

ORDINANCE NO. 08-10

AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY APPROVING THE ZONE CHANGE OF MARY DOUG ARTHUR TRUST PROPERTY AT 1786 FOUR MILE ROAD FOR 4.30 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, August 19, 2008 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 R-7 Agriculture to R-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 R-7 Agriculture to R-1 Single-Family Residential classification:

SECTION I

NOTE: The basis for bearings shown hereon are taken from GPS State Plane Coordinates obtained upon the date of the survey using Topcon HiPer Ga GPS equipment. Any monument referred to herein as a set iron pin and cap or found iron pin and cap is an 18" long number 4, one-half inch steel rebar with a yellow plastic cap stamped "Abacus LPLS 3265"

A certain tract of land located on the southeast side of Four Mile Rd approximately four thousand five hundred feet (4,500') southeast of the intersection of said road and Dunbar Lane in Madison County, KY and further described as follows:

BEGINNING at a found iron pin and cap and corner common to "Tract A" "Minor Plat for Mary Doug Arthur" (PB 24 PG 119) belonging to BRT Contractors, Inc., (DB 637 PG 395); said pin also being in the southwest right-of-way of Four Mile Road, twenty-five feet from centerline; thence with said right-of-way N 49°46'48" E, 392.89' to a set iron pin and cap and new corner to Arthur (DB 608 PG 45); thence severing the lands of Arthur two (2) calls: S 43°20'19" E, 372.15' to a set iron pin and cap, S 1°08'52" W, 274.62' to a found iron pin and cap and corner to BRT Contractors, Inc., (DB 637 PG 395), thence with the line of BRT Contractors, Inc., seven (7) calls S 89°51'48" W, 200.56' to a found iron pin and cap, N 89°28'55" W, 26.04' to a found iron pin and cap, thence around a curve to the left, having a radius of 425.00', a chord direction of N

48°12'17" W and a chord length of 184.12' to a found iron pin and cap, N 60°42'54" W, 115.58' to a found iron pin and cap, thence around a curve to the right having a radius of 275.00', a chord direction of N 50°28'03" W and a chord length of 97.85' to a found iron pin and cap, N 40°13'12" W, 19.66' to a found iron pin and cap, thence around a curve to the right having a radius of 25.00', a chord direction of N 4°46'48" E and a chord length of 35.36' to a found iron pin and cap and Point of Beginning containing 4.30 acres more or less by survey performed July 29, 2008 by AELS, Inc., Dwayne Wheatley Licensed Professional Land Surveyor, and being a portion of the same property devised to Mary Doug Arthur by Will Book 9 Page 443 and Deed Book 608 Page 45 in the records of the Madison County Clerk.

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: August 26, 2008

MOTION BY: Harold Botner, Jr

SECONDED BY: Roger Barger

VOTE: YES NO

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

DATE OF SECOND READING: September 9, 2008

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, Jr. ✓

[Signature]
MADISON COUNTY JUDGE EXECUTIVE

Attest:
[Signature]
MADISON COUNTY CLERK