

ORDINANCE NUMBER 920.0B

**AN ORDINANCE RELATED TO PENDLETON COUNTY ZONING ORDINANCE 920.0B, AMENDING THE OFFICIAL ZONING MAP FOR PROPERTY LOCATED ON HIGHWAY 27, SOUTH OF FALMOUTH, IS BEING CHANGED FROM RURAL ZONE (R) TO BUSINESS ZONE (B).**

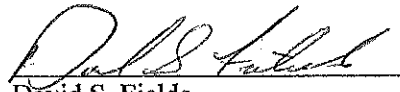
WHEREAS, the Pendleton County Joint Planning Commission held a public hearing on October 27, 2014 to consider a map request by Kenny Gaunce for Pendleton County Parcel 052-00-00-053.06 specifically being lot #4 (1.015 Ac) and lot #5 (1.001 Ac) found in Deed Book 311, Page 253 of the Pendleton County Clerk and as identified on the attached exhibits (Exhibit A, Exhibit B, Exhibit C).

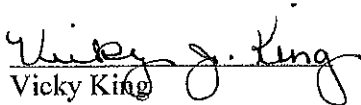
WHEREAS, the Pendleton County Joint Planning Commission, based on testimony and evidence submitted at the public hearing, found that the map amendment request at the aforementioned property was in agreement with the 2012 Pendleton County Comprehensive Plan and the existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate, and therefore, recommended approval of the zoning map amendment request.

NOW THEREFORE, be it ordained by the Pendleton County Fiscal Court that from and after the passage, approval, and publication of this ordinance that pursuant to a request by Kenny Gaunce for property described as lot #4 (1.015 Ac) and lot #5 (1.001 Ac) found in Deed Book 311, Page 253 and more particularly described in Exhibit A, Exhibit B, and Exhibit C, hereto attached, is hereby rezoned and remapped from the Rural zone (R) to the Business zone (B), pursuant to the recommendation by the Pendleton County Joint Planning Commission and agreed upon by the Pendleton County Fiscal Court:

This Ordinance shall be in full force and effect from and after its passage, publication and recording, according to law.

Dated this 27 day of January 2015.

  
David S. Fields  
Pendleton County Judge/Executive

  
Vicky King  
Fiscal Court Clerk

First Reading: 1-27-15

Second Reading: 2-10-15

Passage: 2-10-15

Publication: 2-17-15

Exhibit A:

Legal description of Lot #4 and Lot #5 found in Deed Book 311, Page 253 of the Pendleton County Clerk

**"Parcel II":**

Following is a description of a parcel of ground lying and being on the northeast side of U.S. Route #27, approximately 0.35 mile south of Jenkins Lane in Pendleton County, Kentucky, and more particularly described as follows:

Beginning at a point, an iron pin, in the northeast right of way line of Route #27, said point being 163.00 feet northwest of the common corner between E.J. Whiteker and Sheppard and Penick; thence with the northeast right of way line of Route #27 the following three courses: N 36° 37' 25" W - 37.00 feet to a point; S 53° 22' 35" W - 5.00 feet to a point; and N 36° 37' 25" W - 126.00 feet to an iron pin; thence leaving the road N 53° 23' 28" E - 272.50 feet to an iron pin; thence S 36° 37' 25" E - 163.00 feet to an iron pin; and S 53° 23' 28" W - 267.50 feet to the place of beginning, containing 1.015 acres, more or less, in accordance with a survey by Gerald G. Caldwell, dated the 2<sup>nd</sup> day of April, 1997.

**"Parcel III":**

Lot #5: Following is a description of a parcel of ground lying and being on the northeast side of U.S. Route #27, approximately 0.35 mile south of Jenkins Lane in Pendleton County, Kentucky, and more particularly described as follows:

Beginning at a point, an iron pin, in the northeast right of way line of Route #27, said point being the common corner between E.J. Whiteker and Shepherd and Penick; thence from the place of beginning and with the northeast right of way line of Route #27, N 36° 37' 25" W - 163.00 feet to an iron pin; thence leaving the road N 53° 37' 25" E - 163.00 feet to an iron pin; and S 53° 23' 28" W - 267.50 feet to the place of beginning, containing 1.001 acres, more or less, in accordance with a survey by Gerald G. Caldwell, dated the 23<sup>rd</sup> day of May, 1997.

Lying and being in the town of Berry, BEGINNING at a post in the corner of Mrs. Nannie Earle's line, thence running West 74 feet, more or less, to a post in the line of the part of the first part herein, thence with party's approximately 100 feet South; thence East 74 feet, more or less, to the line of Mrs. Nannie Earle; thence with her line 100 feet, more or less, to the point of beginning.

**SOURCE OF TITLE:** Parcel I being the remaining one-half (1/2) interest in the same property conveyed to Phyllis Shepherd (now Phyllis Penick) and Larry Penick by deed dated 7 November 1997 and of record in Deed Book 208, Page 94. Parcel II being the remaining one-half (1/2) interest in the same property conveyed to Phyllis Shepherd (now Phyllis Penick) and Larry Penick by deed dated 3 August 2001 and of record in Deed Book 238, Page 744. Parcel III being the remaining one-half (1/2) interest in the same property conveyed to Phyllis Shepherd (now Phyllis Penick) and Larry Penick by deed dated 26 March 2002 and of record in Deed Book 244, Page 377. Larry Penick died 4 February 2004 and by virtue of the survivorship clause in the above deed titled vested in the mortgagor. All references are to the records of the Pendleton County Clerk, Falmouth, Kentucky.

Exhibit B

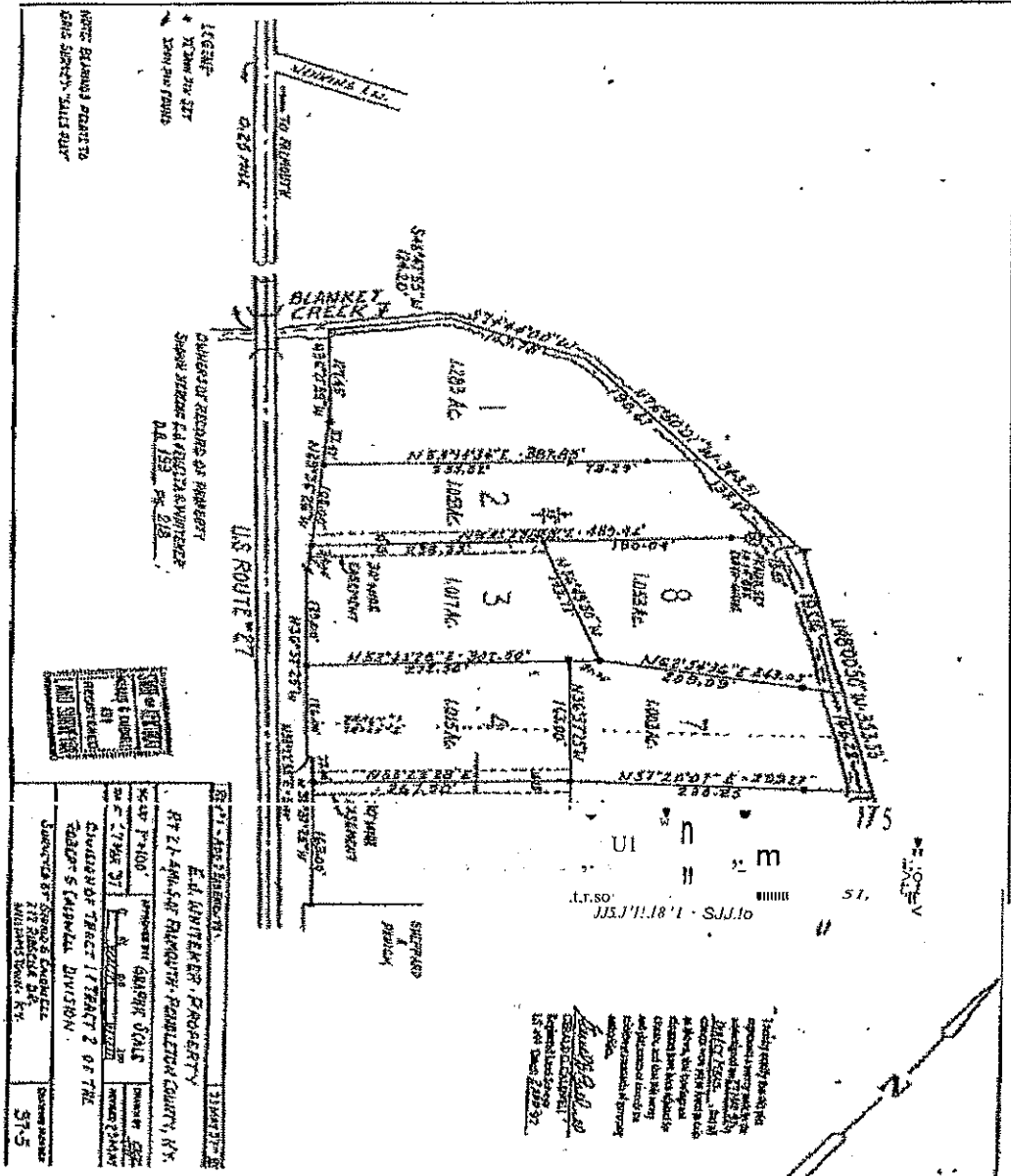


Exhibit C

