

ORDINANCE NO. 07-08

AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY APPROVING THE ZONE CHANGE OF ELSIE CASTLE/CO JASPER CASTLE PROPERTY AT 3475 SIMPSON LANE 33 (+/-) 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, March 20, 2007 and found that the existing zoning classification given to the property is inappropriate and that the proposed zoning classification of is appropriate;

1. There is significant residential development within the vicinity of this project.
2. The available infrastructure supports commercial development.
3. The proposed development will be in compliance with the 2005 Madison County Kentucky Comprehensive Plan regulations.

Therefore, it is recommend to the Madison County Fiscal Court that the classification of the property involved herein be change from UC-7 (Urban Agricultural) to UC-4 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 (Urban Agricultural) to UC-4 General Commercial).

SECTION I

“A certain tract of land located on Calloways Creek and fronting U.S. Highway 25 bounded as follows:

Beginning at a large elm corner to Sunford and William Oldham, thence S 5 ½ W 13.80/100 chains to a stone, thence s 3 ½ W 11. 87/100 chains to the center of the Richmond and Lexington turnpike, thence with the center of said pike N 15 ½ W 22.5/100 chains N 12 E 5.18/100 chains to a point in the center of the pike thence leaving the pike S 89 E 22.40/100 chains to the beginning. There is excluded from this boundary and not hereby conveyed the land that was conveyed to the Hon. Chenault by J. E. Evan as shown in the Deed Book No. 16, at Page No. 400, and down as follows:

Beginning at a corner of William Oldham’s fence S 3 ½ W 11:87/100 chains to a point in the center of the Lexington Pike, thence with the center of the same N 15 ½ W 12.8/100 chains to a post in center of said road, thence leaving the pike N 88 1/2 E 4.20/100 chains to the beginning. Said tract contains approximately 33 acres. This conveyance is made subject to an easement as set forth in a judgment entered in the Madison Circuit Court on the 19th day of October, 1951, which said judgment is lodged for record in Order Book 75, at Page 19, in the office of the Clerk of the Madison Circuit Court. There is also

excluded from the above described tract of real property a strip of land containing the aggregate 4.57 acres which conveyed to the Commonwealth of Kentucky for the use and benefit of the Department of Highways by a deed from first parties to the said Commonwealth of Kentucky for the use and benefit of the Department of Highways by deed bearing date of the 12th day of March, 1954, which said deed is duly lodged for record in DEED BOOK NO. 157, at PAGE 512, in the office of the Clerk of the Madison County Court, to which reference is hereby made.

There is EXCLUDED herewith two small tracts or strips of land which were conveyed to the Commonwealth of Kentucky for the use and benefit of the Department of Highways by R. T. Williams, at el., by deed bearing date of 18th day of September, 1959, which said deed is duly lodged for record in DEED BOOK NO.103, at PAGE NO. 113, in the office of the Clerk of the Madison County Court, to which reference is hereby made for a more particular description of said tracts or strips of land.

This is the same property which was conveyed to the first parties by Edward Sebastian and Emma Sebastian, husband and wife, by deed bearing date of the 16th day of June, 1954, which said deed is duly lodged for record in DEED BOOK NO. 158, at PAGE NO. 156, in the office of the Clerk of the Madison County Court.”

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: March 27

MOTION BY: Roger Barger

SECONDED BY: Harold Botner

VOTE: YES NO

JUDGE, KENT CLARK
MAGISTRATE LARRY COMBS
MAGISTRATE ROGER BARGER
MAGISTRATE WILLIAM TUDOR
MAGISTRATE HAROLD K. BOTNER

DATE OF SECOND READING: April 10, 2007

MOTION BY: Roger Barger

SECONDED BY: Harold Botner

VOTE: YES NO

JUDGE, KENT CLARK
MAGISTRATE LARRY COMBS
MAGISTRATE ROGER BARGER
MAGISTRATE WILLIAM TUDOR
MAGISTRATE HAROLD K. BOTNER

Harold Botner
MADISON COUNTY JUDGE EXECUTIVE

Attest:
William E. Howard
MADISON COUNTY CLERK