

ORDINANCE 2016-1707

AN ORDINANCE AMENDING ORDINANCE NUMBER 794 OF THE CITY OF MURRAY CODE OF ORDINANCES SO AS TO RE-ZONE THE PROPERTY LOCATED AT 223 NORTH LP MILLER STREET OWNED BY KENNETH SUITER AND WIFE, NANCY SUITER AND A PORTION OF THE RIGHT-OF-WAY AS SHOWN ON THE ATTACHED PLAT FROM R-5 (RESIDENTIAL) TO B-3 (CENTRAL BUSINESS DISTRICT).

WHEREAS, the Murray Planning Commission met on Tuesday, May 17, 2016 and voted 7 to 0 to recommend the re-zoning of property located at 223 North LP Miller Street and a portion of the right-of-way as shown on the attached plat from R-5 (Residential) to B-3 (Central Business District). The property is 11,778 square feet (0.270 acres). The property is owned by Kenneth Suiter and wife, Nancy Suiter and the right of way, specifically, 1,578 square feet (0.036 acres), included therein is owned by the City of Murray. The property is more particularly described in Exhibit "A" attached hereto and incorporated by reference as if fully stated herein. The plat of the area requested for re-zone is shown on Exhibit "B", which is also attached hereto and incorporated by reference as if fully stated herein.

WHEREAS, this property was previously zoned R-5 (Residential), however, this property has not been utilized for residential purposes for a period of time in excess of 21 years;

WHEREAS, the owners have submitted a written request for this property to be re-zoned B-3 (Central Business District); and

WHEREAS the Murray Planning Commission found:

1. There have been major changes in the area of an economic, physical and social nature, which was not anticipated in the community's Comprehensive Plan and the zoning change would match the intended use and zoning of lots located to the South.

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" (legal description) and "B" (plat) respectively attached hereto, is re-zoned B-3 (Central Business District).
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" (legal description) and "B" (plat) as B-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 Any portion of Ordinance Number 794 as amended which may be in conflict with this ordinance is hereby repealed to the extent of such conflict and to such extent only.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"
 223 NORTH LP MILLER STREET
 PROPERTY OF: KENNETH D. SUITER & WIFE, NANCY J. SUITER
 1005 COLES CAMPGROUND ROAD
 MURRAY, KY 42071

AND

A PORTION OF NORTH L.P. MILLER STREET
PROPERTY OF: CITY OF MURRAY

TOTAL AREA TO BE REZONED: 11,778 SF OR 0.270 AC
INCLUDING 1,578 SF OR 0.036 AC IN NORTH LP MILLER STREET
REQUESTED ZONING: FROM R-5 TO B-3

LEGAL DESCRIPTIONS

SUITER PROPERTY

LEGAL DESCRIPTION OF THE KENNETH D. SUITER AND WIFE, NANCY J. SUITER PROPERTY AS RECORDED PER GENERAL WARRANTY DEED IN BOOK 194-PAGE 440 IN THE CLERK'S OFFICE OF CALLOWAY COUNTY, KENTUCKY, BEING ALL IN THE CITY OF MURRAY, CALLOWAY COUNTY, KENTUCKY AND SAID PROPERTY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A SET 1/2" REBAR AT THE SOUTHEAST CORNER OF THE JAMES R. HORNBUCKLE, SR., PROPERTY AS RECORDED PER DEED IN BOOK 426-PAGE 604, AND BEING IN THE WEST LINE OF NORTH L.P. MILLER STREET (PUBLIC PAVED ROAD, R.O.W. VARIES, 23.31 FEET WEST OF PHYSICAL CENTER) AND SAID POINT OF BEGINNING BEING SOUTH 00 DEGREES 25 MINUTES 52 SECONDS WEST-200.00 FEET FROM THE SOUTH LINE OF SPRUCE STREET (PUBLIC PAVED ROAD, 40 FEET WIDE) AND SAID POINT OF BEGINNING BEING FURTHER LOCATED AT KENTUCKY STATE PLANE (NAD 83-SOUTH-UNADJUSTED) COORDINATES OF 1752592.76 FEET NORTH AND 892170.45 FEET EAST, THENCE FOLLOWING ALONG THE WEST LINE OF NORTH L.P. MILLER STREET, SOUTH 00 DEGREES 25 MINUTES 52 SECONDS WEST, A DISTANCE OF 68.00 FEET TO A SET 1/2" REBAR IN THE NORTH LINE OF THE CALLOWAY COUNTY FISCAL COURT PROPERTY PER DEED OF RECORD IN BOOK 265-PAGE 490 AND SAID POINT BEING 23.10 FEET WEST OF THE PHYSICAL CENTER OF NORTH L.P. MILLER STREET, THENCE LEAVING THE WEST LINE OF NORTH L.P. MILLER STREET AND FOLLOWING ALONG THE NORTH LINE OF THE CALLOWAY FISCAL COURT PROPERTY AND PARALLEL TO SPRUCE STREET, SOUTH 89 DEGREES 59 MINUTES 06 SECONDS WEST, A DISTANCE OF 150.00 FEET TO A SET 1/2" REBAR ON THE NORTHWEST CORNER OF THE CALLOWAY FISCAL COURT PROPERTY IN THE EAST LINE OF THE CALLOWAY FISCAL COURT PROPERTY PER DEED OF RECORD IN BOOK 206-PAGE 482, THENCE FOLLOWING ALONG THE EAST LINE OF THE CALLOWAY FISCAL COURT PROPERTY, NORTH 00 DEGREES 25 MINUTES 52 SECONDS EAST, A DISTANCE OF 68.00 FEET TO A POINT ON THE SOUTHWEST CORNER OF THE PORTER C. MCGUISTON AND WIFE, LULA N. MCGUISTON PROPERTY PER DEED OF RECORD IN BOOK 150-PAGE 413; THENCE FOLLOWING ALONG THE SOUTH LINE OF THE MCGUISTON PROPERTY AND SOUTH LINE OF THE AFORESAID JAMES R. HORNBUCKLE, SR., PROPERTY AND PARALLEL TO SPRUCE STREET, NORTH 89 DEGREES 59 MINUTES 06 SECONDS EAST AND PASSING THRU A SET 1/2" REBAR AT 6.00 FEET, A TOTAL DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 10,200 SQUARE FEET OR 0.234 ACRES, MORE OR LESS.

ALL REBARS SET ARE 1/2 INCH DIAMETER, 18 INCH LONG, STEEL WITH CAP #3468.
 ALL BEARINGS ARE KENTUCKY STATE PLANE (NAD 83-SOUTH-UNADJUSTED).
 ALL DEEDS ARE OF RECORD IN THE CALLOWAY COUNTY CLERK'S OFFICE.

REZONING AREA BETWEEN SUITER PROPERTY AND CENTER OF STREET

LEGAL DESCRIPTION OF THAT AREA LYING EAST OF THE KENNETH D. SUITER AND WIFE, NANCY J. SUITER PROPERTY AS RECORDED PER GENERAL WARRANTY DEED IN BOOK 194-PAGE 440 IN THE CLERK'S OFFICE OF CALLOWAY COUNTY, KENTUCKY, AND WEST OF THE CENTER OF NORTH L.P. MILLER STREET BEING ALL IN THE CITY OF MURRAY, CALLOWAY COUNTY, KENTUCKY AND SAID PROPERTY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A SET 1/2" REBAR AT THE NORTHEAST CORNER OF THE KENNETH D. SUITER AND WIFE, NANCY J. SUITER PROPERTY AS RECORDED PER GENERAL WARRANTY DEED IN BOOK 194-PAGE 440, AND BEING IN THE WEST LINE OF NORTH L.P. MILLER STREET (PUBLIC PAVED ROAD, R.O.W. VARIES, 23.31 FEET WEST OF PHYSICAL CENTER) SAID POINT OF BEGINNING BEING SOUTH 00 DEGREES 25 MINUTES 52 SECONDS WEST-200.00 FEET FROM THE SOUTH LINE OF SPRUCE STREET (PUBLIC PAVED ROAD, 40 FEET WIDE) AND SAID POINT OF BEGINNING BEING FURTHER LOCATED AT KENTUCKY STATE PLANE (NAD 83-SOUTH-UNADJUSTED) COORDINATES OF 1752592.76 FEET NORTH AND 892170.45 FEET EAST; THENCE FOLLOWING ALONG THE EASTWARD EXTENSION OF THE NORTH LINE OF THE SUITER PROPERTY AND PARALLEL TO SPRUCE STREET, NORTH 89 DEGREES 59 MINUTES 06 SECONDS EAST, A DISTANCE OF 23.31 FEET TO A POINT IN THE PHYSICAL CENTER OF NORTH L.P. MILLER STREET; THENCE FOLLOWING ALONG THE PHYSICAL CENTER OF NORTH L.P. MILLER STREET AND PARALLEL TO AND 11.00 FEET EAST OF THE REAR OF THE WEST CURB ON NORTH L.P. MILLER STREET, SOUTH 00 DEGREES 36 MINUTES 36 SECONDS WEST, A DISTANCE OF 68.00 FEET TO A POINT OF INTERSECTION WITH THE EASTWARD EXTENSION OF THE SOUTH LINE OF THE SUITER PROPERTY; THENCE FOLLOWING ALONG THE EASTWARD EXTENSION OF THE SOUTH LINE OF THE SUITER PROPERTY, SOUTH 89 DEGREES 59 MINUTES 06 SECONDS WEST, A DISTANCE OF 23.10 FEET TO THE SOUTHEAST CORNER OF THE SUITER PROPERTY; THENCE FOLLOWING ALONG THE EAST LINE OF THE SUITER PROPERTY, NORTH 00 DEGREES 25 MINUTES 52 SECONDS EAST, A DISTANCE OF 68.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,578 SQUARE FEET OR 0.036 ACRES, MORE OR LESS.

ALL BEARINGS ARE KENTUCKY STATE PLANE (NAD 83-SOUTH-UNADJUSTED).
 ALL DEEDS ARE OF RECORD IN THE CALLOWAY COUNTY CLERK'S OFFICE.

"WILLIS EARLY CHILDHOOD CENTER"
 MURRAY MUNICIPAL HOUSING
 #226 N. LP MILLER ST
 (DB 131-PG 587)

P.O.B.-SET 1/2" REBAR
 KY STATE PLANE COORDS
 (NAD 83-SOUTH UNADJ)=
 1752592.76 FT N & 892170.45 FT E

KROGER
 #300 N. LP MILLER ST



