

MINUTES OF MEETING HELD JANUARY 13, 2020

The Common Council of the City of Somerset, Kentucky met in a regular meeting on Monday January 13, 2020 at 6:00 p.m. with the following present: Council Members; Donna Hunley, John Minton, Jim Mitchell, David Godsey, Amanda Bullock, Tom Eastham, Brian Dalton, Jerry Wheeldon, Jimmy Eastham, Jerry Girdler, Mike New, Mayor Alan Keck, City Attorney John Adams, and City Clerk Nick Bradley. Absent David Burdine.

Mr. Wheeldon moved to approve the minutes of the special called meeting and the regular meeting held on December 9, 2019 along with reports as mailed. Mr. New seconded the motion. Upon roll call the following Council Members voted "Aye": Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Godsey, Ms. Bullock, Mr. T. Eastham, Mr. Dalton, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, and Mr. New.

First Reading was given the following Ordinance Number 20-01: An Amendment of Ordinance 19-23 Annexing Property to the City of Somerset, Kentucky Certain Territory of Land Contiguous to the Existing City Limits of Somerset, Kentucky to Meet the Filing Requirements of the Kentucky Secretary of State's Office.

**ORDINANCE 20-1, AN AMENDMENT OF ORDINANCE 19-23
ANNEXING ~~PROPERTY~~ TO THE CITY OF SOMERSET, KENTUCKY CERTAIN TERRITORY OF LAND
CONTIGUOUS TO THE EXISTING CITY LIMITS OF SOMERSET, KENTUCKY TO MEET THE FILING
REQUIREMENTS OF THE KENTUCKY SECRETARY OF STATE'S OFFICE**

WHEREAS, the City Council has determined that the hereinafter described territory is urban in character and/or suitable for development for urban purposes by reason of population density and/or commercial and industrial use of land; and

WHEREAS, Ordinance No. 19-23 proposing the annexation of the property described herein was duly read in accordance with the Kentucky Revised Statute on August 12, 2019 and September 9, 2019, and was later published and went into effect; and

WHEREAS, Whereas Ordinance No. 19-23 as originally passed included "intent" language which the Kentucky Secretary of State's Office found technically questionable under their standards and asked for amendment; and

WHEREAS, The property owner, the Commonwealth of Kentucky ex rel the Kentucky Department of Highways, was given written notice and it's reply stated no opposition to the annexation such a reply is sufficient to meet the criteria of consent for annexation under the interpretation of the Kentucky Secretary of State's office; and

WHEREAS, to cure the issue of "intent" language in Ordinance 19-23 and noting that consent is present as determined by the Kentucky Secretary of State's office, the City of Somerset now proceeds to annex the property herein by consent pursuant to KRS 81A.410.

NOW, THEREFORE BE IT ORDAINED by the City of Somerset, Kentucky hereby ratifies the Mayor's signature upon and approves any and all documents necessary to effectuate the intent of this ordinance including, but not limited to the Consents to Annexation and further, the City hereby annexes the following described Unincorporated area and makes it a part of the City of Somerset, Kentucky.

**SEE PROPERTY DESCRIPTION ATTACHED AS EXHIBIT 1
AND INCORPORATED HEREIN BY REFERENCE**

This ordinance shall take effect upon its passage, approval and publication. 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.

All ordinances or parts of ordinances in conflict herewith are to the extent of

such conflict hereby repealed.

FIRST READING January 13, 2020

SECOND READING _____

APPROVED _____

Alan Keck, Mayor
City of Somerset, Ky

ATTESTED _____

Nick Bradley, City Clerk

COPY

EXHIBIT "A"

City of Somerset, KY. Annexation Ordinance No. _____

DESCRIPTION

A certain tract or parcel of land lying on the northeast right of way intersection of Kentucky Highway 39 and Talon Way in Somerset, Pulaski County, Kentucky and is more particularly described as follows:

Unless stated otherwise, any monument referred to herein as "pin and cap" is a previously set 5/8" diameter steel rebar, eighteen (18") inches in length, with a red plastic survey cap stamped "S.C.S. Plus 3-18". All bearings shown herein were correlated to Grid North as observed on June 11th, 2019.

BEGINNING at a point located at the northeast intersection of Kentucky Highway 39 and Talon Way, said point being a corner to existing City Limits of Somerset (Ordinance No. 12-06) and having a Kentucky Single Dome State Plane Coordinates of N: 3,577,962.03, E: 5,263,225.67; Thence with the existing City Limits of Somerset and crossing Kentucky Highway 39, S 10°56'18" W a distance of 50.50' to a point; Thence with the west right-of-way of Kentucky Highway 39 the following 23 calls: N 31°22'17" E a distance of 178.31' to a point; Thence N 32°50'07" E a distance of 184.59' to a point; Thence N 32°24'10" E a distance of 129.36' to a point; Thence N 32°32'06" E a distance of 79.05' to a point; Thence N 31°56'24" E a distance of 81.97' to a point; Thence N 28°58'15" E a distance of 116.21' to a point; Thence N 21°48'40" E a distance of 41.63' to a point; Thence N 16°30'56" E a distance of 61.10' to a point; Thence N 10°19'24" E a distance of 99.74' to a point; Thence N 08°24'01" E a distance of 142.58' to a point; Thence N 11°07'13" E a distance of 149.15' to a point; Thence N 13°50'32" E a distance of 248.44' to a point; Thence N 19°43'08" E a distance of 207.65' to a point; Thence N 15°45'56" E a distance of 404.91' to a point; Thence N 16°31'24" E a distance of 248.18' to a point; Thence N 14°16'24" E a distance of 99.52' to a point; Thence N 15°23'11" E a distance of 131.13' to a point; Thence N 15°22'57" E a distance of 81.24' to a point; Thence N 16°58'10" E a distance of 142.14' to a point; Thence N 11°50'08" E a distance of 177.46' to a point; Thence N 21°16'40" E a distance of 139.94' to a point; Thence N 20°22'28" E a distance of 277.08' to a second "pin and cap" with a blue plastic survey cap stamped "S.C.S. 12-13"; Thence N 23°41'22" E a distance of 121.73' to a point; Thence crossing Kentucky Highway 39, S 66°48'57" E a distance of 44.66' to a "pin and cap"; Thence with the east right-of-way of Kentucky Highway 39 the following (23) calls: S 23°12'47" W a distance of 50.02' to a "pin and cap"; Thence S 23°36'20" W a distance of 348.44' to a point; Thence S 21°44'40" W a distance of 174.31' to a point; Thence S 17°30'08" W a distance of 175.41' to a point; Thence S 14°04'10" W a distance of 141.81' to a point; Thence S 15°52'13" W a distance of 44.82' to a point; Thence S 15°29'11" W a distance of 141.82' to a point; Thence S 14°16'24" W a distance of 99.18' to a point; Thence S 14°37'24" W a distance of 248.84' to a point; Thence S 15°45'56" W a distance of 405.74' to a point; Thence S 15°43'08" W a distance of 406.60' to a point; Thence S 15°56'22" W a

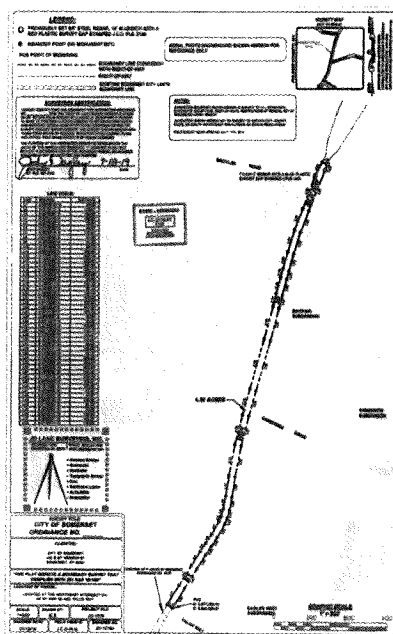
distance of 248.44' to a point; Thence S 11°07'13" W a distance of 246.73' to a point; Thence S 08°24'01" W a distance of 132.23' to a point; Thence S 07°19'24" W a distance of 103.29' to a point; Thence S 16°32'56" W a distance of 66.57' to a point; Thence S 21°48'40" W a distance of 47.23' to a point; Thence S 28°58'15" W a distance of 127.59' to a point; Thence S 31°56'24" W a distance of 61.52' to a point; Thence S 32°32'06" W a distance of 74.29' to a point; Thence S 32°24'10" W a distance of 129.05' to a point; Thence S 32°50'07" W a distance of 184.47' to a point; Thence S 31°22'17" W a distance of 178.40' to the POINT OF BEGINNING, having an area of 4.24 acres according to a field survey completed on July 17th, 2019 and performed under the direct supervision of Jay D. Gayle PLS 3388, with 10 land surveying. The

Above described property is subject to all easements, exceptions, rights-of-way, covenants, and restrictions of record or that may apply.

Judy Dayley 7-18-19 Date



COPY



COPY



Matthew G. Bevin Governor

COMMONWEALTH OF KENTUCKY TRANSPORTATION CABINET Department of Highways, District 6 Office 1660 S. Highway 27 Somerset, KY 42502 (606) 637-4517

Greg Thomas Secretary

Aug 27, 2019 John Adams, Esq Nick Bradley PO Box 989 Somerset, KY 42502

Re: Letter to Annex, KY-29, Talon Dr, to the Barn at Rodgate

Dear Mr. Adams and Mr. Bradley:

The Kentucky Transportation Cabinet has been made aware of your intent to annex a corridor of KY 39 described above.

The Transportation Cabinet views this proposed annexation as a local matter, and the Kentucky Transportation Cabinet declines to assert a position either in favor of, or against, said proposed annexation.

If you have any questions please do not hesitate to give me a call

Sincerely,

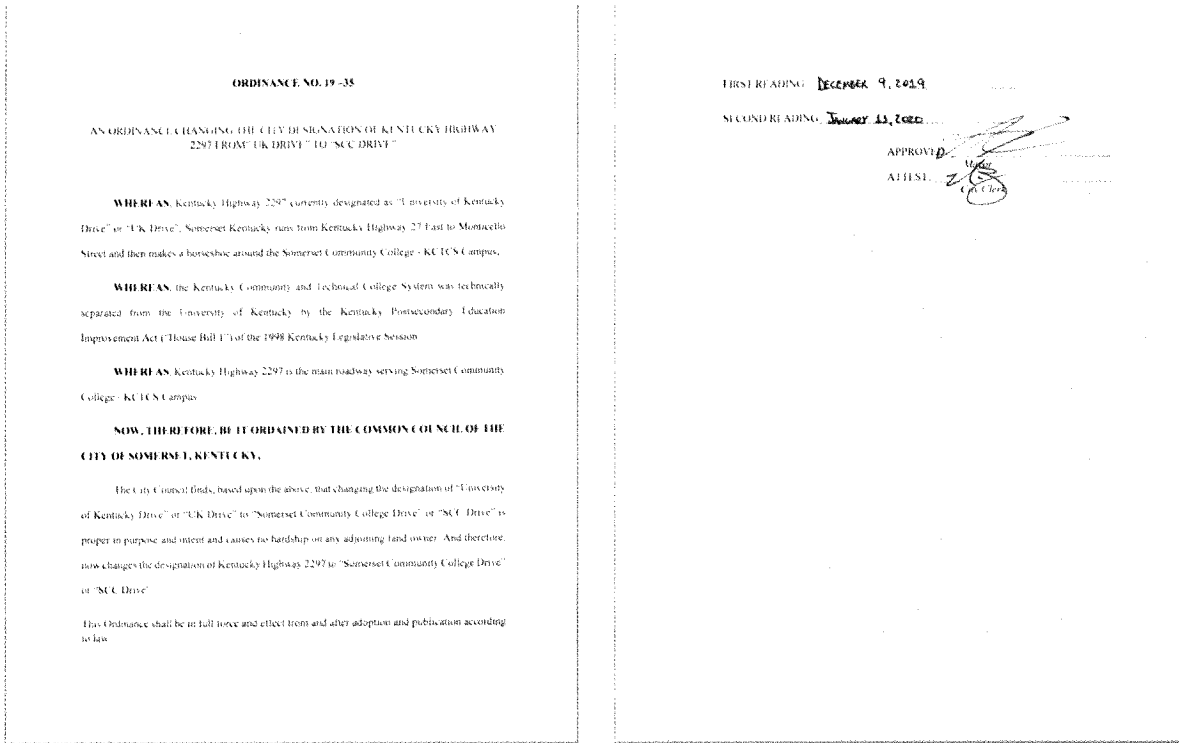
[Signature]

Kent A. L. Picharch Staff Attorney



Mr. T. Eastham made a motion to approve the following Ordinance Number 19-35: An Ordinance Changing the City Designation of Kentucky Highway 2297 from "UK Drive" to

“SCC Drive”. Mr. Girdler seconded the motion. Upon roll call the following Council Members voted “Aye”: Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Godsey, Ms. Bullock, Mr. T. Eastham, Mr. Dalton, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, and Mr. New.



Mr. Mitchell made a motion to approve the following Ordinance Number 19-36: An Ordinance Amending Ordinance No. 00-18, Known as the City’s Zoning Ordinance, and Altering the Zoning Map to Reflect said Amendment, Based on the Findings of Fact made by the Planning and Zoning Board, and Based on Said Board’s Recommendation of a Zone Change (119 Young Street Parcel # 075-3-1-55 from R-1 to R-2). Mr. New seconded the motion. Upon roll call the following Council Members voted “Aye”: Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Godsey, Ms. Bullock, Mr. T. Eastham, Mr. Dalton, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, and Mr. New.

ORDINANCE NO. 19-36

AN ORDINANCE AMENDING ORDINANCE NO. 00-18, KNOWN AS THE CITY'S ZONING ORDINANCE, AND ALTERING THE ZONING MAP TO REFLECT SAID AMENDMENT, BASED ON THE FINDINGS OF FACT MADE BY THE PLANNING AND ZONING BOARD, AND BASED ON SAID BOARD'S RECOMMENDATION OF A ZONE CHANGE.

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, is hereby amended by altering the Zoning Map in the following manner:

- I. By changing a boundary of land presently zoned R-1 to R-2, said properties being more particularly described in Exhibit "A" attached hereto and incorporated herein in full by reference, located at 119 Young Street, Somerset, Kentucky, and having PVA Parcel # 075-3-1-55.
- II. The City Clerk of the City of Somerset, Kentucky is hereby authorized to alter the Zoning Map to reflect said changes.
- III. This Ordinance shall be in full force and effect from and after adoption and publication according to law.

FIRST READING: December 9, 2017

SECOND READING: January 13, 2020

Approved: _____

Attest: _____

[Signature]
Mayor
[Signature]
City Clerk



**FINDINGS OF FACT AND RECOMMENDATIONS OF THE CITY OF SOMERSET
PLANNING & ZONING COMMISSION**

OWNER: TRISON GROUP HOLDINGS, LLC (Joel Patton)
ADDRESS: 119 Young Street
PARCEL #: 075-3-1-55

On November 16th, 2019, the Planning & Zoning Commission of the City of Somerset convened for a regularly scheduled meeting and public hearing and, at such meeting, made findings of fact as to the property described in the plat and zone change application attached hereto and incorporated herein in full by reference.

The Planning & Zoning Commission believes that the recommendation as set forth below IS proper according to law and MEETS the requirements for a zone change from R-1 to R-2 due to the following findings of fact:

**DUE TO THE SOCIAL AND ECONOMIC CHANGES IN THE IMMEDIATE AREA,
THE PRESENT ZONING IS INAPPROPRIATE AND THE PROPOSED ZONING IS
APPROPRIATE FOR THE PROPERTY**

WHEREFORE, the Planning & Zoning Commission via a majority vote agree to RECOMMEND to the Common Council of the City of Somerset that the subject property be rezoned from R-1 to R-2 based on the above findings of fact.

Administrative Official

[Signature]
Chairman, Planning & Zoning Commission

Counsel for Planning & Zoning Commission
(Sign only if legal assistance was sought by the Commission)

DISCLAIMER: This form was prepared by the City Attorney for administrative purposes only. All findings and/or recommendations stated on this form shall be written in the report provided by the Chairman of the Commission or other authorized personnel, and are strictly the business of the Planning & Zoning Commission as provided under the authority of an applicable law.

[Signature]
John Adams, City Attorney

EXHIBIT "A"



Mr. Wheeldon made a motion to approve the following Tax Refunds: Barbara Anderson, 2019 Homestead Exemption of \$39,300, refund of \$51.09. Russell Stigall & Peggy Perkins, 2018 Homestead Exemption of \$37,600 and 2019 Homestead Exemption of \$39,300, refund of

\$99.97. Mr. Godsey seconded the motion. Upon roll call the following Council Members voted "Aye": Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Godsey, Ms. Bullock, Mr. T. Eastham, Mr. Dalton, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, and Mr. New.

There being no further business the meeting adjourned.

APPROVED: _____



MAYOR

ATTEST: _____



CITY CLERK