

## MINUTES OF MEETING HELD MARCH 14, 2022

The Common Council of the City of Somerset, Kentucky met in a regular meeting on Monday March 14, 2022, at 6:00 p.m. with the following present: Council Members; Jim Mitchell, David Godsey, Amanda Bullock, Tom Eastham, David Burdine, Brian Dalton, Jerry Wheeldon, Jimmy Eastham, Jerry Girdler, Robin Daughetee, John Minton, Mayor Alan Keck, City Attorney John Adams, and City Clerk Nick Bradley. Absent: Patrick Hunley.

Mr. Dalton moved to approve the minutes of the regular meeting held on February 28, 2022, along with reports as mailed. Mr. Wheeldon seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Mitchell, Mr. Godsey, Ms. Bullock, Mr. T. Eastham, Mr. Burdine, Mr. Dalton, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. Daughetee, and Mr. Minton.

Mr. Mitchell made a motion to approve the following Resolution Number 22-04: Regarding Teresa Avenue; Recitation of The History of Teresa Avenue in The City of Somerset, The Intent of The City for Continued Inclusion of Teresa Avenue in The City of Somerset, Demand for State and Local Officials to Recognize the Same, Empowerment of The Mayor & City Attorney to File an Action If Needed. Ms. Bullock seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Mitchell, Mr. Godsey, Ms. Bullock, Mr. T. Eastham, Mr. Burdine, Mr. Dalton, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. Daughetee, and Mr. Minton.

### Resolution Number 22-04

A RESOLUTION TO THE CITY OF SOMERSET, KENTUCKY, REGARDING TERESA AVENUE; RECITATION OF THE HISTORY OF TERESA AVENUE IN THE CITY OF SOMERSET, THE INTENT OF THE CITY FOR CONTINUED INCLUSION OF TERESA AVENUE IN THE CITY OF SOMERSET, DEMAND FOR STATE AND LOCAL OFFICIALS TO RECOGNIZE THE SAME, EMPOWERMENT OF THE MAYOR & CITY ATTORNEY TO FILE AN ACTION IF NEEDED.

Whereas the residential street Teresa Avenue is in the former "Honey Farm" real property boundaries which is described in Deed Book 508 2nd Page 414 (Honey to Backer, 11-29-1994) in the Pulaski Court Clerk's Office (Said deed attached as Exhibit A hereto); and,

Whereas the Honey Farm was annexed by the City of Somerset by Ordinance 494 in May of 1973 and said annexation ordinance references the Honey Farm in the metes and bounds description of the annexed real property by using calls from the Honey Farm boundaries found in the governing deed at the time (Said Ordinance is attached hereto as Exhibit B); and,

Whereas Teresa Avenue was developed in the early 2000s by the Thacker and Acry families and included application to and acceptance of City of Somerset code department. Further, the Teresa Avenue has been designated a city street in a Somerset City Council meeting held on July 14, 2003 (see Exhibit C) and the street had been maintained by the City of Somerset since the 2003; and,

Whereas the residents of Teresa Avenue have dutifully paid taxes to the City of Somerset and paid "in city" rates for City of Somerset utility services since the residential development of the street. Further the residents of Teresa Avenue have voted in City of Somerset elections since the residential street was developed; and,

Whereas a 2008 survey of the complete boundary of City of Ferguson by real property surveyor Tim Woodcock correctly shows Teresa Avenue and the remainder of the Honey Farm outside the City of Ferguson (that survey in relevant part is attached hereto as Exhibit D); and,

Whereas the City of Ferguson makes no official claim to the Honey Farm area or the Teresa Avenue area and has indicated it will pass a counterpart to this Resolution releasing any claim to

Teresa Avenue to end any issues regarding which City the residential street belongs, beginning with a special called meeting on March 21, 2022, of the Ferguson City Council.

Now Therefore, be it **RESOLVED** by the Common Council of the City of Somerset hereby states and demands:

That Teresa Avenue shall be rightly recognized, based on the evidence above, to be in the City of Somerset;

That the Kentucky Secretary of State Office, specifically the Land and Mapping Office, modify their maps and other records to show Teresa Avenue and the Honey Farm area solely in the City of Somerset;

The Pulaski PVA Office modify its maps and other records to show Teresa Avenue and the Honey Farm area solely in the City of Somerset;

That the Pulaski County Clerk's Office keep its maps and other records as showing Teresa Avenue and the Honey Farm area solely in the City of Somerset and do so before the May 2022 primary;

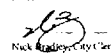
That the Mayor and City Attorney be empowered by this Council to file a Declaratory, Equitable and/or Legal action in Pulaski Circuit Court on behalf of the City of Somerset, if need be, to assure the Teresa Avenue and its residents are solely in the City of Somerset to protect the resident's rights and duties as voters, taxpayers, utility users, and other civic privileges.

Read voted this 14<sup>th</sup> Day of March, 2022

Approved

  
Alan Keck, Mayor

Attested

  
Nick Bradley, City Clerk



Unofficial

STATE OF KENTUCKY  
COUNTY OF MORGAN...SCT:

I, the undersigned, a Notary Public within and for the above named county and state, do hereby certify that the foregoing Deed of Conveyance and Consideration Certificate were this day produced to me and signed, acknowledged and sworn to before me by Paul Henry and Charles W. Hanes, his wife, of Franklin herein, as witnesses acting by and through Donald C. Hanes, their Attorney in fact, to his duly authorized and voluntary act and deed in due form of law.

Given under my hand and Notarial Seal this 25 day of November, 1994.

SEAL: Donald C. Hanes  
NOTARY PUBLIC  
MY COMMISSION EXPIRES August 17th 1998

STATE OF KENTUCKY  
COUNTY OF MORGAN...SCT:

I, the undersigned, a Notary Public within and for the above named county and state, do hereby certify that the foregoing Deed of Conveyance and Consideration Certificate were this day produced to me and signed, acknowledged and sworn to before me by Robert J. Hanes and Jane Hanes, his wife, of Franklin herein, to be their voluntary act and deed in due form of law.

Given under my hand and Notarial Seal this 25 day of November, 1994.

SEAL: Donald C. Hanes  
NOTARY PUBLIC  
MY COMMISSION EXPIRES August 17th 1998

Unofficial

STATE OF KENTUCKY  
COUNTY OF MORGAN...SCT:

I, the undersigned, a Notary Public within and for the above named county and state, do hereby certify that the foregoing Deed of Conveyance and Consideration Certificate were this day produced to me and signed, acknowledged and sworn to before me by Paul Henry and Charles W. Hanes, his wife, of Franklin herein, as witnesses acting by and through Donald C. Hanes, their Attorney in fact, to his duly authorized and voluntary act and deed in due form of law.

Given under my hand and Notarial Seal this 25 day of November, 1994.

SEAL: Donald C. Hanes  
NOTARY PUBLIC  
MY COMMISSION EXPIRES August 17th 1998

STATE OF KENTUCKY  
COUNTY OF MORGAN...SCT:

I, the undersigned, a Notary Public within and for the above named county and state, do hereby certify that the foregoing Deed of Conveyance and Consideration Certificate were this day produced to me and signed, acknowledged and sworn to before me by Robert J. Hanes and Jane Hanes, his wife, of Franklin herein, to be their voluntary act and deed in due form of law.

Given under my hand and Notarial Seal this 25 day of November, 1994.

SEAL: Donald C. Hanes  
NOTARY PUBLIC  
MY COMMISSION EXPIRES August 17th 1998

NOT A True Copy

Unofficial

STATE OF KENTUCKY  
COUNTY OF MORGAN...SCT:

I, the undersigned, a Notary Public within and for the above named county and state, do hereby certify that the foregoing Deed of Conveyance and Consideration Certificate were this day produced to me and signed, acknowledged and sworn to before me by James Thomas and Elaine Thomas, his wife, of Franklin herein, to be their voluntary act and deed in due form of law.

Given under my hand and Notarial Seal this 25 day of November, 1994.

SEAL: Donald C. Hanes  
NOTARY PUBLIC  
MY COMMISSION EXPIRES Aug 17th 1998

THIS INSTRUMENT RETURNED BY:  
BY: Donald C. Hanes  
NOTARY PUBLIC  
P.O. BOX 102  
MORGANFIELD, KENTUCKY 42302

STATE OF KENTUCKY COUNTY OF MORGAN...SCT:

I, Donald C. Hanes, Notary Public within and for the above named county and state, do hereby certify that the foregoing Deed of Conveyance and Consideration Certificate were this day produced to me and signed, acknowledged and sworn to before me by James Thomas and Elaine Thomas, his wife, of Franklin herein, to be their voluntary act and deed in due form of law.

Given under my hand and Notarial Seal this 25 day of November, 1994.

SEAL: Donald C. Hanes  
NOTARY PUBLIC  
MY COMMISSION EXPIRES Aug 17th 1998

A True Copy

Exhibit B

ORDINANCE 494

WHEREAS the Common Council of the City of Somerset, Kentucky, did on the 26th day of March 1973, enact an ordinance proposing to annex certain unincorporated territory adjacent to the city limits of Somerset, Kentucky, being Ordinance No. 488 and said ordinance was published in three issues of the Commonwealth Journal, a daily newspaper of large circulation in the City of Somerset, Kentucky, namely on the following dates, April 5, 1973, April 12, 1973, April 19, 1973.

No action having been filed in Circuit Court to prohibit said annexation.

Therefore, the Council hereby certifies that the annexation of the territory herein described is in accordance with the provisions of the Constitution of the State of Kentucky and the Constitution of the United States of America.

BEGINNING at the intersection of the East right-of-way of Murphy Ave. and the Crane Company property; set intersection being a corner common to the right-of-way of Murphy Avenue (a rural highway project) and the Southern Railroad property and the Crane Company property; thence with the right-of-way of Murphy Avenue S 26 degrees 30' W a distance of 327.0 feet to a point; thence with the right-of-way line S 21 deg. 20' W a distance of 62.0 feet to a point; thence with the right-of-way line N 20 deg. 20' W a distance of 65.0 feet to a point; thence with the right-of-way line S 18 deg. 15' W a distance of 499.0 feet to a point which is common corner to the Murphy Avenue right-of-way, the Southern Railroad property and the Burley Belt Fertilizer Plant access right-of-way; thence N 19 degrees 30' W a distance of 32.0 feet to a corner which is common corner between Burley Belt, the Murphy Avenue right-of-way and Laurel Warehousing Incorporated; thence with the right-of-way line of Murphy Avenue N 15 deg. 15' W a distance of 315.6 feet to a corner which is common corner between the Murphy Avenue right-of-way and Laurel Warehousing Inc.; thence with the Laurel Warehousing line N 76 deg. 7' E a distance of 66.0 feet to a corner; thence S 12 deg. 00' W a distance of 107.0 feet to a corner; thence S 74 deg. 00' E a distance of 29.6 feet to a corner; thence S 14 deg. 23' W a distance of 11.9 feet to a corner; thence N 74 deg. 20' E a distance of 325.0 feet to a corner; thence N 20 deg. 30' W a distance of 170.5 feet to a corner continuing with the Laurel Warehousing line; thence S 74 deg. 14' E a distance of 166.3 feet to a corner; thence S 15 deg. 36' E a distance of 78.0 feet to a corner; thence S 83 deg. 15' E a distance of 131.7 feet to a corner, said corner being common corner between Laurel Warehouse and the City; thence with the Happy line N 13 deg. 10' W a distance of 200.0 feet to a corner; thence N 36 deg. 00' W a distance of 120.0 feet

to a corner; thence N 14 deg. 50' W a distance of 330.0 feet to a corner, said corner being common corner between the right-of-way for Covens Lane and the Happy Farm; thence with this right-of-way line N 60 deg. 05' E a distance of 213.0 feet to a corner; thence N 66 deg. 00' E a distance of 205.0 feet to a corner; thence with the right-of-way of Covens Lane N 79 deg. 50' E a distance of 1973.0 feet to a corner; thence with the Happy Lane S 7 deg. 25' E a distance of 805.0 feet to a corner; thence S 66 deg. 15' E a distance of 828.0 feet to a corner; thence S 0 deg. 30' E a distance of 947.0 feet to a corner; thence continuing with the Happy line S 42 deg. 39' W a distance of 812.0 feet to a corner; thence S 81 deg. 32' W a distance of 1635.0 feet to a corner, said corner being common corner between Burley Belt, the Happy Farm and the Southern Railroad; thence S 27 deg. 30' W a distance of 150.0 feet to a corner; said corner being a common corner between the Southern Railroad and the Crane Company; thence with the Crane Company line S 81 deg. 39' W a distance of 832.0 feet to the point of beginning.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

First reading May 18, 1973  
Second reading May 33, 1973.

Approved: Jesse E. Wilson Mayor

Attest: C. E. Love Clerk

Exhibit C

MINUTES OF MEETING HELD JULY 14, 1973

The Common Council of the City of Somerset, Kentucky met in regular session on Monday, July 14, 1973 at 7:00 p.m. with the following present: Mayor J.P. Wilson, Council Members: Charles Taylor, John Kinross, Earl Owens, Jerry Burnett, Peggy Dugger, James Norfleet, Clarence Floyd, Jerry Wheelock, Mark Bowley, Jerry Chandler, Clarence New, City Attorney Joe Travis and City Clerk David Godley. Absent: Council Member Pat Boone.

Mayor Wilson recognized Scout Troop 79, and Scout Troop 170.

Mr. Wheelock moved to approve the minutes of the last regular meeting held on June 23, 1973 and the report be approved as delivered. Mr. Bowley seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Hester, Mr. Kinross, Mr. Owens, Mr. Burnett, Mrs. Dugger, Mrs. Norfleet, Mr. Floyd, Mr. Wheelock, Mr. Bowley, Mr. Godley and Mr. New.

Mr. New moved to approve all department bills. Mr. Burnett seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Hester, Mr. Kinross, Mr. Owens, Mr. Burnett, Mrs. Dugger, Mrs. Norfleet, Mr. Floyd, Mr. Wheelock, Mr. Bowley, Mr. Godley and Mr. New.

Mr. Owens moved to accept the bid for Asphalt/Bit E Top from Healy Contracting Corporation at \$19.72 per sq. yd. Mrs. Wheelock seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Hester, Mr. Kinross, Mr. Owens, Mr. Burnett, Mrs. Dugger, Mrs. Norfleet, Mr. Floyd, Mr. Wheelock, Mr. Bowley, Mr. Godley and Mr. New.

Table with columns for Item, Description, and Amount. Includes items like City Attorney's Office, Police Department, and Fire Department.

Mr. Owens moved to accept the bids for Concrete. The bid being awarded to Tector Ready Mix, Inc. at \$17.00 per cubic yard. Mr. Wheelock seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Hester, Mr. Kinross, Mr. Owens, Mr. Burnett, Mrs. Dugger, Mrs. Norfleet, Mr. Floyd, Mr. Wheelock, Mr. Bowley, Mr. Godley and Mr. New.



**HINKLE CONTRACTING CORPORATION**  
P.O. Box 485  
BURNSIDE, KENTUCKY 42519-0485

**PROPOSAL**

(606) 679-4088  
FAX (606) 679-8849

PROPOSAL NO. 1189  
DATE JAN 6, 1998

TO: Midstate Automotive Parts Rebuilder's  
1108 Govers Lane  
Ferguson, KY 42633  
Attn: Mr. Peggy Thacker

FROM: HINKLE CONTRACTING CORPORATION  
ASPHALT PAVING/TERESA AVENUE

We hereby submit specifications and estimates for:  
Asphalt paving 23 feet by 1216 feet & 2 radii 30 feet (3,160 Square Yards).

- Lay and compact an average of 6 inches pugged crushed stone
- Lay and compact 2 inches bituminous base (or binder)

UNIT PRICE: \$8.25/SY \$25,987.50

NOTE: Invoice will be from measurement of actual area paved after job completion.

If accepting this proposal of work, please sign and date at the appropriate place below and return the white copy to Hinkle Contracting Corporation.

We propose liability to furnish material and labor - complete in accordance with the above specifications for the sum of \$25,987.50.

Net due upon receipt of invoice. A service charge of 1.5% per month or 18% per year will be made on all accounts 30 days past due.

Signature: *Russell Perry*  
Date: 30

Acceptance of Proposal: *Peggy A Gray*

**HINKLE CONTRACTING CORPORATION**  
P.O. Box 485  
BURNSIDE, KENTUCKY 42519

**PROPOSAL**

(606) 679-4088  
FAX (606) 679-8849

PROPOSAL NO. 1189  
DATE JAN 6, 1998

TO: Midstate Automotive Parts Rebuilder's  
1108 Govers Lane  
Ferguson, KY 42633  
Attn: Mr. Peggy Thacker

FROM: HINKLE CONTRACTING CORPORATION  
ASPHALT PAVING/TERESA AVENUE

We hereby submit specifications and estimates for:  
Asphalt paving 20 feet by 600 feet & 2 radii 30 feet (1,378 Square Yards).

- Lay and compact an average of 6 inches pugged crushed stone
- Lay and compact 2 inches bituminous base
- Lay and compact 1 inch bituminous surface

UNIT PRICE: \$10.20/SY \$14,025.00

If accepting this proposal of work, please sign and date at the appropriate place below and return the white copy to Hinkle Contracting Corporation.

WEP \$14,025.00

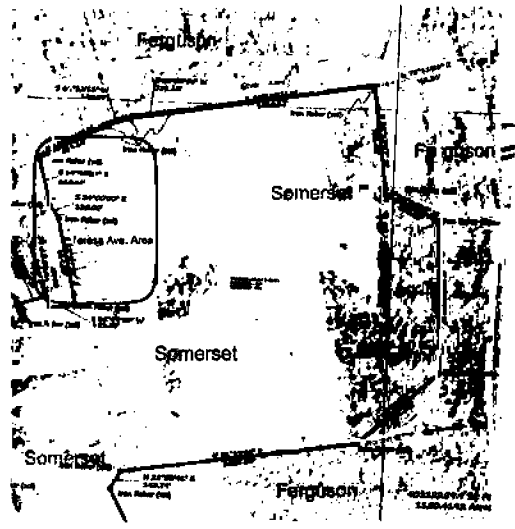
Net due upon receipt of invoice. A service charge of 1.5% per month or 18% per year will be made on all accounts 30 days past due.

Signature: *Russell Perry*  
Date: 30

Acceptance of Proposal: *Peggy A Gray*

*Handwritten notes:*  
679-2015 427-657  
RDs Bldg  
Richard 427-547  
Rice  
678-4171  
WALTER WEST

**Exhibit D**



Mr. Daughettee made a motion to approve a tax refund for Edna Jackson for a 2021 Homestead Exemption in the amount of \$52.65 and Kaye Mounce for a 2021 Homestead Exemption in the amount of \$52.65. Mr. Godsey seconded the motion. Upon roll call the following Council

