

**ORDINANCE NO. 069-2022**

**AN ORDINANCE ESTABLISHING A DECREE OF ANNEXATION OF 123.2274 ACRES OF REAL PROPERTY LOCATED AT 3090 ASHGROVE ROAD (PVA PARCEL #078-00-00-012.00), INTO THE CITY OF NICHOLASVILLE, KENTUCKY.**

**WHEREAS**, on November 30, 2021 the landowner consented in writing to the annexation pursuant to KRS 81A.412, thereby making the adoption of an Ordinance of Intent to Annex unnecessary; and

**WHEREAS**, the landowner submitted to the City of Nicholasville a consent for annexation of all property known and described in Exhibit "A"Annexation Legal Description; and

**WHEREAS**, the property described in Exhibit "A" was adjacent or contiguous to the city's boundaries at the time the annexation proceeding was begun; and

**WHEREAS**, the property is urban in character or suitable for development for urban purposes without unreasonable delay; and

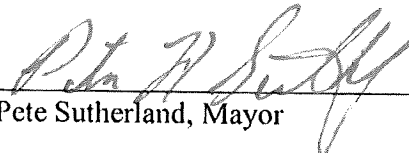
**WHEREAS**, the City of Nicholasville is desirous of extending its corporate city limits by annexing the property known and described in Exhibit "A" and it is deemed in the best interest of the City to annex same;

**BE IT ORDAINED BY THE CITY OF NICHOLASVILLE** that based on the findings in the aforesaid preambles which are incorporated by reference the property described in Exhibit "A" is annexed into the City Limits of the City of Nicholasville, Jessamine County, Kentucky and a map is attached hereto and identified as Exhibit "B", in accordance with KRS 81A.420.

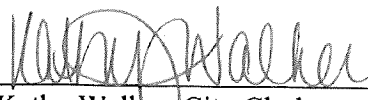
This ordinance shall take effect upon adoption, execution and publication.

**FIRST READING (INTRODUCTION):** April 11, 2022

**SECOND READING AND ADOPTION:** April 25, 2022

  
\_\_\_\_\_  
Pete Sutherland, Mayor

Attest:

  
\_\_\_\_\_  
Kathy Walker, City Clerk

RECEIVED AND FILED  
DATE May 24, 2022

\_\_\_\_\_  
\_\_\_\_\_  
MICHAEL G. ADAMS  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
BY Kandice Adkinson

**ORDINANCE NO. 069-2022**

**AN ORDINANCE ESTABLISHING A DECREE OF ANNEXATION OF 123.2274 ACRES OF REAL PROPERTY LOCATED AT 3090 ASHGROVE ROAD (PVA PARCEL #078-00-00-012.00), INTO THE CITY OF NICHOLASVILLE, KENTUCKY.**

This Ordinance establishes a decree of annexation for the 123.2274 acres of property located at 3090 Ashgrove Road into the City of Nicholasville, Kentucky.

**Public Notices**

**PUBLIC NOTICE**

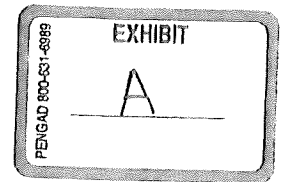
**NOTICE OF ENACTMENT OF ORDINANCE**

Notice is hereby given that on April 25, 2022, the Nicholasville City Commission enacted an ordinance, the full text of which is available for inspection in the office of the City Clerk, 517 North Main Street, Nicholasville, KY. The ordinance by title and summary: **ORDINANCE 069-2022: AN ORDINANCE ESTABLISHING A DECREE OF ANNEXATION OF 123.2274 ACRES OF REAL PROPERTY LOCATED AT 3090 ASHGROVE ROAD (PVA PARCEL #078-00-00-012.00), INTO THE CITY OF NICHOLASVILLE, KENTUCKY.** [This Ordinance establishes a decree of annexation of the property located at 3090 Ashgrove Road which is 123.22747 acres of property into the City of Nicholasville, Kentucky.]

Kathy Walker, City Clerk  
April 28, 2022

This ad was paid for by the City of Nicholasville using taxpayer dollars in the amount of \$154.00.

Jessamine Journal:  
Apr. 28, 2022  
ORD 069-2022



**Proposed Annexation**  
into the  
**City of Nicholasville, Kentucky**  
of the  
**The Hulett Irrevocable Family GSTT Trust**  
property located on  
**Ashgrove Pike and East Brannon Road**  
Jessamine County, Kentucky

Being a parcel of land on the north side of Ashgrove Pike and extending north to the south side of East Brannon Road and being more particularly described as:

Beginning at a point in the south right-of-way of East Brannon Road (Commonwealth of Kentucky - Deed Book 733, Page 96) at the intersection of the eastern line of Brannon Oaks Subdivision (Plat Cabinet 11, Slide 687) and the south right-of-way of said East Brannon Road, said point being witnessed by a 5/8" diameter rebar with plastic surveyor's cap stamped "PLS 2115" found at South 25°17'22" West a distance of 1.75 feet from the corner; said point having Kentucky State Plane Coordinates of N=163,153.44, E=1,565,191.45' (KY North Zone, NAD 83 (2011)); and said point being in the existing northeasterly limits of the City of Nicholasville, Kentucky;

thence leaving the line of said Subdivision and the Nicholasville city limits and with the south right-of-way of East Brannon Road for ten calls:

South 58°19'20" East a distance of 3.77 feet to a found KYTC Aluminum right-of-way marker; thence

South 55°34'51" East a distance of 388.80 feet to a found KYTC Aluminum right-of-way marker; thence

South 58°44'07" East a distance of 79.25 feet to a point; thence

South 58°44'31" East a distance of 53.19 feet to a point; thence

South 58°43'48" East a distance of 3.99 feet to a point, said point being the corner of a proposed Lot that is to be zoned R-3 in the City of Nicholasville; thence

South 58°43'48" East a distance of 33.48 feet to a found KYTC Aluminum right-of-way marker; thence

South 69°11'47" East a distance of 207.59 feet to a found KYTC Aluminum right-of-way marker; thence

South 77°38'51" East a distance of 250.85 feet to a found KYTC Aluminum right-of-way marker; thence

South 85°59'58" East a distance of 250.45 feet to a found KYTC Aluminum right-of-way marker; thence

South 87°22'36" East a distance of 735.27 feet to a found KYTC Aluminum right-of-way marker; thence

North 83°51'00" East a distance of 162.57 feet to a point in the western line of Lexington-Fayette Urban County Government (Deed Book 103, Page 345; Deed Book 267, Page 470); thence leaving the south right-of-way of East Brannon Road and with the line of said Lexington-Fayette Urban County Government,

South 16°43'17" West a distance of 69.67 feet to a point in a 40" Bur oak, said point being the corner of a proposed Lot that is to be zoned R-3 in the City of Nicholasville; thence continuing with the line of said Lexington-Fayette Urban County Government,

South 16°43'17" West a distance of 2,676.82 feet to a ½" diameter rebar with plastic cap )found (P.L.S 2896); thence continuing with said Lexington-Fayette Urban County Government,

South 80°33'16" West a distance of 445.69 feet to a point; thence continuing with said Lexington-Fayette Urban County Government then with the western line of Clard Jacobs Revocable Living Trust (Deed Book 786, page 583),

South 07°23'04" West a distance of 622.37 feet to a point in the center of Ash Grove Pike; thence with the center of said Pike,

North 51°15'58" West a distance of 933.54 feet to a point in the center of Ash Grove Pike; thence with the center of said Pike,

with a curve turning to the left with an arc length of 352.44 feet, with a radius of 1,455.67 feet, with a chord bearing of North 58°12'08" West, with a chord length of 351.58 feet, to a point; thence leaving the center of said Pike and with the east line of Ash Grove East Estates (Plat Cabinet 6, Slide 59B2),

North 25°41'52" East a distance of 1,438.00 feet to a point; thence with the north line of said Ash Grove East Estates then with the north lines of Ash Grove Estates (Plat Cabinet 6, Slide 614 and 59A1) and Flagship Two, LLC,

North 69°25'46" West a distance of 1,049.39 feet to a point in the east line of Ash Tree (Brannon Oaks) Subdivision Unit 5-H (Plat Cabinet 11, Slide 737), said line being the existing limits of the City of Nicholasville, Kentucky; thence leaving the line of said Flagship Two, LLC and with the east lines of said Brannon Oaks Units 5-H, then Unit 5-G (Plat Cabinet 11, Slide 738), then Unit

5-B (Plat Cabinet 11, Slide 687), and the aforementioned existing City limits,

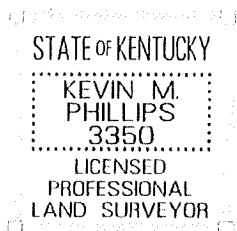
North 25°17'22" East a distance of 1,501.81 feet to a point:

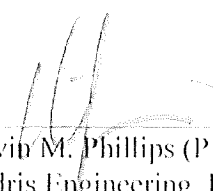
which is the Point of Beginning, having an area of 123.2274 acres.

The bearings and coordinates used in the description above are based on Kentucky State Plane North Zone (NAD 83(2011), US Feet). Particularly, the bearings and coordinates are based on a GNSS Survey Utilizing a Carlson BRx7 GNSS Receiver and the KYTC VRS System.

The annexation boundary described above being based in part on an actual ground survey of the north boundary shared with East Brannon Road conducted under the direct supervision of Kevin M. Phillips (PLS 3350) of Endris Engineering, 771 Enterprise Drive, Lexington, Kentucky. That boundary survey was concluded on October 23, 2021.

The description is also based on the unrecorded plat of survey of the Hulett property performed by Gordon B. Stacy, PLS 2896, of Furlong Surveying, Inc. dated December 3, 2008; upon the plats of Ash Tree "Brannon Oaks" subdivision as recorded in Plat Cabinet 11, Slides 687, 737 and 738 and upon the geographical inventory of incorporated city boundaries obtained from the Kentucky Geoportal Web site at <ftp://ftp.kymartian.ky.gov/dlgbnd/corpbndlinespn.zip>.



  
\_\_\_\_\_  
Kevin M. Phillips (PLS 3350)  
Endris Engineering, PSC  
771 Enterprise Drive  
Lexington, KY 40510

11-01-2021  
Date

ORDINANCE 059-2021

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP FOR THE CITY OF NICHOLASVILLE FROM A-1 (COUNTY) RURAL/RESIDENTIAL TO R-3 (CITY) MULTI-FAMILY RESIDENTIAL DISTRICT FOR APPROXIMATELY 20.9148 ACRES OF PROPERTY AND A-1 (COUNTY) RURAL/RESIDENTIAL TO A-1 (CITY) AGRICULTURE DISTRICT FOR APPROXIMATELY 102.3126 ACRES OF PROPERTY LOCATED AT 3090 ASHGROVE ROAD (PVA PARCEL #078-00-00-012.00).

**3090 ASHGROVE ROAD  
(PVA PARCEL #078-00-00-012.00)**

WHEREAS, the Nicholasville Planning Commission held a public hearing via in-person and videoconference on November 22, 2021, concerning certain amendments to the Official Zoning Map of Nicholasville and recommended approval of a zone change request from A-1 (County) to R-3 (City) & A-1 (City) for property located at 3090 Ashgrove Road, as shown on Exhibit A; consisting of approximately 123.2274 acres; and

WHEREAS, the Nicholasville Planning Commission voted 7-0 to forward a recommendation of approval to the City Commission with conditions; and

WHEREAS, said property has requested annexation into the corporate limits of the City of Nicholasville; and

WHEREAS, the zone map amendment request was determined by the Planning Commission to satisfy the findings required in Article 13, Section 1350, Recommendation of Commission for Zoning Map Amendments and KRS 100.213; and

WHEREAS, the City Commission of the City of Nicholasville has considered the respective record and desires to affirm the above recommendation;

**NOW THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NICHOLASVILLE, WHILE IN REGULAR SESSION** on December 27, 2021 accepts the Findings of Fact and Conclusions of Law made by the Nicholasville Planning Commission and rezones the subject property as described herein.

**BE IT FURTHER ORDAINED** by the City Commission that the Official Zoning Map of the City of Nicholasville shall be amended to reflect the above change.

**SECTION 1:** The rezoning of the referenced parcel shall be as displayed on Exhibit A, attached hereto and development of the site shall be conditioned on the following:

1. In accordance with Article 1390 of the zoning ordinance, development of the property shall be subject to all regulations of the City of Nicholasville and substantially consistent with the development plan provided and attached as Exhibit B.
2. Substantial construction shall be initiated within two years of City Commission approval of

ORDINANCE 059-2021

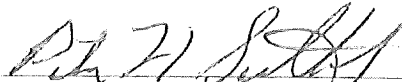
the rezoning or the City Commission may take action to revert the zoning as provided in Article 1390 of the Zoning Ordinance.

3. Fire lane exiting building 7 will need Fire Department approval.
4. Gate entrances will need Fire Department approval.
5. A note shall be added to the final development plan stating the developer will leave the mature trees; anything over four inches of desired species along the property line, adjoining the existing homes.


This ordinance will take effect upon adoption, execution and publication.

FIRST READING(INTRODUCTION): December 13, 2021

SECOND READING AND ADOPTION: January 3, 2022

  
Pete Sutherland, Mayor

Attest:

  
Kathy Walker, City Clerk

PUBLIC NOTICE

**NOTICE OF ENACTMENT  
OF ORDINANCE**

Notice is hereby given that on January 3, 2022, the Nicholasville City Commission enacted an ordinance, the full text of which is available for inspection in the office of the City Clerk, 517 North Main Street, Nicholasville, KY. The ordinance by title and summary: **ORDINANCE 059-2021: AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP FOR THE CITY OF NICHOLASVILLE FROM A-1 (COUNTY) RURAL/RESIDENTIAL TO R-3 (CITY) MULTI-FAMILY RESIDENTIAL DISTRICT FOR APPROXIMATELY 20.9148 ACRES OF PROPERTY AND A-1 (COUNTY) RURAL/RESIDENTIAL TO A-1 (CITY) AGRICULTURE DISTRICT FOR APPROXIMATELY 102.3126 ACRES OF PROPERTY LOCATED AT 3090 ASHGROVE ROAD (PVA PARCEL #078-00-00-012.00).** [This ordinance amends the Official Zoning Map of the City of Nicholasville in accordance with the recommendation of the Nicholasville Planning Commission to approve the zone change request of 20.9148 acres to R-3 (Multi-Family Residential District) and 102.3126 acres to A-1 (Agriculture District), located at 3090 Ashgrove Road (PVA Parcel #078-00-00-012.00).]

Kathy Walker, City Clerk  
January 13, 2022

This ad was paid for by the City of Nicholasville using taxpayer dollars in the amount of \$202.00.

Jessamine Journal:  
Jan. 13, 2022  
ORD 059-2021

ORDINANCE 059-2021

SUMMARY OF ORDINANCE

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP FOR THE CITY OF NICHOLASVILLE FROM A-1 (COUNTY) RURAL/RESIDENTIAL TO R-3 (CITY) MULTI-FAMILY RESIDENTIAL DISTRICT FOR APPROXIMATELY 20.9148 ACRES OF PROPERTY AND A-1 (COUNTY) RURAL/RESIDENTIAL TO A-1 (CITY) AGRICULTURE DISTRICT FOR APPROXIMATELY 102.3126 ACRES OF PROPERTY LOCATED AT 3090 ASHGROVE ROAD (PVA PARCEL #078-00-00-012.00).

**3090 ASHGROVE ROAD  
(PVA PARCEL #078-00-00-012.00)**

This ordinance amends the Official Zoning Map of the City of Nicholasville in accordance with the recommendation of the Nicholasville Planning Commission to approve the zone change request of 20.9148 acres to R-3 (Multi-Family Residential District) and 102.3126 acres to A-1 (Agriculture District), located at 3090 Ashgrove Road (PVA Parcel #078-00-00-012.00).



# Publisher's Certificate of Publication

## STATE OF KENTUCKY

## PUBLIC NOTICE

### NOTICE OF ENACTMENT OF ORDINANCE

Notice is hereby given that on January 3, 2022, the Nicholasville City Commission enacted an ordinance, the full text of which is available for inspection in the office of the City Clerk, 517 North Main Street, Nicholasville, KY. The ordinance by title and summary: **ORDINANCE 059-2021: AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP FOR THE CITY OF NICHOLASVILLE FROM A-1 (COUNTY) RURAL/RESIDENTIAL TO R-3 (CITY) MULTI-FAMILY RESIDENTIAL DISTRICT FOR APPROXIMATELY 20.9148 ACRES OF PROPERTY AND A-1 (COUNTY) RURAL/RESIDENTIAL TO A-1 (CITY) AGRICULTURE DISTRICT FOR APPROXIMATELY 102.3126 ACRES OF PROPERTY LOCATED AT 3090 ASHGROVE ROAD (PVA PARCEL #078-00-00-012.00).** [This ordinance amends the Official Zoning Map of the City of Nicholasville in accordance with the recommendation of the Nicholasville Planning Commission to approve the zone change request of 20.9148 acres to R-3 (Multi-Family Residential District) and 102.3126 acres to A-1 (Agriculture District), located at 3090 Ashgrove Road (PVA Parcel #078-00-00-012.00).]

Kevin Smith, being duly sworn, on oath says he is and during all times herein stated has been an employee of The Bluegrass Newsmedia, publisher and printer of the Jessamine Journal. (The "Newspaper"), has full knowledge of the facts herein stated as follows:

1. The Newspaper printed the copy of the matter attached hereto (the "Notice") was copied from the columns of the Newspaper and was printed and published in the English language on the following days and dates:

01/13/22

2. The sum charged by the Newspaper for said publication is the actual lowest classified rate paid by commercial customer for an advertisement of similar size and frequency in the same newspaper in which the Notice was published.

3. There are no agreements between the Newspaper, publisher, manager or printer and the officer or attorney charged with the duty of placing the attached legal advertising notice whereby any advantage, gain or profit accrued to said officer or attorney

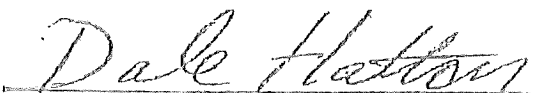
Kathy Walker, City Clerk  
January 13, 2022

This ad was paid for by the City of Nicholasville using taxpayer dollars in the amount of \$202.00.

Jessamine Journal  
Jan. 13, 2022  
ORD 059-2021

Kevin Smith, publisher

Subscribed and sworn to before me this  
13th Day of January, 2022



Dale Hatton  
605969  
Commission Expires 8-2-2022

Account #  
Ad # 1376475

CITY OF NICHOLASVILLE  
PO BOX 450  
NICHOLASVILLE KY 40340



**City Commission**

**TO:** Nicholasville City Commission

**FROM:** Planning and Zoning Department

**SUBJECT:** Zone Change Request from A-1 (County) to R-3 (City) & A-1 (City)  
**3090 Ashgrove Road (123.2247 acres)**  
PVA Parcel #078-00-00-012.00  
MV Commercial Development, LLC – Applicant  
Hulett Irrevocable Family GSTT Trust – Property Owner  
ORDINANCE 059-2021 - ZONING MAP AMENDMENT

**DATE:** December 13, 2021 - 1st Reading  
December 27, 2021 - 2nd Reading

---

**Location:** (PVA Parcel #078-00-00-012.00  
**(Refer to the attached Final Development Plan)**

**PC Action:** The Planning Commission considered this request during their regular meeting of November 22, 2021. Principal points of discussion focused on:

- a) At time of annexation committee (2019), the site was presented for multi-family on twenty (20) acres; senior housing on about ten (10) acres and the rest of the top two-thirds of the property will be single family homes. The applicant will be starting with multi-family on the twenty (20) acres and the rest of the property will be rezoned to A-1 City. A-1 City will be a holding zone and is contingent for future development for senior housing and single family homes.
- b) The applicant, MV Commercial Development, LLC, agreed to leave the treeline between their property and the adjoining property owners. There will be note on the plan stating the developer will leave the mature trees, anything over four inches of desirable species long the property line adjoining the existing homes.

Final PC action on the above items was to: recommend a zone change to R-3 for approximately 20.914 acres, zone change to A-1 for approximately 102.3126 acres and approve the final development plan.

After discussion and consideration of the request, the Commission determined, by a vote of 7-0, that the proposed zone change request met the findings necessary for a zoning map amendment in Article 1350 of the Nicholasville zoning ordinance and in KRS 100.213 as follows; and adopted the findings (justifications) submitted by the applicant (attached):

1. Before any map amendment is granted, the planning commission or the legislative body of fiscal court must find that the map amendment is in agreement with the adopted comprehensive plan, or in the absence of such a finding, that one (1) or more of the following apply and such finding shall be recorded in the minutes and records of the planning commission or the legislative body or fiscal court:

- (a) That the existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate. Staff note: The existing county A-1 zone is not inappropriate for the property to maintain its current land use.
- (b) That there have been major changes of an economic, physical or social nature within the area involved which were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of such area. Staff note: There has been substantial development in the area making this property desirable for redevelopment. The proximity of LFUCG's wastewater plant does limit the viability of developing Medium Density Residential as shown on the Comprehensive Plan Future Land Use Map.

**Background:** 1. MV Commercial Development, LLC of 9349 Waterstone Blvd., Cincinnati, OH 45249, filed an application for a Zone Map Amendment from A-1 (County) Rural/Residential to R-3 (City) Multi-Family Residential District for approximately 20.9148 acres and A-1 (County) Rural/Residential to A-1 (City) Agriculture District for approximately 102.3126 acres of property located at 3090 Ashgrove Road (PVA Parcel #078-00-00-012.00).

2. The property is contiguous to the following zones:

	<u>ZONE</u>	<u>EXISTING USE</u>
North	R-1E & A-1 (Co)	R-1E is Vacant/A-1 (Co) is a portion of Veterans Park
East	A-1 (Co)	LFUCG West Hickman Sewage Treatment Plant
South	A-1 (Co)	Owner's Residence
West	R-1E & A-1 (Co)	Residential & Mobile Home Parks

3. The subject site is presently zoned A-1 (County) and has a land use designation of Future Medium Residential on the Wilmore Nicholasville Jessamine County 2017 Future Land Use Map.

4. Adjoining property owners (list submitted by the applicant) have been notified by certified mail.

**Discussion:** The property owner is requesting annexation of the entire property and then rezone the subject property from A-1 (County) to R-3 and A-1 (City). The site is located inside the Urban Service Boundary of the City of Nicholasville. Of the 123.2274 acres (gross), only 20.9148 (gross) will be rezoned R-3 for a proposed apartment complex and clubhouse. The remaining 102.3126 acres (gross) will be rezoned A-1 City and will continue to be owned and occupied as a residence by the Hulette family.

At the November 12, 2019 Annexation Committee meeting, the owner requested annexation of the subject property with 58 acres of single family and 30 acres of multi-family (for apartments and assisted living). That request was approved as submitted with single family and multi-family. The Committee also requested the entire Hulette property be annexed; which was agreed to by the owner. At this

time the applicant is requesting 20.9148 acres (gross) of R-3 Multi-Family housing for the apartment complex. The remaining property is seeking City A-1 which is typically a district to allow for a zoning change in the future as the property expects further development. **(Refer to the Hulette Trust Conceptual Plan labeled Exhibit C)**

- Considerations:**
1. See attached justifications submitted by Attorney Bruce Smith.
  2. See attached transcript from the November 22, 2021 Nicholasville Planning Commission meeting and public hearing.
  3. The City Commission shall determine if they accept the findings and recommendation of the Planning Commission and whether or not this zone change request is in compliance with Section 1350 of the Nicholasville Zoning Ordinance and the City's Community Development Plan (Comprehensive Plan) as required by KRS 100.213 that was listed previously (see above).

**Summary:**

If the City Commission finds that the zoning change request, from A-1 (County) to the R-3 (City) & A-1 (City) District, is consistent with the requirements listed in Section 1350 of the zoning ordinance and in KRS 100.213, approval should be considered. Staff suggested conditions of approval to the Planning Commission and a recommendation of approval was forwarded to the City Commission.

The final development plan was approved with conditions by the Planning Commission on November 22, 2021 and will be voided if the City Commission does not approve the zone change request to R-3 & A-1.

There is an agreed condition in place with MV Commercial Development, LLC to leave the mature trees; anything over four inches of desired species along the property line adjoining the existing homes. The agreed condition will be placed as a note on the final development plan.

**Recommendation:** The Planning Commission recommended approval of the zoning change request to the City Commission with the following six conditions of approval.

1. If the zoning change request is not approved by the City Commission, the final development plan approval shall be voided.
2. As a further condition to the granting of a zoning change, the planning unit may require that substantial construction be initiated within two years of City Commission approval; provided that such zoning change shall not revert to its original destination unless there has been a public hearing [Section 1390 of the Zoning Ordinance].
3. If the zoning change request is not approved by the City Commission, the final development plan shall be voided.
4. Fire lane, exiting building 7, will need Fire Department approval.
5. Gate entrances will need Fire Department approval.
6. A note shall be added to the final development plan stating the developer will leave the mature trees; anything over four inches of desired species along the property line, adjoining the existing homes.

**Suggested Motion:** Move to adopt the findings of fact and conclusions of law as required by Section 1350 of the Nicholasville Zoning Ordinance and KRS 100.213 and as determined by the Planning Commission (submitted by the applicant), and approve Ordinance 059-2021 for the zoning change of the subject property from A-1 (Co) to R-3 & A-1, with the conditions as noted.

EXHIBIT A  
ORDINANCE 059-2021  
3090 ASHGROVE ROAD

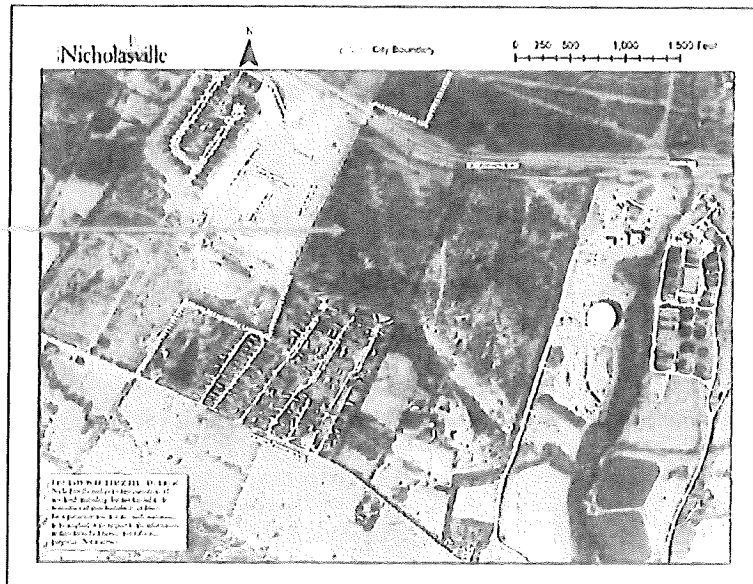
ZONING MAP AMENDMENT  
3090 ASHGROVE ROAD  
CONSISTING OF 123.2274 ACRES AND CURRENTLY  
KNOWN AS PVA PARCEL #078-00-00-012.00

This sheet is an Exhibit to Ordinance No. 059-2021 adopted by the City Commission of the City of Nicholasville, KY on the 27<sup>th</sup> of December, 2021. The Official Zoning Map is hereby amended by the City Commission of the City of Nicholasville as noted here and consistent with Ordinance 059-2021.

Property Description: Said land consist of the following property, also shown graphically below and as further identified in the legal description on Sheets 2-5:

1. 3090 Ashgrove Road, consisting of 123.2274 acres; PVA Parcel #78-00-00-012.00.
2. Zone Map Amendment from A-1 (County) Rural/Residential to R-3 (City) (Multi-Family Residential District) & A-1 (City) Agriculture District

Zone Map  
Amendment of  
123.2274 acres;  
known as PVA  
Parcel #78-00-00-  
012.00, from A-1  
(County) to R-3  
(City) & A-1  
(City).



Kathy Walker  
City Clerk  
City of Nicholasville

### A-1 Zone

Beginning at a point in the south right-of-way of East Brannon Road (Commonwealth of Kentucky - Deed Book 733, Page 96) at the intersection of the eastern line of Brannon Oaks Subdivision (Plat Cabinet 11, Slide 687) and the south right-of-way of said East Brannon Road, said point being witnessed by a 5/8" diameter rebar with plastic surveyor's cap stamped "PLS 2115" found at South 25°17'22" West a distance of 1.75 feet from the corner; said point having Kentucky State Plane Coordinates of N=163,153.44, E=1,565,191.45' (KY North Zone, NAD 83 (2011)); and said point being in the existing northeasterly limits of the City of Nicholasville, Kentucky;

thence leaving the line of said Subdivision and the Nicholasville city limits and with the south right-of-way of East Brannon Road for five calls:

South 58°19'20" East a distance of 3.77 feet to a found KYTC Aluminum right-of-way marker; thence

South 55°34'51" East a distance of 388.80 feet to a found KYTC Aluminum right-of-way marker; thence

South 58°44'07" East a distance of 79.25 feet to a point; thence

South 58°44'31" East a distance of 53.19 feet to a point; thence

South 58°43'48" East a distance of 3.99 feet to a point, said point being the corner of a proposed Lot that is to be zoned R-3 in the City of Nicholasville; thence leaving the south right-of-way of East Brannon Road and with the line of said Lot that is to be zoned R-3 for five calls:

South 24°09'04" West a distance of 75.75 feet to a point; thence

with a curve turning to the left with an arc length of 641.59 feet, with a radius of 469.98 feet, with a chord bearing of South 14°55'41" East, with a chord length of 592.92 feet, to a point; thence

South 54°02'35" East a distance of 442.06 feet to a point; thence

with a curve turning to the right with an arc length of 154.94 feet, with a radius of 529.94 feet, with a chord bearing of South 45°39'31" East, with a chord length of 154.38 feet, to a point; thence

North 52°42'26" East a distance of 1,261.53 feet to a point in a 40" Bur oak, said point being in the western line of Lexington-Fayette Urban County Government (Deed Book 103, Page 345; Deed Book 267, Page 470); thence leaving the line of said Lot that is to be zoned R-3 and with the line of said Lexington-Fayette Urban County Government,

South 16°43'17" West a distance of 2,676.82 feet to a 1/2" diameter rebar with plastic cap found

(PLS 2896); thence continuing with said Lexington-Fayette Urban County Government,

South 80°33'16" West a distance of 445.69 feet to a point; thence continuing with said Lexington-Fayette Urban County Government then with the western line of Clard Jacobs Revocable Living Trust (Deed Book 786, page 583),

South 07°23'04" West a distance of 622.37 feet to a point in the center of Ash Grove Pike; thence with the center of said Pike,

North 51°15'58" West a distance of 933.54 feet to a point in the center of Ash Grove Pike; thence with the center of said Pike,

with a curve turning to the left with an arc length of 352.44 feet, with a radius of 1,455.67 feet, with a chord bearing of North 58°12'08" West, with a chord length of 351.58 feet, to a point; thence leaving the center of said Pike and with the east line of Ash Grove East Estates (Plat Cabinet 6, Slide 59B2),

North 25°41'52" East a distance of 1,438.00 feet to a point; thence with the north line of said Ash Grove East Estates then with the north lines of Ash Grove Estates (Plat Cabinet 6, Slide 614 and 59A1) and Flagship Two, LLC,

North 69°25'46" West a distance of 1,049.39 feet to a point in the east line of Ash Tree (Brannon Oaks) Subdivision Unit 5-H (Plat Cabinet 11, Slide 737), said line being the existing limits of the City of Nicholasville, Kentucky; thence leaving the line of said Flagship Two, LLC and with the east lines of said Brannon Oaks Units 5-H, then Unit 5-G (Plat Cabinet 11, Slide 738), then Unit 5-E (Plat Cabinet 11, Slide 687), and the aforementioned existing City limits,

North 25°17'22" East a distance of 1,501.81 feet to a point;

which is the Point of Beginning, having an area of 103.2293 acres.

### R-3 Zone

Beginning at a point in the south right-of-way of East Brannon Road (Commonwealth of Kentucky - Deed Book 733, Page 96) at the intersection of the eastern line of Brannon Oaks Subdivision (Plat Cabinet 11, Slide 687) and the south right-of-way of said East Brannon Road, said point being witnessed by a 5/8" diameter rebar with plastic surveyor's cap stamped "PLS 2115" found at South 25°17'22" West a distance of 1.75 feet from the corner; said point having Kentucky State Plane Coordinates of N=163,153.44, E=1,565,191.45' (KY North Zone, NAD 83 (2011)); and said point being in the existing northeasterly limits of the City of Nicholasville, Kentucky;

thence leaving the line of said Subdivision and the Nicholasville city limits and with the south right-of-way of East Brannon Road for five calls:

South 58°19'20" East a distance of 3.77 feet to a found KYTC Aluminum right-of-way marker; thence

South 55°34'51" East a distance of 388.80 feet to a found KYTC Aluminum right-of-way marker; thence

South 58°44'07" East a distance of 79.25 feet to a point; thence

South 58°44'31" East a distance of 53.19 feet to a point; thence

South 58°43'48" East a distance of 3.99 feet to a point, said point being the TRUE POINT OF BEGINNING; thence continuing with the south right-of-way of East Brannon Road for six calls:

South 58°43'48" East a distance of 33.48 feet to a found KYTC Aluminum right-of-way marker; thence

South 69°11'47" East a distance of 207.59 feet to a found KYTC Aluminum right-of-way marker; thence

South 77°38'51" East a distance of 250.85 feet to a found KYTC Aluminum right-of-way marker; thence

South 85°59'58" East a distance of 250.45 feet to a found KYTC Aluminum right-of-way marker; thence

South 87°22'36" East a distance of 735.27 feet to a found KYTC Aluminum right-of-way marker; thence

North 83°51'00" East a distance of 162.57 feet to a point in the western line of Lexington-Fayette Urban County Government (Deed Book 103, Page 345; Deed Book 267, Page 470); thence leaving the south right-of-way of East Brannon Road and with the line of said Lexington-Fayette Urban County Government,



South  $16^{\circ}43'17''$  West a distance of 69.67 feet to a point in a 40" Bur oak, said point being the corner of a proposed Lot that is to be zoned A-1 in the City of Nicholasville; thence leaving the western line of Lexington-Fayette Urban County Government and continuing with the line of said Lot that is to be zoned A-1,

South  $52^{\circ}42'26''$  West a distance of 1,261.53 feet to a point; thence

with a curve turning to the left with an arc length of 154.94 feet, with a radius of 529.94 feet, with a chord bearing of North  $45^{\circ}39'31''$  West, with a chord length of 154.38 feet, to a point; thence

North  $54^{\circ}02'35''$  West a distance of 442.06 feet to a point; thence

with a curve turning to the right with an arc length of 641.59 feet, with a radius of 469.98 feet, with a chord bearing of North  $14^{\circ}55'41''$  West, with a chord length of 592.92 feet, to a point; thence

North  $24^{\circ}09'04''$  East a distance of 75.75 feet to a point;

which is the Point of Beginning, having an area of 19.9981 acres.

# Publisher's Certificate of Publication

## STATE OF KENTUCKY

### PUBLIC NOTICE

#### NOTICE OF ENACTMENT OF ORDINANCE

Notice is hereby given that on April 25, 2022, the Nicholasville City Commission enacted an ordinance, the full text of which is available for inspection in the office of the City Clerk, 517 North Main Street, Nicholasville, KY. The ordinance by title and summary: **ORDINANCE 069-2022: AN ORDINANCE ESTABLISHING A DECREE OF ANNEXATION OF 123.2274 ACRES OF REAL PROPERTY LOCATED AT 3090 ASHGROVE ROAD (PVA PARCEL #078-00-00-012.00), INTO THE CITY OF NICHOLASVILLE, KENTUCKY.** [This Ordinance establishes a decree of annexation of the property located at 3090 Ashgrove Road which is 123.22747 acres of property into the City of Nicholasville, Kentucky.]

Kathy Walker, City Clerk  
April 28, 2022

This ad was paid for by the City of Nicholasville using taxpayer dollars in the amount of \$154.00.

Jessamine Journal:  
Apr. 28, 2022  
ORD 069-2022

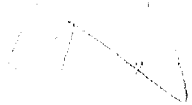
Kevin Smith, being duly sworn, on oath says he is and during all times herein stated has been an employee of The Bluegrass Newsmedia, publisher and printer of the Jessamine Journal. (The "Newspaper"), has full knowledge of the facts herein stated as follows:

1. The Newspaper printed the copy of the matter attached hereto (the "Notice") was copied from the columns of the Newspaper and was printed and published in the English language on the following days and dates:

04/28/22

2. The sum charged by the Newspaper for said publication is the actual lowest classified rate paid by commercial customer for an advertisement of similar size and frequency in the same newspaper in which the Notice was published.

3. There are no agreements between the Newspaper, publisher, manager or printer and the officer or attorney charged with the duty of placing the attached legal advertising notice whereby any advantage, gain or profit accrued to said officer or attorney



Kevin Smith, publisher

Subscribed and sworn to before me this  
28th Day of April, 2022



Dale Hatton  
605969  
Commission Expires 8-2-2022

Account #  
Ad # 1436496

CITY OF NICHOLASVILLE  
PO BOX 450  
NICHOLASVILLE KY 40340




**CERTIFICATION OF ORDINANCE**  
**ORDINANCE 069-2022**

I, Kathy Walker, certify I am the duly qualified City Clerk of the City of Nicholasville, Kentucky and the foregoing eighteen (18) pages and map of Ordinance 069-2022 is a true, correct and complete copy duly adopted by the City Commission at a duly convened meeting held on April 25, 2022 all as appears in the official records of said city.

Further, said Ordinance, 069-2022, was published in The Jessamine Journal, as required by KRS 83A.060(9), on April 28, 2022.

WITNESS, my hand and the Seal of the City of Nicholasville, this 20th day of May, 2022.

  
\_\_\_\_\_  
Kathy Walker  
City Clerk

Seal

**Proposed Annexation**  
into the  
**City of Nicholasville, Kentucky**  
of the  
**The Hulett Irrevocable Family GSTT Trust**  
property located on  
**Ashgrove Pike and East Brannon Road**  
Jessamine County, Kentucky

Being a parcel of land on the north side of Ashgrove Pike and extending north to the south side of East Brannon Road and being more particularly described as:

Beginning at a point in the south right-of-way of East Brannon Road (Commonwealth of Kentucky - Deed Book 733, Page 96) at the intersection of the eastern line of Brannon Oaks Subdivision (Plat Cabinet 11, Slide 687) and the south right-of-way of said East Brannon Road, said point being witnessed by a 5/8" diameter rebar with plastic surveyor's cap stamped "PLS 2115" found at South 25°17'22" West a distance of 1.75 feet from the corner; said point having Kentucky State Plane Coordinates of N=163,153.44, E=1,565,191.45' (KY North Zone, NAD 83 (2011)); and said point being in the existing northeasterly limits of the City of Nicholasville, Kentucky;

thence leaving the line of said Subdivision and the Nicholasville city limits and with the south right-of-way of East Brannon Road for ten calls:

South 58°19'20" East a distance of 3.77 feet to a found KYTC Aluminum right-of-way marker; thence

South 55°34'51" East a distance of 388.80 feet to a found KYTC Aluminum right-of-way marker; thence

South 58°44'07" East a distance of 79.25 feet to a point; thence

South 58°44'31" East a distance of 53.19 feet to a point; thence

South 58°43'48" East a distance of 3.99 feet to a point, said point being the corner of a proposed Lot that is to be zoned R-3 in the City of Nicholasville; thence

South 58°43'48" East a distance of 33.48 feet to a found KYTC Aluminum right-of-way marker; thence

South 69°11'47" East a distance of 207.59 feet to a found KYTC Aluminum right-of-way marker; thence

South 77°38'51" East a distance of 250.85 feet to a found KYTC Aluminum right-of-way marker; thence

South 85°59'58" East a distance of 250.45 feet to a found KYTC Aluminum right-of-way marker; thence

South 87°22'36" East a distance of 735.27 feet to a found KYTC Aluminum right-of-way marker; thence

North 83°51'00" East a distance of 162.57 feet to a point in the western line of Lexington-Fayette Urban County Government (Deed Book 103, Page 345; Deed Book 267, Page 470); thence leaving the south right-of-way of East Brannon Road and with the line of said Lexington-Fayette Urban County Government,

South 16°43'17" West a distance of 69.67 feet to a point in a 40" Bur oak, said point being the corner of a proposed Lot that is to be zoned R-3 in the City of Nicholasville; thence continuing with the line of said Lexington-Fayette Urban County Government,

South 16°43'17" West a distance of 2,676.82 feet to a ½" diameter rebar with plastic cap )found (PLS 2896); thence continuing with said Lexington-Fayette Urban County Government,

South 80°33'16" West a distance of 445.69 feet to a point; thence continuing with said Lexington-Fayette Urban County Government then with the western line of Clard Jacobs Revocable Living Trust (Deed Book 786, page 583),

South 07°23'04" West a distance of 622.37 feet to a point in the center of Ash Grove Pike; thence with the center of said Pike,

North 51°15'58" West a distance of 933.54 feet to a point in the center of Ash Grove Pike; thence with the center of said Pike,

with a curve turning to the left with an arc length of 352.44 feet, with a radius of 1,455.67 feet, with a chord bearing of North 58°12'08" West, with a chord length of 351.58 feet, to a point; thence leaving the center of said Pike and with the east line of Ash Grove East Estates (Plat Cabinet 6, Slide 59B2),

North 25°41'52" East a distance of 1,438.00 feet to a point; thence with the north line of said Ash Grove East Estates then with the north lines of Ash Grove Estates (Plat Cabinet 6, Slide 614 and 59A1) and Flagship Two, LLC,

North 69°25'46" West a distance of 1,049.39 feet to a point in the east line of Ash Tree (Brannon Oaks) Subdivision Unit 5-H (Plat Cabinet 11, Slide 737), said line being the existing limits of the City of Nicholasville, Kentucky; thence leaving the line of said Flagship Two, LLC and with the east lines of said Brannon Oaks Units 5-H, then Unit 5-G (Plat Cabinet 11, Slide 738), then Unit

5-E (Plat Cabinet 11, Slide 687), and the aforementioned existing City limits,

North 25°17'22" East a distance of 1,501.81 feet to a point;


which is the Point of Beginning, having an area of 123.2274 acres.

The bearings and coordinates used in the description above are based on Kentucky State Plane North Zone (NAD 83(2011), US Feet). Particularly, the bearings and coordinates are based on a GNSS Survey Utilizing a Carlson BRx7 GNSS Receiver and the KYTC VRS System.

The annexation boundary described above being based in part on an actual ground survey of the north boundary shared with East Brannon Road conducted under the direct supervision of Kevin M. Phillips (PLS 3350) of Endris Engineering, 771 Enterprise Drive, Lexington, Kentucky. That boundary survey was concluded on October 23, 2021.

The description is also based on the unrecorded plat of survey of the Hulett property performed by Gordon B. Stacy, PLS 2896, of Furlong Surveying, Inc. dated December 3, 2008; upon the plats of Ash Tree "Brannon Oaks" subdivision as recorded in Plat Cabinet 11, Slides 687, 737 and 738 and upon the geographical inventory of incorporated city boundaries obtained from the Kentucky Geoportal Web site at <ftp://ftp.kymartian.ky.gov/dlgbnd/corpbndlinespn.zip>.



  
\_\_\_\_\_  
Kevin M. Phillips (PLS 3350)  
Endris Engineering, PSC  
771 Enterprise Drive  
Lexington, KY 40510

11-01-2021  
Date

OVERSIZE MAP INCLUDED WITH  
SUBMISSION.

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