

CHAPTER 11: INCORPORATION OF CITY

Section

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§ 11.01 CERTIFICATE OF INCORPORATION.

§ 1. That the town of Morehead, in the county of Rowan, be, and the same is hereby, incorporated; and the town limits shall extend and embrace all the area included in the following boundary, viz.: beginning at the mouth of the Dry Fork of Triplett creek, at the south corner of C. Alley's farm; thence with Triplett creek at the south side, to include Thomas J. Trumbo, to Ben. Martin's mill; thence to the foot of the hill on the west side of the creek, so as to include Ben. Martin; thence with the foot of the hill down the west side of Triplett creek to the beginning, including Cyrus Alley; which survey and boundary shall be recorded in the clerk's office of the Rowan County court.

§ 2. That John Hargis, H. G. Burns, P. G. Day, J. T. Sellards, and J. E. Clarke, are hereby appointed trustees of said town, who shall hold their office until the first Saturday in May, 1870, at which time, and annually thereafter, there shall be an election by the qualified voters of said town for five trustees, to serve for one year and until their successors are duly elected and qualified. Said trustees herein mentioned shall, before they enter upon the duties of their office, be duly qualified by some justice of the peace for said county that they will faithfully discharge the duties of their said office.

§ 3. That said trustees, and their successors in office, shall be a body-politic and corporate, and shall be known as the "Trustees of the Town of Morehead," and by that name shall be capable of contracting and being contracted with, suing and being sued, of pleading and being impleaded, in all courts of this Commonwealth.

§ 4. That said trustees, any three of whom shall constitute a quorum, shall elect one of their number as chairman who shall preside over the deliberations of said board when convened, and who shall have power to convene the board in session whenever he may deem it necessary.

§ 5. There shall be an election held on the first Saturday in May, 1869, and annually thereafter, for a police judge and town marshal for the town of Morehead, who shall serve until their successors are elected and qualified whose jurisdiction and powers shall be the same as justices of the peace and constables of the State of Kentucky. The police judge shall be commissioned by the Governor. The town marshal shall give bond and be qualified in the Rowan County court, the same as constables.

§ 6. The board of trustees created under this act shall provide, prior to the first election, proper officers for holding the same; and they shall give at least ten days' notice of the time and place of holding said election, by written notices posted in at least three public places in the town.

§ 7. That the trustees shall have power over the streets, alleys, and sidewalks, and may direct the opening, straightening, altering, or improving the same, in such manner as they may deem most beneficial to said town. They shall have power to make all by-laws for the regulation and government of said town, not inconsistent with the Constitution and laws of the United States and this Commonwealth. They shall have power to levy and collect a tax upon the property and tithes in said town, not exceeding twenty-five cents on each hundred dollars' worth of property, and not exceeding one dollar on each tithe, to be applied to the improvement of the streets, alleys, sidewalks, or other improvements necessary therein; they shall have power to purchase any lot or piece of ground for the use of said town, necessary to straighten or extend the streets therein; to tax shows and all public exhibitions such sums as they, in their by-laws, may fix. It shall be the duty of said board of trustees to appoint a treasurer, clerk, and such other officers as they may deem necessary, and to take bonds with sureties; and for a violation of duty, or default of any officer so appointed, that may be brought before any tribunal having jurisdiction thereof, a majority of said trustees may, for proper cause, remove any officer and appoint others to fill the vacancy.

§ 8. That no street or alley shall be extended over the head of any person, unless such land, so to extend said street or alley, shall have been purchased as provided for in section 7, or unless it has been condemned as provided in Chapter 84, section 1, Revised Statutes, in reference to public roads; and the proceedings to extend said street or alley shall be in strict conformity to said chapter.

§ 9. That all fines and forfeitures inflicted and collected under the ordinances and by-laws of said town, shall be paid to the treasurer of the town for the use and benefit of the corporation.

§ 10. It shall be the duty of the trustees to keep the streets and alleys in good repair; they are hereby authorized to tax the citizens and owners of property a sum sufficient for that purpose: Provided, the taxation does not exceed the rates specified in section 7. The citizens of said town are hereby exempt from working on public roads outside of the corporate limits.

§ 11. The police judge, in addition to the powers conferred upon him by section 5, shall have exclusive jurisdiction, subject to appeal, of all violations of the town ordinances and by-laws. It shall be the duty of the town marshal to execute all processes directed to him by the police judge, and to collect the revenue of said town. Before entering upon the discharge of that duty, he

shall give bond with sureties, to be approved of by the trustees. Vacancies occurring in the office of police judge or town marshal are to be filled in the same manner that vacancies in the office of justice of the peace and constables are filled.

§ 12. This act shall take effect from and after its passage; and the right to repeal, alter, or amend this act is reserved to the General Assembly. (Act of Kentucky General Assembly, Acts 1, 1869)

§ 11.02 CORPORATE BOUNDARIES.

That the boundary lines of the City of Morehead, by an act approved April 30, 1888, as fixed by the General Assembly of the Commonwealth of Kentucky, together with lines established by judgment of the Rowan Circuit Court, shall so remain until changed. Said boundary lines are as follows:

"Beginning at a point in center line of Spoke Factory Lane and in line with North line of C & O Right of Way which beginning point is near the West corner of the Kentucky Utilities Company power house lot and on the extreme South edge of the City of Morehead; thence with center line of Spoke Factory Lane N. 85 degrees 32' W 764 1/4 feet to center of intersection of Spoke Factory Lane with U. S. Highway No. 60; thence with center line of U. S. Highway No. 60 S. 19 degrees 47' W 530 1/2 feet to cut square in center of concrete bridge over small branch; thence, with said small branch as it meanders N. 77 degrees 1' W 114 1/2 ft. N 18 degrees 55' W 203 feet, N 57 degrees 57' W 249 1/2 feet, N 28 degrees 0' W 88; feet N 42 degrees 22' W. 271 feet; = N 8 degrees 36' W 295 1/3 feet; N 26 degrees 1' W 326-1/2 feet = 1' W 326 1/2 feet; N 23 degrees 6' W 206 1/2 feet; N 50 degrees 23' W 426 1/2 feet; N 47 degrees 23' W 312 1/2 feet to cut square in center of concrete bridge over the Flemingsburg Road; thence N. 4 degrees 41' E 320 1/6 feet to a set stone in field of John Barber; thence a straight line N. 42 degrees 19' E 2618 1/6 feet to set stone in line of Wilfred Waltz and Morehead State Teacher's College on East side of Oxley Branch Road and near the Gas Meter Station; thence a straight line N 46 degrees 4' E 3167 feet to a set stone in property line of the Morehead State Teacher's College and Proctor estate which stone is several hundred yards East of Evans Branch; thence with the property line of the Morehead State Teachers College and Proctor estate S 34 degrees 47' E 1427 feet to center of U. S. Highway No. 60 right of way; thence with center line of said Highway No. 60 S 54 degrees 24' W 762 1/2 feet to point in line of present City of Morehead at East end of Main Street and near drive way to A. M. Day estate; thence bearing right with present City limits and running with various courses and distances of said city limits bounding the North, West and South-west portions of the city to the intersection of said present city boundary with the North west boundary to the C & O Railway right of way; said point of intersection being the South-West side of

the City of Morehead; thence with said North-West boundary of the C & O right of way to the beginning. (Ord. passed 4-30-1888)

Cross reference:

Annexations, see Table of Special Ordinances I.