

ORDINANCE NO. 23-04

**AN ORDINANCE OF THE CITY OF RICHMOND, KENTUCKY ANNEXING
PROPERTY INTO THE CITY BOUNDARIES AND ASSIGNING ZONE
CLASSIFICATION FOR 118.65 ACRES OF LAND AT TATES CREEK ROAD
AND GOGGINS LANE**

WHEREAS, New Idea Construction & Homes, LLC on behalf of Arlington Farm, the owner of the property described below, has consented to the voluntary annexation into City limits of the said tract (hereinafter, the “Property”); and

WHEREAS, the property in question is contiguous to the City’s boundaries, is urban in character, and is suitable for further development for urban purposes; and

WHEREAS, the Richmond Planning and Zoning Commission on December 21, 2022 conducted a public hearing so as to be able to make a recommendation to the Board of Commissioners as to the appropriate zoning classification to be assigned to the property should it be so annexed; and

WHEREAS, at the conclusion of the public hearing, the Planning and Zoning Commission voted to adopt the Findings of Fact attached to this Ordinance, here incorporated in full, and to recommend that the property, if annexed, be assigned a zoning classification of total 118.65 acres as R1C (Single Family), and B-3 (Highway Business); and

WHEREAS, the Board of Commissioners finds that it would be in the public interest that the property in question be annexed into the City boundaries and given a R1C and B3 zoning classification;

NOW, THEREFORE, BE IT ORDAINED as follows:

SECTION I

In accordance with the provisions of Chapter 81A of the Kentucky Revised Statutes, the City of Richmond, Kentucky does hereby express its intention to annex into City limits those certain tracts of property more particularly described as follows, to wit:

Arlington Farm
Total 118.65 Acres +/-

A certain tract of land located at the Northeast intersection of Tates Creek Road and Goggins Lane in Madison County, Richmond, Kentucky and further described as follows:

TRACT 1-A ~ TO BE REZONED R-1C
All of EXHIBIT A; TRACT 1; PARCEL 1 & remainder of: EXHIBIT A; TRACT 1;
PARCEL 6

NEW IDEA CONSTRUCTION & HOMES, LLC ~ DB 827 PG 246
Located at Intersection of Goggins Ln & Tates Creek Rd
96.50 ACRES +/-

NOTE: Unless stated otherwise, any monument referred to herein as a “set iron pin and cap” is a set ½” diameter, 18” in length iron pin with a yellow plastic cap stamped “ABACUS LPLS 3265,” any monument referred to herein as a “found Vago pin” is a found ½” diameter, 18” in length iron pin with a yellow plastic cap stamped “LS 3103,” any monument referred to herein as a “found R/W monument” is a found 5/8” diameter, 36” in length iron pin with a aluminum cap stamped “KYDOT,” any monument referred to herein as a “found iron pin” is a found ½” diameter, 18” in length iron pin with no cap. The basis of bearings is State Plain Coordinates – Kentucky South Zone taken upon the date of this survey using survey grade GPS equipment.

A certain tract of land located on the north side of Tates Creek Road (KY Hwy 169) and the west side of Goggins Lane at the intersection of said roadways and being more particularly described as follows:

BEGINNING at a set iron pin and cap in the line of Tract 19 of the “Minor Plat of Tract #18 & #19, Industrial Park” (PB 8 PG 338); THENCE leaving the line of Tract 19 and severing the lands of Exhibit A, Tract 1, Parcel 6 of New Idea Construction & Homes, LLC (DB 827 PG 246) a new line the following ten (10) calls: N 79°05’12” W, 567.24 feet to a set iron pin and cap; S 18°37’57” W, 443.04 feet to a set iron pin and cap; S 6°48’21” E, 89.52 feet to a set iron pin and cap; S 19°30’02” W, 507.39 feet to a set iron pin and cap; S 42°15’02” W, 48.49 feet to a set iron pin and cap; N 71°22’03” W, 435.34 feet to a set iron pin and cap; S 18°37’57” W, 59.26 feet to a set iron pin and cap; around a curve to the right having a chord direction of S 36°10’09” W, a chord distance of 90.39 feet, and a radius of 150.00 feet to a set iron pin and cap; around a curve to the left having a chord direction of S 33°44’05” W, a chord distance of 85.38 feet, and a radius of 125.00 feet to a set iron pin and cap; S 13°45’51” W, 140.58 feet to a set iron pin and cap; being a point in the north right-of-way of Tates Creek Road (KY Hwy 169) and being approximately 50 feet distant from the centerline; THENCE leaving the new division line with the north right-of-way of Tates Creek Road the following five (5) calls: N 76°14’09” W, 38.34 feet to a found R/W monument; N 81°53’40” W, 50.25 feet to a set iron pin and cap; N 76°14’09” W, 950.00 feet to a broken found R/W monument; N 74°40’25” W, 550.20 feet to a set iron pin and cap; N 76°14’09” W, 114.85 feet to a set iron pin and cap, being a point in the north right-of-way of Tates Creek Road and being approximately 70 feet distant from the centerline and a point in the west right-of-way of Goggins Lane and being approximately 40 feet distant from the centerline; THENCE leaving the right-of-way of Tates Creek Road with the right-of-way of Goggins Lane the following seven (7) calls: N 7°06’47” E, 189.22 feet to a set iron pin and cap; narrowing the right-of-way N 4°11’49” W, 101.98 feet to a set iron pin and cap; further narrowing the right-of-way N 82°53’13” W, 6.74 feet to a set iron pin and cap, being approximately 14 feet distant from the centerline; N 7°51’07” E, 94.68 feet to a set iron pin and cap; N 8°37’22” E, 454.74 feet to a set iron pin and cap; N 8°01’17” E, 553.39 feet to a set iron pin and cap; N 0°17’45” E, 285.24 feet to a set iron pin and cap, being a point in the west right-of-way of Goggins Lane and a common corner to Tract 4 of “Boone View – Block

1 Residential Estate Plat for George Gumbert Heirs” (PB 27 PG 160); THENCE leaving the right-of-way of Goggins Lane with the line of Tract 4 the following two (2) calls: S 79°03’41” E, passing a found Vago pin at 10.21 feet, in all 432.56 feet to a set iron pin and cap; S 79°00’54” E, 355.11 feet to a found Vago pin, being a common corner to Tract 4 and the remaining acreage of Robert & Elizabeth Hornsby of “Final Plat of Carey Acres Block ‘C’” (PB 13 PG 43); THENCE leaving the line of Tract 4 with the line of the remaining acreage the following two (2) calls: S 79°05’07” E, 689.29 feet to a set iron pin and cap; S 79°06’47” E, 327.04 feet to a found Vago pin, being a common corner to the remaining acreage and Lot 41 of “Final Subdivision Plat of South Bluegrass Junction” (PB 7 PG 141); THENCE leaving the line of the remaining acreage with the line of Lot 41 S 79°02’09” E, 182.67 feet to a found 1.5” diameter, 18” in length galvanized iron pipe with no cap, being a common corner to Lot 41 and Lot 40 of the same; THENCE leaving the line of Lot 41 with the line of Lot 40 S 79°02’09” E, passing the common corner between Lots 38 & 40 at 179.16 feet, in all 254.82 feet to a found iron pin, being a common corner to Lot 38 and Lot 37 of the same; THENCE leaving the line of Lot 38 with the line of Lot 37 S 79°02’09” E, 76.84 feet to a found iron pin, being a common corner to Lot 37 and Lot 36 of the same; THENCE leaving the line of Lot 37 with the line of Lot 36 S 78°41’56” E, 77.01 feet to a found iron pin, being a common corner between Lot 36 and Lot 35 of the same; THENCE leaving the line of Lot 36 with the line of Lot 35 S 79°03’51” E, and passing the common corner between Lots 34 & 35 at 78.05 feet, passing the common corner between Lots 33 & 34 at 154.94 feet, passing the common corner between Lots 32 & 33 at 251.63 feet, in all 442.05 feet to a found iron pin, being the common corner to Lot 32 and Lot 31 of the same; THENCE leaving the line of Lot 32 with the line of Lot 31 S 79°23’32” E, 193.79 feet to a found iron pin, being a common corner to Lot 31 and Lot 30 of the same; THENCE leaving the line of Lot 31 with the line of Lot 30 S 79°13’02” E, passing the common corner to Lot 29 & Lot 30 at 113.30 feet, passing the common corner to Lot 28 & Lot 29 at 189.70 feet, in all 273.30 feet to a found PK nail, being a point in the line of Lot 28 of the same and a common corner to Tract 9 of the “Minor Plat of Tract #9, Industrial park” (PB 8 PG 27); THENCE leaving the line of Lot 28 with the line of Tract 9 S 41°40’25” W, 354.25 to a found 1” diameter, 18” in length galvanized iron pipe with no cap, being a common corner to Tract 9 and Tract 19 (as mentioned above); THENCE leaving the line of Tract 9 with the line of Tract 19 S 42°00’15” W, 105.78 feet to the POINT OF BEGINNING, by survey performed April 06, 2022, by Abacus Engineering and Land Surveying Inc, Dwayne Wheatley LPLS #3265 and being a portion of property conveyed to New Idea Construction & Homes, LLC, by Deed Book 827, Page 246 dated July 26, 2022, as recorded in the Madison County, Kentucky Clerk’s Office.

TRACT 1-B ~ TO BE REZONED B-3
A portion of: EXHIBIT A; TRACT 1; PARCEL 6
NEW IDEA CONSTRUCTION & HOMES, LLC ~ DB 827 PG 246
Located at Intersection of Goggins Ln & Tates Creek Rd
10.94 ACRES +/-

NOTE: Unless stated otherwise, any monument referred to herein as a “set iron pin and cap” is a set ½” diameter, 18” in length iron pin with a yellow plastic cap stamped

“ABACUS LPLS 3265,” any monument referred to herein as a “found iron pin” is a found ½” diameter, 18” in length iron pin with no cap. The basis of bearings is State Plain Coordinates – Kentucky South Zone taken upon the date of this survey using survey grade GPS equipment.

A certain tract of land located on the north side of Tates Creek Road (KY Hwy 169) and the west side of Goggins Lane at the intersection of said roadways and being more particularly described as follows:

BEGINNING at a set iron pin and cap in the line of Tract 19 of the “Minor Plat of Tract #18 & #19, Industrial Park” (PB 8 PG 338); THENCE leaving the line of Tract 19 and severing the lands of Exhibit A, Tract 1, Parcel 6 of New Idea Construction & Homes, LLC (DB 827 PG 246) a new line the following ten (10) calls: N 79°05’12” W, 567.24 feet to a set iron pin and cap; S 18°37’57” W, 443.04 feet to a set iron pin and cap; S 6°48’21” E, 89.52 feet to a set iron pin and cap; S 19°30’02” W, 507.39 feet to a set iron pin and cap; S 42°15’02” W, 48.49 feet to a set iron pin and cap; N 71°22’03” W, 435.34 feet to a set iron pin and cap; S 18°37’57” W, 59.26 feet to a set iron pin and cap; around a curve to the right having a chord direction of S 36°10’09” W, a chord distance of 90.39 feet, and a radius of 150.00 feet to a set iron pin and cap; around a curve to the left having a chord direction of S 33°44’05” W, a chord distance of 85.38 feet, and a radius of 125.00 feet to a set iron pin and cap; S 13°45’51” W, 140.58 feet to a set iron pin and cap; being a point in the north right-of-way of Tates Creek Road (KY Hwy 169) and being approximately 50 feet distant from the centerline; THENCE leaving the new division line with the north right-of-way of Tates Creek Road the following two (2) calls: S 76°14’09” E, 261.66 feet to a broken found R/W monument; S 73°45’59” E, 117.82 feet to a set iron in and cap being a common corner to Tract 16 of “Minor Plat of Tract 16, Industrial Park” (PB 8 PG 113) and a point in the north right-of-way of Tates Creek Road (KY Hwy 169) and being approximately 50 feet distant from the centerline; THENCE leaving the right-of-way of Tates Creek Road with the line of Tract 16 N 42°15’02” E, 652.92 feet to a to a found PK nail, being a common corner between Tract 15 of “Minor Plat of Tract 15, Industrial Park” (PB 8 PG 84) and Tract 16; THENCE leaving the line of Tract 16 with the line of Tract 15 N 41°48’24” E, 768.65 feet to a found iron pin being a common corner to Tract 15 and Tract 19 (as mentioned above); THENCE leaving the line of Tract 15 with the line of Tract 19 N 42°00’15” E, 204.58 feet to the POINT OF BEGINNING, by survey performed April 06, 2022, by Abacus Engineering and Land Surveying Inc, Dwayne Wheatley LPLS #3265 and being a portion of property conveyed to New Idea Construction & Homes, LLC, by Deed Book 827, Page 246 dated July 26, 2022, as recorded in the Madison County, Kentucky Clerk’s Office.

SECTION II

The Property is hereby annexed into City boundaries. In accordance with the Findings of Fact and recommendation of the Richmond Planning and Zoning Commission, which

Findings of Fact the Board does adopt as its findings, the Property shall be, and is hereby, zoned total 118.65 acres as R1C (Single Family), and B-3 (Highway Business); and

The Department of Planning and Zoning, and the GIS Department, shall make the appropriate changes to the City's official map, and the City Clerk shall forward this Ordinance, together with other necessary information and documentation, to the appropriate local and state authorities.


SECTION III

This Ordinance shall be effective immediately upon its adoption following second reading and publication in accordance with the provisions of applicable Kentucky law.

DATE OF FIRST READING: January 24, 2023
MOTION BY: Commissioner Brewer
SECONDED BY: Commissioner Cole

DATE OF SECOND READING: February 14, 2023
MOTION BY: Commissioner Brewer
SECONDED BY: Commissioner Newby


VOTE	YES	NO
Commissioner Brewer	x	
Commissioner Cole	x	
Commissioner Goble	x	
Commissioner Newby	x	
Mayor Blythe	x	



Mayor Blythe

ATTEST: 

City Clerk

Approved as to form:


City Attorney, Tyler Frazier

**ATTORNEY'S CERTIFICATION AS TO SUMMARY OF ORDINANCE FOR
PUBLICATION**

COMES NOW the undersigned Tyler Frazier, who does certify as follows:

1. That he is a licensed and practicing attorney in the Commonwealth of Kentucky.
2. That he has prepared, for purposes of publication in accordance with the requirements of Chapter 424 of the Kentucky Revised Statutes, the attached summary or summaries of Ordinance(s) duly enacted by the Board of Commissioners for the City of Richmond, Kentucky.

Dated this the 17 day of Feb, 2023.



Tyler Frazier

Ordinance: 23.04