

ORDINANCE NO. 02-18

AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY APPROVING THE ZONE CHANGE OF DWIGHT AND BETTY WELLS PROPERTY AT WELLS RIDGE TRACE, LOTS 11 AND 12, 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, 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-3 Neighborhood Commercial 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-3 Neighborhood Commercial to UC-1 Single Family Residential classification:

SECTION I

A certain tract of land situated on the west side of U.S. Highway 25, Lexington Road, in Madison County, Kentucky, as follows:

Two lots listed as lot numbers 11 and 12 of Wellsridge Trace Subdivision, Phase 1, containing 3.17 acres; and being a part of property conveyed to Dwight and Betty Wells, Deed Book 173, Page 457.

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: Forniss Park

SECONDED BY: William Tudor

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: Forniss Park

SECONDED BY: William Tudor

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 Dinter
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: April 26, 2002

RE: Planning Commission Recommendation
Dwight Wells Property, Wells Ridge Trace
Lots 11 and 12, Richmond, KY

As a result of a public hearing held on April 23, 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.

Dwight Wells, 3544 Lexington Road and 3546 Lexington Road, proposed to change 1.43 and 1.59 acres from its classification of UC-3 (Neighborhood Commercial) to UC-1 (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**:

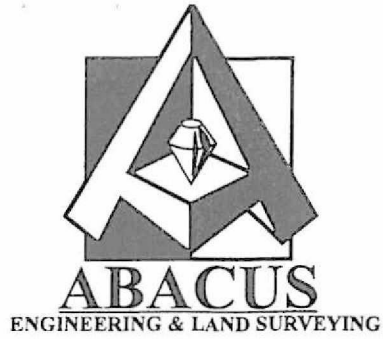
Motion was made, seconded and approved unanimous, to recommend to the Fiscal Court that the request to change the land use from for the above property from UC-3 (Neighborhood Commercial) to UC-1 (Single-Family Residential) be approved and have made it a finding of fact that;

1) The Planning Commission felt that the property was originally zoned improperly.

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



236 Boggs Lane, Suite 4
Richmond, KY 40475
Phone: (606) 625-1200
Fax: (606) 625-1207
Email: AbacusKY.com

Madison County Planning Commission
C/O Madison County Planning and Development Office
321 North Madison Ave, Suite B
Richmond, KY 40475

April 1, 2002

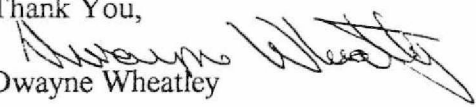
Mr. Curry,

This letter is to inform you that Avawam Enterprises has requested a hearing for Land Use Change. Enclosed you will find a copy of the following:

- A list of surrounding property owners
- A copy of the letter sent to each surrounding landowner
- An Application for Land Use Map Amendment
- A deed to the property
- A vicinity map of area requesting amendment, which will also appear in the newspaper
- A copy of the certified mail receipts from letters mailed

We have requested a sign, which will be in place by morning. I will also send a tear sheet of the notice appearing in the newspaper once it becomes available. All return receipt requests from the post office will be sent to your office. Please contact my office with any questions.

Thank You,


Dwayne Wheatley

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

Date April 1, 2002

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 Officials at the Madison County Planning and Development Office located at 321 N. Madison Avenue, Suite B (859)624-4780.

Address of Property requested for Land Use Change: **3544 and 3546 Lexington Road**

Land Use Change Requested: **From UC3 to UC1**

Owner of Property requesting Change: **Avawam Enterprises**

Name of Land Use Change Applicant : **Avawam Enterprises**

Address of Owner: **236 Bear Track Road Beattyville, KY**

Date of Public Hearing: **April 23, 2002**

Time and Location: **6:00 PM at the Madison County Court House, Fiscal Court Room**

Adjoining Property Owners for Lot 11 & 12 WellsRidge Phase I

Owner: Avawam Enterprizes

- Dale Witt
3551 Lexington Road
Richmond, KY 40475
- Hansel Maynard
3549 Lexington Road
Richmond, KY 40475
- Rev. Ray Northern
3547 Lexington Road
Richmond, KY 40475
- Nancy & Eddie Ellis
3545 Lexington Road
Richmond, KY 40475
- Wayne Smith
3543 Lexington Road
Richmond, KY 40475

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

Date: April 1, 2002

1. Owner of Property: Avawam Enterprises

2. Property Address: 3544 & 3546 Lexington Road

3. Designated Land Use: UC 3 4. Proposed use: UC1

5. Acreage: 1.43 & 1.59 acres

6. Surrounding Property: Use Land Use Map

a. North	UC1	UC1
b. East	UC1	UC1
c. South	UC1	UC1
d. West	UC1	UC1

7. Urban Services: Exists Provided By

a. Sewage	Y	Septic
b. Refuse	Y	BFI
c. Water	Y	Madison Utilities
d. Electric	Y	KU
e. Gas	Y	Delta Gas
f. Storm Sewer	Y	Madison County Road Department
g. Fire	Y	Madison County Fire Department
h. Police	Y	State Police and Madison Co Sheriff

8. Justification for Requested Change (KRS. 100.213):

Proposed Land Use is in accordance with surrounding land

9. Brief Legal Description of Property:

Lots 11 & 12 Wells Ridge Trace

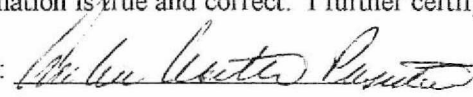
10. Additional Information

11. The following items will accompany application

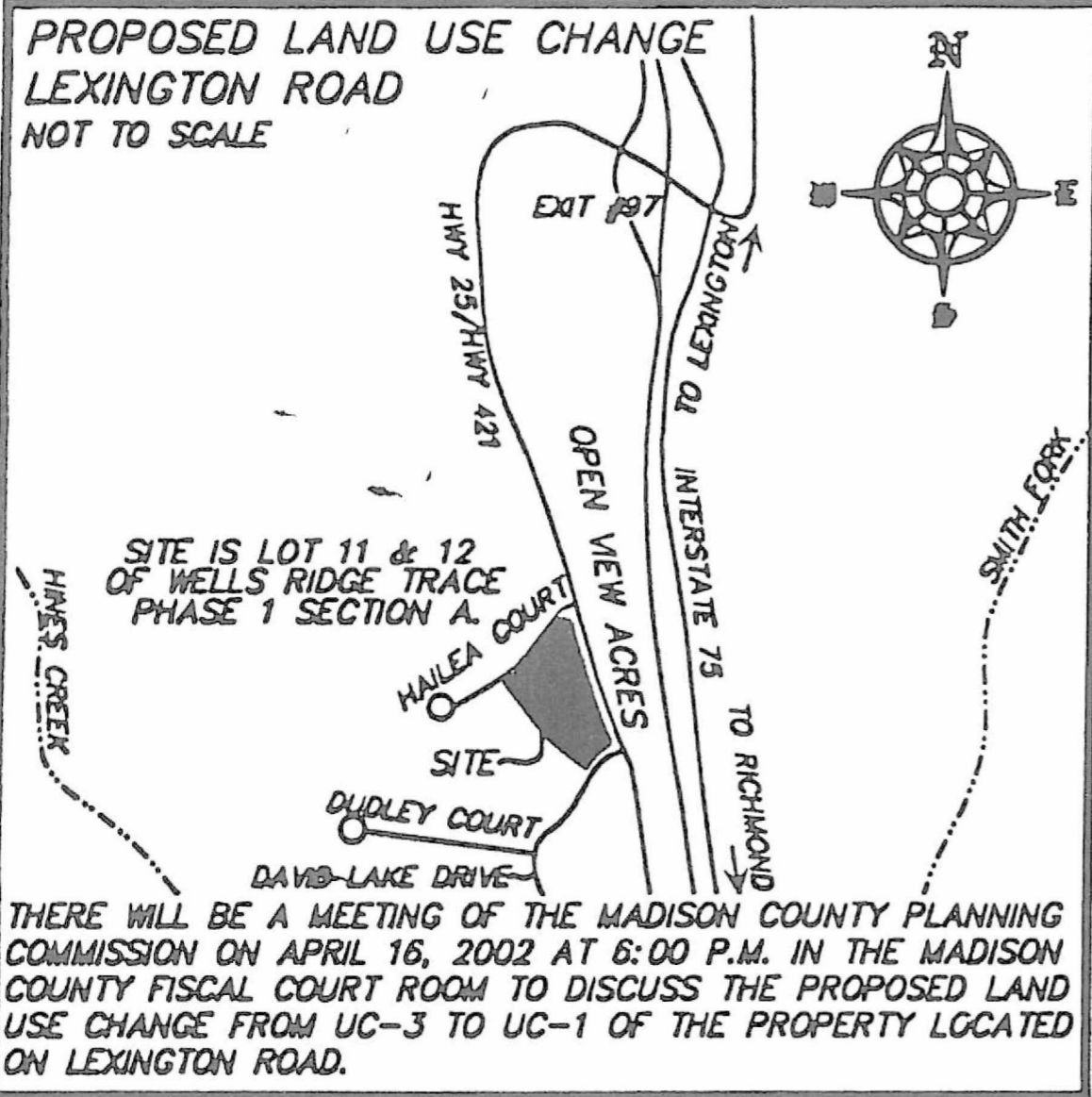
- a. Copy of deed
- b. Vicinity Map of Area requesting amendment
- c. List of adjoining property owners, names, addresses of property, addresses of owners.

12. Applicant's Signature: I do hereby certify, that to the best of my knowledge and belief, all application materials herewith submitted and the information is true and correct. I further certify I am the owner of this property since _____.

Date: 4/02/02

Signature: 

PROPOSED LAND USE CHANGE
LEXINGTON ROAD
NOT TO SCALE



THERE WILL BE A MEETING OF THE MADISON COUNTY PLANNING COMMISSION ON APRIL 16, 2002 AT 6:00 P.M. IN THE MADISON COUNTY FISCAL COURT ROOM TO DISCUSS THE PROPOSED LAND USE CHANGE FROM UC-3 TO UC-1 OF THE PROPERTY LOCATED ON LEXINGTON ROAD.

10/6/00
CTB

1200
24500

3

DEED

THIS DEED is made and entered into by and between **DWIGHT WELLS and BETTY P. WELLS, husband and wife**, of 3600 Lexington Road, Richmond, Madison County, Kentucky, 40475, as Parties of the First Part, and **AVAWAM ENTERPRIZES, INC., a Kentucky corporation**, whose address is 236 Bear Track Road, Beattyville, Lee County, Kentucky, 41311, as Party of the Second Part,

WITNESSETH: That for and in consideration of TWO HUNDRED FORTY-FIVE THOUSAND AND NO/100 (\$245,000.00) 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 "A" containing 33.41 acres located on U.S. Highway 25 in Madison County, Kentucky, and as shown on Minor Plat for Dwight and Betty Wells recorded in Plat Cabinet 18, Slide 113 in the Madison County Court Clerk's Office, reference to which is hereby made for a more particular description.

BEING A PART of the same property conveyed to Dwight Wells and Betty P. Wells, husband and wife, from Dwight Wells and Betty P. Wells, husband and wife, by deed dated May 7, 1959 and recorded in Deed Book 180, Page 275 in the Madison County Court Clerk's Office.

ALSO BEING A PART of the same property conveyed to Dwight Wells and Betty P. Wells, husband and wife, from Dana Wells, single, by Quitclaim Deed dated September 15, 1998 and recorded in Deed Book 493, Page 337 in the Madison County Court Clerk's Office.

ALSO BEING A PART of the same property conveyed to Dwight Wells and Betty P. Wells, husband and wife, from Kenneth R. Jones, Executor of the Estate of David D. Wells, Deceased, and Kenneth R. Jones, Trustee under the Will of David D. Wells Trust, by deed dated October 5, 1999 and recorded in Deed Book 508, Page 380 in the Madison County Court Clerk's Office.

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The Sellers shall retain the tobacco base.

The parties have this day entered into a separate agreement concerning the development of the above-described property and the restrictions to be placed upon said property. The said agreement shall survive the execution of this Deed and be binding upon all parties hereto.

The 2000 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.

IN TESTIMONY WHEREOF, witness the signatures of the Parties of the First Part and the Party of the Second Part, on this the 3 day of October, 2000.

PARTIES OF THE FIRST PART:

Dwight Wells
DWIGHT WELLS

Betty P. Wells
BETTY P. WELLS

PARTY OF THE SECOND PART:

AVAWAM ENTERPRIZES, INC.,
a Kentucky corporation

By: Archie Wathen
Archie Wathen, President

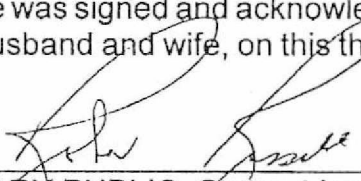
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STATE OF KENTUCKY

COUNTY OF MADISON

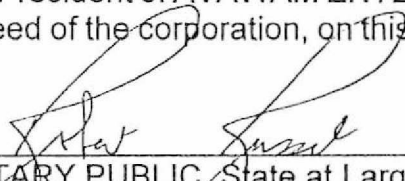
I hereby certify that the foregoing Deed to AVAWAM ENTERPRIZES, INC., a Kentucky corporation, and Consideration Certificate was signed and acknowledged before me by DWIGHT WELLS and BETTY P. WELLS, husband and wife, on this the 3 day of October, 2000.


NOTARY PUBLIC, State at Large
My commission expires: 04/06/03.

STATE OF KENTUCKY

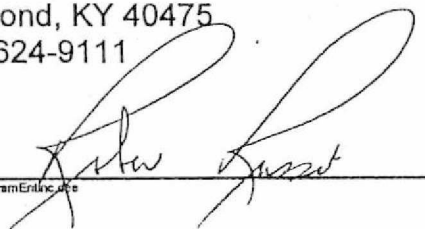
COUNTY OF MADISON

I hereby certify that the foregoing Consideration Certificate was subscribed and sworn to before me by ARCHIE WATHEN as President of AVAWAM ENTERPRIZES, INC., a Kentucky corporation, to be the act and deed of the corporation, on this the 3 day of October, 2000.


NOTARY PUBLIC, State at Large
My commission expires: 04/06/03.

PREPARED BY:

the Law Offices of:
ROBERT RUSSELL, P.S.C.
114 North Third Street
Richmond, KY 40475
(859) 624-9111

By: 
APRE-317-Avawam Enterprises

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DOCUMENT NO: 247081
RECORDED ON: OCTOBER 05, 2000 09:30:03AM
TOTAL FEES: \$12.00
TRANSFER TAX: \$245.00
COUNTY CLERK: MARY JANE GINTER
COUNTY: MADISON COUNTY
DEPUTY CLERK: LORENA BURNS

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