

ORDINANCE NO. 01- 06

ORDINANCE AMENDING ORDINANCE NO. 00-18, KNOWN AS THE ZONING ORDINANCE AND ALTERING THE ZONING MAP, BY CHANGING A BOUNDARY OF LAND NOW ZONED R-2 TO B-2.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOMERSET, KENTUCKY:

That Ordinance No. 00-18 known as the Zoning Ordinance, Somerset, Kentucky, be and the same is hereby amended by altering the Zoning Map in the following manner:

I. By changing the following boundary of land being zoned R-2 to B-2.

A certain tract or parcel of land lying in the City of Somerset, Pulaski County, Kentucky. Being more particularly described as follows:

Unless stated otherwise, any monument referred to herein as an "I.P. (Set)" is set ½"x18" rebar with a yellow plastic cap stamped "THOMPSON 2133". All bearings stated herein referred to the magnetic meridian as observed 4/14/00.

BEGINNING on an I.P. (Set) at the end of Gover Street, and being corner to Department of Transportation (R.D.B. 015, PG 001); thence S 13 deg. 44' 22" W for 29.95 feet to a 2 ½" Galv. Fence post; thence with chain link fence S 14 deg. 10' 07" W for 73.56 feet to a 2 ½" Galv. Fence post; thence still with fence N 82 deg. 42' 19" W for 184.62 feet to a 2 ½ Galv. Fence post, corner to W.B.W. Investments (D.B. 407 PG. 474); thence N 11 deg. 47' 22" E for 107.47 feet to an I.P. (set) in the property line of Robert Burns (D.B. 177, PG. 082); thence S 82 deg. 00' 00" E for 89.59 feet I.P. (set); thence S 80 deg. 49' 20" E for 98.84 feet to the POINT OF BEGINNING.

Containing an area 0.452 acres, more or less, above description was prepared from a physical survey conducted under the supervision of Billy R. Thompson, P.L.S. #2133 on 4/14/00, together with and subject to covenants, easements and restrictions of record.

There is further conveyed herewith the right of ingress and egress to the said property described and retained in a Deed of Conveyance dated March 14, 1975, from Albert E. Burns and wife to the Commonwealth of Kentucky of record in Road Deed Book 15, Page 1, Pulaski County Court Clerk's Office, Kentucky, and shown on the plat attached hereto, and therefore made a part of this description.

Being the same property conveyed to W.B.W. Investments, by John G. Prather, (Sr.), as Executor of the Last Will and Testament of Mae P. Burns by deed dated February 8, 1984, of record in Deed Book 429, Page 274, Pulaski County Court Clerk's Office, Kentucky.

Property Known As: 516 Monticello Street, Somerset, Kentucky 42501

II. The City Clerk of the City of Somerset, Kentucky is hereby authorized to alter the Zoning Map to reflect said change.

III. This Ordinance shall be in full force and effect from and after adoption.

FIRST READING: March 26, 2001

SECOND READING: April 9, 2001

APPROVED:

J. W. Wiles
MAYOR

ATTEST:

David H. Hays
CITY CLERK

**FINDINGS OF FACT AND RECOMMENDATION
OF ZONE CHANGE**

IN RE: 516 MONTICELLO STREET

**** **** **** ****

This matter came before the Planning and Zoning Commission by way of application of Carson Atwood. The property is located at 516 Monticello Street. A legal description is as follows:

A certain tract or parcel of land lying in the City of Somerset, Pulaski County, Kentucky. Being more particularly described as follows:

Unless stated otherwise, any monument referred to herein as an "I.P. (Set)" is set 1/2" x 18" rebar with a yellow plastic cap stamped "THOMPSON 2133". All bearings stated herein referred to the magnetic meridian as observed 4/14/00.

BEGINNING on an I.P. (Set) at the end of Gover Street, and being corner to Department of Transportation (R.D.B. 015, PG 001); thence S 13 deg. 44' 22" W for 29.95 feet to a 2 1/2" Galv. Fence post; thence with chain link fence S 14 deg. 10' 07" W for 73.56 feet to a 2 1/2" Galv. Fence post; thence still with fence N 82 deg. 42' 19" W for 184.62 feet to a 2 1/2 Galv. Fence post, corner to W.B.W. Investments (D.B. 407 PG. 474); thence N 11 deg. 47' 22" E for 107.47 feet to an I.P. (set) in the property line of Robert Burns (D.B. 177, PG. 082); thence S 82 deg. 00' 00" E for 89.59 feet I.P. (set); thence S 80 deg. 49' 20" E for 98.84 feet to the POINT OF BEGINNING.

Containing an area 0.452 acres, more or less, above description was prepared from a physical survey conducted under the supervision of Billy R. Thompson, P.L.S. #2133 on 4/14/00, together with and subject to covenants, easements and restrictions of record.

There is further conveyed herewith the right of ingress and egress to the said property described and retained in a Deed of Conveyance dated March 14, 1975, from Albert E. Burns and wife to the Commonwealth of Kentucky of record in Road Deed Book 15, Page 1, Pulaski County Court Clerk's Office, Kentucky, and shown on the plat attached hereto, and therefore made a part of this description.

BEING THE SAME PROPERTY conveyed to W.B.W. Investments, by John G. Prather, (Sr.), as Executor of the Last Will and Testament of Mae P. Burns by deed dated February 8, 1984, of record in Deed Book 429, Page 274, Pulaski County Court Clerk's Office, Kentucky.

The portion of the property is currently zoned R2 and a portion of the property is zoned B2. The reason the property has two zoning classifications is that when the previous zoning map was adopted an imaginary line ran through this property for zoning purposes. The current comprehensive plan recommends that this entire area should be zoned B2.

The Board in accordance with 100.213 make the following necessary findings for a proposed map amendment. First, this property is recommended by the comprehensive plan to be zoned B2. Additionally, the first zoning classification was inappropriate and a zoning classification of B2 would be appropriate.

WHEREFORE, it is the recommendation of the Planning and Zoning Commission that the piece of property located at 516 Monticello Street should be zoned B-2.

PLANNING AND ZONING COMMISSION

ROBERT NEWBY, (yes)

LARRY TROXELL (yes)

VICKY DAVIDSON (not present for public hearing or voting)

JAMES BUCHANAN (yes)

MARK VAUGHT (no)

JIM DORSEY (yes)

EARL DUFF (yes)