



*"In the Heart of The Hills"*  
38 East Main Street  
WHITESBURG, KENTUCKY 41858

September 19, 2008

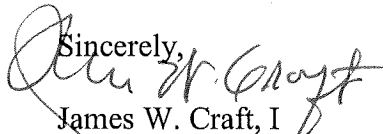
Kandie Adkinson  
Administrative Supervisor  
Office of The Secretary of State  
Suite 152, State Capitol  
Frankfort, KY 40601-5667

Dear Ms. Adkinson:

Enclosed please find the annexation ordinances recently passed by the Whitesburg City Council. We are requesting that these ordinances be placed on the state boundaries map. These ordinances were given a first reading in a regular scheduled meeting of the City Council dated August 12, 2008 and the second reading of said ordinances was given in a special called meeting of the City Council dated August 14, 2008. These ordinances were published in our local newspaper on August 20, 2008 without any opposition to the annexations. The finalized Ordinances of Annexation will be filed in the office of the Letcher County Clerk and with the Department of Local Government.

After reviewing these documents, I hope you will find everything in order. If you have any questions, please do not hesitate to call my office at 606-633-3705.

Sincerely,

  
James W. Craft, I  
Mayor

JWC/grs

enclosure

cc: Winston Meade, Letcher Co. Court Clerk  
Department of Local Government

RECEIVED AND FILED  
DATE Sept. 22, 2008  
TREV GRAYSON  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
BY Kandie Adkinson

**ORDINANCE NUMBER 2008-~~B5~~5**  
**AN ORDINANCE ANNEXING TERRITORY LOCATED ADJACENT TO THE**  
**CITY OF WHITESBURG, KENTUCKY**

WHEREAS, the territory annexed, is known as the PINE MOUNTAIN GRILL property whose border is contiguous to the City of Whitesburg; and,

WHEREAS, Childers Oil Company, Inc. by and through it's President, Don Childers, entered into a consent agreement for the annexation of the PINE MOUNTAIN GRILL property on August 8, 2008; and,

WHEREAS, pursuant to KRS 81A.412, the City is not required to enact an intent to annex ordinance, to give notice or to wait sixty days for an enacting ordinance of annexation; and,

WHEREAS, the City of Whitesburg has not otherwise been challenged in a court of law in the proceeding to annex the hereinafter described territory.

NOW THEREFORE, BE IT ORDAINED by the City Council of the city of Whitesburg as follows:

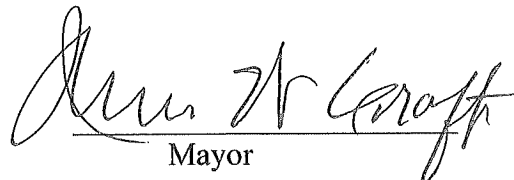
1. The territory described below, a description of which is attached to this ordinance as "Exhibit A" the same as if copied at length herein, is hereby annexed by the City of Whitesburg.
2. All prior orders or ordinances or parts of any municipal orders or ordinances in conflict here with are hereby repealed.
3. This ordinance shall become effective from and after its passage and publication as required by KRS 81A.060 and KRS Chapter 424.

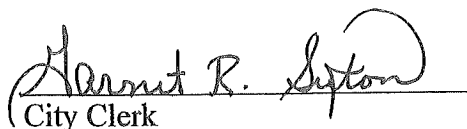
Dated this 12<sup>th</sup> Day of August, 2008.

First Reading            August 12, 2008

Second Reading        August 14, 2008

Published                August 20, 2008

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
City Clerk

RECEIVED AND FILED  
DATE Sept. 22, 2008

\_\_\_\_\_  
TREY GRAYSON  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
BY Janie Adkinson

"Exhibit A"  
DESCRIPTION OF  
ANNEXATION ORDINANCE 2008-5  
FOR  
THE CITY OF WHITESBURG

Situated in the Commonwealth of the Kentucky, in the County of Letcher on the waters of The North Fork of The Kentucky River near Pine Mountain Junction at the intersection of Highway 119 and Highway 15 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\2 inches in diameter with a plastic cap stamped LS # 3144.

Beginning at the Southwest Corner of Ordinance # 315 and along a common line of Ordinance # 260 in the Southern right of way line of Highway 119 having a Northing 1,936,868.67 and an Easting 2,500,034.87 based on the 1983 Kentucky South Coordinate System.

Thence N 87°41'49" E a distance of 37.22' running reverse of Ordinance #315 to a point 164.00 feet right of U.S. 119 center line station 8+25.00;

Thence N 77°21'50" E a distance of 115.65' continuing with Ordinance #315 to a point in the center of The North Fork of the Kentucky River;

Thence S 12°42'26" W a distance of 43.04' down the center of said river;

Thence S 46°58'19" E a distance of 158.25';

Thence S 40°11'56" E a distance of 148.54';

Thence S 02°30'47" E a distance of 76.39';

Thence S 30°27'23" W a distance of 61.54';

Thence S 75°08'27" W a distance of 351.54';

Thence S 74°02'50" W a distance of 162.57' to a point in the center of said river and along a common line to Ordinance #260 (Ordinance Book 1, Page 92);

Thence N 18°56'06" E a distance of 529.48' to a point being the southwest corner of Ordinance #315; which is the point of beginning, having an area of 3.61 acres according to a survey by Richard W. Hall in March and April of 2008.

Being a part of or the same land conveyed to Childers Oil Company in Deed Book 327, Page 646 and found recorded in the Letcher County Clerks Office.

<i>Richard Hall</i>	<i>3144</i>	<i>7-5-2008</i>
Surveyor	RLS	Date



## WAIVER, AGREEMENT AND CONSENT TO ANNEXATION

THIS is an Waiver, Agreement and Consent to Annexation between the **Childers Oil Company, Inc., 729 Jenkins Road, Whitesburg, Kentucky**, a Kentucky Corporation, (hereinafter the "Property Owner") and the **City of Whitesburg**, a Fourth Class City, (hereinafter the "City") entered into this 8<sup>th</sup> day of August 2008.

### PREAMBLE

Both parties to this Agreement understand as follows:

1. The City has expressed an interest in annexing the property of the Property Owner (hereinafter the "Consent Area") to include it within the corporate limits of the City of Whitesburg.
2. Further, the City has determined it is not in the best interest of the City to presently provide full fire and police protection to the Property Owner at the Consent Area unless the Consent Area can be brought within the corporate limits of the City of Whitesburg.

WHEREFORE, the parties to this Agreement agree as follows:

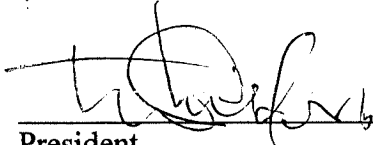
1. The City of Whitesburg agrees to provide fire and police protection in addition to the water and sewer service it presently provides to the Property Owner at the Consent Area, which is more particularly described in the document attached hereto, made a part hereof and incorporated herein as if fully set out at length, and marked as "Exhibit A".
2. Property Owner agrees that in consideration of the City's promise to provide fire and police protection in addition to those services already

being furnished, it will not protest, oppose, or petition against the City's annexation of the real property described as the Consent Area; and further covenants and agrees it will not sue the City of Whitesburg, or any of its officers, agents, employees or representatives, or prosecute any action to which the City of Whitesburg or any of its officers, agents, employees or representatives is a party, for or on account of the annexation of the Consent Area, and that it hereby waives its private right to assert its rights under KRS 81A or any other legal requirements for annexation.

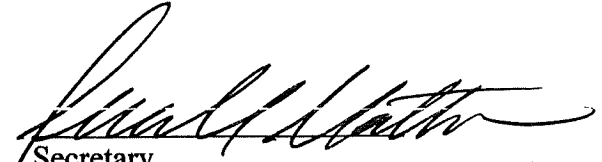
3. It is further understood and agreed by Property Owner that a material part of the City's agreement stated herein to provide police and fire protection in addition to those services already furnished to Consent Area is Property Owner's promise not to protest or oppose in any way, the City's annexation of the Consent Area. Further, by this Agreement, Property Owner affirms that it has determined that it desires to forfeit its private right to protest the annexation in exchange for receipt of services described herein. Property Owner further represents and warrants that it is the only fee simple owner of the real property referred to as the Consent Area.
4. It is further understood and agreed that this Waiver, Agreement and Consent to Annexation is a covenant running with the herein described property and is binding upon all successors and assigns of Property Owner.

IN WITNESS WHEREOF, the parties, acting by and through their duly authorized representatives have executed this Waiver, Agreement and Consent to Annexation.

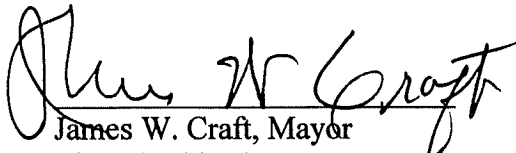
**CHILDER'S OIL COMPANY**

  
\_\_\_\_\_  
President

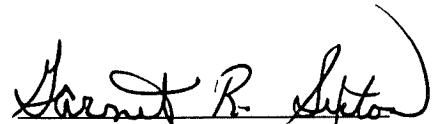
**ATTEST:**

  
\_\_\_\_\_  
Secretary

**CITY OF WHITESBURG**

  
\_\_\_\_\_  
James W. Craft, Mayor  
City of Whitesburg

**ATTEST:**

  
\_\_\_\_\_  
Garnett Sexton, City Clerk

**COMMONWEALTH OF KENTUCKY  
COUNTY OF LETCHER**

I hereby certify that on this 8<sup>th</sup> day of August, 2008 before me personally appeared Don Childers, to me known to be the person described in and who executed the foregoing instrument in his capacity as President of Childers Oil Company, Inc., and Michelle C. Matthews who executed this instrument in her capacity as Secretary of the said Childers Oil Company, Inc., as such for the uses and purposes therein mentioned, and said instrument is the act and deed of said persons and for and on behalf of the aforesaid corporation.

My Commission Expires: 1-10-2011

  
\_\_\_\_\_  
Notary Public

**COMMONWEALTH OF KENTUCKY  
COUNTY OF LETCHER**

I hereby certify that on this \_\_\_ day of August, 2008, before me personally appeared James W. Craft, to me known to be the person described in and who executed the foregoing instrument in his capacity as Mayor of the City of Whitesburg, and Garnett Sexton, who executed this instrument in her capacity as Clerk of the City of Whitesburg, as such for the uses and purposes therein mentioned, and said instrument is the act and deed of said persons.

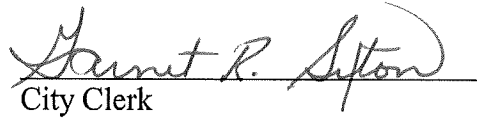
My Commission Expires: 1-10-2011

Studia Hammock  
Notary Public

## CERTIFICATION

I, Garnet R. Sexton, Clerk of the City of Whitesburg do hereby certify that, the above Ordinance 2008-5 is a true and correct copy as was presented to the City Council of the City of Whitesburg for a first reading at their regular schedule meeting dated August 12, 2008 and a special called meeting dated August 14, 2008 for the second reading of said Ordinance.

Given under my hand this 14<sup>th</sup> day of August, 2008.

  
City Clerk

(SEAL)

OVERSIZE MAP INCLUDED WITH  
SUBMISSION.

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