

RECEIVED

CITY OF MADISONVILLE, KENTUCKY
ORDINANCE NO. 99-18

DEC 14 2000

SECRETARY
COMMONWEALTH

ORDINANCE ANNEXING CERTAIN REAL ESTATE INTO
THE CITY LIMITS OF MADISONVILLE, KENTUCKY
LOCATED ON HIGHWAY 41A
CONSISTING OF 28.8 ACRES

BE IT ORDAINED BY THE CITY OF MADISONVILLE, KENTUCKY, AS FOLLOWS:

Section 1. The City of Madisonville, Kentucky, pursuant to KRS 81A.400, does hereby annex certain unincorporated territory into the city limits of Madisonville. The unincorporated territory hereby annexed consists of 28.8 acres, owned by the City of Madisonville, and is located on the south side of Highway 41A across from the Industrial Park, more particularly described on Exhibit A attached hereto and incorporated herein by reference.

Section 2. The area hereby annexed is adjacent or contiguous to the City's boundaries and, by reason of population density, commercial, industrial, institutional or governmental use of land or subdivision of land, is urban in character and suitable for development for urban purposes without unreasonable delay.

Section 3: No portion of the area hereby annexed is included within the boundary of another incorporated city.

Section 4: The City of Madisonville hereby finds it to be desirable to annex the unincorporated territory described in Exhibit A.

Section 5: The unincorporated territory hereby annexed has been assigned a zoning classification of M-1 in accordance with the recommendations adopted by the Hopkins County Joint Planning Commission on October 28, 1999. A map reflecting the area hereby annexed and the zoning classification relating thereto is attached hereto as Exhibit B as required by KRS 81A.412 and is further identified as set forth on the official zoning map on file in the Office of the Zoning Administrator which map is also incorporated herein by reference.

The following Ordinance was read to and presented to a regular meeting of the City Council of Madisonville, Kentucky, for first reading on the 1 day of Nov, 1999, and the second reading on the 15 day of Nov, 1999. Motion was made by Councilmember Simmons, seconded by Councilmember Riley, that the Ordinance be adopted as the law of the City of Madisonville, Kentucky, immediately upon publication thereof, unless otherwise stated.

Upon vote being taken thereon, the votes were cast as follows:

COUNCILMEMBER	YEA	NAY
James L. Gill, Jr.	✓	—
Rudy Stone	✓	—
Nora Stewart	✓	—
Roy Tucker	✓	—
Bob Simmons	✓	—
D.W. Riley	✓	—

It appearing that 6 Councilmember(s) voted for the Motion and 0 Councilmember(s) voted against it, the Mayor announced that the Motion was passed and that the above Ordinance would be published by law and would be effective as a new Ordinance of the City of Madisonville, Kentucky, immediately upon publication thereof, unless otherwise stated.

Dated this the 18 day of November, 1999.

CITY OF MADISONVILLE

Karen L. Cunningham
 Karen L. Cunningham, Mayor

ATTEST:

Gina Munger
 Gina Munger, City Clerk/Treasurer
 City of Madisonville, Kentucky

BOOK 578 PAGE 388

THIS DEED OF CONVEYANCE made and entered into by and between HOPKINS COUNTY BOARD OF EDUCATION, 320 South Seminary Street, Madisonville, Kentucky, 42431 hereinafter referred to as the "Grantor", and CITY OF MADISONVILLE, Post Office Box 705, 37 East Center Street, Madisonville, Kentucky, 42431, hereinafter referred to as the "Grantee";

WITNESSETH: That for and in consideration of the sum of One Hundred Ninety-Four Thousand Seven Hundred Twenty-One Dollars Ninety-Two Cents (\$194,721.92) cash in hand paid, the receipt and sufficiency of which is hereby acknowledged, the Grantor does hereby grant, bargain, sell and convey unto the Grantee, its successors and assigns, the following described property located in Hopkins County, Kentucky, more particularly bounded and described as follows:

Beginning at a point in the South right-of-way of U.S. Highway 41-A; said point is located 226.11 feet East of the centerline intersection of U.S. Highway 41-A and Wicks Well Road, and is the original Northwest corner of the tract of which this is a part; thence with the original West line South 02° 10' 53" West 503.24 feet to a point in the North right-of-way of the CSX Railroad; thence with said right-of-way South 62° 27' 00" East 1,870 feet; thence with a new division line North 08° 03' 37" East 889.54 feet to a point in the South right-of-way of U.S. Highway 41-A; thence with said right-of-way North 72° 08' 54" West 423.03 feet; North 72° 44' 49" West 151.47 feet; North 74° 29' 18" West 101.00 feet; North 75° 35' 31" West 208.64 feet; North 75° 58' 22" West 199.69 feet; North 75° 15' 36" West 198.70 feet; North 75° 47' 27" West 285.28 feet; North 75° 46' 03" West 262.42 feet to the beginning, containing 28.80 acres, more or less, as per survey by Associated Engineers, Inc. dated April 8, 1995.

There is also conveyed a 20 foot utility easement with the centerline being more particularly described as follows:

Beginning at a point located North 08° 03' 37" East 10.00 feet from the Southeast corner of the above described tract and running South 62° 26' 57" East 1,519.18 feet to an existing sanitary sewer manhole.

Being the same property conveyed to Hopkins County Board of Education by O.M. Kington and Lila J. Kington Trust of 1979 by deed dated November 24, 1995 and of record in Deed Book 545, page 323, Hopkins County Court Clerk's Office.

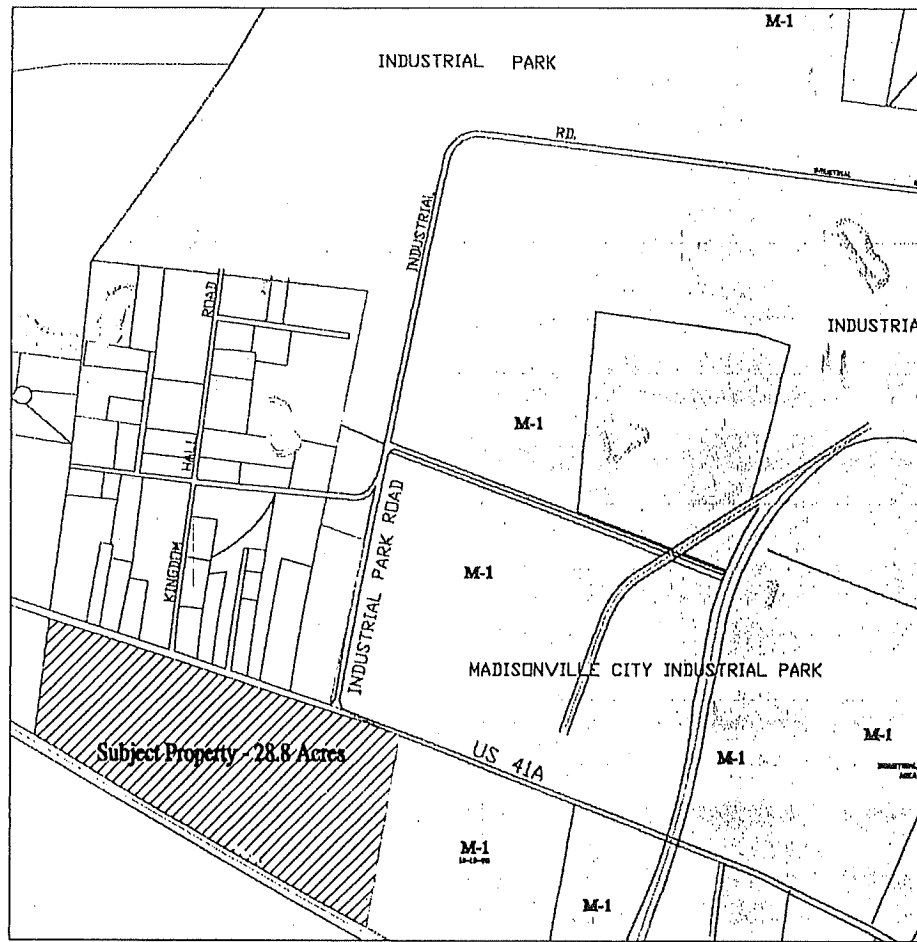
TO HAVE AND TO HOLD the above described real property, together with all of the appurtenances thereunto belonging unto the

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RECORDING FEES \$ 19.00

Zoning Classification #9901

Surrounding Zoning Classifications



LEGEND

- | | |
|------------------|-------------------------------|
| RU-Agricultural | C1-Neighborhood Commercial |
| RC-Conservation | C2-General Commercial |
| R1-Single Family | C3-Planned Commercial |
| R2-Single Family | C4-Downtown Business District |
| R3-Single Family | M1-Light Industrial |
| R4-Two Family | M2-General Industrial |
| R5-Two Family | M3-Restricted Industrial |
| R6-Multi Family | Subject Property |
| R7-Multi Family | |

HOPKINS COUNTY JUDICIAL PLANNING COMMISSION
MADISONVILLE, KENTUCKY

Hopkins County Joint Planning Commission
Application #MAD9904

IN RE: THE MATTER OF A PARCEL OF LAND LOCATED ON HWY. 41A, MADISONVILLE, KENTUCKY, SUCH PROPERTY BEING A 28.8 ACRE PARCEL, OWNED BY THE CITY OF MADISONVILLE, HOPKINS COUNTY, KENTUCKY, FOR A ZONING CLASSIFICATION.

Findings of Fact, Conclusions of Law, and Recommendation

This matter came before a regular public hearing on the application of the City of Madisonville for a classification of a parcel of land located on Hwy. 41A, being annexed into the City of Madisonville, Kentucky, such property being a 28.8 acre parcel; and the hearing being opened and the hearing officer allowing all interested parties to present evidence or to make statements for or against said proposed classification, and the hearing officer announcing that the application had been sent to all commissioners prior to the hearing, the commission makes the following Findings of Fact, Conclusions of Law, and Recommendation.

Findings of Fact

1. That on August 26, 1999, the present application was presented by Debbie Todd, Zoning Administrator, and the present application was properly advertised and all interested parties were properly notified, and the Hopkins County Joint Planning Commission had the right to proceed to hear all interested parties concerning the application.
2. That in a letter from Debbie Todd, Zoning Administrator for the City of Madisonville dated August 26, 1999, she indicated her recommendation for the property as M-1.
3. That a quorum of the planning and zoning commissioners were present.
4. That the property is located on Hwy. 41A, in the City of Madisonville, Hopkins County, Kentucky.
5. That the property is across from the City of Madisonville Industrial Park.
5. That the property is currently being annexed into the City limits.
6. That the authority of planning and zoning to authorize a zoning classification is set forth in KRS 100.209, which governs zoning classification of property subject to annexation.
7. That staff person, Cleatus Phillips gave a brief summary of permitted and conditional uses in an M-1 category. He further summarized the adjacent property zoning and surrounding land use.
8. That a map of the area to be annexed had previously been sent to the commissioners and the subject area was discussed by the planning commission.
9. That no persons were present expressing any opinions as to the desired zoning of the property.
10. That the land immediately east of this property was recently annexed into the city limits and given a zoning classification of M-1.
11. That the proposed use of the subject property meets criteria of a M-1 classification.

A:\Findings of Fact\F#MAD9904.wpd

12. That the property is accessed by State Highway 41A. Highway 41A intersects with the Pennyrile Parkway at exit 44. Widening of this road from McDonalds to the Industrial Park is on the Transportation Department's Long Range Plan.


Conclusions of Law

1. That the proposed property to be annexed into the City of Madisonville, which is located on Hwy. 41A should be zoned M-1 as outlined on the working map used at the hearing and outlined herein above.

Recommendation

It is the recommendation of the Hopkins County Joint Planning Commission that the application of The City of Madisonville, for a zoning classification for property located on Hwy. 41A, which consists of a 28.8 acre parcel, in the City of Madisonville, Hopkins County, Kentucky be given a zoning classification of M-1.

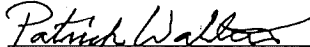
This the 29th day of October, 1999.


Patrick Walters, Hearing Officer

The Hopkins County Joint Planning Commission at a regularly scheduled meeting on Thursday, September 23, 1999, and upon a motion by Commissioner Howell and a second by Commissioner Rhodes, which motion was to recommend the classification of M-1, and a vote being taken, and a unanimous vote in favor of, and the motion having passed, the commission recommends the zoning classification of the property as set forth in the application, and that the appropriate Findings of Fact, Conclusions of Law, and Recommendation be drafted as the recommendation of the Hopkins County Joint Planning Commission.

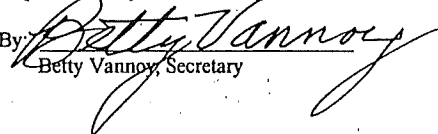
This the 29th day of October, 1999.

Hopkins County Joint Planning Commission

By: 
Patrick Walters, Chairman

The secretary announced that the forgoing Findings of Fact, Conclusions of Law, and Recommendation had been sent to the members prior to the October 28, 1999 meeting, and the secretary read to the meeting the foregoing actions of the Hopkins County Joint Planning Commission; and upon motion duly made, seconded, and adopted by the affirmative vote, the Hopkins County Joint Planning Commission authorized the Hearing Officer of said commission, Patrick Walters, to sign said Findings of Fact, Conclusions of Law, and Recommendation and that the same be sent to the City of Madisonville as the recommendation of the Hopkins County Joint Planning Commission.

Hopkins County Joint Planning Commission

By: 
Betty Vannoy, Secretary

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