

ORDINANCE NO. 02-19

**AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY
APPROVING THE ZONE CHANGE OF THE JOHN T. WILLMOTT
PROPERTY 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-4 General Commercial

SECTION I

The following described property located in Madison County, Kentucky:

Located in Madison County, Kentucky, on the waters of the West Fork of Otter Creek and on the Richmond-Lexington Road, U.S. Highway No. 25 North of Richmond, bounded and described by survey made by H. de B. Forbes, a Civil Engineer, as follows:

Beginning at a point in the east right-of-way line of the Richmond-Lexington Road as existing and in sue on date of survey, October 25, 1954, a corner to Dr. H.C. Pope, thence leaving the road with Dr. Pope's line, S. 85°-40' E. 113 feet to a stake and 113 feet to a stake and post in the west right-of-way line of the proposed Richmond-Lexington Road as staked on date of survey, said right-of-way line being 100 feet west from the proposed center line of said road, thence with said right-of-way line a curve with a radius of 5830 feet, S. 0°-14' W. 108.90 feet, S. 0°-46' E. 101.78 feet, S. 1°-46' E. 101.78 feet, S. 2°-46' E. 101.78 feet, S. 3°-46' E. 101.78 feet, S. 4°-46' E. 101.78 feet, S. 5°-46' E. 101.78 feet, S 6°-46' E. 101.78 feet, S. 7°-46' E. 101.78 feet, S. 8°-46' E. 101.78 feet, S. 9°-46' E. 101.78 feet, S. 10°-46' E. 101.78 feet, S. 11°-46' E. 101.78 feet, S. 12°-46' E. 101.78 feet, S. 13°-46' E. 101.78, S. 14°-46' E. 101.78 feet, S. 15°-46' E. 101.78 feet, S. 16°-46' E. 101.78 feet, S. 17°-46' E. 101.78 feet, S. 18°-09' E. 11.81 feet, to a stake at end of curve, thence the tangent to the curve, S. 18°-13' E. 271 feet to a post in line of Mr. John Williams, thence her line, N. 63°-38' W. 811 feet to a post in the east of right-of-way line of the Richmond-Lexington road as existing and in use on date of survey, thence with

said east right-of-way line N. 1°-02' E. 102 feet, N. 5°-42' E. 700 feet, N. 7°-12' E. 666 feet, N. 12°-37' E. 372 feet to the beginning containing sixteen and 49/100 (16.49) acres.

There is excluded from the above described real property and not conveyed hereby the following described portion of the above described real property:

A parcel of land lying and being in Madison County, Kentucky, said parcel being described as follows:

All that part of said tract or tracts which lie between the east right of way line of existing U.S. 25 and the west right of way line of the 1954 survey of the proposed relocated U.S. 25 and being more particularly described as follows:

Beginning at a point in the center of the existing U.S. 25, said point also being 40 feet southwest of the intersection of U.S. 25 and Frontage Rd. #2, thence S. 82 degrees 46 minutes E. in the existing right of way of Frontage Rd. #2 for a distance of 151 feet to a point in the west right of way line of the 1954 survey of the proposed relocated U.S. 25, thence in the last described right of way line S. 4 degrees 20 minutes @. 277.2 feet, S. 1 degree 59 minutes, W. 394.4 feet, S. 2 degrees 13 minutes E. 294.3 feet, S. 5 degrees 54 minutes E. 552.3 feet, thence N. 60 degrees 41 minutes W. for a distance of 565.1 feet, to a point in the center of existing U.S. 25, thence N. 12 degrees 08 minutes E. in the center of existing U.S. 25 for a distance of 706 feet, thence northeasterly in the center of existing U.S. 25 for a distance of approximately 585 feet to the point of beginning. Containing 9.26 acres.

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: Larry Combs

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: Larry Combs

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:

[Signature]
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
John T. Willmott Property
2435 Lexington Road, 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.

John T. Willmott, 2435 Lexington Road, proposed to change 7.23 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 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 voted 5 yes and 1 no, 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 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

\DC

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

Date: 4/8/02

Fee: \$150.00

1. **Owner(s) of Property:**

John T. Willmott (applicant with contract to purchase this real esta

2. **Property Address**

2435 Lexington Road, Richmond, KY 40475

3. **Designated Land Use** Agriculture & **Proposed Use** UC-5

5. **Acreage:** 7.23

6. **Surrounding Property:**

	<u>Use</u>	<u>Land Use Map</u>
• North	Dept. of Highways	Agriculture
• East	Vacant	Agriculture
• South	Vacant	Agriculture
• West	Vacant	Agriculture

7. **Urban Services:**

	<u>Exists</u>	<u>Provided By</u>
• Sewage	Yes	Madison Co. Health Dept
• Refuse	N/A	
• Water	Yes	Madison Co. Utilities
• Electric	Yes	Kentucky Utilities
• Gas	N/A	
• Storm Sewers	N/A	
• Fire	Yes	Madison County
• Police	Yes	Madison County

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

The existing land use classification given to the property is inappropriate, and the proposed land use classification is appropriate.

9. **Brief Legal Description of Property:**

See attached Deed.

10. **Additional Information:**

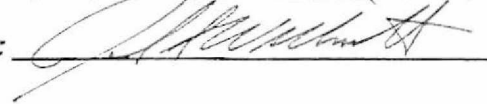
11. **The following items must accompany application:**

- 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.

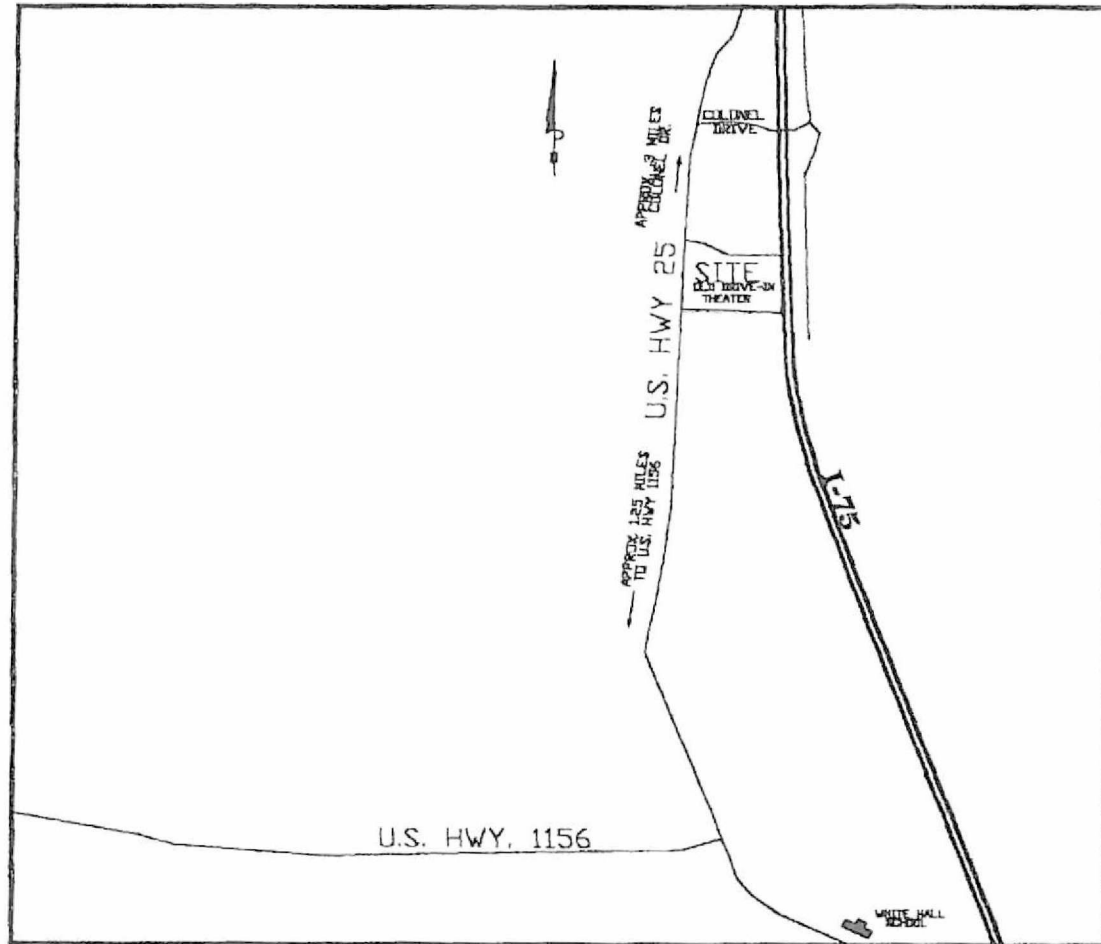
12. **Applicant's Signature:** I do hereby certify that, to the best of my knowledge and belief, all application materials are herewith submitted and the information is true and correct. I further certify that I am Owner of this property, since _____ (date).

Date: 4/8/02

Signature(s):



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, April 23, 2002 at 6:00 p.m. in the Fiscal Court Room of the Madison County Court House.

The purpose is to consider a land use change from R-7Agricultural to UC-5 Light Industrial for the property at 2435 Lexington Road (as shown on the map above).

with a radius of 5830 feet. S. 0°-14' W. 108.90 feet, S. 0°46' E. 101.78 feet, S. 1°-46' E. 101.78 feet, S. 2°-46' E. 101.78 feet, S. 3°-46' E. 101.78 feet, S. 4°-46' E. 101.78 feet, S. 5°-46' E. 101.78 feet, S. 6°-46' E. 101.78 feet, S. 7°-46' E. 101.78 feet, S. 8°-46' E. 101.78 feet, S. 9°-46' E. 101.78 feet, S. 10°-46' E. 101.78 feet, S. 11°-46' E. 101.78 feet, S. 12°-46' E. 101.78 feet, S. 13°-46' E. 101.78 feet, S. 14°-46' E. 101.78 feet, S. 15°-46' E. 101.78 feet, S. 16°-46' E. 101.78 feet, S. 17°-46' E. 101.78 feet, S. 18°-09' E. 11.81 feet, to a stake at end of curve, thence the tangent to the curve, S. 18°-13' E. 271 feet to a post in line of Mr. John Williams, thence her line, N. 63°-38' W. 811 feet to a post in the east of right-of-way line of the Richmond-Lexington Road as existing and in use on date of survey, thence with said east right-of-way line N. 1°-02' E. 102 feet, N. 5°-42' E. 700 feet, N. 7°-12' E. 666 feet, N. 12°-37' E. 372 feet to the beginning containing sixteen and 49/100 (16.49) acres.

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Also that part of said tract or tracts which lie on the left (east) of the above described parcel within the right of way of the 1954 survey of the proposed relocated U.S. 25.

The foregoing exception has been heretofore conveyed to the Commonwealth of Kentucky for the use and benefit of the Department of Highways, by virtue of a deed dated the 12th day of April, 1967, and recorded in Deed Book 229, Page 469, records of the Madison County Court Clerk's Office.

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There is also excluded herefrom and not conveyed herein a certain tract containing .15 acres conveyed to the Commonwealth of Kentucky for the use and benefit of the Department of Highways by virtue of a deed dated the 13th day of June, 1967, and recorded in Deed Book 186, Page 621, records of the Madison County Court Clerk's Office.

Being a part of the same property conveyed to the parties of the first part by Joseph J. Bellante and Louise R. Bellante, his wife, by virtue of a deed dated the 6th day of April, 1967, and recorded in Deed Book 227, Page 544, records of the Madison County Court Clerk's office. Also being the same property inherited by Alma Buckner, Doris Jean Buckner (Amburgey), Kaye Williams, and Richard Buckner from George Buckner. See Affidavit of Descent of George Buckner at Deed Book 139, Page 423, of the Perry County Court Clerk's records.

TO HAVE AND TO HOLD the same, together with all the appurtenances thereunto belonging unto the parties of the second part.

IN TESTIMONY WHEREOF, the parties of the first part have subscribed their names the day and year first above written.

Alma Buckner
ALMA BUCKNER

Doris Jean Buckner Amburgey
DORIS JEAN BUCKNER AMBURGEY

Iris Kaye Williams
IRIS KAYE S. ISAACS WILLIAMS

Charles S. Williams
CHARLES WILLIAMS

AFFIDAVIT OF PARTIES

We, Alma Buckner, Doris Jean Buckner Amburgey, Iris Kaye B. Isaacs Williams and Charles Williams, her husband, Grantors and Harry Roaden and Brenda Roaden, his wife, Grantees, do hereby certify, pursuant to KRS Chapter 382, that the above-stated consideration in the amount of \$35,417.50, is the true, correct and full consideration paid for the property herein conveyed. We further certify our understanding 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.

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ADJOINING PROPERTY OWNERS
TO 2435 LEXINGTON ROAD

RICHARD IGO CARR
1494 LEXINGTON ROAD
RICHMOND, KY 40475
859-623-8189

STATE HIGHWAY GARAGE
2441 LEXINGTON ROAD
RICHMOND, KY 40475
859-623-2454

WAYNE LAKE
2391 LEXINGTON ROAD
RICHMOND, KY 40475
859-623-5362

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

Date 4/8/02

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: 2435 Lexington Road

Land Use Change Requested: From: Agriculture To: UC-5

Owner of Property requesting Land Use Change: John T. Willmott (applicant with contract to purchase this real estate)

Address of Owner: 104 Karla Drive, Richmond, KY 40475

Name of Land Use Change Applicant: John T. Willmott

Address of Land Use Change Applicant: 104 Karla Drive, Richmond, KY 40475

Date of Public Hearing: April 23, 2002

Time and Location of Public Hearing: 6:00; Fiscal Court Room
Madison County Court House

Sincerely,

Duane S. Curry
Administrative Official