

**CITY OF RUSSELLVILLE, KENTUCKY
ORDINANCE NO. 2010-09**

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 AT 1210 NASHVILLE STREET, BEING A 2.94 ACRE TRACT OF LAND, FROM RESIDENTIAL R-3 TO INDUSTRIAL I-1, AS MORE FULLY SHOWN BY METES AND BOUNDS AND PLAT; 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, consisting of 2.94 acres of land, as shown by the attached metes and bounds description and plat, and being located at 1210 Nashville Street, is hereby rezoned from Residential R-3 to Industrial I-1.

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 conducted on the 20th day of July, 2010.

SECOND READING AND PASSAGE on the 3rd day of August, 2010.


GENE ZICK, MAYOR

ATTEST:


BOB RIGGS, CITY CLERK

Ayes: Bell, Pat; Davenport, Jimmy; Jones, Russell; McPherson, Lanny; Nash, Doug; Whipple, Jack.

Nays: None.

Absent: None.

Abstaining: None.

**LOGAN JOINT CITIES/COUNTY
PLANNING COMMISSION**

In RE: The Application of Harold Robertson and wife, Linda Robertson

FINDINGS OF FACT AND RECOMMENDATION

This matter having come before the Logan Joint Cities/County Planning Commission (Commission) on June 3, 2010, on the Application of Harold Robertson and wife, Linda Robertson (Applicants) for a change in the Zoning Map of the City of Russellville for their property located at the 1210 Nashville Street, a legal description and plat of which is attached hereto, from Residential R-3 to Industrial I-1, and the Commission having heard comments of an owner, Harold Robertson, and from Charlie Ray on his behalf, and from Hope Strode as to the record in this case, the contents of which, including, but not limited to, the Application, are adopted by reference and made a part of these Findings, and the Commission having considered same, and being sufficiently advised, does hereby enter the following as its FINDINGS OF FACT:

FINDINGS OF FACT

1. Due notice of the meeting was given, a quorum was present, and interested parties appeared.
2. The Applicants presented evidence showing that the existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate, and that there have been major changes in an economic, physical, or social nature within the area involved which were not anticipated in the adopted Comprehensive Plan; that Mr. and Mrs. Scott, adjoining land owners, were present, but no adjoining landowner or anyone else objected to the granting of the Application.
3. Incorporated herein by reference as if fully copied herein are the audio

tapes and Minutes of the meeting.


4. On motion of Jim Trimble, seconded by Gerald Hildabrand, passed unanimously on roll call vote by those present, the Application for the rezoning of the property, as amended was approved.

RECOMMENDATION

The Commission on June 3, 2010, having considered the Application and any amendments and the evidence presented, 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 and any amendments of Harold Robertson and wife, Linda Robertson for a change in the Zoning Map of the City of Russellville for their property located at 1210 Nashville Street from Residential R-3 to Industrial I-1 be, and it hereby is, approved, and this is the final action of the Commission on this Application and any amendments.

This 16 day of June, 2010.

THE JOINT LOGAN COUNTY AND
LOGAN CITIES PLANNING COMMISSION


By: KEN ROBBINS, Chairman

Received on behalf of
City of Russellville, Kentucky,
this 16 day of July, 2010.



GENE ZICK, MAYOR
CITY OF RUSSELLVILLE

3600ROBERTSONFOF

2.94 Acre Tract located at 1210 Nashville Street

A certain tract of land located within the City of Russellville, Kentucky, and being more particularly described as follows:

Beginning at an iron pin set in the westerly right of way of U.S. Route 431, (approximately 30 feet from centerline) also known as Nashville Road at the southeast corner to the subject owners, Harold and Linda Robertson as appears in Deed Book 211, Page 246, at a corner with Harold Scott; thence along the established and accepted line of the subject owners with Harold Scott, South 79 degrees 37 minutes 09 seconds West a distance of 461.00 feet to an iron pin set at a corner with Brown's Tobacco Warehouse (Deed Book 193, Page 128); thence along the lines of the subject owners with Browns Tobacco Warehouse the following three calls: North 26 degrees 08 minutes 08 seconds West a distance of 289.00 feet to an iron pin set at a downed corner post; thence North 79 degrees 36 minutes 52 seconds East a distance of 290.16 feet to a 5/8" rebar found at a corner of the Browns Tobacco Warehouse property as described in Commissioner's Deed Book 15, Page 307; thence North 79 degrees 43 minutes 17 seconds East a distance of 169.86 feet to an iron pin set in the westerly right of way of U.S. Route 431; thence along the meanders of the westerly right of way of U.S. Route 431 South 26 degrees 20 minutes 16 seconds East a distance of 289.00 feet to the point of beginning. Containing 2.94 acres more or less subject to all legal conditions and easements of record.

This description based on an actual field survey performed by Gary Lee Dunning, Kentucky State Registered Land Surveyor #3290 in March of 2010. Basis of bearing for this description is a magnetic observation on the traveled centerline of U.S. Route 431. Unless stated otherwise, all iron pins set this survey are 5/8" x 18" iron pins with plastic identification cap stamped "Dunning #3290".

BEING THE SAME property conveyed unto Harold Robertson and wife, Linda Robertson, as shown in Deed Book 211, Page 246, in the office of the Clerk of the Logan County Court.

Dunning Land Surveying

Description of a 2.94 acre tract

The following paragraph describes a tract of land in Logan County Kentucky at 1210 Nashville Road in the City of Russellville; the same property originally conveyed to Harold Robertson and wife, Linda Robertson by deed of record as recorded in Deed Book 211 Page 246 of the public records of the Logan County Clerk's Office; said premises being more particularly described as follows:

Beginning at an iron pin set in the westerly right of way of U.S. Route 431, (approximately 30 feet from centerline) also known as Nashville Road at the southeast corner to the subject owners, Harold and Linda Robertson as appears in Deed Book 211 Page 246 at a corner with Harold Scott; thence along the established and accepted line of the subject owners with Harold Scott, South 79 degrees 37 minutes 09 seconds West a distance of 461.00 feet to an iron pin set at a corner with Brown's Tobacco Warehouse (Deed Book 193 Page 128); thence along the lines of the subject owners with Browns Tobacco Warehouse the following three calls; North 26 degrees 08 minutes 08 seconds West a distance of 289.00 feet to an iron pin set at a downed corner post; thence North 79 degrees 36 minutes 52 seconds East a distance of 290.16 feet to a 5/8" rebar found at a corner of the Browns Tobacco Warehouse property as described in Commissioners Deed Book 15 Page 307; thence North 79 degrees 43 minutes 17 seconds East a distance of 169.86 feet to an iron pin set in the westerly right of way of U.S. Route 431; thence along the meanders of the westerly right of way of U.S. Route 431 South 26 degrees 20 minutes 16 seconds East a distance of 289.00 feet to the point of beginning. Containing 2.94 acres more or less subject to all legal conditions and easements of record. This description based on an actual field survey performed by Gary Lee Dunning, Kentucky State Registered Land Surveyor #3290 in March of 2010. Basis of bearing for this description is a magnetic observation on the traveled centerline of U.S. Route 431. Unless stated otherwise, all iron pins set this survey are 5/8" x 18" iron pins with plastic identification cap stamped "Dunning #3290".

DUNNING LAND SURVEYING

1212 NEOSHEO ROAD
FRANKLIN, KENTUCKY 42134
PHONE: (270) 586-8286 * FAX (270) 586-8287

SURVEY OF A 2.94 ACRE PARCEL WITH REQUESTED ZONING CHANGE FOR HAROLD ROBERSTON SITUATED AT 1210 NASHVILLE ROAD IN LOGAN COUNTY, KENTUCKY

PRESENT OWNERS: HAROLD ROBERSTON AND WIFE, LINDA ROBERSTON
SOURCE OF TITLE: DEED BOOK 211 PAGE 246 LOGAN COUNTY, KENTUCKY COURT CLERK RECORDS
MAP REFERENCE: MAP 69 PARCEL 33 LOGAN COUNTY, KENTUCKY P.V.A. RECORDS
DATE: MARCH 18, 2010

THE SUBJECT PROPERTY DOES NOT LIE IN A FLOOD PRONE AREA PER LATEST F.I.R.M. MAPPING FLOOD HAZARD MAP #210150 0002 C DATED 1994
SUBJECT TO ALL LEGAL CONDITIONS AND EASEMENTS OF RECORD.

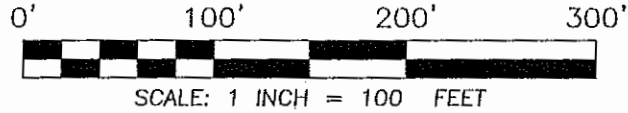
THIS SURVEY IS SUBJECT TO ALL FACTS WHICH WOULD BE DISCLOSED BY A COMPLETE TITLE SEARCH.

IRON PINS SET THIS SURVEY ARE 5/8" X 18" REBARS WITH PLASTIC IDENTIFICATION CAP STAMPED "DUNNING 3290 "

- DENOTES IRON PIN SET UNLESS SHOWN OTHERWISE
- DENOTES MEANDER CORNER; MONUMENT NOT SET

PRESENT ZONING R-3 REQUESTED ZONING TO I-1

SUBJECT DEED CALLS 3.00 ACRES. CALLS AS SHOWN ON RECORD DEED DESCRIPTION YIELD 2.89 ACRES.



BASIS OF BEARING:

A MAGNETIC OBSERVATION ON THE TRAVELED CENTERLINE OF U.S. ROUTE 431.



PRESENT ZONING I-1

BROWN'S TOBACCO WAREHOUSE
DEED BOOK 193
PAGE 128

IRON PIN FOUND #3148

BROWN'S TOBACCO WAREHOUSE
COMM. DEED BOOK 15
PAGE 307

IRON PIN SET

5/8 REBAR FOUND (NO CAP)

GARAGE

ONE STORY FRAME HOUSE #1210

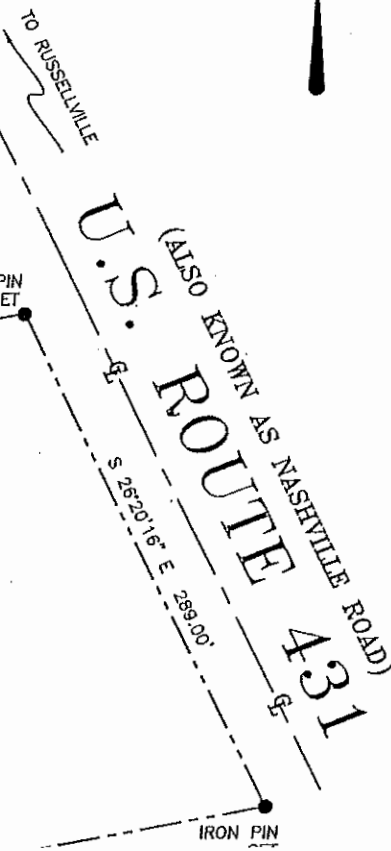
IRON PIN SET AT ROTTEN DOWNED CORNER POST

BROWN'S TOBACCO WAREHOUSE
DEED BOOK 193
PAGE 128

2.94 ACRES
SURVEY

PRESENT ZONING I-1

PRESENT ZONING R-3



LEGAL PUBLICATION OF ORDINANCE IN SUMMARY

The City Council of Russellville, Kentucky, has enacted Ordinance 2010-09 entitled "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 AT 1210 NASHVILLE STREET, BEING A 2.94 ACRE TRACT OF LAND, FROM RESIDENTIAL R-3 TO INDUSTRIAL I-1, AS MORE FULLY SHOWN BY METES AND BOUNDS AND PLAT; WITH REPEALER CLAUSE AND SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

In accordance with KRS 83A.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 at 1210 Nashville Street, in Logan County, Russellville, Kentucky.
2. This change in economic, social and physical conditions resulted in a recommendation of the Logan Joint Cities/County Planning Commission which is dated June 16, 2010, and incorporated by reference as if fully rewritten herein, to change the zoning classification at 1210 Nashville Street from Residential R-3 to Industrial I-1.
3. A plat prepared by a licensed professional land surveyor showing the property rezoned is published herewith and the full-sized plat is available for viewing at City Hall.
4. City Council determined this Ordinance to be in the best interests of the health, safety and welfare of the citizens of the City of Russellville, Kentucky, and enacted the Ordinance amending the zoning map, and this property is now rezoned from Residential R-3 to Industrial I-1.

The full text of this Ordinance, with Findings of Fact and Recommendation of the Logan Joint Cities/County Planning Commission, metes and bounds description, and 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 July 20, 2010, and a second reading conducted on August 3, 2010.

CERTIFICATION OF COUNSEL

I hereby certify that the foregoing is an accurate summary of City of Russellville Ordinance 2010-09.

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