

ORDINANCE 2016-1694

AN ORDINANCE AMENDING ORDINANCE NUMBER 794 OF THE CITY OF MURRAY CODE OF ORDINANCES SO AS TO RE-ZONE THE PROPERTIES LOCATED AT 1107, 1109 AND 1111 VINE STREET, INCLUDING 1104 MULBERRY STREET, OWNED BY PAUL GARLAND AND WIFE, VICKIE GARLAND, FROM R-2 (SINGLE FAMILY RESIDENTIAL) to B-4 (MEDIUM DENSITY BUSINESS).

WHEREAS, the Murray Planning Commission met on Tuesday, February 16, 2016 and voted 5 to 0 to recommend the re-zoning of 1107, 1109 and 1111 Vine Street and 1104 Mulberry Street, owned by Paul Garland and wife, Vickie Garland, from R-2 (Single Family Residential) to B-4 (Medium Density Business). The properties are more particularly described in Tract I, Tract II and Tract III on Exhibit "A". The plat of the area of requested re-zone is shown on Exhibit "B". 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 R-2 (Single Family Residential).

WHEREAS, the owners have submitted a written request for this property to be re-zoned B-4 (Medium Density Business).

WHEREAS the Murray Planning Commission found:

1. The proposed zoning of 1107 and 1109 Vine Street is in line with the Comprehensive Plan (Future Land Use Map) and the remaining properties, 1111 Vine Street and 1104 Mulberry Street were anticipated as being used for commercial purposes at some point by a zoning study performed in 2002 in order to accommodate the necessary depth needed for commercial development along 12<sup>th</sup> Street.

2. There has been a change in the area of a physical and economic nature that was not anticipated in the last comprehensive plan update and further there have been substantial changes in the commercial development of the 12<sup>th</sup> Street corridor over the last few years indicating continuous growth of commercial activity along 12<sup>th</sup> Street.

3. The zoning request is consistent with the neighboring zoning to the north, south and west and rezoning would be another step in straightening the zoning boundary of business zones on the east side of 12<sup>th</sup> Street.

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 properties more particularly described on Exhibits "A" and "B" respectively attached hereto are re-zoned B-4 (Medium Density Business).

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" and "B" as B-4.

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 \_\_\_\_\_ 2016.  
Adopted by the City Council on \_\_\_\_\_ 2016.  
Published in the Murray Ledger and Times on \_\_\_\_\_ 2016.

EXHIBIT "A"--TRACT 1

PROPERTY DESCRIPTION  
TRACT 1

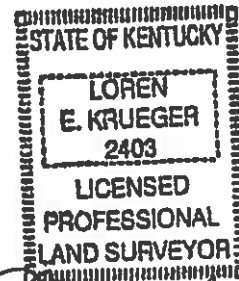
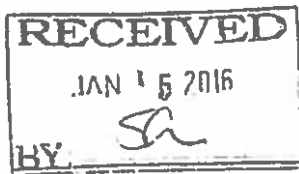
BEING A PORTION OF VINE STREET LOCATED BETWEEN S. 12<sup>th</sup> STREET (U.S. HIGHWAY 641) AND 11<sup>th</sup> STREET, SHOWN ON RECORD PLAT OF HENRY'S ADDITION TO THE TOWN OF MURRAY, RECORDED IN DEED BOOK 27, PAGE 268, SITUATED IN MURRAY, CALLOWAY COUNTY, KENTUCKY AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A ½" REBAR WITH PLASTIC CAP (PLS 2403) SET ON THE SOUTH RIGHT-OF-WAY LINE OF VINE STREET, N89°13'35"E, 86.09 FEET FROM AN EXISTING CONCRETE RIGHT-OF-WAY MONUMENT LOCATED 20 FEET SOUTH OF THE CENTERLINE OF VINE STREET AND 75 FEET EAST OF THE CENTERLINE OF 12<sup>th</sup> STREET (U.S. HIGHWAY 641); THENCE ON A NEW LINE N01°31'54"E, 20.02 FEET TO THE CENTERLINE OF VINE STREET; THENCE ALONG THE CENTERLINE OF VINE STREET N89°13'35"E, 190.11 FEET; THENCE ON A NEW LINE S01°31'54"W, 20.02 FEET TO A ½" REBAR WITH PLASTIC CAP (PLS 2403) SET ON THE SOUTH RIGHT-OF-WAY LINE OF VINE STREET; THENCE ALONG THE SOUTH RIGHT-OF-WAY LINE OF VINE STREET, S89°13'35"W, 190.11 FEET TO THE POINT OF BEGINNING.

BEING A PORTION OF VINE STREET LOCATED NORTH OF PVA PARCELS 007-0-0004-00002, 007-0-0004-00003 AND 007-0-0004-00004. .

BEARINGS ARE BASED UPON CITY OF MURRAY GIS MONUMENTS: BM D6 B AND BM D7 A.

THIS DESCRIPTION IS PREPARED BY LOREN E. KRUEGER, PLS 2403, OF SITEWORX SURVEY AND DESIGN, LLC, 124 SOUTH 31<sup>st</sup> STREET, PADUCAH, KENTUCKY 42001.



*Loren E. Krueger*  
Jan. 14, 2016

EXHIBIT "A"--TRACT II

PROPERTY DESCRIPTION  
TRACT 2

A PARCEL OF LAND LOCATED BETWEEN MULBERRY STREET AND VINE STREET, BETWEEN S. 12<sup>th</sup> STREET (U.S. HIGHWAY 641) AND 11<sup>th</sup> STREET, BEING LOTS 19, 20 AND 21; THE EAST 10 FEET OF LOTS 16, 17 AND 18; THE WEST 30 FEET OF LOT 22; 33 1/3 FEET OFF THE WEST SIDE OF LOT 9 AND 33 1/3 FEET OFF THE EAST SIDE OF LOT 10; ALL IN BLOCK F OF HENRY'S ADDITION TO THE TOWN OF MURRAY AS SHOWN ON RECORD PLAT RECORDED IN DEED BOOK 27, PAGE 268, SITUATED IN MURRAY, CALLOWAY COUNTY, KENTUCKY AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" REBAR WITH PLASTIC CAP (PLS 2403) SET ON THE SOUTH RIGHT-OF-WAY LINE OF VINE STREET, N89°13'35"E, 86.09 FEET FROM AN EXISTING CONCRETE RIGHT-OF-WAY MONUMENT LOCATED 20 FEET SOUTH OF THE CENTERLINE OF VINE STREET AND 75 FEET EAST OF THE CENTERLINE OF 12<sup>th</sup> STREET (U.S. HIGHWAY 641); THENCE ALONG THE SOUTH RIGHT-OF-WAY LINE OF VINE STREET, 20 FEET FROM AND PARALLEL TO THE CENTERLINE THEREOF, N89°13'35"E, 190.11 FEET TO A 1/2" REBAR WITH PLASTIC CAP (PLS 2403) SET; THENCE LEAVING THE RIGHT-OF-WAY LINE OF VINE STREET AND ALONG A COMMON LINE WITH THE PROPERTY OF SHERYL AND KYRILE CATLETT OF RECORD IN DEED BOOK 261, PAGE 391 IN THE CALLOWAY COUNTY COURT CLERK'S OFFICE, S01°31'54"W, 143.75 FEET TO A 1/2" REBAR WITH PLASTIC CAP (PLS 2403) SET; THENCE ALONG A COMMON LINE WITH SAID CATLETT'S SOUTH PROPERTY LINE, N89°43'39"E, 2.88 FEET TO A 1/2" REBAR WITH PLASTIC CAP (PLS 2403) SET; THENCE ALONG A COMMON LINE WITH THE PROPERTY OF THE HELEN SPANN TRUST OF RECORD IN DEED BOOK 329, PAGE 162, TRACT 7 (1/2 INTEREST) IN SAID CLERK'S OFFICE, S01°31'53"W, 140.02 FEET TO A 1/2" REBAR WITH PLASTIC CAP SET ON THE NORTH RIGHT-OF-WAY LINE OF MULBERRY STREET; THENCE ALONG THE NORTH RIGHT-OF-WAY LINE OF MULBERRY STREET, 20 FEET FROM AND PARALLEL TO THE CENTERLINE THEREOF, N89°53'40"W, 66.67 FEET TO AN EXISTING IRON PIN WITH PLASTIC CAP (#2188); THENCE LEAVING SAID RIGHT-OF-WAY LINE AND ALONG A COMMON LINE WITH THE PROPERTY OF BILLY CROUSE, GARY HAVERSTOCK AND VAN HAVERSTOCK, OF RECORD IN DEED BOOK 176, PAGE 1602 IN SAID CLERK'S OFFICE, N01°31'54"E, 139.58 FEET TO A 1/2" REBAR WITH PLASTIC CAP (PLS 2403) SET; THENCE ALONG A COMMON LINE WITH THE NORTH LINE OF SAID CROUSE AND HAVERSTOCK PROPERTY, OF RECORD IN DEED BOOK 176, PAGE 1602 AND DEED BOOK 169, PAGE 1067 IN SAID CLERK'S OFFICE, S89°43'12"W, 126.24 FEET TO A 1/2" REBAR WITH PLASTIC CAP (PLS 2403) SET; THENCE LEAVING SAID CROUSE AND HAVERSTOCK PROPERTY, N01°31'54"E, 142.10 FEET TO THE POINT OF BEGINNING, CONTAINING 36,466 SQUARE FEET OR 0.84 ACRE.

BEING A PORTION OF THE PROPERTY CONVEYED TO PAUL W. GARLAND AND VICKIE W. GARLAND, RECORDED ON FEBRUARY 2, 2015 IN DEED BOOK 1039, PAGE 8 IN THE CALLOWAY COUNTY COURT CLERK'S OFFICE.

SUBJECT TO ANY EXISTING EASEMENTS, EITHER RECORDED OR NOT RECORDED.

BEARINGS ARE BASED UPON CITY OF MURRAY GIS MONUMENTS: BM D6 B AND BM D7 A.

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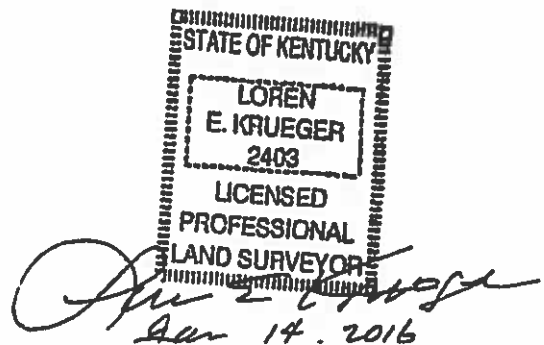
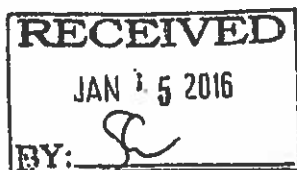


EXHIBIT "A"--TRACT III

PROPERTY DESCRIPTION  
TRACT 3

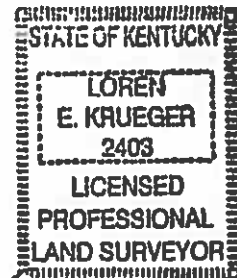
BEING A PORTION OF MULBERRY STREET LOCATED BETWEEN S. 12<sup>th</sup> STREET (U.S. HIGHWAY 641) AND 11<sup>th</sup> STREET, SHOWN ON RECORD PLAT OF HENRY'S ADDITION TO THE TOWN OF MURRAY, RECORDED IN DEED BOOK 27, PAGE 268, SITUATED IN MURRAY, CALLOWAY COUNTY, KENTUCKY AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A ½" REBAR WITH PLASTIC CAP (PLS 2403) SET ON THE NORTH RIGHT-OF-WAY LINE OF MULBERRY STREET, N89°53'40"W, 267.12 FEET FROM AN EXISTING ½" REBAR LOCATED 20 FEET NORTH OF THE CENTERLINE OF MULBERRY STREET AND 20 FEET WEST OF THE CENTERLINE OF 11<sup>th</sup> STREET; THENCE ON A NEW LINE, S01°31'53"W, 20.01 FEET TO THE CENTERLINE OF MULBERRY STREET; THENCE ALONG THE CENTERLINE OF MULBERRY STREET N89°53'40"W, 66.67 FEET; THENCE ON A NEW LINE N01°31'54"E, 20.01 FEET TO AN EXISTING IRON PIN WITH PLASTIC CAP (#2188) LOCATED ON THE NORTH RIGHT-OF-WAY LINE OF MULBERRY STREET; THENCE ALONG THE NORTH RIGHT-OF-WAY LINE OF MULBERRY STREET S89°53'40"E, 66.67 FEET TO THE POINT OF BEGINNING.

BEING A PORTION OF MULBERRY STREET LOCATED SOUTH OF PVA PARCELS 007-0-0004-000011.

BEARINGS ARE BASED UPON CITY OF MURRAY GIS MONUMENTS: BM D6 B AND BM D7 A.

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*Loren E. Krueger*  
Jan 14, 2016

