

ORDINANCE NO. 99-14

AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY APPROVING THE LAND USE CHANGE OF ATA DEVELOPMENT PROPERTY, TATESCREEK ROAD 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 R7 Agriculture to R1 Single Family Residential.

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

SECTION I

TRACT NO. 1 - A certain tract or parcel of land situated in the county of Madison, State of Kentucky, on the waters of Tatescreek and bounded as follows: Beginning at an elm tree, corner to Elza Foster, thence with his line up a branch N46 3/4 E 20 poles, N 33 3/4 E 44 poles, N 59 1/4 E 20 1/2 poles to a large hickory corner to D.M. Phelps on the south side of a branch, thence to a new line N 69 1/2 E 17.1 poles to a hackberry tree marked as corner to D. M. Phelps, thence S 78 E 15 poles to a black walnut tree on south side of branch S75 1/2 E 9.6 poles to another black walnut tree on south side of branch N87 E 22 poles to a marked black walnut, thence S 82 1/4 E 20 poles to a stake in wire fence, thence with said fence S10 3/8 E 2.2 poles to a large brace post corner to Williams thence with wire fence S23 7/8 W, 151 poles to the north line of the L& N Railroad, thence with the right of way of said railroad as it is fenced to the beginning, containing 76 acres, and 11 poles.

TRACT NO. 2 - a strip or parcel of land partly one hundred (100) feet and partly sixty six (66) feet in width, lying in equal width on each side of the original center line of the main tract of the Richmond, Nicholasville, Irvine, Beattyville Railroad, later the Louisville and Atlantic Division, now the Eastern Kentucky Division, abandoned, of the railroad of the grantor, near Seelaus, Madison County, Kentucky, more particularly described as follows:

Beginning at the present property line between the lands of Mrs. Mary A. Foster and the property of W. H. Stone, at Valuation Station 4973~~4~~94: thence extending in a southeasterly and easterly direction with a width of one hundred (100) feet lying fifty (50) feet in width on each side of said center line of the original main tract, abandoned, a distance of eleven hundred and thirty two (1132) feet, to Valuation Station 4985~~4~~26: thence continuing in an easterly direction with a width of sixty six (66) feet lying thirty three (33) feet in width on each side of said center line of main track, a distance of nine hundred and eight (908) feet to the property line between the lands of said W. H. Stone

and the property of Vernon Leer, at Valuation Station 4994-34, containing three and ninety-eight hundredths (3.98) acres, more or less.

THERE IS EXCLUDED from the above tracts a portion conveyed by Virgil and Jeweldine Tudor to William Whittaker and Alice Whittaker, approximately 1/3 acre, and which deed is recorded in Deed Book 275, Page 166, and another portion also approximately 1/3 acre conveyed by Virgil Tudor to William Whittaker and Alice Whittaker on August 16, 1980, which is recorded in Deed Book 330, Page 488, and a 0.17 acre conveyed by Benny and Tammy Biggs to William and Alice Whittaker on January 23, 1989, which is recorded in Deed Book 397, Page 195, and which property is the subject of a Deed of Correction dated April 20, 1995, and recorded in Deed Book 454, Page 167, all in the office of the Madison County Court Clerk.

Being the same property conveyed to Benny Biggs from Benny Biggs and Tammy Biggs, husband and wife, by deed dated November 4, 1990 and recorded in Deed Book 412, Page 434 in the Madison County Court Clerk's Office.

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: Forniss Park

VOTE: YES NO

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

DATE OF SECOND READING: August 24, 99

MOTION BY: Forniss Park

SECONDED BY: Billy Ray Hughes

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

Attachment "A" Legal Description

TRACT NO. 1: A certain tract or parcel of land situated in the County of Madison, State of Kentucky, on the waters of Tates Creek and bounded as follows: Beginning at an elm tree, corner to Elza Foster, thence³³⁰ with his line up a branch N 46 3/4 E 20 poles, N 33 3/4 E 44 poles, N 59 1/4 E 20 1/2 poles to a large hickory corner to D. M. Phelps on the south side of a branch, thence to a new line N 69 1/2 E 17 1/2 poles to a hackberry tree marked as corner to D. M. Phelps, thence S 78 E 15 poles to black walnut tree on south side of branch S 75 1/2 E. 9.6 poles to another black walnut tree on south side of branch N 87 E 22 3/4 poles to a marked black walnut, thence S 82 1/4 E 20 3/4 poles to a stake in wire fence, thence with said fence S 10 3/8 E 2.2 poles to a large brace post corner to Williams thence with wire fence S 23 7/8 W, 151 poles to the north line of the L & N Railroad, thence with the right of way of said railroad as it is fence to the beginning, containing 76 acres and 11 poles.

TRACT NO. 2: A strip or parcel of land partly one hundred (100) feet and partly sixty six (66) feet in width, lying in equal width on each side of the original center line of the main tract of the Richmond, Nicholasville, Irvine, Beattyville Railroad, later the Louisville and Atlantic Division, now the Eastern Kentucky Division, abandoned, of the railroad of the grantor, near Seelaus, Madison County, Kentucky, more particularly described as follows:

Beginning at the present property line between the lands of Mrs. Mary A. Foster and the property of W. H. Stone, at Valuation State 4973+94; thence extending in a southeasterly and easterly direction with a width of one hundred (100) feet lying fifty (50) feet in width on each side of said center line of the original main tract, abandoned, a distance of eleven hundred and thirty two (1132) feet, to Valuation Station 4985+26; thence continuing in an easterly direction with a width of sixty six (66) feet lying thirty three (33) feet in width on each side of said center line of main track, a distance of nine hundred and eight (908) feet to the property line between the lands of said W. H. Stone and the property of Vernon Leer, at Valuation Station 4994+34, containing three and ninety eight hundredths (3.98) acres, more or less.

REC'D
JUN 3 1 40 PM '91
CLERK

DEED

THIS DEED is made and entered into by and between **BENNY BIGGS and FRANNIE BIGGS, husband and wife**, of 181 Kennedy Lane, Richmond, Madison County, Kentucky, 40475, as Parties of the First Part, and **A.T.A. DEVELOPMENT, INC., a Kentucky corporation**, of P.O. Box 862, Richmond, Madison County, Kentucky, 40476-0862, as Party of the Second Part,

WITNESSETH: That for and in consideration of **TWO HUNDRED THIRTY THOUSAND AND NO/100 (\$230,000.00) DOLLARS**, the receipt of which is hereby acknowledged, the Parties of the First Part do hereby **BARGAIN, SELL, GRANT and CONVEY** unto the Party of the Second Part, its successors and assigns, forever in fee simple, the following described property located in Madison County, Kentucky, to-wit:

TRACT NO. 1: A certain tract or parcel of land situated in the County of Madison, State of Kentucky, on the waters of Tates Creek and bounded as follows: Beginning at an elm tree, corner to Elza Foster, thence with his line up a branch N46 3/4 E 20 poles, N 33 3/4 E 44 poles, N59 1/4 E 20 1/2 poles to a large hickory corner to D.M. Phelps on the south side of a branch, thence to a new line N69 1/2 E 17.1 poles to a hackberry tree marked as corner to D.M. Phelps, thence S78 E 15 poles to black walnut tree on south side of branch S75 1/2 E 9.6 poles to another black walnut tree on south side of branch N87 E 22 poles to a marked black walnut, thence S82 1/2 E 20 poles to a stake in wire fence, thence with said fence S10 3/8 E 2.2 poles to a large brace post corner to Williams thence with wire fence S23 7/8 W, 151 poles to the north line of the L & N Railroad, thence with the right of way of said railroad as it is fenced to the beginning, containing 76 acres, and 11 poles.

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Beginning at the present property line between the lands of Mrs. Mary A. Foster and

BOOK 502

PAGE 636

the property of W.H. Stone, at Valuation Station 4973+94; the [redacted] extending in a southeasterly and easterly direction with a width of one hundred (100) feet lying fifty (50) feet in width on each side of said center line of the original main tract, abandoned, a distance of eleven hundred and thirty two (1132) feet, to Valuation Station 4985+26; thence continuing in an easterly direction with a width of sixty six (66) feet lying thirty three (33) feet in width on each side of said center line of main track, a distance of nine hundred and eight (908) feet to the property line between the lands of said W.H. Stone and the property of Vernon Leer, at Valuation Station 4994+34, containing three and ninety-eight hundredths (3.98) acres, more or less.

THERE IS EXCLUDED from the above tracts a portion conveyed by Virgil and Jeweldine Tudor to William Whittaker and Alice Whittaker, approximately 1/3 acre, and which deed is recorded in Deed Book 275, Page 166, and another portion also approximately 1/3 acre conveyed by Virgil Tudor to William Whittaker and Alice Whittaker on August 16, 1980, which deed is recorded in Deed Book 330, Page 488, and a 0.17 acre conveyed by Benny and Tammy Biggs to William and Alice Whittaker on January 23, 1989, which deed is recorded in Deed Book 397, Page 195, and which property is the subject of a Deed of Correction dated April 20, 1995, and recorded in Deed Book 454, Page 167, all in the office of the Madison County Court Clerk.

BEING the same property conveyed to Benny Biggs from Benny Biggs and Tammy Biggs, husband and wife, by deed dated November 4, 1990 and recorded in Deed Book 412, Page 434 in the Madison County Court Clerk's Office.

The said Benny Biggs and Tammy Biggs were divorced by Decree of Dissolution entered in the Madison Circuit Court in Civil Action File 90-CI-546.

The 1999 ad valorem taxes shall be pro-rated to the date of this deed.

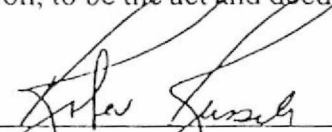
TO HAVE AND TO HOLD the above described property with the privileges and appurtenances thereunto belonging unto the Party of the Second Part, its successors and assigns, forever, in fee simple, with Covenant of **GENERAL WARRANTY**.

CONSIDERATION CERTIFICATE: The Parties pursuant to Chapter 382 of the Kentucky Revised Statutes as amended, do hereby state that the full consideration as recited herein, is the full consideration paid for the property. We understand that falsification of the stated consideration or sale price of the property is a Class D felony, subject to one to five years imprisonment and fines up to \$10,000.00. The Party of the Second Part joins this deed for the sole purpose of certifying the fair cash value pursuant to KRS 382.

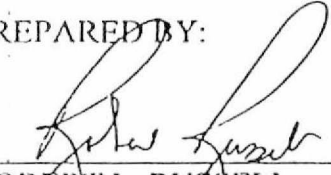
STATE OF KENTUCKY

COUNTY OF MADISON

I hereby certify that the foregoing Consideration Certificate was subscribed and sworn to before me by Aaron Thomas, Jr. as Vice President of A.T.A. DEVELOPMENT, INC., a Kentucky corporation, to be the act and deed of the corporation, on this the 27 day of May, 1999.


NOTARY PUBLIC, State at Large
My commission expires: 4/6/03.

PREPARED BY:


ROBERT L. RUSSELL
Attorney at Law
114 North Third Street
Richmond, KY 40475
(606) 624-9111

A-RE-26-A1A0001001000

BOOK 502

PAGE 639

UMENT NO: 223851
RDED ON: MAY 28, 1999 10:09:54AM
IL FEES: \$14.00
ISFER TAX: \$230.00
ITY CLERK: MARY JANE GINTER
ITY: MADISON COUNTY
ITY CLERK: GRETTA COSBY

502 PAGES 636 - 639

