

ORDINANCE NO.

02-41

**AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY
APPROVING THE ZONE CHANGE OF RICHMOND CHURCH OF CHRIST
PROPERTY AT 1365 BARNES MILL ROAD, RICHMOND 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, December 17, 2002, and found that the existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate; the proposed land use change is in conformance with the adopted comprehensive plan; and the change is in the urban corridor and is currently surrounded by subdivisions; 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.

SECTION I

A certain tract of land lying and being in Madison County, Kentucky, on Barnes Mill Road and being designated as Tract 2 (102.57 acres) on that certain minor plat entitled "MINOR SUBDIVISION PLAT FOR RICHMOND CHURCH OF CHRIST" prepared by Dwayne Wheatley, Abacus Engineering, L.S. 3265, and recorded in Plat Cabinet 18 at slide 32, in the Madison County Clerk's office, reference to which is hereby made for a more particular description.

And being all of the remainder of the same property conveyed to John C. Farley, by deed dated January 8, 1906, from Edward Cornelison and Lizzie C. Cornelison, husband and wife, and recorded in Deed Book 60 at page 468.

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 26, 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 abs.
MAGISTRATE BILLY RAY HUGHES ✓

DATE OF SECOND READING: February 11, 2003

MOTION BY: William Tudor

SECONDED BY: Larry Combs

VOTE: YES NO

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

MADISON COUNTY JUDGE EXECUTIVE

Attest:

William E. Hubbard, Clerk
MADISON COUNTY CLERK

Application for Land Use Map Amendment
Madison County, Kentucky

Date: 11/24/02

Fee: _____

1. Owner(s) of Property: Richmond Church of Christ
2. Property Address: Barnes Mill Road
3. Designated Land Use: UC-7
4. Proposed Use: UC-1
5. Acreage: 102.57
- 6.

| Surrounding Property: | Use | Land Use Map |
|-----------------------|------------------|--------------|
| ▪ North | Agr | UC-7 |
| ▪ East | Sing. Family | UC-1 |
| ▪ South | Sing. Family/Agr | UC-1 |
| ▪ West | Sing. Family | UC-1 |

| Urban Services: | Exists | Provided By |
|-----------------|--------|-----------------------|
| ▪ Sewage | No | Septic |
| ▪ Refuse | Yes | Waste Mgmt. |
| ▪ Water | Yes | Richmond Utilities |
| ▪ Electric | Yes | KU |
| ▪ Gas | Yes | Delta |
| ▪ Storm Sewers | No | |
| ▪ Fire | Yes | Madison Co. Fire Dep. |
| ▪ Police | | |

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: Because the property is in the urban corridor and is currently surrounded by subdivisions.
 - 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:

9. Brief legal description of property: a 102.57 acre tract located on the south side of Barnes Mill Road approx. 1 mile from the Richmond City limits.
10. Additional information: _____

Application for Land Use Map Amendment
Madison County, Kentucky

11. The following items must accompany application:

- Copy of Deed
- Vicinity Map of area requesting amendment
- List of 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 the owner of this property, since _____ (date).

Date: _____

Signatures: Don Bruce

This Section For Official Use Only

Date of Hearing:

Motion made by _____ to _____

Motion Second by _____

Vote: Yes _____ No _____ Abstain _____

Reasons for NO votes:

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

November 27, 2002

Mr. Curry:

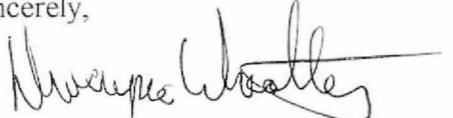
Richmond Church of Christ is requesting a land use change for the property on Barnes Mill Road. The following is included in the Land Use Change Packet:

Land Use Application
List of adjoining property owners
A copy of the letter sent to adjoining property owners
Vicinity Map
A copy of the current deed for the property being considered
A copy of the notification for the Richmond Register
A check in the amount of \$200.00

The Land Use Change sign will be placed on the property by the end of the day November 27, 2002 and Certified Mail will be sent out November 29, 2002. All return receipts will be sent to your office.

Please contact Dwayne Wheatley at (859) 625-1200 with any questions.

Sincerely,



Dwayne Wheatley, PE, LPLS

Betsy Moores died testate, a resident of Madison County, Kentucky, on October 26, 1997, and pursuant to Item VI of her Will of record in Will Book 41 at page 441, she devised said property to her children, Jacqueline Moores Peyton and John Alan Moores.

Subsequently, Betsy Moores widower, William Leon Moores, filed a Renunciation of her Will, said Renunciation being of record in Will Book 42 at page 717, in the office of the Madison County Clerk, Richmond, Kentucky. However, an agreement was reached between Betsy Moores heirs and William Leon Moores whereby he agreed to accept a deed for the property now or formerly known as 1371 Barnes Mill Road, said deed being of record in Deed Book 503 at page 248. An Order Allowing Withdrawal of the Filing of Widower's Renunciation of Will was filed in the Estate of Betsy Moores, deceased, Madison District Court, Probate File No. 97-P-412, on December 30, 1998, which is now filed simultaneously herewith, in Will Book 45 at page 387, in the office of the Madison County Clerk.

The address of said property is _____ Barnes Mill Road, Richmond, KY.

Possession to said property shall be given upon delivery of deed.

First party, John Alan Moores covenants to and with second parties that the house and one (1) acre, now or formerly known as 1329 Barnes Mill Road, in which he was devised a life estate under Item V of his mother's Will, is the same 1.34 acres designated as Tract 1 on the plat of record in Plat Cabinet 18, Slide 32.

TO HAVE AND TO HOLD the same, together with all appurtenances thereunto belonging unto the parties of the second part, for the use and benefit of the Richmond Church of Christ, in fee simple, its successors and assigns forever.

Said parties of the first part do hereby release and relinquish unto the said parties of the second part, for the use and benefit of the Richmond Church of Christ, its successors and assigns, all of their right, title and interest in and to the above-described property, including homestead and all exemptions allowed by law, and hereby covenant to and with the said parties of the second part, for the use and benefit of the Richmond Church of Christ, its successors and assigns, that they are lawfully seized in fee simple to said property and have a good right to convey the same as herein done, and that said property is free and clear of all encumbrances of whatever nature and that they will **WARRANT GENERALLY** the title to said property.

Provided, however, there is excepted from the foregoing warranty and covenants, the following:

1. Any restrictive covenants of record in the Madison County Clerk's Office.
2. All conditions and/or restrictions, if any, affecting the property herein conveyed and contained on any plat of record in the aforesaid Clerk's Office.

BOOK 45

PAGE 387

1000

1000

1700
104-047
B7
00-047

00-047

DEED

This deed of conveyance by and between JACQUELINE MOORES POYNTER, a single woman, of 155 Frankie Drive, Richmond, Madison County, Kentucky, 40475; and JOHN ALAN MOORES, a single man, whose mailing address is c/o John Poynter, 368 High Street, Richmond, Madison County, Kentucky, 40475, parties of the first part, and OWEN BARNES, JACK HALL, and CHARLES E. PARSONS, TRUSTEES, for the use and benefit of the RICHMOND CHURCH OF CHRIST, 713 West Main Street, Richmond, Madison County, Kentucky, 40475, parties of the second part,

WITNESSETH: That the first parties, for and in consideration of the sum of SIX HUNDRED SEVENTY-SIX THOUSAND ONE HUNDRED FOUR DOLLARS and NO/100s (\$676,104.00), cash in hand paid, the receipt of which is hereby acknowledged, do hereby BARGAIN, SELL, GRANT and CONVEY unto the parties of the second part, for the use and benefit of the Richmond Church of Christ, in fee simple, its successors and assigns, the following described property, located in Madison County, Kentucky, to-wit:

A certain tract of land lying and being in Madison County, Kentucky, on Barnes Mill Road and being designated as Tract 2 (102.57 acres) on that certain minor plat entitled "MINOR SUBDIVISION PLAT FOR RICHMOND CHURCH OF CHRIST" prepared by Dwayne Wheatley, Abacus Engineering, L.S. 3265, and recorded in Plat Cabinet 18 at slide 32, in the Madison County Clerk's office, reference to which is hereby made for a more particular description.

AND BEING ALL OF THE REMAINDER of the same property conveyed to John C. Farley, by deed dated January 8, 1906, from Edward Cornelison and Lizzie C. Cornelison, husband and wife, and recorded in Deed Book 60 at page 468.

John C. Farley died, testate, a resident of Madison County, Kentucky, in 1941, and pursuant to his Will of record in Will Book 7 at page 104, he devised a life estate in said property to his wife, Jennie C. Farley, and at her death said property was to pass to his two (2) sons, John D. Farley and James C. Farley. Jennie C. Farley died on May 7, 1951.

James C. Farley (a/k/a James Crearer Farley), single, conveyed his one-half ($\frac{1}{2}$) interest in said property to John D. Farley, single, by deed dated January 12, 1966, of record in Deed Book 220 at page 367, in the office of the Madison County Clerk, Richmond, Kentucky.

John D. Farley (a/k/a John Duerson Farley) died testate, a resident of Madison County, Kentucky, on June 24, 1969, and pursuant to Item III of his Will of record in Will Book 14 at page 310, he devised said property to his daughter, Betsy Farley Moores.

BOOK
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J.M Baker
1322 Barnesmill Road
Richmond KY 40475

Timothy & Jennifer Divine
1013 Meadow Ridge
Richmond KY 40475

Emily & John Waggoner
1025 Meadow Ridge
Richmond KY 40475

Margaret Roberts
1037 Meadow Ridge
Richmond KY 40475

Alan & Shawnda Lunsford
214 Susasn Drive
Richmond KY 40475

Wayne & Brenda York
1069 Meadow Ridge
Richmond KY 40475

W.M & Wanda Masters
174 Hager Drive
Richmond KY 40475

Robert Barton
168 Hager Drive
Richmond KY 40475

Ricky & Teresa White
162 Hager Dr
Richmond KY 40475

Paul & Wanda Thompson
156 Hager Drive
Richmond KY 40475

Phillip & Avera Payne
1001 Meadow Ridge
Richmond KY 40475

Robert Locker
501 Farmington Ct
Richmond KY 40475

Carl & Loretta Harville
118 Mallory Ct # 3
Richmond KY 40475

Marvin and Brenda Thompson
204 Bennington Ct
Richmond KY 40475

Jimmy & Vicki Griggs
116 Susan Way
Richmond KY 40475

Scott & Patricia Truesdell
101 E. Irvine Street
Richmond KY 40475

Jo Ann & Howard Clitton
172 Hager Drive
Richmond KY 40475

Donald & Sarah Hart
166 Hager Dr
Richmond KY 40475

Albert Brooks Jr.
160 Hager Drive
Richmond KY 40475

Barns Mill Animal Clinic
1321 Barnesmill Road
Richmond KY 40475

Stephanie Griffy
233 Brittany Circle
Richmond KY 40475

Mark & Donald Ricketts
1021 Meadow Ridge
Richmond KY 40475

Gerald & Loretta Hull
1033 Meadow Ridge
Richmond KY 40475

Tommy Jo & Ann Wells
312 Elmsleigh DR
Berea KY 40403

Paul & Laura Travis
323 Stratford
Richmond KY 40475

Hager Rental
137 Bolton Ave
Richmond KY 40475

Herbert & Daphnee Ponder
170 Hager Drive
Richmond KY 40475

Senate & Kathy Purcell
164 Hager Dr
Richmond KY 40475

Clinton & Victoria Allen
158 Hager Drive
Richmond KY 40475

Otis & Elizabeth Bundy
515 Peytontown
Richmond KY 40475

The following adjoiners had no addresses provided by the PVA:

Hayes DB 475 PG 691

Ramsey DB 377 PG 152

Farley DB 220 PG 367

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

Date June 28, 2002

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 Officials at the Madison County Planning and Development Office located at 321 N. Madison Avenue, Suite B (859)624-4780.

Address of Property requested for Land Use Change: **On the south side of Barnes Mill Road, approx. 1 mile from the Richmond City Limits**

Land Use Change Requested: **From UC-7 to UC-1**

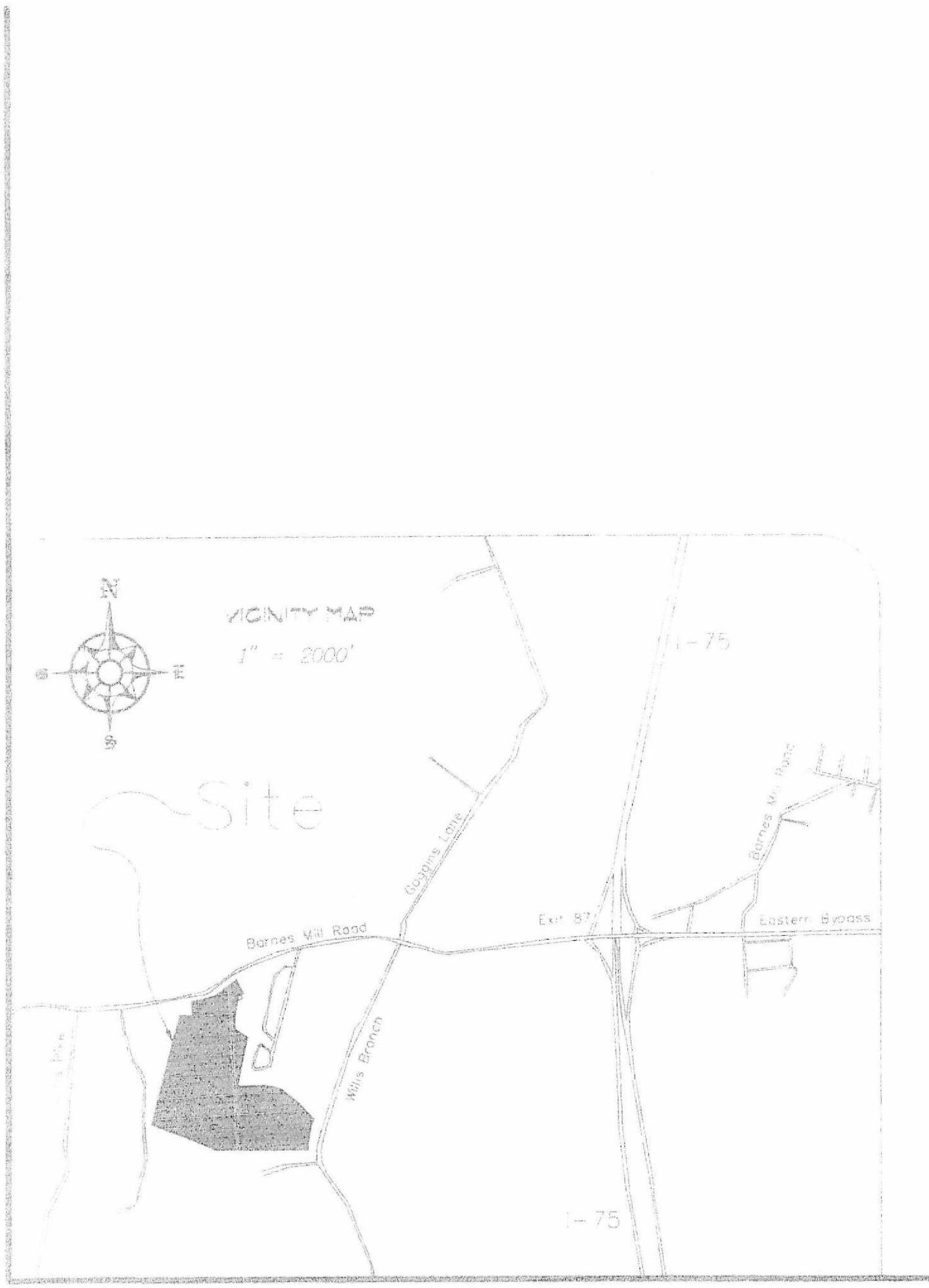
Owner of Property requesting Change: **Richmond Church of Christ**

Name of Land Use Change Applicant : **Richmond Church of Christ**

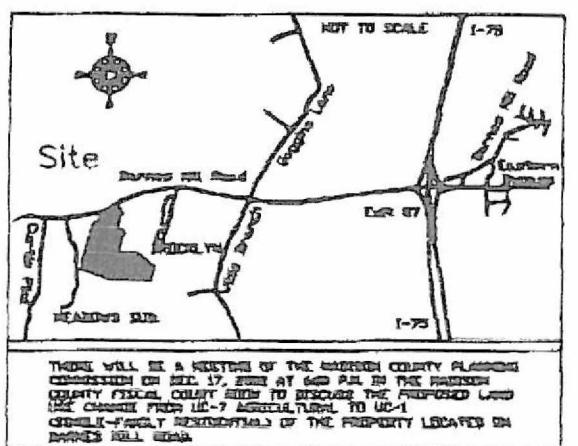
Address of Owner: **713 West Main Street Richmond, KY**

Date of Public Hearing: **December 17, 2002**

Time and Location: **6:00 PM at the Madison County Court House, Fiscal Court Room**



9584-629



**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: December 17, 2002

RE: Planning Commission Recommendation
Richmond Church of Christ

As a result of a public hearing held on December 17, 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.

Richmond Church of Christ, 1365 Barnes Mill Road, proposal to change approximately 102.57 acres from its original classification of UC-7 (Agricultural) to UC-1 (Single Family Residential). In accordance with KRS 100.213 the applicant's justification for the request is that it is in agreement with the adopted comprehensive plan, because the property is in the urban corridor and is currently surrounded by subdivisions.

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-Absent
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) That the proposed change is in agreement with the adopted Comprehensive Plan and;
- 2) It is suitable for this type of development.

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,


Diane S. Curry
Administrative Official