

ORDINANCE NO. 08-02

**AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY  
APPROVING THE ZONE CHANGE OF THE BILL AND DARLENE NOBLE  
AND WANDA PENNINGTON PROPERTY AT 2760 BATTLEFIELD  
MEMORIAL HIGHWAY FOR 5.03 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, November 20, 2007 and made finding of fact the proposed land use map amendment is in agreement with the adopted Comprehensive Plan in that:

- 1) The adopted Comprehensive Plan recommends the rural communities be encouraged to develop to help sustain the community.
- 2) The roads and infrastructure are adequate to support the proposed development.
- 3) There has been other major developments and a school developed all within walking distance to support this type of commercial development.

Therefore, recommend to the Madison County Fiscal Court that the classification of the property involved herein be change from RC-7 Agricultural to RC-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 RC-7 Agricultural to RC-4 General Commercial.

**SECTION I**

A certain tract of land known as tract 10 of the Robert C. Moody estate located in Kingston of Madison County and being on the southwest corner of the intersection of HWY 421 and Old US HWY 25 and on the waters of Hays Fork Creek and being bound by a survey (Job #7902) performed by Charles E. Black PLS 670 on July 14, 2007 as follows:

Beginning at a set steel pin stamped LS 670 at the North East corner of said property at the intersection of the R/W of the US HWY 421 and Old US HWY 25 thence with Old US HWY 25 West R/W S31°07'39" 368.35" to a set steel pin stamped LS 670 at the center of Hays Fork Creek and new established corner to Robert C. Moody thence leaving Old US HWY 25 West R/W and running with Hays Fork Creek and the new lines dividing the Moody property; Five (5) Calls:

N41°37'W 424.47' TO A set steel pin stamped LS 670;  
N15°10'25"W 150.37' TO a set steel pin stamped LS 670;  
N30°24'37"W 163.67 TO a set steel pin stamped LS 670;  
N31°36'18"W 87.52 to a set steel pin stamped LS 670;

N40°49'20"W 189.00' TO a set steel pin stamped LS 670 in Hays Fork Creek and corner to Judy D. Baker on said agreed line. Thence leaving Hays Fork Creek on a n agreed line with Baker (See Plat in PB \_\_\_\_\_ at slide \_\_\_\_\_ N51°32'49"E 156.91" To a set steel pin stamped LS 670 at the R/W of US HWY 421; Five (5) Calls: S36°37'52"E 208.78' TO a set steel pin stamped LS 670; S39°17'44"E 111.95' TO a set steel pin stamped LS 670; S45°22'01"E 107.61' TO a set steel pin stamped LS 670; S52°22'23"E 137.57' TO a set steel pin stamped LS 670; S53°57'11"E 321.95' TO the beginning, a set steel pin stamped LS 670 and containing 5.03 acres.

And being part of the same property conveyed to Robert C. Moody, trustee of the Robert C. Moody trust under agreement dated December 22, 2003 and of record in DB. 580 PG. 144 by Margaret Sue (Moody) Marquardt and James F. Marquardt dated May 17, 1996 and of record in DB. 492 {G. 542 at the Madison County Clerks Office.

**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: January 8, 2008

MOTION BY: Larry Combs

SECONDED BY: Harold Botner Jr

VOTE: YES NO

JUDGE, KENT CLARK

MAGISTRATE LARRY COMBS

MAGISTRATE ROGER BARGER

MAGISTRATE WILLIAM TUDOR

MAGISTRATE HAROLD K. BOTNER, Jr.

✓  
✓  
✓  
✓  
✓

DATE OF SECOND READING: Jan 22, 2008

MOTION BY: William Tudor

SECONDED BY: Harold Botner Jr

VOTE:	YES	NO
JUDGE, KENT CLARK	✓	
MAGISTRATE LARRY COMBS	absent	
MAGISTRATE ROGER BARGER		✓
MAGISTRATE WILLIAM TUDOR	✓	
MAGISTRATE HAROLD K. BOTNER, Jr.	✓	

[Signature]  
MADISON COUNTY JUDGE EXECUTIVE

Attest:  
[Signature]  
MADISON COUNTY CLERK