

ORDINANCE NO. 920.76

**AN ORDINANCE RELATING TO
A ZONING MAP AMENDMENT**

BE IT ORDAINED BY THE FISCAL COURT OF THE COUNTY OF SIMPSON,
COMMONWEALTH OF KENTUCKY, after the passage, approval, and publication of this
ordinance as follows:

1. The following-described property, consisting of 549.620 acres of land located
west of I-65 near Exit 2 and north and south of Steele Road in Simpson County, Kentucky, is
hereby rezoned from A-1 to I-2, and the zoning map shall be amended accordingly, as requested
by Charles Zeager and Charlie Hill, pursuant to the recommendation of the Franklin-Simpson
Planning & Zoning Commission after a public hearing on April 1, 2008:

Certain real property located south of Franklin in Simpson County, Kentucky, to-wit:

TRACT I (SCB):

A certain parcel of land located approximately 4 miles south of Franklin in Simpson
County, Kentucky, and more particularly described as follows:

Beginning at a post, corner to Mike Steele in a line 20' 0" south of the centerline of the
Charlie Butts Road and being the northwest corner of described tract; thence with the
line of Mike Steele S 9° 56' W 1525.95 feet to a post, S 47° 45' W 119.23 feet to a post,
S 2° 34' W 640.73 feet to a post, S 9° 56' W 1432.00 feet , to a 24 inch oak, corner to
Mike Steele in the line of Don Hodges; thence with the line of Don Hodges S 79° 26' E
860.60 feet to a 15" hackberry; thence with the line of Don Hodges and Edna Gosnell S
5° 54' W 1488.47 feet to a post, corner to Robert Cummings; thence with the line of
Robert Cummings S 84° 04' E 476.50 feet to a rock - st. post; thence S 7° 16' W 973.09
feet to a 24" oak, corner to Mary Summers; thence with the line of Mary Summers S
83° 37' E 370.89 feet to a st. post in the west right-of-way line of U.S. Highway I-65;
thence with the meanders of the west right-of-way line of U.S. Highway I-65, N 14° 49'
E 666.19 feet, N 17° 45' E 181.59 feet, N 8° 45' E 93.73 feet, N 23° 06' E 551.18 feet,
N 25° 01' E 433.22 feet, N 26° 24' E 386.16 feet, N 30° 47' E 339.53 feet, N 32° 51' E
542.60 feet to a steel post, corner to Mrs Randolph Hendricks; thence with the line of
Mrs. Randolph Hendricks N 6° 32' E 2049.37 feet to a post, N 84° 01' W 638.72 feet to
a post, N 6° 16' E 1202.73 feet to a stake, corner to Mrs. Randolph Hendricks in a line
20' 0" south of the centerline of the Charlie Butts Road; thence with the meanders of

the line 20' 0" south of the centerline of the Charlie Butts Road S 76° 46' W 190.64 feet, S 85° 24' W 101.18 feet, N 84° 28' W 327.20 feet, N 82° 53' W 1190.84 feet to the point of beginning, containing 250.69 acres, less any easements or rights of way of record, according to January 31, 1987, survey of C.E. White, Kentucky Registered Land Surveyor.

Being the same property conveyed to Zeager Hardwood Company by Simpson County Bank, Inc. by deed dated April 3, 1987, of record in Deed Book 157, page 643, Simpson County Clerk's Office.

TRACT II (Hendricks):

A certain tract of land in Simpson County, Kentucky, located approximately 5 miles south of Franklin, situated on the west side of Interstate Highway 65, and more particularly described as follows:

Beginning at a pin and cap in the west right-of-way line (140 west of the centerline) of I-65 (CD 108, Pg 121) at approximately station 27 + 20, the northeast corner to Anthony Baird (DB 158, Pg 256) and the southeast corner to this tract; thence with the line of Baird N 89° 06' 23" W 160.67 feet to a pin and cap in said line, a corner to Wilburn Cummings (DB 169, Pg 661); thence with the lines of Wilburn Cummings, Billy Joe Cummings (DB 184, Pg 349), Nell Grace (DB 184, Pg 315), and Nell Grace (DB 169, Pg 670), N 00° 29' 19" W 1646.46 feet to a pin and cap in the line of Nell Grace (DB 169, Pg 670) and a corner to Zeager Hardwood (DB 157, Pg 643); thence with the line of Zeager Hardwood N 87° 33' 43" E 374.40 feet to a pin and cap, a corner to same, in the west right-of-way line of I-65 opposite station 44 + 10; thence with aforesaid right-of-way line S 06° 49' 44" W 1676.73 feet to the beginning point, containing 59.13 acres, less any easements or rights of way of record, according to May 25, 1999, survey by Robert G. May, Kentucky Registered Land Surveyor No. 2142.

Unless otherwise stated, any monument referred to here as a pin and cap is a set ½" x 18" rebar with a yellow plastic cap stamped 2142. All bearings stated herein are referred to the magnetic meridian observed along the west side of Interstate Highway 65 on May 25, 1999, at 8:45 a.m.

Being the same property conveyed to Zeager Hardwood Company, Inc. (the same as Zeager Hardwood Company) by James Randolph Hendricks et ux by deed dated September 15, 1989, of record in Deed Book 167, Page 451, Simpson County Clerk's Office.

TRACT III (Hall):

A certain tract or parcel of land, lying in south Simpson County, Kentucky, near Highway 31-W, and more particularly described as follows:

Beginning at a large hickory, Mrs. Martha Brown's corner in Dunn's line; thence with Dunn's line S 87 E 25 poles to a stone in said line; thence S 2 3/4 W 171 poles to a stone in Kelly's line; thence with said line N 88 W 25 poles to a stone, Adams' corner in Kelly's line; thence N 2 3/4 E 171 poles and 10 links to the beginning, containing 27 3/4 acres.

THERE IS EXCLUDED from the above tract of land that part which was conveyed to the Commonwealth of Kentucky, Department of Highways, for the construction of I-65 and further described as follows:

A certain tract of land in Simpson County, Kentucky, located approximately 4 miles south of Franklin, situated on the south side of Butts Road, to-wit:

Beginning at a point in the south right-of-way line of Butts Road (DB 87 Pg 286), located 40 feet south of the existing centerline with a pin and cap (witness monument) located N 02° 45' 00" E 10.00 feet from said corner, and being a corner to Mary Gail Hendricks (Will Book 11 Pg 258) and the northeast corner to this tract; thence with the line of Hendricks S 02° 45' 00" W 1651.89 feet to a pin and cap, a corner to same, in the west right-of-way line of I-65 (DB 87 Pg 286); thence with aforesaid right-of-way line five (5) calls: (1) S 27° 58' 03" W 69.93 feet to a 3" round steel post, (2) S 28° 06' 05" W 285.89 feet to a 3" steel post with a pin and cap (witness monument) set on line 2' southwest, (3) S 28° 07' 55" W 271.43 feet to a 3" steel post, (4) S 28° 16' 39" W 246.39 feet to a 3" steel post, (5) S 28° 15' 04" W 105.87 feet to an existing wood post in said line with a pin and cap (witness monument) set on line 2' north, a corner to Zeager Hardwood (DB 167 Pg 451); thence with the line of Zeager Hardwood N 02° 51' 03" E 2517.39 feet to a point in the south right-of-way line of Butts Road, located 40 feet south of the existing centerline, with an iron pin (witness monument) set N 02° 51' 03" E 8.00 feet from the corner; thence with aforesaid right-of-way line two (2) calls: (1) S 80° 13' 21" E 246.74 feet to an existing concrete right-of-way monument, (2) N 89° 07' 10" E 169.92 feet to the beginning point, containing 19.98 acres, according to February 26, 1999, survey of Robert G. May, Kentucky Registered Land Surveyor No. 2142.

Unless otherwise stated, any monument referred to here as a pin and cap is a set 1/2" x 18" rebar with a yellow plastic cap stamped "R G May 2142". All

bearings stated herein are referred to the recorded bearing of the east line of the parent tract as shown in Deed Book 216, Page 746, Simpson County Clerk's Office.

Being the same property conveyed to Zeager Hardwood Company by Barry Edward Hall et ux et al by deed dated August 20, 1999, of record in Deed Book 220, Page 495, said clerk's office.

TRACT IV (Drakes Creek Cattle Co.):

Beginning at a wood post in the south right-of-way line of Steele Road, a corner to Zeager Hardwood, Inc. and the northeast corner to this tract; thence with the lines of Zeager Hardwood, Inc. four (4) calls: (1) S 09° 56' 00" W 1526.92 feet, (2) S 47° 45' 00" W 119.25 feet, (3) S 02° 34' 00" W 640.73 feet, (4) S 09° 56' 00" W 1432.00 feet to an oak, a corner to same, in the line of Donald Hodges; thence with the lines of Hodges three (3) calls: (1) N 82° 17' 32" W 1001.22 feet, (2) N 05° 47' 01" E 1798.50 feet and continuing with the lines of Hodges and David Caudill, (3) N 05° 33' 30" E 988.04 feet to a 36 inch oak; a corner to Caudill; thence with the lines of Caudill two (2) calls: (1) N 83° 52' 28" W 455.86 feet to a rock, (2) N 07° 40' 13" E 963.81 feet to a rock, a corner to same, in the south right-of-way line of Steele Road; thence with aforesaid right-of-way line three (3) calls: (1) S 73° 47' 40" E 538.40 feet, (2) S 83° 10' 00" E 414.62 feet, (3) S 84° 05' 25" [E] 742.48 feet to the beginning point, containing 103.996 acres.

SUBJECT TO the following restriction which shall run with the land: No mobile home or manufactured housing will be permitted on the subject property now or in the future, however, any and all other uses, commercial, industrial, or otherwise, shall be freely and unconditionally allowed.

Being the same property conveyed to Zeager Hardwood Company by Drake Creek Cattle Co., LLC, correctly known as Drakes Creek Cattle Co., LLC and John W. Pitt, II and wife, Mary Pitt by deed dated July 29, 2005, of record in Deed Book 259, Page 195, said clerk's office.

TRACT V (Deathridge):

A certain tract of land in Simpson County, Kentucky, located approximately 5 miles south of Franklin, situated on the west side of Interstate Highway 65, and further described as follows, to-wit:

Beginning at a pin and cap in the west right-of-way line (140 west of the centerline) of I-65 (CD 108 Pg 121) at approximately station 27 + 20, the northeast corner to Anthony

Baird (DB 158 Pg 256) and the southeast corner to this tract; thence with the line of Baird N 89° 06' 23" W 160.67 feet to a pin and cap in said line, a corner to Wilburn Cummings (DB 169 Pg 661); thence with the lines of Wilburn Cummings, Billy Joe Cummings (DB 184 Pg 349), Nell Grace (DB 184 Pg 315), and Nell Grace (DB 169 Pg 670) N 00° 29' 19" W 1646.46 feet to a pin and cap in the line of Nell Grace (DB 169 Pg 670) and a corner to Zeager Hardwood (DB 157 Pg 643); thence with the line of Zeager Hardwood N 87° 33' 43" E 374.40 feet to a pin and cap, a corner to same, in the west right-of-way line of I-65 opposite station 44 + 10; thence with aforesaid right-of-way line S 06° 49' 44" W 1676.73 feet to the beginning point, containing 10.147 acres, according to May 25, 1999, survey by Robert G. May, Kentucky Registered Land Surveyor No. 2142.

Unless otherwise stated, any monument referred to here as a pin and cap is a set ½" x 18" rebar with a yellow plastic cap stamped 2142. All bearings stated herein are referred to the magnetic meridian observed along the west side of Interstate Highway 65 on May 25, 1999, at 8:45 a.m.

Being the same property conveyed to Zeager Hardwood Company by Renee Deathridge et vir et al by deed dated August 3, 1999, of record in Deed Book 220, Page 476, said clerk's office.

TRACT VI (ROBERTSON & RULEY TO CHARLES & JANET ZEAGER):

Beginning at an iron pipe, corner to Charles Zeager and Timothy Johnston, in the line of Earl N. Randolph, being the southwest corner of described parcel; thence with the line of Zeager and Johnston four (4) calls: (1) N 86° 24' E 1020.90 feet, (2) N 70° 04' E 368.61 feet, (3) N 68° 03' E 225.96 feet, (4) N 48° 30' E 432.42 feet to a pin, corner to William Bradley and Eric Carini in the Zeager and Johnston line; thence with the line of Bradley and Carini N 34° 39' W 1048.91 feet to a post, corner to Bradley and Carini in the line of Granville Hall; thence with the line of Hall S 55° 03' W 572.46 feet to a post, corner to Hall; thence with the line of Hall and Gary Houston N 86° 12' W 917.15 feet to a pin, corner to Earl Randolph in the line of Gary Houston; thence with the line of Earl Randolph S 04° 03' E 1159.71 feet to the point of beginning, containing 43.74 acres, more or less, and less any easements or right of ways of record, according to August 12, 1993, survey by Charles E. White, Kentucky Registered Land Surveyor No. 906.

Being the same property conveyed to Charles B. Zeager and wife, Janet A. Zeager by Michael Robertson, unmarried, and Tommie B. Ruley and wife, Dreama Ruley by deed dated November 23, 1993, of record in Deed Book 188, Page 749, Simpson County Clerk's Office.

TRACT VII (ALLEN TO ZEAGER AND JOHNSTON):

Parcel One:

Beginning at a point in the north right-of-way line of Butts Road, a corner to Michael Steele and the southwest corner to this tract; thence with the line of Steele N 04° 03' 43" W 1203.04 feet to a point in said line, a corner to Sarah Ruley; thence with the lines of Ruley four (4) calls: (1) N 82° 34' 21" E 312.52 feet, (2) N 85° 32' 25" E 708.65 feet, (3) N 67° 41' 35" E 591.46 feet, (4) N 54° 14' 32" E 393.59 feet to a stake, a corner to same, Charles Bradley, and Lem Johnson; thence with the lines of Johnson S 45° 19' 53" E 342.10 feet and S 29° 07' 53" E 959.27 feet to a stake, a corner to Johnson in the north right-of-way line of Butts Road; thence with aforesaid right-of-way line 12 calls: (1) S 32° 12' 39" W 154.73 feet, (2) S 39° 58' 39" W 75.50 feet, (3) S 51° 17' 39" W 116.0 feet, (4) N 86° 04' 02" W 237.48 feet, (5) S 80° 09' 14" W 125.14 feet, (6) N 66° 04' 52" W 125.14 feet, (7) S 76° 38' 20" W 49.30 feet, (8) S 22° 55' 08" E 15.0 feet, (9) S 76° 38' 20" W 884.61 feet, (10) S 62° 01' 44" W 375.46 feet, (11) S 78° 38' 58" W 248.97 feet, (12) N 87° 32' 29" W 371.07 feet to the beginning point, containing 64.243 acres, according to survey by Robert G. May, Kentucky Registered Land Surveyor No. 2142, and being Tract One in said deed, and subject to an easement over and across the following parcel of land lying immediately adjacent to the above-described property on the side, to the width, and between the stations shown below (as conveyed to the Commonwealth of Kentucky in Deed Book 87, Page 397, Simpson County Clerk's Office): Parcel (a) from 21 + 25 to 21 + 75, 10 feet in width on the right side.

Parcel Two:

Beginning at a point in the north side of the Old Butts Road, a corner to Johnson and the southeast corner to this tract; thence along the north side of the old road N 86° 04' 02" W 290.0 feet to a point that intersects with the east right-of-way line of the New Butts Road; thence with east right-of-way line of the new road three (3) calls: (1) N 51° 17' 39" E 76.40 feet, (2) N 39° 58' 39" E 75.50 feet, (3) N 32° 12' 39" E 111.0 feet to a point in said line, a corner to Johnson; thence with the line of Johnson S 29° 07' 53" E 251.0 feet to the beginning point, containing 0.642 acre, and being Tract Two in said deed, according to survey by Robert G. May, Kentucky Registered Land-Surveyor No. 2142, and subject to the terms and conditions set forth in deeds of easement of record in Deed Book 111, Page 474, Deed Book 115, Page 323, Deed Book 115, Page 624, and Deed Book 101, Page 405, Simpson County Clerk's Office.

LESS THE FOLLOWING-DESCRIBED PROPERTY conveyed to Noble C. Caudill by deed dated August 14, 2003, of record in Deed Book 245, Page 311, said clerk's office, to-wit:

Beginning at a found iron pin with yellow cap stamped R G May 2142 in the north right-of-way line (40" R/W) of Butts Road (Order Book 10 Page 426), the southeast corner to Mike and Stephanie Hastings (DB 215 Pg 250); thence with the line of Hastings N 00° 34' 47" E 275.00 feet to a pin and cap in the line of same, a new corner to Zeager and Johnston (DB 170 Pg 486); thence on new lines with Zeager and Johnston four (4) calls: (1) S 84° 02' 11" E 200.00 feet to a pin and cap, (2) S 00° 34' 47" W 50.00 feet to a pin and cap, (3) S 88° 34' 30" E 200.00 feet to a pin and cap, (4) S 00° 41' 29" W 225.00 feet to a pin and cap, a new corner to same, in the north right-of-way line of Butts Road; thence with aforesaid right-of-way line two (2) calls: (1) on a curve to the right with a radius of 800.96 feet, a chord of S 89° 35' 39" W 142.29 feet, an arc length of 142.47 feet, (2) N 84° 02' 11" W 257.53 feet to the beginning point, containing 2.306 acres, according to December 23, 2002, survey of Robert G. May, Kentucky Registered Land Surveyor No. 2142.

Unless stated otherwise, any monument referred to herein as a pin and cap is a set 1/2" x 18" rebar with yellow plastic cap stamped R G May 2142. All bearings stated herein are referred to the recorded bearing of the east line of Hastings as shown in Deed Book 215, Page 250.

Being a part of the same property conveyed to Charles B. Zeager and wife, Janet A. Zeager and Timothy J. Johnston and wife, Janet A. Johnston by Richard C. Allen, unmarried by deed dated March 30, 1~90, of record in Deed Book 170, Page 486, Simpson County Clerk's Office.

2. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

June 3, 2008 FIRST READING

June 17, 2008 SECOND READING

At a meeting of the Fiscal Court of the County of Simpson, Commonwealth of Kentucky held June 17, 2008, on motion made by Honorable Marty Chandler, and seconded by Honorable Kelly Banton, the foregoing ordinance was adopted, after full discussion, by the following vote:

<u>Aye</u>	<u>Kelly Banton</u>
<u>Aye</u>	<u>Marty Chandler</u>
<u>Aye</u>	<u>Charles McCutchen, Sr.</u>
<u>Aye</u>	<u>Larry Randolph</u>

APPROVED:

BY: 

JIM HENDERSON, COUNTY JUDGE EXECUTIVE
COUNTY OF SIMPSON, COMMONWEALTH OF KENTUCKY

Attest:



Pam Rohrs, Fiscal Court Clerk
County of Simpson, Commonwealth of Kentucky