

ORDINANCE NO. 05-02

AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY APPROVING THE ZONE CHANGE OF ELLEN FRITZ AND MARY AMSTER JOHNSON PROPERTY ON KY HWY 627 AND COMBS FERRY 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, January 18, 2005, and found that the proposed land use map amendment is in agreement with the adopted Comprehensive Plan in that;

1. There has been major changes of an economic nature in the area with the Development of new subdivisions in the area and the fact that there are Three subdivisions that join this farm.

Therefore, the Madison County Planning Commission recommends to the Madison County Fiscal Court that the classification of the property involved herein be changed from RC-7 Urban Agricultural to RC-1 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 RC-7 Urban Agricultural to RC-1 Single Family Residential:

SECTION I

TRACT #1: A certain lot of land located in the County of Madison, State of Kentucky, on the waters of Calloway's Creek of the Kentucky River and bounded as follows:

Beginning at a point in the middle of the Boonesboro Pike, thence with the middle of said pike, S 64 ½ W 16 chains to a point in said pike and corner to Everett Horn with his line N 28 W 4.05 chains N 10 W 5.91 chains to a stake at the fork of branch down the branch in the middle N 32 ½ W 4.57 chains to the fork of another branch, thence up the drain in the middle of same N 52 E 5.88 chains S 73 E 6 chains S 54 ½ E 1 chain, S 85 E. 2.13 chains to thence a new line up a drain in the middle of same S 36 E 2.30 chains S 45 E 3.66 chains, S 37 E 4.53 chains to the beginning, containing nineteen and 47 one-hundredths acres (19.47 acres).

TRACT #2: The following boundary of real estate situated in Madison County, Kentucky, and particularly described as follows, to-wit:

Beginning at a point in the center of the Boonesboro Pike east of Sam Amster's store, thence with center of said pike and with the lines of E. C. Burgin tract (sold to McCord by Burgin in 1893, D.B. #41, page 8), N 63 ¼ E. 3.41 chains, N 39 ¾ E. 4.75 chains N

9 ¼ E 7.86 chains, N 8 ½ E 3.04 chains to a point on the west edge of the pike near the school house, thence continuing with the pike and with line of the six acre tract of land sold to McCord by P. Smith (D.B. 26, page 395), N 42 ¼ E 3.61 chains, N 22 E 3.46 chains, N 9 ¼ W 1.79 chains to a point at the intersection of Boonesboro and Combs Ferry Pike, thence with the middle of Combs Ferry Pike and with line of Cal Burgin tract (D.B. 11, page 230), N 20 ½ W 2.19 chains N 7 ¾ W 6.05 chains, N 26 W 4.93 chains to a point at the intersection of the Combs Ferry Road and a County Road, thence with the center line of said County Road a new line through the James Smith tract N 72 W 2 chains, S 66 ¼ W 4.08 chains S 61 W. 4.25 chains, N 56 W 12.08 chains, N 82 ¾ W 3.12 chains, N 68 W 4.83 chains N 89 ½ W 2.904 chains, S 67 ¼ W 3.38 chains, N 83 W 1.68 chains, to a point in the Munday line and in the center of the gate way twelve feet south of a cherry tree pointer, thence with Munday's line and with the line of James Smith tract (sold to McCord and Phelps in 1857, by James Smith and wife, D. B. 10, page 417), S 6 1/2 W 8.85 chains, S 18 ¼ W. 1.55 chains, S 39 W 4.99 chains, S 11 ¾ W 3.93 chains, S 2 ½ E. 1.9 chains to a thorn tree, S 3 ¾ E 5.06 chains, passing corner to Munday and Horn at about four chains, thence still with the south line and with Horn's line, S 11 ¾ E 5 chains, S 3 ½ E 3 chains, S 40 ¼ E. 4.5 chains, to a point on the north bank of a hackberry branch, thence up said branch as if meanders N 65 ¼ E 7 chains, thence still with James Smith tract and with E. C. Burgin's tract first mentioned (this part now owned by Sam Amster) N 59 E 4 chains, N 42 ¼ E 1.72 chains, S 71 ½ E 5.92 chains, S 61 ½ E 2.75 chains, N 88 ¼ E 1.87 chains to point at the mouth of a small drain. Amster's corner, thence with Amster's line and up said drain as it meanders S 20 E 1 chains, S 42 ¼ E 2 chains, S 36 E 3.2 chains, S 34 ¾ E 3 chains, to the point of beginning, containing 120.6 acres more or less.

EXCLUDED from the above property is a tract of land conveyed to the Commonwealth of Kentucky by deed dated December 4, 1959, and of record in Deed Book 183, at page 226.

TRACT A-1: consisting of 5.24 acres as shown on a minor plat recorded in the Madison County Clerk's Office in Plat Book 15 at Page 294, reference to which is hereby made for a more particular description.

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: February 8, 2005

MOTION BY: William H. Tudor

SECONDED BY: Roger Barger

VOTE: YES NO

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

DATE OF SECOND READING: February 22, 2005

MOTION BY: Roger Barger

SECONDED BY: William H. Tudor

VOTE: YES NO

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

Kent Clark
MADISON COUNTY JUDGE EXECUTIVE

Attest:
William E. Hubbard
MADISON COUNTY CLERK

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SECONDED BY: Roger Barger

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MAGISTRATE WILLIAM TUDOR ✓
MAGISTRATE BILLY RAY HUGHES ✓

Kent Clark
MADISON COUNTY JUDGE EXECUTIVE

Attest:
William E. Galbreath
MADISON COUNTY CLERK

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

DATE: January 21, 2005

RE: Planning Commission Recommendation
Fritz - Johnson Property, KY Highway 627, Richmond

As a result of a public hearing held on January 18, 2005 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.

Fritz - Johnson Property, KY Highway 627, Richmond, proposed to change 130 acres +/- from its original classification of RC-7 (Agricultural) to RC-1 (Single Family Residential). In accordance with KRS 100.213 the applicant's justification for the request was that there have been major changes in the area that were not anticipated in the adopted Comprehensive Plan such as various new major subdivisions being developed in the area.

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

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

- 1) There has been major changes of an economic nature in the area with the development of new subdivisions in the area and the fact that there are three subdivisions that join this farm;

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

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