

ORDINANCE NO. 02-16

AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY APPROVING THE ZONE CHANGE OF THE NOAH JOHNSON, SR., ESTATE PROPERTY AT 117 GREEN'S CROSSING 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, April 23, 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-3/UC-1 Neighborhood Commercial/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 Urban Agricultural to UC-3/UC-1 Neighborhood Commercial/Single-Family Residential.

SECTION I

The following described property located in Madison County, Kentucky:

1.95 acre tract description, remaining tract of DB 143, Pg. 585

Beginning on a (set) iron pin and cap, a corner to Tract II-A of Plat Cabinet20, Slide 81, thence with the line of Tract II-A, N 60° 06' 51" W, 242.64 feet to a (set) iron pin and cap in the East (right-of-way being 25 feet from centerline of road); thence with right-of-way of Green's Crossing Road, N 37° 08' 27" E, 364.03 feet to a (set) iron pin and cap, a common corner to Brenda F. Smith (DB 510, Pg. 376) thence with the line of Smith, S 58° 07' 35" E, 232.25 feet to a (set) iron pin and cap in the line of Herb Lovett (DB 489, Pg. 406) thence with the line of Lovett, S 35° 37' 07" W, 354.84 feet to the point of beginning and containing 1.95 acres by survey conducted by Paul D. Travis, R.L.S #2678 on April 20, 2002. This property has had a land use change from Agricultural to Single Family Residential.

A legal description of 1.00 acre for a minor plat has been submitted on April 25, 2002 by Paul Travis, R.L.S. #2678; and has had a land use change from Agricultural to Neighborhood Commercial.

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: May 14, 2002

MOTION BY: Billy Ray Hughes

SECONDED BY: Forniss Park

VOTE: YES NO

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

DATE OF SECOND READING: May 30, 2002

MOTION BY: Billy Ray Hughes

SECONDED BY: Forniss Park

VOTE: YES NO

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

[Signature]
MADISON COUNTY JUDGE EXECUTIVE

Attest:

Mary Jane Binter
MADISON COUNTY CLERK

**MADISON COUNTY
PLANNING and DEVELOPMENT**

321 N. Madison Ave., Suite B
RICHMOND, KENTUCKY 40475
859-624-4734 / 859-624-4780
Fax # 859-624-4736

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

DATE: April 26, 2002

RE: Planning Commission Recommendation
Noah Johnson, Sr., Estate-117 Green's Crossing Road

As a result of a public hearing held on April 23, 2002 at 6:00 pm 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.

Noah Johnson, Sr., Estate, proposal to change approximately 3 acres from its original classification of UC-7 (Agricultural) to UC-3 and UC-1 (Neighborhood Commercial and Single Family Residential). In accordance with KRS 100.213 the applicant's justification for the request was that the original land use classification was inappropriate and the proposed classification is appropriate.

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

Motion was made, seconded and approved to request to the Fiscal Court that the request to change the land use from UC-7 to UC-3 and UC-1, for the above property, be approved. The vote of the Planning Commission was as follows:

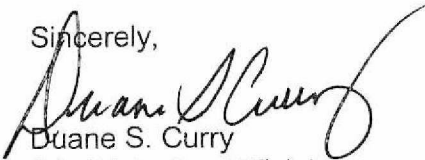
David Bohannon-Yes
Chandler Combs-Yes
James McKinney-Absent
Gary Hart-Yes
Wanda Pennington-Absent
Robert Farmer-Yes
Susan McClellan-Yes

The Planning Commission has made it a finding of fact that;

- 1) The original land use classification for the property was inappropriate and that the proposed land use classification was appropriate;
- 2) That the proposed change is in agreement with the adopted Comprehensive Plan.

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 Neal Johnson Sr. Estate ENGR / BLDR _____

TYPE SUBMISSION Minor Plat Prelim Plat Final Plat

REVIEW OF PLANS / PLATS

DATE	MEETING	REPRESENTATIVE ATTENDING	RESULTS
1. 3/19/02	Business	Darlene Noble	Tabled
2.			
3.			
4.			
5.			

CONDITIONS TO BE MET:

CONDITION

The family have plans to divide this property through a minor plat into 3 - 1/2 ac tracts. The front 1/2 ac tract is requested to be zoned RC-3 Neighborhood Commercial while the other two fronting on Deers Crossing Rd to be zoned RC-1 SF Residential.

Planning Commission voted to table this plat until the Minor Plat is approved to divide the tracts. To be placed on the April Business Agenda.

3/19/02

Application for Land Use Map Amendment Madison County, Kentucky

Date: 2-26-02

Fee: 100.⁰⁰

1. Owner(s) of Property: Noah Johnson Sr Est.
2. Property Address: 117 Greens Crossing
3. Designated Land Use: UC-7 4. Proposed Use: UC-3 and UC-1
5. Acreage: 3
6. Surrounding Property: Use Land Use Map
 - North
 - East
 - South
 - West
7. Urban Services: Exists Provided By
 - Sewage
 - Refuse
 - Water
 - Electric
 - Gas
 - Storm Sewers
 - Fire
 - Police

8. Justification for Requested Change (KRS.100.213)
Settling Estate. There have been major changes in the area to support this change w/ the growth and installation of city sewer to the area.

9. Brief Legal Description of Property:
Deed Enclosed

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 _____ (date).

Date: 2-26-02

Signature(s): Willie Dale Johnson EX

Darlene Johnson Noble EX

APPENDIX D

Madison County Planning Commission
C/O Madison County Planning & Development Office
321 N. Madison Avenue, Suite B
Richmond, KY 40475

Date 2/26/02

Dear Property Owner:

The Madison County Planning Commission would like to inform you of a land use change request by a property owner in your neighborhood. We will hold a public hearing on this matter in order to provide county residents with an opportunity to support or object to the requested change. All pertinent information is listed below. If you need additional information, please contact the Administrative Official at the Madison County Planning & Development Office located at 321 N. Madison Avenue, Suite B (859) 624-4780.

Address of Property requested for Land Use Change: 117 GREENS CROSSING ROAD

Land Use Change Requested: From: UC-7 To: UC-3 and UC-1

Owner of Property requesting Land Use Change: NOAH JOHNSON SR. EST.

Address of Owner: SAME

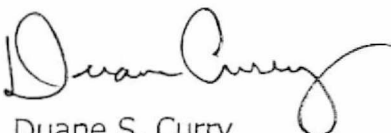
Name of Land Use Change Applicant: SAME

Address of Land Use Change Applicant: SAME

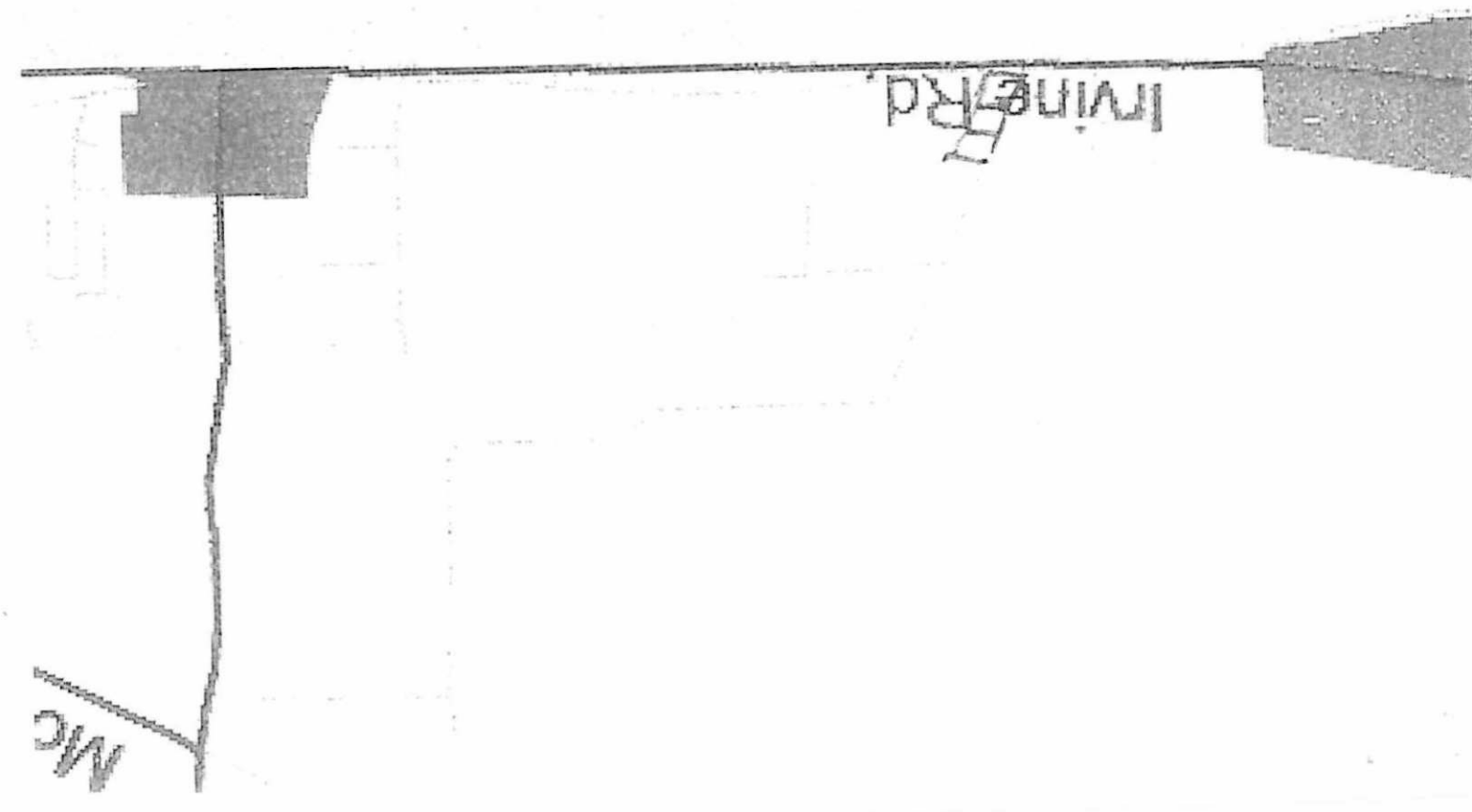
Date of Public Hearing: 03/19/2002

Time and Location of Public Hearing: 6:00pm Fiscal Court Room
1st floor Court House

Sincerely,



Duane S. Curry
Administrative Official



AOC-076-8
2-89

Commonwealth of Kentucky
Court of Justice



CERTIFICATE
OF QUALIFICATION

MADISON DISTRICT COURT
LINDA SPURLOCK CALDWELL, CLERK

FILED

OCT 01 2001

Case No. 01-P-448

County Madison

Court District District/Probate

IN Re: Estate of NOAH JOHNSON

Proper petition having been filed and the Court having appointed WILLIE DALE JOHNSON and
DARLENE NOBLE as Co-Executors

of the above estate on the 4th day of October, 2001, and the fiduciary having
filed in Court bond in the sum of \$ 250,000.00, the amount fixed, without surety

as surety, which was
approved by the Court, said fiduciary was thereupon duly sworn as required by law and thus qualified on the above
date.

The above Order and Qualification is in full force and effect this 4th day of October 2001.

Attest: Linda S Cates Clerk

By Kathy Snod
Deputy Clerk

To Deed

Johnson, Noah and Georgia Belle

THIS DEED between Roger Terry and wife, Maxine Terry, both of Madison County, Kentucky of the first part, and Noah Johnson and Georgia Belle Johnson both of Madison County, Kentucky of the second part,

WITNESSETH, that the said party of the first part, in consideration of One (\$1.00) dollar and other good and valuable consideration cash in hand paid the receipt of which is hereby acknowledged, do hereby sell, grant and convey to the parties of the second part, their heirs and assigns, the following property, namely:

All their undivided interest in the following described property, to-wit:

Tract NO. 1: A certain lot of land on the North side of Richmond and Irvine Pike about four miles east of Richmond, in Madison County, Kentucky, beginning at the north edge of the Richmond and Irvine Pike, a certain lot 80 x 119 feet bounded on the S by Irvine Pike and S. L. Green.

TRACT NO. II: A certain lot of land on the North side of Richmond and Irvine Pike about four miles east of Richmond, in Madison County, Kentucky beginning at the North edge of the Richmond and Irvine Pike and corner to Solen Tudor Farm (now Maupin) with the line of same N 27 1/2 E 54.8 poles to a stone corner to Clifton Shillet (Now Frazier) and Elizabeth Ross, line S 88 E 19 poles to a stone thence a new line S 27 1/2 W 58.8 poles to a stone on the North edge of said pike, with same N 88 W 19 poles to the beginning containing six acres more or less. There is excluded from the above tract the following:

A certain lot of land on the North side of Richmond and Irvine Pike about four miles east of Richmond in Madison County, Kentucky, beginning at the north edge of the Richmond Irvine Pike a certain lot 80 x 118 feet bounded on S. by Irvine Pike and S. L. Green (the exclusion referred to in this tract is Tract No. 1 above). It is mutually agreed between all the parties to this instrument that all agreements and covenants contained in the deed from Howell and his wife to Ed Richardson and Ella Richardson are hereby made a part of his deed as if wholly re-written herein and being the same tract of land conveyed to the party of the first part by Ed Richardson and Etta Richardson by deed bearing date of 8th day of January, 1949, which is duly recorded in Deed Book No. 142 at page 638, Madison County Court Clerk's office, to which reference is hereby made.

To have and to hold the same with all appurtenances thereon, to the second party, their heirs and assigns forever, with covenant of "General Warranty."

IN TESTIMONY WHEREOF, witness our signature this 5th day of April, 1949.

Roger Terry
Maxine Terry

STATE OF KENTUCKY
SE
COUNTY OF MADISON

I, Alba Clem, Notary Public in and for the County and State aforesaid hereby certify that the foregoing Deed from Roger Terry and Maxine Terry to Noah Johnson and Georgia Belle Johnson was on the 5th day of April, 1949, produced before me in the aforesaid county and state, signed, acknowledged, and delivered by Roger Terry and Maxine Terry to be their act and deed in due form of law, and the same with this certificate is hereby certified to the proper office for record.

IN TESTIMONY WHEREOF, witness my hand this the 5th day of April, 1949.

Alba Clem
Notary Public, Madison County, Kentucky
My commission expires the 11th day of Oct. 1952.

(SEAL)

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