

**CITY OF RUSSELLVILLE, KENTUCKY
ORDINANCE NO. 2006-13**

AN ORDINANCE AMENDING ORDINANCE NO. 84-4, "AN ORDINANCE DIVIDING THE CITY OF RUSSELLVILLE AND AREAS WITHIN ITS JURISDICTION INTO ZONES, SETTING FORTH GOALS, OBJECTIVES, AUTHORITY, THE TITLE TO WHICH THE ORDINANCE MAY BE REFERRED, GUIDELINES FOR INTERPRETATION THEREOF, AND DEFINITIONS; DIVIDING THE CITY INTO DISTRICTS AND BOUNDARIES AND PROVIDING FOR THE ZONING OF ANNEXED LANDS; STATING GENERAL PROVISIONS APPLICABLE TO ZONING DISTRICTS; DESCRIBING THE ZONING DISTRICTS AND THE BASIC REQUIREMENTS; STATING PROVISIONS APPLICABLE TO MOBILE HOMES AND MOBILE HOME PARKS; STATING PROVISIONS APPLICABLE TO PLANNED DEVELOPMENTS; STATING PROVISIONS APPLICABLE TO ZONING ADMINISTRATION; PROVIDING FOR AMENDMENTS TO THIS ORDINANCE WITH A SEVERABILITY CLAUSE AND A REPEALER CLAUSE PROVIDING FOR THE EFFECTIVE DATE AND RECORDING OF THIS ORDINANCE AND ALL AMENDMENTS THERETO" BY AMENDING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY LOCATED EAST OF TERRY WILCUTT HIGHWAY FROM RESIDENTIAL R-3 TO BUSINESS B-3 , AS MORE FULLY SHOWN BY THE ATTACHED PLAT WITH METES AND BOUNDS DESCRIPTION APPENDED THERETO; WITH REPEALER CLAUSE AND SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE

**** ** ***

WHEREAS, on March 19, 1984, the City Council in and for the City of Russellville, Kentucky, enacted Ordinance 84-4, "AN ORDINANCE DIVIDING THE CITY OF RUSSELLVILLE AND AREAS WITHIN ITS JURISDICTION INTO ZONES, SETTING FORTH GOALS, OBJECTIVES, AUTHORITY, THE TITLE TO WHICH THE ORDINANCE MAY BE REFERRED, GUIDELINES FOR INTERPRETATION THEREOF, AND DEFINITIONS; DIVIDING THE CITY INTO DISTRICTS AND BOUNDARIES AND PROVIDING FOR THE ZONING OF ANNEXED LANDS; STATING GENERAL PROVISIONS APPLICABLE TO ZONING DISTRICTS; DESCRIBING THE ZONING DISTRICTS AND THE BASIC REQUIREMENTS; STATING PROVISIONS APPLICABLE TO MOBILE HOMES AND MOBILE HOME PARKS; STATING PROVISIONS APPLICABLE TO PLANNED DEVELOPMENTS; STATING PROVISIONS APPLICABLE TO ZONING ADMINISTRATION; PROVIDING FOR AMENDMENTS TO THIS ORDINANCE WITH A SEVERABILITY CLAUSE AND A REPEALER CLAUSE PROVIDING FOR THE EFFECTIVE DATE AND RECORDING OF THIS ORDINANCE AND ALL AMENDMENTS THERETO," more commonly known as the "Zoning Ordinance of the City of Russellville, Kentucky; and

WHEREAS, the Logan Joint Cities-County Planning Commission has made a recommendation to City Council that a certain area of land within the city limits be rezoned based upon a change in economic, social or physical conditions, and

WHEREAS, the Findings of Fact and Recommendation of the Logan Joint Cities-County Planning Commission is attached hereto and made a part hereof, and

WHEREAS, the City Council in and for the City of Russellville, Kentucky deems that this change is in the best interests of the health, safety and welfare of the citizens of Russellville, Kentucky;

NOW, THEREFORE, be it ordained by the City Council in and for the City of Russellville, Kentucky, as follows:

A. The "Zoning Ordinance of the City of Russellville, Kentucky" is hereby amended as follows:

That certain parcel of land, as shown by the attached plat, and with being more fully described in the appended metes and bounds description, and being east of the Terry Wilcutt Highway, is hereby rezoned from Residential R-3 to Business B-3.

B. In the event any provision of this Ordinance is invalid for any reason, such invalidity shall not affect any other provision.

C. All portions of any ordinance or rule or regulation in conflict herewith are hereby repealed to the extent of that conflict only.

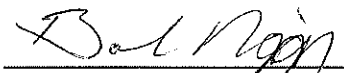
D. This Ordinance shall be effective upon its passage and publication according to law.

FIRST READING being conducted on the 20th day of June, 2006.

SECOND READING AND PASSAGE on the 6th day of July, 2006.


SHIRLEE YASSNEY, MAYOR

ATTEST:


BOB RIGGS, CITY CLERK

Ayes: Jones, Russell; McPherson, Lanny; Phillips, Chuck; Stratton, Mark; Whipple, Jack.

Nays: none

Absent: Zick, Eugene

Abstaining: none

**LOGAN JOINT CITIES/COUNTY PLANNING COMMISSION
IN RE: APPLICATION OF JAMES CONGER**

This matter having come before the Logan Joint Cities/County Planning Commission (Commission) on April 6, 2006, on the Application of James Conger, (Applicant) for a change in the Zoning Map of the City of Russellville for his property located off of Terry Wilcutt Highway, in Russellville, Kentucky, a legal description of which is contained in a DEED from W. N. Renfro and wife, Chloe Renfro, to James L. Conger and wife, Mary Jo Conger, dated May 26, 1969, recorded in Deed Book 195, Page 362, in the Office of the Logan County Court Clerk, a DEED from Mrs. Mary Cornelius and husband, Walter Cornelius, to James L. Conger, Sr., dated July 28, 1972, recorded in Deed Book 207, Page 219, in the Office fo the Logan County Court Clerk, and a DEED from City of Russellville, to James L. Conger dated October 17, 2001, recorded in Deed Book 337, Page 228, in the Office of the Logan County Court Clerk, copies of which are attached hereto and incorporated herein by reference, and a Plat as contained on the NOTICE OF PUBLIC HEARING of the Hearing by the Commission which is attached hereto and incorporated herein by reference, from Residential R-3 to Business B-3, and the Commission having heard comments by Bill Pearson as to the record in this case, and comments by James Conger and his attorney Hon. Jesse L. Riley, Jr., and there being no objection presented, and the Commission being sufficiently advised, does hereby enter the following as its FINDINGS OF FACT:

FINDINGS OF FACT

1. Due notice of the Hearing was given, a quorum was present, and only James Conger and his attorney Hon. Jesse L. Riley, Jr., appeared regarding this matter.
2. Bill Pearson presented evidence showing that the proposed rezoning has

been properly advertised, that notices were sent to adjoining land owners, and that no one had expressed disagreement with the proposed rezoning of the property; that the plat of the property showed that the property is accessible but is not readily adaptable to use as residential property because of the rocky terrain; that the property would be readily usable for the erecting of storage units, which were not necessarily dependant on the availability of utilities; and that because of the foregoing, the existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate, and in any event, there has been recent construction of a four lane highway, and there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the adopted Comprehensive Plan.

Hon. Jesse L. Riley, Jr., on behalf of his client, displayed plats of the property to the Members and stated that Mr. Conger intended to convey the property to his grandson for the near term purpose of erecting storage units on the property.

3. Incorporated herein by reference as if fully copied herein are the audio tapes and Minutes of the meeting.

4. On motion of Gerald Hildebrand, seconded by Jack McLean, passed on roll call vote by those present, with John Cates abstaining, the Application for rezoning of the property was unanimously approved.

RECOMMENDATION

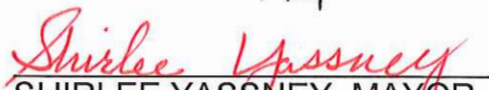
The Commission having considered the Application and the evidence presented, having on April 6, 2006, accepted the evidence offered on behalf of the Application, and having approved the Application, and having made its FINDINGS OF FACT, does hereby recommend to the City Council of the City of Russellville that the Application of James Conger, be approved, and this is the final action of the Commission on this Application.

This 2nd day of ^{May} ~~April~~, 2006.

THE JOINT LOGAN CITIES/COUNTY
PLANNING COMMISSION
by:

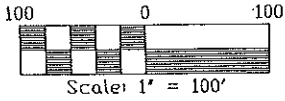
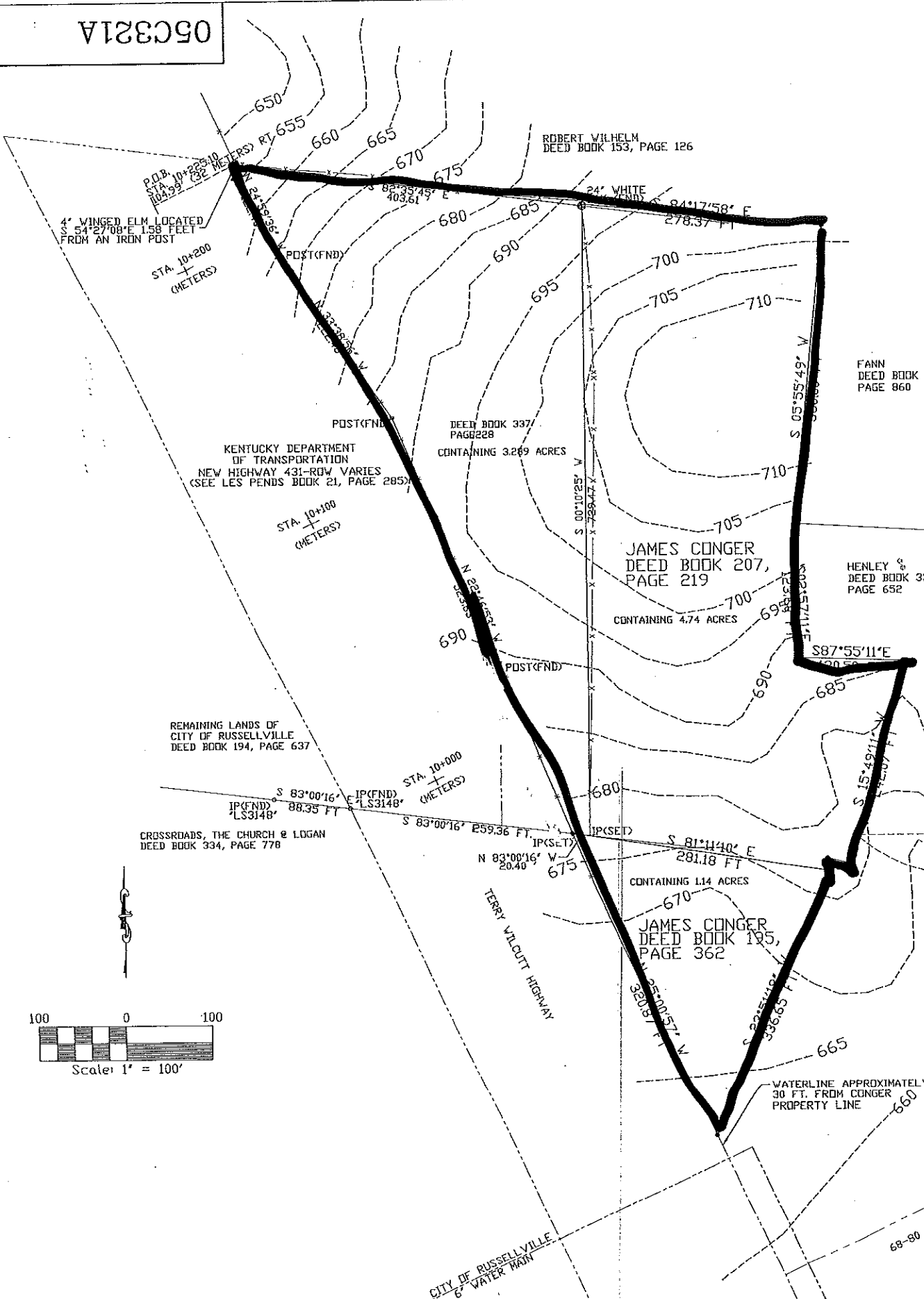

KEN ROBBINS, Chairman

Received on behalf of the
City of Russellville, Kentucky,
this 2 day of ^{May} ~~April~~, 2006.


SHIRLEE YASSNEY, MAYOR
CITY OF RUSSELLVILLE

3600FOF

05C321A



BENCHMARK

LAND SURVEYING

APRIL 29, 2005

CONGER PROPERTY
1.14 ACRES

UNLESS STATED OTHERWISE, ANY MONUMENT REFERRED TO HEREIN AS A "SET IRON PIN" IS A 5/8" DIAMETER STEEL REINFORCING BAR, EIGHTEEN INCHES IN LENGTH WITH A PLASTIC CAP STAMPED "J.L. HARRIS -P.L.S. 3148". ALL BEARINGS STATED HEREIN ARE REFERRED TO FOUND MONUMENTATION AS DESCRIBED ON KENTUCKY DEPARTMENT OF HIGHWAYS PROJECT NUMBER STPR 431-2 (16).

BEGINNING AT A SET IRON PIN IN THE NORTHEAST RIGHT-OF-WAY OF THE TERRY WILCUTT HIGHWAY, SAID SET IRON PIN BEING LOCATED 114.83 FEET RIGHT OF CENTERLINE STATION 9+842.197, CORNER TO CATES (DEED BOOK 343 PAGE 126); THENCE WITH SAID RIGHT-OF-WAY N 25°00'57" W 320.87 FEET; THENCE N 22°47'20" W 68.44 FEET TO A FOUND IRON PIN #2474, CORNER TO CONGER (DEED BOOK 337 PAGE 228); THENCE TURNING RIGHT, LEAVING SAID RIGHT-OF-WAY WITH THE LINE OF CONGER S 81°58'34" E 20.69 FEET TO A FOUND IRON PIN (NO I.D. CAP), CORNER TO CONGER (DEED BOOK 207 PAGE 219); THENCE WITH THE LINE OF CONGER S 81°11'10" E 281.18 FEET TO A FOUND POST WITH A SET WITNESS IRON PIN AT ITS BASE, CORNER TO CATES; THENCE TURNING RIGHT WITH THE LINE OF CATES S 23°51'18" W 336.65 FEET TO THE POINT OF BEGINNING. DESCRIBED PARCEL CONTAINING 1.14 ACRES AS SHOWN BY SURVEY PERFORMED BY JEFFREY L. HARRIS, P.L.S. #3148 WITH BENCHMARK LAND SURVEYING, DATED APRIL 27, 2005. BEING THE REMAINDER OF THE PROPERTY CONVEYED TO CONGER BY DEED BOOK 195 PAGE 362 AS FOUND IN THE RECORDS OF THE LOGAN COUNTY CLERK, RUSSELLVILLE KENTUCKY.

361 HOPKINSVILLE ROAD
RUSSELLVILLE, KENTUCKY 42276
TEL: (270) 726-4884
FAX: (270) 726-4885

**PROPOSED CONVEYANCE
FROM THE CITY OF RUSSELLVILLE
CONTAINING 3.289 ACRES**

Being a certain parcel of land located on the East side of Terry Wilcutt Highway in the City of Russellville, Logan County, Kentucky, and being further described as follows:

Beginning at a 4" Elm tree at the end of a fence in the East right of way line of Terry Wilcutt Highway at a point located 104.99 ft (32 Meters) right of centerline Station 10+225.10 (Meters) of said highway, (see Les Pends Book 21-Page 285), same being located South 54 deg 27'08" East a distance of 1.58 feet from an iron fence post; said beginning point being a corner with Robert Wilhelm (Deed Book 153-Page 126); thence from said beginning and with Wilhelm along side of a fence, South 82 deg 35'45" East a distance of 403.61 to a 24 inch White Oak (fnd), same being a corner with James Conger (Deed Book 207-Page 219); thence with Conger, South 00 deg 10'25" West a distance of 729.47 to an iron pin and cap (SET) in the line of James Conger (Deed Book 195-Page 362); thence with Conger, North 83 deg 00'16" West a distance of 20.40 to an iron pin and cap (SET) in the aforesaid right of way line; thence with said right of way line for the next three calls, North 22 deg 46'53" West a distance of 523.63 feet to an iron fence post (fnd), North 33 deg 38'56" West a distance of 222.48 to an iron fence post (fnd), and North 24 deg 59'36" West a distance of 122.48 feet to the point of beginning, containing 3.289 acres more or less, according to a field survey conducted by DDI Engineering and Surveying under the direction of Frank J. Kondracki, Jr., "RLS2474", during the month of September, 2001.

Being a part of the same property conveyed to the City of Russellville by The Logan Sportsman's Club by deed dated March 14, 1969, as recorded in Deed Book 194-Page 637, in the Office of the Logan County Court Clerk, Russellville, Kentucky.

**FRANK J. KONDRACKI, JR.
LICENSED SURVEYOR
STATE OF KENTUCKY
LICENSE NO. 2474**

Frank J. Kondracki, Jr.
2 Oct 2001

Original

RECORDED BY Paul [unclear]
NO. 201 PAGE 219

DEED

THIS DEED, made and entered into this 28 day of July, 1972, by and between Mrs. Mary Cornelius and husband, Walter Cornelius, Russellville, Logan County, Kentucky, parties of the first part, and James L. Conger, Sr. and wife, Mary Jo Conger, Russellville, Logan County, Kentucky, parties of the second part,

#150 Day

WITNESSETH: That the parties of the first part, for and in consideration of the sum of ONE THOUSAND FOUR HUNDRED THIRTY-FOUR DOLLARS (\$1,434.00), cash in hand paid, receipt of which is hereby acknowledged, have bargained and sold and hereby convey unto the parties of the second part, jointly and equally, with remainder in fee simple to the survivor of them, his or her heirs and assigns forever, the following tract of land in Russellville, Logan County, Kentucky, located at the northwest city limits of Russellville and further described from a survey made July 27, 1972, by E. T. Riley, Land Surveyor, Ky. Reg. No. 128, as follows:

BEGINNING at a post on the south side of an old road, a corner with the city of Russellville in the line of James L. Conger; thence with the line of Conger along the south side of old road S 84 degrees 40' E - 280.0 feet to a post on south side of said road a corner with Conger and Johnnie Ipox; thence with the line of Ipox N 07 degrees 48' W 14.7 feet to a post on the north side of old road; thence with Ipox along the north side of said road S 79 degrees 38' E 26.1 feet to a post in the line of Ipox a corner with N. E. Matthew; thence with the line of Matthew N 12 degrees 30' E 243.8 feet to a post on the south side of a private road a

JESSE L. RILEY, JR.
ATTORNEY AT LAW
RUSSELLVILLE, KENTUCKY

corner with same; thence along the south side of said road S 88 degrees 12' W 120.5 feet to a post; thence crossing said road and with N. W. Bryant N 06 degrees 50' W 123.6 feet to a stump a corner with Bryant and Mrs. Cecil Milam; thence with the line of Mrs. Cecil Milam White N 02 degrees 03' E 380 feet to a post a corner with Milam and Cletus White in the line of Robert Wilhelm; thence with the line of Wilhelm N 88 degrees 05' W 280.7 feet to a white oak in the line of same a corner with the City of Russellville; thence with the line of the City of Russellville S 03 degrees 40' E 731.6 feet to the beginning point, containing 4.78 acres.

BEING the same property conveyed to Mrs. Mary Sue Cornelius by Buster Gossett and wife by deed dated July 1, 1963, as shown of record in Deed Book 178, page 229, office of the Clerk of the Logan County Court.

TO HAVE AND TO HOLD said property unto the parties of the second part, jointly and equally, with remainder in fee simple to the survivor, his or her heirs, and assigns forever, with Covenant of General Warranty, releasing all rights of Homestead and Dower.

IN TESTIMONY WHEREOF, witness the signatures of the first parties the day and date first above written.

Mary Cornelius
MARY CORNELIUS

Walter E. Cornelius
WALTER CORNELIUS

STATE OF KENTUCKY

COUNTY OF LOGAN

I, *Jesse L. Riley, Jr.*, a Notary Public in and

JESSE L. RILEY, JR.
ATTORNEY AT LAW
RUSSELLVILLE, KENTUCKY

LEGAL PUBLICATION OF ORDINANCE IN SUMMARY

The City Council of Russellville, Kentucky, has enacted Ordinance 2006-13 entitled "AN ORDINANCE AMENDING ORDINANCE NO. 84-4, 'AN ORDINANCE DIVIDING THE CITY OF RUSSELLVILLE AND AREAS WITHIN ITS JURISDICTION INTO ZONES, SETTING FORTH GOALS, OBJECTIVES, AUTHORITY, THE TITLE TO WHICH THE ORDINANCE MAY BE REFERRED, GUIDELINES FOR INTERPRETATION THEREOF, AND DEFINITIONS; DIVIDING THE CITY INTO DISTRICTS AND BOUNDARIES AND PROVIDING FOR THE ZONING OF ANNEXED LANDS; STATING GENERAL PROVISIONS APPLICABLE TO ZONING DISTRICTS; DESCRIBING THE ZONING DISTRICTS AND THE BASIC REQUIREMENTS; STATING PROVISIONS APPLICABLE TO MOBILE HOMES AND MOBILE HOME PARKS; STATING PROVISIONS APPLICABLE TO PLANNED DEVELOPMENTS; STATING PROVISIONS APPLICABLE TO ZONING ADMINISTRATION; PROVIDING FOR AMENDMENTS TO THIS ORDINANCE WITH A SEVERABILITY CLAUSE AND A REPEALER CLAUSE PROVIDING FOR THE EFFECTIVE DATE AND RECORDING OF THIS ORDINANCE AND ALL AMENDMENTS THERETO" BY AMENDING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY LOCATED EAST OF TERRY WILCUTT HIGHWAY FROM RESIDENTIAL R-3 TO BUSINESS B-3 , AS MORE FULLY SHOWN BY THE ATTACHED PLAT WITH METES AND BOUNDS DESCRIPTION APPENDED THERETO; WITH REPEALER CLAUSE AND SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

In accordance with KRS 86A.060(9), the undersigned, a licensed, practicing attorney in the Commonwealth of Kentucky, summarizes this Ordinance as follows:

1. This Ordinance has been enacted to address a change in economic, social and physical conditions of a certain property located East of Terry Wilcutt Highway in the corporate limits of the City of Russellville, Kentucky.
2. This change in economic, social and physical conditions resulted in a recommendation by the Logan Joint Cities/County Planning Commission to change the zoning classification from Residential R-3 to Business B-3.
3. The recommendation of the Logan Joint Cities/County Planning Commission is incorporated by reference as if fully rewritten herein, and the full version is attached to the original Ordinance for public inspection.
4. The tract of land is more fully described by a metes and bounds description prepared by a licensed professional land surveyor, and a plat showing the property rezoned was prepared by a licensed professional engineer. The metes and bounds description are attached to the original Ordinance for public inspection. A reduced scale plat is published herewith, with a larger scale plat appended to the original Ordinance.

5. City Council has determined that this Ordinance is in the best interests of the health, safety and welfare of the citizens of the City of Russellville, Kentucky.

6. Based upon the recommendation of the Logan Joint Cities/County Planning Commission, City Council has enacted this Ordinance to amend the zoning map, rezoning the aforementioned property from Residential R-3 to Business B-3.

7. This Ordinance contains a Severability clause and a Repealer clause.

The full text of this Ordinance, with attached Findings of Fact and Recommendation of the Logan Joint Cities/County Planning Commission, metes and bounds description, and larger scale plat, is available for copying and inspection at City Hall, Russellville, Kentucky, during normal business hours.

The City Council of Russellville, Kentucky enacted this Ordinance after a first reading conducted on June 20, 2006, and a second reading conducted on July 6, 2006.

This Ordinance is in effect immediately upon publication.

CERTIFICATION OF COUNSEL

I hereby certify that the foregoing is an accurate summary of City of Russellville Ordinance 2006-13.

C. Robert Hedges
Russellville City Attorney
157 West Fifth Street
P. O. Box 335
Russellville, KY 42276-0335
270-726-9604