# **CITY CLERK CERTIFICATION**

STATE OF KENTUCKY	)
	)
COUNTY OF SCOTT	)

I, the undersigned, being duly appointed and acting as the City Clerk of the City of Georgetown, Kentucky, hereby certify that the foregoing is a true, correct, and complete copy of Ordinance No. 2024-18 duly adopted by the Georgetown City Council at a duly convened public meeting held on September 23, 2024, all as appears in the official records of said City.

IN TESTIMONY WHEREOF, witness my hand and the Seal of said City on this the 8th day of November 2024.

Signed:

Tracie Hoffman, City Clerk - Treasurer

DATE November 21, 2024

MICHAEL G. ADAMS
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY

### CITY OF GEORGETOWN

### **ORDINANCE NO. 2024 - 18**

AN ORDINANCE ANNEXING INTO THE CITY OF GEORGETOWN CERTAIN REAL PROPERTY CONTAINING APPROXIMATELY 2.93 +/- ACRES, LOCATED AT OR AROUND 1432 PAYNES DEPOT ROAD, IN SCOTT COUNTY, KENTUCKY.

### **SUMMARY**

- Annexes into Georgetown city limits, by written consent of the property owner in accordance with KRS 81A.412, approximately 2.93 +/- acres of property located at or around 1432 Paynes Depot Road in Scott County, KY.
- 2. Provides for repeal of inconsistent laws, severability of provisions, and an effective date upon passage and publication.

The full text of Ordinance 2024-18 is available for examination in the City Clerk's Office, 629 North Broadway, Georgetown, Kentucky 40324 or at <a href="https://www.georgetownky.gov">www.georgetownky.gov</a>.

PUBLICLY INTRODUCED AND READ FIRST TIME:

September 9, 2024

PUBLICLY READ SECOND TIME AND PASSED:

September 23, 2024

APPROVED:

BUYNEY JENKINS

Burney Jenkins, Mayor

ATTEST:

Tracie Hoffman, City Clerk

I, Emilee A. Buttrum, hereby certify I am an Attorney licensed to practice law in the Commonwealth of Kentucky. My office is located at 117 N. Water Street, Georgetown, Kentucky 40324. I further certify the foregoing Summary of Ordinance 2024 - 18, of the City of Georgetown, Kentucky, was prepared in accordance with the requirements of KRS 83A.060(9) and is a true and accurate summary of the contents of said Ordinance.

Emileo A. Buttrum Emileo A. Buttrum (Sep 24, 2024 15:02 EDT)

Emilee A. Buttrum

# **CITY OF GEORGETOWN**

# ORDINANCE NO. 2024-18

AN ORDINANCE ANNEXING INTO THE CITY OF GEORGETOWN CERTAIN REAL PROPERTY CONTAINING APPROXIMATELY 2.93 +/- ACRES, LOCATED AT OR AROUND 1432 PAYNES DEPOT ROAD, IN SCOTT COUNTY, KENTUCKY.

SPONSORS: Sonja Wilkins Brent and Willow Hambrick

WHEREAS, Jamie A. and Lydia J. Moore, and David S. Burke, property owners of record of the tract of land to be annexed, have given prior written consent to the annexation of the Property, as evidenced by the "Consent to Annexation" form attached hereto as Exhibit A; and

WHEREAS, the Property is adjacent or contiguous to the existing city limits of the City of Georgetown and is urban in character and suitable for development for urban purposes without unreasonable delay in accordance with KRS 81A.410; and

WHEREAS, the Georgetown-Scott County Planning Commission has approved a Zoning Map Amendment (ZMA-2024-28) to rezone 2.93 +/- acres of the Property to B-5 (Planned Commercial Park), with a condition that the Property be annexed into the City of Georgetown, Kentucky.

NOW, THEREFORE, be it ordained by the City of Georgetown, Kentucky:

### **SECTION ONE**

Pursuant to KRS 81A.412, the Georgetown City Council hereby annexes the following unincorporated area of Scott County into the City limits of the City of Georgetown, Kentucky:

All that certain tract or parcel of land in Scott County, Kentucky, on the east side of the Paynes Depot Pike, and being on the waters of Cane Run and bounded as follows:

On the west by the Paynes Depot Pike, on the south by the property formerly owned by Lucy Bailey, on the north by the property of W. V. Featherstone (formerly Carrie Coleman) and on the east by the property of A. L. Jennings (formerly H. C. Samuels) and containing 3 acres, more or less.

THERE IS EXCEPTED THEREFROM AND NOT INCLUDED HEREIN THAT CERTAIN PARCEL NO. 15, TRACT "A", AS MORE PARTICULARLY DESCRIBED IN A DEED TO THE COMMONWEALTH OF KENTUCKY DATED JANUARY 5, 2005, OF RECORD IN DEED BOOK 289, PAGE 578, SCOTT COUNTY CLERK'S OFFICE. SAID PARCEL NO. 15, TRACT "A" CONSISTS OF .532 ACRES.

Being a portion of the same property conveyed to DELORES JEAN ROGERS, a single person, by UNITED STATES MARSHALL'S QUITCLAIM DEED from KENNETH C. POORE, United States Marshall for the Eastern District of Kentucky, dated May 26, 1993, of record in Deed Book 200, Page 377, Scott County Clerk's Office. AND being a portion of the same property subject to a LAND CONTRACT between DELORES JEAN ROGERS, single, and JANE ELLEN MAHAN, single, dated August 31, 2004, of record in Deed Book 284, Page 702, Scott County Clerk's Office. Said JANE ELLEN MAHAN died intestate on January 10, 2005, a resident of Scott County, Kentucky, and was survived by her two (2) sons, ERNEST MAHAN and RUSSELL MAHAN, as her sole heirs-at-law. See Affidavit of Descent of record in Miscellaneous Book 51, Page 826, Scott County Clerk's Office. Said RUSSELL MAHAN died intestate on November 7, 2010, a resident of Scott County, Kentucky, and was survived by his son, JUSTIN LEE MAHAN, as his sole heir-at-law. See Affidavit of Descent of record in Miscellaneous Book 51, Page 826, Scott County Clerk's Office. Said DELORES JEAN ROGERS died testate on August 7, 2013, a resident of Scott County, Kentucky, and per the terms of her Last Will and Testament of record in Will Book 26, Page 469, Scott County Clerk's Office, devised the above-described property to her two (2) nephews, RUSSELL MAHAN (now deceased) and ERNEST MAHAN, equally and in fee simple.

# **SECTION TWO**

If any section, subsection, sentence, clause or phrase of this ordinance is held unconstitutional or otherwise invalid, such infirmity shall not affect the validity of the remaining portions of this ordinance.

# **SECTION THREE**

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

# **SECTION FOUR**

This ordinance shall be subject to the passage and effectiveness of the ordinance changing the zoning classification of approximately 2.93 +/- acres of the Property from A-1 to B-5 and shall take effect after the passage and publication of this ordinance and the "Zoning Ordinance" according to law.

# **SECTION FIVE**

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

# **SECTION SIX**

This Ordinance shall be in full force and effect upon passage and publication.

PUBLICLY INTRODUCED AND READ FIRST TIME:

September 9, 2024

PUBLICLY READ SECOND TIME AND PASSED:

September 23, 2024

APPROVED:

Burney Jenkins Burney Jenkins (Sep 24, 2024 14:07 EDT)

Burney Jenkins, Mayor

ATTEST:

Tracie Hoffman, City Clerk

Legal Description
Proposed Zone: B-5

2.48 Acres

**BEGINNING** at an iron pin (set), located in the east right-of-way line of Frontage Road No. 5, CR #1256 and Paynes Depot Road (Commonwealth of Kentucky – Deed Book 216, Page 572), referenced by an iron pin (found) bearing NORTH 59 DEGREES 18 MINUTES 45 SECONDS WEST 43.24 FEET;

Thence, with the east right-of-way line of Frontage Road No. 5, NORTH 20 DEGREES 51 MINUTES 17 SECONDS EAST 132.05 FEET to a right-of-way monument (found), also being a property boundary corner of Richard and Virginia Robinson (Deed Book 137, Page 493 - now or formerly);

Thence, leaving the right-of-way line and with the Robinson property boundary line, **SOUTH 58 DEGREES 27 MINUTES 56 SECONDS EAST 858.52 FEET** to set stone (found), referenced by an iron pin (set) bearing SOUTH 18 DEGREES 59 MINUTES 37 SECONDS WEST 1.00 FEET; Said set stone being located in the property boundary line of Dudley Jennings (Deed Book 252, Page 41 - now or formerly);

Thence, leaving the Robinson property boundary corner and with the Jennings property boundary line, **SOUTH 18 DEGREES 59 MINUTES 37 SECONDS WEST 124.25 FEET** to an iron pin #3661 (found), referenced by an iron pin (found) bearing SOUTH 18 DEGREES 23 MINUTES 09 SECONDS WEST 47.46 FEET; Said iron pin also being a corner of Tract #1-A, recorded in Plat Cabinet 13, Slide 317;

Thence, continuing with the Jennings property boundary line and with the north boundary of Tract #1-A, NORTH 59 DEGREES 01 MINUTE 46 SECONDS WEST 861.07 FEET to the corner of the beginning, containing 2.48 ACRES, more or less, as described by a Property Boundary Survey completed October 30, 2024, by Stephen M. Flinchum, Professional Surveyor #4119, being the same tract of real property conveyed by deed to David Scott Burke, a single person, Jamie A. Moore and Lydia J. Moore, his wife, from the Estate of Delores Jean Rogers, by and through Ernest Mahan, executor, Ernest Mahan, a single person, and Justin Lee Mahan, a single person, duly recorded in Deed Book 413, Page 743, of record in the Scott County Court Clerk's office, Georgetown, Kentucky.

# CONSENT TO ANNEXATION

THIS CONSENT TO ANNEXATION is made and entered into this and and of explanation of the place, by and between JAMIE A. MOORE and LYDIA J. MOORE, husband and wife, whose address is 104 Bronte Place, Georgetown, KY 40324, and DAVID S. BURKE, an individual, whose address is 146 Christal Drive, Georgetown, KY 40324 ("Grantors") and the CITY OF GEORGETOWN, KENTUCKY ("Grantee"), a Kentucky municipal corporation of the home rule class, whose address is 100 N. Court Street, Georgetown, KY 40324.

WHEREAS, Grantors have requested Grantee to provide municipal services and/or water sewer services, as they become available, to Grantors' property located on 1432 Paynes Depot Road, Georgetown, KY 40324 (the "Property"), more specifically described below, into the City of Georgetown, Kentucky; and

WHEREAS, in consideration of the Grantee's providing of future municipal services and/or water sewer services to the Property, Grantors have requested Grantee to annex the Property; and

WHEREAS, in further consideration of the Grantee's providing future municipal services and/or water sewer services to the Property, Grantors acknowledge that the Property may not be assigned a zoning designation in accordance with Grantors' wishes and Grantors release Grantee from any liability associated with the annexation and zoning of the Property.

# IT IS THEREFORE AGREED AS FOLLOWS:

- Grantors hereby request and consent to annexation of the Property into the City of Georgetown, Kentucky pursuant to KRS 81A.412. Grantors shall be prohibited from opposing said annexation. In the event Grantors execute a remonstrance petition opposing said annexation, their signatures shall be deemed invalid and of no effect pursuant to KRS 81A.420.
- Grantors hereby release the Grantee, the Georgetown-Scott County Planning Commission, Georgetown Municipal Water and Sewer Service, and their respective agents, officers, employees and representatives, from any and all claims arising out of or related in any way to the annexation and zoning of the Property.

3. The Property is more particularly described as follows:

All that certain tract or parcel of land in Scott County, Kentucky, on the east side of the Paynes Depot Pike, and being on the waters of Cane Run and bounded as follows:

On the west by the Paynes Depot Pike, on the south by the property formerly owned by Lucy Bailey, on the north by the property of W. V. Featherstone (formerly Carrie Coleman) and on the east by the property of A. L. Jennings (formerly H. C. Samuels) and containing 3 acres, more or less.

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- 4. This "Consent to Annexation" shall be perpetual and shall run with the Property, and shall be binding upon Grantors, and their heirs and assigns.
- 5. Grantors certify that the Property is not a part of an agricultural district established pursuant to KRS 262.850 and that the Property will not be included hereafter in an agricultural district. In the event Grantors execute a petition to include the Property in an agricultural district, its signature shall be deemed invalid and of no effect, and the Property shall not be included in the agricultural district.

- 6. In the event that the Property is in an agricultural district, this document "Consent to Annexation" will serve as written authorization to decertify and/or remove the Property as described herein from any agricultural district established by KRS 262.850, latest revisions. At the Grantee's request, the Grantors shall provide a letter requesting decertification of said agricultural district.
- 7. Grantors shall not execute this form unless an accurate and legal description of the Property to be annexed is provided in Section 3.
- 8. No identified existing non-conforming uses or structures were waived from the application of said applicable Ordinances.
- 9. Grantors hereby authorize the Grantee, the Georgetown-Scott County Planning Commission, Georgetown Municipal Water and Sewer Service, their employees, officers, agents, and representatives the right of entry onto the Property, as described in Subsection 3 above, to perform the necessary task and functions to accomplish the annexation, i.e., field survey work.
- Grantors hereby acknowledge that it is in receipt of a copy of Chapter 44 of the Georgetown
   Code of Ordinances, entitled "Zoning and Land Use."
- 11. Prior to the annexation of the Property, Grantors shall comply with Chapter 44 of the Georgetown Code of Ordinances entitled "Zoning and Land Use," and all amendments thereto, if the Property is or subsequently becomes a part of Georgetown Municipal Water and Sewer Service's water/sewer service areas.

[Signature pages follow]

**GRANTORS:** Jamie A. Moore, husband Lydia J. Moore, wife David S. Burke, an individual Subscribed and sworn to before me by Jamie A. Moore and Lydia J husband and wife, 20<u>24</u> Commission Karass 1

STATE OF KENTUCKY SCOTT COUNTY Subscribed and sworn to before me by David S. Burke, an individual, this th September 2024 (SEAL) NOTARY PUBLIC My Commission expires

STATE OF KENTUCKY

this the 4 day of September

SCOTT COUNTY

(SEAL)

	GRANTEE:
	CUT OF GEORGETOWN, KENTUCKY
/	Do Jan 12
	Burney Jenkins, Mayor

STATE OF KENTUCKY	)
	)
SCOTT COUNTY	)
Subscribed and swor City of Georgetown, Kentucky	n to before me by Burney Jenkins, in his official capacity as Mayor of the this the Andrew day of Aptember

(SEAL)

<u>Uludy Tual Kobenoon al</u>k/a NOTARY AUBLIC Uludy My Commission expires:/0/7/2025 Livale

THIS INSTRUMENT PREPARED BY:

Emilee A. Buttrum, Esq. City of Georgetown, Kentucky Office of the City Attorney 100 N. Court Street Georgetown, KY 40324 (502) 863-9800 Legal Description Proposed Zone: B-5 2.48 Acres

**BEGINNING** at an iron pin (set), located in the east right-of-way line of Frontage Road No. 5, CR #1256 and Paynes Depot Road (Commonwealth of Kentucky – Deed Book 216, Page 572), referenced by an iron pin (found) bearing NORTH 59 DEGREES 18 MINUTES 45 SECONDS WEST 43.24 FEET;

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#### CERTIFICATION OF OWNERSHIP AND DEDICATION

JAMIE & LYDIA MOORE

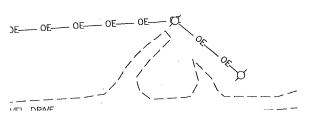
I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOPT THIS PLAT/ PLAN OF DEVELOPMENT WITH MY FREE CONSENT, ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS, AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS SHOWN, IN ACCORDANCE WITH THE GEORGETOWN-SCOTT COUNTY SUBDIVISION AND DEVELOPMENT REGULATIONS, UNLESS OTHERWISE NOTED.

DAVID SCOTT BURKE	DATE

RICHARD L. & VIRGINIA GAYLON ROBINSON 143 McCLELLAND SPRINGS DRIVE GEORGETOWN, KY 40324 DEED BOOK 137, PAGE 493 PVA - 141-10-002.000 ZONE - A-1 AGRICULTURAL

DATE





DAVID SCOTT BURKE ( 1/2 INTEREST )
JAMIE & LYDIA J. MOORE ( 1/2 INTEREST ) 146 CHRISTAL DR GEORGETOWN, KY 40324 DEED BOOK 413, PAGE 743 PVA - 141-10-001.000 PROPOSED ZONING - B-2 108033 SQ, FT. 2.48 ACRES

#### PROPERTY OWNERS

DAVID SCOTT BURKE ( INTEREST) JAMIE & LYDIA MOORE ( INTEREST) 146 CHRISTAL DRIVE GEORGETOWN, KY 40324 DEED BOOK 413, PAGE 743

#### SITE STATISTICS

ADDRESS: 1432 PAYNES DEPOT RD

GEORGETOWN, SCOTT COUNTY,

KENTUCKY 40324

PVA # 141-10-001.000

CURRENT ZONING:

A-1 (2.48 ACRES)

ZONING REQUEST:

B-5 (GENERAL COMMERCIAL PARK)

PROPOSED USE:

MIXED-USE DEVELOPMENT INCLUDING

RETAIL, HOTELS, RESTAURANTS, AND

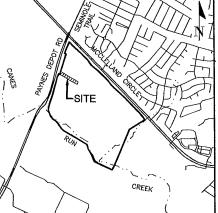
BIG BOX STORE

MAX BLDG HEIGHT:

5 STORIES OR 60'

MAX BLDG COVERAGE: 50% MIN LOT AREA W/O SAN, SEW: 5 AC SETBACKS:

> FRONT - 50 FT - 100 FT IF ADJACENT TO RES. OR AG. SIDE - 50 FT - 100 FT IF ADJACENT TO RES. OR AG. REAR - 50 FT - 100 FT IF ADJACENT TO RES. OR AG.

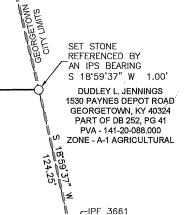


# **VICINITY MAP**

SCALE: 1" = 3000'

#### PURPOSE

THIS PLAT IS TO ILLUSTRATE THE RETRACEMENT SURVEY OF DEED BOOK 413, PAGE 743, AND TO PROPOSE A ZONE CHANGE FOR THE SURVEYED PARCEL TO B-5 GENERAL COMMERCIAL PARK.



o

CHANGES

SHED

1-STORY

BUILDING

GRAVEL

AREA

SKED

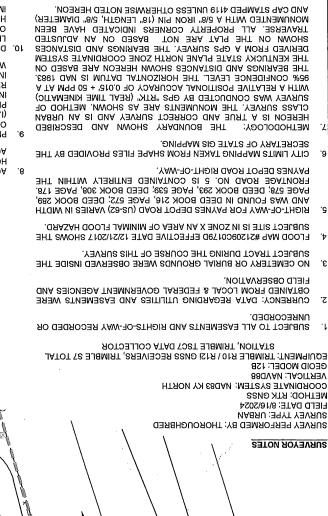
ADMIEL DOME

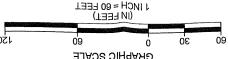
30.

g

858.52

S 58'27'56" E





IMPLIED. HEREIN SHALL BE HELD AS A LEGAL WARRANTY, EXPRESSED OR OTHERS, SHOWN OR OTHERWISE INFERRED. NOTHING CONTAINED LIABILITY WITH REGARDS TO INFORMATION PERFORMED BY 10. DUE TO THE ABOVE, THOROUGHBRED ENGINEERING, ASSUMES NO

WITHOUT THE BENEFIT OF TITLE REPORT.

INCLUDING EASEMENTS ETC). THIS SURVEY WAS COMPLETED REPRESENTATIONS OF SUCH (ADJOINING PROPERTY LINES ЯO **ATAMIXOR99** NOITAMROANI 3HT PROVIDED REGARDING THE ACCURACY OF OWNERSHIP (I.E.; SCOTT COUNTY PVA) THEREFORE, NO WARRANTY IS ON INFORMATION OBTAINED FROM READILY AVAILABLE SOURCES 9. PROPERTY OWNERSHIP INFORMATION PROVIDED HEREIN IS BASED

ACCURACY OF +/- 15 MM + 1 PPM.

ASPHALT

없 ORKS

HORIZONTAL RTK ACCURACY OF 8MM + 1PPM AND A RTK VERTICAL ACCURACY: THE TRIMBLE R10 / R12I RECEIVER HAS A STATED

**CRAVEL DRIVE** 

GRAPHIC SCALE

SONE: B-5 PVA - 141-20-088.004 PC 13, SL 317 PART OF TRACT 1 & 2 - DB 28 GEORGETOWN, KY 403

1530 PAYNES DEPOT RC DODLEY L. JENNING!

-30-C

HONZE 1-STORY

A-1 TDAAT



STEPHEN M. FLINCHUM #4119
STEPHEN M. FLINCHUM #4119
STEPHEN M. FLINCHUM #4119
STEPHEN M. FLINCHUM #4119

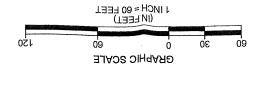
SURVEYOR:

SUPERVISION, I DO HEREBY CERTIFY THE BOUNDARY SHOWN AND DESCRIBED HEREON IS A TRUE AND CORRECT SURVEY PERFORMED BY ME OR UNDER MY DIRECT INDERVISION,

**DATE** 

10/30/2024

SURVEYOR'S CERTIFICATE



TRACT 1-A

DUDLEY L. JENNINGS
1630 PAYNES DEPOT ROAD

GEORGETOWN, KY 40324

PART OF TRACT 1 & 2 - DB 262, PG 41

POC 13, SL 317

PVA - 141-20-088,004

