

SPONSORS: <u>Mayor Clark</u> <u>Commissioner Powell</u>
Date Second Reading: <u>02/13/2017</u>
Publication Date: <u>02/16/2017</u>

ORDINANCE NO. 2017 - 003

**AN ORDINANCE REZONING PROPERTIES
LOCATED AT 319 SOUTH MAIN STREET AND 321 SOUTH MAIN STREET
FROM R-2 (SINGLE FAMILY & TWO FAMILY RESIDENTIAL)
TO B-2 (GENERAL BUSINESS)**

WHEREAS, Casey's Marketing Company, an Iowa corporation, (hereafter "Casey's"), filed a petition with the Franklin-Simpson Joint Planning and Zoning Commission to rezone property located at 319 South Main Street owned by Filiberto Garcia, and property located at 321 South Main Street owned by Steven B. Nichols and wife, Amy S. Nichols as described hereinbelow; and

WHEREAS, Casey's has both of the above-referenced properties under contract to purchase conditioned upon proper rezoning for use by it and desires to rezone both properties from R-2 (Single Family & Two-Family Residential) to B-2 (General Business) to make the properties more productive for the community, and this change is appropriate and consistent with the use of these properties and surrounding properties; and,

WHEREAS, a public hearing was held on January 10, 2017, after due public notice, in the manner provided by law; and

WHEREAS, the Planning & Zoning Commission recommended the granting of said zone change as it is in agreement with the community's comprehensive plan;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Franklin, Kentucky as follows:

The properties located at 319 South Main Street and 321 South Main Street described hereinbelow are hereby granted a zone change from R-2 (Single Family & Two-Family Residential) to B-2 (General Business):

Certain real property located on the east side of South Main Street in Franklin, Simpson County, Kentucky, to-wit:

TRACT I: (319 South Main Street)

Fronting on South Main Street 55 feet; beginning at Jordan's (now Milliken's) corner, in east side of said Main Street; thence eastward with Jordan's (now Milliken's) line of 166 feet (incorrectly referred to as 160 feet in Deed Book 302, Page 593) to a stake; thence southward 44½ feet to a stake or stone; thence westward 158 feet to the east line of said street, 55 feet from the beginning; thence with the east line of Main Street 55 feet to the point of beginning.

Being the same property conveyed by Robert C. Gomer and Hallie S. Gomer, husband and wife, to Filiberto Garcia by deed dated June 25, 2015, of record in Deed Book 315, Page 376, Simpson County Clerk's Office.

TRACT II: (321 South Main Street)

A certain house and lot of land located on South Main Street in Franklin, Simpson County, Kentucky, fronting 55 feet on South Main Street, and running back in approximately parallel lines 150 feet (150 feet on the South and 158 feet on the North), said lot being 55 feet on South Main Street and 150 feet in depth and 45½ feet on the rear, subject to deed to Commonwealth of Kentucky in Deed Book 64, Page 223, Simpson County Clerk's Office.

Being the same property conveyed to Steven B. Nichols and wife, Amy S. Nichols by Phillip N. Galloway and wife, Shonna D. Galloway by deed dated June 21, 2002, of record in Deed Book 236, Page 780, Simpson County Clerk's Office.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holdings shall not affect the validity of the remaining portions of Ordinance.

All ordinances or parts of ordinances in conflict herewith, are, to the extent of such conflict, hereby repealed.

January 23, 2017

FIRST READING

February 13, 2017

SECOND READING

At a meeting of the City Commission of the City of Franklin, Kentucky, held on February 13, 2017, on motion made by Commissioner Stewart and seconded by Commissioner Barnes the foregoing ordinance was adopted, after full discussion, by the following vote:

<u>Aye</u>	LARRY DIXON	<u>Aye</u>	WENDELL STEWART
<u>Aye</u>	JAMIE POWELL	<u>Aye</u>	RONNIE CLARK, MAYOR
<u>Aye</u>	MASON BARNES		

APPROVED BY:



Ronnie Clark, Mayor

ATTEST:



Cathy Dillard, City Clerk