

ORDINANCE NO. 99-15

AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY APPROVING THE LAND USE CHANGE OF JOHN BOTKIN PROPERTY, BARKER LANE, MADISON COUNTY 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

A certain tract of land lying in Madison County, Kentucky, between Berea and Kingston on Barker Lane also known by the Blue Lick Road. Said Lane turns off of old US 25 near dead man curve and connects with the Eastern Old US 25 near Bobtown. Described and bounded as follows: Beginning at a stake in the center of Barker Lane being a corner of Cornie Allen and Ida Barker and bearing with Barker's line N 55 E 2.55 chains to a stake, thence with Barker's line N 15 W 4.83 chains to a stake in Grover Bokin's line, thence with Bodkin's line N 65 1/2 E 18.56 chains to S. Abney's corner, thence with the line of said Abney N 80 E 18.80 chains to his corner in Charles May's line, thence with the line of said May S 19 1/2 W 16.54 chains to a small water maple on the south side of a branch the beginning of the new line, thence down the branch with its meanders so as to give stock water to both farms to a black walnut south side of branch. Said walnut bears in a straight line from the water maple S 83 E 11.60 chains, thence up a drains S 5 W 1.00 chains to a cliff, thence following the meanders of the cliff, S 87 1/2 W 8.92 chains West 2.63 chains S 67 W 2.53 chains S 60 W 3.10 chains to a cedar near the cliff. Thence S 81 W 3.67 chains to a stake in Barker Lane, thence with the Lane N 44 1/2 W 1.16 chains to the beginning containing 32.75 acres be the same more or less. Survey made July 7th, 1953 by Authur S. Rice.

AND BEING the same property conveyed to Grantors from William T. King and Elsie M. King, by deed dated February 16, 1977, and recorded in Deed Book 298, Page 624, Madison County Clerk's Office.

Property II

A certain tract of land located on the north side of Barker Lane, approximately 1300 feet south of Old US 25 in Madison County, Kentucky, and being bounded by survey made July 25, 1979 by Charles E. Black, a licensed land surveyor (LS 670) and further described as follows:

Beginning at a steel pin in the centerline of Barker Lane and common corner to Rick Combs; thence leaving said centerline with the line of Combs, 2 calls, N 68 degrees

14'09" E 25.58 feet to a steel pin; thence N 65 degrees 02'37" E 297.65 feet to a steel pin and common corner to Jerry Fritz; thence leaving the line of Combs with the line of Fritz, 2 calls, S15 degrees 17'41" E 317.52 feet to a set stone and steel pin; thence S 53 degrees 25'00" W 160.34 feet to a steel pin in the centerline of Barker Lane; thence leaving the line of Fritz with said center line N42 degrees 59'00"W 364.66 feet to the point of beginning and containing 1.82 acres.

This division of land has been approved by the Berea Planning and Zoning Commission as shown by plat recorded in Plat Book 6, Page 126, of the Madison County Clerk's Office.

AND BEING the same property conveyed to Grantors from Jesse Gibson and Ella Mae Gibson, by deed dated August 7, 1979 and recorded in Deed Book 322, page 439 of the Madison County Clerk's Office.

This conveyance is made subject to all easements, restrictions and covenants apparent or of record in the Madison County Court Clerk's Office affecting the above-described real property, and all zoning and building restrictions, regulations and ordinances.

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: Billy Ray Hughes

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: Larry Combs

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:

[Signature]
MADISON COUNTY CLERK

GENERAL WARRANTY DEED

THIS DEED, made and entered into this 9th day of June, 1987, by and between JERRY C. FRITZ and KATHLEEN K. FRITZ, husband and wife, of Route 2, Richmond, Kentucky 40475, Grantors, and JOHN M. BOTKINS and CORA JEAN BOTKINS, husband and wife, of Route 5, Box 522A, Berea, Kentucky 40403, Grantees,

W I T N E S S E T H:

THAT for and in consideration of the sum of EIGHTY-SEVEN THOUSAND AND NO/100 (\$87,000.00) DOLLARS, the receipt of which is hereby acknowledged, the Grantors have BARGAINED and SOLD and by these presents do hereby GRANT and CONVEY unto the Grantees, as tenants by the entireties and not as tenants in common, for and during their natural lives, with the fee in the survivor of them, his, her or their heirs and assigns forever, all that certain real estate located in Madison County, Kentucky, more particularly described as follows:

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STATE TAX \$ 87.00
PAID 6-16-87
MARY JANE GINTER, CLERK
BY *Jessie Alexander D.O.*

RECEIVED
MARY JANE GINTER
JUN 16 11 30 AM '87

MADISON CO. CLERK
KENTUCKY

HILIN AND GREATHOUSE
P.S.C.
NORTH THIRD STREET
RICHMOND, KENTUCKY 40475
TELEPHONE 506 523-7406

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chains to the beginning containing 32.75
acres be the same more or less. Survey
made July 7th, 1953 by Arthur S. Rice.

AND BEING the same property conveyed to
Grantors from William T. King and Elsie M.
King, by deed dated February 16, 1977, and
recorded in Deed Book 298, Page 624,
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Subject to a lease on the tobacco and corn base for the year 1987. Grantees will assume all rights on subject property after expiration of said lease.

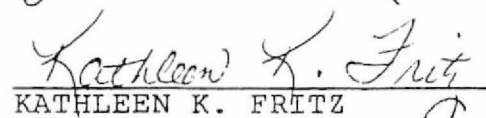
The 1987 property taxes will be prorated to date of deed transfer.

Possession will be given with deed transfer.

TO HAVE AND TO HOLD the above-described real property together with all the appurtenances and privileges thereunto belonging unto the Grantees, as tenants by the entirety and not as tenants in common, for and during their natural lives, with the fee in the survivor of them, his, her or their heirs and assigns forever; all the right, title and interest in and to said real property; and the Grantors do hereby covenant to and with the Grantees, their heirs and assigns, that the Grantors are lawfully seized in fee simple of said real property, that they have good and lawful right to sell and convey the same as herein done, and that the title thereto is clear, perfect and unencumbered, except as hereinbefore stated, and with said exceptions, the Grantors WARRANT GENERALLY the title thereto.

IN WITNESS WHEREOF, the Grantors have hereunto set their hands this the day and year first above written.


JERRY C. FRITZ


KATHLEEN K. FRITZ

