

ORDINANCE # 14 - 2021

COUNTY OF FRANKLIN, KENTUCKY

**AN ORDINANCE AMENDING THE TABLE OF SPECIAL ORDINANCES, SECTION 1 ZONING MAP CHANGES OF THE FRANKLIN COUNTY CODE OF ORDINANCES FOR A 53.5-ACRE PROPERTY IDENTIFIED AS PVA MAP #060-00-00-024.01, LOCATED ON MANLEY-LEESTOWN ROAD, FROM AGRICULTURAL DISTRICT (AG) TO INDUSTRIAL GENERAL DISTRICT (IG)**

**WHEREAS**, The Franklin County Fiscal Court, having heretofore enacted an Ordinance relating to zoning regulations and zoning district maps in accordance with a Comprehensive Plan and Kentucky Revised Statute (KRS) chapter 100; and

**WHEREAS**, the aforesaid Ordinance provides for amendments to the zoning ordinance text and maps and requires the Frankfort/Franklin County Planning Commission to forward their recommendations for approval or denial of the zone map amendment, along with their findings of fact, to the Franklin County Fiscal Court for action; and

**WHEREAS**, The Frankfort/Franklin County Planning Commission held a public hearing on August 12, 2021 and adopted a summary of the evidence and findings of fact on September 15, 2021 as required by KRS chapter 100; and

**NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF THE COUNTY OF FRANKLIN, COMMONWEALTH OF KENTUCKY, THAT:**

SECTION I. The Code of Ordinances, Table of Special Ordinances Section 1 Zoning Map Changes, is hereby amended to read as follows:

A 53.5-acre property located on Manley-Leestown Road in Franklin County, Kentucky, identified as PVA map #060-00-00-024.01 is hereby amended from Agricultural District (AR) to Industrial General District (IG), based on the following findings of fact:

- a) The Kentucky bourbon industry has experienced exponential growth since the adoption of the 2016 Comprehensive Plan resulting in a change of an economic nature not anticipated by the plan.
- b) 294 acres adjacent to the subject property is zoned Industrial General (IG).

SECTION II. CODIFICATION. The provisions of Section I of this Ordinance shall be published as appropriate in the Franklin County Code of Ordinances as soon as practicable.

SECTION III. SEVERABILITY CLAUSE. If any section, part of provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, then it is expressly provided and it is the intention of the Franklin County Fiscal Court in passing this Ordinance that its parts shall be severable and all other parts of this Ordinance shall not be affected thereby and they shall remain in full force and effect.

SECTION IV. PUBLICATION AND EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and publication according to law.

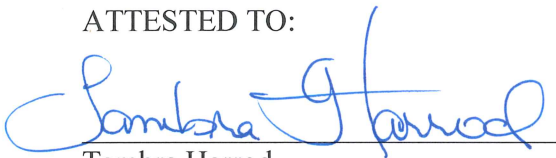
**INTRODUCED AND GIVEN FIRST READING IN SUMMARY** at a duly convened meeting of the Fiscal Court of Franklin County, Kentucky, held on the 14<sup>th</sup> day of October, 2021.

**GIVEN SECOND READING AND APPROVED** at a duly convened meeting of the Fiscal Court of Franklin County, Kentucky, held on the 19 day of November, 2021 and of record in Fiscal Court Order Book 32, Page 126.



Huston Wells  
Franklin County Judge/Executive

ATTESTED TO:



Tandra Harrod  
Fiscal Court Clerk

**SUMMARY**

This ordinance approves a zone map amendment for 53.5-acres of property located on Manley-Leestown Road, more specifically described as PVA map #060-00-00-024.01, from Agricultural District (AG) to Industrial General District (IG).

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DEED

THIS DEED OF CONVEYANCE, made and entered into this 20 day of May, 1988, by and between MARVIN DUVALL and MARJORIE DUVALL, his wife, parties of the first part, and ELLIS R. CARTER, an unremarried widower, party of the second part, whose mailing address is 1107 Bluegrass Avenue, Frankfort, Kentucky 40601.

6/3/88

WITNESSETH:

That for and in consideration of the total sum of Fifty-Five Thousand (\$55,000.00) Dollars cash in hand paid, the receipt of which is hereby acknowledged, the parties of the first part have this day bargained and sold, and by these presents does hereby bargain, sell alien and convey unto the party of the second part, his heirs and assigns forever, the following described property situated in Franklin County, Kentucky, and being more particularly described as follows, to-wit:

Being a portion of Tract B of Mrs. Floyd Robertson Farm located approximately six-tenths (0.6) of a mile west of U.S. 127 off the south side of Leestown-Manley Road and being further described as follows:

Beginning at an iron pin in the South R.W. of Leestown-Manley Road and a corner to Brent Shadwick; thence with the R.W. line of the Leestown-Manley Road South 65° 43' 20" west 361 feet to a point corner to the remaining 36.8 acre portion of Tract B being an approximately 30 feet road frontage remaining; thence leaving the road with the new boundary division line of Tract B the following calls:  
S 34° 15' 50" W, 264.24 feet to an iron pin;  
S 33° 56' 11" W, 128.09 feet to an iron pin;  
S 38° 19' 43" E, 38.76 feet to an iron pin;  
S 31° 38' 55" E, 160.81 feet to an iron pin;  
S 53° 13' 36" E, 261.41 feet to an iron pin;  
S 39° 38' 12" E, 192.47 feet to an iron pin;  
S 41° 11' 06" E, 108.11 feet to an iron pin;  
S 65° 02' 45" E, 78.34 feet to an iron pin;  
S 36° 06' 12" W, 160.34 feet to an iron pin;  
S 63° 17' 01" W, 220.28 feet to an iron pin;  
S 63° 35' 39" W, 51.07 feet to an iron pin;  
S 44° 33' 01" W, 264.57 feet to an iron pin;  
S 57° 57' 43" W, 231.29 feet to an iron pin;  
S 26° 17' 49" W, 304.79 feet to a 30 inch cedar stump as identified by a boundary survey by C. Wayne Carroll, Registered Land Surveyor, in October, 1981; thence with the line of Marshall White and in accordance with the above mentioned Carroll survey the following calls: S 69° 58' 30" E, 241.03 feet, thence

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DONALD C. HULETT  
CLERK, D.C.

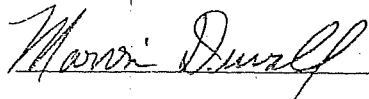
COURT DO CERTIFY THAT  
WAS COLLECTED AS TAX ON THIS DEED.  
DONALD C. HULETT BY *[Signature]* D.A.

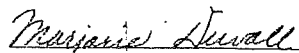
S 83° 04' 20" E, 195.03 feet to an 18" ash, thence N 72° 43' 20" E, 83.24 feet to a post, thence N 58° 32' 30" E, 93.67 feet to a 6" cedar, thence N 77° 12' 00" E, 351.76 feet to a 20" maple, thence N 58° 08' 10" E, 251.83 feet to an 8" hickory, thence N 78° 16' 30" E, 98.22 feet to a 12" walnut, thence S 89° 59' 30" E 59.35 feet to a post, thence S 79° 51' 00" E 376.87 feet to a post corner to Robert L. Carter Company, thence with the Carter line S 82° 20' 30" E, 29.11 feet to a post corner to Guy Arnold; thence with the Arnold line the following: N 07° 48' 30" E, 658.54 feet to a 36" oak corner to Tract A of Mrs. Floyd Robertson property; thence continuing with the line of Tract A the following; N 03° 54' 50" E, 810.63 feet to a 20" honey locust and corner to Revel True; thence with True's line N 74° 01' 40" W, 107.40 feet to a post, thence N 74° 57' 30" W, 726.19 feet to a post and corner to Brent Shadwick; thence with Shadwick's line N 75° 59' 20" W, 365.83 feet to the point and place of beginning and containing 53.5 acres more or less. Said tract of land described herein contains approximately 53.5 acres as surveyed by C. Wayne Carroll, Registered Land Surveyor, in October, 1981, RLS #1734 and as further surveyed by Bennie R. Maffet, RLS #1765 in 1986.

Being a part of the same property conveyed to Marvin Duvall by Lavenia G. Robertson, an unremarried widow, acting by and through Anna Mae Connelly, Attorney in Fact, pursuant to Power of Attorney dated April 10, 1975, and of record in Power of Attorney Book 18, page 244, and of record in Deed Book 312, Page 138 of the Franklin County Court Clerk's Office.

TO HAVE AND TO HOLD the within described property unto the party of the second part, his heirs and assigns forever, with Covenant of General Warranty of Title, and the parties of the first part covenant and agree that they are lawfully seized of the estate herein conveyed and possess full power to convey the same.

IN TESTIMONY WHEREOF, the parties of the first part have hereunto set their hands this day and date first above written.

  
 \_\_\_\_\_  
 MARVIN DUVALL

  
 \_\_\_\_\_  
 MARJORIE DUVALL

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STATE OF KENTUCKY )  
COUNTY OF FRANKLIN ) SCT.

The foregoing instrument was acknowledged before me by Marvin Duvall and Marjorie Duvall, on this the 20 day of May, 1988.

My commission expires: Sept. 10, 1989.

*John S. [Signature]*

NOTARY PUBLIC  
State of Kentucky at Large.

IT IS HEREBY CERTIFIED THAT  
THE FOREGOING INSTRUMENT WAS  
PREPARED BY:

*Robert C. Fields*

Robert C. Fields  
Attorney at Law  
Sower Building-Suite #8  
219 St. Clair Street  
Frankfort, Kentucky 40601

STATE OF KENTUCKY }  
COUNTY OF FRANKLIN } SCT.

I, DONALD C. HULETTE, CLERK OF SAID COUNTY COURT, HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT HAS BEEN DULY RECORDED. *Recd*  
BOOK 353 PAGE 562 IN MY SAID OFFICE. 5-23-88

DONALD C. HULETTE, CLERK  
BY *[Signature]* D.C.