

ORDINANCE NO. 90-006

AN ORDINANCE RELATING TO CHANGING THE ZONE FOR 265.67 ACRES, MORE OR LESS, OWNED BY DON K. POOLE AND REAL ESTATE MARKETING, INC., A KENTUCKY CORPORATION, SITUATED ON U. S. HIGHWAY NO. 460 (FRANKFORT PIKE), SCOTT COUNTY, KENTUCKY, FROM AGRICULTURAL A-1 TO, IN PART, RESIDENTIAL R-1B, R-2, COMMERCIAL B-2 AND CONSERVATION C-1.

WHEREAS, the joint application of Don K. Poole and Real Estate Marketing, Inc., a Kentucky corporation (with First Lexington Company, a Kentucky corporation, 1999 Richmond Road, Suite 4, Lexington, Kentucky 40502, as developer), having been filed with the Georgetown-Scott County Planning Commission on April 28, 1989, requesting a zoning classification change from Agricultural A-1 to, in part, Residential R-1B, R-2, Commercial B-2 and Conservation C-1 for 265.67 acres, more or less, situated on U. S. Highway No. 460 (Frankfort Pike) in Scott County, Kentucky; and

WHEREAS, the matter having been heard publicly by the Planning Commission on June 8, 1989, with a continuation of the public hearing thereafter periodically until April 12, 1990, at which time the Planning Commission voted in favor of recommending to Scott Fiscal Court that the application be granted; and

WHEREAS, Scott Fiscal Court having fully considered the record of the Planning Commission including the application, final conditions of approval, conceptual land use plan, preliminary development plan, staff reports to the Planning Commission and minutes of all public hearings before the Planning Commission; and

WHEREAS, Scott Fiscal Court adopts the record of the Planning Commission as its record;

NOW, THEREFORE, BE IT ORDAINED BY SCOTT FISCAL COURT, SCOTT COUNTY, KENTUCKY, AS FOLLOWS:

Section 1 - That the Georgetown-Scott County Zoning Ordinance be amended to show a change in the zoning classification for 265.67 acres, more or less, more commonly known as the "Ford Waller Farm", from Agricultural A-1 to, in part, Residential R-1B (single family) for 42.27 acres; in part, Residential R-1B (single family) for 15.04 acres; in part, Residential R-2 (single and multi-family) for 187.33 acres; Commercial B-2 (Highway) for 21.03 acres; and

Conservation C-1 for 22 acres, more or less (to be determined by the 100 year flood plain), all in accordance with the application, as amended, and as shown on the zone change plat for said property which includes the "First Lexington Zoning Reclassification and Agreement for Conditions of Approval for Development", said property being more particularly described as follows:

SEE LEGAL DESCRIPTION OF SAID PROPERTY AND THE ZONING CLASSIFICATIONS THEREOF ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE AS EXHIBITS "A", "B", "C" and "D".

Section 2 - That the Georgetown-Scott County Planning Commission is hereby directed to show the zoning classification changes on the official zone map and to make reference to the number of this Ordinance.

Section 3 - That this Ordinance be read for the first time on July 2, 1990, and the second time on July 9, 1990, and become effective on the date of its publication.

PASSED SCOTT FISCAL COURT on the 16th day of July, 1990.

SCOTT FISCAL COURT
SCOTT COUNTY, KENTUCKY

BY: George Luby
GEORGE LUBY
COUNTY JUDGE/EXECUTIVE

ATTEST:

Martha A. Necker
CLERK
SCOTT FISCAL COURT

LEGAL DESCRIPTION
OF A
PORTION OF THE
FIRST LEXINGTON PROPERTY
TO BE REZONED TO R-1B

BEGINNING at a point which is the common corner with the Bevins Property, and being in the centerline of U.S. 460, Thence with the centerline of U.S. 460, South $85^{\circ} 50' 56''$ West, 334.01 feet to a point in the centerline of U.S. 460; Thence leaving centerline North $12^{\circ} 30' 00''$ East, 5762.42 feet to a point on the south edge of North Elkhorn Creek; Thence for 2 calls and following the aforementioned edge of creek: North $88^{\circ} 05' 33''$ East, 209.84 feet to a point, and South $87^{\circ} 03' 16''$ East, 118.40 feet to a point; Thence leaving the aforementioned creek South $12^{\circ} 30' 00''$ West, 5738.58 feet to the true point of beginning, containing 42.27 acres.

LEGAL DESCRIPTION
OF A
PORTION OF THE
FIRST LEXINGTON PROPERTY
TO BE REZONED TO R-1B

BEGINNING at a point in the south edge of the North Elkhorn Creek, said point being 142.38 feet in a southeasterly direction from the common corner with the Taylor's and the edge of creek; Thence with south edge of said creek for 2 calls:

South 26° 33' 59" East, 195.34 feet to a point;
South 23° 02' 12" East, 385.72 feet to a point;

Thence leaving edge of said creek South 23° 23' 25" West, 728.81 feet to a point; Thence with a curve to the left whose radius is 821.00 feet and the chord bears South 12° 32' 10" West, 309.21 feet to a point; Thence South 01° 40' 54" West, 204.72 feet to a point; Thence North 88° 19' 06" West, 429.00 feet to a point; thence 3 calls with the proposed bypass centerline:

North 01° 40' 54" East, 204.72 feet to a point;
a curve to the right, radius = 1250.00 feet,
and a chord bearing North 12° 32' 10" East, 470.78 feet to a point;
North 23° 23' 25" East, 1120.36 feet,
to the true point of beginning, and containing 15.04 Acres.

LEGAL DESCRIPTION
OF A PORTION OF
THE FIRST LEXINGTON PROPERTY
TO BE REZONED TO R-2

BEGINNING at a point in the centerline of U.S. 460, said point being 334.01 feet in a westerly direction from the Bevins common corner. Thence following the centerline of U.S. 460 for 5 calls:

South 85° 50' 56" West, 861.19 feet to a point,
South 86° 16' 25" West, 704.91 feet to a point,
South 87° 02' 27" West, 86.81 feet to a point,
South 89° 12' 34" West, 60.43 feet to a point,
North 86° 11' 31" West, 30.96 feet to a point,

Thence leaving centerline of U.S. 460 North 12° 30' 00" East, 1177.64 feet to a point; Thence a curve to the left whose radius is 1000.00', and the chord bears North 83° 46' 12" West, 158.60 feet to a point; Thence North 88° 19' 06" West, 788.26 feet, to a point; Thence North 01° 40' 54" East, 985.00 feet to a point; Thence South 88° 19' 06" East, 429.00 feet to a point; Thence North 01° 40' 54" East, 204.72 feet to a point; Thence a curve to the right whose radius is 821.00 feet, and the chord bears North 12° 32' 10" East, 309.21 feet to a point; Thence North 23° 23' 25" East, 728.81 feet to a point in the south edge of North Elkhorn Creek, Thence along the south edge of the said creek for the following seventeen calls:

South 23° 02' 12" East, 204.07 feet to a point,
South 40° 11' 59" East, 341.20 feet to a point,
South 54° 38' 54" East, 285.95 feet to a point,
South 65° 04' 47" East, 323.03 feet to a point,
South 71° 53' 39" East, 174.95 feet to a point,
North 85° 17' 37" East, 285.73 feet to a point,
North 63° 04' 57" East, 364.50 feet to a point,
North 17° 22' 04" East, 194.10 feet to a point,
North 02° 33' 47" East, 484.13 feet to a point,
North 34° 46' 51" West, 190.53 feet to a point,
North 15° 43' 27" West, 562.23 feet to a point,
North 11° 05' 55" East, 258.59 feet to a point,
North 42° 57' 27" East, 434.30 feet to a point,
North 47° 48' 19" East, 582.36 feet to a point,
North 45° 33' 47" East, 705.01 feet to a point,
North 34° 09' 08" East, 231.87 feet to a point,
North 88° 05' 33" East, 26.49 feet to a point,

Thence leaving south edge of said creek South 12° 30' 00" West, 5762.42 feet to the true point of beginning and containing 187.33 acres.

LEGAL DESCRIPTION
OF A
PORTION OF THE
FIRST LEXINGTON PROPERTY
TO BE REZONED TO B-2

BEGINNING at a point in the centerline of U.S. 460, and being 2078 feet in a westerly direction along said centerline from the common corner with Bevins, Thence for 6 calls along the centerline of U.S. 460:

North 86° 11' 31" West, 18.27 feet to a point,
North 81° 53' 23" West, 54.21 feet to a point,
North 76° 15' 43" West, 50.51 feet to a point,
North 73° 03' 58" West, 81.06 feet to a point,
North 72° 38' 22" West, 276.35 feet to a point,
North 73° 01' 20" West, 269.06 feet to a point,

Thence leaving said centerline North 01° 40' 54" East, 985.00 feet to a point; Thence South 88° 19' 06" East, 788.26 feet to a point; Thence a curve to the right whose radius is 1000.00 feet and the chord bears South 83° 46' 12" East, 158.60 feet to a point; Thence South 12° 30' 00" West, 1177.64 feet to the true point of beginning and containing 21.03 acres.

STATE OF KENTUCKY)
(SCT.
COUNTY OF SCOTT)

I, Clerk of the Scott County Fiscal Court, State of Kentucky, and as such custodian of the Seal and all the records of or pertaining to said Court, do hereby certify the foregoing to be a true and accurate copy of Ordinance No. 90-006 relating to changing the zoning classification for property owned by Don K. Poole and Real Estate Marketing, Inc., a Kentucky corporation (with development by First Lexington Company), comprising 265.67 acres, more or less, and situated on U. S. Highway No. 460 (Frankfort Pike) in Scott County, Kentucky

IN TESTIMONY WHEREOF, witness my hand, the Seal of said Court, this the 16th day of July, 1990.

Martha A. Neckeris
CLERK
SCOTT FISCAL COURT
SCOTT COUNTY, KENTUCKY