

**ORDINANCE NO. 2002-7  
AS AMENDED**

**IN RE: THE MATTER OF THE ESTABLISHMENT OF A NEW ROAD NAMED  
FERN CREEK LANE**

WHEREAS, the Hopkins County Fiscal Court has received a petition from William Mitchell, Henrietta Mitchell, Lillie Francis Branam, Terri J. McHargue, Daniel E. James, Joseph Bittner, Sharon Bittner, William E. Ashby, Betty Ashby, Ronda Foster, Lincoln B. Foster, Rodney Ashby, and Marilyn Ashby, requesting the establishment of a county road named Fern Creek Lane, which is described with more particularity in the metes and bounds description attached and incorporated herein by reference as Exhibit A and by the plat description attached and incorporated herein by reference as Exhibit B.

WHEREAS, notice was published according to KRS 178.050 and notices were placed at three public places in the vicinity of said road.

WHEREAS, two viewers were appointed by the Fiscal Court, together with the County Road Engineer, who viewed the proposed road establishment and reported in writing to a public hearing held on December 12, 2002.

WHEREAS, their report stated that the advantages which will result to the individual and public include that the road will serve six residences, the grades and bearings are in accordance with county ordinances, and the opening of the road to the general public, school buses and mail carriers will benefit all citizens.

WHEREAS, right-of-way easement deeds have been tendered to Hopkins County by property owners which establish said county road.

WHEREAS, the Hopkins County Fiscal Court finds that establishment of the subject

road is in the public interest in the following respects: the road will serve residences on the subject road and allow travel by the general public, school buses and mail carriers.

NOW THEREFORE, BE IT ORDAINED by the Fiscal Court of Hopkins County that the above-described road named Fern Creek Lane is ordered established and that the Hopkins County Judge/Executive shall execute the various right-of-way deeds and file them of record in the Hopkins County Clerk's Office.

This Ordinance shall become effective upon publication.

First reading of this Ordinance was held on December 12, 2002.

Upon motion of Magistrate Coletta Wheeler and seconded by Magistrate Tim Riggs, the ordinance, as first read on December 12, 2002, was amended to reflect a proper legal description, to address the receipt and recording of right-of-way deeds, and to add an effective date. Whereupon the vote was called, and on roll call, the amendment was adopted.

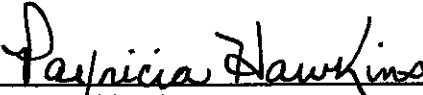
Magistrate Karol Welch	<u>yes</u>
Magistrate Coletta Wheeler	<u>yes</u>
Magistrate Tim Riggs	<u>yes</u>
Magistrate Larry Wilson	<u>yes</u>
Magistrate Larry Rogers	<u>yes</u>
Magistrate Mike Duncan	<u>yes</u>
Magistrate Jon Garrett	<u>yes</u>

Upon second reading of the Ordinance, it was moved by Magistrate Larry Rogers and seconded by Magistrate Tim Riggs that the Ordinance be duly adopted. Whereupon the vote was called, and on roll call, the vote

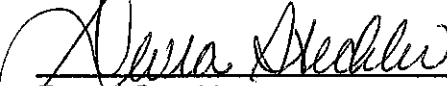
stood:

Magistrate Karol Welch	<u>yes</u>
Magistrate Coletta Wheeler	<u>yes</u>
Magistrate Tim Riggs	<u>yes</u>
Magistrate Larry Wilson	<u>yes</u>
Magistrate Larry Rogers	<u>yes</u>
Magistrate Mike Duncan	<u>yes</u>
Magistrate Jon Garrett	<u>yes</u>

Whereupon, Hopkins County Judge/Executive Patricia Hawkins declared this ordinance adopted on its second reading, affixing her signature and the date thereto, and declared that the same be recorded.

  
\_\_\_\_\_  
Patricia Hawkins  
Hopkins County Judge/Executive

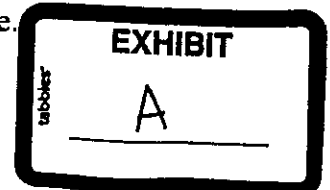
Attest:

  
\_\_\_\_\_  
Devra Steckler  
Hopkins County Clerk


**FERN CREEK LANE  
RIGHT-OF-WAY  
LEGAL DESCRIPTION  
TO THE  
HOPKINS COUNTY FISCAL COURT**

A certain tract of land north of the city of Madisonville, Hopkins County, Kentucky, more particularly described as follows:

Beginning at a point, said point being a PK Nail set in the north property line of William E. and Henrietta Mitchell, as recorded in Deed Book 476 Page 001 in the Hopkins County Court Clerk's Office, and also being in the center of J.D. Buchanan Road, thence with said north property line S 82° 41' 27" E for a distance of 96.65 feet to an existing 4" concrete monument, thence running S 86° 29' 46" E for a distance of 503.12 feet to an iron pin set, thence S 85° 27' 41" E for a distance of 634.14 feet to an iron pin set, thence S 25° 49' 35" E for a distance of 227.42 feet to an iron pin set, thence S 25° 49' 35" E for a distance of 85.92 feet to an iron pin set, thence S 13° 34' 00" E for a distance of 521.77 feet to an iron pin set, thence S 01° 44' 44" E for a distance of 172.76 feet to an iron pin set, thence S 81° 37' 41" E for a distance of 73.22 feet to an iron pin set, thence with a curve to the right having a radius of 170.00 feet and a chord of S 80° 52' 56" E for a distance of 169.96 feet to an iron pin set, thence S 44° 08' 07" E for a distance of 133.08 feet to an iron pin set, thence S 44° 13' 42" W for a distance of 50.00 feet to an iron pin set, thence N 46° 48' 03" W for a distance of 134.41 feet to an iron pin set, thence N 07° 10' 53" E for a distance of 17.04 feet to an iron pin set, thence with a curve to the left having a radius of 130.00 feet and a chord of N 80° 49' 39" W for a distance of 96.93 feet to an iron pin set, thence S 76° 25' 27" W for a distance of 43.25 feet to an iron pin set, thence with a curve to the right having a radius of 77.22 feet and a chord of N 79° 47' 01" W for a distance of 75.31 feet to an iron pin set, thence with a curve to the right having a radius of 77.22 feet and a chord of N 30° 57' 17" W for a distance of 56.30 feet to an iron pin set, thence N 02° 19' 34" W for a distance of 126.82 feet to an iron pin set, thence N 10° 53' 32" W for a distance of 171.38 feet to an iron pin set, thence N 13° 30' 11" W for a distance of 362.86 feet to an iron pin set, thence N 13° 30' 11" W for a distance of 10.62 feet to an iron pin set, thence N 25° 49' 35" W for a distance of 288.40 feet to an iron pin set, thence N 85° 27' 41" W for a distance of 613.12 feet to an iron pin set, thence N 86° 29' 46" W for a distance of 501.84 feet to an iron pin set, thence N 82° 41' 27" W for a distance of 64.18 feet to an iron pin set, thence N 32° 53' 36" W for a distance of 52.37 feet to the point of beginning containing 2.44 Acres (106,365.86 Sq. Ft) according to a survey conducted by Thomas W. Crabtree, LPLS 3277, with Ronald Johnson and Associates, PSC, on June 25, 2002 and being a part of the same property conveyed to William & Henrietta Mitchell by deed which is of record in Deed Book 476, Page 001 in the Hopkins County Court Clerk's Office, Lillie Frances Branam by deed which is of record in Deed Book 502, Page 540 in the Hopkins County Court Clerk's Office, Terri J. McHargue & Daniel E. James by deed which is of record in Deed Book 519, Page 193 in the Hopkins County Court Clerk's Office, Joseph M. & Sharon Bittner by deed which is of record in Deed Book 542, Page 315 in the Hopkins County Court Clerk's Office, and William E. & Betty Ashby by deed which is of record in Deed Book 476, Page 004 in the Hopkins County Court Clerk's Office.



Unless stated otherwise, any monument referred to above as "an iron pin set" is a set 1/2 inch diameter rebar 18 inches in length, with an orange cap stamped "LPLS 3277". All bearings stated herein are referred to the magnetic meridian as observed on June 25, 2002 along the north line of the tract described above.

  
Thomas W. Crabtree, LPLS 3277  
December 17, 2002  
Checked by: DeA



FERN CREEK LANE  
RIGHT-OF-WAY  
TO THE  
HOPKINS COUNTY FISCAL COURT  
2.44 ACRES (106,365.86 Sq. Ft.)

WILLIAM L. & HENRIETTA MITCHELL  
DB. 476 PG. 001  
(0.54 Ac.)

BRUCE SPENCER  
DB. 456 PG. 447

LILLIE FRANCES BRANHAM  
DB. 476 PG. 007  
DB. 502 PG. 540  
(0.85 Ac.)  
(0.04 Ac.)

TERRI L. MCHARGUE  
& DANIEL E. JAMES  
DB. 519 PG. 195  
(0.07 Ac.)

WILLIAM E. & BETTY ASHBY  
DB. 476 PG. 004  
(0.56 Ac.)  
(0.23 Ac.)

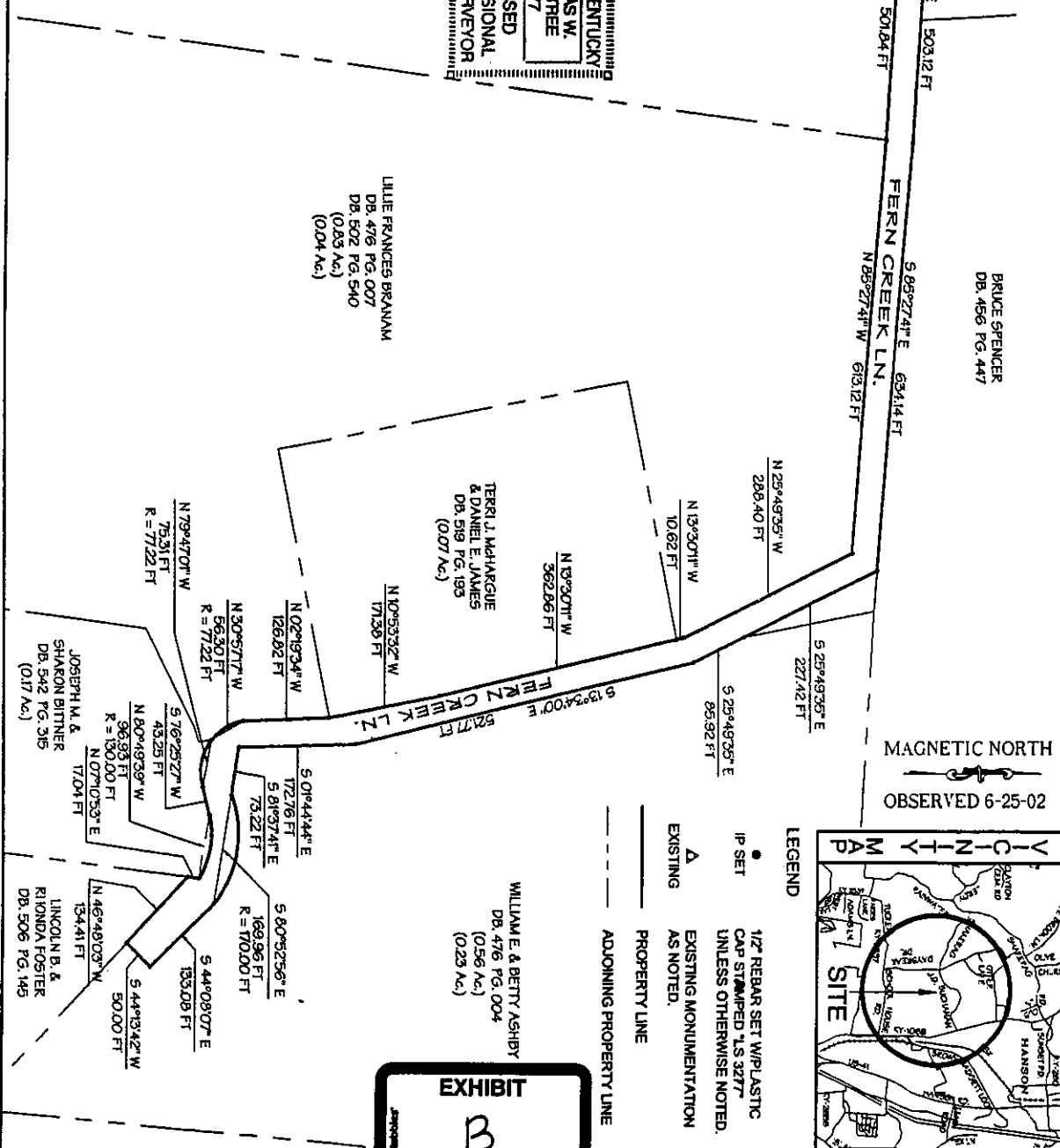
JOSEPH M. &  
SHARON BITTNER  
DB. 542 PG. 315  
(0.17 Ac.)

LINDA N. B. &  
RICHONDA FOSTER  
DB. 506 PG. 145

DATE 12-18-02

**SURVEYOR'S CERTIFICATION**  
I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON WAS MADE BY ME OR UNDER MY DIRECT SUPERVISION BY THE METHOD OF RANDOM TRAVERSE WITH SIDESHOTS, THE UNADJUSTED RESECTION RATIO OF THE TRAVERSE WAS 224850 AND WAS NOT ADJUSTED. THE SURVEY AS SHOWN HEREON IS A CLASS SURVEY AND THE ACCURACY AND PRECISION OF SAID SURVEY MEETS ALL THE SPECIFICATIONS OF THIS CLASS.

THOMAS W. CRABTREE  
3277  
LICENSED PROFESSIONAL LAND SURVEYOR  
STATE OF KENTUCKY



**EXHIBIT B**

**RONALD JOHNSON & ASSOCIATES, P.S.C.**  
CONSULTING ENGINEERING • LAND SURVEYING  
ENVIRONMENTAL CONSULTING • LANDSCAPE ARCHITECTURE  
24 WEST CENTER STREET, MADISONVILLE, KENTUCKY 42431  
PHONE (270) 821-6392 • FAX (270) 821-6619 www.rjengineering.com

SCALE 1" = 200'

LEGEND:  
● 1/2" REBAR SET W/PLASTIC CAP STAMPED 'LS 3277' UNLESS OTHERWISE NOTED.  
▲ EXISTING MONUMENTATION AS NOTED.  
— PROPERTY LINE  
- - - ADJOINING PROPERTY LINE

MAGNETIC NORTH  
OBSERVED 6-25-02

MAP SITE

DETAILED MAP

DRAWN BY: DEA  
DATE: 12/17/02  
APPROVED BY:  
PROJECT #: 02-072

**ORDINANCE 2002-7**

**IN RE: THE MATTER OF THE ESTABLISHMENT OF A NEW ROAD NAMED  
FERN CREEK LANE**

Whereas, the Hopkins County Fiscal Court has received a petition from William Mitchell, Henrietta Mitchell, Lillie Francis Branam, Terri J. McHargue, Daniel E. James, Joseph Bittner, Sharon Bittner, William E. Ashby, Betty Ashby, Rhonda Foster, Lincoln B. Foster, Rodney Ashby and Marilyn Ashby requesting the establishment of a County Road named Fern Creek Lane, which following the following description: Beginning at a point in the south right of way line with J. D. Buchanan Road and running eastwardly 2600 feet to the end of a new road, named Fern Creek Lane.

WHEREAS, notice was published according to KRS 178.050 and notices were placed at three (3) public places in the vicinity of said road;

WHEREAS, two viewers were appointed by the Fiscal Court, together with the County Road Engineer, who viewed the proposed road establishment and reported in writing to a public hearing held on December 12, 2002; and

WHEREAS, their report stated that the advantages which will result to the individual and public include that the road will serve six residences, the grades and bearings are in accordance with County ordinances, and the opening of the road to the general public, school buses and mail carriers will benefit all citizens.

WHEREAS, the Hopkins County Fiscal Court finds that establishment of the subject road is in the public interest in the following respects: The road will serve residences on the subject road and allow travel by the general public, school buses and mail carriers.


NOW THEREFORE, BE IT ORDAINED, by the Fiscal Court of Hopkins County that the above described road named Fern Creek Lane is order Established.

First reading of this Ordinance was given on December 12, 2002.

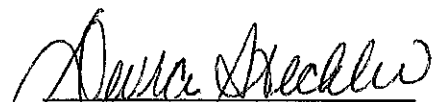
Upon second reading of the foregoing ordinance, it was moved by Magistrate Wheeler and Magistrate Riggs that the ordinance be duly adopted. Whereupon the vote was called, and on roll call, the vote stood:

Magistrate Karol Welch	-	Yes
Magistrate Coletta Wheeler	-	Yes
Magistrate Tim Riggs	-	Yes
Magistrate Larry Wilson	-	Yes
Magistrate Larry Rogers	-	Yes
Magistrate Mike Duncan	-	Yes
Magistrate Jon Garrett	-	Yes

Whereupon, Hopkins County Judge Executive Patricia Hawkins declared the ordinance adopted on its second reading, affixing her signature and the date thereto, and declared that the same be recorded.

  
Patricia Hawkins  
Hopkins County Judge/Executive

ATTEST:

  
Devra Steckler  
Hopkins County Clerk