

RECEIVED AND FILED
DATE July 16, 2008
TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Kandice Adkins

RESOLUTION 2008- 10

AN RESOLUTION ADOPTING A MODERN AND ACCURATE LEGAL DESCRIPTION OF TERRITORY PREVIOUSLY ANNEXED BY ORDINANCE

WHEREAS, the City of Whitesburg has enacted numerous ordinances annexing property into the corporate limits of the City of Whitesburg; and

WHEREAS, each individual annexation contains a prior survey oft prepared by now unknown individual, and further references documentation that is no longer in existence; and

WHEREAS, the City wishes to provide a modern, accurate, easily identifiable legal description reflecting bearings and coordinates based upon the state plane coordinate system, including relevant GPS and GIS data, same having been certified by a professional land surveyor for each prior annexation; and

WHEREAS, the city wishes to comply with the requirements of Amended KRS 81A.4 70 effective July 13, 2004, and

WHEREAS, the City does not intend to amend or replace its prior ordinance annexing, but rather to interpret the defined boundaries of the territory previously annexed and adopt a modern and accurate legal description of territory previously annexed.

NOW THEREFORE, BE IT RESOVED BY THE CITY COUNCIL OF THE CITY OF WHITESBURG, KENTUCKY:

SECTION 1. That the City Council of the City of Whitesburg hereby adopts the following legal description, and a plat attached hereto as prepared by Richard Hall, Licensed Professional Land Surveyor No. 3144 by new survey as an accurate depiction of the property previously annexed into the corporate city limits of the City of Whitesburg by Ordinance 260 dated August 13, 1979, a copy of which is attached hereto as Exhibit "2", and hereby adopts said new legal description and plat as the official legal description and plat to be adopted by the City for all purposes when referencing this prior annexation.

SECTION 2. This new legal description as prepared by Richard Hall a Licensed Professional Land Surveyor No.3144 is as follows:

DESCRIPTION OF
ORDINANCE NO. 260
FOR
THE CITY OF WHITESBURG
from
ORDINANCE BOOK 1, PAGE 92

Situated in the Commonwealth of the Kentucky, in the County of Letcher on the waters of The North Fork of The Kentucky River and more particularly described with all bearings and distances referenced to the magnetic meridian of the 1983 Kentucky South Coordinate System. All Iron Pins set, mentioned in this description are a minimum of 24 inches in length and 1 1/2 inches in diameter with a plastic cap stamped LS # 3144.

Beginning at a 36 inch stump on the top of the ridge between Little Dry Fork and The North Fork of the Kentucky River, being on the North right of way line of Highway 15, having a Northing of 1,942,597.67 and an Easting of 2,485,358.87 based on the 1983 Kentucky South coordinate system, as called for in Ordinance No. 260 dated August 13, 1979.

Thence leaving Highway 15 right of way, running with the top of the ridge N 68°25'13" E a distance of 152.21' to a point between Little Dry Fork and The North Fork of The Kentucky River;

Thence S 86°38'21" E a distance of 352.41' to a point on a small knob in the center of the ridge;

Thence N 42°53'52" E a distance of 936.35' to a knob between Little Dry Fork and Rose Branch;

Thence N 19°41'22" W a distance of 131.38' continuing with the top of the ridge;

Thence N 09°36'56" E a distance of 163.18' to a point 6 feet East of a 12 inch Hickory;

Thence N 35°53'38" E a distance of 216.65' to a 24 inch Poplar;

Thence N 11°27'24" W a distance of 235.00' continuing with the top of the ridge to a 10 inch Hickory;

Thence N 10°34'21" E a distance of 280.00' continuing with the top of said ridge;

Thence N 31°50'00" E a distance of 445.00';

Thence N 26°47'32" E a distance of 505.62';

Thence N 50°41'11" E a distance of 399.68' to a point 6 feet North of a 18 inch Oak;

Thence N 38°57'09" E a distance of 192.51' continuing with the top of the ridge to a 36 inch stump;

Thence N 67°21'46" E a distance of 170.11' to a 20 inch Poplar;

Thence N 27°59'37" E a distance of 320.51' to a 3 inch Pine;

Thence N 44°22'44" E a distance of 134.47' to a high knob between Little Dry Fork and Rose Branch and Thompson Branch of Sandlick Creek as called for in Ordinance No. 260 dated August 13, 1979;

Thence S 64°39'10" E a distance of 304.82' leaving said ridge and running down the spur between Rose Branch and Thompson Branch to a point 10 feet Northeast of a 18 inch Hickory;

Thence S 36°55'16" E a distance of 436.80' to a 48 inch Oak;

Thence S 40°15'33" E a distance of 293.81' to a point on the center of said spur at two 18 inch Black Oaks;

Thence S 17°21'46" E a distance of 909.18' to intersection of old fence line between Rose Branch and Thompson Branch;

Thence S 10°37'09" E a distance of 489.00' continuing with the center of said spur to a point in an in old fence line;

Thence S 04°25'16" W a distance of 461.21' to a point 2 feet east 8 inch Pine;

Thence S 01°44'01" W a distance of 647.44' to a point near the end of said spur;

Thence S 85°12'06" E a distance of 3753.49' leaving said spur, crossing Sandlick Creek to a high knob between Sandlick Creek and Solomon Branch as called for in said Ordinance No. 260;

Thence S 39°40'00" E a distance of 885.00' to a point at the junction of two spurs, in the head of small drain;

Thence S 67°10'00" E a distance of 1270.01' down said drain to a point in Solomon Branch, below the mouth of above said drain and on the North side of house owned by James Asher;

Thence S 60°30'00" E a distance of 529.99' crossing Solomon Branch to a point on a small spur on the East side of Solomon Branch;

Thence N 36°00'00" E a distance of 485.00' to a point on said spur;

Thence N 64°00'00" E a distance of 200.00' to a top of said spur;

Thence N 82°44'38" E a distance of 242.08' to a 24 inch Scaly Bark Hickory;

Thence N 75°44'12" E a distance of 341.68' to a center of the point;

Thence N 64°48'09" E a distance of 995.91' to a rock ledge;

Thence S 78°56'13" E a distance of 327.63' to a high knob between Solomon Branch and Hammonds Branch;

Thence S 05°29'28" E a distance of 550.86' to a 6 inch Poplar;

Thence S 30°43'18" W a distance of 756.12' to a 12 inch Poplar;

Thence S 21°50'49" W a distance of 304.27' to the center of point;

Thence S 36°06'52" E a distance of 187.93' to a iron pin (found) stamped LS # 2418;

Thence S 08°07'01" E a distance of 347.98' to a 16 inch Hickory;

Thence S 60°36'56" E a distance of 287.06' to a iron pin (found) stamped LS # 2418;

Thence S 49°14'27" E a distance of 137.58' to a 18 inch White Oak;

Thence S 80°42'36" E a distance of 540.04' to a point on spur;

Thence S 41°40'00" E a distance of 240.00' to a point on spur;

Thence S 12°05'00" E a distance of 170.00' to a point on spur;

Thence S 55°10'00" E a distance of 840.00' to a point in Hammonds branch;

Thence S 60°30'00" E a distance of 1720.00' to a point North East of a cemetery;

Thence S 26°50'00" E a distance of 431.42' to a point in the South edge of the L&N Railroad;

Thence S 18°56'06" W a distance of 1362.89' to a point in the center of the North Fork of The Kentucky River;

Thence S 42°10'00" W a distance of 590.00' leaving said River, crossing Highway 119 to a point in Cowan Branch on the West side of Highway 119;

Thence N 84°12'00" W a distance of 1015.00' leaving Cowan Branch to a point on the center of a spur;

Thence S 50°45'00" W a distance of 495.00' to a point on said spur;

Thence S 42°21'25" W a distance of 553.20' to a cross (x) made on a small knob called for in ordinance #260;

Thence S 86°37'54" W a distance of 3155.56' leaving said knob to an iron pin set stamped LS # 3144 on the center of ridge between the Kentucky River and Little Cowan Creek;

Thence N 21°10'00" W a distance of 295.00' to a point in the center of the ridge on an old strip mine area;

Thence N 30°35'00" W a distance of 470.00' to a point in the center of the ridge on an old strip mine area;

Thence S 83°10'00" W a distance of 265.00' to a point in the center of the ridge;

Thence S 70°17'13" W a distance of 241.95' to a 20 in Oak in the center of the ridge;

Thence N 87°20'00" W a distance of 430.00' to a point on a high knob in the center of the ridge between Little Cowan Creek and The North Fork of The Kentucky River;

Thence S 62°45'00" W a distance of 680.00' continuing with the center of the ridge;

Thence S 81°45'00" W a distance of 290.00';

Thence N 62°05'00" W a distance of 423.00' to a to a point on the center of said ridge in old strip mine area;

Thence N 26°45'00" W a distance of 390.00' continuing with the center of said ridge across an old strip mine area;

Thence N 23°35'00" W a distance of 715.00';

Thence N 46°20'00" W a distance of 315.00' to a iron pin (found) stamped LS # 2418, between Cow Hollow and Watts Branch, both of which are tributaries of The North Fork of the Kentucky River;

Thence S 67°45'00" W a distance of 870.00' continuing with the center of said ridge across an old strip mine area;

Thence S 81°30'01" W a distance of 230.00';

Thence N 65°10'00" W a distance of 305.00';

Thence N 77°50'00" W a distance of 315.00';

Thence N 76°20'00" W a distance of 280.00';

Thence S 80°55'00" W a distance of 520.00';

Thence S 70°55'00" W a distance of 300.00';

Thence S 82°50'51" W a distance of 419.93' to a iron pin set at a 22 inch Black Oak on the center of the ridge between Little Cowan Creek and Watt Long Branch;

Thence N 44°48'36" W a distance of 612.03' to a high knob between Day Branch of Cowan Creek and Watts Long Branch as called for in Ordinance # 260;

Thence N 12°18'57" W a distance of 316.59' leaving said knob to the center of a spur as called for in Ordinance # 260;

Thence N 04°06'59" E a distance of 390.13' to two 8 inch Black Oaks;

Thence N 20°05'53" E a distance of 494.09' continuing down the center of said point;

Thence N 30°15'00" E a distance of 270.00';

Thence N 38°00'00" W a distance of 860.00' leaving said spur running down a drain;

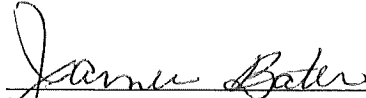
Thence N 21°05'00" W a distance of 320.00' continuing down said drain;

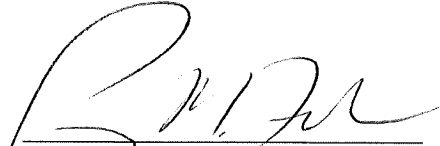
Thence N 07°30'00" E a distance of 420.00' to a point in the center of The North Fork of The Kentucky River;

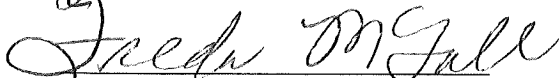
Thence N 69°35'00" W a distance of 430.00' to a to a point in the center of The North Fork of The Kentucky River;


Thence N 11°00'00" E a distance of 425.00' running with the West side of Swalley Day Subdivision, leaving said River to a point in the North right of way of Highway 15;

WHEREAS, the Whitesburg City Council has adopted this Resolution on this 8th of July, 2008.

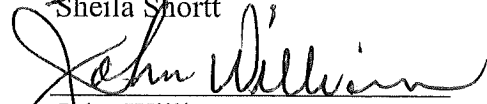

James Bates


Perry Fowler

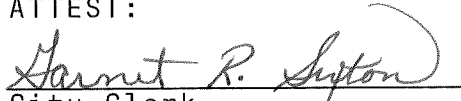

Freda McFall


Sheila Shortt


Robin Bowen-Watko


John Williams


ATTEST:


Garnet R. Syton
City Clerk

CERTIFICATION

I, Garnet R. Sexton, Clerk of the City of Whitesburg do hereby certify that, the above Resolution 2008-10 is a true and correct copy as was presented to the City Council of the City of Whitesburg at their regular schedule meeting dated July 8, 2008.

Given under my hand this 8th day of July, 2008.



City Clerk

(SEAL)

OVERSIZE MAP INCLUDED WITH
SUBMISSION.

To research the map, contact the
Office of Secretary of State
or the County Clerk.