

ORDINANCE NO. #03-07

AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY APPROVING THE ZONE CHANGE OF GMR, LLC PROPERTY AT 1102 TATES CREEK 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, June 3, 2003, and found that the proposed land use change is granted as changes have been made that were not anticipated, with the widening of Goggins Lane, the new 6" water line to Hidden Point Subdivision and the proposed widening of Tates Creek Road; and therefore recommend to the County Fiscal Court that the classification of the property involved herein be change from R-7 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 Agricultural to R-1 Rural Single Family Residential.

SECTION I

The following described property situated, lying and being in Madison County, Kentucky, to-wit:

Tract 1 (.82 acres) and Tract 2 (79.58 acres) as shown on the plat for Charles E. Benton, et al of record in Plat Cabinet 21, at Slide 47, Madison County Clerk's Office, reference to which is hereby made for a more particular description.

Being the same property conveyed to A.D. GRANT BUILDERS, No. 2 a Kentucky general partnership, by Charles E. Benton and Donna Benton, et. Ux., et. al. by deed dated February 3, 2003, and recorded in Deed Book 553 at page 67 in 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: June 10, 2003

MOTION BY: Roger Barger

SECONDED BY: William Tudor

VOTE:	YES	NO
JUDGE, KENT CLARK	✓	
MAGISTRATE WILLIAM TUDOR	✓	
MAGISTRATE ROGER BARGER	✓	
MAGISTRATE LARRY COMBS	absent	
MAGISTRATE BILLY RAY HUGHES	✓	

DATE OF SECOND READING: July 8, 2003

MOTION BY: Roger Barger

SECONDED BY: William Tudor

VOTE:	YES	NO
JUDGE, KENT CLARK	✓	
MAGISTRATE WILLIAM TUDOR	✓	
MAGISTRATE ROGER BARGER	✓	
MAGISTRATE LARRY COMBS	✓	
MAGISTRATE BILLY RAY HUGHES	✓	

Ken Oak
MADISON COUNTY JUDGE EXECUTIVE

Attest:
William E. Hubbard, Clerk
MADISON COUNTY CLERK

MADISON COUNTY
PLANNING and DEVELOPMENT

321 North Madison Avenue
RICHMOND, KENTUCKY 40475
859-624-4734 / 624-4780
Fax # 859-624-4736

TO: Kent Clark, Madison County Judge Executive
Madison County Fiscal Court

DATE: June 3, 2003

RE: Planning Commission Recommendation
GMR, LLC – 1102 Tates Creek Road

As a result of a public hearing held on June 3, 2003 at 6:00pm 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.

GMR, LLC, with property at 1102 Tates Creek Road, Richmond, proposed to change 80.40 acres +/- from its original classification of R-7 (Agricultural) to R-1 (Single Family Residential). In accordance with KRS 100.213 the applicant's justification for the request was that the request was granted because changes have been made in the area that were not anticipated, with the widening of Goggins Lane, a new 6" water line to Hidden Point Subdivision and the proposed widening of Tates Creek Road.


Therefore, the Madison County Planning Commission recommends the request for land use change be **APPROVED**:

Motion was made, seconded with a unanimous vote to recommend to the Fiscal Court that the request to change the land use from R-7 (Agricultural) to R-1 (Single Family Residential, for the above property, be **APPROVED** and have made it a finding of fact that;

- 1) There have been major changes in the area that were not anticipated in the 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: 4/19/03

Fee: 1500

1. Owner(s) of Property: GMR, LLC
 2. Property Address 1102 TATES CREEK RD. (Area by the Low Hidden Point)
 3. Designated Land Use 1 R-7 4. Existing Use AG R-1 R-7
 5. Acreage: 80.40 +/-

6. Surrounding Property:	Use	Land Use Map
• North	AG	R7
• East	AG	R7
• South	AG	R7
• West	AG/SINGLE FAMILY	R7/R1

7. Urban Services:	Exists	Provided By
• Sewage	X	MADISON CO. HEALTH DEPT.
• Refuse	X	
• Water	X	MADISON UTILITIES
• Electric	X	BLUEGRASS ENERGY
• Gas	NONE	N/A
• Storm Sewers	NONE	N/A
• Fire	X	MADISON CO.
• Police	X	MADISON CO. & STATE POLICE

8. Justification for Requested Change (KRS.100.213)
CHANGES IN AREA - 1) NEW HIDDEN POINT SUBD.
2) IMPROVED INFRASTRUCTURE 6" WATERLINE

9. Brief Legal Description of Property:
AN 80.40% ACRE TRACT OF LAND LYING ON THE NORTH
SIDE OF TATES CREEK ROAD APPROX 3.1 MI +/-
FROM INTERSECTION OF MAIN ST.

10. Additional Information:

11. The following items must accompany application:

- Copy of Deed
- Vicinity Map of Area request ammendment
- 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 2003 (date).

Date: 4/19/03

Signature(s): Mark Rice

Mailing's sent to:

- ① Coy + Jones
202 Bennett Ct.
Richmond, Ky
- ② Thomas Fox
393 Downing Creek
Waco, Ky 40385
- ③ Harold & Cynthia Rutherford
252 View Point
Richmond, Ky 40475
- ④ I. T. Baldwin
P.O. Box 907
Richmond, Ky 40475
- ⑤ June Perkins
Rt. #4
Richmond, Ky 40475
- ⑥ Margaret Curry
1072 Jakes Creek
Richmond, Ky 40475
- ⑦ Edgar Bennett
Previous owner - not mailed
- ⑧

EMMONS

12.00
427,000TX

MADISON COUNTY
D553 PG 71

DEED

THIS DEED made and entered into this 3rd day of February, 2003, by and between A. D. GRANT BUILDERS No. 2, a Kentucky general partnership, 123 Elliot Ford Road, Richmond, KY 40475, PARTY OF THE FIRST PART, and GMR, LLC, a Kentucky limited liability company, 720 Big Hill Avenue, Richmond, KY 40475, PARTY OF THE SECOND PART.

WITNESSETH:

That for and in consideration of the sum of **FOUR HUNDRED TWENTY-SEVEN THOUSAND AND NO/100 (\$427,000.00)**, receipt of which is hereby acknowledged, the party of the first part has bargained and sold and does hereby grant and convey unto the party of the second part, in fee simple, its successors and assigns forever, the following described property situated, lying and being in Madison County, Kentucky, to-wit:

Tract 1 (.82 acres) and Tract 2 (79.58 acres) as shown on the plat for Charles E. Benton, et al of record in Plat Cabinet 21, at Slide 47, Madison County Clerk's Office, reference to which is hereby made for a more particular description.

Being the same property conveyed to A. D. GRANT BUILDERS No. 2, a Kentucky general partnership, by Charles E. Benton and Donna Benton, et. ux., et. al. by deed dated February 3, 2003, and recorded in Deed Book 553, at page 67, in the Madison County Court Clerk's Office.

TO HAVE AND TO HOLD the above-described property, together with all the privileges thereunto belonging unto the party of the second part, in fee simple, its successors and assigns forever.

The party of the first part does hereby release and relinquish unto the said party of the second part, its successors and assigns forever, all of its right, title and interest in and to the said property and does hereby covenant to and with the party of the second part, its successors and assigns forever, that it is lawfully seized in fee simple of the said property and has good and perfect right to sell and convey the same as herein done; that its title hereto is clear; perfect and unencumbered, except any restrictions and easements of record, and that it will warrant generally the same.

Consideration Certificate: The parties hereto state that the consideration reflected in this

STATE OF KENTUCKY)
) SS
COUNTY OF MADISON)

The foregoing Consideration Certificate was acknowledged and sworn to before me this 3rd day of February, 2003, by London Michael Rice member of GMR, LLC, Party of the Second Part.

My commission expires: 8/30/05

Ross Lynn Murphy
NOTARY PUBLIC

PREPARED BY:

EMMONS, LUXON, PUCKETT & SHANNON, P.S.C.
Attorneys at Law
114 North Second Street
Richmond, Kentucky 40475

BY: Alison Robb Emons
ALISON LOBB EMMONS

DOCUMENT NO: 291927
RECORDED ON: FEBRUARY 03, 2003 03:14:57PM
TOTAL FEES: \$12.00
TRANSFER TAX: \$427.00
COUNTY CLERK: WILLIAM E GABBARD
COUNTY: MADISON COUNTY
DEPUTY CLERK: GRETTA COSBY

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