

Sponsors:	<u>Commissioner Powell</u>
	<u>Commissioner Stewart</u>
Second Reading:	<u>December 13, 2021</u>
Publication Date:	<u>December 23, 2021</u>

ORDINANCE NO. 2021-034

**AN ORDINANCE REZONING APPROXIMATELY 99.74 ACRES
LOCATED AT 3405 and 3335 NASHVILLE ROAD (AKA U.S. HWY. 31-W) FROM AG
(AGRICULTURE) TO R1-S (SINGLE FAMILY RESIDENTIAL) BY BARRY HALL,
MARK HALL AND JAMES HALL**

WHEREAS, Barry Hall, Mark Hall, and James Hall (hereinafter collectively “Hall”) requesting a zone change from Agricultural to R1-S (Single Family Residential) filed a petition to rezone approximately 99.74 acres located at 3405 and 3335 Nashville Road (aka U. S. Hwy. 31-W), in Franklin, Simpson County, Kentucky currently zoned AG (Agriculture) to R1-S (Single Family Residential); and

WHEREAS, Hall 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 November 23, 2021, 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 99.74 acres located at 3405 and 3335 Nashville Road (aka U.S. Hwy. 31-W) in Franklin, Simpson County, Kentucky, as more particularly described in Exhibit A attached hereto is granted a zone change from its AG (Agriculture) to R1-S (Single Family Residential).

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All ordinances or parts of ordinances in conflict herewith, are, to the extent of such conflict, hereby repealed.

December 13, 2021

FIRST READING

December 16, 2021

SECOND READING

At a meeting of the City Commission of the City of Franklin, Kentucky, held on December 16, 2021, on motion made by Commissioner Powell and seconded by Commissioner Williams the foregoing ordinance was adopted, after full discussion, by the following vote:

YES LARRY DIXON, MAYOR

YES JAMIE POWELL

YES BROWNIE BENNETT

YES WENDELL STEWART

YES HERBERT WILLIAMS

APPROVED BY:


Larry Dixon, Mayor

ATTEST:

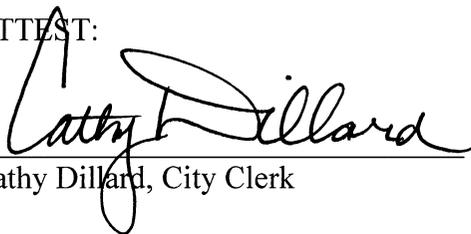

Cathy Dillard, City Clerk

EXHIBIT A

PROPERTY DESCRIPTION APPENDIX

Being a certain tract of land lying on the southwest side of Highway 31-W located three miles south of Franklin, Simpson County, Ky. Being the property of Barry Hall Et. Al. (Deed Book 205 Page 212, Deed Book 216, Page 738, Deed Book 288 Page 691 recorded in the office of the Simpson County Clerk) and being more particularly described as follows:

Unless stated otherwise, any monument referred to herein as a "set rebar" is 1/2 inches in diameter, eighteen inches in length with yellow plastic cap stamped J. Leftwich PLS #3013. Bearing used to begin survey taken from GPS observation dated 10-04-2021.

Beginning at a set 1/2" rebar 50 ft. southwest of the centerline of Highway 31-W a corner to William Bradley Et. Al. (Deed Book 178 Page 79); thence with Bradley, S 59 deg. 12 min. 01 sec. W 973.06 ft. to a set 1/2" rebar a corner to Charles Zeager (Deed 188 Page 749); thence with Zeager, S 60 deg. 05 min. 36 sec. W 572.81 ft. to a set 1/2" rebar at a corner post; thence N 81 deg. 20 min. 54 sec. W 558.60 ft. to a set 1/2" rebar at a corner post in the line of Zeager a corner to Gary Houston (Deed Book 171 Page 108); thence with Houston, N 21 deg. 44 min. 55 sec. W 1352.41 ft. to a set 1/2" rebar at a walnut snag found north side of a lane; thence S 81 deg. 50 min. 16 sec. W 423.37 ft. to a set 1/2" rebar at a hackberry; thence N 46 deg. 00 min. 35 sec. W 351.27 ft. to a set 1/2" rebar at a fence post; thence N 00 deg. 27 min. 51 sec. W 68.37 ft. to a set 1/2" rebar at a t-post found a corner to Houston and Snider Farms (Deed Book 118 Page 77); thence with Snider Farms, N 02 deg. 43 min. 03 sec. E 408.49 ft. to a 1/2" rebar found a corner to Snider and KYCORE, LLC (Deed Book 280 Page 82); thence with KYCORE, N 72 deg. 34 min. 17 sec. E 624.77 ft. to a 5/8" rebar cap 3290 found at a fence post; thence N 68 deg. 53 min. 53 sec. E 1092.02 ft. to a set 1/2" rebar a corner to KYCORE, 50 ft. southwest of the centerline of Highway 31-W; thence with the r/w of Highway 31-W (Deed Book 278 Page's 608 and 613) S 40 deg. 14 min. 50 sec. E 1122.33 ft. to a KYTC IP Monument found 50 ft. from the centerline; thence S 29 deg. 09 min. 26 sec. E 275.14 ft. to a KYTC IP Monument found 103 ft. from the centerline; thence S 44 deg. 16 min. 44 sec. E 155.28 ft. to a KYTC IP Monument found 92 ft. from the centerline; thence S 08 deg. 34 min. 46 sec. E 64.66 ft. to a point in a sink hole 126 ft. from the centerline; thence S 66 deg. 37 min. 44 sec. E 55.91 ft. to a KYTC IP Monument found 101 ft. from the centerline; thence S 45 deg. 18 min. 33 sec. E 195.17 ft. to a KYTC IP Monument found 77 ft. from the centerline; thence S 64 deg. 37 min. 12 sec. E 55.83 ft. to a KYTC IP Monument found 50 ft. from the centerline; thence 50 ft. parallel to the centerline, S 34 deg. 35 min. 17 sec. E 50.00 ft.; thence S 33

deg. 27 min. 18 sec. E 50.00 ft.; thence S 33 deg. 06 min. 13 sec. E 50.00 ft.; thence S 31 deg. 17 min. 53 sec. E 50.00 ft.; thence S 30 deg. 47 min. 23 sec. E 50.00 ft.; thence S 29 deg. 18 min. 38 sec. E 50.00 ft.; thence S 28 deg. 41 min. 27 sec. E 50.00 ft.; thence S 27 deg. 35 min. 05 sec. E 49.18 ft. to the beginning containing **99.74 acres more or less** as surveyed by Joe R. Leftwich, PLS #3013 with Leftwich Land Surveying Inc. on 10-04-2021. This property is subject to a 16 ft. r/w see Deed Book 171 Page 108 and any other existing r/w's or easements.

A part of the above property being a part of the same property conveyed to Granville S. Hall and wife, Barbara M. Hall, as tenants in common and not in survivorship by Granville S. Hall and wife, Barbara M. Hall, by deed dated June 10, 1998, of record in Deed Book 214, Page 80, Office of the Simpson County Clerk.

The said Granville S. Hall died married and testate a resident of Simpson County on April 10, 2005. Pursuant to the terms and conditions of the Last Will and Testament of Granville S. Hall, of record in Will Book 21, Page 437, Office of the Simpson County Clerk, his undivided one-half ($\frac{1}{2}$) in the above-described property devised to his wife, Barbara Mayes Hall (being the same person as Barbara M. Hall), thereby vesting fee simple title in Barbara Mayes Hall.

The said Barbara Mayes Hall died January 10, 2010 testate and a resident of Simpson County. Pursuant to the terms and conditions of the Last Will and Testament of Barbara Mayes Hall, of record in Will Book 23, Page 590, Office of the Simpson County Clerk, her interest in the above-described property devised to her three (3) children, Mark E. Hall, Barry E. Hall, and James E. Hall, with each receiving an undivided one-third ($\frac{1}{3}$) interest. See also Affidavit of James E. Hall Concerning Transfer of Real Property dated July 20, 2010, of record in Deed Book 288, Page 691, Office of the Simpson County Clerk.

The remaining part of the above-described property being a portion of the same property conveyed to Barry Edward Hall, Mark Eldon Hall, and James Edwin Hall by Granville S. Hall, Trustee of the Eldon G. Hall Irrevocable Inter Vivos Family Trust, Trust A, with each Grantee receiving an undivided one-third ($\frac{1}{3}$) interest in the herein above-described property, by deed dated December 10, 1998, of record in Deed Book 216, Page 738, Office of the Simpson County Clerk.