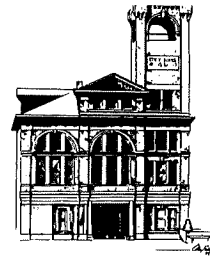


City of Winchester



Office of the City Clerk

MEMORANDUM

TO: Anita Jones, Clark County Clerk
FROM: Marilyn Rowe, City Clerk
DATE: August 26, 1999
SUBJECT: Annexation of Property

RECORDED

AUG 30 1999

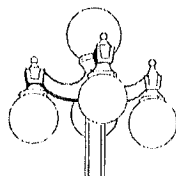
SECRETARY OF STATE
CORRECTIONAL INSTITUTE

Pursuant to KRS 81A.470-475, attached is a duly certified copy of Ordinance Number 16-99 which was adopted after second reading on August 17, 1999. Attached is a copy of the official map that has the parcel annexed outlined in yellow.

I attest to the following information:

- 1) There are no registered voters residing within the area annexed
- 2) No person or entity has filed a petition in protest of the annexation.
- 3) The metes and bounds are described in Section II of the Ordinance
- 4) The owners have requested that the Board of Commissioners of the City of Winchester, Kentucky annex their property.
- 5) The owners are as follows:
 - ◆ Robert Lee Rose and Paula S. Rose, 1131 McClure Road, Winchester, Kentucky
 - ◆ Lynwood Wiseman, G. Wayne Littrell, Dell W. Littrell, Terrence A. Littrell, Diana C. Littrell, James Kevin Littrell and Catherine J. Littrell, c/o W & L Partnership, 920 Bypass, Winchester, Kentucky

Cc: Secretary of State
Department of Local Government



CITY OF WINCHESTER, KENTUCKY

ORDINANCE NO. 16-99

AN ORDINANCE ANNEXING TO THE CITY OF WINCHESTER, KENTUCKY CERTAIN LAND IN CLARK COUNTY, KENTUCKY LYING GENERALLY WEST OF AND ADJACENT TO THE EXISTING CITY LIMITS ON THE NORTH SIDE OF COLBY ROAD, EAST OF THE LAND OF MARY ALICE HOLT et al., WEST OF THE LAND OF KAYE G. HARBIN AND W & L PARTNERSHIP, SOUTH OF THE LAND OF COMMONWEALTH OF KENTUCKY F/B/O CLARK COUNTY BOARD OF EDUCATION

WHEREAS, the Board of Commissioners of the City of Winchester, Kentucky deems it advisable and in the best interest of the City to annex the hereinbelow described property into the City which, by reason of its subdivision, is suitable for development for urban purposes, because the property is adjacent to City boundaries and because increased population density is imminent because of the property's urban character; and

WHEREAS, the Board of Commissioners of the City of Winchester has received the prior consent of the owners of record;

NOW, THEREFORE, BE IT ORDAINED by the City of Winchester, Kentucky as follows:

SECTION I. The property proposed to be annexed is described by metes and bounds in Section II below. The area to be annexed includes, generally, the unincorporated territory located in Clark County, Kentucky consisting of approximately 96.132 acres, more or less, and being the land lying north of the Colby Road in Winchester, Kentucky, generally west of the current city limits and the property of Kaye G. Harbin and W & L

Partnership, south of the property of Commonwealth of Kentucky f/b/o Clark County Board of Education and east of the property of Mary Alice Holt et al.; the land to be annexed consists of the property acquired by Terrence A. Littrell, G. Wayne Littrell and James K. Littrell from Gladys I. R. Tucker, an unremarried widow, by deed dated June 23, 1999, of record in Deed Book 363, page 753, Clark County Court Clerk's office and the property acquired by Robert Lee Rose from Eugene L. Snowden and Ruth Snowden, husband and wife, by deed dated March 28, 1996, of record in Deed Book 335, page 17 in the Clerk's office aforesaid. The owners of the property have consented to its annexation; the consent is attached hereto marked Exhibit "A". By reason of its subdivision the property is suitable for development for urban purposes without unreasonable delay, increased population density is imminent and the property is adjacent to City boundaries. No part of the area described below is included within the boundary of another incorporated city.

SECTION II. Pursuant to the provisions of KRS 81A.400, et seq., the following described unincorporated territory located in Clark County, Kentucky, be, and it is hereby, annexed to the City of Winchester, Kentucky:

All that tract or parcel of land, lying and being in Clark County, Kentucky and situated adjacent to the City of Winchester on the north side of Colby Road approximately one mile west of its intersection with the Winchester ByPass, more particularly described as follows:

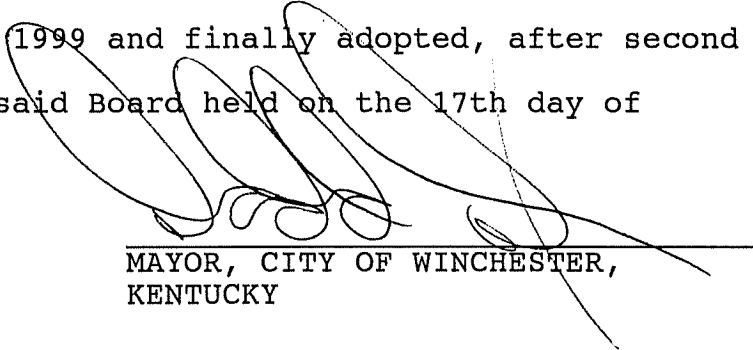
Beginning an iron pin in the existing city limits and the property line of W & L Partnership (Deed

Book 337, page 435 & Slide 1045B), said pin being N.12°00'15"E. 632.50 feet from the center of Colby Road and being a corner common with Kaye G. Harbin (Deed Book 331, page 392), thence with said Harbin three calls as follows: (1) N.77°59'25"W. 264.10 feet to an iron pin, (2) S.28°24'35"W. 280.30 feet to an iron pin, (3) S.12°04'35"W. 429.20 feet to a P. K. Nail in the center of Colby Road; thence with said road eight calls as follows: (1) N.88°58'24"W. 242.83 feet to a P. K. Nail, (2) N.85°09'14"W. 114.15 feet to a P. K. Nail, (3) N.80°05'45"W. 164.98 feet to a P. K. Nail, (4) N.79°14'46"W. 142.92 feet to a P. K. Nail, (5) N.77°44'09"W. 121.97 feet to a P. K. Nail, (6) N.76°37'42"W. 369.03 feet to a P. K. Nail, (7) N.77°46'16"W. 79.93 feet to a P. K. Nail, (8) N.78°03'30"W. 62.40 feet to a P. K. Nail, a corner common with Mary Alice Holt, et al. (Deed Book 138, page 196 & Will Book 34, page 250); thence with said Holt eight calls as follows: (1) N.21°00'15"E. 523.89 feet to a P. K. Nail in a fence post, (2) N.21°37'42"E. 183.66 feet to a P. K. Nail in a fence post, (3) N.21°10'46"E. 295.22 feet to a P. K. Nail in a tree, (4) N.20°27'11"E. 446.69 feet to a P. K. Nail in a fence post, (5) N.21°28'06"E. 587.92 feet to an iron pin, (6) N.21°38'38"E. 120.74 feet to an iron pin, (7) N.21°51'43"E. 381.63 feet to a P. K. Nail in a tree, (8) N.21°05'42"E. 747.57 feet to iron pin found in the property line of the Clark County Board of Education (Deed Book 283, page 46) and the existing city limits; thence with said Board and the city limits four calls as follows: (1) S.66°21'00"E. 289.54 feet to a found iron pin, (2) S.66°14'37"E. 176.54 feet to an iron pin, (3) S.66°36'14"E. 563.16 feet to a found iron pin, (4) S.67°30'14"E. 447.52 feet to an iron pin in the property line of By Pass Farm Corporation; thence with said corporation and the city limits S. 17°57'35"W. 242.05 feet to an iron pin in the property line of W & L Partnership (Deed Book 337, page 435); thence with said Partnership and the city limits two calls as follows: (1) S.82°58'05"W. 330.78 feet to an iron pin,

(2) S.12°00'15"W. 1,851.08 feet to the beginning, containing 96.132 acres, more or less.

SECTION III. This Ordinance shall become effective upon publication as required by law.

Introduced and given first reading at a meeting of the Board of Commissioners of the City of Winchester, Kentucky held on the 3rd day of August, 1999 and finally adopted, after second reading, at a meeting of said Board held on the 17th day of August, 1999.



MAYOR, CITY OF WINCHESTER,
KENTUCKY

ATTEST:



CITY CLERK

Prepared by the City Attorney - 7/16/99

J:\JHP\annex-colby-w & l-ord

CONSENT TO ANNEXATION

The undersigned, by this writing certify that they are all the owners of the property designated as " Robert Lee Rose, DB 335, pg. 17" on the Plat attached as Exhibit "A" hereto and hereby consent to annexation to the City of Winchester, Kentucky of such property which is described in the Ordinance which will receive first reading by the Board of Commissioners of the City of Winchester, Kentucky on August 3, 1999. The property is part of the abandoned CSX Railroad and located near the Colby Road in Clark County, Kentucky.

Robert Lee Rose
ROBERT LEE ROSE

Paula S Rose
PAULA S. ROSE

STATE OF KENTUCKY)
) SCT.
COUNTY OF CLARK)

The foregoing Consent to Annexation was produced before me in my County and State and acknowledged by Robert Lee Rose and Paula S. Rose, his wife, to be his and her act and deed this 22nd day of July, 1999.

My commission expires: 4-15-2000.

Dana F. Graham
NOTARY PUBLIC

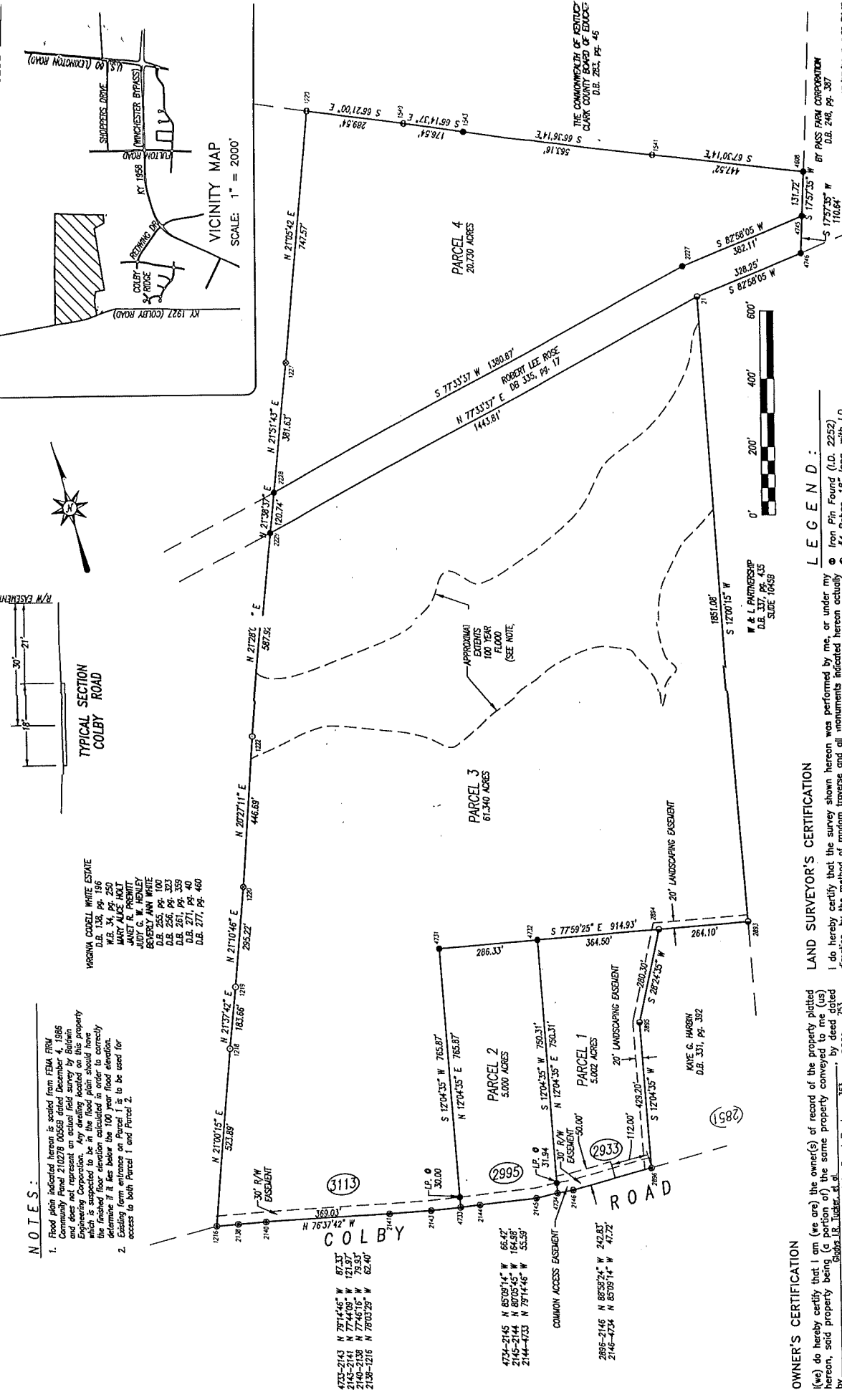
NOTES:

- Flood plain indicated hereon is copied from FEMA FIRM Community Panel 210275 00569 dated December 4, 1986 and does not represent an actual field survey by this office. Any building or structure located on this property is presumed to be in the flood plain should have the finished floor elevation calculated in order to correctly determine if it lies below the 100 year flood elevation. Existing farm entrance on Parcel 1 is to be used for access to both Parcel 1 and Parcel 2.

473-2143 N 731'44" W 87.33'
 2143-2141 N 774'09" W 121.37'
 2140-2138 N 774'61" W 79.33'
 2138-1216 N 7602'25" W 82.40'

474-2145 N 8590'14" W 66.07'
 2145-2144 N 805'45" W 184.98'
 2144-1733 N 731'44" W 55.35'

2895-2146 N 885'24" W 242.87'
 2146-4734 N 8570'14" W 41.72'



RECORD PLAT
LYNWOOD WISEMAN
TERRANCE A. LITRELL
G. WAYNE LITRELL
JAMES K. LITRELL
COLBY ROAD

DATE: 12/07/97
 FILE NO.: 97-2153
 ACREAGE: 136.6
 JOB NO.: 155-18
 CHECKED BY: TUCKER10
 APPROVED BY: RLB

STATE OF KENTUCKY
 COUNTY OF WINCHESTER
 ROBERT L. BALDWIN
 LICENSE NO. 1366
 PROFESSIONAL SURVEYOR

Baldwin
ENGINEERING
 116 South Highland Street - P.O. Box
 Winchester, Kentucky 40392

LAND SURVEYOR'S CERTIFICATION

I do hereby certify that the survey shown hereon was performed by me, or under my direction, by the method of random traverse and all monuments indicated are actually exist and their size, location, and material are correctly shown on this plat. The error of closure ratio of the random traverse was 1:11,404.2 and the bearings and distances shown hereon have been adjusted for closure. The survey as shown hereon is a Class A survey and the accuracy and precision of said survey meets all the specifications of this class. The basis of the bearings shown hereon is in relation to True North.

W & L PARTNERSHIP
 D.B. 337, PG. 435
 SLIDE 10469

116 S. Highland St., P.O. Box 42
 Winchester, Kentucky 40392-0042

OWNER'S CERTIFICATION

I (we) do hereby certify that I am (we are) the owner(s) of record of the property platted hereon, said property being (a portion of) the same property conveyed to me (us) by [Name] on [Date] as recorded in Deed Book [Page], page [Page] in the Clark County Clerk's office, and do hereby adopt this as my (our) record plat for this property.

Witness _____ Date _____
 Owner _____ Date _____
 Owner _____ Date _____
 Owner _____ Date _____
 Address _____
 Address _____
 Address _____
 Date _____

COMMISSION'S CERTIFICATION

I do hereby certify that this record plat conforms with the regulations of the Winchester-Clark County Planning Commission, and that it has been approved for recording in the office of the Clark County Court Clerk.

Planning Commission Secretary _____ Date _____

1. All that certain tract of land lying and being in Clark County, State of Kentucky, located about 2 miles west of Winchester on north side of Colby Road and south of The Chesapeake and Ohio Railway Company, more particularly described as follows:

Beginning at a point in the center of the Colby Road, a corner to Mrs. Beverly White; thence with said White N 23 deg. 40' E 471.0 feet to a point in the fence; thence N 23 deg. 30' E 278.3 feet to a point in the fence; thence N 23 deg. 06' E 257.7 feet to a point in the fence; thence N 23 deg. 01' E 484.3 feet to a point in the fence; thence N 23 deg. 48' E 559.4 feet to a fence post a corner to said White and the south right of way of The Chesapeake and Ohio Railway; thence with said right of way fence N 81 deg. 43' E 318.8 feet to a point in the fence; thence N 80 deg. 52' E 1110.6 feet to an iron pipe, a corner to Tract No. 3 allotted to Eugene Tucker; thence S 14 deg. 24' W 2468.0 feet to a point in the center of the Colby Road, a corner to Tract No. 3; thence with the center of said road N 85 deg. 31' W 145.9 feet to a point; thence N 86 deg. 53' W 124.8 feet to a point; thence N 86 deg. 37' W 351.5 feet to a point; thence N 78 deg. 38' W 351.5 feet to a point; thence N 75 deg. 00' W 264.9 feet to a point; thence N 73 deg. 55' W 205.3 feet to a point; thence N 75 deg. 18' W 205.4 feet to the place of beginning, containing an area of 76.23 acres, more or less.

2. All that certain tract of land lying and being in the County of Clark, State of Kentucky, located about 2 miles west of Winchester on the north side of The Chesapeake and Ohio Railway Company, more particularly described as follows:

Beginning at a fence post in the north right of way line of The Chesapeake and Ohio Railway Company, a corner to Mrs. Beverly White; thence with the north right of way line of said railroad N 81 deg. 00' E 275.4 feet to a point in the fence; thence N 80 deg. 55' E 1128.7 feet to a point in the fence; thence N 81 deg. 08' E 260.2 feet to a point in the fence; thence N 80 deg. 32' E 102.3 feet to a fence post in the north right of way fence of said railroad, a corner to John O. Tyler, Jr.; thence N 20 deg. 42' E 154.3 feet to a hackberry in the fence, a corner to Lynwood Wiseman in the line of said Tyler; thence with said Wiseman N 64 deg. 28' W 1332.1 feet to a point in the fence; thence N 64 deg. 17' W 144.7 feet to a fence post, a corner to Mrs. Beverly White in the line of said Wiseman; thence with said White S 23 deg. 34' W 740.7 feet to a point in the fence; thence S 24 deg. 04' W 416.2 feet to the place of beginning, containing an area of 22.29 acres, more or less.

THERE IS EXCEPTED AND RESERVED from the above described real estate that certain tract of land sold to Dayton Michael Butcher and Peggy Hatchell Butcher, his wife, by deed from Gladys I.R. Tucker et al acting through the Master Commissioner of the Clark Circuit Court dated August 1, 1979 and of record in Deed Book 242, page 377, Clark County Clerk's office and which Exception is described as follows:

That certain tract of land, with residence thereon, situated on the north side of the Colby Road in Clark County, Kentucky, and described as beginning at a point in the center of the Colby Road, a corner to Eugene T. Tucker devisees and W. Maurice Taylor; thence with the average center of the Colby Road N 86' 24' W 350 feet to a point in the center thereof, a corner to Taylor and the remaining lands of the Roy J. Tucker devisees; thence with the line of the remaining land of the Roy J. Tucker devisees, N 14' 28' E 429.2 feet to an iron pin, N 30' 48' E 280.3 feet to an iron pin and S 75' 36' E 264.1 feet to an iron pin in the fence line, a corner to Eugene T. Tucker devisees; thence with Eugene T. Tucker devisees, S 14' 24' W 632.5 feet to the point of beginning; containing five acres, more or less.