

ORDINANCE NO. 02-39

AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY APPROVING THE ZONE CHANGE OF CLAUDE HOUSE, 3855 IRVINE ROAD. 1 ACRE +/- 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 existing zoning classification given to the property is inappropriate and the proposed zoning classification is appropriate; and the proposed request is in agreement with the adopted comprehensive plan; therefore recommend to the County Fiscal Court that the classification of the property involved herein be change from RC-7 Rural Corridor Agricultural to RC-4 Rural Corridor General Commercial.

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 RC-7 Rural Corridor Agricultural to RC-4 Rural Corridor General Commercial classification:

SECTION I

A certain tract of land located on the north side of Kentucky Highway 52 between Waco and Bybee, Kentucky, more particularly described as follows: Beginning at an iron pin in the north right-of-way of Ky 52, corner to Donna Marcum; thence with Donna Marcum's line north 01-26-29 west, 331.34 feet to an iron pin, thence leaving the Marcum line severing the property of Rogers and Morefield three (3) calls in all: south 78-19-40 east, 193.81 feet to an iron pin, south 17-4-01 west, 210.04 feet to an iron pin, south 32-24-33 west, 144.60 feet to an iron pin, in the north right-of-way of Ky. 52; thence with the north right-of-way of Ky. 52 north 53-00-00 west, 50.00 feet to the point of beginning, containing 1.003 acres, more or less, by field survey of Astec Engineering, Inc., Michael L. Oliver, Registered Land Surveyor #2505, dated March 1, 1994. The bearings indicated above were taken from B.F. Luxon plat recorded in Deed Book 245, Page 453.

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: Forniss Parks

SECONDED BY: Billy Ray Hughes

VOTE: YES NO

| | |
|-----------------------------|-----|
| JUDGE, KENT CLARK | ✓ |
| MAGISTRATE LARRY COMBS | ✓ |
| MAGISTRATE FORNISS PARKS | ✓ |
| MAGISTRATE WILLIAM TUDOR | abs |
| MAGISTRATE BILLY RAY HUGHES | ✓ |

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 Winters
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
Claude House, 3855 Irvine 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.

Claude House, 3855 Irvine Road, proposal to change approximately 1 acre from its original classification of RC-7 (Agricultural) to RC-4 (General Commercial). In accordance with KRS 100.213 the applicant's justification for the request was the zoning classification given to the property is inappropriate and the proposed zoning 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 RC-7 to RC-4, 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) Justification for the request was the zoning classification given to the property is inappropriate and the proposed zoning classification is appropriate.
- 2) The request 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: 11/01/02 3855 022-02 Fee: \$150.00

1. Owner(s) of Property: Claude House 369-5427
 2. Property Address: 4654 Irvine Rd. Waco
 3. Designated Land Use: RC-7 4. Proposed Use: RC-4
 5. Acreage: 1 acre

6.

| Surrounding Property: | Use | Land Use Map |
|-----------------------|-----------|--------------|
| ▪ North | Waco VFD | RC-7 |
| ▪ East | Warehouse | RC-7 |
| ▪ South | Ag | RC-7 |
| ▪ West | Ag | RC-7 |

7.

| Urban Services: | Exists | Provided By |
|-----------------|--------------|-----------------------|
| ▪ Sewage | Septic | |
| ▪ Refuse | Y | BFI |
| ▪ Water | Y | Madison Co. UTILITIES |
| ▪ Electric | Y | KU |
| ▪ Gas | N | |
| ▪ Storm Sewers | N | |
| ▪ Fire | Waco VFD | Waco VFD |
| ▪ Police | Sheriff, KSP | Sheriff, KSP |

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: Existing bldg on property was built for commercial use only. Property was given an inappropriate zoning classification. It was built before zoning laws came into effect. It is on a main commercial corridor with many commercial properties.

c. There have been major changes of an economic, physical or social nature within the area nearby, 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: _____

9. Brief legal description of property: None Attached

10. Additional information: _____

LEGAL DESCRIPTION
1.003 ACRE TRACT
MARCH 1, 1994

A certain tract of land located on the North side of KY Highway 52 between Waco and ByBee, Kentucky, more particularly described by field survey by Astec Engineering, Inc. on March 1, 1994 as follows:

Beginning at an Iron Pin in the North right-of-way of KY 52, corner to Donna Marcum (D.B. 400, PG. 497).

Thence with Donna Marcum's line North 01-26-29 West, 331.34 feet to an Iron Pin.

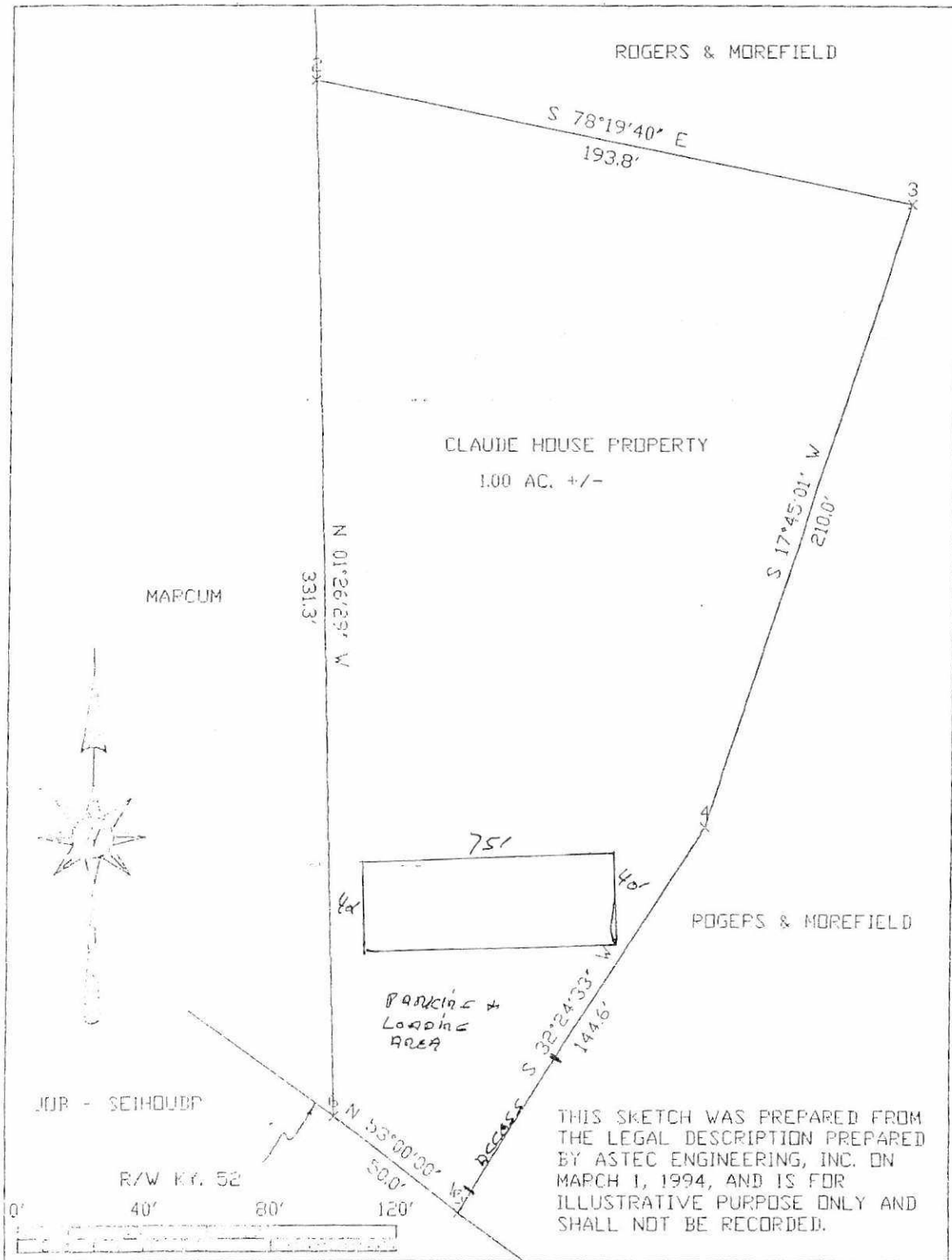
Thence leaving the Marcum line severing the property of Rogers and Morefield three (3) calls in all:

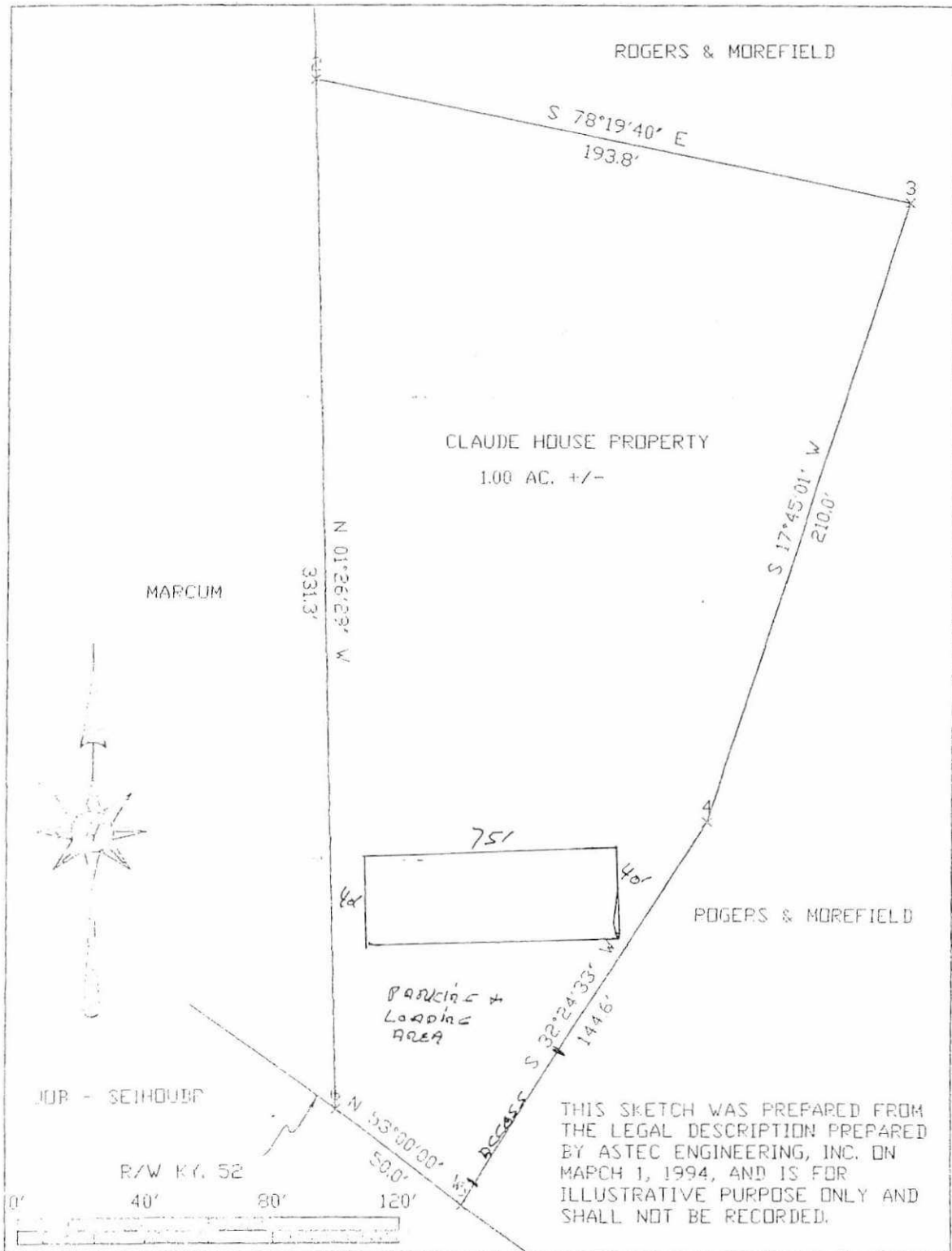
South 78-19-40 East, 193.81 feet to an Iron Pin,
South 17-45-01 West, 210.04 feet to an Iron Pin,
South 32-24-33 West, 144.60 feet to an Iron Pin, in the North
right-of-way of KY 52.

Thence with the North right-of-way of KY 52, North 53-00-00 West, 50.00 feet to the point of beginning containing 1.003 acres more or less.

Being a part of the same property conveyed to Gainus and Margaret Rogers and Wallace Morefield by deed from the Estate of Enoch Stamper, Jr., dated February 18, 1994 and of record in Deed Book 441, Page 723, Madison County Court-Clerk's Office.

This property is subject to any and all easements and right-of-ways recorded or unrecorded whether or not mentioned above. The bearings indicated above were taken from B.F. Luxon plat recorded at Deed Book 245, Page 453.





3-17-94
Mailed to
Grantees
by CC

DEED

This Deed, made and entered into this 4 day of March, 1994, by and between GAINUS ROGERS AND MARGARET ROGERS, husband and wife, of Box 17, Cobb Hill, Estill County, Kentucky, and WALLACE MOREFIELD, single, of P.O. Box 380, Irvine, Estill County, Kentucky, GRANTORS, and CLAUDE T. HOUSE AND SHERRY HOUSE, husband and wife, of 189 Irvine Road, Waco, KY 40385, GRANTEES.

WITNESSETH: That the grantors, for and in consideration of the sum of fifteen thousand four hundred fifty dollars (\$15,450.00), cash in hand paid, the receipt of which is hereby acknowledged, have bargained and sold, and by these presents do hereby bargain, sell, grant and convey unto the grantees, as joint tenants, with the remainder in fee simple to the survivor of them, his or her heirs and assigns, all of their right, title and interest in and to the following described property located in Madison County, Kentucky, to wit:

A certain tract of land located on the north side of Kentucky Highway 52 between Waco and Bybee, Kentucky, more particularly described as follows: Beginning at an iron pin in the north right-of-way of Ky. 52, corner to Donna Marcum; thence with Donna Marcum's line north 01-26-29 west, 331.34 feet to an iron pin; thence leaving the Marcum line severing the property of Rogers and Morefield three (3) calls, in all: south 78-19-40 east, 193.81 feet to an iron pin, south 17-45-01 west, 210.04 feet to an iron pin, south 32-24-33 west, 144.60 feet to an iron pin, in the north right-of-way of Ky. 52; thence with the north right-of-way of Ky. 52 north 53-00-00 west, 50.00 feet to the point of beginning, containing 1.003 acres, more or less, by field survey of Astec Engineering, Inc., Michael L. Oliver, Registered Land Surveyor #2505, dated March 1, 1994. The bearings indicated above were taken from B.F. Luxon plat recorded in Deed Book 245, Page 453.

Subject to any and all easements and right-of-ways recorded or unrecorded whether or not mentioned above.

Being a part of the same property conveyed to Gainus Rogers and Margaret Rogers, husband and wife, and Wallace Morefield, single, from the estate of Enoch Stamper, Jr., a/k/a Enoch J. Stamper, by and through Donald Stamper, Executor, by deed dated February 18, 1994, and recorded in Deed Book 441, Page 724, Madison County Court Clerk's Office, Richmond, Kentucky.

RECEIVED
MARY JANE GINTER
MAR 16 1 08 PM '94

STATE TAX \$ 15.50
PAID 3-16-94
MARY JANE GINTER, CLERK
BY Mary Milpung D.C.

BOOK 442 PAGE 475

[Handwritten mark]

TO HAVE AND TO HOLD said tract of land, together with all appurtenances and privileges thereunto belonging unto the grantees, as joint tenants, with the remainder in fee simple to the survivor of them, their heirs and assigns forever, with covenant of General Warranty.

The parties hereto state that the consideration reflected in this deed is the full consideration paid for the property. The grantees join this deed for the sole purpose of certifying the consideration pursuant to KRS 382.

IN TESTIMONY WHEREOF, the grantors and the grantees have hereunto subscribed their names this the day and date first written above.

GRANTORS:

GRANTEES:

Gainus Rogers
GAINUS ROGERS

Claude T. House
CLAUDE T. HOUSE

Margaret Rogers
MARGARET ROGERS

Sherry House
SHERRY HOUSE

Wallace Morefield
WALLACE MOREFIELD

STATE OF KENTUCKY
COUNTY OF ESTILL

I, the undersigned notary public, in and for the state and county aforesaid, do certify that the foregoing deed from Gainus Rogers and Margaret Rogers, husband and wife, and Wallace Morefield, single, to Claude T. House and Sherry House, husband and wife, was this day produced to me, and said deed and consideration certificate was duly subscribed, sworn to and acknowledged before me, in said county, by Gainus Rogers, Margaret Rogers and Wallace Morefield, grantors hereto, and the consideration certificate was duly subscribed, sworn to and acknowledged before me, in said county, by Claude T. House and Sherry House, grantees hereto, to be their act and deed.

WITNESS my hand this 4th day of March, 1994.

Ruby Moreland
NOTARY PUBLIC, STATE AT LARGE, KY

My Commission Expires: 2-24-96

BOOK 462 PAGE 476

PREPARED WITHOUT ABSTRACT OF TITLE

PREPARED BY: *[Signature]*
MICHAEL L. MORELAND
Attorney at Law
108 Main Street
Irvine, KY 40336
606/723-4512

STATE OF KENTUCKY
COUNTY OF MADISON

I, Mary Jane Ginter, Clerk of the Madison County Court, do certify that the foregoing deed from Gainus Rogers and Margaret Rogers, husband and wife, and Wallace Morefield, single, to Claude T. House and Sherry House, husband and wife, was, on the ___ day of _____, 1994, at ___ .M., lodged in my office for record, and that it, the foregoing, and this certificate, have been duly recorded in my said office in Deed Book ____, Page ____.

WITNESS my hand this ___ day of _____, 1994.

MARY JANE GINTER, CLERK
Madison County Court

By _____

Recorded this the 16 day of March 1994
Madison County Clerk MARY JANE GINTER
By: *[Signature]* D.C

REC 462 MAR 477

[Handwritten mark]