

ORDINANCE NO. 05-18

AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY APPROVING THE ZONE CHANGE OF WENDELL COMBS & DALE COMBS, LOCATED ON 2864 OLD U.S. 25 NORTH, CONTAINING APPROXIMATELY, 120+- 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, June 21, 2005, and found that the proposed land use map amendment is in agreement with the adopted Comprehensive Plain in that;

1. There have been major changes in the area in that the property is surrounded now by new subdivisions, roads and water lines are adequate to support the development with substantial improvements being made to the infrastructure.
2. The proposed zone change is in agreement with the adopted comprehensive plan by being located adjacent to single family subdivisions.

WHEREAS, the Madison County Planning Commission recommends to the Madison County Fiscal Court that the classification of the property involved herein be changed from R-7 Rural Agricultural to RC-1 Single Family Residential, containing approximately 120+- 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 R-7 Rural Agricultural to RC-1 Single Family Residential:

SECTION I

A tract of land in Madison County, Kentucky, on the waters of Hayes Fork of Silver Creek, near Kingston and bounded as follows:

BEGINNING at a stone corner to John Powell and corner to the part of this tract sold to Green Durham with lines of Durham, N 21 E 19 2/10 poles to stone, N 18 1/2 E 48 poles to point in center of Berea and Kingston Pike, S 65 1/8 W 89 3/10 poles, S 36 1/4 W 23 1/10 poles, S 12 1/2 W 26 6/10 poles to point in center of pike corner to Mrs. J. M. Boen leaving the pike with Mrs. Boen's line, N 89 1/4 E 69 8/10 poles to a hickory tree in John Powell's line with line of Powell, N 25 3/4 E 20 4/10 poles to the BEGINNING, containing 28 1/10 acres, more or less.

AND BEING THE SAME property conveyed to Robert C. Moody and Margaret S. Marguardt, by deed dated December 29, 1976, from

George W. Moody, Jr., a single person and recorded in Deed Book 297 at page 486, in the office of the Madison County Clerk, Richmond, Kentucky.

Robert C. Moody, a single person, conveyed his one-half (1/2) interest in said property to Margaret S. Marquardt and James F. Marquardt Wife and husband, by deed dated August 17, 1996, and recorded in Deed Book 476 at page 95, in the office of the Madison County Clerk Richmond, Kentucky.

PROPERTY NO. 2:

Tract 1

A certain tract of land situated in Madison County, Kentucky, and on the waters of Hays Fork of Silver Creek bounded and described as follows:

BEGINNING at a stake in the center of the Big Hill Pike a corner to the 80 acres sold by J. R. Azbill to Wm. Murray stake on the north side of Hays Fork; thence with the Murray line, S 46 ½ W 100.9 poles to a stake on an old line, now Murray; thence with said line, N 76 W 47.6 poles to a stake corner to said Murray and in the tract of the old state road; thence with center of said old road and with Murray, S 4 W 4 poles, S 5 E 29.4 poles, S 11 E 13.6 poles to a stake on Murray's line and a corner to 62 acres sold by J. R. Azbill to Ben and Z. A. Bowen now belonging to Luther Jenkins; thence with line of that tract, N 69 ½ W 119.4 poles to a stake on Mrs. Phoebe Bowen's line; thence with same, N 26 E 53.4 poles to a stake; thence N 26 E 55 poles to a stake, a corner to William Bolware now Green Durham; thence his line S 66 ½ E 49.2 poles to a white oak stump, corner to said Bolware now Durham; thence new line dividing this tract from a part of the original tract which has been sold to Green Durham, S 57 ½ E 40.4 poles to a post in wire fence the first post from the corner of said wire fence with a rail fence, a corner to Durham; thence N 44 ½ E 72.8 poles going down a bluff at a stone quarry to a stake in the center of Hays Fork, corner to Durham; thence down Hays Fork, N 7 W 21.44 poles to a stone on the east bank of same, corner to Durham; thence N 67 ¼ E 14.88 poles to a point in the center of Big Hill Pike, a corner to Durham and Adam and 14 feet from the center of a wood bridge over an arm of Hays Fork; thence with the center of said pike to the BEGINNING, containing one hundred and eighteen acres (118 acres), more or less.

Tract II

BEGINNING at a post, corner to J. C. Parks; thence a new line S 51 ¼ W 53 poles, to a post corner to Burdette, and J. C. Parks; thence with said Parks line, N 9 ½ W 18 7/10 poles to a stake, corner to same, N 4 ½ W 24 poles, N 7 E 3 4/10 poles to a stake, corner to said Parks; thence S 74 ¾ E 47 9/10 poles to the BEGINNING, containing 6 ¾ acres.

There is EXCLUDED from the above tracts of land, that portion of the property conveyed to the Commonwealth of Kentucky, Highway Commission, of record in Deed Book 105 at pages 105 and 166, references to which are hereby made for more particular descriptions.

There is FURTHER EXCLUDED from the above tracts of land, the 3.95 acres, more or less, and 22.5689 acres, more or less, conveyed to Wendell Combs and Diana Combs, husband and wife, by deeds of record in Deed Book 380 at page 567 and Deed Book 398 at page 269, respectively, references to which are hereby made for more particular descriptions.

AND BEING THE SAME property conveyed to Margaret S. Marquardt and James F. Marquardt, wife and husband, by deed dated August 17, 1996, from Robert C. Moody, a single person, and recorded in Deed Book 495 at page 449, in the office of the Madison County Clerk, Richmond Kentucky.

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: July 12 05

MOTION BY: Larry Combs

SECONDED BY: Willard Luder

VOTE: YES NO

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

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✓

DATE OF SECOND READING: Aug 9, 05

MOTION BY: William Tudor

SECONDED BY: Larry Combs

VOTE: YES NO

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

✓
✓
✓
✓

[Signature]
MADISON COUNTY JUDGE EXECUTIVE

Attest:
[Signature]
MADISON COUNTY CLERK



Madison County Planning & Development

Building Inspections 321 N. Madison Ave. GIS Mapping
Code Enforcement Suite B Floodplan Management
Kentucky 40371 911 Addressing
Madison County Planning Commission
www.madisoncountyplanning.com

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

DATE: May 20, 2005

RE: Planning Commission Recommendation
Wendell Combs Property
2864 Old U.S. 25 North

As a result of a public hearing held on June 21, 2005 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.

Wendell, Diana, Dale and Sara Combs Property, proposed to change property located at 2864 Old U.S. 25 North from R-7 Rural Agricultural to RC-1 Single Family Residential. In accordance with KRS 100.213 the applicant's justification for the request was the proposed zone change is appropriate and in conformity with the comprehensive plan. The property is located adjacent to property currently zoned and used for single family use. Further, that there have been major changes in the area that were not anticipated in the adopted comprehensive plan including the development of single family residential property adjacent to this property.

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 R-7 to RC-1, for the above property, be approved. The vote of the Planning Commission was as follows:

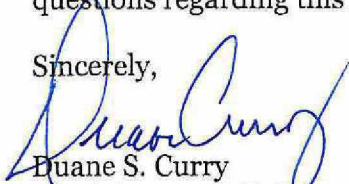
Vote was unanimous to approve.

The Planning Commission has made it a finding of fact that;

- 1) There have been major changes in the area in that the property is surrounded now by new subdivisions, roads and water lines are adequate to support the development with substantial improvements being made to the infrastructure.
- 2) The proposed zone change is in agreement with the adopted comprehensive plan by being located adjacent to single family subdivisions.

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