

ORDINANCE NUMBER 12-08

AN ORDINANCE TO THE CITY OF SOMERSET, KENTUCKY, ANNEXING BY CONSENT PROPERTY OWNED BY MERCURY DEVELOPMENT, LLC, AS DESCRIBED IN ATTACHMENT "A", INCORPORATED IN FULL BY REFERENCE HEREIN, LOCATED ON SOUTH HIGHWAY 27 AND HAVING A LEGAL MAILING ADDRESS OF 4065 SOUTH HIGHWAY 27, SOMERSET, KY 42501; AND

WHEREAS, AN ANNEXATION REQUEST FORM HAS BEEN SUBMITTED BY SAID KENTUCKY CORPORATION, MERCURY DEVELOPMENT, LLC, AND ACCEPTED BY THE CITY AS COMPLETE; AND FURTHER, THE PROPERTY OWNER HAVING WAIVED THE 60 DAY WAITING PERIOD, BY AND THROUGH THE COMPANY'S MANAGING MEMBER; AND

WHEREAS, THE CITY HAVING ALL DOCUMENTS AND RECORDS NEEDED TO ALLOW THE PROPERTY TO BE ANNEXED INTO THE CITY OF SOMERSET; AND

WHEREAS, THE PROPERTY MEETS ALL REQUIREMENTS FOR ANNEXATION AS SET FORTH IN KRS, AND ALL OTHER APPLICABLE LAW;

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

SECTION 1. THAT THE PROPERTY DESCRIBED IN ATTACHMENT "A", ATTACHED HERETO AND INCORPORATED IN FULL BY REFERENCE, IS HEREBY ANNEXED INTO THE CITY'S CORPORATE LIMITS

SECTION 2. THIS ORDINANCE SHALL TAKE EFFECT AFTER ITS PASSAGE AND UPON PUBLICATION BY LAW.

FIRST READING: JUNE 11, 2012

SECOND READING: JUNE 25, 2012

APPROVED


EDWARD R. GIRDLER, MAYOR
CITY OF SOMERSET, KENTUCKY

ATTEST:



DAVID GODSEY, CITY CLERK

Annexation Request Form

I, Mercury Development, LLC, formally request annexation of my property located at:
4065 South Highway 27 into the City of Somerset.

I also request that the 60 day waiting period be waived.

Sincerely,

 _____

Mercury Development, LLC

By: Mike Whitaker, Managing Member

Date: May 24, 2012

Legal Description

Mercury Development LLC

Creating Two new Parcels(Tract 1 and Tract 2) and a new Drainage Easement

Unless stated otherwise, all monuments referred to herein as an iron pin set are 5/8" x 18" rebar with red cap stamped "LLP 3266". All references to parcels by owner name, deed book and page number refer to documents of record stored in the Pulaski County Clerk's Office, located in Somerset, Kentucky.

TRACT 1:

Beginning on a Iron Pin Found (yellow cap stamped HB Wilson PLS 2041) in the west line of Aldi, Inc. Ohio (DB633/PG025) and being the northeast corner of Sitaram, LLC (DB807/PG308). Point of beginning is further referenced as being N04°33'08"E 200.38 feet from an iron pin found (orange cap stamped Burgin 3167) in the south line of the original Mercury Development parent tract, now being a common corner to the aforementioned Sitaram, LLC and Aldi, Inc. and also a common corner to HPT Hotels, LLC (DB622/PG006) and Citizens National Bank of Somerset (DB588/PG361).

Thence from the point of beginning described above, continuing with Aldi, Inc. west line N04°33'08"E 24.66 feet to an iron pin found (no cap) being the northwest corner of Aldi, Inc.

Thence with Aldi Inc. north line S81°59'55"E 195.81 feet to an iron pin set in the Aldi, Inc north line, being a new corner common to Tracts 1 and 2 created by this survey.

Thence leaving the Aldi, Inc north line, a new division line between Tract 1 and Tract 2, N06°27'43"E 179.39 feet to an iron pin set in the south right of way line of Mercury Blvd.

Thence with Mercury Blvd. south right of way line N83°30'54"W 241.88 feet to an iron pin set in the south right of way line. Said iron pin set being the northeast corner of a 40 foot Ingress/Egress Easement.

Thence leaving the south right of way line of Mercury Blvd. with the east line of the 40 foot ingress/egress easement S04°31'00"W 197.83 feet to an iron pin set at the southeast corner of the 40 foot ingress/egress easement, and being a point on the line of Sitaram, LLC.

Thence with the line of Sitaram, LLC S81°59'19"E 40.25 feet to the point of beginning. Containing 0.989 acres as surveyed by L. L. Phelps PLS 3266 on March 28, 2012.

Legal Description

Mercury Development LLC

Creating Two new Parcels(Tract 1 and Tract 2) and a new Drainage Easement

TRACT 2:

Beginning on an iron pin set in the south right of way of Mercury Blvd., corner of Tract 1. Thence with the right of way of Mercury Blvd. S83°30'54"E 236.84 feet to an iron pin set in the Mercury Blvd. right of way line, also being the northwest corner of the new drainage easement.

Thence with the west line of the drainage easement S06°26'40"W 185.66 feet to an iron pin set in the north line of Aldi, Inc., also being the southwest corner of the drainage easement.

Thence with the Aldi Inc. north line N81°59'55"W 236.98 feet to an iron pin set in the Aldi, Inc north line, also being the southeast corner of Tract 1

Thence with Tract 1 N06°27'43"E 179.39 feet to the point of beginning. Containing 0.993 acres as surveyed by LL Phelps PLS 3266 on March 28, 2012.

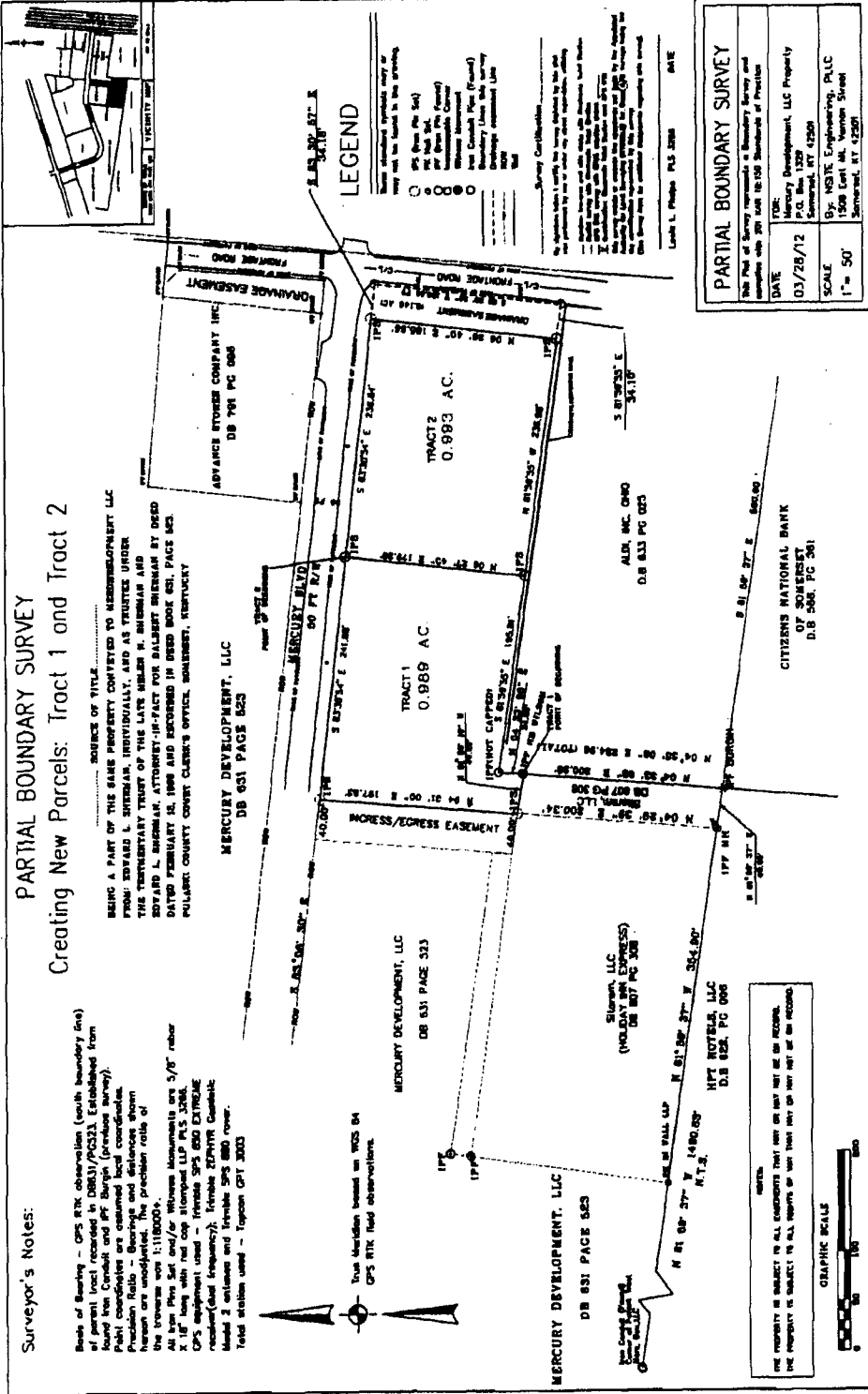
DRAINAGE EASEMENT:

Beginning on an iron pin set in the south right of way of Mercury Blvd., being the northeast corner of Tract 2. Thence with the south right of way of Mercury Blvd. S83°30'57"E 34.18 feet to an iron pin set in the west right of way of a frontage road owned by the Pulaski County Government.

Thence with the frontage road right of way S06°28'20"W 186.56 feet to an iron pin set in the south boundary line of Mercury Development, LLC (DB631/PG523).

Thence with the south boundary line of Mercury Development, LLC N81°59'55"W 34.10 feet to an iron pin set, being the southeast corner of Tract 2.

Thence with the east line of Tract 2 N06°26'40"W 185.66 feet to the point of beginning. Containing 0.146 acres as surveyed by LL Phelps PLS 3266 on March 28, 2012.



Surveyor's Notes:

Base of bearing - GPS RTK observation (south boundary line) set from DB 831 PAGE 523 (Established from Survey from Cornbelt and RT Survey (Locust Survey)).
 Point coordinates are assumed local coordinates.
 Precision Ratio - Bearings and distances shown herein are unadjusted. The precision ratio of the traverse was 1:1180000.
 All iron pins set and/or witness monuments are 3/8" rebar or 1/2" iron pins.
 GPS being used with real time kinematic (RTK) mode. GPS receiver used - Trimble 5600 EXTREME (model 3 antenna and tripod) SPS 680 receiver. Field station used - Topcon GPT 3003

True Meridian based on WGS 84
 GPS RTK field observations.

LEGEND

Survey monument symbols may or may not be found in the drawing.

- GPS (Iron Pin Set)
- 1/2" Iron Pin
- Witness Monument (Iron)
- Witness Monument (Wood)
- 3/8" Iron Pin (Round)
- 1/2" Iron Pin (Square)
- Survey Boundary (Dotted Line)
- Survey Boundary (Solid Line)

Survey Certification

I, the undersigned, being a duly licensed and qualified Surveyor in the State of Kentucky, do hereby certify that I am a duly Licensed Surveyor in the State of Kentucky, and that I am duly qualified to perform the duties of a Surveyor, and that I am duly qualified to perform the duties of a Surveyor, and that I am duly qualified to perform the duties of a Surveyor.

Lucretia L. Phelps PLS 2389 DATE

PARTIAL BOUNDARY SURVEY	
DATE	03/28/12
TITLE	Mercury Development, LLC Property
OWNER	C.O. Phelps, Inc.
PROJECT	0000000000000000000000
SCALE	1"= 50'
BY	Lucretia L. Phelps PLS 2389

NO WARRANTY IS MADE BY ALL ENGINEERS THAT ANY OR ANY PART OF THIS RECORD OR ANY PART OF THE RECORD OR ANY PART OF THE RECORD OR ANY PART OF THE RECORD.

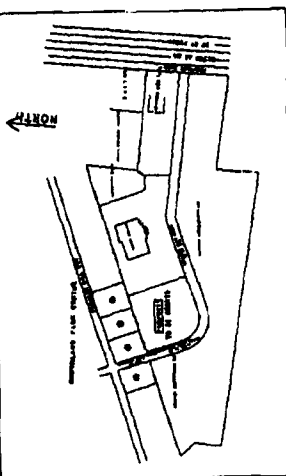


NOT TO BE USED FOR SALE OR TRANSFER OF PROPERTY

ALL WORK TO BE IN ACCORDANCE WITH
 "SPECIFICATIONS FOR CONSTRUCTION
 OF SEWER MAINS AND MANHOLES"
 CITY OF SOMERSET, KENTUCKY
 SPECIFICATIONS
 VOLUME 11
 AND
 STANDARD DETAILS - ILLUSTRATIONS
 (VOLUME 2)
 AS APPROVED BY
 THE KENTUCKY DIVISION OF WATER
 AS OF 10/20/10 (10/20/10)

H.B. LIVING TRUST

SOCIAL SECURITY BUILDING



KENNETH FORD ST AL
 SOUTH LAD PARK CENTER
 PLAT CABINET "D" SLIDE 187

RETENTION BASIN

SOMERSET CEMENTAL
 111 021.13

FOWLER PROPERTY
 2.375 ACRES

PROPERTY LINE
 111 021.13

EXISTING ROADWAY

MERCURY BLVD SOUTH
 271 021.13

MERCURY BLVD SOUTH
 271 021.13

MERCURY BLVD SOUTH
 271 021.13

MERCURY DEVELOPMENT, LLC
 DB 031 PAGE 523

NOTES

1. ALL WORK TO BE IN ACCORDANCE WITH THE SPECIFICATIONS FOR CONSTRUCTION OF SEWER MAINS AND MANHOLES, CITY OF SOMERSET, KENTUCKY, VOLUME 11, AND STANDARD DETAILS - ILLUSTRATIONS (VOLUME 2), AS APPROVED BY THE KENTUCKY DIVISION OF WATER AS OF 10/20/10 (10/20/10).
2. THE PLAN SHALL BE CONSIDERED A PRELIMINARY PLAN.
3. THE PLAN SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE KENTUCKY DIVISION OF WATER AS OF 10/20/10 (10/20/10).
4. THE PLAN SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE KENTUCKY DIVISION OF WATER AS OF 10/20/10 (10/20/10).
5. THE PLAN SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE KENTUCKY DIVISION OF WATER AS OF 10/20/10 (10/20/10).
6. THE PLAN SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE KENTUCKY DIVISION OF WATER AS OF 10/20/10 (10/20/10).
7. THE PLAN SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE KENTUCKY DIVISION OF WATER AS OF 10/20/10 (10/20/10).
8. THE PLAN SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE KENTUCKY DIVISION OF WATER AS OF 10/20/10 (10/20/10).
9. THE PLAN SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE KENTUCKY DIVISION OF WATER AS OF 10/20/10 (10/20/10).
10. THE PLAN SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE KENTUCKY DIVISION OF WATER AS OF 10/20/10 (10/20/10).

BY:
 NEAL W. SHOEMAKER, P.E.
 74 BRICHT LEAF DRIVE
 SOMERSET, KENTUCKY 42503
 606-305-6762

MERCURY DEVELOPMENT, LLC
 DB 031 PAGE 523

WATER LINE EXTENSION PLANS
 MERCURY DEVELOPMENT LLC
 P.O. BOX 1009
 SOMERSET, KENTUCKY 42502



SCALE: 1" = 50 FEET

BEFORE U THE 1-800-157-6887 CALL 48 HOURS IN ADVANCE

11/20/10

Commonwealth of Kentucky
Alison Lundergan Grimes, Secretary of State

LARP
0466910
Alison Lundergan Grimes
KY Secretary of State
Received and Filed
3/30/2012 2:42:33 PM
Fee receipt: \$15.00

Alison Lundergan Grimes
Secretary of State
P. O. Box 1150
Frankfort, KY 40602-1150
(502) 564-3490
<http://www.sos.ky.gov>

Annual Report
Online Filing

ARP

Company: MERCURY DEVELOPMENT LLC
Company ID: 0466910
State of origin: Kentucky
Formation date: 12/29/1998 12:00:00 AM
Date filed: 3/30/2012 2:42:33 PM
Fee: \$15.00

Principal Office

P.O. BOX 3215
W. SOMERSET, KY 42564

Registered Agent Name/Address

MIKE WHITAKER
603 KIT COWAN ROAD
P.O. BOX 3215
W. SOMERSET, KY 42564

Members/Managers

Member	David Morris	P.O. Box 3215 Somerset, Ky. 42564
Member	Mike Whitaker	P.O. Box 3215 Somerset, Ky. 42564

Signatures

Signature	Mike Whitaker
Title	Member

Annexation Request Form

I, MERCURY DEVELOPMENT, LLC formally request
annexation of my property located at
4065 South Highway 27
_____ into the City of Somerset.

I also request that the 60 day waiting period be waived.

Sincerely,
MERCURY DEVELOPMENT, LLC BY MIKE WHITAKER, MANAGING MEMBER

Mike Whitaker
Date 5-24-12

*Ord No. 12-08
1st Reading
Annexation Ord.*

NOT TO BE USED FOR SALE OR TRANSFER OF PROPERTY

ALL WORK TO BE IN ACCORDANCE WITH:
 "SEWER SYSTEM CONSTRUCTION"
 SOWBEST WATERWORKS MANUAL
 CITY OF SOMERSET, KENTUCKY
 SPECIFICATIONS
 VOLUME 11
 AND
 STANDARD DETAILS - ILLUSTRATIONS
 PART 1000
 CHAPTER 1002
 AND AS APPROVED BY
 THE HEALTH DIVISION OF WATER
 AS OF DATE OF ISSUE OF THESE PLANS.

M & B LIVING TRUST

SOCIAL SECURITY BUILDING

RETENTION BASIN

SOMERSET CHURCH

PROPERTY LINE

EXISTING ROADWAY

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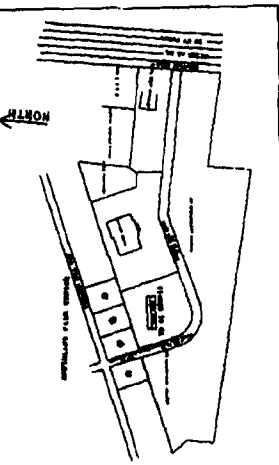
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VICINITY MAP

KENNETH FORD, ET AL
 DB 705 PAGE 255
 SOUTHLAND PARK CENTER
 PLAT CABINET "D" SLIDE 187

M.T.S.

EXISTING ROADWAY

EXISTING DRIVE

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MERCURY DEVELOPMENT, LLC
 DB 631 PAGE 323

MERCURY DEVELOPMENT, LLC
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MERCURY DEVELOPMENT, LLC
 DB 631 PAGE 323

MERCURY DEVELOPMENT, LLC
 DB 631 PAGE 323

NOTES

1. ALL WORK TO BE IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARD DETAILS OF THE CITY OF SOMERSET, KENTUCKY.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF SOMERSET, KENTUCKY.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF SOMERSET, KENTUCKY.
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10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF SOMERSET, KENTUCKY.

SCALE 1" = 50 FEET

BEFORE U RIN 1-800-752-5887 CALL 48 HOURS IN ADVANCE

MERCURY DEVELOPMENT, LLC
 DB 631 PAGE 323

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MERCURY DEVELOPMENT, LLC
 DB 631 PAGE 323

BY:
 NEAL W. SHOGMAKER P.E.
 74 BRICHT LEAF DRIVE
 SOMERSET, KENTUCKY 42500
 606-305-9782

MERCURY DEVELOPMENT, LLC
 P.O. BOX 13069
 SOMERSET, KENTUCKY 42502

WATER LINE EXTENSION PLANS

MERCURY DEVELOPMENT, LLC

SCALE 1" = 50 FEET

MERCURY DEVELOPMENT, LLC
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 DB 631 PAGE 323

MERCURY DEVELOPMENT, LLC
 DB 631 PAGE 323

Legal Description

Mercury Development LLC

Creating Two new Parcels(Tract 1 and Tract 2) and a new Drainage Easement

Unless stated otherwise, all monuments referred to herein as an iron pin set are 5/8" x 18" rebar with red cap stamped "LLP 3266". All references to parcels by owner name, deed book and page number refer to documents of record stored in the Pulaski County Clerk's Office, located in Somerset, Kentucky.

TRACT 1:

Beginning on an Iron Pin Found (yellow cap stamped HB Wilson PLS 2041) in the west line of Aldi, Inc. Ohio (DB633/PG025) and being the northeast corner of Sitaram, LLC (DB807/PG308). Point of beginning is further referenced as being $N04^{\circ}33'08''E$ 200.38 feet from an iron pin found (orange cap stamped Burgin 3167) in the south line of the original Mercury Development parent tract, now being a common corner to the aforementioned Sitaram, LLC and Aldi, Inc. and also a common corner to HPT Hotels, LLC (DB622/PG006) and Citizens National Bank of Somerset (DB588/PG361).

Thence from the point of beginning described above, continuing with Aldi, Inc. west line $N04^{\circ}33'08''E$ 24.66 feet to an iron pin found (no cap) being the northwest corner of Aldi, Inc.

Thence with Aldi Inc. north line $S81^{\circ}59'55''E$ 195.81 feet to an iron pin set in the Aldi, Inc north line, being a new corner common to Tracts 1 and 2 created by this survey.

Thence leaving the Aldi, Inc north line, a new division line between Tract 1 and Tract 2, $N06^{\circ}27'43''E$ 179.39 feet to an iron pin set in the south right of way line of Mercury Blvd.

Thence with Mercury Blvd. south right of way line $N83^{\circ}30'54''W$ 241.88 feet to an iron pin set in the south right of way line. Said iron pin set being the northeast corner of a 40 foot Ingress/Egress Easement.

Thence leaving the south right of way line of Mercury Blvd. with the east line of the 40 foot ingress/egress easement $S04^{\circ}31'00''W$ 197.83 feet to an iron pin set at the southeast corner of the 40 foot ingress/egress easement, and being a point on the line of Sitaram, LLC.

Thence with the line of Sitaram, LLC $S81^{\circ}59'19''E$ 40.25 feet to the point of beginning. Containing 0.989 acres as surveyed by L. L. Phelps PLS 3266 on March 28, 2012.

Legal Description

Mercury Development LLC

Creating Two new Parcels(Tract 1 and Tract 2) and a new Drainage Easement

TRACT 2:

Beginning on an iron pin set in the south right of way of Mercury Blvd., corner of Tract 1. Thence with the right of way of Mercury Blvd. S83°30'54"E 236.84 feet to an iron pin set in the Mercury Blvd. right of way line, also being the northwest corner of the new drainage easement.

Thence with the west line of the drainage easement S06°26'40"W 185.66 feet to an iron pin set in the north line of Aldi, Inc., also being the southwest corner of the drainage easement.

Thence with the Aldi Inc. north line N81°59'55"W 236.98 feet to an iron pin set in the Aldi, Inc north line, also being the southeast corner of Tract 1

Thence with Tract 1 N06°27'43"E 179.39 feet to the point of beginning. Containing 0.993 acres as surveyed by LL Phelps PLS 3266 on March 28, 2012.

DRAINAGE EASEMENT:

Beginning on an iron pin set in the south right of way of Mercury Blvd., being the northeast corner of Tract 2. Thence with the south right of way of Mercury Blvd. S83°30'57"E 34.18 feet to an iron pin set in the west right of way of a frontage road owned by the Pulaski County Government.

Thence with the frontage road right of way S06°28'20"W 186.56 feet to an iron pin set in the south boundary line of Mercury Development, LLC (DB631/PG523).

Thence with the south boundary line of Mercury Development, LLC N81°59'55"W 34.10 feet to an iron pin set, being the southeast corner of Tract 2.

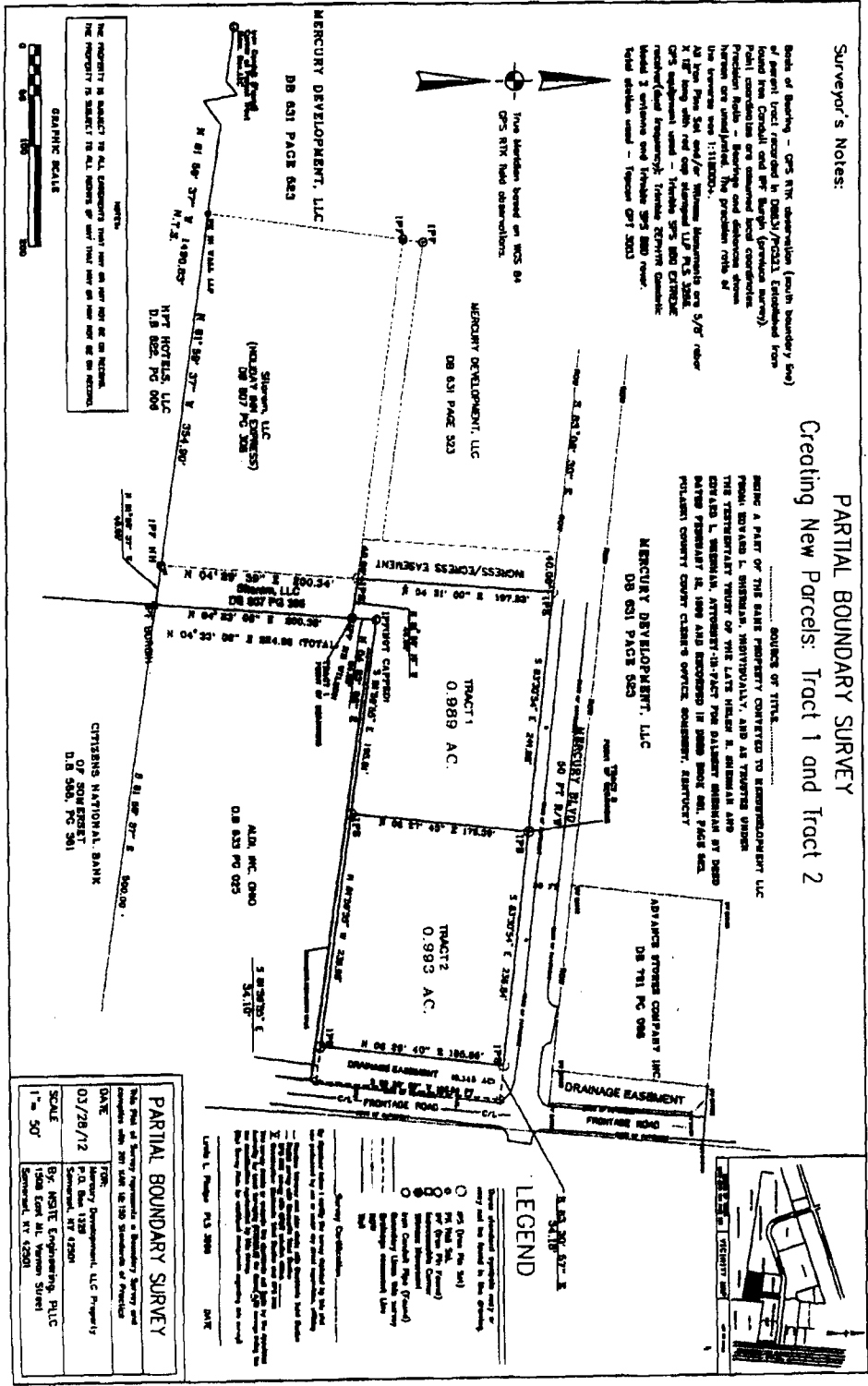
Thence with the east line of Tract 2 N06°26'40"W 185.66 feet to the point of beginning. Containing 0.146 acres as surveyed by LL Phelps PLS 3266 on March 28, 2012.

Surveyor's Notes:

State of Survey - GPS RTK observation (south boundary line) of parent tract recorded in DBA/PC021. Established from located from Control and per Survey (vertical survey). Partial boundaries are assumed based on recorded Precision Data - Bearings and distances shown hereon are unadjusted. The precision ratio at the time of survey was 1:10,000.00. The survey was conducted on 11/14/2020. GPS equipment used - Trimble SPS 580 EXTREME recorded bearings, Trimble SPS 580 receiver. Measured 3 corners and 1 corner SPS 580 receiver. Total station used - Topcon CRT 3013

PARTIAL BOUNDARY SURVEY
Creating New Parcels: Tract 1 and Tract 2

MAKING A PART OF THE SAID PROPERTY CONVERTED TO EMBROIDERED L.C. FROM DRYLAND L. SUBDIVISION, NOTIONALLY, AND AS THEREIN SHOWN THE TERRITORY THERE OF THE LATE HENRY S. EMBROIDER AND CHARLES L. EMBROIDER ATTORNEY-AT-LAW FOR THE SAID PART OF SAID PROPERTY IS, 1899 AND INCORPORATED IN 1900 BOOK 001, PAGE 001. FURTHER CANNOT CARRY CLAIM'S SERVICE, EMBROIDER, FURTHER.



LEGEND

- and (Dotted line) = Boundary line
- and (Solid line) = Property line
- and (Dashed line) = Easement line
- and (Dotted line) = Survey line
- and (Dotted line) = Survey line
- and (Dotted line) = Survey line

PARTIAL BOUNDARY SURVEY	
DATE	03/28/12
BY	BR. MSITE Engineering, PLLC
SCALE	1" = 50'

Commonwealth of Kentucky
Alison Lundergan Grimes, Secretary of State

LARP
0466910
Alison Lundergan Grimes
KY Secretary of State
Received and Filed
3/30/2012 2:42:33 PM
Fee receipt: \$15.00

Alison Lundergan Grimes
Secretary of State
P. O. Box 1150
Frankfort, KY 40602-1150
(502) 564-3490
<http://www.sos.ky.gov>

Annual Report
Online Filing

ARP

Company: MERCURY DEVELOPMENT LLC
Company ID: 0466910
State of origin: Kentucky
Formation date: 12/29/1998 12:00:00 AM
Date filed: 3/30/2012 2:42:33 PM
Fee: \$15.00

Principal Office

P.O. BOX 3215
W. SOMERSET, KY 42564

Registered Agent Name/Address

MIKE WHITAKER
603 KIT COWAN ROAD
P.O. BOX 3215
W. SOMERSET, KY 42564

Members/Managers

Member	David Morris	P.O. Box 3215 Somerset, Ky. 42564
Member	Mike Whitaker	P.O. Box 3215 Somerset, Ky. 42564

Signatures

Signature	Mike Whitaker
Title	Member