

ORDINANCE NO. 06-08

**AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY APPROVING THE ZONE CHANGE OF NORTHERN CHASE DEVELOPMENT PROPERTY ON LEXINGTON 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, April 14, 2006, and found that the existing zoning classification given to the property is inappropriate and that the proposed zoning classification of is appropriate; the proposed land use change is in conformance with the adopted comprehensive plan; and there was evidence that there had been major changes of an economic, physical, or social nature in the area that was not anticipated in the adopted comprehensive plan; and therefore recommend to the County Fiscal Court that the classification of the property involved herein be change from UC-5, Light Industrial, and UC-7, Agriculture to UC-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 UC-5 Light Industrial/ UC-7 Agriculture to UC-1 Single Family Residential classification.

**SECTION I FINDINGS OF FACT**

The Madison County Planning Commission presented findings of fact as follows;

- A. The proposed amendment is in agreement with the adopted Comprehensive Plan because the property lies within the Urban Corridor, the Plan contemplates that agricultural property will be located outside the Urban Corridor; that new development should be in areas where the infrastructure is available to support the development; the subject property will be developed on new municipal sewer;
- B. The existing classifications are inappropriate and the proposed are appropriate because; the primary development use in the area is residential; the property is within the urban corridor; Because the property currently zoned UC-5 was previously zoned UC-7 constitutes a recognition that UC-7 is not the only appropriate classification for this property; potential uses of the property now zoned UC-5 would not be in accord with the residential character of the area.

**SECTION II**

A certain tract or parcel of land lying in Madison County, Kentucky, more particularly bounded and described as follows:

A certain tract of land located off Upper Hines Creek Road known as Tract 1 (5.00 acres) as shown on plat of record in plat cabinet 15, at slide 291, Madison County Clerk's Office.

Also conveyed herein is the non-exclusive right to a certain 50' access easement leading from Upper Hines Creek Road as shown on plat record in Plat Cabinet 15, at slide 291, Madison County Clerk's Office.

Being the same property conveyed to Ricky Blackman, from William F Deemer, Jr. and Betty Kay Deemer, husband and wife, by deed dated June 30, 1998, and of record in Deed Book 490, at page 656 in the office of the Madison County Clerk.

Lot No. Eighty-Three (83) of Shiloh Pointe Subdivision, Phase V, a subdivision of Madison County, Kentucky, which lot is described in a plat of said subdivision recorded in Plat Book 21, Page 45, in the office of the Madison County Clerk, reference to which plat is hereby made for a more particular description of said lot.

AND BEING the same property conveyed to Benjamin E. Wallace, II and Carl Sue Wallace, husband and wife, from Northern Chase Development, Inc., by deed dated July 23, 2003, and recorded in Deed Book 560, Page 210, in the Madison County Clerk's office.

The property conveyed herein is subject to that Declaration of Restrictive Covenants recorded in Miscellaneous Book 166, Page 432, in the Madison County Clerk's office.

#### Tract 1.

Tract No. 2: A certain tract of land situated on the west side of U.S. Highway No. 25 (Lexington Road) approximately 5 ½ miles north of Richmond, Kentucky, bounded and described as follows:

Beginning at a post in the west right of way line of U.S. Highway #25, a corner to Tract #, thence leaving said right-of-way with Tract #1 N 88 degrees-27' W 144.75 feet, N 88 degrees-07' W 365.9 feet, N 89 degrees-01' W 436.5 feet S79 degrees-09' W 152.1 feet, S77 degrees-04' W 91.4 feet, S 81 degrees-39' W 162.5 to a post and corner to William F. Deemer, Jr., thence with Deemer's line N 19 degrees-01' W 205.0 feet, N 13 degrees-19' W 317.4 feet, N 1 degree-09' E 11.7 feet to a post and corner to Ed Flannery, thence with Flannery's line N 29 degrees-15' E 693.8 feet, N 4 degrees-53' E 374.3 feet to a post and corner to Ellis Brandenburg, thence with Brandenburg's line S 81 degrees-43' E 367.45 feet, S 81 degrees-21' E 506.8 feet, S 80 degrees-58' E 262.8 feet to a post in the west right of way line of U.S. Highway #25, a corner, thence with said right-of-way S 0 degrees-45' W 829.7 feet, S 0 degrees-02' W 282.5 feet, S 0 degrees-30' W 170.0 feet to the beginning containing 42.02 acres.

AND BEING the same property conveyed to Southeastern Industries, LLC, a Kentucky limited liability company, from Jean Rollins, a single person, by deed dated March 30, 2000, and recorded in Deed Book 514, Page 630, in the Madison County Clerk's office; and by Deed of Correction dated December 8, 2003, and recorded in Deed Book D566 Page 432 in the Madison County Clerk's office.

Tract 2.

Located in Madison County, Kentucky and being more particularly described as follows:

Madison County; SO 76-151-4L; I-49 (3); US 25; Parcel No. 55

All that part of said tract or tracts which lie within a distance of 100'' on the left or west side of the centerline of said proposed public road between the south property line at approximate station 377-0 and the north property line at approximate station 389-65 Containing .79 acre, more or less.

Lot No. Eighty Three (83) of Shiloh Point Subdivision, Phase V, a subdivision of Madison County, Kentucky, which lot is described in a plat of said subdivision recorded in plat book 21, Page 45, in the office of the Madison County Clerk, reference to which plat is hereby made for a more particular description of said lot.

A certain tract of land situated in Madison County, Kentucky, on the waters of Hind's Creek, and bounded and described by a survey made by T.J. Hopgood, Civil Engineer, as follows:

Beginning at a corner in center of the Hind's Creek Road N 76 E 15' from a point 2' North of the end of a stone fence in line of Zeke Forbes, thence Forbes line S 76° W 167' to the end of the stone fence, thence with fence and Forbes line S 74° W 521' to a corner post, thence along fence and same Forbes line S 15° E 155' thence S 33 ¼° (38 ½°) E 671' to corner 14' past a corner post in fence to center of road a corner to Forbes and Cobb Brothers, thence S 63 ½° W 400' to the fence, thence S 63 ½° W- 497' with Cobb brothers, line and fence to a corner post, thence N 15° W 655' along fence line N 25° W 937 to a corner in fence, thence S 58° W-2100' along fence line S 65° W 418 to center of a branch and corner to Cobb Bros. And Whitlock, thence down said branch in center thereof N 49 ½° W 245' N 33 ½ (38 ½) W-101' N 28 ½° W 83'; N 57° W 145' N 63 1/2 ° W-160' to a 15'' sycamore on south side of branch, thence N 71 ½° W-121' to a 30'' leaning sycamore on the North side of the branch, thence N 85° W 106' to the center of the branch, thence down the center of said branch N 64 ½° W 295' N 78° W 141' N 88° W 100' N 78° W 69' N 70 ½° W-120' N 62 ½° W 217' (passing corner to Whitlock and Willie Long) N 52 ½° W-337' a corner to Willie Long and Leon Pigg, leaving main branch and up the center of another branch and Leon Pigg Line N 44 ½° E 207' N 45° E 71' N 43 ½° E E-154' N 44 ½° E 148' N 66 ½° E 200' N 68° (69°) E 217' N 66° E 173' N 61 ½° E 131' N 62° E 173' N 71° E 151' N 76° E 93' N 89° E 97' S 37 ½° (87 ½°) E 170' N 81 ½° E 163' N 79 ½° E 344' leaving center of branch and along fence and the same Leon Pigg line N 4 ½° E 241' N 20° E 220' N 33 ½° (38 ½°) E-50' N 55° E 502' to south

gate post (8' from the center of the road to Leon Pigg farm) thence along same line and fence N 8 ½° E 283' N 23° E 123' to a corner in fence and corner to Leon Pigg and Goins, thence along fence line S 84 ½° E 3031' to a corner in fence, thence along fence line S 2°-W 371' S 26 ½° W 706' to a line with the center of the Hinds Creek Road, thence along the center of said road S 18° E 558' S 0 ½° W 200' to the beginning, containing two hundred and thirty nine and 87/100 (239.87) acres. The above acreage includes a road through the above described tract to the Leon Pigg farm, the road containing one 55/100 (1.55) acres and described as follows: Beginning 8' north of beginning of survey of the above described tract and running S 76 ½° W 707' S 61 ½° W 258' N 44 ½° W 204' N 24 ½° W 236' N 60 ½° W 264' N 74° W 404' S 79° W 55' N 71° W 127' S 78° W 108' N 66 ¾° W 123' N 63-¾° W 123' N 63-¾° W 132' S 85 ¼° W 181' N 15° 5/8 W 966' N 42° W 454 to a point 8' North of the post at south end of gate to Leon Pigg Farm and described in survey of the above tract. The road to extend 8' on either side of the center of the above described road, and being the roadway easement granted and released by the said Frank Burgin and his wife, Elizabeth Burgin, now deceased, to Gordon C. Burgin by deed dated August 12<sup>th</sup>, 1939 and recorded in Deed Book 20 (120) at page 383 and the said Gordon C. Burgin and Annie W. Burgin, his wife, granted said roadway easement to Leon E. Pigg by deed dated August 22<sup>nd</sup>, 1939 and recorded in Deed Book 120 at page 401 in the Madison County Court Clerk's Office.

THERE IS EXCLUDED FROM THE ABOVE, a tract containing 64 acres, more less, conveyed to W. M. Long by deed dated January 3<sup>rd</sup>, 1957 and recorded in the Office of the Clerk of Madison County Court in Deed Book 168, page 309 to which reference is hereby made for a more particular description.

THERE IS ALSO EXCLUDED the tract sold to Leon Pigg on January 3<sup>rd</sup>, 1957, and which is recorded in the Office of the Clerk of Madison County Court in Deed Book 168 at page 306 to which reference is hereby made, for a more particular description, containing 120 acres more or less.

This leaves in the conveyance 54 acres, more or less.

THERE IS EXCLUDED FROM THE ABOVE DESCRIBED PROPERTY TO WIT:

A certain tract of land located on the North Side of an old County Road West of U.S. 25, approximately 7 miles north of Richmond In Madison County, Kentucky, and being bounded by survey made May 21, 1975 by Charles E. Black, a licensed land surveyor (L.S. 670) and further described as follows:

Beginning at a railroad spike in the centerline of a 30 foot right of way of an old county road and common corner to Cora Forbes; thence leaving the lines of Forbes with said center line, 2 calls, S 60° 58' 00" W 366.55 feet to a steel pin; thence S 64° 12' 49" W 534.97 feet to a steel pin and common corner to Jake Cobb; thence leaving said centerline with the line of Cobb N 25° 22' 32" W 772.75 feet to a steel pin and common corner to William Deemer; thence leaving the line of Cobb with the line of Deemer N 61° 00' 00" E 778.76 feet to a steel pin and common corner to Cora Forbes; thence leaving the line of

Deemer with the line of Forbes, 2 calls S 13° 59' 56" E 145.18 feet to a steel pin; thence S 38° 30' 24" E 669.95 feet to a railroad spike and point of beginning and containing 14.81 acres.

And being a part of the same property conveyed to Robert T. Taylor and wife, Jeanna R. Taylor, by Dorothy Bucher, and others by deed dated the 2<sup>nd</sup> day of January, 282 page 190 Madison County Court Clerk's Office to which reference is hereby made.

This leaves in the conveyance 40 acres more or less.

AND BEING THE SAME PROPERTY conveyed to William F. Deemer Jr. and Betty Kay Deemer, husband and wife, by deed dated July 2, 1975, and recorded in Deed Book 285, page 672, in the Madison County Clerk's Office.

Note: The calls in the parenthesis are those that appear in the immediately preceding deed of the above-described property recorded in Deed Book 282, Page 190 in the Madison County Clerk's Office.

THERE IS ALSO EXCLUDED FROM THE ABOVE DESCRIBED PROPERTY AND NOT CONVEYED HEREIN, THE FOLLOWING PROPERTY PREVIOUSLY CONVEYED BY GRANTORS:

A certain tract of land located off Upper Hines Creek Road known as Tract 1 (5.00 acres) as shown on plat of record in Plat Cabinet 15, at slide 291, Madison County Clerk's Office.

Also conveyed herein in the non-exclusive right to a certain 50' access easement leading from Upper Hines Creek Road as shown on plat of record in Plat Cabinet 15, at Slide 291, Madison County Clerk's Office.

AND BEING THE SAME PROPERTY conveyed to Ricky Blackman from William F. Deemer Jr. and Betty Kay Deemer, husband and wife, by deed dated June 30, 1998, and recorded in Deed Book 490, page 656, in the Madison County Clerk's Office.

THERE IS ALSO EXCLUDED FROM THE ABOVE DESCRIBED PROPERTY AND NOT CONVEYED HEREIN, THE FOLLOWING PROPERTY WHICH IS RETAINED BY GRANTORS:

A certain tract of land located off Upper Hines Creek Road known as Tract 2 (7.10 acres) as shown on that plat of William and Betty Deemer Property recorded in Plat Cabinet 23, Slide 291, in the Madison County Clerk's office, reference to which plat is hereby made for a more particular description of said property.

AND BEING A PART OF THAT PROPERTY conveyed to William F. Deemer Jr. and Betty Kay Deemer, husband and wife, from Robert T. Taylor and Jeanna R. Taylor,

husband and wife, by deed dated July 2, 1975, and recorded in Deed Book 285, Page 672, in the Madison County Clerk's Office.

The property conveyed to Northern Chase Development, Inc. by this deed is all of the property owned by William F. Deemer Jr. and Betty Kay Deemer, remaining from the property conveyed to them from Robert T. Taylor and Jeanna R. Taylor in said deed recorded in Deed Book 285, Page 672, in said Clerk's office, with the exception of that 7.10 acre tract described as Tract 2 in said plat recorded in Plat Cabinet 23, Slide 291, which tract is retained by William F. Deemer, Jr. and Betty Kay Deemer. The property conveyed to Northern Chase Development, Inc. is comprised of 25.69 acres, more or less.

**SECTION III**

That the Director of Planning and Development make the appropriate changes to the Official Zoning Map of Madison County, Kentucky.

**SECTION IV**

That the County Clerk cause this ordinance to be published in accordance with the appropriate Kentucky Revised Statutes.

DATE OF FIRST READING: 4-25-06

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 | ✓ |

DATE OF SECOND READING: May 9, 2006

MOTION BY: William Tudor

SECONDED BY: Roger Barger

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