

ORDINANCE NO. 02-37

AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY APPROVING THE ZONE CHANGE OF JAMES & LOIS ARTHUR, BYBEE LOOP ROAD, FOR 17 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, November 19, 2002, and found that the request is appropriate due to multiple single family dwellings on one tract and this brings the property into compliance with current regulations; 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 classification:

SECTION I

A certain tract of land or parcel of land situated in Madison County, Kentucky, on the waters of Drowning Creek, and bounded as follows: Beginning at a double white oak in J.R. Cornelison line; thence north-east with his line to the Irvine Christopher lot; thence with said Christopher and others to the Richmond and Irvine Pike; thence with the pike to a new corner near a white oak; thence a new line southwest to white oak, corner to Garden; thence west to the beginning, containing twenty-five acres, more or less.

Excluded from tract A the following: a certain tract or parcel of land in Madison County, Kentucky, in the village of Bybee, Kentucky, bounded and described as follows: Beginning at a stone on the Richmond-Irvine Turnpike, Dora Grinstead's corner, thence her line to the Snowden line; thence with Snowden Line to a stone in said pike; thence with said pike to the beginning, containing four (4) acres, more or less.

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: Nov 27, 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 ✓
also

DATE OF SECOND READING: December 10, 2002

MOTION BY: Billy Ray Hughes

SECONDED BY: Larry Combs

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 Hinton
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: November 20, 2002

RE: Planning Commission Recommendation
James & Lois Arthur, Bybee Loop Road

As a result of a public hearing held on November 19, 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.

James & Lois Arthur, Bybee Loop Road, proposal to change approximately 17 acres from its original classification of R-7 (Agricultural) to R-1 (Rural Single Family Residential). In accordance with KRS 100.213 the applicant's justification for the request is appropriate due to multiple single family dwellings on one tract and this brings the property into compliance with current regulations.

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 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 request is appropriate due to multiple single family dwellings on one tracts and this brings the property into compliance with current regulations

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**

for birth

Date: 10/17/02

020-02

Fee: \$150.00

1. Owner(s) of Property: JAMES & LOIS ARTHUR
 2. Property Address: Bybee Loop Rd.
 3. Designated Land Use: R-7 4. Proposed Use: R-1
 5. Acreage: 17. + 1- acres

Surrounding Property:	Use	Land Use Map
▪ North	<u>Residential/Business</u>	<u>UC-4</u>
▪ East	<u>" "</u>	<u>UC-4</u>
▪ South	<u>FARM</u>	<u>UC-7</u>
▪ West	<u>Residential/FARM</u>	<u>UC-7</u>

Urban Services:	Exists	Provided By
▪ Sewage	<u>NO</u>	<u>OWNER</u>
▪ Refuse	<u>YES</u>	<u>OWNER</u>
▪ Water	<u>YES</u>	<u>MADISON Co. UTILITIES</u>
▪ Electric	<u>YES</u>	<u>KU</u>
▪ Gas	<u>YES</u>	<u>Columbia GAS</u>
▪ Storm Sewers	<u>NO</u>	<u>—</u>
▪ Fire	<u>YES</u>	<u>Waco UFD - MADISON Co Fire Dept.</u>
▪ Police	<u>YES</u>	<u>KSP / Sheriff</u>

8. Justification and stated reasons for the Requested Change (KRS 100.213) **YOU MUST CHOOSE ONE OF THE FOLLOWING WITH STATED REASONS:**
 a. The proposed land use map amendment is in agreement with the adopted comprehensive plan for the following reasons: _____

b. That the existing zoning classification give to the property is inappropriate and the proposed zoning classification is appropriate for the following reasons: _____

c. There have been major changes of an economic, physical or social nature within the area involved which were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of such area based upon the following reasons:

Major changes have occurred in the area that make this property more suitable for ~~commercial~~ residential

9. Brief legal description of property: COPY OF DEED

10. Additional information: _____

APPENDIX D

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

Date 10/21/02

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: 215 Bybee Loop Rd.

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

Owner of Property requesting Land Use Change: JAMES & LOIS ARTHUR

Address of Owner: SAME

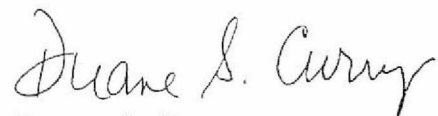
Name of Land Use Change Applicant: SAME

Address of Land Use Change Applicant: SAME

Date of Public Hearing: NOVEMBER 19, 2002

Time and Location of Public Hearing: 6:00 PM
Madison County Courthouse
Fiscal Courtroom
101 W. Main Street
Richmond, KY 40475

Sincerely,



Duane S. Curry
Administrative Official

0-80-
revised to
James Milby
Janice Alford

Milby

DEED OF CONVEYANCE

THIS DEED OF CONVEYANCE made and entered into by and between JAMES ARTHUR and LOIS ARTHUR, spouse and spouse, 215 Old Irvine Road, Bybee, Kentucky 40385, Parties of the First Part, and JAMES ARTHUR and LOIS ARTHUR, spouse and spouse, 210 Old Irvine Road, Bybee, Kentucky 40385, Parties of the Second Part.

WITNESSETH: That for and in consideration of the love and affection between the parties and for the purpose of creating a tenancy by the entirety, the parties of the first part have bargained and sold and do hereby grant and convey unto the parties of the second part, for and during their joint lives with remainder in fee simple to the survivor of them, his or her heirs and assigns forever, the following described property situated in Madison County, Kentucky, to-wit:

TRACT A

A certain tract or parcel of land situated in Madison County, Kentucky, on the waters of Drowning Creek, and bounded as follows: Beginning at a double white oak in J. R. Cornelison line; thence north-east with his line to the Irvine Christopher lot; thence with said Christopher and others to the Richmond and Irvine Pike; thence with the pike to a new corner near a white oak; thence a new line southwest to white oak, corner to Garden; thence west to the beginning, containing twenty-five acres, more or less.

And being the same property conveyed to JAMES ARTHUR and LOIS G. ARTHUR subject to the life estate of PEYTON CAIN and BEULAH LEE CAIN by deed dated 3/25/49, a copy of which is recorded in Deed Book 143, at Page 543 in the records of the Madison County Court Clerk, Richmond, Kentucky. PEYTON CAIN and BEULAH LEE CAIN now both deceased.

There is excluded from TRACT A above the following:

RECEIVED
C. S. WAGERS, CLERK
NOV 19 3 22 PM '85
MADISON COUNTY COURT
KENTUCKY

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1. A parcel of land conveyed to HERMAN PERRY and THELMA PERRY by deed dated the 27th day of March, 1949, recorded in Deed Book 144, at Page 291 in the office aforesaid.

2. A certain lot containing .74 of an acre, more or less conveyed to Kentucky Gas Transmission Corporation by deed dated the 22nd day of December, 1961, and recorded in Deed Book 194, at Page 343, in the office aforesaid.

TRACT B

A certain tract or parcel of land in Madison County, Kentucky, in the village of Bybee, Kentucky, bounded and described as follows: Beginning at a stone on the Richmond-Irvine Turnpike, Dora Grinstead's corner, thence her line to the Snowden line; thence with Snowden Line to a stone in said pike; thence with said pike to the beginning, containing four (4) acres, more or less,

There is excluded from Tract B above the following:

1. Property conveyed to the Kentucky Department of Highways by two deeds both dated November 29, 1959, and one lodged for record in Deed Book 187 at Page 45 and the other lodged for record in Deed Book 187 at Page 47.

2. A Kentucky Utilities Company easement dated May 24, 1961, and of record in Deed Book 190 at Page 249; and,

3. A tract of land described as follows:

Beginning at a point in the right of way line of new Ky. Highway 52 corner to T. McLaughlin; thence with right of way line of new Ky. Highway 52 in a southerly direction a distance of 135 feet; thence at the intersection of new Ky. Highway 52 and old Ky Highway in a northerly direction a distance of 108 feet a corner to McLaughlin; thence with the line of McLaughlin in a westerly direction a distance of 92 feet to the point of beginning.

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4. Two tracts conveyed to Herman Perry, one dated January 27, 1949, and of record in Deed Book 144 at Page 292, and the other dated January 10, 1965, and recorded in Deed Book 216 at Page 51.

And being the same property conveyed to JAMES ARTHUR by LEONE Z. CORNELISON, et. al., by deed dated 9/10/69, a copy of which is recorded in Deed Book 245, at Page 523, in the office of the Madison County Court Clerk, Richmond, Kentucky.

Further, there is excluded from Tract B a certain parcel of land which James Arthur and Lois Arthur conveyed to Herman Perry and Thelma Perry by deed dated September 11, 1969, of record in Deed Book 245, at Page 526, in the office aforesaid.

TRACT C

A certain lot or parcel of land located near the village of Bybee, Madison County, Kentucky, on the South side of Highway #52, and being located in the forks of Highway #52 and the Brassfield Road, and being that portion of the land of first parties that was cut off when the new road was built, the said portion hereby conveyed is described as follows:

Beginning at the Southwest corner of Irvine-Brassfield Road at a concrete marker; thence East 271 feet to a steel pipe in the highway right of way line, thence West 172 feet to a post in the J. Arthur line, thence Southwest 75 feet along the Peyton Cain (James Arthur) line to the corner of the H. Honaker place, thence West 271 feet along the Honaker line to the Brassfield Road, thence 269 feet Northeast to the starting marker and point of beginning.

And being the same property conveyed to James Arthur and Lois Arthur by deed from Thomas McLocklin and Pearl McLocklin dated 8/24/71 and recorded in Deed Book 258 at Page 384 in the records of the Madison County Court Clerk, Richmond, Kentucky.

There is excluded from Tract C above the following:

A certain lot conveyed to ALEX PRICE TODD and ROSE LEE TODD by deed recorded the _____ day of _____, 197____, and recorded in Deed Book 286, at Page 9, in the


records of the office aforesaid.

It is covenanted that Lois Arthur and Lois G. Arthur are one and the same person.

TO HAVE AND TO HOLD the above-described property, together with all the appurtenances and privileges thereunto belonging to second parties, for and during their joint lives with remainder in fee simple to the survivor of them, his or her heirs and assigns forever.

The parties of the first part do hereby release and relinquish unto the said parties of the second part all of their right, title and interest in and to the said property and do hereby covenant to and with the parties of the second part that they are lawfully seized in fee simple of the said property and have good and perfect right to sell and convey the same as herein done; that their title hereto is clear, perfect and unencumbered; and that they will warrant generally the same.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hand this the 19th day of November, 1985.



JAMES ARTHUR



LOIS ARTHUR

STATE OF KENTUCKY)
) SCT.
COUNTY OF MADISON)

I, the undersigned Notary Public in and for the State and County aforesaid, do hereby certify that the foregoing deed to

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