

ORDINANCE NO. 02-11

AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY APPROVING THE ZONE CHANGE OF WILLIAM AND CHERYL MCCLAIN PROPERTY AT LOWER HINES CREEK AND LEXINGTON 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, March 19, 2002, 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 Urban Agricultural to UC-4 Urban General Commercial.

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 Urban Agricultural to UC-4 Urban General Commercial.

SECTION I

A certain tract or parcel of land lying in Madison County, Kentucky, more particularly bounded and described as follows:

Tract of land located on the west side of U.S. Hwy 25 and the north side of Lower Hines Creek Road, near Clays Ferry, in Madison County, Kentucky, and being bounded by survey made December 10, 1990, by Charles E. Black, a licensed land surveyor (L.S. 670) and further described as follows:

Being tracts 1a and 1b, 3 and 4, as shown by plat of record in Plat Cabinet 9, at Slide 385, in the Madison County Clerk's Office, the improvements being knows as 3488 Lexington Road.

Being the same property conveyed to M. Suzetta Patterson-Horn, by deed dated January 31, 1991 of record in Deed Book 413, page 47 in the Madison County Clerk's Office and being the same property by which Grantor attempted to convey to Grantee by Deed Book 503, page 717, Madison County Clerk's Office.

SECTION II

That the Director of Planning and Development make the appropriate changes to the Official Zoning Map of Madison County, Kentucky.

SECTION III

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

DATE OF FIRST READING: March 26, 2002

MOTION BY: Forniss Park

SECONDED BY: Billy Ray Hughes

VOTE: YES NO

JUDGE, KENT CLARK
MAGISTRATE LARRY COMBS
MAGISTRATE FORNISS PARKS
MAGISTRATE WILLIAM TUDOR
MAGISTRATE BILLY RAY HUGHES

✓
✓
✓
✓
✓

DATE OF SECOND READING: April 9, 2002

MOTION BY: Forniss Park

SECONDED BY: Larry Combs

VOTE: YES NO

JUDGE, KENT CLARK
MAGISTRATE LARRY COMBS
MAGISTRATE FORNISS PARKS
MAGISTRATE WILLIAM TUDOR
MAGISTRATE BILLY RAY HUGHES

✓
✓
✓
✓
✓

Kent Clark

MADISON COUNTY JUDGE EXECUTIVE

Attest:

Mary Jane Binter
MADISON COUNTY CLERK

MADISON COUNTY
PLANNING and DEVELOPMENT

321 North Madison Avenue
RICHMOND, KENTUCKY 40475
859-624-4734 / 624-4780
Fax # 859-624-4736

TO: Kent Clark, Madison County Judge Executive
Madison County Fiscal Court

DATE: March 21, 2002

RE: Planning Commission Recommendation
William & Cheryl McClain Property, Lower Hines Creek and Lexington
Road, Richmond

As a result of a public hearing held on March 19, 2002 at 6:00pm in the Fiscal Court Room, the Madison County Planning Commission heard and reviewed the following application for an amendment to the Land Use Management Map.

William & Cheryl McClain Property, Lower Hines Creek and Lexington Road, Richmond, proposed to change 1 acres +/- from its original classification of UC-7 (Agricultural) to UC-4 (General Commercial). In accordance with KRS 100.213 the applicant's justification for the request was that the request was in agreement with the comprehensive plan and there have been major changes in the area with the recent re-zoning of 42 acres to Industrial Use on the South side of the property and 1 acre re-zoned to commercial on the west side of the property.

Therefore, the Madison County Planning Commission recommends the request for land use change be **APPROVED**:

Motion was made, seconded with a unanimous vote to recommend to the Fiscal Court that the request to change the land use from UC-7 (Agricultural) to UC-4 (General Commercial), for the above property, be **APPROVED** and have made it a finding of fact that;

- 1) The request is in agreement with the adopted comprehensive plan and;
- 2) There have been major changes in the area that were not anticipated in the Comprehensive Plan by the re-zoning of the 42 acre tract to the south to industrial use.

Copies of the actual minutes from the public hearing are available upon request. Should you have any questions regarding this request, please call this office.

Sincerely,



Duane S. Curry
Administrative Official

DEVELOPMENT CONDITIONS TO BE MET

SUBDIVISION / PROPERTY NAME _____

OWNER Cheryl S W^m McClain ENGR / BLDR _____

TYPE SUBMISSION Minor Plat Prelim Plat Final Plat

REVIEW OF PLANS / PLATS

DATE	MEETING	REPRESENTATIVE ATTENDING	RESULTS
1. 3/19/02	Business	W ^m McClain	Approved
2.			
3.			
4.			
5.			

CONDITIONS TO BE MET:

CONDITION
This property fronts onto Lower Hines Creek Rd and Lexington Rd. is bounded on the rear by UC-4 Gen. Commercial property and on the south by UC-7 and UC-5 property.

This request was approved to re-zone this lot from UC-7 to UC-4.

March 17

**Application for Land Use Map Amendment
Madison County, Kentucky**

Date: 2/4/02

Fee: \$150.00

1. Owner(s) of Property:

Cheryl & William McClain

2. Property Address

Tract #1 B Corner of Lower Hines & Hwy 25

3. Designated Land Use Agricultural 4. Proposed Use UC-4

5. Acreage: 1 ACRE

6. Surrounding Property:

- North
- East
- South
- West

Use

Single Family
Agricultural
~~UC-3~~ Agricultural
UC-3

Land Use Map

Single Family
Agricultural
Agricultural
UC-3

7. Urban Services:

- Sewage
- Refuse
- Water
- Electric
- Gas
- Storm Sewers
- Fire
- Police

Exists

NO
Yes
Yes
Yes
Available
NO
Yes
Yes

Provided By

Private
Private
Madison County
K.O.
Columbia Gas
—
Madison County
Madison County

8. Justification for Requested Change (KRS.100.213)

There have been major changes of a physical, social & economic nature in the area w/ the rezoning of 42 acres adjacent to UC-5 industry and property adjoining on the rear to UC-4 Commercial

9. Brief Legal Description of Property:

10. Additional Information:

11. The following items must accompany application:

- Copy of Deed
- Vicinity Map of Area request amendment
- List of all adjoining property owners, names, addresses of property, addresses of owners, telephone numbers of owners.

12. Applicant's Signature: I do hereby certify that, to the best of my knowledge and belief, all application materials are herewith submitted and the information is true and correct. I further certify that I am Owner of this property, since 06/1999 (date).

Date: 02/04/02

Signature(s): 

EXAMPLE OF NEWSPAPER AD

PROPOSED LAND USE CHANGE

(Not to Scale)

NOTICE OF PUBLIC HEARING

There will be a public hearing of the Madison County Planning Commission on Tuesday, March 19, 2002 at 6:00p.m. in the Fiscal Court Room of the Madison County Court House.

The purpose is to consider a land use change from UC-7 Agricultural to UC-4 General Commercial (as shown on the map above). Contact 624-4780 for questions.

9.00

DEED OF CORRECTION

THIS DEED OF CORRECTION made and entered into by and between **M. SUZETTA PATTERSON-HORN and RICHARD MICHAEL HORN**, wife and husband, of 144 Herndon Lane, Berea, Madison County, Kentucky 40403, hereinafter **GRANTORS**, and **CHERYL A. KOCH McCLAIN** (f/k/a Cheryl A. Koch), married, of 210 Paddock Drive, Nicholasville, Richmond, Jessamine County, Kentucky 40356, hereinafter **GRANTEE**.

WITNESSETH: THAT WHEREAS, by Deed dated the 17th day of June, 1999, **GRANTORS** conveyed to **GRANTEE** real property located on the west side of U.S. Hwy. 25 and the north side of Lower Hines Creek Road, in Madison County, Kentucky, and more particularly known as Tracts 1, 3 and 4, as shown by plat of record in Plat Cabinet 9, Slide 385, Madison County Clerk's Office;

WHEREAS, the above-referenced plat does not contain a Tract 1, that rather Tract 1 had previously been divided into Tracts 1-A and 1-B;

WHEREAS, it was the intention of the **GRANTORS** to convey to **GRANTEE** Tracts 1-A and 1-B;

WHEREAS, the parties desire to correct the description of the aforementioned premises.

NOW, THEREFORE, in consideration of the mutual covenants and conditions herein and the consideration previously paid by **GRANTEE** to **GRANTORS** and in order to correct the description of the aforesaid premises, the receipt of which is hereby acknowledged, **GRANTORS** do hereby BARGAIN, GRANT, SELL, and CONVEY unto **GRANTEE**, in fee simple, her heirs and assigns forever, the following described property, located and situated in Madison County, Kentucky, to-wit:

BOOK 226

PAGE 3/5

Tracts 1-A, 1-B, 3 and 4, as shown by plat of record in Plat Cabinet 9, Slide 385, in the Madison County Clerk's Office.


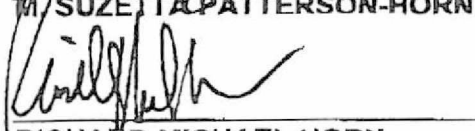
Being the same property conveyed to M. Suzetta Patterson-Horn by Deed dated January 31, 1991, of record in Deed Book 413, Page 47, in the Madison County Clerk's Office and being the same property by which Grantor attempted to convey to Grantee by Deed Book 503, Page 717, Madison County Clerk's Office.

TO HAVE AND TO HOLD the above described property with all the rights, privileges and appurtenances thereunto belonging unto the said **GRANTEE**, her heirs and assigns forever, with covenants of **GENERAL WARRANTY**; and the **GRANTORS** do hereby release unto the **GRANTEE** the every right, title and interest of the **GRANTORS** in and to the above described property, including curtesy, dower, homestead exemption and all other exemptions allowed by law.

Consideration Certificate: The parties hereto state the consideration reflected in this Deed is the full consideration paid for the property. **GRANTEE** joins this Deed for the sole purpose of certifying the consideration pursuant to KRS 382.

IN TESTIMONY WHEREOF, witness the signatures of **GRANTORS** and **GRANTEE** on this the 2 day of March, 2001.

GRANTORS:


M. SUZETTA PATTERSON-HORN

RICHARD MICHAEL HORN

GRANTEE:


CHERYL A. KOCH McCLAIN

BOOK 526

PAGE 376

STATE OF KENTUCKY
SCT
COUNTY OF MADISON

The foregoing Deed of Conveyance and Consideration Certificate was subscribed, acknowledged and sworn to before me this 28th day of February, 2001, by **M. SUZETTA PATTERSON-HORN and RICHARD MICHAEL HORN**, wife and husband, GRANTORS.

Rosa Lynn Murphy
Notary Public, State-at-Large, Kentucky

My Commission Expires: 8/30/01

STATE OF KENTUCKY
SCT
COUNTY OF MADISON

The foregoing Deed of Conveyance and Consideration Certificate was subscribed, acknowledged and sworn to before me this 2nd day of March, 2001, by **CHERYL A. KOCH McCLAIN**, maria GRANTEE.

[Signature]
Notary Public, State-at-Large, Kentucky

My Commission Expires: 8/8/2002

PREPARED BY:
SWORD, FLOYD & MOODY, PLLC.

By: [Signature]
STUART K. OLDS

ADDRESS: 218 West Main Street
Post Office Box 300
Richmond, Kentucky 40476-0300
Telephone: 859-623-3728

BOOK 526
PAGE 377

12,000
12,200.00

Prop

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99-1947 **DEED AND CONSIDERATION CERTIFICATE**

THIS DEED, dated June 17, 1999 between M. SUZETTA PATTERSON-HORN and RICHARD MICHAEL HORN, wife and husband, hereinafter referred to as GRANTOR, of P.O. Box 957, Richmond, Kentucky 40475 and CHERYL A. KOCII, a single person, hereinafter referred to as GRANTEE, of 3488 LEXINGTON ROAD, Richmond, Kentucky 40475.

WITNESSETH:

That for and in consideration of the total purchase price of Twenty Thousand and 00/100 Dollars (\$20,000.00), the receipt of which is hereby acknowledged, GRANTOR has Bargained and Sold and does hereby Grant and Convey unto GRANTEE, her heirs and assigns forever, the following described real estate situated in Madison County, Kentucky, and more particularly described as follows:

TRACT I:

A certain tract of land located on the west side of U.S. Hwy. 25 and the north side of Lower Hines Creek Road, near Clays Ferry, in Madison County, Kentucky, and being bounded by survey made December 10, 1990, by Charles E. Black, a licensed land surveyor (L.S. 670), and further described as follows:

Being Tract 2A as shown by plat of record in Plat Cabinet 9, at Slide 385, in the Madison County Clerk's Office, the improvements being known as 3488 LEXINGTON ROAD.

Being the same property conveyed to M. SUZETTA PATTERSON-HORN, by deed dated October 3, 1991 of record in Deed Book 419, page 95, in the Madison County Clerk's Office.

TRACT II:

A certain tract of land located on the west side of U.S. Hwy. 25 and the north side of Lower Hines Creek Road, near Clays Ferry, in Madison County, Kentucky, and being bounded by survey made December 10, 1990, by Charles E. Black, a licensed land surveyor (L.S. 670), and further described as follows:

BOOK 503

PAGE 720

MAIL TO PURCHASER

Being Tract 2B as shown by plat of record in Plat Cabinet 9, at Slide 385, in the Madison County Clerk's Office, the improvements being known as 3488 LEXINGTON ROAD.

Being the same property conveyed to M. SUZETTA PATTERSON-HORN, by deed dated October 5, 1991 of record in Deed Book 438, page 338, in the Madison County Clerk's Office.

TO HAVE AND TO HOLD the above described property, together with all appurtenances and privileges thereunto belonging, unto GRANTEE, her heirs and assigns forever.

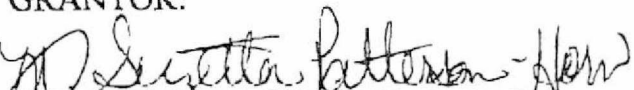
GRANTOR hereby releases and relinquishes unto GRANTEE, her heirs and assigns forever, all of GRANTOR right, title and interest in and to said property, and covenants with GRANTEE, her heirs and assigns forever, that GRANTOR is lawfully seized in fee simple title to said property, and has good and lawful right to sell and convey same as is herein done, that the title to said property is clear, perfect and unencumbered, and subject to the hereinafter set out exceptions, the GRANTOR will WARRANT GENERALLY the title to said property.

PROVIDED, HOWEVER, exception is hereby taken to current taxes, easements and restrictions of record affecting said property.

The GRANTOR and GRANTEE state that the consideration reflected in the foregoing deed is the full consideration paid for the above-described real property. The GRANTEE join in this deed for the sole purpose of certifying the consideration pursuant to KRS 382.

IN TESTIMONY WHEREOF, the parties have hereunto affixed their signatures, this the day and year first above written.

GRANTOR:



M. SUZETTA PATTERSON-HORN



RICHARD MICHAEL HORN

GRANTEE:



CHERYL A. KOCH

BOOK 503

PAGE 721

STATE OF KENTUCKY)
COUNTY OF FAYETTE)

The foregoing Deed and Consideration Certificate was acknowledged, subscribed and sworn to before me on this 17th day of June, 1999, by M. SUZETTA PATTERSON-HORN and RICHARD MICHAEL HORN, wife and husband, GRANTOR.


NOTARY PUBLIC, KY STATE AT LARGE

MY COM. EXP. 7-15-2000

STATE OF KENTUCKY)
COUNTY OF FAYETTE)

The foregoing CONSIDERATION CERTIFICATE was acknowledged, subscribed and sworn to before me on this 17th day of June, 1999, by CHERYL A. KOCH, a single person, GRANTEE.


NOTARY PUBLIC, KY STATE AT LARGE

MY COM. EXP. 7-15-2000

PREPARED BY:


Damon R. Brown
Webb, Hoskins, Glover & Thompson, PSC
801 Corporate Drive, Suite 205
Lexington, KY 40503
(606) 296-9229

99-1947 REPUBLIC BANK & TRUST COMPANY
CHERYL A. KOCH
DRB/st

[Handwritten signature]

3

1010
x9Y236

99-1947

DEED AND CONSIDERATION CERTIFICATE

THIS DEED, dated June 17, 1999 between M. SUZETTA PATTERSON-HORN and RICHARD MICHAEL HORN, wife and husband, hereinafter referred to as GRANTOR, of P.O. Box 957, Richmond, Kentucky 40475 and CHERYL A. KOCH, a single person, hereinafter referred to as GRANTEE, of 3488 LEXINGTON ROAD, Richmond, Kentucky 40475.

WITNESSETH:

That for and in consideration of the total purchase price of Two Hundred Thirty Six Thousand Five Hundred and 00/100 Dollars (\$236,500.00), the receipt of which is hereby acknowledged, GRANTOR has Bargained and Sold and does hereby Grant and Convey unto GRANTEE, her heirs and assigns forever, the following described real estate situated in Madison County, Kentucky, and more particularly described as follows:

[Handwritten signature]

A certain tract of land located on the west side of U.S. Hwy. 25 and the north side of Lower Hines Creek Road, near Clays Ferry, in Madison County, Kentucky, and being bounded by survey made December 10, 1990, by Charles E. Black, a licensed land surveyor (L.S. 670), and further described as follows:

Being Tracts 1, 3 and 4, as shown by plat of record in Plat Cabinet 9, at Slide 385, in the Madison County Clerk's Office, the improvements being known as 3488 LEXINGTON ROAD.

Being the same property conveyed to M. SUZETTA PATTERSON-HORN, by deed dated January 31, 1991 of record in Deed Book 413, page 47 in the Madison County Clerk's Office.

TO HAVE AND TO HOLD the above described property, together with all appurtenances and privileges thereunto belonging, unto GRANTEE, her heirs and assigns forever.

GRANTOR hereby releases and relinquishes unto GRANTEE, her heirs and assigns forever, all of GRANTOR right, title and interest in and to said property, and covenants with

BOOK 503

PAGE 717

MAIL TO PURCHASER

GRANTEE, her heirs and assigns forever, that GRANTOR is lawfully seized in fee simple title to said property, and has good and lawful right to sell and convey same as is herein done, that the title to said property is clear, perfect and unencumbered, and subject to the hereinafter set out exceptions, the GRANTOR will WARRANT GENERALLY the title to said property.

PROVIDED, HOWEVER, exception is hereby taken to current taxes, easements and restrictions of record affecting said property.

The GRANTOR and GRANTEE state that the consideration reflected in the foregoing deed is the full consideration paid for the above-described real property. The GRANTEE join in this deed for the sole purpose of certifying the consideration pursuant to KRS 382.

IN TESTIMONY WHEREOF, the parties have hereunto affixed their signatures, this the day and year first above written.

GRANTOR:

M. Suzetta Patterson-Horn
M. SUZETTA PATTERSON-HORN

Richard Michael Horn
RICHARD MICHAEL HORN

GRANTEE:

Cheryl A. Koch
CHERYL A. KOCH

STATE OF KENTUCKY)
COUNTY OF FAYETTE)

The foregoing Deed and Consideration Certificate was acknowledged, subscribed and sworn to before me on this 17th day of June, 1999, by M. SUZETTA PATTERSON-HORN and RICHARD MICHAEL HORN, wife and husband, GRANTOR.

[Signature]
NOTARY PUBLIC, KY STATE AT LARGE


MY COM. EXP. 7-15-2000

BOOK 503

PAGE 718

STATE OF KENTUCKY)
COUNTY OF FAYETTE)

The foregoing CONSIDERATION CERTIFICATE was acknowledged, subscribed and sworn to before me on this 17th day of June, 1999, by CHERYL A. KOCH, a single person, GRANTEE.



NOTARY PUBLIC, KY STATE AT LARGE
MY COM. EXP. 7-15-2000

PREPARED BY:

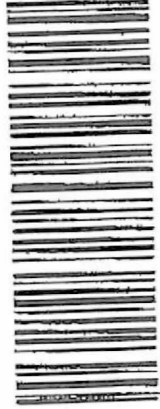


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99-1947 REPUBLIC BANK & TRUST COMPANY
CHERYL A. KOCH
DRB/st

Madison County Zoning
(859) 624-4780
(859) 624-4736 Fax

CERTIFIED MAIL



7000 1670 0006 5955 5561
7000 1670 0006 5955 5561

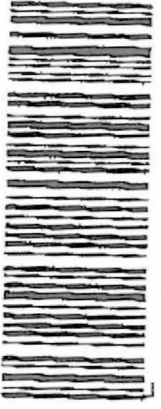
U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

OFFICIAL USE

Postage	\$.39	Postmark Here
Certified Fee	3.45	
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To: Mike Matsumura
 Street, Apt. No., or PO Box No.: 3488 Lexington Rd
 City, State, ZIP+4: Richmond Ky 40475

CERTIFIED MAIL



7000 1670 0006 5955 557A
7000 1670 0006 5955 557A

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

OFFICIAL USE

Postage	\$.39	Postmark Here
Certified Fee	3.45	
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To: Hard W. & Janet Hall
 Street, Apt. No., or PO Box No.: 491 Carr Court
 City, State, ZIP+4: Lexington Ky 40475

