

ORDINANCE NO. 920.87

**AN ORDINANCE RELATING TO
A ZONE CHANGE**

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 approximately 8.80 acres of land located on Kenny Perry Drive in Franklin, Simpson County, Kentucky, is hereby rezoned from A-1 to B-4, and the zoning map shall be amended accordingly, as requested by Lydia Petersen, pursuant to the recommendation of the Franklin-Simpson Planning & Zoning Commission after a public hearing on June 4, 2013:

The following paragraph describes a tract of land in Simpson County, Kentucky on Kenny Perry Drive and being more particularly described as follows:

Beginning at an existing king post with a witness iron pin set at base in the westerly right of way of Kenny Perry Drive, the southeasterly corner of the subject owners, Country Creek, Inc. as appears in Deed Book 200, Page 441 (also see Deed Book 211, Page 57 and Deed Book 274, Page 638) at a corner with Gary Summers (Deed Book 215, Page 387); thence along the established line of the subject owners with Gary Summers, generally with an old fence, the following two calls: North 82 degrees 01 minutes 18 seconds West a distance of 548.19 feet to an existing corner post with a witness iron pin set at base; thence North 88 degrees 59 minutes 27 seconds West a distance of 270.63 feet to a found ½ inch rebar (no cap) at a corner of the LJL Investments, LLC parcel described in Deed Book 274, Page 638, also a subject owner; thence on a new division line the following two calls: North 86 degrees 25 minutes 55 seconds West a distance of 422.59 feet to an iron pin set; thence North 85 degrees 01 minutes 44 seconds West a distance of 658.04 feet to an iron pin set in the line of Gary Summers; thence along the line of the subject owners with Gary Summers, North 09 degrees 29 minutes 43 seconds East a distance of 554.39 feet to an iron pin set; thence on new lines the following five calls: South 79 degrees 43 minutes 57 seconds East a distance of 614.24 feet to an iron pin set; thence South 04 degrees 39 minutes 39 seconds West a distance of 455.96 feet to an iron pin set; thence South 86 degrees 25 minutes 55 seconds East a distance of 420.93 feet to an iron pin set; thence south 88 degrees 59 minutes 27 seconds East a distance of 272.17 feet to an iron pin set; thence South 82 degrees 01 minutes 18 seconds East a distance of 570.39 feet to an iron pin set in the westerly right of way of Kenny Perry Drive; thence along the meanders of the westerly right of way of Kenny Perry Drive,

South 34 degrees 16 minutes 10 seconds West a distance of 44.62 feet to the point of beginning. Containing 8.80 acres more or less and subject to all legal conditions and easements of record. Subject to an easement 40 feet in width retained by the subject owners for ingress-egress to Kenny Perry Drive along the southerly line of the above described parcel to the remainder of the land described in Deed Book 274, Page 638, said easement extends in a westerly direction from Kenny Perry Drive a distance of 858.82 feet as measured along the line of the subject owners with Gary Summers. This description based on an actual field survey performed Gary Lee Dunning, Kentucky State Registered Land Surveyor #3290 in April of 2013. Basis of bearing for this description is per GPS readings along the centerline of Kenny Perry Drive. Unless sated otherwise, all iron pins set this survey are 5/8" x 18" iron pins with plastic identification cap stamped "Dunning #3290."

Being a part of the same property conveyed LJL Investments by Country Creek, Inc. (f/k/a Perry & Bush Land Development & Construction Company, Inc.), by deed dated December 14, 2007, of record in Deed Book 274, Page 638, 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.

July 2, 2013 FIRST READING

July 16, 2013 SECOND READING

At a meeting of the Fiscal Court of the County of Simpson, Commonwealth of Kentucky held July 16, 2013, on motion made by Honorable Kelly Banton, and seconded by Honorable Larry Randolph, the foregoing ordinance was adopted, after full discussion, by the following vote:

<u>yes</u>	Marty Chandler
<u>yes</u>	Kelly Banton
<u>yes</u>	Larry Randolph

Yes
Yes

Blake Tarpley

Jim Henderson

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