

ORDINANCE NO. 920.78

**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 44.454 acres of land located three
miles east of Franklin, on the southeast side of Gold City Road (Kentucky Highway 535), in
Simpson County, Kentucky, is hereby rezoned from A-1 to B-5, and the zoning map shall be
amended accordingly, as requested by Garvin's pursuant to the recommendation of the Franklin-
Simpson Planning & Zoning Commission after a public hearing on September 2, 2008:

Certain real property located approximately 3 miles east of downtown Franklin,
on the southeast side of Gold City Road (Kentucky Highway 585), in Simpson
County, Kentucky, to-wit:

Beginning at a found iron pin in the southeast R/W line (monumented at 50') of
Gold City Road opposite Roark Road, a corner to Garvin's LLC (DB 256, Pg
197), the northernmost corner to this tract; thence with the lines of Garvin's LLC
(DB 256, Pg 197), (3) calls: (1) S 05° 04' 46" W – 581.24' to a found iron pin,
(2) S 85° 52' 34" E – 364.32' to a found iron pin, (3) S 05° 28' 44" W – 1554.36'
to a found iron pin at existing corner stone, a corner to same, in the line of
Garvin's LLC (DB 256, Pg 193); thence with the line of Garvin's LLC (DB 256,
Pg 193), (2) calls: N 83° 55' 18" W – 860.73' to a found iron pin, (2) N 70° 49'
54" W – 397.98' to a found iron pin, a corner to same; thence on a new line with
Austin Estate (DB 215, Pg 07, Tr 1), N 08° 49' 08" E – 1087.58' to a set pin and
cap, a new corner to same in the southeast R/W line of Gold City Road; thence
with aforesaid R/W line, (5) calls: (1) on a curve to the right with a radius of
3995.46', a chord of N 44° 34' 23" E – 169.78', an arc length of 169.79', (2) N
47° 45' 42" E – 218.85', (3) on a curve to the left with a radius of 2484.93', a
chord of N 42° 50' 34" E – 237.57', an arc length of 237.66', (4) on a curve to
the right with a radius of 3559.88', a chord of N 41° 48' 50" E – 218.06', an arc
length of 218.10', (5) N 46° 39' 46" E – 399.06' to the beginning point,
containing 44.454 acres, more or less, according to March 20, 2006 survey or
Robert G. May, 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 and all found iron pins are 5/8" rebar with yellow plastic cap stamped Dunning 3290. All bearings stated herein are referred to the recorded bearings of DB 256, Pg 197 and DB 256, Pg 193.

Being the same property conveyed to Garvins', LLC, by Dorothy Jane Austin and James M. Austin, wife and husband, and Mayme Hester Austin Elrod, unmarried, by deed dated May 10, 2006, of record in Deed Book 264, Page 730, 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.

September 30, 2008 FIRST READING

October 21, 2008 SECOND READING

At a meeting of the Fiscal Court of the County of Simpson, Commonwealth of Kentucky held October 21, 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:

Yes

Yes

Yes

Yes

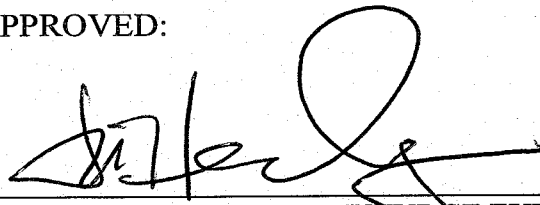
Kelly Banton

Marty Chandler

Charles McCutchen


Larry Randolph

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