

ORDINANCE 2016-1696

AN ORDINANCE AMENDING ORDINANCE NUMBER 794 OF THE CITY OF MURRAY CODE OF ORDINANCES SO AS TO RE-ZONE THE PROPERTY LOCATED AT 1806 NORTH 4TH STREET (INCLUDING THE PORTION OF RIGHT-OF-WAY TO THE CENTER LINE OF NORTH 4TH STREET) FROM R-2 (RESIDENTIAL) AND AGRICULTURE TO B-2 (HIGHWAY BUSINESS), INDUSTRIAL AND AGRICULTURE ZONING DISTRICTS.

WHEREAS, the Murray Planning Commission met on Tuesday, March 15, 2016 and voted 8 to 0 to recommend the re-zoning of property located at 1806 North 4th Street from R-2 and Agriculture to B-2, Industrial and Agriculture. Tract 1 as shown on the plat is 6.96 acres and proposed as B-2 zoning; Tract 2 is 13.72 acres and is proposed as Industrial zoning and Tract 3 is 21.43 acres and will remain Agriculture. The property is a total of 42.11 acres. Said property is owned by Wanda Morgan, John David Morgan and Mitchell Morgan. The property is more particularly described in Tract 1, Tract 2 and Tract 3 on Exhibit "A". The plat of the area of requested re-zone is shown on Exhibit "B". The exhibits are respectively attached hereto and incorporated by reference as if written herein in full.

WHEREAS, this property was previously zoned R-2 (Single Family Residential) and Agriculture.

WHEREAS, the owners have submitted a written request for this property to be re-zoned B-2 (Highway Business), Industrial and Agriculture.

WHEREAS the Murray Planning Commission found:

1. There have been changes in the area due to the recent annexation and commercial zoning of the property to the north.
2. The current and proposed development of the adjoining properties has influenced the character of this area from a residential nature to that of a commercial nature.
3. Tract 1 will align with the B-2 zoning to the north and the proposed zoning for Tracts 2 and 3 are in agreement with the Comprehensive Plan.

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" and "B" respectively attached hereto, specifically Tract 1 is re-zoned B-2 (Highway Business), Tract 2 is rezoned Industrial and Tract 3 will remain Agriculture.
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-2 for Tract 1, Industrial for Tract 2 and Agriculture for Tract 3.

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

Being a tract of land in the County of Calloway, State of Kentucky, located at the southeast intersection of North 4th Street and Robert O. Miller Drive in the City of Murray, being a portion of P.V.A. parcel 1 030-0-0033, and being further described as follows:

Beginning at a point in the centerline of North 4th Street being North 88 degrees 34 minutes 32 seconds West a distance of 32.02 feet from an 1/8 inch long #4 rebar with survey cap stamped "C JONES PLS #3037" set this survey in the east right of way of KY Hwy. 2075 (a.k.a. N. 4th St. (60' assumed r/w per adjoining surveys, no recorded r/w found)), said pin being the northwest corner of the Mildred Tutt Property (Deed Book 721 Page 498), also being the southwest corner of the Morgan Property;

thence with the centerline of Highway #2075, North 19 degrees 22 minutes 00 seconds West a distance of 218.12 feet to a point;

thence continuing with the centerline of Highway #2075, with a curve turning to the left with an arc length of 111.87' with a radius of 329.00' with a chord bearing of North 29 degrees 13 minutes 40 seconds West with a chord length of 111.32' to a point at the intersection of the south right of way of Robert O. Miller Drive (80' assumed r/w per adjoining surveys, no recorded r/w found) and the centerline of KY Highway #2075;

thence with North 24 degrees 35 minutes 38 seconds West a distance of 131.95 feet to point in the south line of the existing R-2 zoning line;

thence South 89 degrees 34 minutes 47 seconds East 793.31 feet to a point at the northwest corner of 'Tract 2' of this survey;

thence with the west line of 'Tract 2' South 01 degree 01 minutes 49 seconds West a distance of 446.61 feet to a point at the southwest corner of 'Tract 2' and in the north line of the Tutt Property;

thence with the north line of the Tutt Property North 88 degrees 34 minutes 32 seconds West a distance of 326.55 feet to the point of beginning.

The above-described tract of land contains 6.96 Acres more or less as surveyed by Christopher S. Jones, PLS #3037 on February 5th 2016.

Being a portion of the property recorded to James Mitchell Morgan, 1906 N. 4th St., Murray, KY 42071, in Deed Book 849 Page 117 (1/2 interest) and to Wanda Morgan, 2355 Pottertown Road, Murray, KY 42071, in Deed Book 167 Page 388 as recorded in the Calloway County Clerk's office, the above-described property may be subject to any previously conveyed

assessments, right of ways, or further encumbrances either recorded or unrecorded.



Chris Jones
Christopher S. Jones, PLS #3037
Date 2/5/16

EXHIBIT "A" - TRACT 2

Being a tract of land in the County of Calloway, State of Kentucky, located at the southeast intersection of North 4th Street and Robert O. Miller Drive in the City of Murray, being a portion of P.V.A. parcel # 090-0-0033, and being further described as follows:

Commencing at an 1/2 inch long #4 rebar with survey cap stamped "C JONES FLS #1337" set this survey in the east right of way of KY Hwy. 2078 (a.k.a. N. 4th St.) approximately 30 feet east of the centerline of (60' assumed r/w per adjoining surveys, no recorded r/w found), being the northwest corner of the Mildred Fott Property (Deed Book 721 Page 696);

thence with the north line of the Fott Property South 89 degrees 54 minutes 32 seconds East a distance of 564.56 feet to the point of beginning of the herein described tract.

thence with the east line of 'Tract 1' North 01 degrees 05 minutes 49 seconds East a distance of 446.61 feet to a point at the northeast corner of 'Tract 1' of this survey;

thence South 89 degrees 54 minutes 47 seconds East a distance of 910.57 feet to a pin and cap (FLS #1935) found at a common corner with the Rudolphs Inc. Property (Deed Book 603 Page 233);

thence continuing with the Rudolphs Inc. Property, South 01 degrees 56 minutes 30 seconds West a distance of 19.02 feet to a 1/2" diameter rebar found with cap (illegible);

thence continuing with the Rudolphs Inc. Property South 88 degrees 25 minutes 52 seconds East a distance of 411.20 feet to a point at the northwest corner of 'Tract 1' of this survey;

thence with the west line of 'Tract 3' South 01 degrees 05 minutes 49 seconds West a distance of 445.44 feet to a point in the north line of the Fott Property;

thence with the north line of the Fott Property North 89 degrees 54 minutes 32 seconds West a distance of 1321.80 feet to the point of beginning.

The above-described tract of land contains 13.72 Acres more or less as surveyed by Christopher B. Jones, FLS #1337 on February 8th 2016.

Being a portion of the property recorded to James Mitchell Morgan, 1804 N. 4th St., Murray, KY 42071, in Deed Book 869 Page 117 (1/2 interest) and to Wanda Morgan, 2835 Fottartown Road, Murray, KY 42071, in Deed Book 167 Page 288 as recorded in the Calloway County Clerk's office. The above-described property may be subject to any previously conveyed easements, right of ways, or further encumbrances either recorded or unrecorded.



Chris
Christopher B. Jones, FLS #1337
2/16/16
Date

EXHIBIT "A" - TRACT 3

Being a tract of land in the County of Calloway, State of Kentucky, located at the southeast intersection of North 4th Street and Robert O. Miller Drive in the City of Murray, being a portion of S.V.A. parcel 0 050-0-0083, and being further described as follows:

Commencing at an 1 1/2 inch long 1/4 inch rebar with survey cap stamped "C. JONES FLS #3837" set this survey in the east right of way of KY Hwy. 2073 (a.k.a. W. 4th St.) approximately 30 feet east of the centerline of (60' assumed r/w per adjoining surveys, no recorded r/w found), being the northwest corner of the Mildred Tutt Property (Deed Book 721 Page 496);

thence with the north line of the Tutt Property South 85 degrees 54 minutes 32 seconds East a distance of 1888.36 feet to the point of beginning of the herein described tract;

thence with the east line of "Tract 2" of this survey North 01 degree 05 minutes 49 seconds East a distance of 441.44 feet to a point in the south line of the Rudolph Inc. Property (Deed Book 603 Page 25);

thence with the south line of the Rudolph Inc. Property South 88 degrees 36 minutes 52 seconds East a distance of 2150.11 feet to a 1/2" diameter rebar found with cap (illegible) in the west right of way of the L & N Railroad;

thence with the west right of way of the L&N Railroad South 08 degrees 33 minutes 49 seconds East a distance of 438.12 feet to an aule found at the northeast corner of the Tutt Property;

thence with the Tutt Property North 88 degrees 54 minutes 32 seconds West a distance of 2083.15 feet to the point of beginning.

The above-described tract of land contains 21.43 Acres more or less as surveyed by Christopher S. Jones, FLS #3837 on February 5th 2016.

Being a portion of the property recorded to James Mitchell Morgan, 1906 W. 4th St., Murray, KY 42071, in Deed Book 669 Page 117 (1/2 (Attacst)) and to Sandra Morgan, 2335-Fortartowd Road, Murray, KY 42071, in Deed Book 167 Page 586 as recorded in the Calloway County Clerk's office, the above-described property may be subject to any previously conveyed easements, right of ways, or further encumbrances either recorded or unrecorded.



C. S. Jones
Christopher S. Jones, FLS #3837 Date

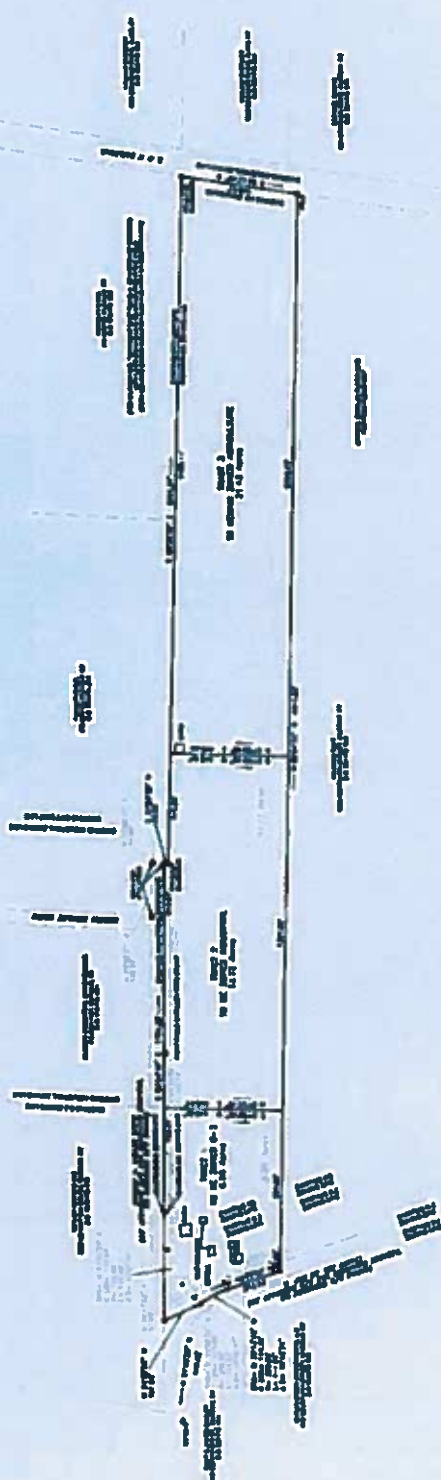
Exhibit B



VICINITY MAP

ZONING REQUEST
[Detailed zoning request text]

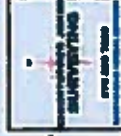
[Additional zoning request text]



- Legend for symbols and colors used in the site plan.



Table with project details including date and version.



Project description and zoning request details.



Additional project information and notes.

Final project details and contact information.