

ORDINANCE NO. 99-13

AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY APPROVING THE LAND USE CHANGE OF WENDELL COMBS PROPERTY, HIGHWAY 25 SOUTH, AND AUTHORIZING THE CHANGE ON THE OFFICIAL ZONING MAP OF MADISON COUNTY, KENTUCKY.

Whereas, the hereinafter described land is located in Madison County, Kentucky and

Whereas, the Madison County Planning Commission held a public hearing on July 20, 1999 and found that the existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate, and therefore recommend to the County Fiscal Court that the classification of the property involved herein be change from UC7 Agriculture to UC1 Single Family Residential.

NOW, THEREFORE BE IT ORDAINED AND ENACTED, by the Madison County Fiscal Court that:

SECTION I

A certain tract of land located on the west side of highway 25 approximately one mile north of the intersection of Highway 25 and Crooksville Road in Madison County and further described as follows:

Beginning at a set iron pin and cap P. L. S. # 3265 in the west right of way of highway 25 and common corner to Combs; thence with said right of way S22 degrees 16'04" W 25.06 feet to a found iron pin and common corner to Brown; thence leaving said right of way with the line of Brown six (6) calls; N73 degrees 14'40" W 327.41 feet to a found iron pin; thence N 80 degrees 28'31" W 105.73 feet to a found iron pin; thence S41 degrees 01'43" W 229.30 feet; thence S29 degrees 08'33" W 363.58 feet to a found iron pin at a power pole and common corner to Johnson; thence leaving the line of Brown with the line of Johnson four (4) calls: S36 degrees 02'40" W 625.37 feet to a found iron pin; S545 degrees 08'10" W 474.45 feet to a found iron pin; thence N73 degrees 59'06" W 403.50 feet to a set iron pin and cap PLS #3265; thence N73 degrees 47'03" W 439.19 feet to a set iron pin and cap PLS # 3265 and common corner to Jessica Circle Subdivision; thence leaving the line of Parks with the line of Jessica Circle Subdivision two (2) calls: N74 degrees 39'09" W 236.56 feet; thence N80 degrees 51'56" W 510.70 feet to a steel pin and cap PLS # 3265 and common corner to Brandenburg; thence leaving the line of Jessica Circle Subdivision with the line of Brandenburg six (6) calls: N07 degrees 08'39" W 346.94 feet; thence N05 degrees 06'27" W 57.88 feet; thence N08 degrees 27'15" E 84.46 feet; thence N14 degrees 45'31" E 358.09 feet; thence N16 degrees 01'43" E 306.13 feet; thence N11 degrees 27'40" E 250.00 feet to a set iron pin and cap PLS #3265 and common corner to Combs; thence with the line dividing the lands of Combs nine (9) calls: N76 degrees 49'09" W 567.73 feet; thence N65 degrees 14'39" W 449.26 feet; thence N 64 degrees 56'47" W 119.25 feet; thence N55 degrees 05'47" W 135.92 feet; thence S47 degrees 33'49" W 284.55 feet; thence S41 degrees 20'03" W 628.17 feet; thence N07 degrees 31'14" W 533.98 feet; thence N71 degrees 00'53" W 241.04 feet; thence N70 degrees 32'14" W 351.98 feet to a set iron pin and cap PLS #3265 and point of beginning

and containing 68.19 acres by survey made April 22, 1999 by Abacus Engineering and Land Surveying , Inc., Dwayne Wheatley PLS #3265.

SECTION II

That the Planning and Development Department make the appropriate changes to the Official Land Use Map of Madison County, Kentucky.

SECTION III

That the County Clerk cause this ordinance to be published in accordance with the appropriate Kentucky Revised Statues.

DATE OF FIRST READING: July 27, 1999

MOTION BY: Larry Combs

SECONDED BY: William Tudor

VOTE: YES NO

MAGISTRATE LARRY COMBS ✓
MAGISTRATE FORNISS PARKS ✓
MAGISTRATE WILLIAM TUDOR ✓
MAGISTRATE BILLY RAY HUGHES ✓

DATE OF SECOND READING: Aug 24, 1999

MOTION BY: Billy Ray Hughes

SECONDED BY: Larry Combs

VOTE: YES NO

MAGISTRATE LARRY COMBS ✓
MAGISTRATE FORNISS PARKS ✓
MAGISTRATE WILLIAM TUDOR ✓
MAGISTRATE BILLY RAY HUGHES ✓

[Signature]
MADISON COUNTY JUDGE EXECUTIVE

Attest:

Mary Jane Winter
MADISON COUNTY CLERK

*Legal Description
Wendell Combs
Highway 25
Madison County, KY*

*Camelot Subdivision
68.19 Acres*

A certain tract of land located on the west side of highway 25 approximately one mile north of the intersection of Highway 25 and Crooksville Road in Madison County and further described as follows:

Beginning at a set iron pin and cap P.L.S. #3265 in the west right of way of highway 25 and common corner to Combs; thence with said right of way S22°16'04" W 25.06 feet to a found iron pin and common corner to Brown; thence leaving said right of way with the line of Brown six (6) calls: N73°14'40"W 327.41 feet to a found iron pin; thence N80°28'31"W 105.73 feet to a found iron pin; thence S41°01'43"W 229.30 feet; thence S29°08'33"W 363.58 feet to a found iron pin at a power pole and common corner to Johnson; thence leaving the line of Brown with the line of Johnson four (4) calls: S36°02'40"W 625.37 feet to a found iron pin; S54°08'10"W 474.45 feet to a found iron pin; thence N73°59'06"W 403.50 feet to a set iron pin and cap P.L.S. 3265; thence N73°47'03"W 439.19 feet to a set iron pin and cap P.L.S. # 3265 and common corner to Jessica Circle Subdivision; thence leaving the line of Parks with the line of Jessica Circle Subdivision two (2) calls: N74°39'09"W 236.56 feet; thence N80°51'56"W 510.70 feet to a set steel pin and cap P.L.S. # 3265 and common corner to Brandenburg; thence leaving the line of Jessica Circle Subdivision with the line of Brandenburg six (6) calls: N07°08'39"W 346.94 feet; thence N05°06'27"W 57.88 feet; thence N08°27'15"E 84.46 feet; thence N14°45'31"E 358.09 feet; thence N16°01'43"E 306.13 feet; thence N11°27'40"E 250.00 feet to a set iron pin and cap P.L.S. #3265 and common corner to Combs; thence with the line dividing the lands of Combs nine (9) calls: N76°49'09"W 567.73 feet; thence N65°14'39"W 449.26 feet; thence N64°56'47"W 119.25 feet; thence N55°05'47"W 135.92 feet; thence N47°33'49"W 284.55 feet; thence S41°20'03"W 628.17 feet; thence N07°32'14"W 533.98 feet; thence N71°00'53"W 241.04 feet; thence N70°32'14"W 351.98 feet to a set iron pin and cap P.L.S. # 3265 and point of beginning and containing 68.19 acres by survey made April 22, 1999 by Abacus Engineering and Land Surveying, Inc., Dwayne Wheatley P.L.S./ # 3265.

Russell

1200
850.00T

DEED

This deed of conveyance, by and between Charles R. Thompson by and through his Attorney In Fact, Mattie M. Thompson, and Mattie M. Thompson, Individually, husband and wife, whose mailing address is 109 Old Pond Way, Richmond, Kentucky 40475, Grantors, and Wendell E. Combs and Diana V. Combs, husband and wife, whose mailing address is 414 Dreyfus Road, Berea, Kentucky 40403, Grantees,

WITNESSETH:

That for and in consideration of the sum of Eight Hundred Fifty Thousand Dollars (\$850,000.00), of which \$600,000.00 is cash in hand paid, receipt of which is hereby acknowledged, and the sum of \$250,000.00 is evidenced by Grantee's promissory note of even date herewith, secured by a second mortgage lien of even date herewith on the hereinafter conveyed property, said Grantors hereby bargain, grant, sell and convey unto said Grantees, for and during their joint lives with remainder in fee simple to the survivor of them, his or her heirs and assigns forever, the following described property located in Madison County, Kentucky:

Being Lots numbered 1, 2 and 3 of the W. C. Parks Subdivision, a plat of which is recorded in Plat Book 9, page 188 in the Madison County Clerk's office, to which reference is hereby made for a more particular description.

Being the same property conveyed to Grantors by deed from Charles R. Thompson, Trustee, et al dated January 15, 1998, recorded in the Madison County Clerk's Office in Deed Book 485 at page 437. The Power of Attorney from Charles R. Thompson to Mattie M. Thompson is recorded in said office in Miscellaneous Book 131 at page 212, reference to all of which is hereby made.

This conveyance is subject to all applicable easements of record or in use. Possession was heretofore delivered on April 2, 1999; and 1999 ad valorem taxes shall be prorated as of that date.

TO HAVE AND TO HOLD said property, and all appurtenances thereunto belonging, unto said Grantees, for and during their joint lives with remainder in fee simple to the survivor of them, his or her heirs and assigns forever, with COVENANT OF GENERAL WARRANTY.

IN TESTIMONY WHEREOF, witness the signatures of Grantors this 1st day of July, 1999.

Charles R. Thompson, Grantor

By: Mattie M. Thompson, POA.
Mattie M. Thompson, Attorney In Fact

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Mattie M. Thompson
Mattie M. Thompson, Individually

STATE OF KENTUCKY)
COUNTY OF MADISON)

The foregoing instrument was acknowledged before me by Mattie M. Thompson, individually, and by Mattie M. Thompson as Attorney In Fact for Charles R. Thompson, on this 1st day of July, 1999.

My commission expires: October 18, 2000

James E. Thompson
Notary Public, State of Kentucky at Large

CONSIDERATION CERTIFICATE

The undersigned, Grantors and Grantees in the foregoing Deed, first being duly sworn, hereby certify that \$850,000.00 (the consideration recited in said Deed) is the full consideration paid for said property and its conveyance to Grantee.

Charles R. Thompson, Grantor

Mattie M. Thompson
Mattie M. Thompson, Individually,
Grantor

By: Mattie M. Thompson POA
Mattie M. Thompson, Attorney In Fact

Wendell E. Combs
Wendell E. Combs, Grantee

Diana V. Combs
Diana V. Combs, Grantee

STATE OF KENTUCKY)
COUNTY OF MADISON)

The foregoing Consideration Certificate was acknowledged and sworn to before me by Mattie M. Thompson, individually, and by Mattie M. Thompson as Attorney In Fact for Charles R. Thompson, Grantors, on this 1st day of July, 1999.

My commission expires: October 18, 2000

James E. Thompson
Notary Public, State of Kentucky at Large

STATE OF KENTUCKY)
COUNTY OF MADISON)

The foregoing Consideration Certificate was acknowledged and sworn to before me by Wendell E. Combs and Diana V. Combs, husband and wife, Grantees, on this 1st day of July, 1999.

My commission expires: 9-9-2000

Don A. Reynolds
Notary Public, State of Kentucky at Large

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PREPARED BY:

BURNAM, THOMPSON, WELDON,
SIMONS AND DUNLAP, P.S.C.
Bank One Building
116 West Main Street, Suite 2A
P. O. Box 726
Richmond, KY 40476-0726
(606) 623-5205; Fax (606) 623-7394

By: James E. Thompson

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DOCUMENT NO: 225757
RECORDED ON: JULY 01, 1999 02:22:14PM
TOTAL FEES: \$12.00
TRANSFER TAX: \$850.00
COUNTY CLERK: MARY JANE GINTER
COUNTY: MADISON COUNTY
DEPUTY CLERK: JANI'CE ALEXANDER