

ORDINANCE NO. 02-21

**AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY
APPROVING THE ZONE CHANGE OF HABITAT FOR HUMANITY
PROPERTY ON 349 FLINT 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, May 21, 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 R-7 Rural Agricultural to R-1 Rural 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 R-7 Rural Agricultural to R-1 Rural Single Family Residential.

SECTION I

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

On the waters of Flint Branch of the Kentucky River in Madison County Kentucky. Beginning at a stone corner of J. R. Portwood, thence with his line North 780 feet to McDonalds line, thence with his line west 837 feet to a stone in J. Estes line, thence South 780 feet to the Flind Road, thence East with the center of same 837 feet to the beginning containing fifteen acres more or less, being the same land conveyed by Geroge W. Powell and wife, to the grantor herein by Deed dated January 7, 1924, and recorded in Deed Book No. 99 page 7 records of the Madison County Court 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: May 30, 2002

MOTION BY: Larry Combs

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: July 23, 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:

[Signature]
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: May 21, 2002

RE: Planning Commission Recommendation
Habitat for Humanity, 349 Flint Road

As a result of a public hearing held on May 21, 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.

Habitat For Humanity, proposal to change property located at 349 Flint Road from R-7 Rural Agricultural to R-1 Rural 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 R-7 to R-1, for the above property, be approved. The fee for the land use change request has been waived by the planning commission. The vote of the Planning Commission was as follows:


David Bohannon-Yes
Chandler Combs-Yes
James McKinney-Yes
Gary Hart-Yes
Wanda Pennington-Yes
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

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

Date: 4/29/02

Fee: \$150.00

1. Owner(s) of Property: Habitat for Humanity of Madison County, Inc.

2. Property Address: Lot 90, (349 Flint Rd.) Waco, Ky. 40385

3. Designated Land Use R-7 4. Proposed Use R-1

5. Acreage: 15 acres

6. Surrounding Property:		Use	Land Use Map
• North	<u>Residential</u>		<u>R-7</u>
• East	<u>Residential</u>		<u>R-7</u>
• South	<u>Residential</u>		<u>R-7</u>
• West	<u>Residential</u>		<u>R-7</u>
7. Urban Services:		Exists	Provided By
• Sewage	<u>No</u>		<u>on-site disposal</u>
• Refuse	<u>Yes</u>		<u>private hauler</u>
• Water	<u>Yes</u>		<u>Waco Water (Madison Water Dist)</u>
• Electric	<u>Yes</u>		
• Gas	<u>No</u>		
• Storm Sewers	<u>No</u>		
• Fire	<u>Yes</u>		<u>Waco Volunteer + Mad. Co.</u>
• Police	<u>Yes</u>		<u>Sheriff and State Police</u>

8. Justification for Requested Change (KRS.100.213):
Land was inappropriately designated agricultural. Since the majority of land in the area is in residential use, the land should be designated R-1, Single-family residential

9. Brief Legal Description of Property:
See attachment

10. Additional Information:
See attachment

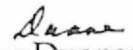
11. The following items must accompany application:
- Copy of Deed
 - Vicinity Map of Area request amendment
 - List of all adjoining property owners, names, addresses of property, addresses of owners, telephone numbers of owners.

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 4/15/02 (date).

Date: 4/29/02 Signature(s): R.L. Mauromano

Duane Curry
Administrative Official
Madison County Planning and Codes

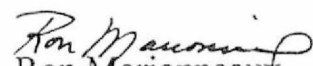
April 30, 2002


Dear Duane:

On behalf of Habitat for Humanity of Madison County, Inc., I would like to request a waiver of the \$150.00 application fee for the property on Flint Road for the following reasons:

1. When the Official Land Use Management Map for the county was developed, there was not sufficient time or information available to accurately designate all linear or dispersed residential areas as R-1 districts. It was decided to designate all rural areas except for known existing residential subdivisions, commercial, and other areas, as R-7 Rural Agricultural, and to make any necessary adjustments as needed at a later date. There are a number of other areas in a similar situation that should be corrected as time and resources allow.
2. The tract in question, although 15 acres, is not suitable for agriculture, 1) because it is completely surrounded by residential land uses, and 2) the soils are not adequate to support crop production.

Thank you for your attention and consideration in this matter.


Ron Marionneaux,
Habitat for Humanity
Board Member

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

Date 4/29/02

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: Lot 90 (349 Flint Rd.),
Waco, Ky. 40385

Land Use Change Requested: From: R-7 To: R-1

Owner of Property requesting Land Use Change: Habitat for Humanity
of Madison County, Inc.

Address of Owner: 116 West Main St., Suite C, Richmond, Ky. 40475

Name of Land Use Change Applicant: Habitat for Humanity of Madison Co., Inc.

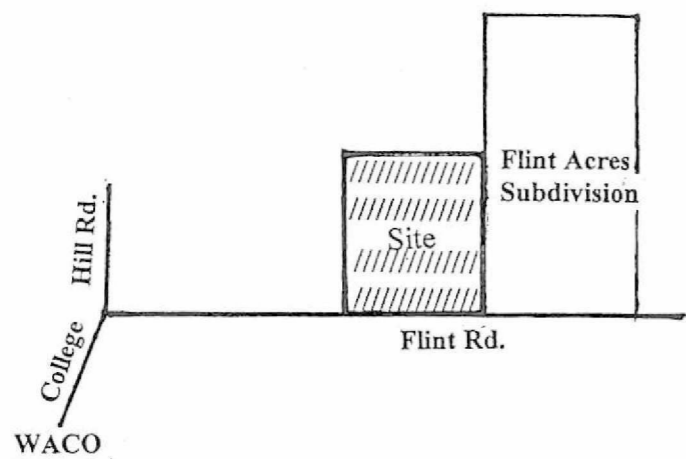
Address of Land Use Change Applicant: 116 W. Main St., Suite C, Richmond, Ky. 40475

Date of Public Hearing: 5/21/02

Time and Location of Public Hearing: 6:00 pm. Fiscal Court Room, Madison
Co. Courthouse

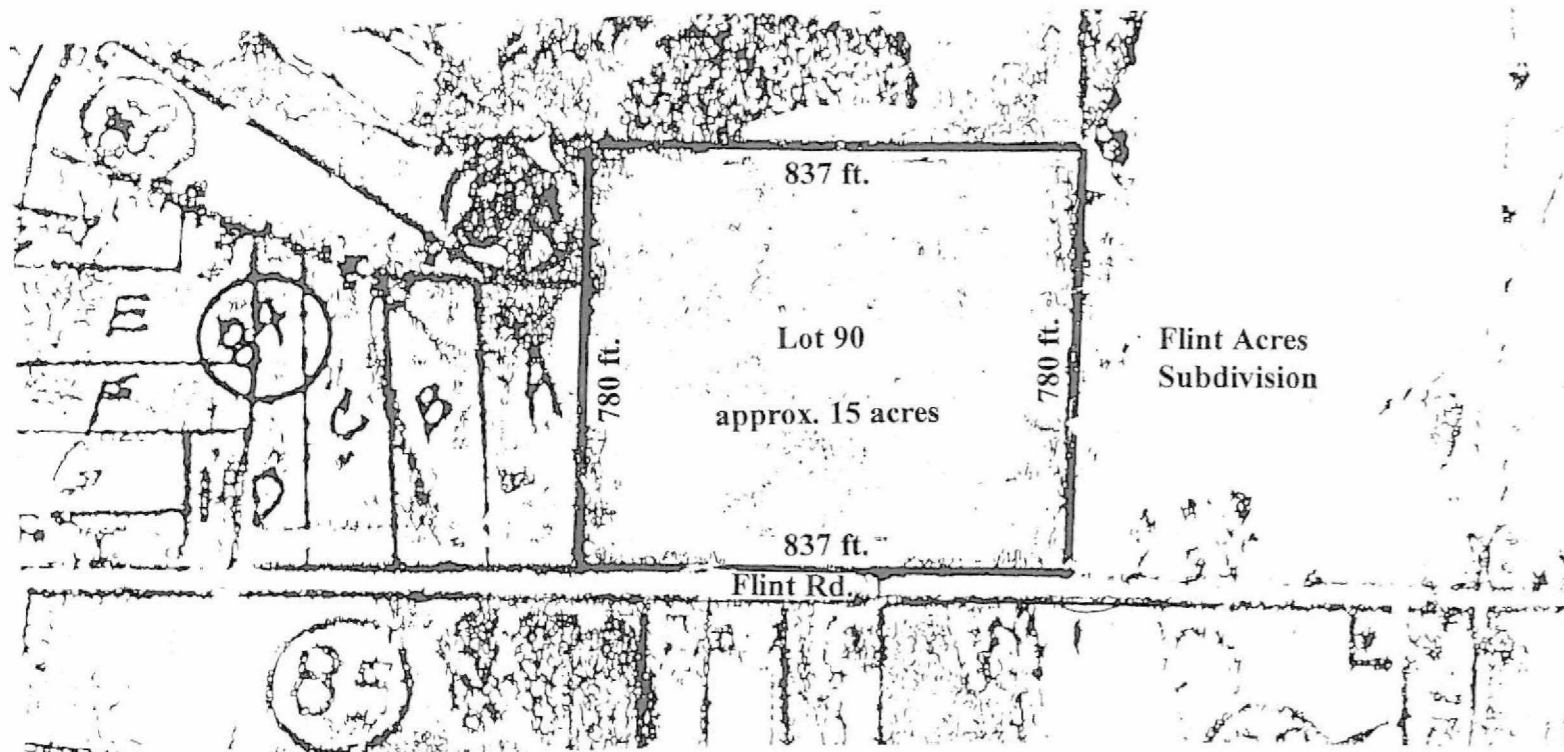
Sincerely,

Duane S. Curry
Administrative Official



WACO

There will be a public hearing of the Madison County Planning Commission on Tuesday, May 21, 2002 at 6:00 p.m. In the Fiscal Court Room of the Madison County Court House. The purpose of the meeting is to consider a land use change from R-7 Agricultural to R-1 Residential for the Habitat for Humanity property (as shown on the map above).



By *E. J. ...* D.C.

Jones W.C.&c. 13
 To Mortgage
 Todd N.G.

Mailed to N.G. Todd,
 Brassfield, Ky. Dec. 15th, 1927.

This Indenture, made and entered into, this 27th, day of December 1926, between W.C. Jones and Stella Jones, his wife of Waco, Ky., of the first part, and N.G. Todd of Brassfield, Ky., of the second part, Witnesseth, that the party of the first part, for and in consideration of his indebtedness to the party of the second part as follows: In the sum of Three hundred and Seventy-three & 80¢ as evidenced by W.C. Jones note of even date herewith and due on or before Jan. 1st, 1928. at first parties option, said note bearing interest at the rate of six per-cent date herewith till paid and to secure the payment of the same has granted, bargained, and sold and by these presents do hereby grant, bargain, and sell to the party of the second part, all of the following described real estate:

On the waters of Flint Branch of the Kentucky River in Madison County Kentucky. Beginning at a stone corner to J.R. Portwood, thence with his line North 780 feet to McDonalds line, thence with his line west 837 feet to a stone in J. Estes line, thence South 780 feet to the Flint road, thence East with the center of same 837 feet to the beginning containing fifteen acres more or less, being the same land conveyed by Geo. W. Powell and wife, to the grantor herein by Deed dated Jan. 7th, 1924, and recorded in Deed Book No. 99 Page 7 records of the Madison County Court Clerk's office.

To have and to hold to said party of the second part his heirs and assigns forever, with general warranty.

This indenture is conditioned as follows: Whereas, the said first parties are

ATTORNEY
E. J. ...
 Brassfield

Robert M. Todd
 27
 1927

Habitat for Humanity of Madison County Kentucky, Inc.
REAL ESTATE PURCHASE AGREEMENT

Flint Road Property – Lot 90 –14 acres , Description in Deed Book 118 p 625
Property Description

Flint Road, north of KY 977 Waco KY 40385
Street Address City State Zip

Ms. Lois Richards 369-5526
Name(s) of Seller Seller's Telephone Number

3520 Old KY Highway 52 Richmond, KY 40475
Seller's Current Mailing Address

Seller's Real Estate Agent and Agency (if any) Agent's Phone

This Real Estate Purchase Agreement is made by and between the undersigned Seller and **Habitat For Humanity Of Madison County Kentucky, Inc.**, a Kentucky non-profit corporation with offices at 116 West Main Street, Suite C, Richmond, Kentucky 40475 [with a mailing address of P.O. Box 186, Richmond, Kentucky 40476-0186] ("Habitat").

1. **Offer to Purchase the Proper** Habitat offers to purchase the real property identified above, which shall include: the land and all buildings and other improvements thereon; all appurtenant rights, privileges, easements, and fixtures; and all personalty attached to or built-in that, if removed, would leave the land or buildings in a damaged, incomplete or unfinished condition (the "Property").

2. **Purchase Price** One _____ U.S. Dollar.

3. **Conditions to Habitat's Obligations** Habitat shall enjoy a period of one hundred twenty (120) days following Seller's execution of this Agreement (the "Contingency Period") within which Habitat shall determine whether the conditions to its obligations under this Agreement can be satisfied or waived. Neither Seller nor Habitat shall have any rights, duties or obligations hereunder, and this Agreement shall be and become void ab initio, unless the following conditions precedent are satisfied or are specifically waived in writing by Habitat within the Contingency Period:

- (a) Habitat obtains and approves (i) a current ALTA title commitment, containing only such exceptions as are acceptable to Habitat; and (ii) a current, accurate ALTA survey of the Property showing that the Property is free of defects and encroachments; and (iii) such environmental assessment reports and studies as Habitat reasonably desires; and
- (b) Habitat receives from all governmental agencies and third parties all necessary permits, licenses, consents, agreements, and certificates and all other approvals necessary or appropriate to Habitat's intended development and use of the Property; and
- (c) Habitat verifies (i) that the Property is properly zoned for Habitat's intended use, (ii) that all utilities of all types are available on the Property, (iii) that satisfactory access to and from public roads is available to the Property, and (iv) that no condemnation action has been taken or is being threatened by any governmental agency; and

Seller's Initials L.C.R.

Habitat's Initials C.P.

(d) Habitat and/or its consultants inspect and approve all aspects of the Property, including, without limitation, appraisal verification, structural integrity, soil compaction, and all engineering factors; and

(e) Habitat obtains funding acceptable to Habitat, in its sole judgment, sufficient to cover Habitat's acquisition, construction and development costs associated with the Property.

If any such contingency is not satisfied within the Contingency Period, then Habitat may either waive each such condition in writing, or declare this Agreement null and void. If Habitat declares this Agreement null and void, then the Earnest Money Deposit shall be immediately returned to Habitat, whereupon both Seller and Habitat will sign and deliver a mutual release.

4. Access by Habitat Habitat and Habitat's agents and contractors are hereby granted access to the Property for purposes of performing surveys, soil and water sampling and analysis, engineering borings and other testing that Habitat deems desirable; provided, however, that all such work shall be performed in a good and workmanlike manner at Habitat's sole expense, and Habitat shall endeavor to return the surface of the Property to substantially the same condition as before such testing, ordinary wear and tear excepted.

5. Closing If Seller accepts Habitat's offer, then the consummation of the sale and purchase of the Property shall be held at such time and place as the parties may in good faith agree. Seller shall deliver full possession of the Property at closing with delivery of the Deed.

IN WITNESS WHEREOF, Habitat respectfully submits this offer to purchase the Property on the terms and subject to the conditions, set forth in this Real Estate Purchase Agreement.

WITNESS:

D. Craine Stone

HABITAT:

HABITAT FOR HUMANITY OF MADISON
COUNTY KENTUCKY, INC.

By:

[Signature]

Title

Executive Director

Date:

4-15-02

ACCEPTANCE

IN WITNESS WHERE OF, Seller hereby accepts Habitat's offer to purchase the Property on the terms and subject to the conditions, set forth in this Real Estate Purchase Agreement.

WITNESS:

D. Craine Stone

SELLER:

Lois C. Richards

Signature

LOIS C. RICHARDS

Print Name

Social Security #

407-48-5286

ADJACENT PROPERTY OWNERS

Habitat Property on Flint Road

(From Property Valuation Administrator's Records, 4/26/02)

College Hill Road

Norman and Marian Lamb	450 College Hill Rd., Waco, Ky. 40385
Philip and Susan Parks	460 College Hill Rd., Waco, Ky. 40385
George and Rosaline Ching	591 College Hill, Rd., Waco, Ky., 40385

Flint Road

William E. and Hallie Earles	135 Flint Rd., Waco, Ky. 40385
Mason and Lagorda Tackett	130 Flint Rd., Waco, Ky. 40385
Arvel and Dara Kelley	150 Flint Rd., Waco, Ky. 40385
Gary and Bridgett Townsend	156 Flint Rd., Waco, Ky. 40385
Loretta J. Cain	166 Flint Rd., Waco, Ky. 40385
Greg and Jenny Atwell	349 Flint Rd., Waco, Ky. 40385
Pleas Sparks	193 Flint Rd., Waco, Ky. 40385
Harold K. Botner	250 Flint Rd., Waco, Ky. 40385

Flint Acres Subdivision

Hallmark and Lisa Cook	625 Green's Crossing, Richmond, Ky. 40475
Harold and Gertrude Lewis	111 Walter Lane, Waco, Ky. 40385
Dan and Stella Wagers	Box 42, Waco, Ky. 40385
Rosella Hall	5093 Winchester Rd., Irvine, Ky. 40336
Jesse and Kathy Morguson	444 Walter Lane, Waco, Ky., 40385
Tommy and Retha Biggs	8 Flint Acres, Waco, Ky. 40385