



CITY OF BERA

CITY ADMINISTRATORS OFFICE

STEVEN CONNELLY
MAYOR

212 CHESTNUT STREET • BERA, KENTUCKY 40403
(859) 986-8528 • FAX (859) 986-7657
T.D.D.# 1-800-648-6057

RANDY STONE
CITY ADMINISTRATOR

PROOF OF MUNICIPAL LEGISLATION

I, Randy Stone, City Clerk of the City of Berea, Kentucky, hereby certify that the attached is a true and accurate copy of Ordinance 21-08 adopted by the Berea City Council on 12-02-08, and I am the custodian of the original, which is maintained at the City Clerk's office, Berea City Hall, Berea, Kentucky.

December 19, '08
Date

Randy Stone
Randy Stone, City Clerk
City of Berea, Kentucky

RECEIVED AND FILED
DATE January 26, 2009

TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Randy Adkinson

ORDINANCE NO. 21 - 08

AN ORDINANCE OF THE CITY OF BEREA, KENTUCKY, ANNEXING CERTAIN REAL PROPERTY OWNED BY HGABBARD PROPERTIES II, LLC LOCATED ON O'POSSUM KINGDOM ROAD NEAR BEREA, MADISON COUNTY KENTUCKY, AND ASSIGNING SUCH ANNEXED PROPERTY THE ZONING CLASSIFICATION OF A-1 (AGRICULTURAL).

WHEREAS, in Ordinance No. 12-08, the City Council declared its intent to annex certain real property owned by HGABBARD PROPERTIES, LLC, located on O'Possum Kingdom Road; and

WHEREAS, as directed in Ordinance No. 12-08, the Planning Commission held a public hearing on July 22, 2008, and has recommended that the property annexed be assigned a zoning classification of A-1 (Agricultural); and

WHEREAS, the City Council has determined that the tract of land to be annexed is adjacent and contiguous to the current corporate limits and which by reason of population density, use of the land, including subdivision of land, both existing and expected, the land to be annexed is suitable for development for urban purposes, so that the corporate boundaries of the City should be extended to include this area; and

WHEREAS, the City wishes to be able to be in the position to extend certain municipal services to this area; and

WHEREAS, the tract described herein is not already incorporated; and

WHEREAS, the owner of the property agrees to the annexation;

NOW, THEREFORE, the City Council of the City of Berea, Kentucky, does ordain as follows:

SECTION I

That the City of Berea, Kentucky, pursuant to KRS 81A.420 and KRS 81A.412, hereby

annexes and makes a part of the corporate area certain tracts of property described as follows:
Attached as Exhibit A.

SECTION II

Upon the enactment of this ordinance, the territory described in Section I is part of the City of Berea for all purposes.

SECTION III

Pursuant to the recommendation of the Planning Commission at its July 22, 2008, regular meeting, and KRS 81A.420, KRS 81A.412, and KRS 100.209, the property annexed herein and described on Exhibit A is hereby assigned the zoning classification of A-1 (Agricultural).

SECTION IV

The City Clerk or any other officer having custody of official maps or records of the City is hereby directed to amend such maps or records to reflect the annexation and zoning classification provided for and assigned herein.

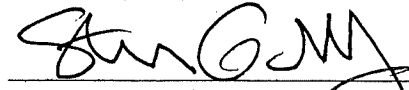
SECTION V

All ordinance or parts of ordinances in conflict with this ordinance are hereby repealed.

FIRST READING: November 18, 2008.

SECOND READING & ENACTMENT December 2, 2008.


APPROVED:



Steven Connelly, Mayor

CITY OF BEREА, KENTUCKY

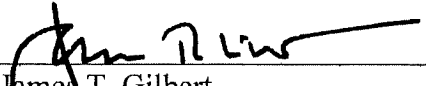
ATTEST.



Clerk of the City Council

PREPARED BY:

COY, GILBERT & GILBERT
212 North Second Street
Richmond, Kentucky 40475
(859) 623-3877



James T. Gilbert

matters/berea/zone change/hgabbard llc annexation zone change and ordinance 10.24.08

CITY OF BEREHA, KENTUCKY
PLANNING COMMISSION

In Re: HGABBARD Properties, LLC
O'Possum Kingdom Road
Berea, Kentucky 40403

RECOMMENDATION OF ZONING CLASSIFICATION FOR ANNEXED PROPERTY

This matter having been heard on July 22, 2008, at a public hearing before the Berea Planning Commission, for the purpose of recommending the zoning classification to be assigned to the property to be annexed, and the Planning Commission having considered the fact that the City Council adopted Ordinance No. 12-08, declaring its intention to annex a certain parcel of real property on O'Possum Kingdom Road, owned by HGABBARD Properties, LLC, and the Commission considering the records of the City of Berea, including the Comprehensive Plan, the request of the owners that the property be assigned a classification of A-1 (Agricultural), and the statements and testimony offered by members of the general public; the Planning Commission makes the following Recommendation:

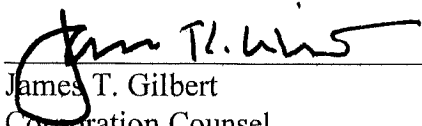
1. That due to the fact that the property has historically been used as agricultural property, and the property owner requests an agricultural classification, the most appropriate classification for the property to be annexed is A-1 (Agricultural), the Planning Commission therefore recommends that the property to be annexed be assigned the zoning classification of A-1 (Agricultural).

Dated: 11-13-08

By: 

Chairman, City Planning
Commission

Prepared by:



James T. Gilbert
Corporation Counsel

EXHIBIT A

GABBARD FARM PROPERTY LEGAL DESCRIPTION for ANNEXATION INTO THE CORPORATE LIMITS of THE CITY OF BEREA, KENTUCKY

A certain tract or parcel of land lying contiguous to the City of Berea, Madison County, Kentucky; more particularly bounded and described as follows. Please note that the metes and bounds shown hereon have not been surveyed "on the ground" nor according to the minimum standards of practice (201 KAR 18:150). These calls have been determined via the plotting of deeds upon digital ortho photography flown in the summer of 2008, with GPS'ed monumentation for the purposes of annexation into corporate limits:

**Beginning at a point where the current City of Berea corporate boundary along the easterly right of way of Opossum Kingdom Road; said point being at the approximate NAD 1983 Kentucky South state plane coordinates of North 2,100,965 East 2,054,207; thence following said right of way of Opossum Kingdom Road and said current corporate limits of the City of Berea for two (2) calls:
S 01°54'28" W, 887.40 feet;
S 79°53'38" E, 7.98 feet to a new corner in the corporate limits; thence leaving the current corporate limits and with a new line extending the corporate limits for fifty-three (53) calls; thence with the easterly right of way of Opossum Kingdom said right of way being common with the boundary of Tremont Subdivision;
S 02°01'51" W, 18.41 feet;
S 01°54'52" W, 895.40 feet;
S 04°37'36" E, 108.76 feet;
S 01°40'42" W, 373.13 feet;
thence leaving said right of way crossing Opossum Kingdom road and subsequently following the line of King ;
N 76°11'21" W, 730.04 feet;
S 23°50'35" W, 380.00 feet;
S 64°56'21" E, 223.15 feet;
S 76°11'21" E, 611.35 feet;
thence leaving the line of King and following the westerly right of way of Opossum Kingdom Road;
S 02°10'51" W, 595.84 feet;
109.49 feet along curve to the right with a radius of 244.11 feet and a chord of S 15°10'23" W, 108.58 feet;
thence following the line of Lakes and subsequently the line of Richardson;
N 88°29'51" W, 972.31 feet;
thence following the line of Clontz and subsequently Cooper;
N 02°41'58" E, 185.90 feet;
N 01°56'11" E, 294.20 feet;**

N 01°25'52" E, 115.42 feet;
N 86°23'05" W, 65.99 feet;
N 08°03'22" W, 209.08 feet;
N 07°15'07" W, 132.57 feet;
N 89°46'11" W, 178.68 feet;
S 89°41'46" W, 195.17 feet;
thence following the line of Thompson;
N 88°47'01" W, 367.77 feet;
S 02°06'44" W, 416.39 feet;
S 01°45'44" W, 534.94 feet;
N 89°34'34" W, 250.83 feet;
thence with the line of W&W Short and subsequently with the line of K&C Short;
N 89°00'51"W, 453.96 feet;
S 89°44'19"W, 134.77 feet;
S 89°52'08"W, 167.05 feet;
N 89°22'11"W, 223.32 feet;
thence with the line of City of Berea;
N 05°47'29"E, 186.14 feet;
N 59°55'30"W, 431.49 feet;
thence with the line of Buell;
N 24°11'59"E, 1132.99 feet;
thence with the southerly right of way of Guynn Road;
458.51 feet right along a curve with a radius of 145.95 feet and a chord of N 76°55'22"E,
291.89 feet;
N 47°48'45"E, 115.03 feet;
N 51°44'01"E, 29.87 feet;
635.44 feet right along a curve with a radius of 202.27 feet and a chord of N 44°03'40"E,
404.54 feet;
39.19 feet along a curve to the right with a radius of 115.00 feet and a chord of N
26°37'30"E, 39.00 feet;
N16°51'40"E, 174.04 feet;
95.75 feet left along a curve with a radius of 185.00 feet and a chord of N 31°41'18"E, 94.69
feet;
N 46°30'56"E, 50.54 feet;
N49°45'01"E, 125.55 feet;
thence leaving said right of way and with the line of Rowlett;
S 78°02'07"E, 64.61 feet;
N 51°27'53"E, 46.20 feet;
N 79°12'53"E, 447.15 feet;
N 04°18'31"E, 43.05 feet;
thence with the line of Rodney Short and subsequently Robert and Vicki Short;
S 70°07'37"E, 56.62 feet;
S 89°49'08"E, 1532.14 feet;
thence following the westerly right of way of Opossum Kingdom Road;
N 01°55'30"E, 136.77 feet;
N 02°03'18"E, 303.09 feet;

N 01°51'32"E, 136.91 feet;
N 01°51'29"E, 63.43 feet;
N 01°51'32"E, 100.01 feet;
N 01°51'31"E, 222.87 feet;
N 89°48'58"E, 43.71 feet to the point of beginning and containing approximately 137 acres.

**And being all of the property conveyed to HGabbard Properties II, LLC. by deed dated
June 27, 2007
and recorded in Deed Book 623, Page 720 and DB 596 PG 109 in the office of the Madison
County Court Clerk.**

OVERSIZE MAP INCLUDED WITH
SUBMISSION.

To research the map, contact the
Office of Secretary of State
or the County Clerk.