

CITY CLERK CERTIFICATION

I, the undersigned, being duly appointed, qualified and acting as the City Clerk of the City of Booneville, Kentucky, hereby certify that the foregoing Intent Ordinance No. 5302001 is a true, correct and complete copy as duly and lawfully passed and adopted by the Booneville City Council at a duly convened board of Commissioners regular monthly meeting held on the 9th day of March, 2016 all as appears in the official records of said City.

Witness, my hand and (Notary Seal), this 9th day of March, 2016.

Tamara Shouse
Tamara Shouse, City Clerk

Seal (Notarial or City Seal)

RECEIVED AND FILED
DATE July 13, 2016

ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Kandice Adkinson

Ordinance # 5302001

**Annexation Ordinance
City of Booneville, Kentucky**

WHEREAS, the City of Booneville is presently incorporated as a 6th Class city with a population of 111 according to the 2000 U.S. Census with a fixed boundary of approximately 456.0 acres;

AND WHEREAS, the City Board of Commissioners has determined that it is in the best interests of the City and the citizens therein to expand the corporate city limits of Booneville;

AND WHEREAS, the City of Booneville and its duly elected Board of Commissioners are committed to the welfare of its citizens including the health, safety, and independence are aware for the need to expand the city limits of Booneville and hereby adopt the following annexation ordinance to be applicable to all residents who reside both inside the corporate city limits of Booneville and all areas contiguous to its boundaries;

AND WHEREAS, the Kentucky Revised Statutes authorizes cities of the 6th class the power of annexation pursuant to KRS 81A.410;

NOW, THEREFORE, be it **Ordained** by the Board of Commissioners of the City of Booneville, Kentucky:

Section I. Title

- A. This ordinance shall be known as cited as the City of Booneville Annexation Ordinance.

Section II. Purpose and Authority

- A. The purpose of this ordinance is to provide a method of allowing for growth and annexation of property for the benefit of the City of Booneville and the residents residing therein.
- B. This annexation ordinance is enacted under the power vested in the Booneville Board of Commissioners by KRS 81A.410.

Section III. Definitions

- A. The purpose of this chapter is to define that the following words and phrases will have the following meanings.

Annexation – The act of joining, adding, or uniting property outside of, but contiguous to the boundaries of the City of Booneville for the purpose of combining these properties with and therefore extending the corporate city limits of Booneville, Kentucky.

Contiguous – Shall be any property in close proximity adjoining, in actual close contact or that shall be touching any point of the corporate city limits of Booneville, Kentucky either now or in the future.

Section IV. Description of Property to be Annexed.

Area I

Beginning at a point calculated to be the centerline of South Fork Kentucky River; thence S 63° 40' 15" E 126.35 feet to a point in the centerline of Meadow Creek. Thence coincident with said creek, the next eleven calls-

S 81° 44' 19" E 175.90 feet, to a point;
 S 68° 10' 35" E 153.04 feet, to a point;
 N78° 09' 47" E 378.40 feet, to a point;
 S 83° 42' 54" E 531.88 feet, to a point;
 S 78° 34' 30" E 564.43 feet, to a point;
 S 71° 49' 23" E 172.07 feet, to a point;
 S 78° 57' 13" E 191.97 feet, to a point;
 N42° 14' 28" E 367.15 feet, to a point;
 N13° 26' 20" E 180.48 feet, to a point;
 N 32° 43' 22" E 44.64 feet, to a point;
 N 67° 08' 11" E 324.69 feet, to a point in the centerline of Shepherd Lane.

Thence coincident with said centerline of Shepherd Lane, the next twelve calls-

S 07° 51' 29" W 51.72 feet, to a point;
 S 02° 30' 50" W 368.82 feet, to a point;
 S 06° 43' 49" W 78.37 feet, to a point;
 S 23° 07' 16" W 63.78 feet, to a point;
 S 33° 00' 32" W 111.43 feet, to a point;
 S 26° 27' 22" W 55.98 feet, to a point;
 S 12° 13' 29" W 166.35 feet, to a point;
 S 02° 37' 33" W 82.57 feet, to a point;
 S 08° 45' 31" E 438.48 feet, to a point;
 S 04° 37' 54" E 41.48 feet, to a point;
 S 12° 16' 55" W 48.41 feet, to a point;
 S 44° 28' 50" W 40.09 feet, to a point in the centerline of a creek.

Thence coincident with said creek, the next seven calls-

S 63° 49' 15" W 20.45 feet, to a point;
 S 07° 26' 33" E 207.48 feet, to a point;
 S 01° 49' 22" W 346.10 feet, to a point;
 S 54° 55' 45" W 71.56 feet, to a point;
 S 66° 00' 51" W 105.66 feet, to a point;
 S 63° 20' 51" W 227.07 feet, to a point;
 N 27° 41' 16" W 201.51 feet, to a point on Shepherd's line.

Thence coincident with said line, the next four calls-

S 65° 06' 5" W 41.54 feet, to a point;
 S 72° 29' 40" W 404.98 feet, to a point;
 S 79° 27' 01" W 47.89 feet, to a point;
 N 82° 08' 53" W 47.56 feet, to a point on the edge of Shepherd Cemetery.

Thence coincident with said cemetery, the next three calls-

N 73° 47' 58" W 119.25 feet, to a point;
 N 86° 12' 36" W 222.65 feet, to a point;
 N 54° 02' 20" W 231.57 feet, to a point in a treeline.

Thence S 62° 01' 08" W 328.90 feet, to a point in the centerline of Highway # 28.

Thence coincident with said centerline of Highway #28, the next two calls-

N 12° 07' 27" W 163.63 feet, to a point;
N 23° 59' 08" W 30.32 feet, to a point in the intersection of Highway #28 and
Jackson Road.

Thence coincident with the centerline of said drain, the next five calls-

N 53° 42' 18" W 478.65 feet, to a point;
N 66° 18' 59" W 200.72 feet, to a point;
N 64° 43' 10" W 164.36 feet, to a point;
N 45° 50' 10" W 150.55 feet, to a point;
N 34° 06' 47" W 137.12 feet, to a point in the centerline South Fork Kentucky

River.

Thence coincident with the center of said river, the next three calls-

N 33° 40' 45" E 456.57 feet, to a point;
N 23° 59' 34" E 768.61 feet, to a point;
N 09° 18' 32" E 430.51 feet, to the point of beginning, containing 128.18 acres,
To a survey by Robin E. May, RLS # 3160, with CMW, Inc. in June in the year 2000.

Area II

Beginning at a point in the centerline of Highway #11; thence leaving said centerline, N 57° 11' 55" E 222.50 feet to a
point in the centerline of a drain. Thence coincident with the centerline of said drain, the next six calls-

N 66° 36' 15" E 80.99 feet, to a point;
N 48° 38' 27" E 137.14 feet, to a point;
N 71° 37' 17" E 169.28 feet, to a point;
N 88° 04' 29" E 128.16 feet, to a point;
N 42° 33' 03" E 34.71 feet, to a point;
N 73° 03' 55" E 207.64 feet, to a point in the centerline of old Highway #11.

Thence coincident with the centerline of Old Highway #11, the next twelve calls-

S 44° 44' 30" E 105.61 feet, to a point;
S 68° 40' 54" E 100.66 feet, to a point;
S 86° 02' 56" E 289.36 feet, to a point;
S 81° 16' 41" E 102.00 feet, to a point;
S 72° 06' 51" E 77.77 feet, to a point;
S 65° 20' 46" E 88.29 feet, to a point;
S 55° 43' 02" E 206.30 feet, to a point;
S 43° 53' 18" E 149.21 feet, to a point;
S 34° 41' 08" E 158.12 feet, to a point;
S 25° 19' 44" E 179.74 feet, to a point;
S 19° 38' 17" E 115.00 feet, to a point;
S 26° 39' 47" E 273.42 feet, to a point;

Thence leaving said centerline of Old Highway #11, the next four calls-

N 79° 44' 17" W 18.75 feet, to a point;
N 51° 11' 58" W 193.28 feet, to a point;
N 40° 18' 23" W 472.49 feet, to a point;
S 85° 33' 23" W 1064.81 feet, to a point in the centerline of Highway #11.

Thence coincident with the centerline of Highway #11 N 66° 14' 44" W 713.23 feet, to the point of beginning, containing 20.12 acres, according to a survey by Robin E. May, RLS # 3160, with CMW, Inc. in June in the year 2000.

Section V. Declaration of Intent and Desirability of Annexation

It shall be the intent of the City of Booneville and its commissioners to annex the above-described property based on the following considerations:

- A. To best serve the Citizens of Booneville, Kentucky and those citizens in the areas of the proposed annexation.
- B. To bring property of an urban nature into the city limits of Booneville that is currently owned by the City of Booneville or is directly effected by the City of Booneville.
- C. To annex only properties currently contiguous to the corporate city limits of Booneville and to which the City of Booneville is currently providing services.
- D. To establish a pattern of growth and sustain the citizenship for the City of Booneville.

Section VI. Notification

- A. Pursuant to KRS 81A.425 notification shall be sent to all owners of property within the proposed area of annexation, not less than 14 days prior to the meeting at which the annexation ordinance is to receive its second reading.

Section VII. Right to Remonstrate

- A. Residents of the area being annexed have the right to remonstrate (make a formal protest against the annexation) within 60 days. Within 60 days of the publication of the first ordinance, residents of the area to be annexed may file with the mayor a petition remonstrating against the annexation effort. To be adequate, the petition shall contain the names of 50% of the resident voters or owners of real property.
- B. If a sufficient petition is received, the question of annexation shall be put to a vote by the residents of the area to be annexed, at the next regular election if the petition is presented to the county and certified as sufficient by the second Tuesday in August proceeding at the regular election. Regular election is defined by KRS 446.010(28) to mean the November election, and not a primary election. The question on the ballot shall read: ARE YOU IN FAVOR OF BEING ANNEXED TO THE CITY OF BOONEVILLE?

Section VIII. Election

- A. The annexation effort shall be voided if 55% or more of those voting oppose annexation. If less than that percentage, the area shall become part of the city.
- B. If the residents fail to vote down the annexation, or if no petition is received during the 60-day period described in section VII, the council may enact the "second ordinance", formally annexing the territory into the city.

Section IX. Severability

If any provision of this Ordinance is deemed by a Court of competent jurisdiction to be unenforceable or unconstitutional, the remaining provisions of this Ordinance shall continue in full force and effect.

Section X. Conflicting Ordinances Repealed

All other Ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed to the extent of the conflict.

Section XI. Effective Date

This ordinance shall take full force and effect immediately upon publication and the above mentioned time and requirements are met as required by KRS 67.855, KRS 424.130 and KRS 424.140.

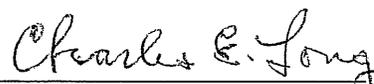
Given the First Reading on the 30th day of May, 2001.

Attest:

CITY OF BOONEVILLE

BY:


Ronnie Callahan, Jr., City Clerk
Administrator


Charles E. Long, Chairman
Mayor

CITY CLERK CERTIFICATION

I, the undersigned, being duly appointed, qualified and acting as the City Clerk of the City of Booneville, Kentucky, hereby certify that the foregoing Ordinance No. 392016-5302001 is a true, correct and complete copy as duly and lawfully passed and adopted by the Booneville City Council at a duly convened board of Commissioners regular monthly meeting held on the 9th day of March, 2016 all as appears in the official records of said City.

Witness, my hand and (Notary Seal), this 9th day of March, 2016.

Tamara Shouse
Tamara Shouse, City Clerk

Seal (Notarial or City Seal)

RECEIVED AND FILED
DATE July 13, 2016

ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Charlie Collins

Ordinance No. 392016-5302001

WHEREAS, an Ordinance was enacted on May 30th, 2001 by the Board of Commissioners of the City of Booneville; and,

WHEREAS, said ordinance was “an ordinance stating an intention to annex certain unincorporated territory contiguous to the City of Booneville”; and,

WHEREAS, in order to prepare an accurate and complete map of the boundaries of the City of Booneville it has become necessary to now adopt an ordinance carrying out the stated intention in the said Ordinance dated May 30th, 2001 to complete the annexation of the territory as described in the aforesaid ordinance; and,

WHEREAS, more than sixty days have elapsed since the Ordinance dated May 30th, 2001 went into effect, and no petition containing signatures of property owners in the area to be annexed has been received by the Mayor pursuant to KRS 81A. 420.

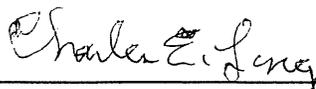
NOW THEREFORE, be it, and it is hereby ordained, by the City Council of the City of Booneville that the territory described in Ordinance 5302001 dated May 30th, 2001 be, and it is hereby annexed to, and incorporated in, the territorial boundaries of the City of Booneville; and,

FURTHER, the description of the annexed territory is incorporated herein by reference to the said Ordinance dated May 30th, 2001 as if fully copied at length.

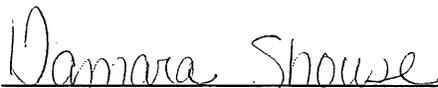
This Ordinance shall become effective after passage and publication as required by law.

This Ordinance was sponsored by Councilman Paul Harvey, introduced and given a first reading and passage at a meeting of the City Council held on February 10, 2016; it received its second reading, passage and became effective at the regular meeting of the City Council held on the 9th day of March, 2016.

ATTEST:



Charles E. Long, Mayor



Tamara Shouse, City Clerk

BOONEVILLE ANNEXATION No. 1

The purpose of this description is to denote the boundary of the lands referred to as Annexation No. 1 added to the City of Booneville, Kentucky on May 30, 2001 using metes and bounds as follows.

Beginning at a point calculated to be the centerline of South Fork Kentucky River; thence S 63° 40' 15" E 126.35 feet to a point in the centerline of Meadow Creek. Thence coincident with said creek, the next eleven calls -

S 81° 44' 19" E 175.90 feet, to a point;
S 68° 10' 35" E 153.04 feet, to a point;
N 78° 09' 47" E 378.40 feet, to a point;
S 83° 42' 54" E 531.88 feet, to a point;
S 78° 34' 30" E 564.43 feet, to a point;
S 71° 49' 23" E 172.07 feet, to a point;
S 78° 57' 13" E 191.97 feet, to a point;
N 42° 14' 28" E 367.15 feet, to a point;
N 13° 26' 20" E 180.48 feet, to a point;
N 32° 43' 22" E 44.64 feet, to a point;
N 67° 08' 11" E 324.69 feet, to a point in the centerline of Shepherd Lane.

Thence coincident with said centerline of Shepherd Lane, the next twelve calls -

S 07° 51' 29" W 51.72 feet, to a point;
S 02° 30' 50" W 368.82 feet, to a point;
S 06° 43' 29" W 78.37 feet, to a point;
S 23° 07' 16" W 63.78 feet, to a point;
S 33° 00' 32" W 111.43 feet, to a point;
S 26° 27' 22" W 55.98 feet, to a point;
S 12° 13' 29" W 166.35 feet, to a point;
S 02° 37' 33" W 82.57 feet, to a point;
S 08° 45' 31" E 438.48 feet, to a point;
S 04° 37' 54" E 41.48 feet, to a point;
S 12° 16' 55" W 48.41 feet, to a point;
S 44° 28' 50" W 40.09 feet, to a point in the centerline of a creek.

Thence coincident with said creek, the next seven calls -

S 63° 49' 15" W 20.45 feet, to a point;
S 07° 26' 33" E 307.48 feet, to a point;
S 01° 49' 22" W 346.10 feet, to a point;
S 54° 55' 45" W 71.56 feet, to a point;
S 66° 00' 51" W 105.66 feet, to a point;
S 63° 20' 51" W 227.07 feet, to a point;
N 27° 41' 16" W 201.51 feet, to a point on Shepherd's line.

Thence coincident with said Shepherd's line, the next four calls -

S 65° 06' 05" W 41.54 feet, to a point;
S 72° 29' 40" W 404.98 feet, to a point;
S 79° 27' 01" W 47.89 feet, to a point;
N 82° 08' 53" W 47.56 feet, to a point on the edge of Shepherd Cemetery.

Thence coincident with said Shepherd Cemetery, the next three calls -

N 73° 47' 58" W 119.25 feet, to a point;
N 86° 12' 36" W 222.65 feet, to a point;
N 54° 02' 20" W 231.57 feet, to a point in a treeline.

Thence S 62° 01' 08" W 328.90 feet, to a point in the centerline of Highway #28.



BOONEVILLE ANNEXATION No. 1

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Thence coincident with said centerline of Highway #28, the next two calls -

N 12° 07' 37" W 163.63 feet, to a point;
N 23° 59' 08" W 30.32 feet, to a point in the intersection of Highway #28 and Jackson Road.

Thence coincident with the centerline of Jackson Road, the next three calls -

S 61° 58' 02" W 385.94 feet, to a point;
S 59° 33' 21" W 136.67 feet, to a point;
S 52° 59' 27" W 185.88 feet, to a point which intersects the centerline of a drain and Jackson Road.

Thence coincident with the centerline of said drain, the next five calls -

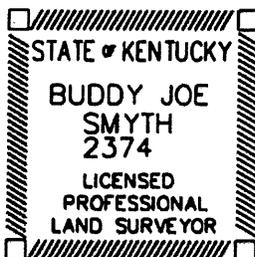
N 53° 42' 18" W 478.65 feet, to a point;
N 66° 18' 59" W 200.72 feet, to a point;
N 64° 43' 10" W 164.36 feet, to a point;
N 45° 50' 10" W 150.55 feet, to a point;
N 34° 06' 47" W 137.12 feet, to a point in the centerline South Fork Kentucky River.

Thence coincident with the center of said South Fork Kentucky River, the next three calls -

N 33° 40' 45" E 456.57 feet, to a point;
N 23° 59' 34" E 768.61 feet, to a point;
N 09° 18' 32" E 430.51 feet, to the point of beginning, containing 128.18 acres.

The metes and bounds above are based on the legal description and survey by CMW, Inc., Robin E. May, PLS 3160 on 7-15-2000. This description does not constitute a boundary survey and is intended only to describe the property annexed by Booneville on May 30, 2001. This description is for a KRS 81A.470 annexation submission so a field survey was not performed. Per the administrative supervisor of the land office division for the secretary of state, the board of licensure for land surveyors allows surveyors to use existing documents to prepare their descriptions for KRS 81A.470 submissions.

The boundary depicted by this description is a closed geometric figure with an unadjusted precision ratio of greater than 1:10000. The boundary described hereon complies with KRS 81A:470 for annexations.



Buddy J Smyth

Buddy Joe Smyth, PLS #2374

6-28-2016

Date

