

ORDINANCE 2015-1671

AN ORDINANCE AMENDING ORDINANCE NUMBER 794 OF THE CITY OF MURRAY CODE OF ORDINANCES SO AS TO RE-ZONE A 3.89 ACRE PORTION OF 402 CHESTNUT STREET AND A 0.41 ACRE PORTION OF RIGHT-OF-WAY ALONG NORTH FOURTH STREET, FROM B-2 (HIGHWAY COMMERCIAL) to R-2 (SINGLE FAMILY RESIDENTIAL).

WHEREAS, the Murray Planning Commission met on Tuesday, May 19, 2015 and voted 7 to 0 to recommend the re-zoning of a 3.89 acre portion of 402 Chestnut Street, owned by Robert Bourque and a 0.41 acre portion of right-of-way along North Fourth Street, from B-2 (Highway Commercial) to R-2 (Single Family Residential). The 3.89 acre portion of 402 Chestnut Street is more particularly described on Exhibit "A" and the 0.41 acre portion of right-of-way along North Fourth Street is more particularly described on Exhibit "B". The plat of the area of requested zone change is shown on Exhibit "C". All Exhibits are respectively attached hereto and made a part hereof, the same as if written herein in full.

WHEREAS, this property was previously zoned B-2 (Highway Commercial).

WHEREAS, the owner has submitted a written request for this property to be re-zoned R-2 (Single Family Residential).

WHEREAS the Murray Planning Commission found:

1. The R-2 zoning classification is better suited for the development of the northeast corner of this property. This property is split zoned and the existing B-2 zoning classification is inappropriate in that the site is not suitable for access from North Fourth Street and it would not be conducive to allow commercial development in the middle of residential zoning.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MURRAY AS FOLLOWS, TO-WIT:

1. The foregoing findings are hereby adopted by the City Council.
2. The property more particularly described on Exhibits "A" "B" and "C" respectively attached hereto is re-zoned R-2 (Single Family Residential).
3. The Planning and Zoning Department of the City of Murray is hereby directed to amend the official Zoning Map of the City of Murray, Kentucky and the Land Use Map in the comprehensive plan to reflect the zoning of the real property described respectively on Exhibits "A" "B" and "C" as R-2.
4. Any portion of Ordinance Number 794 as amended which may be in conflict with this ordinance is hereby repealed to the extent of such conflict and to such extent only. In all other respects Ordinance Number 794 as amended is hereby affirmed.

Nothing in this Ordinance hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in this Ordinance; nor shall any just or legal right or remedy of any character be lost impaired or affected by this Ordinance.

All other sections and provisions of The Zoning Ordinances for the City of Murray, not specifically amended herein, shall remain in full force and effect and shall not be considered amended and shall be incorporated by reference as if fully stated herein.

JACK D. ROSE, MAYOR

ATTEST:

JUNE BATTS, CITY CLERK

Introduced by the City Council on _____ 2015.

Adopted by the City Council on _____ 2015.

Published in the Murray Ledger and Times on _____ 2015.

EXHIBIT "A"

*Description Of
A Portion of the Bourque Property
Describing an Area of Requested Zoning Change*

Being a tract of land located on the north side of Chestnut Street (variable right of way width) and on the west side of North 4th Street (variable right of way width) in the City of Murray, Calloway County, Kentucky. Said property is more fully described as follows:

Beginning at a the common eastern corner of the Bourque property as recorded in Deed Book 1048 Page 519 and the C.I.K. Capital, LLC property as recorded in Deed Book 718 Page 281, said point being approximately 45 feet west of the physical centerline of North 4th Street;

thence with a common line of the Bourque property and the C.I.K. Capital, LLC property North 89 degrees 56 minutes 09 seconds West a distance of 105.88 feet to the northwest corner of said C.I.K. Capital, LLC property;

thence with a line into the Bourque property North 89 degrees 56 minutes 09 seconds West a distance of 233.61 feet to a point;

thence with a line in the Bourque property North 02 degrees 43 minutes 45 seconds East a distance of 500.69 feet to a point in the south line of the Heloise Farley Roberts property as recorded in Deed Book 715 Page 778;

thence with the common line of the Bourque property and the Roberts property South 87 degrees 51 minutes 37 seconds East a distance of 179.33 feet to the common corner of the Bourque property, the Roberts property, and the property recorded in Deed Book 151 Card 2261 to Mattie Lucille Wofford;

thence with the common line of the Bourque property and the Wofford property South 87 degrees 16 minutes 09 seconds East a distance of 170.18 feet to a point in the west right of way of North 4th Street;

thence with the west right of way of North 4th Street as recorded to the Commonwealth of Kentucky in Deed Book 221 Page 45 the following calls:

South 02 degrees 43 minutes 45 seconds West, 338.99 feet;
South 89 degrees 58 minutes 30 seconds West, 19.76 feet;
South 10 degrees 33 minutes 52 seconds West, 63.04 feet;
South 09 degrees 17 minutes 11 seconds East, 86.24 feet to the point of beginning.

The above described tract of land has an area of 3.89 acres more or less and is based on a prior Zone Change Request map on the Bourque property.

This description is compiled from previous work and does not represent a boundary survey. This description is not for recording and is not for use in the transfer of property. It is developed for use in a Zone Change Request.



05/11/2015

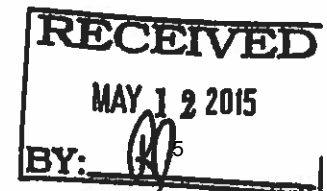


EXHIBIT "B"

*Description Of
A Portion of the Commonwealth of Kentucky Right of Way Adjoining the
Bourque Property
Describing an Area of Requested Zoning Change*

Being a tract of land located on the north side of Chestnut Street (variable right of way width) and on the west side of North 4th Street (variable right of way width) in the City of Murray, Calloway County, Kentucky. Said property is more fully described as follows:

Beginning at a the common eastern corner of the Bourque property as recorded in Deed Book 1048 Page 519 and the property recorded in Deed Book 151 Card 2261 to Mattie Lucille Wofford, said point being approximately 30 feet west of the physical centerline of North 4th Street as recorded to the Commonwealth of Kentucky in Deed Book 221 Page 45;

thence South 87 degrees 16 minutes 09 seconds East a distance of 30.00 feet to the centerline of said North 4th Street;

thence with said centerline South 02 degrees 43 minutes 45 seconds West a distance of 484.86 feet;

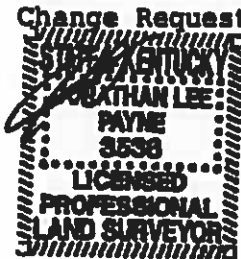
thence North 89 degrees 56 minutes 09 seconds West a distance of 40.42 feet to a common corner of the Bourque Property, the Commonwealth of Kentucky Right of Way, and the C.I.K. Capital property as recorded in Deed Book 718 Page 281;

thence with the west right of way of North 4th Street and the east line of the Bourque property the following calls:

North 09 degrees 17 minutes 11 seconds West, 86.24 feet
North 10 degrees 33 minutes 52 seconds East, 63.04 feet;
North 89 degrees 58 minutes 30 seconds East, 19.76 feet;
North 02 degrees 43 minutes 45 seconds East, 338.99 feet
to the point of beginning.

The above described tract of land has an area of 0.41 acres more or less and is based on a prior Zone Change Request map on the Bourque property.

This description is compiled from previous work and does not represent a boundary survey. This description is not for recording and is not for use in the transfer of property. It is developed for use in a Zone Change Request.



A handwritten signature in black ink, appearing to read "J. Payne".

05/11/2015

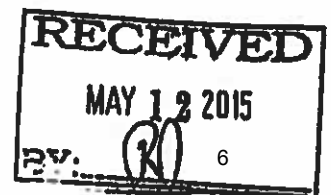


EXHIBIT "C"

