

ORDINANCE NO. 02-28

AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY APPROVING THE ZONE CHANGE OF ROBERT GILES PROPERTY AT 1000 CURTIS PIKE FOR 28 ACRES +/- 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, August 20, 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 Corridor Agricultural to UC-1 Urban Corridor 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 Corridor Agricultural to UC-1 Urban Corridor Single-Family Residential classification:

SECTION I

A certain tract of land situated on the west side of the Curtis Pike, approximately 1370 feet south of Barnes Mill Road, in Madison County, Kentucky, bounded and described as follows:

Beginning at a point in the center of the Curtis Pike at the southeast corner of Tract I, thence with the center line of the Curtis Pike, 11 calls, S 11 degrees-12'41" W 389.11 feet, S 14 degrees-57'-29" W 243.75 feet, S 09 degrees-22'23" W 177.55 feet, S 04 degrees-32'-25" W 185.29 feet, S 06 degrees-15'-39" E 151.72 feet, S 06 degrees-09'-19" W 77.91 feet, S 28 degrees-36'39 W 70.40 feet, S 45 degrees-32'-53" W 80.97 feet, S 26 degrees -07'22" W 40.94 feet, S 30 degrees -20'-36" W 220.46 feet, S 37 degrees -58'-02" W 135.16 feet, to a point and corner to Dr. Eugene Bowling, thence leaving the Curtis Pike with Bowling's line, 15 calls, N 44 degrees-56'55" W 23.85 feet, N 44 degrees-19'22" W 178.62 feet, N 23 degrees -12'-44 degrees-19'22" W 178.62 feet, N 23 degrees -12'-13" W 96.08 feet, N 27 degrees-16'-51" W 86.09 feet, N 43 degrees-05'32" W 101.04 feet, N 48 degrees-02'-23" W 99.37 feet, N 44 degrees -50'-26" W 74.21 feet, N 34 degrees-32'47" W 34.85 feet, N 19 degrees -24'-58" W 205.93 feet, N 16 degrees-00'-28" W 176.25 feet, N 17 degrees -57'-21" W 146.24 feet, N 01 degrees -07'-43" W 174.10 feet, N 07 degrees -17'40" E 192.08 feet, N 11 degrees -45'-09" E 163.16 feet, N 10 degrees -18'-42" E 268.42 feet to a point and corner to Tract II, thence

VOTE:

YES

NO

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

✓
✓
✓
✓
✓



MADISON COUNTY JUDGE EXECUTIVE

Attest:


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: August 21, 2002

RE: Planning Commission Recommendation
Bob Giles Property, 1000 Curtis Pike, Richmond, KY

As a result of a public hearing held on August 20, 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.

Bob Giles, proposal to change property of 28 acres +/- located at 1000 Curtis Pike from UC-7 Urban Corridor Agricultural to UC-1 Urban Corridor 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-1, for the above property, be approved. The vote of the Planning Commission was as follows:

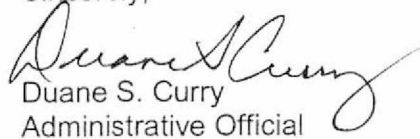
David Bohannon-Yes
Chandler Combs-Yes
James McKinney-Yes
Gary Hart-Yes
Wanda Pennington-Yes
Robert Farmer-Yes
Susan McClellan-Yes

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: 7/10/02

Fee: _____

1. Owner(s) of Property: Bob Giles

2. Property Address: 1000 Curtis Pike

3. Designated Land Use: UC-7 4. Proposed Use: UC-1

5. Acreage: 28 acres +/-

6. Surrounding Property: Use Land Use Map

• North	<u>Commercial</u>	<u>Ag R-7</u>
• East	<u>Residential</u>	<u>Res R-1</u>
• South	<u>Ag</u>	<u>R-7</u>
• West	<u>Ag</u>	<u>R-7</u>

7. Urban Services: Exists Provided By

• Sewage	<u>Septic</u>	<u>Developer</u>
• Refuse	<u>Yes</u>	<u>BFI</u>
• Water	<u>Yes</u>	<u>Knoxville Water</u>
• Electric	<u>Yes</u>	<u>KU</u>
• Gas	<u>Yes</u>	<u>Delta</u>
• Storm Sewers	<u>NO</u>	<u>_____</u>
• Fire	<u>MC</u>	<u>MCFD</u>
• Police	<u>MC/KSP</u>	<u>MC/KSP</u>

8. Justification for Requested Change (KRS.100.213)
There have been major changes of a physical, social and economic nature in the area w/ widening of Curtis Pike barrier Mill Road & numerous subdivisions being developed in the area.

9. Brief Legal Description of Property:
See 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: 7-10-02

Signature(s): Bob Giles

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

Date 7-29-02

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: 1000 Curtis Pike

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

Owner of Property requesting Land Use Change: Bob Giles

Address of Owner: 429 Breck Ave. Richmond, Ky. 40475

Name of Land Use Change Applicant: Bob Giles

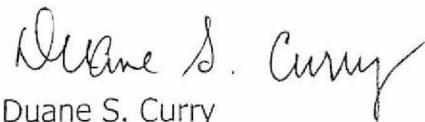
Address of Land Use Change Applicant: 429 Breck Ave.
Richmond, Ky 40475

Date of Public Hearing: Aug 20, 2002

Time and Location of Public Hearing: 6:00 P.M.

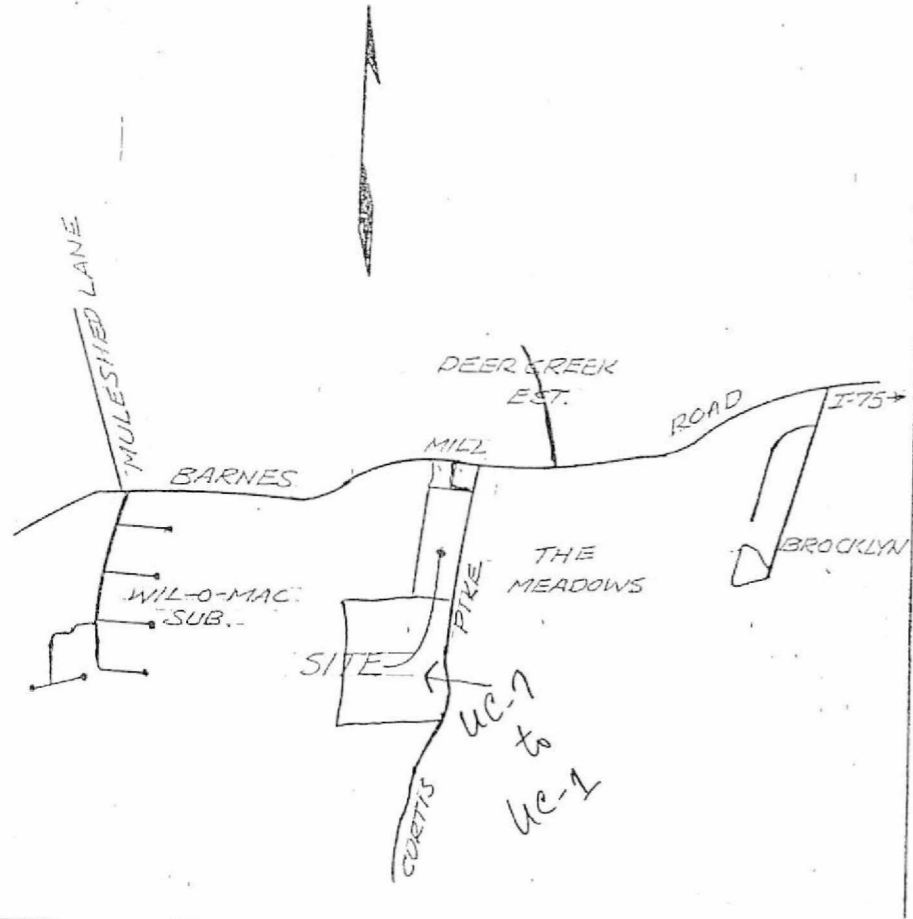
MADISON Co. Fiscal Center
MADISON Co. Courthouse

Sincerely,



Duane S. Curry
Administrative Official

PROPOSED LAND USE CHANGE



NOTICE OF PUBLIC HEARING

There will be a Public Hearing of the Madison County Planning commission on Tuesday, August 20, 2002 at 6:00 PM In the Fiscal Court Room of the Madison County Courthouse. The purpose is to Consider a proposed Land Use Change (from UC-7 to UC-1 for the property on Curtis Pike Belonging to Bob Giles (as shown on the drawing Above).

10-1-91
Mail
Prepared
Judy Perkins, DC.

D E E D

THIS DEED this day made and entered into by and between IRENE GILES, an unremarried widow, 319 Logan Avenue, Richmond, Kentucky, 40475, party of the first part, and ROBERT GILES, JR., 429 Breck Avenue, Richmond, Kentucky, 40475, party of the second part,

WITNESSETH: That for and in consideration of LOVE AND AFFECTION BETWEEN MOTHER AND SON, the receipt of which is hereby acknowledged, the party of the first part does hereby BARGAIN, SELL, GRANT and CONVEY unto the party of the second part, his heirs and assigns, forever, in fee simple, the following described real property located in Madison County, Kentucky, to-wit:

A certain tract or parcel of land situated in Madison County, Kentucky, bounded and described by survey prepared by CMW/Luxon Engineers, Inc., June 19, 1991, and as shown as TRACT III on Plat recorded in the Madison County Clerk's Office in Plat Book 9 at Page 358.

RECEIVED
MARY FERRELL CENTER
SEP 30 3 05 PM '91
MADISON CO. CLERK
KENTUCKY

TRACT III: A certain tract of land situated on the west side of the Curtis Pike, approximately 1370 feet south of Barnes Mill Road, in Madison County, Kentucky, bounded and described as follows:

BEGINNING at a point in the center of the Curtis Pike at the southeast corner of Tract I, thence with the center line of the Curtis Pike, 11 calls, S 11 degrees-12'-41" W 389.11 feet, S 14 degrees-57'-29" W 243.75 feet, S 09 degrees-22'-23" W 177.55 feet, S 04 degrees-32'-25" W 185.29 feet, S 06 degrees -15'-39" E 151.72 feet, S 06 degrees -09'-19" W 77.91 feet, S 28 degrees -36'-39 W 70.40 feet, S 45 degrees -32'-53" W 80.97 feet, S 26 degrees -07'-22" W 40.94 feet, S 30 degrees -20'-36" W 220.46 feet, S 37 degrees -58'-02" W 135.16 feet, to a point and corner to Dr. Eugene Bowling, thence leaving the Curtis Pike with Bowling's line, 15 calls, N 44 degrees -56'-55" W 23.85 feet, N 44 degrees -19'-22" W 178.62 feet, N 23 degrees -12'-13" W 96.08 feet, N 27 degrees-16'-51" W 86.09 feet, N 43 degrees -05'-32" W 101.04 feet, N 48 degrees -02'-23" W 99.37 feet, N 44 degrees -50'-26" W 74.21 feet, N 34 degrees-32'-47" W 34.85 feet, N 19 degrees -24'-58" W 205.93 feet, N 16 degrees-00'-28" W 176.25 feet, N 17 degrees -57'-21" W 146.24 feet, N 01 degrees -07'-43" W 174.10 feet, N 07 degrees -17'-40" E 192.08 feet, N 11 degrees -45'-09" E 163.16 feet, N 10 degrees -18'-42" E 268.42 feet to a point and corner to Tract II, thence with Tract II and Tract I S 80 degrees -22'-34" E 985.78 feet to the beginning, containing 30.326 acres.

blins
3-2000
of

3

12-10-00

DEED OF CONVEYANCE

THIS DEED made and entered into this 1st day of August, 2000, by and between ROBERT GILES, JR. and JENNY W. GILES, husband and wife, of 429 Breck Avenue, Richmond, Kentucky 40475, as parties of the first part, and JOHANNA GILES HALL, married, of P.O. Box 32, Stanton, Kentucky 40380, as party of the second part.

WITNESSETH: That for and in consideration of ONE (\$1.00) DOLLAR and love and affection between parent and child, the receipt and sufficiency 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, her heirs and assigns forever in fee simple, the following described property, to wit:

Lot 1, containing 2.08 acres, a plat of which is of record in Plat Book 18, Page 48 of the records of the Madison County Clerk's Office, to which reference is hereby made for a more particular description.

BEING a part of the same property conveyed to Robert Giles, Jr., from Irene Giles, an unremarried widow, by deed dated September 28, 1991, and recorded in Deed Book 418, Page 753, in the Madison County Court Clerk's Office.

This transaction is subject to all easements and restrictions of record, and any local zoning ordinances, if applicable.

TO HAVE AND TO HOLD the above described real estate with all privileges and appurtenances thereunto belonging, to the party of the second part, JOHANNA GILES HALL, married, her heirs and assigns forever in fee simple, with COVENANT OF GENERAL WARRANTY.

BOOK 519

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