

ORDINANCE NO. 06-01

AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY APPROVING THE ZONE CHANGE OF UNIVERSAL DEVELOPMENT PROPERTY ON IGO 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 17, 2006, and found that the existing zoning classification given to the property is inappropriate and that the proposed zoning classification of is appropriate because the property is within the Urban Corridor and is part of property already zoned for Commercial Use. The Madison County Planning Commission has made a finding of fact based upon evidence presented the property was zoned improperly because it was split into 2 separate zoning classifications; and this proposal is in agreement with the Comprehensive Plan.

Therefore, the Planning Commission recommends to the Madison County Fiscal Court that the classification be changed from UC-7 Agricultural to UC-4 General Commercial with the following conditions:

- 1) Municipal Sewer must be available before development can begin;
- 2) All excavating and work done must be done in accordance with the current regulations at that time;
- 3) The landscape buffer between this property and Woodland Country Estates be increased to 40' wide with maintenance perpetuity of landscaping required.
- 4) The property directly adjacent to Woodland Country Estates be designated UC-3 Neighborhood Commercial for proper transitional zoning between Single Family Residential and the General Commercial.

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-4 General Commercial classification.

SECTION I

Tract 1-A containing 30 acres, near Richmond, Madison County, Kentucky, a plat of which is recorded in Plat Book __, Page __, Madison County Court Clerk's Office, to which reference is hereby made for a more particular description thereon.

VOTE:

YES

NO

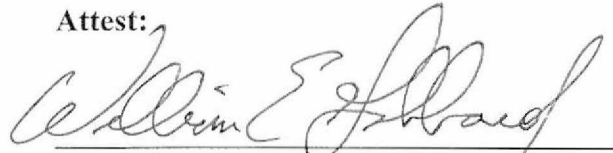
JUDGE, KENT CLARK
MAGISTRATE LARRY COMBS
MAGISTRATE ROGER BARGER
MAGISTRATE WILLIAM TUDOR
MAGISTRATE BILLY RAY HUGHES

✓
✓
✓
✓
✓



MADISON COUNTY JUDGE EXECUTIVE

Attest:


MADISON COUNTY CLERK

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

DATE: January 17, 2006

RE: Planning Commission Recommendation
Universal Development Property, Igo Rd, Richmond, KY

As a result of a public hearing held on January 17, 2006 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.

APPLICANTS REQUEST:

Universal Development Property, Igo Road, proposed to change 23 acres +- from its original classification of UC-7 (Agricultural) to UC-4 (General Commercial). In accordance with KRS 100.213 the applicant's justification for the request was that the existing zoning classification given to the property was inappropriate and the proposed is appropriate because this property is in the urban corridor, and is adjacent to and a part of property that is currently zoned UC-4 General Commercial.

PLANNING COMMISSION'S RECOMMENDATION:

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

Motion was made, seconded and approved with a unanimous vote of 6 YES to recommend to the Fiscal Court that the request to change the land use from UC-7 (Agricultural) to UC-4 (General Commercial), for the above property, be **APPROVED** and have made it a finding of fact based upon evidence presented that;

1. The property was zoned improperly because it was split into 2 separate zoning classifications;
2. This proposal is in agreement with the Comprehensive Plan.

Therefore, the Planning Commission recommends to the Madison County Fiscal Court that the classification be changed from UC-7 Agricultural to UC-4 General Commercial with the following conditions:

- 1) Municipal Sewer must be available before development can begin;
- 2) All excavating and work done must be done in accordance with the current regulations at that time;
- 3) The landscape buffer between this property and Woodland Country Estates be increased to 40' wide with maintenance perpetuity of landscaping required.

- 4) The property directly adjacent to Woodland Country Estates be designated UC-3 Neighborhood Commercial for proper transitional zoning between Single Family Residential and the General Commercial.

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



Madison County Planning & Development

Building Inspections 321 N. Madison Ave. GIS Mapping
Code Enforcement Suite B Floodplain Management
Land-Use Regulations Richmond, KY 40475 911 Addressing

www.madisoncountyky.com December 8, 2005

Universal Development, Inc.
623 Blue Sky Parkway
Lexington, Kentucky 40509

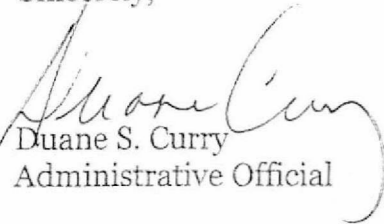
RE: Zone Change Request, Igo Road

Dear Mr. Brian Nash,

Per my conversation with Mr. Ron Allen, due to the proper public notices not being advertised this application can not be considered at the December 20, 2005 Business Session. I have taken the liberty to place this item on the January 17, 2005 Planning Commission Business Session. That meeting will be held at 6:00pm in the Madison County Court House, Fiscal Court Room.

I have enclosed herein a copy of the public notice requirements that you are responsible for. Once you review this information should you have any questions please feel free to call me.

Sincerely,


Duane S. Curry
Administrative Official

2509 LENLAKE COURT
LEXINGTON, KY 40513-1426



Allen Engineering, Inc.
Civil Engineering & Land Surveying

HOME: 223-1948
OFFICE: 229-8101
FAX: 224-8702

November 28, 2005

Mr. Duane S. Curry, Administrative Official
Madison County Planning and Development Office
321 N. Madison Avenue, Suite B
Richmond, KY 40475

RE: Proposed Land Use Change

Dear Mr. Curry:

Please find enclosed our application for a Land Use Amendment for a twenty-two (22) acre parcel along the east side of I-75, just south of Simpson Road in northern Madison County. The approximately forty-five (45) acre site was purchased by Universal Development Exit 97, Inc. in July 2005, from Central Kentucky Warehousing Corporation.

The northern +/- twenty-three (23) acres was already zoned commercial, while the southern +/- twenty-two (22) acres was zoned agricultural. The Land Use Change requested concerns the southern area of the site. This parcel is identified as Tracts 2 and 3 in the accompanying deed.

We have included ten (10) copies of the amendment request parcel and the surrounding vicinity along with the list of adjacent property owners. We show a fifteen (15) foot landscape easement along the neighboring Woodland Country Estates Subdivision.

If you require more information, let me know.

Sincerely,

A handwritten signature in blue ink that reads "Rondal G. Allen". The signature is written in a cursive, flowing style.

Rondal G. Allen, P.E.

2509 LENLAKE COURT
LEXINGTON, KY 40513-1426



Allen Engineering, Inc.
Civil Engineering & Land Surveying

HOME: 223-1948
OFFICE: 229-8101
FAX: 224-8702

Property Owners whose property is adjacent to Land Use Amendment Area
according to records obtained from the PVA office as of August 29, 2005:

Roy W. and Deborah B. Madden
1060 Woodland Dr.
Richmond, KY 40475

Charles T. and Mary F. Jones
1054 Woodland Dr.
Richmond, KY 40475

Anthony and Kimberly Jones
1048 Woodland Dr.
Richmond, KY 40475

Stephen C. and Debbie J. Sears
355 Michelle Dr.
Richmond, KY 40475
(Owners of 1042 Woodland Dr.)

Ken and Damonica Partin
207 Brooks Road
Richmond, KY 40475
(Owners of 1036 Woodland Dr.)

John D. and Sena Z. Sword
300 Provider Court
Richmond, KY 40475

Application for Land Use Map Amendment
Madison County, Kentucky

Date: 7-30-05		Application Number	
Property Owner's Name(s): Universal Development Exit 97 Inc.			
Property Owner's Address: 667 Blue Sky Parkway			
City/State: Lexington KY			
Zip Code: 40509		Phone No. 859-269-3102	
Address of Property Requesting Change: Simpson Rd			
Lot Number: -		Subdivision Name: Universal Development	
Existing Zoning: A-		Requested Zoning: UC-4	
Surrounding Property Use/ Zoning Information			
Direction	Land Use	Zoning Classification	
East	subdivision	R	
West	I-75	-	
North	undeveloped	C	
South	pasture	H ₂	
Urban Services Provided	Yes	No	Services Provided By
Sewage	-	-	
Garbage Disposal	-	-	Waste Management
Water	-	-	Madison County Utilities
Police Protection	-	-	Madison County Sheriff
Fire Protection	-	-	Madison County Fire Dept
Gas	-	-	Deits Natural Gas
Electric	-	-	Kentucky Utilities
Storm Sewers	-	-	
Municipal Sewer	-	-	
The following items are required to be provided by the applicant before the application can be considered for placement on the agenda:			
Item	Yes	No	Comments
Deed for the Property	-		Deed must reflect actual acreage to be re-zoned.
Vicinity Map	-		Map must accurately describe location.
List of Adjoining Property Owners Names/ Addresses	-		Names and Addresses must be complete and per PVA Records for accuracy.
Completed Application	-		Application must be completed entirely and signed by the owner or agent.
Application Fees Paid	-		Fees Must be Paid at time of making application.

W4W

5

1600
85000

MADISON COUNTY
D593 PG 272

DEED

THIS DEED, made and entered into this 26 day of July, 2005, by and between CENTRAL KENTUCKY WAREHOUSING CORP., a Kentucky corporation, of 562 Mallard Cove, Harrodsburg, Mercer County, Kentucky 40330, Grantor, and UNIVERSAL DEVELOPMENT EXIT 97, INC., a Kentucky corporation, of 623 Blue Sky Parkway, Lexington, Fayette County, Kentucky 40509, Grantee;

WITNESSETH:

THAT for and in consideration of the sum of EIGHT HUNDRED FIFTY THOUSAND AND 00/100 (\$850,000.00) DOLLARS, the receipt of which is hereby acknowledged, the Grantor has BARGAINED and SOLD and by these presents does hereby GRANT and CONVEY unto the Grantee, its successors and assigns forever, all that certain real estate located in Madison County, Kentucky, more particularly described as follows:

Tracts 1, 2, 3, 5, and 6 of Calloway Heights as shown on plat recorded in Plat Book 10, Page 130 in the Madison County Court Clerk's Office, containing 73.13 acres more or less.

THE FOLLOWING TRACTS ARE EXCLUDED FROM THE ABOVE-DESCRIBED PROPERTY AND NOT CONVEYED HEREIN:

Tract 6A

A certain tract of land lying on the south side of Simpson Road and the west side of Simpson Lane and located at the intersection of Simpson Road and Simpson Lane in Madison Co., Ky. and being more particularly described as Tract 6A in that plat of record in Plat Book 15, Page 188, in the Office of the Madison County Court Clerk's Office.

AND BEING the same property conveyed from Central Kentucky Warehousing Corp., a Kentucky corporation, to Mark and Esther Houghton, husband and wife, by deed dated January 29, 1998, and recorded in Deed Book 485, Page 719, in said Clerk's office.

Tract 5B

A certain tract of land lying on the west side of Simpson Lane and located approximately one-quarter mile south of the intersection of Simpson Road and Simpson Lane in Madison County, Kentucky, and being more particularly described as Tract 5B in that plat of record in Plat Book 15, Page 188, in the Office of the Madison County Court Clerk's Office.

AND BEING the same property conveyed from Central Kentucky Warehousing Corp., a Kentucky corporation, to Northern Drywall, Inc., a Kentucky corporation, by deed dated February 19, 1998, and recorded in Deed Book 486, Page 313, in said Clerk's office.

Tract 5C

That certain tract of land lying on the south side of Simpson Road and the west side of Simpson Lane in Madison Co., Ky. and being more particularly described as Tract 5C in that plat of record in Plat Book 15, Page 188, in the Office of the Madison County Court Clerk's Office.

AND BEING the same property conveyed from Central Kentucky Warehousing Corp., a Kentucky corporation, to Johnny L. Jones, by deed dated April 17, 1998, and recorded in Deed Book 488, Page 197, in said Clerk's office.

Tracts 5A and 6B

Two tracts of land lying on the south side of Simpson Road and the west side of Simpson Lane in Madison Co., Ky. and being more particularly described as Tracts 5A and 6B in that plat of record in Plat Book 15, Slide 188, in the Office of the Madison County Court Clerk's Office.

AND BEING the same property conveyed from Central Kentucky Warehousing Corp., a Kentucky corporation, to Douglas Lee Pressley, a single person, by deed dated April 17, 1998, and recorded in Deed Book 488, Page 361, in said Clerk's office.

Tract 5D

A certain tract of land lying on the south side of Simpson Road and the west side of Simpson Lane in Madison Co., Ky. and being more particularly described as Tract 5D of that plat of record in Plat Book 15, Slide 188, in the Office of the Madison County Court Clerk's Office.

AND BEING the same property conveyed from Central Kentucky Warehousing Corp., a Kentucky corporation, to Douglas Lee Pressley, a single person, by deed dated June 5, 1998, and recorded in Deed Book 490, Page 48, in said Clerk's office.

11.29 Acre Tract

A certain tract of land lying on the south side of Simpson Road and located approx. 800 ft. from the intersection of Simpson Road and Simpson Lane in Madison Co., Ky. and being bound by survey dated 9-15-99 by Charles E. Black, (job # 6011) a licensed land surveyor (L.S. 670) and being further described as follows:

Beginning at a found concrete right of way marker in the south right of way line of Simpson Road and corner to Tract 6b Doug Pressley (D.B. 488 Pg. 361, P.B. 15 Pg. 188) thence leaving the right of way line of Simpson Road with the line of Pressley four (4) calls: S11 degrees 57'08" W 333.42 feet to a found steel pin stamped (LS 670); thence S 43 degrees 28'17" W 167.79 feet to a found steel pin stamped (LS 670); thence S 62 degrees 54'51" W 112.16 feet to a found steel pin stamped (LS 670); thence S 22 degrees 32'19" W 88.47 feet to a found steel pin stamped (LS 670); to a corner to Tract 5a Doug Pressley (D.B. 488 Pg. 361, P.B. 15 Pg. 188); thence leaving Tract 6b with Tract 5a (Pressley) four (4) calls: S 22 degrees 32'02" W 48.67 feet to a found steel pin stamped (LS 670); thence S 12 degrees 35'21" W 247.66 feet to a found steel pin stamped (LS 670); thence S 81 degrees 01'49" W 377.07 feet to a found steel pin stamped (LS 670); thence S 66 degrees 32'40" W 105.44 feet to a found steel pin stamped (LS 670); and common corner to Provider Management Development Corporation (D.B. 430 Pg. 415); Central Kentucky Warehousing Corp. (D.B. 476 Pg. 347) and the new line dividing the lands of Central Kentucky Warehousing Corp; thence leaving the Provider Management Development Corporation with the new line dividing the lands of Central Kentucky Warehousing Corp. seven (7) calls: N 20 degrees 56'48" E 313.27 feet to a set steel pin and cap (1/2" rebar-18" long with cap stamped LS 670); thence N 37 degrees 35'31" E 21.99 feet to a set PK nail in the center of an access easement; thence N 37 degrees 35'31" E 374.88 feet to a set steel pin and cap (1/2" rebar- 18" long with cap stamped LS 670); thence N 62 degrees 03'12" E 198.16 feet to a set steel pin and cap (1/2" rebar- 18" long with cap stamped LS 670); thence S 87 degrees 35'19" E 121.18 feet to a set steel pin and cap (1/2" rebar- 18" long with cap stamped LS 670); thence N 00 degrees 01'12" W 306.80 feet to a found steel pin stamped (LS 670); thence N 00 degrees 01'12" W 28.59 feet to a found steel pin stamped (LS 670); in the right of way of Simpson road; thence leaving the new line dividing the lands of Central Kentucky Warehousing Corp. with the right of way of Simpson Road three (3) calls: N 89 degrees 44'50" E 49.87 feet to a found concrete right of way marker; thence S 79 degrees 45'41" E 195.39 feet to a found concrete right of way marker; thence S 81 degrees 49'56" E 193.78 feet to the point of beginning containing 11.29 acres (4911787 sq. ft.) as shown on a plat prepared by

Charles E. Black dated 9-15-99 and approved by the Madison County Planning Commission September 27, 1999.

As part of this conveyance Grantor grants to Grantee a 40' access easement, which is composed of two segments. Segment 1 includes those access easements reserved in D.B. 217, Pg. 215 and D.B. 236, Pg. 417 and runs along the existing access from Simpson Road to the intersection of said easement and the common boundary line of the lands of Central Kentucky Warehousing Corp. and Craig Bros. Real Estate Inc. (described below by calls 7 through 16). Segment 2 is granted to Grantee by Grantor as part of this conveyance and runs along the existing access from the intersection of the Segment 1 easement and the common boundary line of the lands of Central Kentucky Warehousing Corp. and Craig Bros. Real Estate Inc. to the boundary line of the property conveyed herein to Grantee (described below by calls 1 through 6). Said access easement is further described as follows:

Beginning at the common corner of Doug Pressley (Tract 5a D.B. 488 Pg. 361), Provider Management Development Corporation (D.B. 430 Pg. 415) and Central Kentucky Warehousing Corp. Tract 1a (D.B. 476 Pg. 347; thence leaving the common corner with the new lines dividing the lands of Central Kentucky Warehousing Corp. Tract 5/6, two calls: N 20 degrees 56'48" W 313.27 feet to a set steel pin and cap (1/2" rebar- 18" long with cap stamped LS 670); N 37 degrees 35'31" E 21.99 feet to a set PK nail in the beginning and center of said Access Easement; thence leaving the new line dividing the lands of Central Kentucky Warehousing Corp. with the centerline of the existing forty foot access easement sixteen (16) calls:

N 74 degrees 21'47" W 315.29 feet to a set PK nail;
N 68 degrees 23'33" W 159.74 feet to a set PK nail;
N 78 degrees 49'44" W 227.13 feet to a set PK nail;
N 71 degrees 32'57" W 215.52 feet to a set PK nail;
N 82 degrees 27'07" W 204.60 feet to a set PK nail;
N 64 degrees 24'55" W 58.64 feet to a set PK nail;
N 64 degrees 24'55" W 12.57 feet to a point not in the centerline of said access esmt.;
N 17 degrees 24'06" E 86.54 feet to a point not in the centerline of said access esmt.;
N 35 degrees 57'40" E 32.05 feet to a point not in the centerline of said access esmt.;
N 36 degrees 27'55" E 129.99 feet to a point not in the centerline of said access esmt.;
N 32 degrees 57'52" E 60.58 feet to a point not in the centerline of said access esmt.;
N 27 degrees 41'58" E 70.84 feet to a point not in the centerline of said access esmt.;
N 20 degrees 11'01" E 71.03 feet to a point not in the centerline of said access esmt.;
N 11 degrees 52'59" E 90.85 feet to a point not in the centerline of said access esmt.;
N 07 degrees 12'57" E 130.20 feet to a point not in the centerline of said access esmt.;
N 09 degrees 03'57" E 154.91 feet to a point not in the south R/W of Simpson Rd. and centerline of said access easement.

AND BEING the same property conveyed from Central Kentucky Warehousing Corp., a Kentucky corporation, to The Diamond Group, LLC, a Kentucky limited liability company, by deed dated November 1, 1999, and recorded in Deed Book 509, Page 280, in said Clerk's office.

AND THE PROPERTY CONVEYED HEREIN IS A PART of that property conveyed to Central Kentucky Warehousing Corp., a Kentucky corporation, from Flea-Mart, Inc., a Kentucky corporation, by deed dated May 6, 1999, and recorded in Deed Book 476, Page 347, in the Madison County Clerk's office.

Also conveyed herein is that right-of-way and right of access to and from the subject property to Simpson Road (Igo Road), over and across that property owned by Flagship Properties, Inc., as more particularly described in that plat of said property recorded in Plat Cabinet 21, Slide 352, in the office of the Madison County Clerk.

This conveyance is made pursuant to a resolution adopted by the Board of Directors of Central Kentucky Warehousing Corp., a Kentucky corporation, on the 26 day of July, 2005, as follows:

BE IT RESOLVED, that it is in the best interest of the Corporation that the Corporation sell and convey to Universal Development Exit 97, Inc., a Kentucky corporation, that tract of real property owned by the Corporation and located on the east side of Interstate 75 and the south side of Simpson Road at the Clays Ferry Exit and further described in the deed to said property, for the sum of \$850,000.00.

BE IT FURTHER RESOLVED, that Peter McEachern, President of the corporation, is hereby authorized, empowered and directed to execute and acknowledge a general warranty deed and all other documents on behalf of the Corporation necessary to effectuate such conveyance.

Grantor covenants and warrants that there are no restrictions, restrictive covenants or conditions which affect the use of the subject property, and that the subject property is conveyed free from any restrictions, restrictive covenants, or conditions affecting the use of said property.

This conveyance is made subject to all easements of record in the Madison County Clerk's office affecting the above-described real property, and all zoning regulations and ordinances of Madison County, Kentucky.

The 2005 ad valorem taxes and assessments will be prorated to date of delivery of deed.

TO HAVE AND TO HOLD the above-described real property together with all the appurtenances and privileges thereunto belonging unto the Grantee, its successors and assigns forever; all the right, title and interest in and to said real property; and the Grantor does hereby covenant to and with the Grantee, its successors and assigns, that the Grantor is lawfully seized in fee simple of said real property, that it has good and lawful right to sell and convey the same as herein done, and that the title thereto is clear, perfect and unencumbered, except as hereinbefore stated, and with said exceptions, the Grantor WARRANTS GENERALLY the title thereto. IN TESTIMONY WHEREOF, the Grantor has hereunto set its hand by and through its authorized officer, this the day and year first above written.

CENTRAL KENTUCKY WAREHOUSING CORP.

By: *Peter McEachern*
Its: PRESIDENT

STATE OF KENTUCKY)
) Sgt.
COUNTY OF MADISON)

The foregoing Deed of Conveyance was acknowledged before me by Peter McEachern, President of Central Kentucky Warehousing Corp., a Kentucky corporation, for and on behalf of said corporation, on this 26 day of July, 2005.

My Commission Expires: 1/7/09

Clara ...
Notary Public,
Kentucky, State at Large