

ORDINANCE NO. 2023-029

**AN ORDINANCE REZONING APPROXIMATELY 7.5 ACRES
LOCATED ON THE WEST SIDE OF 31-W NORTH FROM R-1 (SINGLE FAMILY
RESIDENTIAL) TO B-4 (HIGHWAY BUSINESS DISTRICT)
BY FWB PROPERTIES, LLC**

WHEREAS, FWB Properties, LLC, a Kentucky limited liability company, filed a petition to rezone approximately 7.5 acres located on the west side of 31-W North, in Franklin, Simpson County, Kentucky currently zoned R-1 (Single Family Residential) to B-4 (Highway Business District); and

WHEREAS, FWB Properties, LLC desires to rezone the aforementioned property to make the property more productive for the community, and this change is appropriate and consistent with the use of this property and surrounding properties; and

WHEREAS, a public hearing was held on July 25, 2023, after due public notice, in the manner provided by law; and

WHEREAS, the Planning & Zoning Commission recommended the granting of said zone change as it is in agreement with the community's comprehensive plan;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Franklin, Kentucky as follows:

The approximately 7.5 acres located on the west side of 31-W North in Franklin, Simpson County, Kentucky, as more particularly described in Exhibit A attached hereto is granted a zone change from R-1 (Single Family Residential) to B-4 (Highway Business District).

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holdings shall not affect the validity of the remaining portions of Ordinance.

All ordinances or parts of ordinances in conflict herewith, are, to the extent of such conflict, hereby repealed.

August 14, 2023 FIRST READING

August 28, 2023 SECOND READING

At a meeting of the City Commission of the City of Franklin, Kentucky, held on August 28, 2023, on motion made by Commissioner Powell and seconded by Commissioner McCreary the foregoing ordinance was adopted, after full discussion, by the following vote:

YES LARRY DIXON, MAYOR
YES JAMIE POWELL
YES DALE MCCREARY
YES WENDELL STEWART
YES HERBERT WILLIAMS

APPROVED BY:

Larry Dixon, Mayor
Larry Dixon, Mayor

ATTEST:

Cathy Dillard
Cathy Dillard, City Clerk

EXHIBIT A

PROPERTY DESCRIPTION APPENDIX

TRACT ONE:

Being Tract No. 3 of the Howell Patton III Property Subdivision, as shown of record in Minor Subdivision Plat Book 1, Page 432, Simpson County Clerk's Office, and more particularly described as follows:

Beginning at an iron pin set at the southwest right of way intersection of US 31-W (100' Right of way as per KY DOT State Project No. 107-5 – 58' Pvm't) and Patton Road (60' Right of way as Per Plat Cabinet 2, Page 111) and having a coordinate of N:3433412.68, E:4678403.71. Thence with said west right of way of US 31-W, a curve turning to the left having an arc length of 237.47', a radius of 2882.51', a chord bearing of S 07° 26' 12" W, and a chord length of 237.40' to an iron pin set a new corner to Howell Patton, III (Deed Book 113, Page 323); thence severing the lands of Howell Patton III (Deed Book 113, Page 323) for 2 calls N:84° 07' 37" W, 330.44' to an iron pin set; thence N 06° 00' 26" E, to an iron pin set in the aforementioned south right of way of Patton Road; thence with meandering said right of way for the remaining calls a curve turning to the right having an arc length of 176.76', a radius of 1685.00', a chord bearing of S 81° 15' 22" E, and a chord length of 176.68', thence S 78° 15' 03" E, 160.69', to the point of beginning, having an area of 84004.77 square feet, 1.928 acres, according to this survey performed by Davidson Land Surveying, 270-202-2236, calydaavidsonpls@gmail.com, William Clay Davidson (PLS No. 4145, issued May 20, 2016). Dated: 8/6/2021, Job No. 21-050.

TRACT TWO:

Being Tract No. 4 of the Howell Patton III Property Subdivision, as shown of record in Minor Subdivision Plat Book 1, page 432, Simpson County Clerk's Office, and more particularly described as follows:

Commencing from an iron pin set at the southwest right of way intersection of US 31-W (100' Right of way as per KY DOT State Project No. 107-5 – 58' Pvm't) and Patton Road (60' Right of way as Per Plat Cabinet 2, Page 111) and having a coordinate of N:3433412.68, E:4678403.71. Thence with said west right of way of US 31-W, a curve turning to the left having an arc length of 237.47', a radius of 2882.51', a chord bearing of S 07° 26' 12" W, and a chord length of 237.40' to an iron pin set a new corner to Howell Patton III (Deed Book 113, Page 323), BEING THE POINT OF BEGINNING.

Thence continuing meandering said right of way for 2 calls with a curve turning to the left having an arc length of 33.03', a radius of 2882.51', a chord bearing of S 04° 44' 54" W, and a chord length of 33.03'; thence S 03° 51' 20" W, 173.25' to an iron pin set a new corner to Howell Patton III (Deed Book 113, Page 323); thence severing the lands of Howell Patton III N 84° 07' 37" W, 592.43' to an iron pin set common to Jackie Ray Gann (Deed Book 300, Page 793, Plat Book 4, Page 166B, Lot 6); thence with Jackie Ray Gann (Deed Book 300, Page 793, Plat Book 4, Page 166B, Lot 6), then Linda K. Chaney (Deed Book 225, Page 601, Plat Book 4, Page 166B, Lot 5) and then Sharon M. Reynolds (Deed Book 173, Page 316, Plat Book 4, Page 166B, Lot 4) N 05° 55' 14" E, 206.17' to an iron pin found (1/2" rebar, PLS 2142) a corner to Larry Dean Dyer and Lori Ann Dyer (Deed Book 171, Page 457, Plat Book 4, Page 166B, Lot 3) and James Jeffrey Caudill and Pamela D. Caudill (Deed Book 203, Page 358, Plat Book 4, Page 196); thence with James Jeffrey Caudill and Pamela D. Caudill (Deed Book 203, Page 358, Plat Book 4, Page 196) S 84° 07' 37" E, 215.07' to an iron pin found; thence severing the lands of Howell Patton III S 84° 07' 37" E, 370.44', to the point of beginning, having an area of 121381.59 square feet, 2.787 acres, according to survey performed by Davidson Land Surveying, 270-202-2236,

claydavidsonpls@gmail.com, William Clay Davidson (PLS No. 4145, issued May 20, 2016).
Dated: 8/6/2021, Job No. 21-050.

TRACT THREE:

Being Tract No. 5 of the Howell Patton III Property Subdivision, as shown of record in Minor Subdivision Plat Book 1, Page 432, Simpson County Clerk's Office, and more particularly described as follows:

Commencing from an iron pin set at the southwest right of way intersection of US 31-W (100' Right of way as per KY DOT State Project No. 107-5 - 58' Pvm't) and Patton Road (60' Right of way as Per Plat Cabinet 2, Page 111) and having a coordinate of N:3433412.68, E:4678403.71. Thence with said west right of way of US 31-W for 3 calls, a curve turning to the left having an arc length of 237.47', a radius of 2882.51', a chord bearing of S 07° 26' 12" W, and a chord length of 237.40' to an iron pin set, thence with a curve turning to the left having an arc length of 33.03', a radius of 2882.51', a chord bearing of S 04° 44' 54" W, and a chord length of 33.03', thence S 03° 51' 20" W, 173.25' to an iron pin set a new corner to Howell Patton III (Deed Book 113, Page 323) BEING THE POINT OF BEGINNING; thence continuing with said right of way S 03° 55' 20" W, 174.77' to an iron pin found (1/2" rebar, PLS 2142) a corner to 31-W North Church of Christ (Deed Book 118, Page 74); thence with 31-W North Church of Christ (Deed Book 118, Page 74) N 89° 39' 06" W, 602.13' to an iron pin found (1/2" rebar, PLS 2142) common to Deanna Mae Wilson (Deed Book 208, Page 170, Plat Book 4, Page 189, Lot 22); thence with Deanna Mae Wilson (Deed Book 208, Page 170, Plat Book 4, page 189, Lot 22) and then Jackie Ray Gann (Deed Book 300, Page 793, Plat Book 4, Page 166B, Lot 7) N 06° 08' 55" E, 138.44' to an iron pin found (1/2" rebar, PLS 2142) a corner to Jackie Ray Gann (Deed Book 300, Page 793, Plat Book 4, Page 166B, Lot 6); thence with Jackie Ray Gann (Deed Book 300, Page 793, Plat Book 4, Page 166B, Lot 6) N 05° 55' 14" E, 94.20' to an iron pin set a new corner to aforementioned Howell Patton III; thence severing the lands of said Howell Patton III S 84° 07' 37" E, 592.43' to the point of beginning, having an area of 121401.72 square feet, 2.787 acres, according to this survey performed by Davidson Land Surveying, 270-202-2236, claydavidsonpls@gmail.com, William Clay Davidson (PLS No. 4145, issued May 20, 2016).
Dated: 8/6/2021, Job. No. 21-050.

Being the same property conveyed to Burrell Properties, LLC, from Howell Patton, III and wife, Lora Patton, by Deed dated August 30, 2021, and of record in Deed Book 359, Page 157, in the Simpson County Clerk's Office.

ALSO, being the same property in which an undivided one-half interest was conveyed to Callaway Court Properties, LLC, a Kentucky limited liability company by Deed dated July 13, 2022, and of record in Deed 366, Page 711, in the Simpson County Clerk's Office.