

ALISON LUNDERGAN GRIMES  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
BY Frankie Johnson

CITY OF FLEMINGSBURG, KENTUCKY  
ORDINANCE NO. 7-16-1

**AN ORDINANCE OF THE CITY OF FLEMINGSBURG, KENTUCKY  
ANNEXING INTO ITS CORPORATE LIMITS LAND OWNED BY  
HERBERT PURVIS AND HULDA FAYE PURVIS, AND LARRY T.  
WATSON, HEREINAFTER DESCRIBED.**

**WHEREAS**, certain owners of real estate have consented in writing to the annexation of certain parcels of their real estate located on Mt. Sterling Road in Fleming County, Kentucky, said properties being contiguous with the current corporate limits of the City of Flemingsburg; and

**WHEREAS**, said properties are identified and described in the land survey and plat representing said survey by Travis M. McGlone, R.L.S., dated 8/12/16, 2016 and which will be placed of record in Plat Cabinet No. 4, Slide No. 478, Fleming County Clerk's Office, and will be recorded within sixty (60) days of passage as permitted by KRS 81A.470 and KRS 81A.475, and

**WHEREAS**, said property is adjacent to and contiguous with the City's boundaries and is urban in character and is suitable for development for urban purposes without unreasonable delay,

**WHEREFORE, BE IT ORDAINED BY THE CITY OF FLEMINGSBURG, KENTUCKY:**

**SECTION 1: AUTHORITY**

The annexation of the hereinafter described land is authorized by KRS 82.082 and KRS 81A.400 et seq.

**SECTION 2: CONSENT TO ANNEXATION**

The below referenced written consents to annexation executed, acknowledged and delivered to the City of Flemingsburg, Kentucky pursuant to KRS 81A.412 and of record in the office of the Fleming County Clerk are hereby acknowledged and accepted by the City of Flemingsburg, Kentucky for all intents and purposes expressed therein; said consents to annexation are made a part of this ordinance by reference; to-wit:-

<u>Property Owner:</u>	<u>Consent Recorded At</u>	<u>Property Consent Applies To</u>
Herbert Purvis and Hulda Faye Purvis	D.B. _____, Page _____	*D.B. 259 Page 555
Larry T. Watson	D.B. _____, Page _____	*D.B. 252, Page 555

### **SECTION 3: ANNEXATION**

A. The land described in subsection C. below is found to be contiguous with and adjacent to the boundaries of the City of Flemingsburg, Kentucky and is suitable for development for urban purposes without unreasonable delay.

B. The land described in subsection C. below is hereby annexed to and shall be within the corporate limits of the City of Flemingsburg, Kentucky.

C. The land annexed by the City of Flemingsburg, Kentucky by operation of this ordinance is described as follows:

#### **TRACT I**

##### **PARCEL I**

A certain parcel of realty located on the East side of Kentucky Highway 11 near the South city limits of Flemingsburg in Fleming County, Kentucky, and being a certain lot designated as Lot 23 on B. F. Smith's Plat dated April 4, 1967, of record in Deed Book 125 at Page 113, and also a certain triangular parcel of realty located on the south side of said Lot No. 23 being more particularly described as follows, to-wit:

Facing 25 feet on Kentucky Highway No. 11 and extending back in a more or less eastwardly direction a distance of about 200 feet to the rear property line of Lot No. 23 and the lot which would be designated as Lot No. 24 if it were numbered on said plat; thence in a more or less westwardly direction about 200 feet to the point of beginning which parcel measures 0° footage at the rear on the east side of said lot and which lot measures 25 feet in width facing Kentucky Highway No. 11, making in all a lot facing 142 feet on Kentucky Highway No. 11, running back a distance of 200 feet on both sides and being 142 feet in the back and all four corners being marked with iron pins.

It is agreed that no building shall be erected within ten (10) feet of any other property line and a ten foot section on the east side of said lot which is the back of said lot, shall be used for utility purposes, and a three (3) foot section on the front of said lot shall be reserved by the grantors for a water line.

It is further agreed that no house trailer shall be placed or erected on said lot. This is a covenant running with the land.

This conveyance is subject to gas line easements by the City of Flemingsburg, Kentucky.

## PARCEL II

A lot located on Kentucky Highway 32 south of Flemingsburg, Kentucky, and in Fleming County, Kentucky, being more particularly described as follows:

Beginning at a point in the center of Kentucky Highway 32 thence to present fence of B. F. Smith which thence is in the back property lien of Elmer Russell Doyle a distance of 200 feet; thence toward the present back corner of Elmer Russell Doyle a distance of 150 feet and corner, thence with the present property line of Elmer Russell Doyle a distance of about 200 feet to the center of the highway; thence with the center of said highway a distance of 145 feet to the point of beginning.

Being the same property conveyed to Herbert Purvis and Hulda Faye Purvis, husband and wife, from Russell O. Montgomery and Nina P. Montgomery, husband and wife, by deed dated the 1<sup>st</sup> day of April, 2016, and of record in Deed Book 259, Page 555, Fleming County Clerk's Office.

## TRACT II

A house and lot located in Flemingsburg, Kentucky fronting on Kentucky Highway #11 and which is more particularly described as follows:

**TRACT I:** A lot designated as Lot #22 on B. F. Smith's Plat dated April 4, 1967, which is of record in Deed Book 125, Page 113, Fleming County Clerk's Office. Said lot fronts 117' on the East side of Kentucky Highway 11 near the South city limits of Flemingsburg, Kentucky and being 175' on the North side, 142' on the East side and 200' on the West side thereof.

**TRACT II:** A parcel of land joining Tract I fronting on Kentucky Highway 11 and which is more particularly described as follows:

**BEGINNING** at a point in the edge of the right-of-way of Kentucky Highway 11 in the present line of grantees in a more or less northeasterly direction a distance of about 175 feet to a post; thence in a more or less westwardly direction a distance of about 175 feet to a point in the edge of the right-of-way of said highway and corner thereto; thence with the said edge of said right-of-way a distance of about 23-1/2 feet to the beginning and to contain what it may.

It is agreed that no building shall be erected within two feet to any other property line and that a ten foot section on the East side of said lot which is the back of said lot, shall be used for utility purposes.

It is further agreed that no house trailer shall be placed or erected on said lot. This

is a covenant running with the land.

Being the same real estate conveyed Larry T. Watson and Sandra B. Watson, husband and wife, from Peoples Bank of Kentucky, Inc. by deed dated the 25<sup>th</sup> day of May, 2012, and of record in Deed Book 247, Page 242, Fleming County Clerk's Office. Also being the same property conveyed Larry T. Watson, single, by Quit-Claim Deed from Sandra B. Watson (now Sandra Beckman Stunson), single, dated the 4<sup>th</sup> day of February, 2014 and of record in Deed Book 252, Page 555, Fleming County Clerk's Office.

Sandra Faye Watson, Sandra B. Watson, and Sandra Beckman Stunson are one and the same person.

Larry Thomas Watson and Larry T. Watson are one and the same person.

D. The map of the area described in subsection C. above is drawn and will be placed of record in the Fleming County Plat Cabinet upon final passage of this Annexation Ordinance .

#### **SECTION 4: EFFECTIVE DATE**

This Ordinance shall become effective upon two (2) readings thereof, roll call vote passage by the City Council, approval by the Mayor and publication as required by law.

*(Balance of page intentionally left blank)*

**COUNCIL ACTION  
ORDINANCE NO. 4-07-1**

**First Reading** of this Ordinance was had on May 9<sup>th</sup>, 2016.

Joy S. Roark  
Joy S. Roark, City Clerk

**Second Reading** of this Ordinance was had on July 11<sup>th</sup>, 2016, and upon roll call vote was adopted by the City Council of the City of Flemingsburg, Kentucky.

Joy S. Roark  
Joy S. Roark, City Clerk

**MAYORAL APPROVAL**

I hereby accept and approve the foregoing Ordinance No. 7-16-1 and direct same to be published in accordance with applicable law this 11<sup>th</sup> day of July, 2016.

Martin L. Voiers  
Martin L. Voiers, Mayor

**ATTEST:**

Joy S. Roark  
Joy S. Roark, City Clerk

**PREPARED BY:**

Thomas L. MacDonald  
Thomas L. MacDonald  
MacDonald, Walton & Razor, PLLC  
City Attorney  
129 West Water Street  
Flemingsburg, Kentucky 41041  
Phone: 606-845-2771  
Fax: 606-849-3010  
E-mail: mwrlaw@windstream.net

I CERTIFY I AM THE DULY QUALIFIED CITY CLERK OF THE CITY OF FLEMINGSBURG, KY, AND THE FIVE PAGES OF ORDINANCE NO. 7-16-1 IS A TRUE CORRECT AND COMPLETE COPY DULY ADOPTED BY THE CITY COMMISSION AT A DULY CONVENED MEETING HELD ON JULY 11, 2016, ALL AS APPEARS IN THE OFFICIAL RECORDS OF SAID CITY.

WITNESS, MY HAND AND SEAL OF SAID CITY  
this 9<sup>th</sup> day of September 2016

5 Joy S. Roark (jmr)  
CITY CLERK

## Surveyor's Intention and Legal Description

The intent of this legal description is to provide a metes and bounds description of the area denoted in Ordinance No. 7-16-1 by the City of Flemingsburg, Kentucky to annex the properties of Herbert & Hulda Faye Purvis DB 259 PG 555 and Larry T. Watson DB 252 PG 555 per the Records of the Fleming County Clerk's Office; as prepared by Travis A. McGlone PLS 3919 of Buffalo Trace Surveying, LLC of 1386 Logan Run Road, Flemingsburg, KY 41041. The following description was prepared in accordance with the information collected at the Fleming County Clerk's & Property Valuation Administration offices and the official records of the City of Flemingsburg. The boundary is based on deed plots and prior annexed plats prepared by William T. (Tommy) Carpenter for the City of Flemingsburg. Some deeds were adjusted for closure and placed within the Kentucky State Plane Coordinate System (NAD 83) Single zone and coordinated according to the information shown on the previously annexed parcel for the City of Flemingsburg, Ordinance No. 7-84-2.

### Ordinance No. 7-16-1 legal description:

Being a certain territory of land adjoining the existing limits of the City of Flemingsburg and lying on the North Side of KY HWY 32 (Flemingsburg By-Pass & Morehead Road) at its junction with the East side of KY HWY 11 (Mt. Sterling Ave.) in Fleming County, Kentucky and being more particularly described as follows:

Beginning at a point in the line of the Existing City limits of the City of Flemingsburg Ordinance 7-84-2 order book 15 Page 372 – 153.13 acres (being N24°11'34"E a distance of 311.95' from said Ordinance South East corner) at the North right of way of KY HWY 32 (Flemingsburg By-Pass & Morehead Road) at its junction with the East side of KY HWY 11 (Mt. Sterling Ave.) corner to the Commonwealth of Kentucky Commissioner's DB 6 Page 1 Parcel 13 and Herbert & Hulda Faye Purvis DB 259 PG 555, having a Kentucky State Plane (NAD 83) Single Zone position of Northing: 4044401.78 & Easting: 5497465.19; Thence along the existing said City Limits N24°11'34"E a distance of 427.87' to the North West corner of Larry T. Watson DB 252 PG 555 and the South West corner of the Existing City Limits (Ordinance 11-02-2 - 1.035 acres); Thence leaving Ordinance 7-84-2 along the City of Flemingsburg ordinance 11-02-2) S66°40'47"E a distance of 182.31' to the North East corner of said Watson and the North West corner to the Existing City Limits (Ordinance 11-02-1 - 3.799 acres); Thence along the City of Flemingsburg 3.799 acre annex line S16°15'24"W a distance of 137.35' to the South East Corner of Watson and the North East Corner of Purvis; Thence continuing along the City annex 3.799 acres

S24°39'10"W a distance of 296.54' to the North right of way of KY HWY 32 at the South East Corner of Purvis and the South West corner of the City of Flemingsburg 3.799 acre annex; Thence along the North right of way of KY HWY 32 N65°15'16"W a distance of 198.88' to the point of beginning containing 1.951 acres of territory included in the City of Flemingsburg Ordinance 7-16-1 annexation.

 8/2/2016

Travis A. McGlone PLS 3919 Date



LEGEND

- UNMONUMENTED POINT
- BOUNDARY LINE - ORDINANCE 7-16-1
- CITY LIMITS - ORDINANCE 7-84-2 (DATED: JULY 7, 1984)
- CITY LIMITS - ORDINANCE 11-02-2 (DATED: NOVEMBER 11, 2002)
- CITY LIMITS - ORDINANCE 11-02-1 (DATED: NOVEMBER 11, 2002)
- EDGE OF ROADWAY PAVEMENT

VICINITY MAP (NTS)



FILE: FLEMINGSBURG ANNEX-MT STERLING.DWG

**B T S**  
**BUFFALO TRACE SURVEYING, LLC**

TRAVIS MCGLONE, PLS  
 1386 LOGAN RUN ROAD  
 FLEMINGSBURG, KY 41041  
 PHONE: 606-845-2812  
 EMAIL: btsurveying@gmail.com

**NEW PLAT OF CITY ANNEXATION FOR THE CITY OF FLEMINGSBURG (ORDINANCE 7-16-1)**

585 & 617 MT STERLING AVE  
 FLEMINGSBURG, FLEMING COUNTY, KENTUCKY  
 DATE: 8/12/2016 SCALE: 1"=100'

CLIENT: CITY OF FLEMINGSBURG  
 ADDRESS: 140 W.ELECTRIC AVE  
 FLEMINGSBURG, KY 41041

REVIEW DATE: 8/12/2017



SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THE INFORMATION SHOWN ON THIS PLAT WAS OBTAINED BY MYSELF OR PERSONS UNDER MY DIRECT SUPERVISION. DEED PLOTS AND PRIOR PLATS WERE USED TO ESTABLISH BOUNDARY AND WERE ADJUSTED FOR CLOSURE. THIS PLAT IS NOT A PRODUCT OF A FIELD SURVEY AND DOES NOT COMPLY WITH 201 KAR 18:150 AND IS NOT INTENDED FOR TRANSFER.

*Travis A. McGlone*  
 TRAVIS A. MCGLONE PLS 3919 DATE

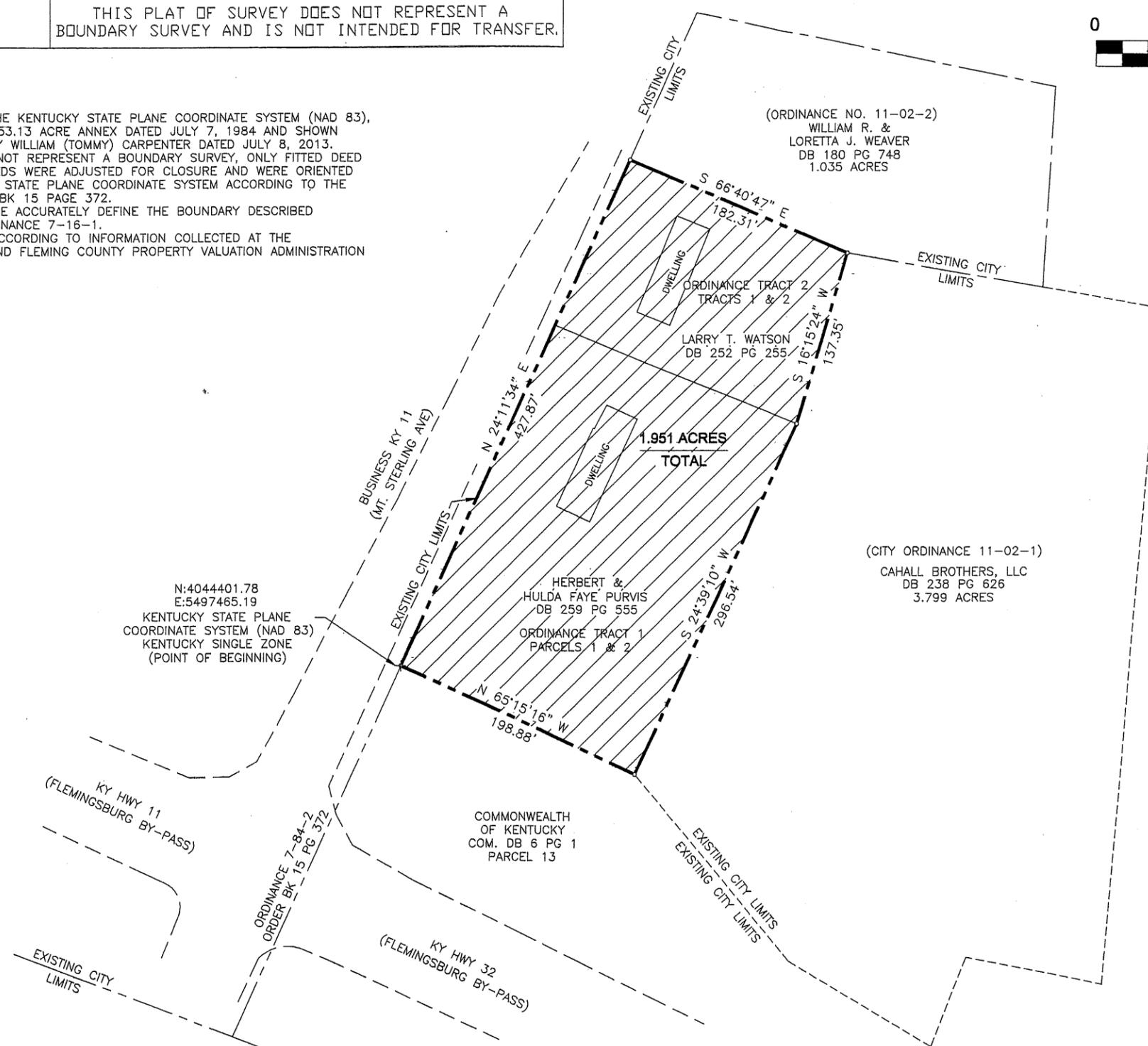
THIS PLAT OF SURVEY DOES NOT REPRESENT A BOUNDARY SURVEY AND IS NOT INTENDED FOR TRANSFER.



RECORD SOURCE  
 DEED BOOK: 252 PAGE: 255  
 DEED BOOK: 259 PAGE: 255

NOTES:

BEARINGS COORDINATED TO THE KENTUCKY STATE PLANE COORDINATE SYSTEM (NAD 83), KENTUCKY SINGLE ZONE PER THE 153.13 ACRE ANNEX DATED JULY 7, 1984 AND SHOWN ON PLAT OF ORDINANCE 7-84-2 BY WILLIAM (TOMMY) CARPENTER DATED JULY 8, 2013.  
 THIS PLAT OF SURVEY DOES NOT REPRESENT A BOUNDARY SURVEY, ONLY FITTED DEED PLOTS AND PRIOR PLATS. SOME DEEDS WERE ADJUSTED FOR CLOSURE AND WERE ORIENTED WITHIN THE KENTUCKY SINGLE ZONE STATE PLANE COORDINATE SYSTEM ACCORDING TO THE PRIOR ORDINANCE 7-84-2, ORDER BK 15 PAGE 372.  
 PURPOSE OF PLAT IS TO MORE ACCURATELY DEFINE THE BOUNDARY DESCRIBED IN THE CITY OF FLEMINGSBURG ORDINANCE 7-16-1.  
 ALL DEED SOURCES SHOWN ACCORDING TO INFORMATION COLLECTED AT THE FLEMING COUNTY CLERK'S OFFICE AND FLEMING COUNTY PROPERTY VALUATION ADMINISTRATION AND WERE NOT FIELD VERIFIED.



N:4044401.78  
 E:5497465.19  
 KENTUCKY STATE PLANE COORDINATE SYSTEM (NAD 83)  
 KENTUCKY SINGLE ZONE (POINT OF BEGINNING)



FLEMING COUNTY CLERK CERTIFICATION

I hereby certify that this annexation plat was presented to me and accepted for recording in the office of the County Clerk and Recorder of Fleming County at the City of Flemingsburg, Kentucky on this September 16 day of 2016 at 2:34 (time).  
*Justin Goby Jenkins*  
 SIGNATURE OF FLEMING COUNTY CLERK/RECORDER RECEPTION NO. 478  
 RECORDED IN PLAT CABINET 4 SLIDE 478