

Ordinance # 110.68

**CITY OF BURNSIDE
ORDINANCE NO. 110.10**

AN ORDINANCE ANNEXING TO THE CITY OF BURNSIDE, UNINCORPORATED AREA OF 39.247 ACRES, MORE OR LESS, LYING ADJACENT AND CONTIGUOUS TO THE EXISTING CITY LIMITS OF THE CITY OF BURNSIDE, PUALSKI COUNTY, KENTUCKY.

WHEREAS, Kentucky Revised Statute 81A.410 authorizes and delegates city legislative bodies the authority to annex territories; and

WHEREAS, the City of Burnside found, pursuant to KRS 81A.410, that the herein described unincorporated territory was subject to annexation as it was adjacent and contiguous to the City of Burnside's boundaries when the annexation proceeding began; and, by reason of the land's commercial, industrial or institutional use, the land is urban in character and no part of the area to be annexed was included with the boundary of another incorporated city; and

WHEREAS, the City of Burnside previously read, passed and published Ordinance No. 110.8 and provided all required notices under KRS 81A.410 or as otherwise required to affected parties without any person objecting or requesting an election; and

WHEREAS, the appropriate amount of time for objection/appeal/remonstration to the intent to annex has passed without the City of Burnside being notified of any such action;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURNSIDE, PUALSKI COUNTY, KENTUCKY, DOES HEREBY OBTAIN AS FOLLOWS:

SECTION I

That the City Council of the City of Burnside, Pulaski County, Kentucky, an incorporated city of the fifth class hereby annexes approximately 39.247 acres of unincorporated territory as described on Exhibit "A", which is attached hereto and incorporated herein by reference and includes it within the territorial limits of the City of Burnside, Pulaski County, Kentucky.

SECTION II

The City Council of the City of Burnside finds the aforementioned territory is, by reason of population density, commercial, industrial or institutional use of land, is urban in character or suitable for development for urban purposes without unreasonable delay.

SECTION III

The Burnside City Council hereby declares that it is desirable to annex the territory as described in Exhibit "A" which is attached hereto and incorporated by reference and subject to this ordinance.

SECTION IV

That any section, or part of any section, or any provision of this Ordinance which is declared invalid by a Court of appropriate jurisdiction, for any reason, such declaration shall not invalidate, or adversely affect, the remainder of this ordinance.

SECTION V

This ordinance shall be effective upon its adoption and approval according to law and publication thereafter.

SECTION VI

That this ordinance shall be signed by the Mayor, attested by the City Clerk, recorded, published and effective upon publication.

PASSED AND APPROVED the 11th day of February 2012.



RON JONES, MAYOR

ATTEST:



CRISSA MORRIS, CITY CLERK

1ST Reading: 2/13/12
2ND Reading: 2/17/12
Publication: 2/29/12

EXHIBIT "A"

A certain tract or parcel of land located north of and adjacent to the City limits of Burnside, Kentucky and more particularly described as follows:

Beginning at a point in the right-of-way of U.S. Highway 27, said point having a KY State Plane single zone coordinate of (E: 5250467.962, N: 3528604.978). Said point further described as being in the City limit line of Burnside, Kentucky per Ordinance #110.4;

Thence with said City limit lines, described by Ordinance #110.4 the following (2) two calls:

- 1) With a curve turning to the left with an arc length of 302.22', with a radius of 1893.00', with a chord bearing of N 58°07'42" W, with a chord length of 301.90';
- 2) N 59°18'55" W a distance of 55.42';

Thence crossing Lake View Drive running with the west right-of-way of U.S. Highway 27 N 68°10'13" W a distance of 112.79';

Thence with said right-of-way and the City limit lines described in Ordinance # 110.5 the following (2) calls:

- 1) N 49°40'56" W a distance of 187.66';
- 2) S 85°44'05" W a distance of 56.46';

Thence with said west right-of-way of U.S. Highway 27 the following (34) thirty-four calls:

- 1) With a curve turning to the right with an arc length of 558.52', with a radius of 2009.90', with a chord bearing of N 44°52'44" W, with a chord length of 556.73';
- 2) N 36°16'22" W a distance of 45.27';
- 3) With a curve turning to the right with an arc length of 189.69', with a radius of 2009.90', with a chord bearing of N 32°18'37" W, with a chord length of 189.62';
- 4) N 60°32'31" E a distance of 7.96';
- 5) N 22°46'42" W a distance of 601.18';
- 6) S 67°13'18" W a distance of 15.00';
- 7) N 23°36'41" W a distance of 201.82';
- 8) With a curve turning to the right with an arc length of 1310.76', with a radius of 3919.70', with a chord bearing of N 10°32'21" W, with a chord length of 1304.66';
- 9) N 89°02'28" E a distance of 5.00';

- 10) With a curve turning to the right with an arc length of 194.81', with a radius of 3914.70', with a chord bearing of N 01°01'00" E, with a chord length of 194.79';
- 11) Crossing Boat Dock Road N 03°56'07" E a distance of 79.88';
- 12) With a curve turning to the right with an arc length of 474.71', with a radius of 4454.73', with a chord bearing of N 06°18'39" E, with a chord length of 474.49';
- 13) S 81°46'32" E a distance of 5.00';
- 14) N 08°15'29" E a distance of 386.47';
- 15) S 84°43'43" W a distance of 10.28';
- 16) N 08°15'29" E a distance of 447.60';
- 17) Crossing West Summit Drive N 07°10'52" E a distance of 81.96';
- 18) N 08°15'29" E a distance of 447.46';
- 19) N 17°43'28" W a distance of 60.78';
- 20) N 41°59'33" E a distance of 65.96';
- 21) S 81°52'45" E a distance of 5.00';
- 22) N 08°15'29" E a distance of 680.56';
- 23) N 03°47'49" W a distance of 122.51';
- 24) With a curve turning to the left with an arc length of 215.81', with a radius of 3714.66', with a chord bearing of N 05°54'04" E, with a chord length of 215.78';
- 25) N 05°59'54" W a distance of 58.33';
- 26) N 07°53'30" E a distance of 106.24';
- 27) With a curve turning to the left with an arc length of 901.67', with a radius of 3714.66', with a chord bearing of N 05°12'14" W, with a chord length of 899.45';
- 28) N 78°33'40" E a distance of 15.00';
- 29) N 13°06'28" W a distance of 194.40';
- 30) Crossing the Somerset bypass Kentucky Hwy. 914 N 14°08'33" W a distance of 278.08' to a (found) concrete right-of-way monument;
- 31) N 11°24'20" W a distance of 325.94';
- 32) N 10°59'22" E a distance of 76.25' to a (found) concrete right-of-way monument;
- 33) N 10°56'32" W a distance of 212.60' to a (found) concrete right-of-way monument;
- 34) N 14°28'54" W a distance of 112.26' to a point on the southeast side of the City of Somerset per Annexation #09-12;

Thence with said City of Somerset N 32°06'45" E a distance of 54.56';

Thence crossing U.S. Highway 27 N 81°12'01" E a distance of 160.34' to a point on the east right-of-way of said Highway;

Thence running south with the east right-of-way of said Highway the following (47) forty-seven calls:

- 1) With a curve turning to the left with an arc length of 530.58', with a radius of 3789.32', with a chord bearing of S 07°23'25" E, with a chord length of 530.15';
- 2) S 11°28'34" E a distance of 273.95' to a (found) concrete right-of-way monument on the north side of Somerset southeastern By-pass Kentucky Highway 914;
- 3) Crossing said Kentucky 914 S 25°48'27" E a distance of 299.08';
- 4) S 02°47'48" W a distance of 166.80';
- 5) S 10°59'50" E a distance of 117.00';
- 6) S 88°58'20" E a distance of 6.06';
- 7) S 12°25'54" E a distance of 151.89';
- 8) S 01°12'37" E a distance of 168.64';
- 9) S 37°12'33" E a distance of 60.79' to a point on the north side of North Horseshoe Drive;
- 10) Crossing said Horseshoe Drive S 05°43'22" E a distance of 46.21';
- 11) S 85°18'08" W a distance of 54.05';
- 12) With a curve turning to the right with an arc length of 824.45', with a radius of 3909.65', with a chord bearing of S 02°03'29" W, with a chord length of 822.92';
- 13) S 13°03'00" E a distance of 23.56';
- 14) S 60°22'15" E a distance of 46.08' to point on the north side of South Horseshoe Drive;
- 15) Crossing said South Horseshoe Drive S 02°36'45" E a distance of 40.00';
- 16) S 73°18'20" W a distance of 64.72';
- 17) S 08°15'29" W a distance of 1141.44';
- 18) N 80°39'51" E a distance of 10.49' to a point on the north side of East Summit Drive;
- 19) Crossing said East Summit Drive S 08°15'29" W a distance of 78.68';
- 20) S 08°15'29" W a distance of 473.58' to a (found) concrete right-of-way monument;
- 21) S 85°30'00" W a distance of 20.50' to a (found) concrete right-of-way monument;
- 22) S 08°15'29" W a distance of 212.03';
- 23) N 86°21'25" E a distance of 35.77';
- 24) S 08°15'29" W a distance of 228.47';
- 25) N 81°46'32" W a distance of 5.00';
- 26) S 08°15'29" W a distance of 46.57';
- 27) With a curve turning to the left with an arc length of 93.75', with a radius of 3725.26', with a chord bearing of S 08°06'36" W, with a chord length of 93.75';
- 28) N 82°06'38" W a distance of 19.99';
- 29) With a curve tuning to the left with an arc length of 201.44', with a radius of 3745.26', with a chord bearing of S 06°24'53"

- W, with a chord length of 201.42' to a point on the north side of Boat Dock Road;
- 30) Crossing said Boat Dock Road S 00°04'30" W a distance of 80.46';
 - 31) With a curve turning to the left with an arc length of 506.89', with a radius of 3722.90', with a chord bearing of S 00°20'34" E, with a chord length of 506.50';
 - 32) N 85°45'24" E a distance of 15.00';
 - 33) With a curve turning to the left with an arc length of 416.53', with a radius of 3707.90', with a chord bearing of S 07°27'41" E, with a chord length of 416.32';
 - 34) S 79°19'13" W a distance of 15.00';
 - 35) With a curve turning to the left with an arc length of 457.74', with a radius of 3722.90', with a chord bearing of S 14°12'07" E, with a chord length of 457.45';
 - 36) S 17°43'28" E a distance of 255.19' to a (found) 6" round concrete monument;
 - 37) S 22°29'31" E a distance of 125.09' to a (found) 6" round concrete monument;
 - 38) S 22°46'42" E a distance of 314.86';
 - 39) With a curve turning to the left with an arc length of 408.62', with a radius of 1819.90', with a chord bearing of S 29°12'39" E, with a chord length of 407.76' to a (found) ½" rebar PLS 2876;
 - 40) S 33°20'36" E a distance of 41.02' to a (found) ½" rebar PLS 1185;
 - 41) N 53°04'55" E a distance of 10.10';
 - 42) With a curve turning to the left with an arc length of 636.76', with a radius of 1809.90', with a chord bearing of S 46°59'49" E, with a chord length of 633.48' to a (found) concrete right-of-way monument;
 - 43) S 66°35'08" W a distance of 11.40' to a (found) concrete right-of-way monument;
 - 44) S 59°15'44" E a distance of 101.92' to a (found) 5/8" rebar PLS 3138;
 - 45) S 60°14'28" E a distance of 101.80' to a (found) 2" steel pipe;
 - 46) S 60°12'43" E a distance of 247.43' to a (found) concrete right-of-way monument;
 - 47) S 63°25'00" W a distance of 18.35' to a (found) concrete right-of-way monument;

Thence crossing said U.S. Highway 27 S 04°10'20" E a distance of 191.65' to the Point of Beginning said boundary having an area of 39.247 acres.

CITY CLERK'S CERTIFICATION

I certify I am the duly qualified City Clerk of the City of Burnside, Kentucky, and Ordinance No. 110.10 is a true, correct, and complete copy duly adopted by the City Council at a duly convened meeting held on February 17, 2012, all as appears in the official records of said City.

WITNESS, my hand (and Seal of said City), this 14th day of March, 2012.

Crissa Morris

Crissa Morris, City Clerk