

CIVIL ACTION NO. 20517

WARREN CIRCUIT COURT
DIVISION NO. I

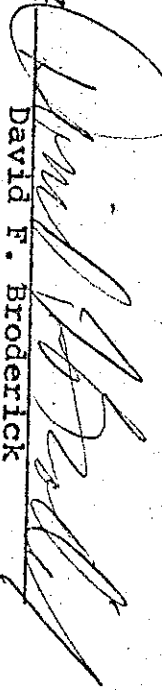
IN RE: THE CITY OF OAKLAND, KENTUCKY



MOTION

Comes now the petitioners, constituting at least two-thirds (2/3) of the voters residing within the boundary of the proposed City of Oakland, Kentucky, by counsel, and move the Court to enter a judgment incorporating the City of Oakland, Kentucky.

COLE, HARNED & BRODERICK
1033 State Street
P. O. Box 3400
Bowling Green, KY 42101

BY 
David F. Broderick

NOTICE

Notice is hereby given that the above Motion will be brought on for hearing before the Hon. J. David Francis, Judge, Warren Circuit Court, on Friday, June 24, 1977, at 8:45 a.m.

CERTIFICATION

This is to certify that a true copy of the foregoing Motion and Notice was this 20th day of June, 1977, placed in the U. S. Mail addressed to: Charlie Roberts, Attorney, Peterson & Young, 400 Colony Square, Suite 525, Atlanta, Georgia.


David F. Broderick

IN RE: THE CITY OF OAKLAND, KENTUCKY

Come now the petitioners, constituting at least two-thirds (2/3) of the voters residing within the boundary of the proposed City of Oakland, Kentucky, and by this petition show to the Court as follows:

I

The petitioners, being of the opinion and belief that the community of Oakland, Kentucky, is a duly formed and validly incorporated city of the sixth class of the Commonwealth of Kentucky because of its continuous operation and existence as a city over the years, as evidenced by the regular election of its officials, levying of taxes, annexation of property and construction of public improvements, and because of its reputation and its recognition by governmental officials of Federal, State and local agencies as such, from time to time, but being unable, after diligent search and inquiry, to discovery or establish legal indication of its incorporation, either through legislative enactment or by compliance with statutory procedures governing incorporation of cities in the Commonwealth of Kentucky, do hereby file this petition to incorporate the City of Oakland, Kentucky, pursuant to KRS 81.050.

II

The metes and bounds of the proposed City of Oakland, Kentucky, are truly and accurately depicted in Exhibit "A" attached hereto and by this reference made a part hereof and do not exceed one-half (1/2) mile in any direction.

III

The number of voters residing within the boundaries of the proposed City of Oakland, Kentucky is represented by the 42 signatories to this petition which constitute two-thirds (2/3) of the registered voters in Oakland, Warren County, Kentucky.

RECEIVED
JUN 3 11 AM
WARREN CIRCUIT COURT
DIVISION I
CLERK, JUDGE

IV

The proposed City of Oakland, Kentucky, is located entirely within the geographical boundaries of Warren County, Kentucky.

V

Notice of the filing of this petition and of its object has been given by publication, pursuant to Chapter 424 of the Kentucky Revised Statutes, as amended.

WHEREFORE, the petitioners pray that the Court enter a judgment incorporating the City of Oakland, Kentucky, in accordance herewith.

This 3rd day of June, 1977.

W. P. Mansfield
Name

Oakland Ky
Address

Stella S. Mansfield
Name

Oakland Ky
Address

Ruth Treabury
Name

Rout 125
Address
Oakland, Ky.

Frances Leeburg
Name

Box 75
Address
Oakland Ky.

Ray Treabury
Name

Oakland Ky.
Address

Joe Houston
Name

Oakland Ky
Address

Theron Hanson
Name

Oakland Ky.
Address

Mr. R. Heathcote
Name

Oakland Ky.
Address

Percy P. Alexander
Name

Box 96
Address
Oakland, Ky.

Carrie E. Haabury
Name

Oakland, Ky.
Address

Ann Corbett
Name

Oakland, Kentucky
Address

Chris Stoguer
Name

Oakland, Kentucky
Address

Charlie Stoguer
Name

Oakland, Kentucky
Address

Walter Evans
Name

Oakland, Kentucky
Address

Elizabeth Evans
Name

Oakland, Kentucky
Address

Thomas Pennington
Name

Oakland, Kentucky
Address

Sam Bush
Name

Oakland, Kentucky
Address

Loanne Trooper
Name

Oakland, Kentucky
Address

Wall Dickson
Name

Oakland, Kentucky
Address

Earl Steerley
Name

Oakland, Kentucky
Address

Lawrence Stamborg
Name

Oakland, Kentucky
Address

Patricia M. Taylor
Name

Oakland, Kentucky
Address

Thomas Edmund
Name

Oakland, Kentucky
Address

Maggie Hudson
Name

Oakland, Kentucky
Address

Geo Finely
Name

Oakland, Kentucky
Address

Milton Hudson
Name

Oakland, Kentucky
Address

Cliff H. Taylor
Name

Mendenhall, Oakland
Address

Mr E Patterson
Name

Oakland, Ky.
Address

Clude Patterson
Name

Oakland, Ky.
Address

Henry Ford
Name

Oakland, Ky.
Address

Kenneth Ford
Name

Oakland, Ky.
Address

H W. DeLoach
Name

Oakland, Ky.
Address

Raymond White
Name

Oakland, Ky.
Address

Ellen White
Name

Oakland, Ky.
Address

Harold White
Name

Oakland, Ky.
Address

Gene White
Name

Oakland, Ky.
Address

Wilma White
Name

Oakland, Ky.
Address

Willie White
Name

Oakland, Ky.
Address

Arthur Bennett
Name

Oakland, Ky.
Address

Harold Bennett
Name

Oakland, Ky.
Address

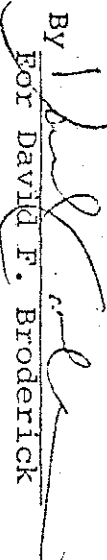
Samuel Bunker
Name

Oakland, Ky.
Address

Paul Henderson
Name

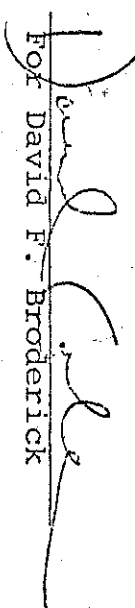
Box 47 - Oakland, Ky.
Address

1-6
COLE, HAROLD & BRODERICK
1033 State Street
P. O. Box 3400
Bowling Green, KY 42101

By 
For David F. Broderick

CERTIFICATION

This is to certify that notice of the foregoing
petition has been filed with the Park City Daily News and,
further, notice was given pursuant to KRS 424.


For David F. Broderick

1-7
METES AND BOUNDS DESCRIPTION OF THE CORPORATE
LIMITS OF OAKLAND, WARREN COUNTY,
KENTUCKY

Beginning at a point in the center of U. S. 31 W, said point being approximately 1,125 feet in a northerly direction from the intersection of U. S. 31 W, the Louisville & Nashville Railroad at Oakland, Warren County, Kentucky, then in an easterly direction approximately 1,185 feet to a point, then in a southerly direction approximately 2,700 feet to a point, then turning in a westerly direction approximately 2,600 feet to a point, then in a northerly direction 2,600 feet to a point, then in an easterly direction 1,500 feet to the point that was 1,125 feet from the intersection of U. S. 31 W, Louisville & Nashville Railroad, and Oakland, Warren County, Kentucky. Said metes and bounds description per the dimensions provided in Exhibit A, Oakland, Warren County, Kentucky, Department of Highways, Division of Plannings Map, and those Ordinances 75.1 and 75.2, annexing certain portions of property into the corporate limits of Oakland, the metes and bounds being approximations based on said diagram.

EXHIBIT A

NOTICE

The following actions of the Oakland, Kentucky, Board of Trustees are hereby made public record.

Ordinance 75-1: Intent to annex 500 ft. west of, and paralleling, Oakland School Road, from U.S. 68-80 to present boundary.

Ordinance 75-2: Intent to annex 800 ft. west of present boundary on Mansfield Lane, thence due north to intersection with the L&N RR tracks, RR right-of-way forming northern boundary.

Ordinance 75-3: Prohibits operation and/or parking of motorcycles or bicycles on Oakland sidewalks.
Penalty: \$1 plus costs.

Ordinance 75-4: Establishes 35 mph speed limit in corporate limits; 15 mph in business district.
Penalties: 1st offense, warning; subsequent offenses, \$10 plus costs.

Ordinance 75-5: Establishes property tax rate of 15¢ per \$100 assessed valuation, payable by last day of the period. Penalties for late payment: 2% of assessment every 30 day period.

Adopted: July 22, 1975
Approved: Wm. Mansfield, Mayor
Attest: Craig H. Taylor, Clerk

IN RE: THE CITY OF OAKLAND, KENTUCKY

FINDINGS OF FACT,
CONCLUSION OF LAW:
JUDGMENTBk 119
P 15-99

This matter having come before the Court on the petition of the City of Oakland by and through petitioners constituting at least two-thirds (2/3) of the voters residing within the boundary of the proposed City of Oakland. Proper notice having been given pursuant to the publication as required by KRS 424. Said notice appearing in the Park City Daily News, the Tuesday, June 7, 1977 edition; the Park City Daily News, the Monday, June 6, 1977 edition. Said notice complying in all terms and conditions of KRS 424 in giving notice of a hearing date 20 days from June 3, 1977, in which the said petitioners would enlist the Warren Circuit Court to enter a judgment establishing a town in accordance with the terms and conditions of said petition.

Notice having been given also in the Warren Circuit Court Clerk's office. This matter having come on for hearing on June 24, 1977 at 8:45 a.m. Various officials of the proposed city testifying under oath as to the population of the city, the number of inhabitants, the length and width of the boundaries. Further proof having been offered as to notification of the name of the proposed town shall be called "Oakland," located in Warren County, the Commonwealth of Kentucky.

The Court being advised that no defense has been interposed in this action and that no reason or cause has been shown why a judgment should not be entered establishing a town in accordance with the prayer of the petition, naming said town as Oakland, Warren County, Kentucky and describing said boundary as stated in the petition by meets and bounds. Upon the petition the sworn proof presented to the Court in this action, the proper notification, the lack of any interposition by any inhabitant or interpleader by petition or otherwise means of notice in this action. The Court being sufficiently advised, hereby makes the following findings of facts, conclusion of law, and judgment:

1. That the name of the proposed town in this action as outlined in the petition and prayer shall be Oakland, in the County of Warren, in the Commonwealth of Kentucky.
2. That said city shall be a validly incorporated city of the sixth class in accordance with KRS 81.050 and KRS 81.060.
3. That the metes and bounds of the proposed City of Oakland are truly and accurately depicted in "Exhibit A" to this judgment attached hereto and by this reference made a integral part hereof. This metes and bounds description does not in any extent exceed one-half (1/2) mile in each direction of the square.
4. That there are at least 125 inhabitants residing within the boundaries as outlined in the findings of fact.
5. That the petitioners, as alleged in the petition filed in this action on June 3, 1977, constitute at least two-thirds (2/3) of the voters residing within the boundaries of the proposed City of Oakland, Warren County, Kentucky.
6. That the petitioners, being of the opinion and belief that the community of Oakland was, in fact, a duly formed and valid incorporated city of the sixth class of the Commonwealth of Kentucky because of its continuous operation and its existence as a city over the years as evidenced by the regular election of its officials, levying of taxes, taxation of property, construction of public improvements, and because of its reputation and recognition by governmental officials of federal, state, and local agencies, as such, providing resources and finances for them. The petitioners, however, being unable after diligent search and inquiry to discover or establish legal indication of its incorporation, either through legislative enactment or by compliance of statutory procedures governing the incorporation of cities in the Commonwealth of Kentucky, have filed a petition in this action to incorporate the City of Oakland, Kentucky pursuant to KRS 81.050 and KRS 81.060 and have fully complied with the requirements of the same.
7. The proposed City of Oakland, Warren County, Kentucky is located entirely within the geographic boundaries of Warren County in the Commonwealth of Kentucky.

8. That notice of the filing of this petition and its object have been given by publication pursuant to KRS 424 et. seq. Said publication appearing in the Park City Daily News, the medium of greatest circulation in the Warren County area on June 6, 1977, and June 7, 1977.

9. The Court having observed the court record, finding that no objection or any opposing petition has been filed in this action in opposition to this incorporation. Public notice having been given of said intention to incorporate, no complaints having been made, there being no reason why the incorporation should not be granted because of petition or adverse party.

10. The petitioners having complied in all terms and conditions with Chapter 81 of the Kentucky Revised Statutes relating to the incorporation of a sixth class city. The Court having heard proof in this action as to proper parties to be named trustees, five trustees of the City of Oakland, Police Judge, Marshall, Assessor, and having appointed the same having been outlined in the judgment to hold their respective offices until the next election at which officers for the city may be elected.

11. The Court being satisfied with the population within the prescribed boundary being sufficient; proper notice having been given of publication, the mandatory provisions of KRS 81.060 apply and the incorporation of this city should be granted.

12. It is further a finding of the Court that in accordance with KRS 81.060 the Circuit Court Clerk of Warren County, John Hanes, shall certify a copy of this judgment to the Secretary of State, whose duty it shall be to properly index and file the same as a permanent record in his office.

CONCLUSION OF LAW

I.

That the petitioners in this action constitute two-thirds (2/3) of the voters living within the boundary as outlined in the judgment of the proposed City of Oakland, Warren County, Kentucky.

II.

That there are at least one hundred twenty five (125) inhabitants that reside within the boundaries proposed to be the boundaries of the City of Oakland.

III.

That the boundaries of the city as incorporated do not exceed one-half (1/2) mile in each direction.

IV.

That the city's name as proposed shall be the City of Oakland in the County of Warren, Commonwealth of Kentucky.

V.

That proper notice of the petition to incorporate this City has been given pursuant to KRS 424; said notice being by paper of largest circulation, the Park City Daily News, in Warren County, Kentucky, on June 6, 1977 and June 7, 1977.

VI.

No objection or defense having been raised or interposed in this action at all, the Court having concluded that the city has complied with all terms and conditions of KRS 81.050 and KRS 81.060, and incorporation of cities of the sixth class.

VII.

The boundaries of said city and metes and bounds as described in "Exhibit A" hereto incorporated by reference as the proper description and boundaries of said City of Oakland, Warren County, Kentucky.

VIII.

That the proposed City of Oakland, Warren County, Kentucky, is entirely within the geographic boundaries of Warren County and the Commonwealth of Kentucky.

JUDGMENT

IT IS HEREBY ORDERED AND ADJUDGED AS FOLLOWS:

1. That the petition as filed in this action has complied with all terms and conditions of KRS 81.050 and 81.060, and by the mandatory provisions of said statute, the petitioners have established and incorporated the city to be known from this day forward as Oakland, Warren County, Kentucky.

2. That the city is entitled to all rights, privileges and benefits of sixth class cities in the Commonwealth of Kentucky.

3. The Clerk of the Warren Circuit Court is to notify the Secretary of State, Drexell Davis, no later than ten (10) days after the entry of this judgment by certified copy, that the City of Oakland, Warren County, Kentucky, is a proper incorporated city within the provisions of KRS 81, et. seq., and that the Secretary of State should properly index and file the same as a permanent record in his office.

4. The Court appoints five (5) Trustees to see over and govern the sixth class City of Oakland, Warren County, Kentucky, a Police Judge, Marshal and Tax Assessor; the same parties being outlined in a list attached hereto as "Exhibit B" denoting the five trustees, the police judge, marshal and tax assessor.

IT IS FURTHER ORDERED AND ADJUDGED that this city is incorporated with the assent of the people within the boundaries, and it is a properly incorporated City in the Commonwealth of Kentucky.

Upon payment of the Court costs by the petitioners in this action, this judgment shall have full force and effect.

ENTERED this 24 day of June, 1977.

David Francis
J. DAVID FRANCIS, WARREN CIRCUIT COURT
JUDGE, DIVISION NO. II. SIGNING FOR
WILLIAM E. ALLENDER, JUDGE, DIVISION
NO. I WHILE HE IS OUT OF STATE

STATE OF KENTUCKY) SCT.
COUNTY OF WARREN)

I, JOHN P. HANES, CLERK of the WARREN
CIRCUIT COURT, do hereby certify that the fore-

going is a true and correct copy of the Findings of Fact
entered of record in the above styled cause as ap-
pears of record in my said office. I have hereunto
set my hand and affixed the seal of said Court at
Bowling Green, Kentucky, on this 27 day

of June, 1977.

John P. Hanes
CLERK, WARREN CIRCUIT COURT
By: D. Head D.C.

METES AND BOUNDS DESCRIPTION OF THE CORPORATE
LIMITS OF OAKLAND, WARREN COUNTY,
KENTUCKY

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Ordinance 75-5: Establishes property tax rate of 15¢ per \$100 assessed valuation, payable by last day of the period. Penalties for late payment: 2% of assessment every 30 day period.

Adopted: July 22, 1975

Approved: Wm. Mansfield, Mayor

Attest: Craig H. Taylor, Clerk

EXHIBIT "B"

I. Trustees

1. Craig Taylor
2. Thurman Thomas
3. Zula Steenberg
4. Nancy Alexander
5. W. P. Mansfield

II. Town Marshall - Joe Henson

III. Police Judge - Walker Evans

IV. Tax Assessor - Ruth Treadway

These parties to serve until the next election special or regular of the City of Oakland, Kentucky.