

ORDINANCE NO. 920.4-04-2014

**AN ORDINANCE REZONING 5.457 +/- ACRES AND 0.265 +/- ACRES
LOCATED AT 106, 108, 110, 112, 114 AND 116 CREEKSIDE DRIVE
FROM R-2 (SINGLE FAMILY AND DUPLEX) TO R-4 (MULTI-
FAMILY HIGH DENSITY)**

WHEREAS, Hancock Bank and Trust Company owns approximately 5.457 +/- acres and 0.265 +/- .65 acres of property located on Creekside Drive in Franklin, Simpson County, Kentucky, as described hereinbelow (also known as 106, 108, 110, 112, 114 and 116 Creekside Drive, Franklin, Kentucky); and

WHEREAS, Hancock Bank and Trust Company desires to rezone the 5.457 +/- acres and 0.265 +/- .65 acres of property from R-2 (Single Family and Duplex) to R-4 (Multi-Family High Density) to make the property more productive for the community, and this change is appropriate and consistent with the use of this property and surrounding properties; and,

WHEREAS, a public hearing was held on March 18, 2014, after due public notice, in the manner provided by law; and

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

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

The following described property is hereby granted a zone change from R-2 (Single Family and Duplex) to R-4 (Multi-Family High Density):

TRACT I

Beginning at a set iron pin located at the intersection of the west right-of-way (50' R/W) of Filter Plant Road and the south right-of-way (50' R/W) of Creekside Drive; thence with the west right-of-way of Filter Plant Road S 01° 35' 47" E for a distance of 176.80 feet to a set iron pin; thence continuing with the right-of-way of Filter Plant Road along a curve to the right (tangential in and non-tangential out) having a radius of 340.04 feet and an arc length of 194.99 feet, being subtended by a chord of S 14° 49' 52" W for a distance of 192.33 feet, to a found iron pin (PLS#2 142), a corner to Belveal (Deed Book 206, Page 252, see also Deed Book 223, Page 25 – Retained Tract II); thence leaving the road and following Belveal's line N 65° 37' 06" W for a distance of 116.49 feet to a found iron pin (PLS#2142); thence continuing with Belveal's line and thereafter the line of Belveal (Deed Book 206, Page 252, see also Deed Book 223, Page 25 – Retained Tract I) S 38° 48' 59" W for a distance of 238.47 feet to a found iron pin (PLS#2142), a corner to Wims (Deed Book 200, Page 556 – Tract II); thence with Wims' line N 72° 38' 00" W for a

distance of 225.00 feet to a found iron pin, a corner in the line of Tarter and Reeves Family LLC (Deed Book 82, Page 469 – Tract Two and Deed Book 265, Page 725 – Tract Two); thence with the line of Tarter and Reeves Family LLC N 09° 44' 33" E for a distance of 589.03 feet to a found iron pin (PLS#2142); thence continuing with a line of Tarter and Reeves Family LLC N 69° 46' 43" W for a distance of 266.75 feet to a 34" oak snag with reference iron pins being set at S 71° 03' 55" E 10.68 feet and 82° 55' 12" E 15.71 feet; thence continuing with the above mentioned line and thereafter following near (an approximate 2' wide gap exist between the two boundary lines) the line of Breckenridge Seven Limited Partnership (Deed Book 237, Page 190) S 82° 35' 37" E for a distance of 396.16 feet to a set iron pin, a corner to Belveal (Deed Book 206, Page 252, see also Deed Book 223, Page 23 – Retained Tract III); thence leaving the Breckenridge Seven Limited Partnership property and following Belveal's line S 10° 49' 52" E for a distance of 153.52 feet to a found iron pin (PLS#2142) located in the west end of Creekside Drive; thence leaving Belveal's line and crossing the west end of Creekside Drive S 37° 23' 15" E for a distance of 50.00 feet to a set iron pin; thence continuing with the right-of-way of Creekside Drive along a non-tangential curve to the right (non-tangential in and tangential out) having a radius of 45.64 feet and an arc length of 31.64 feet, being subtended by a chord of N 72° 25' 16" E for a distance of 31.01 feet, to a set iron pin; thence with the south right-of-way of Creekside Drive S 87° 43' 10" E for a distance of 183.79 feet to the point of beginning, containing 5.457 acres (237,716 square feet), more or less, according to a January 7, 2009 survey of Bernard W. Blakeman, Jr. of DDS Engineering. This property appears of record in Plat Book 4, Page 359, Simpson County Clerk's Office.

and TRACT II

Beginning at a found iron pin (PLS#2142) located at the intersection of the north right-of-way (50' R/W) of Creekside Drive and the west right-of-way (50' R/W) of Filter Plant Road; thence with the right-of-way of Filter Plant Road S 01° 35' 47" E for a distance of 50.11 feet to a set iron pin, a corner to the remaining lands of BAW, LLC (Deed Book 223, Page 23); thence leaving Filter Plant Road and following the line of BAW, LLC N 87° 43' 10" W for a distance of 183.79 feet to a set iron pin; thence continuing with the line of BAW, LLC along a curve to the left (tangential in and non-tangential out) having a radius of 45.64 feet and an arc length of 31.64 feet, being subtended by a chord of S 72° 25' 16" W for a distance of 31.01 feet, to a set iron pin; thence continuing with the line of BAW, LLC N 37° 23' 15" W for a distance of 50.00 feet to a found iron pin (PLS#2142), a corner to Belveal (Deed Book 206, Page 252, see also Deed Book 223, Page 23 – Retained Tract III); thence with Belveal's line along a non-tangential curve to the right (non-tangential in and tangential out) having a radius of 95.64 feet and an arc length of 66.26 feet, being subtended by a chord of N 72° 26' 04" E for a distance of 64.94 feet, to a set iron pin; thence continuing with Belveal's line and thereafter the

line of Belveal (Deed Book 231, Page 280) S 87° 43' 10" E for a distance of 180.40 feet to the point of beginning, containing .265 acres (11,552 square feet), according to a January 7, 2009 survey of Bernard W. Blakeman, Jr. of DDS Engineering. This property appears of record in Plat Book 4, Page 359, Simpson County Clerk's Office.

Being a portion of the same property conveyed to Hancock Bank and Trust Company from SAM Holdings, LLC, by deed dated August 1, 2013 and of record in Deed Book 305, Page 186, in the 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.

APR 14, 2014 FIRST READING

APR 28, 2014 SECOND READING

At a meeting of the City Commission of the City of Franklin, Kentucky, held on April 28, 2014 on motion made by Commissioner Mason Barnes and seconded by Commissioner Wendell Stewart, the foregoing ordinance was adopted, after full discussion, by the following vote:

YES LARRY DIXON

YES JAMIE POWELL

YES MASON BARNES

YES WENDELL STEWART

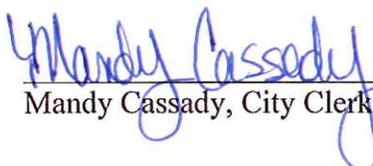
YES RONNIE CLARK, MAYOR

APPROVED BY:



Ronnie Clark, Mayor

ATTEST:



Mandy Cassady, City Clerk

LINDSAY H. HINTON
Attorney for Hancock Bank & Trust Company
Reynolds, Johnston, Hinton & Pepper, LLP
310 East 11th Avenue, P. O. Box 4000
Bowling Green, Kentucky 42102
Telephone: (270)782-3636

Exhibit "A"

Tract I

Beginning at a set iron pin located at the intersection of the west right-of-way (50' R/W) of Filter Plant Road and the south right-of-way (50' R/W) of Creekside Drive; thence with the west right-of-way of Filter Plant Road S 01° 35' 47" E for a distance of 176.80 feet to a set iron pin; thence continuing with the right-of-way of Filter Plant Road along a curve to the right (tangential in and non-tangential out) having a radius of 340.04 feet and an arc length of 194.99 feet, being subtended by a chord of S 14° 49' 52" W for a distance of 192.33 feet, to a found iron pin (PLS#2142), a corner to Belveal (Deed Book 206, Page 252, see also Deed Book 223, Page 25 - Retained Tract II); thence leaving the road and following Belveal's line N 65° 37' 06" W for a distance of 116.49 feet to a found iron pin (PLS#2142); thence continuing with Belveal's line and thereafter the line of Belveal (Deed Book 206, Page 252, see also Deed Book 223, Page 25 - Retained Tract I) S 38° 48' 59" W for a distance of 238.47 feet to a found iron pin (PLS#2142), a corner to Wims (Deed Book 200, Page 556 - Tract II); thence with Wims' line N 72° 38' 00" W for a distance of 225.00 feet to a found iron pin, a corner in the line of Tarter and Reeves Family LLC (Deed Book 82, Page 469 - Tract Two and Deed Book 265, Page 725 - Tract Two); thence with the line of Tarter and Reeves Family LLC N 09° 44' 33" E for a distance of 589.03 feet to a found iron pin (PLS#2142); thence continuing with a line of Tarter and Reeves Family LLC N 69° 46' 43" W for a distance of 266.75 feet to a 34" oak snag with reference iron pins being set at S 71° 03' 55" E 10.68 feet and 82° 55' 12" E 15.71 feet; thence continuing with the above mentioned line and thereafter following near (an approximate 2' wide gap exist between the two boundary lines) the line of Breckenridge Seven Limited Partnership (Deed Book 237, Page 190) S 82° 35' 37" E for a distance of 396.16 feet to a set iron pin, a corner to Belveal (Deed Book 206, Page 252, see also Deed Book 223, Page 23 - Retained Tract III); thence leaving the Breckenridge Seven Limited Partnership property and following Belveal's line S 10° 49' 52" E for a distance of 153.52 feet to a found iron pin (PLS#2142) located in the west end of Creekside Drive; thence leaving Belveal's line and crossing the west end of Creekside Drive S 37° 23' 15" E for a distance of 50.00 feet to a set iron pin; thence continuing with the right-of-way of Creekside Drive along a non-tangential curve to the right (non-tangential in and tangential out) having a radius of 45.64 feet and an arc length of 31.64 feet, being subtended by a chord of N 72° 25' 16" E for a distance of 31.01 feet, to a set iron pin; thence with the south right-of-way of Creekside Drive S 87° 43' 10" E for a distance of 183.79 feet to the point of beginning, containing 5.457 acres (237,716 square feet), more or less, according to a January 7, 2009 survey of Bernard W. Blakeman, Jr. of DDS Engineering. This property appears of record in Plat Book 4, Page 359, Simpson County Clerk's Office.

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