

ORDINANCE NO. 00-03

AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY APPROVING THE ZONE CHANGE OF SHILOH DEVELOPMENT ON HAGANS MILL 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 Tuesday, January 18, 2000, and found that the existing zoning classification given to the property is inappropriate and that the proposed zoning classification of is appropriate; the proposed land use change is in conformance with the adopted comprehensive plan; and there was evidence that there had been major changes of an economic, physical, or social nature in the area that was not anticipated in the adopted comprehensive plan; and therefore recommend to the County Fiscal Court that the classification of the property involved herein be change from UC-7 Agriculture to UC-1 Single Family Residential.

NOW, THEREFORE BE IT ORDAINED AND ENACTED, by Madison County Fiscal Court that the land use classification of the following described property be changed by this ordinance from UC-7 Agriculture to UC-1 Single Family Residential classification:

SECTION I

Noland Tract

The following described property, located, situated and being in Madison County, Kentucky situated six miles west of Richmond on the Hagan Mill Pike and more particularly as follows:

Beginning at a stake on the edge of the Hagan Mill Pike corner to the land sold S.T. Cobb and other purchased from Bettie Bennett and others, thence with the pike north 50 3/4 West 26 poles, north 52 3/4 West 51 poles to the corner of the tract of land now owned by D.L. Cobb; thence South 86 1/2 West 22 1/2 poles. South 66 1/2 West 3 1/2 poles to a point in the branch near a water gap, thence down the branch north 3 3/4 West 34 poles to a large white oak, thence north 20 East 14 6 poles to a red oak tree standing on the west side of an old road, thence north 12 1/2 West 16 poles to a stake, thence crossing the branch South 85 west 2 poles; thence North 24 1/2 West 16.8 poles to a stake in a line to Squire Turner of colore; thence North 20 3/4 East 22 poles to a lynn thence North 46 3/4 East 18 1/2 poles to a stake in a branch near a spring; thence north 77 East 38 1/2 poles south 63 East 32 poles to a new gate post, thence north 74 East 59 1/2 poles to a stake on the east bank of Old Torn Fork, corner to Puss James, thence south 10 1/2 East 24 poles to a sycamore on the west bank; thence south 26 1/4 6 East 42 1/2 poles to a point on the southwest bank of Old Town Fork; thence up said branch South 28 1/2 East 63 poles, South 77 1/4 East 7 poles to a point on the southwest bank of said branch a corner to land formerly owned by

E.Z. Taylor; thence crossing the branch South 68 ½ East 39 poles continuing up the branch South 49 East 53 poles to the end of a stone fence on the northeast bank of said branch corner to S.P. Cobb tract that was sold to Nannie Ballard; thence crossing said branch and up the hill with the Cobb line South 40 ¾ West 31 poles to a stone in a wire fence on a point near a large elm tree; thence North 67 1/8 West 51 poles to a stone on the north side of a branch corner to Guffie Payton and Nannie Ballard thence crossing the branch with the original line south 33 7/8 West 177 ½ poles to the beginning, containing 291.8 acres more or less.

There is excluded from the above and not conveyed herein the following tract conveyed to Albert C. Combs and Martha P. Combs by deed dated August 15, 1978, and recorded in Deed Book 314, at page 170, to-wit:

A tract of land beginning at a 12" Elm tree approximately 160 feet south of Old Town Branch Road in the line fence of John W. Adams and Dr. W.H. Tudor; thence S49 degrees - 20' E 253 feet; thence S 48 degrees - 28 ' E 193 feet; thence N 56 degrees - 14' E 26.4 feet; thence S 44 degrees 02' E 213 feet; thence S 38 degrees - 42 ' E 168.4 feet; thence S 40 degrees 24' E 185.6 feet to A.C. Combs corner; thence S 43 degrees 30' W 342 feet; thence S 390 30' W 169 feet to corner; thence N 64 degrees 35' 59" W 788.37 feet to corner; thence in a northeasterly direction approximately 725 feet to point of beginning, containing ten (10) acres more or less.

There is excluded from the above and not conveyed herein a Right of Way conveyed to Madison County, Kentucky, dated August 30, 1960, and recorded Deed Book 187, at page 196, to-wit:

Parcel No. 2 All of that part of said tract or tracts which lies within a distance of 15 feet on Rt. East side of the centerline of the existing road, as above set forth, between the south property line and the north property line.

Being the same property in which the interest of Harris W. Noland and Elizabeth Hagan Noland, spouse and spouse, was conveyed to John W. Adams and Katherine P. Adams, spouse and spouse, by deed dated January 2, 1951, and recorded in Deed Book 148, at page 55, in the Madison County Court Clerk's Office.

This tract is subject to a Right of Way Easement to Kirksville Water Association, Inc. recorded in Deed Book 389, at page 195, in the office aforesaid.

This tract is subject to a Utility Agreement of Kentucky Utilities Company recorded in Deed Book 389, at page 195, in the office aforesaid.

#### JAMES TRACT

A certain parcel of land in Madison county, Kentucky on the waters of Taylor's Fork of Silver Creek and known as the J.A. Ballard Farm and bounded as follows to-wit:

Beginning at a black walnut tree in a drain and corner to Samuel Stone with his line N 42 ½ W 1525 feet to a stake N 80 W 900 feet to a pile of stones where an elm tree formerly stood in a bank of the richmond Fork of Taylor's Fork N 69 W 400 feet to a point in the middle of the main fork of creek on a line of W.T. Adams down the creek with Adams line S 57 W 825 feet to a stone at the mouth of a branch and corner to W.T. Adams and Stanhope Willis with the line of Willis S 26 ¼ W 350 feet S 10 ½ W 350 feet S 44 E 70 feet to a stake in the middle of the creek at the fork of creek S 18 W 340 feet S 37 W 790 feet S 53 ¼ W 260 feet S 9 E 30 feet to a stone in the middle of creek corner to John X. Todd and Alex Turner leave them up a hill with Turner's line S 65 E 1810 feet to three lyns corner to Alex Turner in the line of David Dunn thence with Dunn's line N 46 E 310 feet to a stake near a spring N 75 ½ E 640 feet near an ash snag at the end of stone fence S 63 ¼ E 530 feet to a gate post N 72 ½ E 980 feet to a stake on the line of the old Guffie Peyton farm and the line of the old town farm to the place of beginning, containing 148 acres.

There is excluded from the above and not conveyed herein the following described tract of land conveyed to Ray C. Dunaway and Thelma M. Dunaway, husband and wife, by deed dated May 4, 1979, and recorded in Deed Book 320, at page 110, to-wit:

All that part of the Squire Turner land and the John James land that lies north of Dunaway Farm and west of an arm of Wilgreen Lakes and cut off from the other Adams Land by Wilgreen Lake and containing about 29 acres.

Being the same property in which the interest of Ollie Thompson, a single woman, was conveyed to Hohn W. Adams and Katherine P. Adams, husband and wife, by deed dated June 28, 1961, and recorded in Deed Book 191, at page 515, in the Madison County Court Clerk's Office.

The following conveyed to Madison County, Kentucky, by deed dated July 20, 1965, and recorded in Deed Book 218, at page 222, to wit:

- 1) That portion of land which shall be covered by the water in the permanent pool of a lake to be created by the construction of a dam in Taylors Fork Creek at a point approximately 2800 feet southeast and upstream from the Curtis Pike, the "permanent pool", or fixed pool, being the pool formed by the dam below the premanent spillway, which is eight hundred twenty five feet (825') elevation based upon sea level, and this conveyance being of all land lying below the elevation of eight hundred twenty five feet (825') from sea level.
- 2) A strip of land surrounding the water which will be impounded by the dam, and being all land contiguous with and adjacent to said permanent pool, which strip of land extends horizontally for a distance of fifty feet (50') from the contour elevation of eight hundred thirty five feet (835') above sea level, or extends along the contour line of eight hundred forty five feet (845') above sea level, which ever elevation is greater in any particular instance, all as shown by marks on the premises.

Containing in (1) and (2) above described a total of 90 acres, more or less.





**MADISON COUNTY JUDGE EXECUTIVE**

**Attest:**

  
**MADISON COUNTY CLERK**