

ORDINANCE NO. 04-38

AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY APPROVING THE ZONE CHANGE OF BOONES TRACE, LLC, LOCATED ON 1 AVAWAM DRIVE, APPROXIMATELY 84.77 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, September 21, 2004, and found that the proposed land use map amendment is in agreement with the adopted Comprehensive Plan in that;

1. The property lies within the Urban Corridor;
2. The property is part of Boones Trace Development.
3. Municipal sewer is available.

Therefore, the Madison County Planning Commission recommends to the Madison County Fiscal Court that the classification of the property involved herein be changed from UC-7 Agricultural to UC-1 Single Family Residential, containing approximately 84.77 acres.

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 Agricultural to UC-1 Single Family Residential:

TRACT "A"
78.14 ACRES +/-

NOTE: Unless stated otherwise, any monument referred to herein as a "set iron pin and cap" is a set ½" diameter, 18" in length iron pin with a yellow plastic cap stamped "ABACUS LPLS 3265", and any monument referred to herein as a "found iron pin and cap" is a found ½" diameter, 18" in length iron pin with a yellow plastic cap stamped "ABACUS LPLS 3265". The basis of bearings stated herein was taken from Avawam Enterprises (DB 572 PG 788) and follows the last bearing stated herein, labeled N01°12'32"E.

A certain tract of land located in Boones Trace Development, in Madison County, Kentucky, and further described as follows:

BEGINNING at a found PK nail in the centerline of Avawam Drive and also being the northeast corner of Lot #1 of Avawam Enterprises (DB 572 PG 788), THENCE with the centerline of Avawam Drive the following six (6) calls: S61°40'04"E 213.14 feet to a set PK nail, S74°06'17"E 136.13 feet to a set PK nail, S57°55'58"E 120.97 feet to a set PK nail, S54°41'26"E 31.75 feet to a set PK nail, S58°59'46"E 68.41 feet to a set PK nail, S43°14'19"E 45.58 feet to a set PK nail, THENCE leaving said centerline S37°09'08"E 288.40 feet to a set iron pin and cap in the right of way of Avawam Drive, said right of way being established by this description and also being varying widths, THENCE with

said right of way the following four (4) calls: S49°35'40"E 252.43 feet to a set iron pin and cap being approximately 44 feet from the centerline of Avawam Drive, S59°51'01"E 181.28 feet to a set iron pin and cap being approximately 54 feet from the centerline of Avawam Drive, S65°29'17"E 54.37 feet to a set iron pin and cap being approximately 57 feet from the centerline of Avawam Drive, S72°20'52"E 210.77 feet to a set iron pin and cap being approximately 35 feet from the centerline of Avawam Drive, THENCE continuing with said right of way S75°33'55"E 208.28 to a set PK nail in the right of way of Avawam Drive, THENCE continuing with said right of way S73°29'41"E 91.26 feet to a set PK nail in the right of way of Avawam Drive and also being in the west right of way of Ky Hwy 25, said right of way being twenty five feet as measured from the centerline and also being established by this description, THENCE with said right of way the following four (4) calls: S24°55'10"W 24.54 feet to a set iron pin and cap, S06°55'32"W 59.18 feet to a set iron pin and cap, S11°25'45"E 62.33 feet to a set iron pin and cap, S29°16'09"E 56.10 feet to a found ½" diameter iron pin and cap with a yellow plastic cap stamped "LS 670", THENCE leaving said right of way with the lines of Lot #3, #2, and #1 of a plat entitled "Tract Survey for The White Heirs" as recorded in Plat Book 5 Page 153, the following thirteen (13) calls: S47°38'20"W 84.20 feet to a found ½" diameter iron pin with a yellow plastic cap stamped "LS 670", S67°11'00"W 162.20 feet to a set iron pin and cap S42°37'06"W 20.55 feet to a found iron pin with a yellow plastic cap stamped "LS 670", N24°59'20"W 45.71 feet to a found iron pin with a yellow plastic cap stamped "LS 670", N25°03'03"W 156.66 feet to a set iron pin with a yellow plastic cap, S27°12'24"W 58.28 feet to a set iron pin and cap, S31°42'10"W 170.72 feet to a set iron pin and cap, S41°13'12"W 350.84 feet to a set iron pin and cap, S38°58'05"W 127.60 feet to a set iron pin and cap, S21°49'58"W 245.10 feet to a set iron pin and cap, S21°16'48"W 107.84 feet to a set iron pin and cap, S31°51'10"W 68.52 feet to a set iron pin and cap, S72°40'18"W 99.92 feet to a set iron pin and cap, and common corner to Mahan (DB 324 PG 155), THENCE leaving the lines of a plat entitled "Tract Survey for The White Heirs" and with the lines of "Mahan, the following eleven (11) calls: S72°48'44"W 218.24 feet to a set iron pin and cap, N87°15'44"W 121.32 feet to a point in the centerline of a drain, N89°38'55"W 96.29 feet to a point in the centerline of said drain, S81°37'46"W 167.75 feet to a point in the centerline of said drain, S84°12'23"W 81.36 feet to a point in the centerline of said drain, N89°34'12"W 129.49 feet to a set PK nail in the centerline of said drain, S78°05'33"W 206.88 feet to a set PK nail in the centerline of said drain, N87°14'04"W 94.96 feet to a point in the centerline of said drain, S85°39'28"W 102.63 feet to a set iron pin and cap in the centerline of said drain, S76°24'51"W 114.27 feet to a set iron pin and cap, S76°24'51"W 23.22 feet to a point in the centerline of said drain and also being in the centerline of Hines Creek and a common corner to Thomas (DB 444 PG 446), THENCE leaving the lands of Mahan, and with the lines of Thomas and following the centerline of Hines Creek the following four (4) calls: N20°58'04"W 81.45 feet to a point in the centerline of said creek, N00°41'03"E 314.53 feet to a set PK nail in the centerline of Hines Creek, N37°04'49"W 323.48 feet to a point in the centerline of said creek, N35°37'29"W 502.29 feet to a set PK nail in the centerline of said creek and also being a common corner to Shafran (DB 570 PG 521) (PB 22 PG 47), THENCE with the lines of Shafran the following two (2) calls: N38°22'42"E 366.90 feet to a found iron pin and cap, N37°57'29"E 171.30 feet to a found iron pin and cap and a common corner to Lot #5 of Avawam Enterprises (DB 572 PG 788), THENCE leaving the lines of Shafran and with the lines of Lots #5 through #1 of Avawam Enterprises the following six (6) calls: N73°10'40"E 172.41 feet to a found iron pin and cap, N71°57'10"E 287.26 feet to a found iron pin and cap, N71°57'10"E 228.20 feet to a found iron pin and cap, N68°39'56"E 246.98 feet to a found iron pin and cap, N01°12'32"E 181.13 feet to a found iron pin and cap, N01°12'32"E 264.74 feet to a found iron pin and cap and also being the

Point of Beginning, containing 78.14 acres +/- by survey performed August 13, 2004, by Abacus Engineering and Land Surveying Inc, Dwayne Wheatley LPLS #3265 and being a portion of the same property conveyed from Whitaker Land Company, LTD. to F.S.F. & O. Investments, LLC. by deed dated June 24, 1996 and recorded in Deed Book 466 Page 490 in the Madison County Clerks Office.

TRACT "B"
6.63 ACRES +/-

NOTE: Unless stated otherwise, any monument referred to herein as a "set iron pin and cap" is a set ½" diameter, 18" in length iron pin with a yellow plastic cap stamped "ABACUS LPLS 3265". The basis of bearings stated herein was taken from a plat entitled "Amended Subdivision Plat for Section #1 (PB 15 PG 33), and follows the first call of this description.

A certain tract of land located in Boones Trace Development, in Madison County, Kentucky, and further described as follows: BEGINNING at a set PK nail in the centerline of Avawam Drive and also being a common corner of Mulling (DB 575 PG 283) (Lot #1 of a plat entitled "Amended Subdivision Plat for Section #1" as recorded in Plat Book 15 Page 33), THENCE with the line of Mulling N58°23'52"E 477.46 feet to a point in the centerline of the Kentucky River, THENCE leaving the line of Mulling and with the centerline of Kentucky River S27°03'12"E 679.03 feet to the Kentucky River, THENCE leaving said river S11°09'52"W 57.71 feet to a set iron pin and cap, S50°09'52"W 255.39 feet to a set PK nail in the centerline of Avawam Drive, THENCE with the centerline of said road the following three (3) calls: N43°23'27"W 169.78 feet to a set PK nail, N43°14'19"W 45.58 feet to a set PK nail, N43°07'12"W 229.13 feet to a set PK nail, N42°34'27"W 162.76 feet to a set PK nail, N35°32'20"W 161.07 feet to a set PK nail and also being the Point of Beginning containing 6.63 acres +/- by survey performed August 13, 2004, by Abacus Engineering and Land Surveying Inc, Dwayne Wheatley LPLS #3265 and being a portion of the same property conveyed from Whitaker Land Company, LTD. to F.S.F. & O. Investments, LLC. by deed dated June 24, 1996 and recorded in Deed Book 466 Page 490 in the Madison County Clerks 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 causes this ordinance to be published in accordance with the appropriate Kentucky Revised Statutes.

DATE OF FIRST READING: Sept 28, 04

MOTION BY: Roger Barger

SECONDED BY: Larry Combs

VOTE: YES NO

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

DATE OF SECOND READING: Oct 12, 2004

MOTION BY: Roger Barger

SECONDED BY: William Tudor

VOTE: YES NO

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

William Tudor
MADISON COUNTY JUDGE EXECUTIVE

Attest:
William E. Hubbard
MADISON COUNTY CLERK