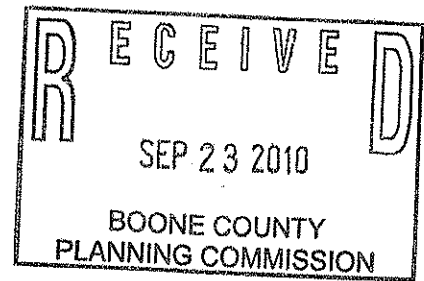


CITY OF UNION, KENTUCKY
ORDINANCE NO. 2010-004



**AN ORDINANCE ANNEXING CERTAIN UNINCORPORATED TERRITORY
ADJACENT TO THE PRESENT BOUNDARIES OF THE CITY OF UNION,
KENTUCKY**

WHEREAS, The City Commission of the City of Union, Kentucky deems it to be in and for the best interest of its citizens and in the best interest of the resident voters and owners of real property within the limits of the territory proposed to be annexed that said territory becomes a part of the corporate territorial limits of the City of Union, Kentucky.

WHEREAS the BOONE COUNTY PUBLIC PROPERTIES CORPORATION and the COUNTY OF BOONE, COMMONWEALTH OF KENTUCKY are the sole owners of the land herein proposed for annexation; and

WHEREAS, the Boone County Public Properties Corporation and the County of Boone, Commonwealth of Kentucky and the City of Union, Commonwealth of Kentucky previously entered into an Annexation Agreement dated August 2, 2010 whereby the County of Boone, Commonwealth of Kentucky and Boone County Public Properties Corporation, a Kentucky Non-Profit Corporation consented to annexation of the said 31.258 acre and the 12 acre tract; and

WHEREAS, the County of Boone, Commonwealth of Kentucky and Boone County Kentucky Public Properties Corporation, A Kentucky Non-Profit Corporation, as sole owners of the subject real property waived the statutory sixty (60) day period in which to file objections and have consented to the annexation of said real property by the City of Union, Commonwealth of Kentucky, a copy of which are attached hereto and marked as **Exhibit "A" and Exhibit "B"**; and

WHEREAS, the area hereby annexed is contiguous to the present boundaries of the City of Union, Commonwealth of Kentucky;

NOW, THEREFORE BE IT ORDAINED BY THE CITY OF UNION, KENTUCKY:

SECTION I

It is the intention that the hereinafter described unincorporated territory lying to the south and being adjacent to the present corporate limits of the City of Union, Commonwealth of Kentucky, be annexed and made a part of the corporate territory of the City of Union, Kentucky pursuant to the applicable Kentucky Revised Statutes and particularly Chapter 81A.

SECTION II

The hereinafter described unincorporated territory is zoned RS/UTO and RSE/UTO, respectively, which is the territory's present zoning and the zoning under which it will remain when annexed.

SECTION III

That the requirements of the Kentucky Revised Statutes having been met in all respect, the hereinafter described territory, the same having been contemplated for annexation under the Annexation Agreement dated August 2, 2010 between **the County of Boone, Commonwealth of Kentucky and Boone County Public Properties Corporation, a Kentucky Non-Profit Corporation, and the City of Union, Commonwealth of Kentucky**, and which property is contiguous to and adjoins the present City of Union boundaries is annexed to and made a part of the incorporated territory of the City of Union, Kentucky, to wit:

SEE EXHIBITS "C" and "D" Attached hereto

SECTION IV

The above described territory shall become part of the City of Union, Kentucky for all purposes upon passage of this Ordinance.

SECTION V

If any section, subsection, sentence, clause, phrase or provision of this Ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not effect the validity of the remaining provisions hereof.


SECTION VI

A map showing the zoning that will be effective for the annexed area is attached and made a part of this Ordinance.

PASSED AND APPROVED ON FIRST READING THE 2nd day of AUGUST, 2010.

PASSED AND APPROVED ON SECOND READING THE 7th DAY OF SEPTEMBER, 2010.


SAME TO BECOME EFFECTIVE WHEN PUBLISHED PURSUANT TO K.R.S. CHAPTER 424.


DONALD KIRBY, MAYOR

ATTEST:


KATHY PORTER, CITY CLERK

THIS ORDINANCE PREPARED BY:


GREG D. VOSS, ESQ. (KBA #73429)
Attorney at Law
6900 Houston Road
Bldg. 600 Ste. 16
Florence, KY 41042
Telephone: (859) 344-1141
Fax: (859) 746-0012

CERTIFICATION: K.R.S. 81A.470 FILINGS


I certify I am the duly qualified City Clerk of the City of Union, Kentucky and the foregoing four (4) pages of Ordinance No. 2010-004 is a true, correct and complete copy duly adopted by the City Commission at a duly convened meeting held on the 7th day of September, 2010, as appears in the official records of said City.

WITNESS MY HAND and SEAL this the 20th day of September 2010.


KATHY PORTER, CITY CLERK
CITY OF UNION, KENTUCKY

COMMONWEALTH OF KENTUCKY
COUNTY OF BOONE

SUBSCRIBED and SWORN to before me, on this the 20th day of Sept, 2010 by **KATHY PORTER, City Clerk for the City of Union, Kentucky.**


NOTARY PUBLIC
Commonwealth of Kentucky

My Commission Expires: 11-14-2012

**CITY OF UNION, KENTUCKY
RESOLUTION NO. 2010-005**

**A RESOLUTION AUTHORIZING THE MAYOR FOR THE CITY OF UNION,
KENTUCKY TO EXECUTE AN ANNEXATION AGREEMENT BETWEEN THE
BOONE COUNTY FISCAL COURT AND THE BOONE COUNTY PUBLIC
PROPERTIES CORPORATION FOR THE ANNEXATION OF 31.258 ACRE PARCEL
AND A 12 ACRE PARCEL.**

***NOW, THEREFORE BE IT RESOLVED BY THE UNION CITY COMMISSION AS
FOLLOWS:***

SECTION I

That the Union City Commission hereby authorizes Mayor Donald Kirby and/or his assignees to execute an Annexation Agreement between the Boone County Fiscal Court, the Boone County Public Properties Corporation and the City of Union, Kentucky for the annexation of a 31.258 acre parcel and a 12 acre parcel. A copy of the Agreement is attached hereto and marked Exhibit "A".

SECTION II

That this Resolution is hereby approved and adopted in open session of the City of Union, Kentucky monthly meeting on this 2nd day of August, 2010.



DONALD KIRBY, MAYOR

ATTEST:



KATHY PORTER
CITY CLERK

EXHIBIT A

ANNEXATION AGREEMENT

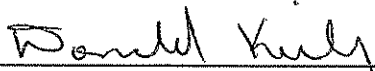
This Agreement made between the *CITY OF UNION, KENTUCKY, a Municipal Corporation of the Fourth Class*, and the *COUNTY OF BOONE, COMMONWEALTH OF KENTUCKY* (hereinafter referred to as "*Boone County*"):

1. Subject to the conditions set forth below, the undersigned, owners of approximately 12 acre tract described in the Plat and legal description attached hereto as Exhibit A, (the property), hereby requests that the City of Union, Kentucky annex and make such property a part of the City of Union, Kentucky.

2. *BOONE COUNTY* hereby certifies to the City of Union, Kentucky that it is the owners of the property by virtue of a deed recorded in Deed Book 844 at Page 216 of the Boone County Clerk's records at Burlington, Kentucky.

3. *BOONE COUNTY* hereby waives its rights which they have or may have under provisions of K.R.S. 81A.420(2) and (3) and 81A.460 and hereby consent to and request immediate annexation of the property pursuant to K.R.S. 81A.412.

4. The foregoing request and waiver by *BOONE COUNTY* is subject to the condition that the City of Union, Kentucky agrees not to change or alter the zoning of the property after annexation.

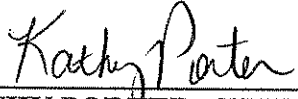

DONALD KIRBY, MAYOR
CITY OF UNION, KENTUCKY

THE COUNTY OF BOONE,
COMMONWEALTH OF KENTUCKY

BY: 
HONORABLE GARY MOORE

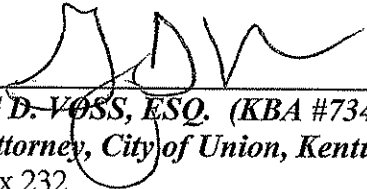
TITLE: BOONE COUNTY JUDGE EXECUTIVE

ATTEST:



KATHY PORTER, CITY CLERK

THIS INSTRUMENT PREPARED BY:



GREG D. VOSS, ESQ. (KBA #73429)

City Attorney, City of Union, Kentucky

PO Box 232

Burlington, KY 41005

Telephone: (859) 344-1141

Fax: (859) 746-0012

Group No. 2055

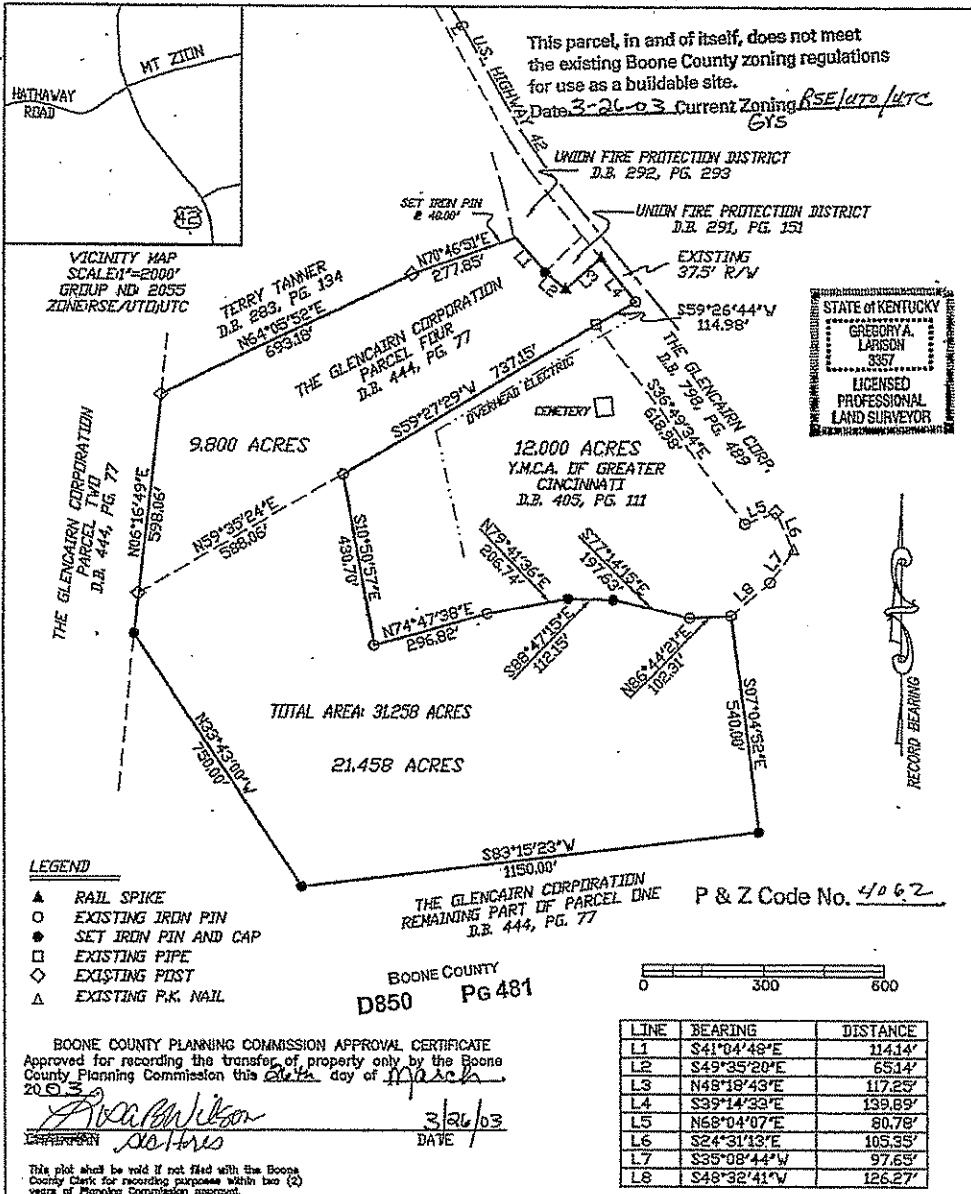
Address of Property: 10165 Highway 42, Union, KY

Located generally in Boone County, Group No. 2055 on the Southwest side of and Southwest of U.S. Highway 42 at a point approximately 0.6 mile Southeast of Kentucky Highway 536 and described thus: BEGINNING at an iron pin in a fence corner in the common line of the properties of Bruce Ferguson, et al and Wayne Sandlin; which said point is S. 59-31-10 W., 115.20 feet from the intersection of said line with the Southwest right-of-way line (37.5 feet from the centerline) on U.S. Highway 42; thence with lines of an existing fence, S. 36-48-10 E., 619.13 feet to a post; N. 68-25-30 E., 80.50 feet to a post, S. 24-30-7 E., 104.88 feet to a stake "Point A"; thence leaving said existing fence and partitioning the property of Bruce Ferguson, et al, S. 35-9-10 W., 97.65 feet, S. 48-33-10 W., 126.44 feet to a stake, S. 86-33-10 W., 102.45 feet to a stake, N. 77-25-20 W., 197.63 feet to a stake N 88-58-20 W., 112.15 feet to a stake, N. 80-9-40, W., 206.20 feet to a stake, S. 74-49-10 W., 297.10 feet to a stake, N. 10-49-25 W., 432.84 feet to a stake in the common line of Ferguson and Sandlin; thence therewith N. 59-31-10 E., 737.54 feet to the place of beginning containing 12.0 acres and subject to legal easements of record and in existence. Also granted herewith is the right of use of a strip of land 25 feet in width on each side of the following described centerline; BEGINNING at Point "A" described above; thence N. 50-50-10 E. 89.34 feet or sufficient to reach and intersect the Southwest line of U.S. Highway 42; also granted herewith is a right of use of lands as a means of access to and from said Point "A". Said right of use extends 15 feet in width on the Southwest side of the Southeast line of the above described 12 acres parcel for a distance of 330 feet.

Prior Deed Reference: Book 405, Page 111 of the Boone County, Kentucky Clerk's Office.

EXHIBIT

"A"



FIR NON-BUILDABLE LOTS
 I certify that this plat of land in and of itself does not meet the current zoning regulations for use and is being transferred for non-building purposes.
 [Signature]
 DATE 9-16-02
 P.L.S. 3387

LAND SURVEYOR'S CERTIFICATE
 I certify that this plat depicts a survey made by me or under my supervision in accordance with the Kentucky Minimum Surveying Standards, and complies with all requirements of the Boone County Zoning and Subdivision Regulations, and that dedicated areas including public ways or streets are currently owned by the property owner.
 [Signature]
 DATE 9-16-02
 P.L.S. 3387

I hereby certify that the survey depicted by this plat was done by persons under my direct supervision by the method of random traverse with sideshots. The unadjusted error of closure was 1:18,000 and was not adjusted. 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.
 [Signature]
 DATE 9-16-02
 P.L.S. 3357

PLAT OF 31,258 ACRES
 TO BE CONVEYED BY
 THE GLENCAIRN CORPORATION
 BOONE COUNTY KENTUCKY
 WEST SIDE OF U.S. HIGHWAY 42
 0.25 MILE SOUTH OF KY. 536
 JULY 18, 2002 SCALE 1" = 300'

MCNEELY SURVEYING, INC.
 466 ERLANGER ROAD
 ERLANGER, KY 41018
 (859) 727-3293

EXHIBIT B

ANNEXATION AGREEMENT


This Agreement made between the *CITY OF UNION, KENTUCKY, a Municipal Corporation of the Fourth Class*, and the *BOONE COUNTY, KENTUCKY PUBLIC PROPERTIES CORPORATION, a Kentucky Non-Profit Corporation*, (hereinafter referred to as "*Boone County*"):

1. Subject to the conditions set forth below, the undersigned, owners of approximately 31.25 acre tract described in the Plat and legal description attached hereto as Exhibit A, (the property), hereby requests that the City of Union, Kentucky annex and make such property a part of the City of Union, Kentucky.

2. *BOONE COUNTY* hereby certifies to the City of Union, Kentucky that it is the owners of the property by virtue of a deed recorded in Deed Book 850 at Page 477 of the Boone County Clerk's records at Burlington, Kentucky.

3. *BOONE COUNTY* hereby waives its rights which they have or may have under provisions of K.R.S. 81A.420(2) and (3) and 81A.460 and hereby consent to and request immediate annexation of the property pursuant to K.R.S. 81A.412.

4. The foregoing request and waiver by *BOONE COUNTY* is subject to the condition that the City of Union, Kentucky agrees not to change or alter the zoning of the property after annexation.

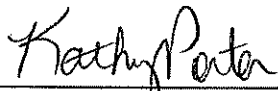

DONALD KIRBY, MAYOR
CITY OF UNION, KENTUCKY

THE COUNTY OF BOONE,
COMMONWEALTH OF KENTUCKY

BY: 
HONORABLE GARY MOORE

TITLE: PRESIDENT

ATTEST:



KATHY PORTER, CITY CLERK

THIS INSTRUMENT PREPARED BY:



GREG D. VOSS, ESQ. (KBA #73429)

City Attorney, City of Union, Kentucky

PO Box 232

Burlington, KY 41005

Telephone: (859) 344-1141

Fax: (859) 746-0012

EXHIBIT **B**

GROUP NUMBER: 2055

Located in Boone County, Kentucky, lying on the west side of U.S. Highway 42 approximately 0.25 mile south of Kentucky Highway 536 and is more particularly described as follows:

Beginning at an existing iron pin in the west right-of-way line of U.S. Highway 42, 37.50 feet as measured perpendicular to the centerline, at the common corner of The Glencairn Corporation (Deed 444, page 77) and another parcel owned by The Glencairn Corporation (Deed Book 798, page 489); thence with the common line of the two parcels S 59-26-44 W 114.98 feet to an existing post at the common corner of The Glencairn Corporation and Y.M.C.A. of Greater Cincinnati (Deed Book 405, page 111); thence with the common line of The Glencairn Corporation and Y.M.C.A. of Greater Cincinnati S 59-27-29 W 737.15 feet to an existing iron pin; thence S 10-50-57 E 430.70 feet to an existing iron pin; thence N 74-47-38 E 296.82 feet to an existing iron pin; thence N 79-41-36 E 206.74 feet to an iron pin (set); thence S 88-47-15 E 112.15 feet to an iron pin (set); thence S 77-14-15 E 197.63 feet to an existing iron pin; thence N 86-44-21 E 102.31 feet to an existing iron pin; thence with a new division of The Glencairn Corporation's property S 07-04-52 E 540.00 feet to an iron pin (set); thence S 83-15-23 W 1150.00 feet to an iron pin (set); thence N 33-43-00 W 750.00 feet to an iron pin (set); thence N 06-16-49 E 598.06 feet to a post at the common corner of The Glencairn Corporation and Terry Tanner (Deed Book 283, page 134); thence with the common line of The Glencairn Corporation and Tanner N 64-05-52 E 693.18 feet to a post; thence N 70-46-51 E, passing an iron pin (set) at 237.85 feet, a total distance of 277.85 feet to a point at the common corner of The Glencairn Corporation and the Union Fire Protection District (Deed Book 292, page 293); thence with the common line of The Glencairn Corporation and the Union Fire Protection District S 41-04-48 E 114.14 feet to an iron pin (set); thence S 49-35-20 E 65.14 feet to a rail spike (set); thence N 48-18-43 E 117.25 feet to an existing rail spike in the west right-of-way line of U.S. Highway 42; thence with said right-of-way line S 39-14-33 E 139.89 feet to the point of beginning containing 31.258 acres and being subject to all easements and right-of-ways of record.

Being a part of Parcel One and all of Parcel Four of the same property conveyed to The Glencairn Corporation by Deed recorded in Deed Book 444, page 77 of the Boone County Clerk's office at Burlington, Kentucky.

This description was prepared from a new survey made by Gregory A. Larison, L. S. 3357, for McNeely Surveying, Inc., July, 2002.

Restrictive Covenant. The above-described property is subject to the following Restrictive Covenants which shall run with the land and be binding upon the Grantee, its successors and assigns:

1. The described property shall be used exclusively as a public park for the citizens of Boone County.

BOONE COUNTY
D850 PG 482

2. Grantee shall construct and maintain a fence, approved by Grantor, located on the division line between the property conveyed herein and the remaining lands of Grantor.

Reservation of Right to Farm: Grantor reserves the right to farm the property conveyed herein until thirty (30) days following written notice from the Grantee.

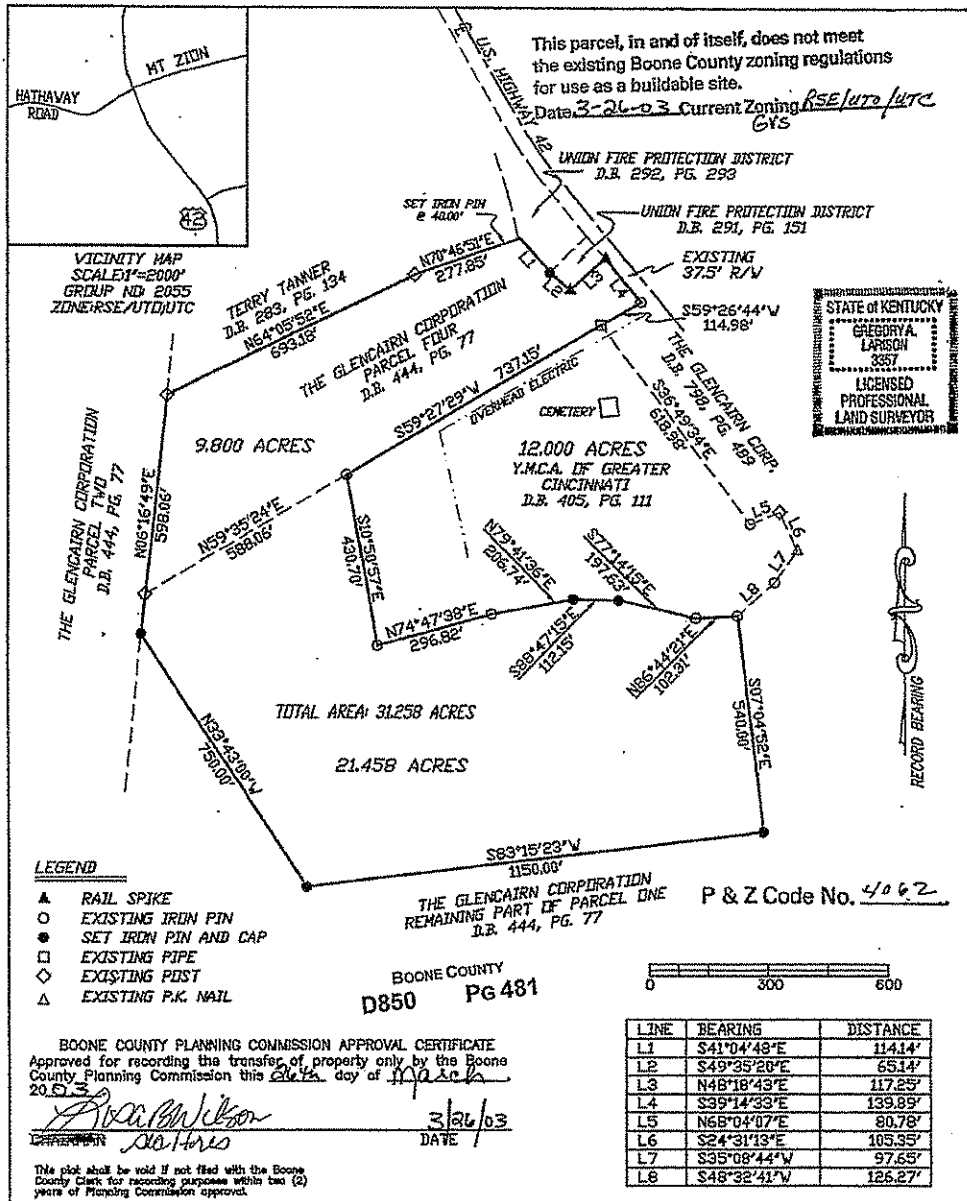
Right of First Refusal: Grantee shall have a right of first refusal with respect to the remaining property of Grantor which is contiguous with the property described in Exhibit "A" and that is located west of U. S. 42 and south of Hathaway Road, is more specifically set out in an Agreement to Purchase Real Estate between Grantor and Grantee and dated 10/14/02, ~~2002~~, which Agreement is incorporated herein by reference.

132021

DOCUMENT NO: 159643
RECORDED ON: MARCH 27, 2003 10:52:18AM
TRANSFER TAX: \$520.00
GROUP: 12855
COUNTY CLERK: MARILYN K ROUSE
DEPUTY CLERK: BOONE COUNTY CLERK
DEPUTY CLERK: STACY

BOONE COUNTY
D850 Pg 483

BOOK 0689 PAGES 477 - 483



BOONE COUNTY PLANNING COMMISSION APPROVAL CERTIFICATE
 Approved for recording the transfer of property only by the Boone County Planning Commission this 26th day of March 2003.

[Signature]
 DATE 3/26/03

This plat shall be void if not filed with the Boone County Clerk for recording purposes within two (2) years of Planning Commission approval.

FOR NON-BUILDABLE LOTS

I certify that this plot of land in and of itself does not meet the current zoning regulations for use and is being transferred for non-building purposes.

[Signature] 9-16-02
 DATE

LAND SURVEYOR'S CERTIFICATE

I certify that this plat depicts a survey made by me or under my supervision in accordance with the Kentucky Minimum Surveying Standards, and complies with all requirements of the Boone County Zoning and Subdivision Regulations, and that dedicated areas including public ways or streets are currently owned by the property owner.

[Signature] 9-16-02
 DATE

I hereby certify that the survey depicted by this plat was done by persons under my direct supervision by the method of random traverse with side shots. The unadjusted error of closure was 1:18,000 and was not adjusted. 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.

[Signature] 9-16-02
 DATE

PLAT OF 31,258 ACRES
 TO BE CONVEYED BY
 THE GLENCAIRN CORPORATION
 BOONE COUNTY KENTUCKY

WEST SIDE OF U.S. HIGHWAY 42
 0.25 MILE SOUTH OF KY. 536

JULY 18, 2002 SCALE 1" = 300'

MCNEELY SURVEYING, INC.
 466 ERLANGER ROAD
 ERLANGER, KY 41018
 (859) 727-3293

Group No. 2055

Address of Property: 10165 Highway 42, Union, KY

Located generally in Boone County, Group No. 2055 on the Southwest side of and Southwest of U.S. Highway 42 at a point approximately 0.6 mile Southeast of Kentucky Highway 536 and described thus: BEGINNING at an iron pin in a fence corner in the common line of the properties of Bruce Ferguson, et al and Wayne Sandlin; which said point is S. 59-31-10 W., 115.20 feet from the intersection of said line with the Southwest right-of-way line (37.5 feet from the centerline) on U.S. Highway 42; thence with lines of an existing fence, S. 36-48-10 E., 619.13 feet to a post; N. 68-25-30 E., 80.50 feet to a post, S. 24-30-7 E., 104.88 feet to a stake "Point A"; thence leaving said existing fence and partitioning the property of Bruce Ferguson, et al, S. 35-9-10 W., 97.65 feet, S. 48-33-10 W., 126.44 feet to a stake, S. 86-33-10 W., 102.45 feet to a stake, N. 77-25-20 W., 197.63 feet to a stake N 88-58-20 W., 112.15 feet to a stake, N. 80-9-40, W., 206.20 feet to a stake, S. 74-49-10 W., 297.10 feet to a stake, N. 10-49-25 W., 432.84 feet to a stake in the common line of Ferguson and Sandlin; thence therewith N. 59-31-10 E., 737.54 feet to the place of beginning containing 12.0 acres and subject to legal easements of record and in existence. Also granted herewith is the right of use of a strip of land 25 feet in width on each side of the following described centerline; BEGINNING at Point "A" described above; thence N. 50-50-10 E. 89.34 feet or sufficient to reach and intersect the Southwest line of U.S. Highway 42; also granted herewith is a right of use of lands as a means of access to and from said Point "A". Said right of use extends 15 feet in width on the Southwest side of the Southeast line of the above described 12 acres parcel for a distance of 330 feet.

Prior Deed Reference: Book 405, Page 111 of the Boone County, Kentucky Clerk's Office.

EXHIBIT "C"

EXHIBIT "D"

GROUP NUMBER: 2055

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1. The described property shall be used exclusively as a public park for the citizens of Boone County.

BOONE COUNTY
D850 PG 482

City of Union

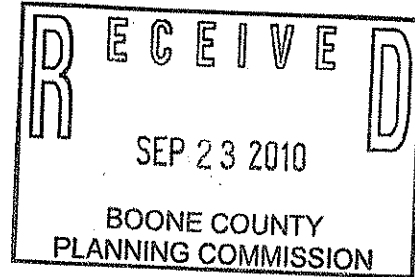


1843 Mt. Zion Road
P.O. Box 53
Union, Kentucky 41091-0053

Tel: 859/384-1511
Fax: 859/384-7760
www.cityofunionky.org

September 21, 2010

Mr. Steve Gay, Director, GIS Services
Boone County Planning Commission
2950 Washington Street, Room 317
P.O. Box 958
Burlington, KY 41005



Re: Ordinance No. 2010-004 - Annexation

Please find enclosed a copy of the following City of Union, Kentucky annexation ordinance for your records:

- ORDINANCE NO.: 2010-004

If you have questions please call me at (859) 384-1511. Thank you.

Sincerely,

Kathy L. Porter
City Clerk/Treasurer

Enclosure

cc: Boone County Clerk
Department for Local Government
Secretary of State
Kentucky Revenue Cabinet
✓ GIS Department (Boone County)
PVA Office (Boone County)



TREY GRAYSON
SECRETARY OF STATE

COMMONWEALTH OF KENTUCKY
OFFICE OF THE SECRETARY OF STATE

November 2, 2010

SUITE 152, STATE CAPITOL
700 CAPITAL AVENUE
FRANKFORT, KY 40601-3493
(502) 564-3490
FAX (502) 564-5687
WEBSITE: WWW.SOS.KY.GOV

Ms. Kathy Porter
City of Union
P.O. Box 53
Union, KY 41091-0053

Dear Ms. Porter:

Our office received your submission of annexation Ordinance No. 2010-004 for the city of Union; unfortunately we are unable to file the documents at this time.

According to KRS 81A.470, the professional land surveyor "shall clearly state on the documents the location of the existing municipal boundary". We are unable to locate an indication of "existing city boundary" for Ordinance 2010-004. Note: By identifying the point(s) at which the annexation adjoins the city boundary, the city is confirming the tract meets the requirements described in KRS 81A.410 regarding contiguity and reduces the probability of an "UNMAPPABLE" designation on the city's page of the Kentucky Secretary of State's website. *(A legal challenge against a Kentucky City is prompting us to request the specific identification of "existing city limits" on all boundary filings.)*

Enclosed is a copy of a handout that includes a sample of a plat that meets KRS 81A.470 requirements. (Although not required by law, many surveyors include state plane coordinates to ensure the annexation ordinance is correctly placed on the city's interactive map.)

Our records are copied for various agencies—some of which generate your city boundary maps. Other agencies use your filings for population estimates and urban growth projects. In order for us to provide the most accurate city information available, it is imperative all cities comply with the provisions stated in KRS 81A.470.

If you have any questions, please give us a call.

Sincerely,

Kandie Adkinson, Administrative Supervisor,
Land Office Division



AN EQUAL OPPORTUNITY EMPLOYER M/F/D

Kathy L. Porter

From: barryb@foppe.com
Sent: Monday, November 29, 2010 11:57 AM
To: cityclerk@insightbb.com; gvoss@vosslaw.net
Cc: unionassistant@insightbb.com
Subject: Annexation Ordinance 2010-004 - Mapping by PLS



UnionAnnexOrd201
0-004Map112920...

Kathy,

Per Greg Voss' request, I have discussed this issue with both Greg Larison PLS (land surveyor of the original 2002 survey plat); and, James Horton (BC Mapping). After reviewing KRS 81A.470, please find attached a Mapping Insert certified by me, as required by the statute, as amended in 2004 & 2007.

Since the County Clerk & Boone County GIS has already recored the original documents, I suggest that the Mapping attached be forwarded to both the Office of the Secretary of State and the Department for Local Government. This single page should be added to those documents previously submitted in accord with the statute. I think this transmission will resolve the problem. Thanks.

Barry J. Burke PLS, city engineer
FOPPE Technical Group
2140 Waycross Road, Suite 100
Cincinnati, Ohio 45240
(513) 671-8144 Ext 129

CITY OF UNION – ANNEXATION ORDINANCE 2010-004
KRS 81A.470 – DESCRIPTION BY PROFESSIONAL LAND SURVEYOR

Prepared by Barry J. Burke PLS 2182
(Refer to mapping submitted and dated November 29, 2010)

EXHIBIT

GROUP NUMBER: 2055

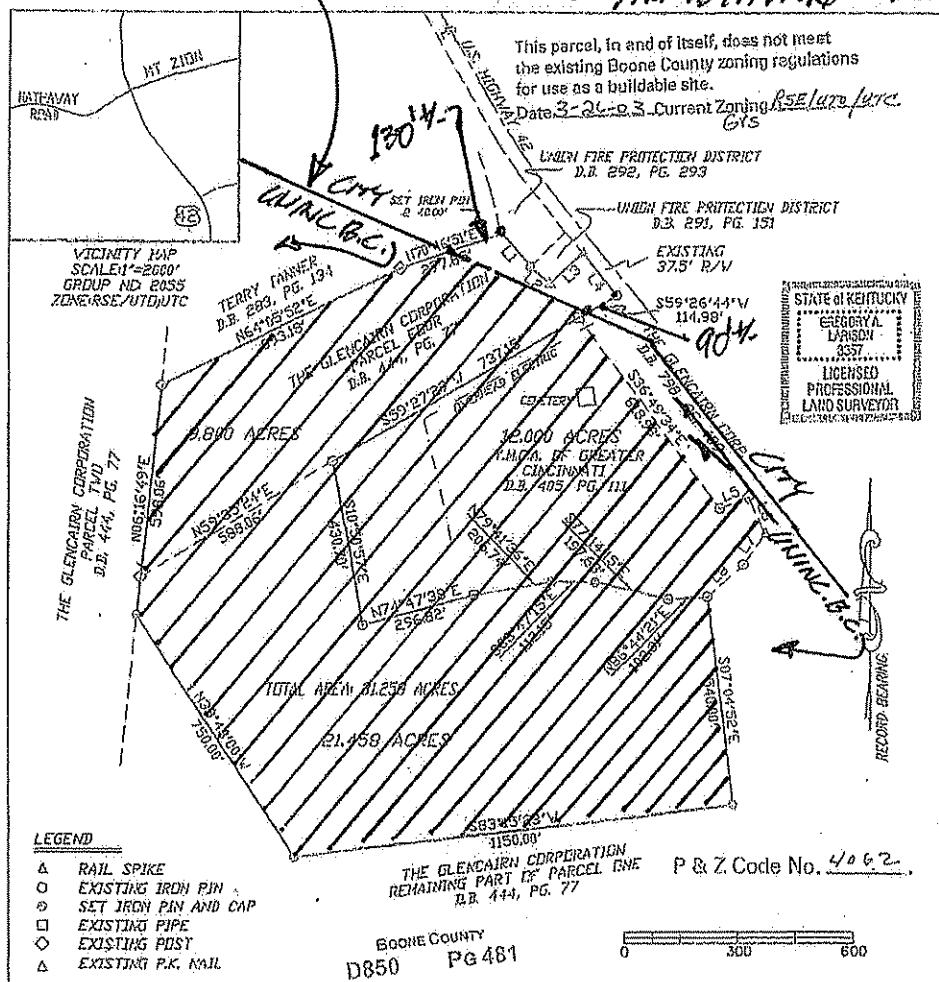
Situated within Boone County, Kentucky lying along the west side of a city street, re-named Old Union Road (formerly Old US 42) approximately 0.25 mile south of Kentucky SR 536 at its intersection with Hathaway and Mt. Zion Roads and more particularly described as follows:

Beginning at an existing iron pin within the westerly right-of-way line of Old Union Road, said point being 37.5 feet measured perpendicular from the roadway centerline, also the common corner of two (2) parcels owned by The Glencairn Corporation (Parcel Four - DB 444, P77 and DB 798, P489), thence with that common line S 59-26-44 W approximately 90 feet to a point on a line of intersection identified by Boone County GIS as the former corporation line of the city of Union and the Real Point of Beginning; thence continuing on the said common line S 59-26-44 W approximately 24.98 feet to an existing post at the common corner of parcels owned by The Glencairn Corporation and the Y.M.C.A. of Greater Cincinnati (DB 405, P111), respectively; thence S 36-49-34 E 618.98 feet bordering an unincorporated area to the east to an existing iron pin; thence N 68-04-07 E 80.78 feet to an existing pipe; thence S 24-31-13 E 105.35 feet to an existing pk nail; thence S 35-08-44 W 97.65 feet to an existing iron pin; thence S 48-32-41 W 126.27 feet to an existing iron pin; thence with a division of the The Glencairn Corporation's property S 07-04-52 E 540.00 feet to an iron pin (set); thence S 83-15-23 W 1150.00 feet to an iron pin (set); thence N 33-43-00 W 750.00 feet to an iron pin (set); thence N 06-16-49 E 598.06 feet to a post at the common corner of parcels owned by The Glencairn Corporation and Terry Tanner (DB 283, P134); thence with that common line N 64-05-52 E 693.18 feet to a post; thence N 70-46-51 E approximately 147.85 feet to a point on a line of intersection identified by Boone County GIS as the former corporation line of the city of Union; thence in a southeasterly direction with the former corporation line of the city of Union, an approximate distance of 470 feet back to the Real Point of Beginning. Such annexed areas include a summation of the following acreages: a) 12.00 acres (YMCA - DB 405, P111); b) 21.46 acres as surveyed by Greg Larison PLS; and c) graphically approximately 8.72 acres part of the 9,800 acre parcel (DB 444 P77) split by the approximate corporation line. It should be noted that an accurate location via any monuments regarding the former corporation line of the city of Union is not available in any public records. Thus, the entire annexed parcel as described cannot be accurately closed via standard surveying methods. Therefore, the total area of the subject annexation approximates 42.18 acres.

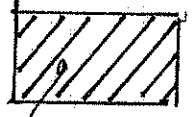
This description was prepared by Barry J. Burke PLS 2182 from a survey made by Gregory A. Larison PLS 3357 for McNeely Surveying, Inc. in July, 2002.

CITY OF UNION - ANNEXATION ORD. 2010-004
KRS 81A.470 - MAP BY PROFESSIONAL LAND SURVEYOR
 Prepared by Barry J. Burke PLS, City Engineer

EXISTING UNION CITY LIMITS
 PRIOR TO ANNEXATION ORD. 2010-004



NOTES / LEGEND



Representative Area
 Annexed per previous
 plat and descriptions
 previously submitted.

KRS 81A.470 -
 Map by Professional
 Land Surveyor
 Amendment - Add to
 previous documents
 submit to:
 #1) Secretary of State, and
 #2) Department for Local
 Government.

Mapping from previous
 land survey prepared
 by Professional Land
 Surveyor Barry J. Burke
 November 29, 2010.

BOONE COUNTY PLANNING COMMISSION APPROVAL CERTIFICATE
 Approved for recording this transfer of property only by the Boone
 County Planning Commission this 31st day of March
 2010.
Barry J. Burke 3/30/10
 DATE

FOR NON-BUILDABLE LOTS
 I certify that this plat of land in and of itself does not meet the
 current zoning regulations for use and is being transferred for
 non-building purposes.
Barry J. Burke 9-16-02
 DATE

LAND SURVEYOR'S CERTIFICATE
 I certify that this plat depicts a survey made by me or under my
 supervision in accordance with the Kentucky Minimum Surveying
 Standards, and complies with all requirements of the Boone County
 Zoning and Subdivision Regulations, and that designated areas
 including public ways or streets are currently owned by the
 property owner.
Barry J. Burke 9-16-02
 DATE

I hereby certify that the survey depicted by this plat was done
 by persons under my direct supervision by the method of random
 traverse with side shots. The unadjusted error of closure was
 1:18,000 and was not adjusted. The survey as shown herein is
 a Class A Survey and the accuracy and precision of said survey
 meets all the specifications of this class.
Barry J. Burke 9-16-02
 DATE

PLAT OF 31.258 ACRES
 TO BE CONVEYED BY
 THE GLENCAIRN CORPORATION
 BOONE COUNTY KENTUCKY
 WEST SIDE OF U.S. HIGHWAY 42
 0.25 MILE SOUTH OF KY. 536
 JULY 18, 2002 SCALE 1" = 300'

McNEELY SURVEYING, INC.
 466 ERLANGER ROAD
 ERLANGER, KY 41018
 (859) 727-3293

STATE OF KENTUCKY
 BARRY J. BURKE
 2182
 LICENSED
 PROFESSIONAL
 LAND SURVEYOR
Barry J. Burke

City of Union

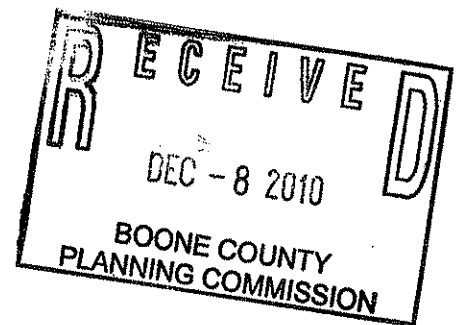


1843 Mt. Zion Road
P.O. Box 53
Union, Kentucky 41091-0053

Tel: 859/384-1511
Fax: 859/384-7760
www.cityofunionky.org

December 6, 2010

Ms. Kandie Adkinson
Administrative Supervisor-Land Office Division
Office of the Secretary of State
700 Capital Avenue, Suite 152, State Capitol
Frankfort, KY 40601-3493



Re: Ordinance No. 2010-004 - Annexation

Per your request dated November 2, 2010, please find enclosed a copy of the professional land surveyor's map, which states the location of the "existing city boundary".

If you have questions please call me at (859) 384-1511. Thank you.

Sincerely,

Kathy L. Porter
City Clerk/Treasurer

Enclosure

cc: Boone County Clerk
Department for Local Government
Secretary of State
Kentucky Revenue Cabinet
✓ GIS Department (Boone County)
PVA Office (Boone County)



TREY GRAYSON
SECRETARY OF STATE

COMMONWEALTH OF KENTUCKY
OFFICE OF THE SECRETARY OF STATE

January 13, 2011

SUITE 152, STATE CAPITOL
700 CAPITAL AVENUE
FRANKFORT, KY 40601-3493
(502) 564-3490
FAX (502) 564-5687
WEBSITE: WWW.SOS.KY.GOV

Hon. Greg D. Voss, Esq.
Attorney at Law
6900 Houston Road
Bldg. 600, Suite 16
Florence, KY 41042

Dear Sir:

Enclosed is Annexation Ordinance No. 2010-004 recently resubmitted by the city of Union. Unfortunately we are unable to file the information at this time.

According to KRS 81A.470, the city must submit a description and plat of the annexed property prepared by a professional land surveyor. In most instances surveyors use existing documents, such as the deeds and plats included in Union's submission, to generate a description and plat of the annexed property. For example, when several adjacent tracts are combined for an annexation, the surveyor combines the deeds to generate one overall description that is depicted on his/her plat. All calls in the description match the annotated lines on the plat. Existing boundaries are identified, the parcel closes, and the surveyor certifies his work. *(See enclosed Power Point handout for a sample description and plat as well as the specific requirements of KRS 81A.470.)*


Documents lacking for Annexation Ordinance 2010-004 are the description of the annexed area that matches the plat—call for call—and a plat with annotated lines that match the description—again, call for call. It is obvious the city is attempting to use a plat declared to be 31.258 acres by McNeely Surveying to annex multiple parcels. (According to the annexation ordinance, the annexation covers 43.258 acres.) We could not find a description that matches Mr. Burke's editing of the McNeely plat.

This submission needs some additional work to clarify what is being annexed by the city of Union. If you have questions, please call our office.

Sincerely,

Kandie Adkinson, Administrative Supervisor,
Land Office Division

Copy: City of Union

Northern Kentucky Area Development District


AN EQUAL OPPORTUNITY EMPLOYER M/F/D

James Horton

From: Kathy Porter <cityclerk@cityofunionky.org>
Sent: Friday, February 06, 2015 12:42 PM
To: James Horton
Subject: RE: Union annexation

Thank you for this information, I have forwarded to our city attorney Greg Voss and copied our new City Administrator David Martin. Hopefully, we can get this straightened out soon. I appreciate you letting me know. Have a nice weekend!

Kathy L. Porter, CKMC | City Clerk/Treasurer

City of Union, KY | 1843 Mount Zion Rd. | Union | KY | 41091-9534
PH: 859-384-1511 | FX: 859-384-7760 | E-mail: cityclerk@cityofunionky.org



From: James Horton [<mailto:JHorton@boonecountyky.org>]
Sent: Friday, February 06, 2015 10:35 AM
To: 'cityclerk@cityofunionky.org'
Subject: FW: Union annexation

Kathy,
This is the correspondence regarding City of Union Ordinance 2010-004.

If you have any questions, just let me know.

James S. Horton, GISP
GIS Data Specialist
Boone County GIS
(859) 334-2196

From: Anness, Kimberly (COT) [<mailto:Kimberly.Anness@ky.gov>]
Sent: Friday, February 06, 2015 10:27 AM
To: James Horton
Cc: Steve Gay
Subject: FW: Union annexation

James,

I will go through your list and get back with you by Monday afternoon. I contacted Kandie regarding the City of Union Ordinance Number 2010-004. It was filed twice and returned to the City Clerk because it didn't meet all the requirements, see her email below. The return letters are included in this email. We will not be able to add this annexation until it has been filed and accepted by the SOS.

On items 4-5 in your email. I will need to know the annexation ordinance numbers these 2 addresses were annexed under. The only way I can change the boundary is by pulling the file and checking the filing description/plat against our mapped boundary.

Thanks and have a good weekend.

Kim

Kim Anness

Division of Geographic Information (DGI)

669 Chamberlin Avenue

Frankfort KY 40601

502-564-6264

502-564-6855 (fax)

Kimberly.anness@ky.gov

<http://kygeonet.ky.gov/>

<http://kygeonet.ky.gov/govmaps/>

From: <Adkinson>, "Kandie (SOS)" <Kandie.Adkinson@ky.gov>

Date: Friday, February 6, 2015 at 9:04 AM

To: "Anness, Kimberly (COT)" <Kimberly.Anness@ky.gov>

Subject: RE: Union annexation

Hi, Kim,

Ordinance 2010-004 was returned to the city November 2, 2010, and again on January 13, 2011. Both return letters are attached. Nothing else has been received from Union regarding the ordinance.

Kandie

From: Anness, Kimberly (COT)

Sent: Thursday, February 05, 2015 1:23 PM

To: Adkinson, Kandie (SOS)

Subject: Union annexation

We are working with Boone County GIS to review some differences between our boundaries. Of course, we will only make changes if they are filings based. They are asking about Union Ordinance Number 2010-004, they say they have the transmittal letter from the City clerk to you, but don't see it listed on your website. My guess is maybe it was returned. Do you have any record of receiving this ordinance?

Thanks!

Kim

Kim Anness

Division of Geographic Information (DGI)

669 Chamberlin Avenue

Frankfort KY 40601

502-564-6264

502-564-6855 (fax)

Kimberly.anness@ky.gov