shown on Exhibit 1 attached to the Complaint of Laura Wiggins filed in this action.

2. The court finds that the metes and bounds legal description for the original City of Water Valley, Graves County, Kentucky, is as follows:

Beginning at the Northwest corner of the City Limits of Water Valley, Kentucky, on the west right-of-way line of U.S. Highway 45 South; thence South 31 deg. 00 min. West, 1970.00 feet to a stake; thence South 57 deg. 00 min. East, 1000 feet to a stake; thence North 31 deg. 00 min. East 1970 feet to a stake; thence North 57 deg. 00 min. West 1000 feet to a stake and the point of beginning.

ENTERED
DATE 6-20-16
HEATHER CLAPP WINFREY, CLERK
GRAVES COUNTY CIRCUIT COURT
BY [Signature] D.C.

Presiding Judge: HON. TIMOTHY C. STARK (652231)

TD : 000001 of 000004

3. The court finds that in 1975 the City of Water Valley, Kentucky, attempted an annexation that would greatly increase the size of the City. Attached to Laura Wiggins' Complaint was the Plat of the area sought to be annexed and a Plat of the original City limits of Water Valley, Kentucky.

4. The court finds that by Orders entered on February 8, 2013, in Civil Action No. 12-CI-004278, Graves Circuit Court, this court declared that the area sought to be annexed, which was shown on Exhibit 2 of the Petition, was not part of the City limits of the incorporated City of Water Valley, Kentucky, and that the property described in that action was not property subject to ordinances and activity by the City of Water Valley, Kentucky.

5. The court finds that in the verified Petition of Laura Wiggins she alleged that the actual incorporated City of Water Valley, Kentucky, has failed for one (1) years to maintain a City government by either the election for appointment of officers and/or the levying of the necessary taxes. No one has intervened in this action to deny the Verified Petition of Laura Wiggins.

6. The court finds that Kent McCord was the Last Mayor to serve for the City of Water Valley, Kentucky. He was served with the Petition because at the present time there is no Mayor of Water Valley, Kentucky to serve the Petition on.

7. The court specifically finds that because the City of Water Valley, Kentucky, has failed to maintain any city government by election or the appointment of officers and/or the levying or collection of necessary taxes for a period of more than one (1) year, that no election has to be held to dissolve the City of Water Valley, Kentucky.

8. The court finds that Laura Wiggins is a resident of the City of Water Valley, Kentucky, and is a registered voter of the City of Water Valley, Kentucky, as shown by the attachment to the Petition.

9. The court finds that Laura Wiggins filed with her Petition in this action, a Petition signed by registered voters of the City of Water Valley, Kentucky, equal in number of more than twenty percent (20%) of the total number of votes casted by voters living within the City of Water Valley, Kentucky, in the last Presidential election.

10. The court finds that Jesse Perry, Judge Executive of Graves County, Kentucky, filed an Affidavit in this action stating that Graves County, Kentucky, is willing to assume the assets of the City of Water Valley, Kentucky, and to discharge all the obligations of the City of Water Valley, Kentucky, if any of the later.

11. The court finds that it entered an Order dated May 6, 2016 setting the deadline of May 27, 2016 for any resident of Water Valley, Kentucky, to intervene in this action if anyone opposed the dissolution of Water Valley, Kentucky. No one has intervened or attempted to intervene in this action.

12. The court finds that pursuant to KRS 424 the Order setting the deadline for intervention was published in *The Mayfield Messenger*, a newspaper of general circulation in Graves County, Kentucky, on May 15, 2016 which was not more than twenty-one (21) days or not less than seven (7) days from the date of May 27, 2016 set by the court for the last day to intervene in this action.


CONCLUSIONS OF LAW

1. That this court has jurisdiction over the parties to this action and the subject matter of this action.

2. That the City of Water Valley, Kentucky, should be dissolved because it has failed to maintain a city government by the election or appointment of officers and/or the levying and collection of necessary taxes for a period of more than one (1) year.

3. That a Judgment of Dissolution should be entered in accordance with these Findings of Fact and Conclusions of Law.

DATED this the 20th day of June, 2016.


TIMOTHY C. STARK, JUDGE
GRAVES CIRCUIT COURT

CLERK'S CERTIFICATE

I, the undersigned, Clerk of the below named court, hereby certify that I have caused a true and correct copy of the foregoing Findings of Fact and Conclusions of Law to be served upon all other parties to this action, by mailing same postage prepaid as follows:

- 1. Laura Wiggins
7 Monroe Street
Water Valley, KY 42085
- 2. Kent McCord
Last Mayor of Water Valley
4272 State Route 339 W
Wingo, KY 42088
- 3. James B. Brien, Jr., Esq.
Neely, Brien, Wilson & Toombs, PLLC
P.O. Box 708
Mayfield, KY 42066
Attorney for Laura Wiggins

On this the 20 day of June, 2016.

HEATHER WINFREY, CLERK
GRAVES CIRCUIT COURT

BY: 

Presiding Judge: HON. TIMOTHY C. STARK (652231)

TD : 000004 of 000004