

CITY OF WALTON, KENTUCKY
ORDINANCE NO. 1996- / _____

AN ORDINANCE OF THE CITY OF WALTON, KENTUCKY APPROVING AND ADOPTING A ZONING CLASSIFICATION OF INDUSTRIAL ONE (I-1) FOR A 2.06 ACRE TRACT OF LAND OWNED BY D & S ENTERPRISES, L.L.C., GENERALLY LOCATED ON THE SOUTH SIDE OF KENTUCKY 16, WALTON, BOONE COUNTY, KENTUCKY, AND ANNEXING TO THE INCORPORATED TERRITORY OF THE CITY OF WALTON, KENTUCKY, THE SAME UNINCORPORATED TRACT OF LAND CONTIGUOUS TO THE PRESENT CORPORATE LIMITS OF THE CITY OF WALTON, KENTUCKY.

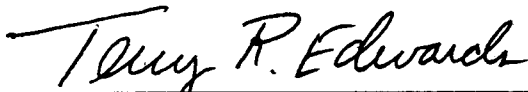
CERTIFIED SUMMARY

In accordance with applicable law, City of Walton, Kentucky Ordinance No. 1996-_____ is summarized as follows by Terry R. Edwards, an attorney licensed to practice law in the Commonwealth of Kentucky.

By this Ordinance, in accordance with a recommendation from the Boone County Planning Commission, the City of Walton, Kentucky approves and adopts a zoning classification of Industrial One (I-1) for a 2.06 acre tract of land owned by D & S Enterprises, L.L.C., located on the south side of Kentucky 16, Walton, Boone County, Kentucky.

By the same Ordinance, the City of Walton, Kentucky annexes the same property into the incorporated territory of the City.

I certify that I prepared this summary of
City of Walton, Kentucky Ordinance No.
1996-_____



TERRY R. EDWARDS
Attorney at Law
7992 Dixie Highway
P.O. Box 6205
Florence, KY 41042
(606) 525-6161

/Summary4

CITY OF WALTON, KENTUCKY
ORDINANCE NO. 1996- / _____

AN ORDINANCE OF THE CITY OF WALTON, KENTUCKY APPROVING AND ADOPTING A ZONING CLASSIFICATION OF INDUSTRIAL ONE (I-1) FOR A 2.06 ACRE TRACT OF LAND OWNED BY D & S ENTERPRISES, L.L.C., GENERALLY LOCATED ON THE SOUTH SIDE OF KENTUCKY 16, WALTON, BOONE COUNTY, KENTUCKY, AND ANNEXING TO THE INCORPORATED TERRITORY OF THE CITY OF WALTON, KENTUCKY, THE SAME UNINCORPORATED TRACT OF LAND CONTIGUOUS TO THE PRESENT CORPORATE LIMITS OF THE CITY OF WALTON, KENTUCKY.

WHEREAS, the owners of record of such land have consented in writing to the annexation of their property, and;

WHEREAS, the City of Walton, Kentucky is a legislative body member of the Boone County Planning Commission, a joint county-wide planning unit or commission established under Chapter 100 of the Kentucky Revised Statutes; and

WHEREAS, the Boone County Planning Commission as the Planning Unit for the city of Walton, Kentucky was requested to hold a public hearing and recommend to the City the zoning classification of such property upon annexation, in accordance with applicable law; and

WHEREAS, the Boone County Planning Commission has conducted the public hearing and by its Resolution R-95-040-A has made its recommendation to the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WALTON, KENTUCKY, as follows:

SECTION I

A 2.06 acre tract of land owned by D & S Enterprises, L.L.C., generally located on the south side of Kentucky 16, Walton, Boone County, Kentucky, such property being considered for annexation to the City of Walton, Kentucky, shall not be rezoned and the current zoning of Industrial One (I-1) shall not be changed on the 2.06 acre tract upon annexation. The real estate which is the subject of this approval and adoption is more particularly described as part of Deed Book 579, Page 74 (as supplied by the applicant) in the Boone County Clerk's Office.

SECTION II

The recommendation of the Planning Commission for this request is set forth in its minutes and official records which are hereby incorporated by reference as if fully set out in this Ordinance and marked as "Exhibit A".

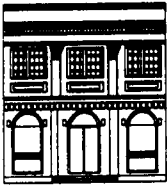
EXHIBIT C

The following is a description of a parcel of ground lying and being on the south side of Old Kentucky Route 16 1.05 miles north of Walton in Boone County, Kentucky and particularly described as follows:

Beginning at a P.K. nail in the center of Old Kentucky Route 16 near the intersection of New Kentucky Route 16 and a corner to Robke; thence with said line and the RW of New Kentucky Route 16 S 79 degrees 49' E 63.2 feet to a point; thence with the line of Robke, S 8 degrees 41' W 290.6 feet to a post; thence S 9 degrees 18' W 234.3 feet to a steel post; thence with a new made line of the grantors, N 77 degrees 21' W 145.8 feet to a steel post; thence N 1 degree 15' E 455.0 feet to a P.K. nail in the center of Old Kentucky Route 16; thence with the center of said road, N 74 degrees 14' E 157.8 feet to the place of beginning, containing 2.06 acres, more or less, exclusive of all right-of-ways and easements of record.

Being the same property conveyed to the grantors herein by deed recorded in Deed Book 424, Page 258 of the Boone County Clerk's Records at Burlington, Kentucky.

BOONE COUNTY PLANNING COMMISSION



2995 Washington Street, Burlington, KY 41005
606-334-2196 FAX 606-334-2264

December 20, 1995

The Honorable Phil Trzop
Mayor, City of Walton
Corner of Church & Main Streets
Walton, KY 41094

Dear Mayor Trzop:

This letter is written to advise you of the action by the Boone County Planning Commission in regard to the request of the City of Walton to determine the impact of annexation, if any, on a parcel of land owned by D & S Enterprises, L.L.C. This property is generally located on the south side of KY 16, Boone County, Kentucky.

At their meeting of December 6, 1995, the Boone County Planning Commission voted unanimously to recommend that the current zoning of Industrial One (I-1) not be changed on the 2 acre tract as a result of annexation into the City of Walton by Resolution **R-95-040-A**. This action was taken upon hearing the recommendations of the Committee and based on the findings of fact attached to the enclosed Resolution. The deadline for action to be taken by the City of Walton is **Tuesday, March 5, 1996**.

The approved minutes of the November 15, 1995 Public Hearing, along with the pertinent information regarding this request are enclosed.

If you need any further information, please do not hesitate to call the Planning Commission office.

With Kindest Regards,



William R. Viox,
Chairman

WRV/vlm

Enclosures

DREITZGEN MASTER FORM 198MF

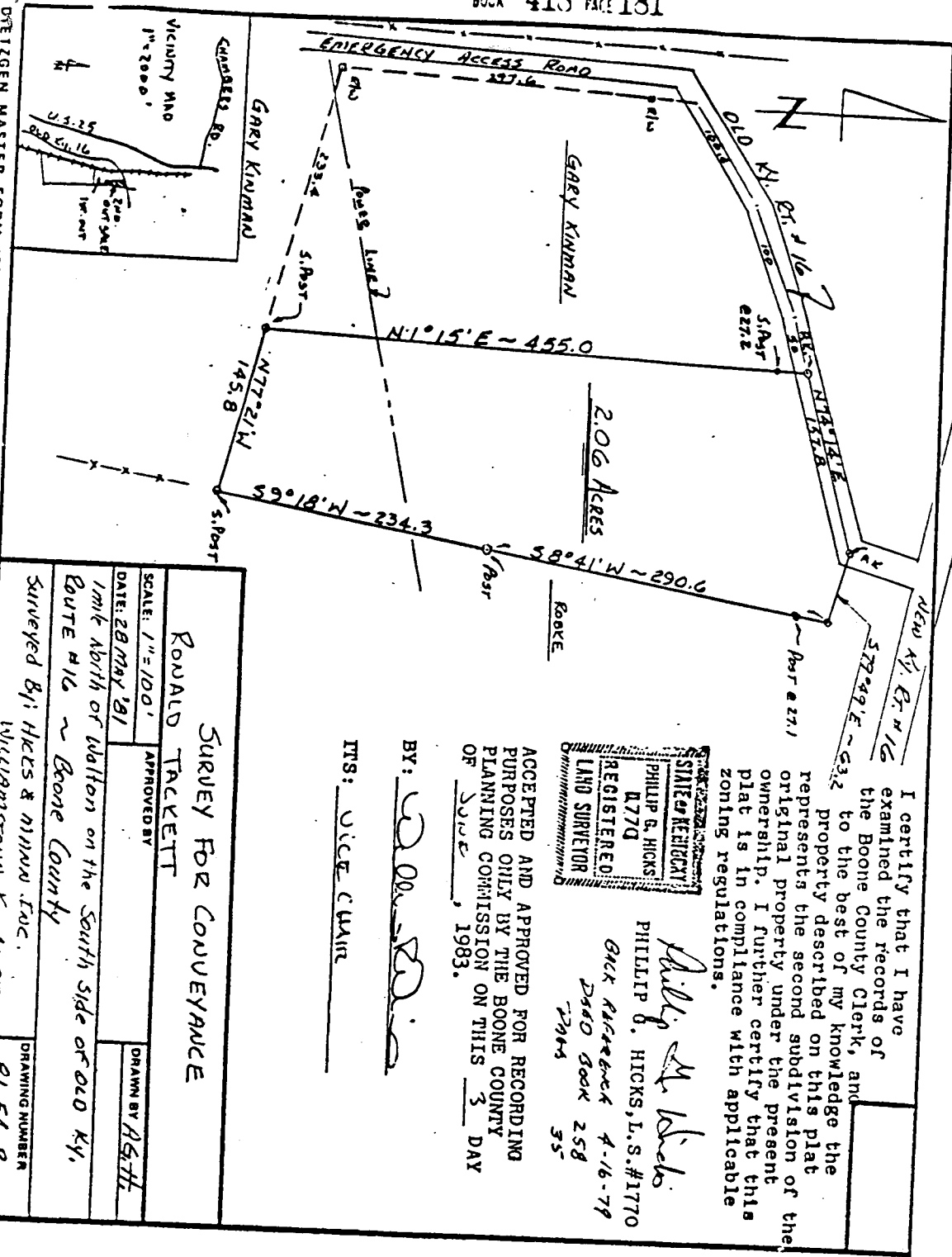


EXHIBIT D

I certify that I have examined the records of the Boone County Clerk, and to the best of my knowledge the property described on this plat represents the second subdivision of the original property under the present ownership. I further certify that this plat is in compliance with applicable zoning regulations.



Phillip G. Hicks
 PHILLIP G. HICKS, L.S.#1770
 BACK REGISTERED 4-16-79
 2560 BOOK 258
 2964 35

ACCEPTED AND APPROVED FOR RECORDING PURPOSES ONLY BY THE BOONE COUNTY PLANNING COMMISSION ON THIS 3 DAY OF June, 1983.

BY: *[Signature]*
 ITS: VICE CHAIR

SURVEY FOR CONVEYANCE	
RONALD TACKETT	
SCALE: 1"=100'	APPROVED BY
DATE: 28 MAY '81	DRAWN BY: <i>AS-TH</i>
1 mile North of Walton on the South side of Old Ky. ROUTE #16 ~ Boone County	
Surveyed by: Hicks & Kinman, Inc. Williamsstown, Ky, 41077	
DRAWING NUMBER 81-54-B	

NOTE:

IN ACCORDANCE WITH KRS 100.209 (1), THIS MAP IS INCLUDED IN THE ORDINANCE OF ANNEXATION TO SHOW THE ZONING WHICH WILL BE EFFECTIVE FOR THE ANNEXED PROPERTY, NAMELY, INDUSTRIAL ONE (I-1).

RESOLUTION R-95-040-A

A RESOLUTION RECOMMENDING A ZONING CLASSIFICATION FOR CERTAIN PROPERTY THAT HAS BEEN PROPOSED FOR ANNEXATION TO THE CITY OF WALTON, KENTUCKY. (PROPERTY: 2 ACRE SITE OWNED BY D & S ENTERPRISES, L.L.C. GENERALLY LOCATED ON THE SOUTH SIDE OF KY 16, BOONE COUNTY, KENTUCKY.)

WHEREAS, the City of Walton, Kentucky is considering annexation of certain property generally located on the south side of KY 16, Boone County, Kentucky, and

WHEREAS, the Boone County Planning Commission as the planning unit for the City of Walton, Kentucky, was requested to hold a Public Hearing and recommend to the City the zoning classification of such property upon annexation, in accordance with applicable law, and

WHEREAS, the Boone County Planning Commission has conducted the Public Hearing and made its recommendation to the City.

IT IS, THEREFORE, RESOLVED BY THE BOONE COUNTY PLANNING COMMISSION AS FOLLOWS:

SECTION I

That a certain portion of property owned by D & S Enterprises, L.L.C. generally located on the south side of KY 16, Boone County, Kentucky, such property being considered for annexation to the City of Walton, Kentucky, shall not be rezoned and is hereby recommended that the current zoning of Industrial One (I-1) not be changed on the 2 acre tract upon annexation. The real estate which is the subject of this annexation recommendation for approval is more particularly described in DEED BOOK 579, PAGE 74 (as supplied by the applicant) in the Boone County Clerk's office.

**BOONE COUNTY PLANNING COMMISSION
RESOLUTION R-95-040-A
PAGE TWO**

SECTION II

That as a basis for the recommendation of the Planning Commission for this request is set forth in its minutes and official records and are hereby incorporated by reference as if fully set out in this Resolution and marked as "Exhibit A."

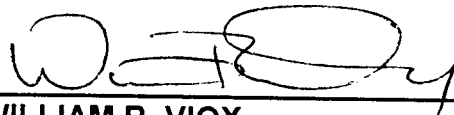
The Committee's recommendation for this request is based on the findings of fact as set forth in the Committee Report and marked as "Exhibit B."

SECTION III

That a copy of this Resolution and recommendation of this Annexation request into the City of Walton of certain property generally located on the south side of KY 16, Boone County, Kentucky shall be forwarded to the City of Walton, Walton, Kentucky, having jurisdiction over the property for its action on the recommendation of the Boone County Planning Commission.

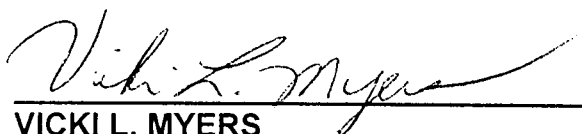
PASSED AND APPROVED THIS 20TH DAY OF DECEMBER, 1995.

APPROVED:



**WILLIAM R. VIOX
CHAIRMAN**

ATTEST:



**VICKI L. MYERS
MANAGER, ADMINISTRATIVE SERVICES**

WRV/vlm

EXHIBIT "A"

STAFF REPORT

Request of City of Walton to consider an amendment to the Walton Zoning Map as a result of the annexation of a 2 acre tract located on south side of KY 16, Boone County, Kentucky.. The request involves recommending a zoning classification for the site based upon annexation into the City of Walton. The site is currently zoned Industrial One (I-1) and is owned by D&S Enterprises, L.L.C.

November 15, 1995

In accordance with Kentucky Law (K.R.S. 81A.420 and K.R.S. 100.209) the City of Walton has requested that the Boone County Planning Commission hold a Public Hearing in order to make a recommendation regarding the effect of the annexation, if any, on the current Industrial One (I-1) zoning on the property and its relationship to the Comprehensive Plan. The tract, approximately 2 acres, is owned by D&S Enterprises, L.L.C. and is located on Walton-Nicholson Road, Boone County, Kentucky (See Map #1). The site was rezoned by the Boone County Fiscal Court in June of 1995.

Surrounding Zoning and Land Uses (See Sheet #2)

East: Single family homes zoned Rural Suburban (RS)
West: Single family homes zoned Rural Suburban (RS)
South: H & M Construction zoned Industrial One (I-1)
North: KY 16 and single family homes zoned Rural Suburban (RS)

Relationship to the Comprehensive Plan

The 1995 Boone County Comprehensive Plan Land Use Map indicates the Future Land Use of this site as Industrial. The text of the Comprehensive Plan refers to this area in a general way stating "that Walton area should experience gradual commercial and industrial growth."

The Goals and Objectives section of the Comprehensive Plan indicate where industrial uses should develop:

1. Industrial development shall be encouraged to located near railroads, highways and airports.

Staff Review

Staff believes that the existing zoning, Industrial One (I-1), on the approximate 2 acre tract is consistent with the Comprehensive Plan and the adjacent land uses. The annexation of the site does not necessitate a change in any of the established zoning regulations or the adopted 1995 Boone County Comprehensive Plan as they pertain to the City of Walton. Consequently, the annexation of the site into the City of Walton will not impact the current zoning of the property or the surrounding properties.

Respectfully Submitted,



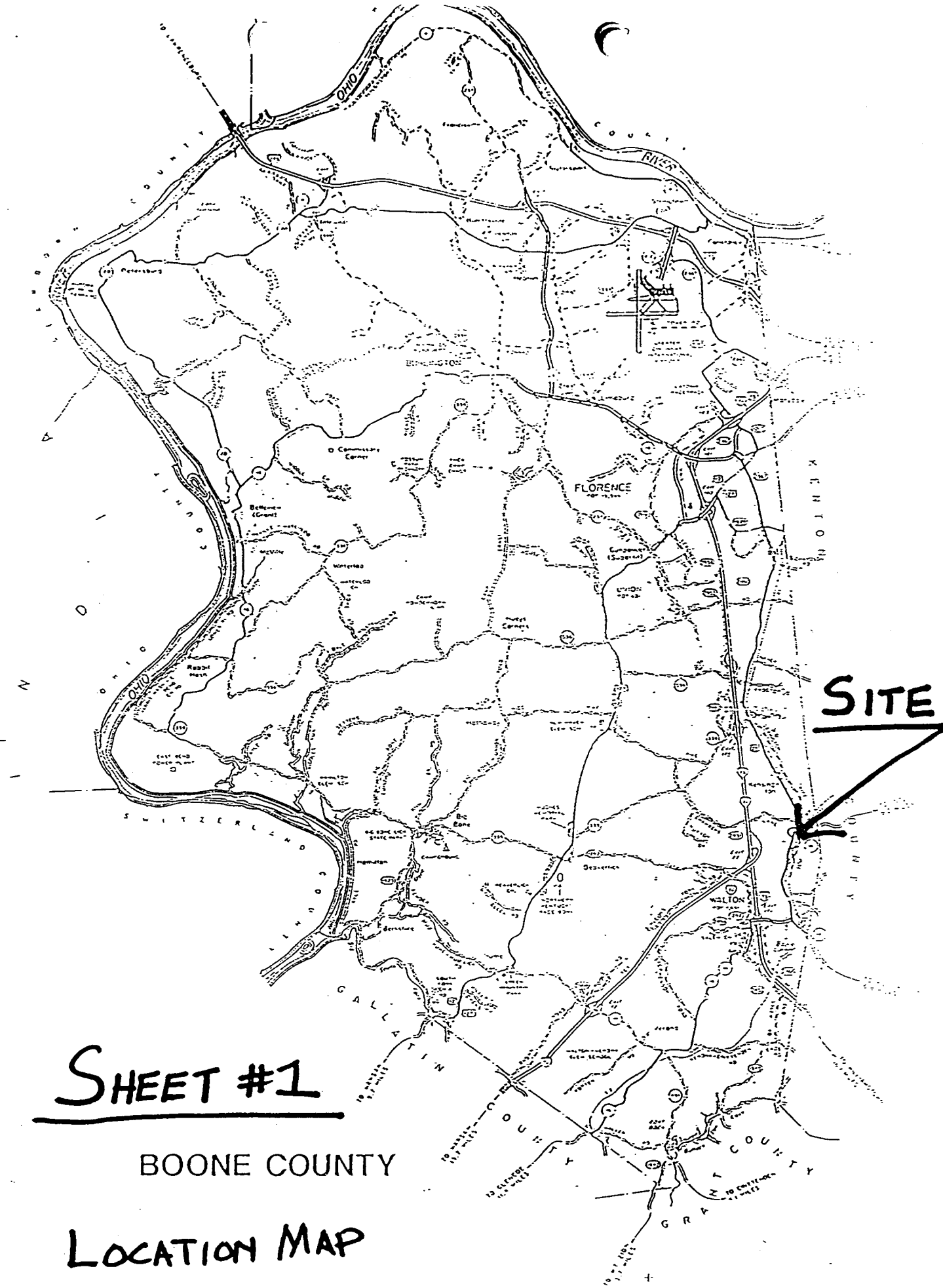
Jeffrey F. Hayes, AICP
Planner

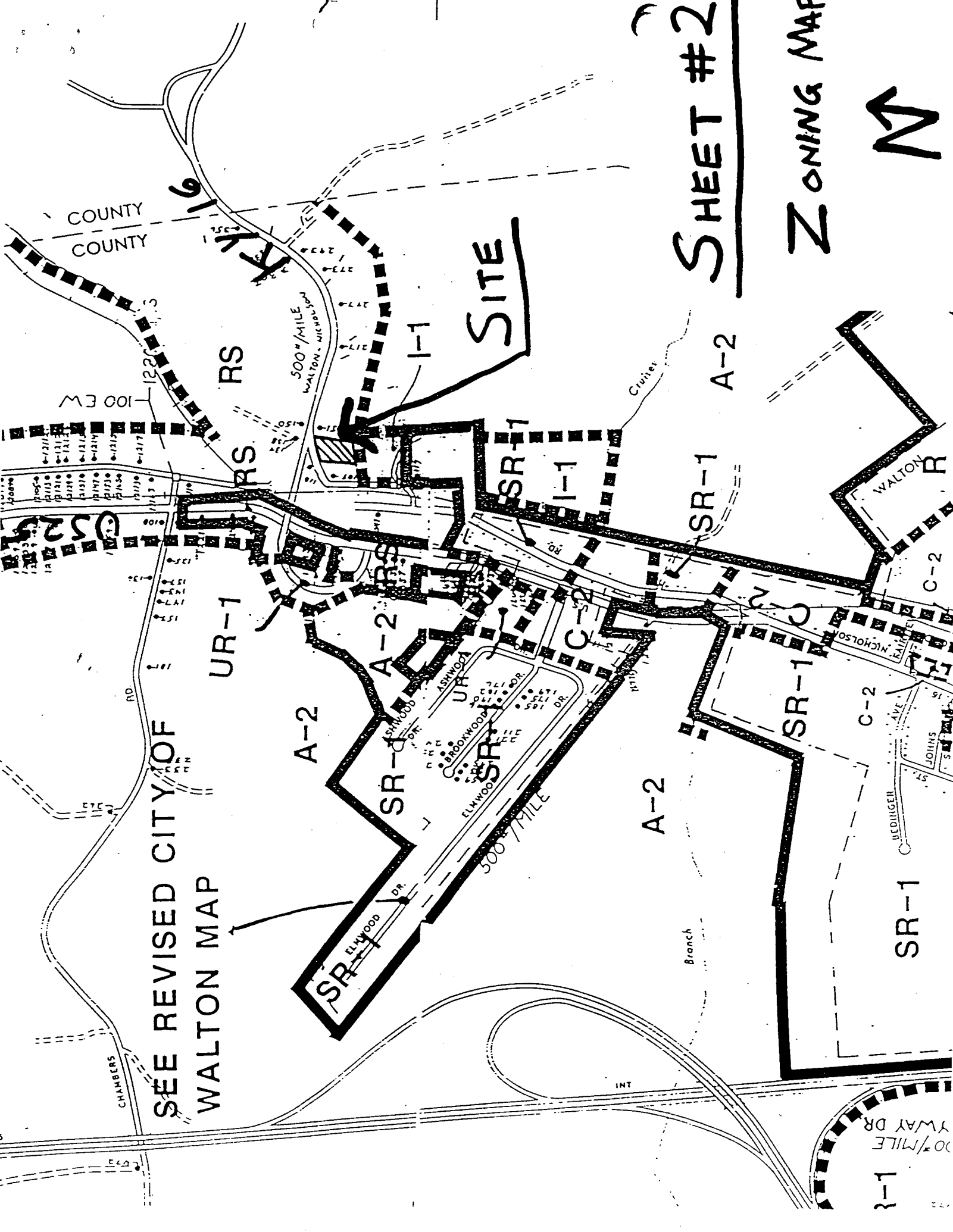
JFH/par

SHEET #1

BOONE COUNTY

LOCATION MAP





SHEET #2

ZONING MAP



SEE REVISED CITY OF
WALTON MAP

SITE

500' MILE
WALTON-MICHOLSON

BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
THIRD FLOOR SMALL COURTROOM 3-B

November 15, 1995
7:30 P.M.

PUBLIC HEARING

Commission members present: Mrs. Arnett, Mr. Bailey, Mr. Burch - Vice Chairman, Mr. Damstrom, Mr. Kirby, Jr., Mr. McMillian, Mr. Neltner, Mr. Ries, Mr. Rush, Mrs. Schaffer, Mr. Viox - Chairman, and Mr. White.

Mr. William Viox, Chairman, called the meeting to order at 7:45 P.M. and introduced the item on the Agenda:

1. Applicant: City of Walton

Request: Zoning Map Amendment

The request of the City of Walton to consider an amendment to the Walton Zoning Map as a result of the annexation of a 2-acre tract on the south side of KY 16, Boone County, Kentucky. The request involves recommending a zoning classification for the site based upon annexation into the City of Walton. The site is currently zoned Industrial One (I-1) and is owned by D & S Enterprises, L.L.C..

Staff Member Jeff Hayes presented the Staff Report (see Staff Report).

There being no one present from the City of Walton, Chairman Viox asked if there were any comments from the public or from the Planning Commission.

Mr. Roy Collenson, owner of the property to the east of the site, stated that they were at the Planning Commission in March and in June for the rezoning, but he did not know anything about the current request until he got a Certified Letter about this meeting. He stated that at the time of the rezoning, Mr. Hayes stated that they did not change the zoning on the property and there was no property on Walton-Nicholson Road that would be zoned industrial.

Mr. Hayes explained that initially when they applied for the zone change, there was going to be a Committee recommendation for denial. The applicant asked to defer the request and came back with revisions that met the Committee's approval. Mr. Collenson was not there for the second go around and he may not have been aware of the rezoning. Mr. Hayes stated that he may have spoken with Mr. Collenson after the first meeting. He stated that the matter was deferred by the applicant and it was announced at the following Business Meeting that the request was deferred.

Mr. Collenson stated that he was not notified of anything.

Counselor Wilson explained that when an item is deferred, it is up to the people interested to keep in touch.

Mrs. Collenson stated that they were advised that they would get another Registered Letter if the matter was brought up again. Mr. Collenson stated that he did not hear anything until he got the Registered Letter.

Counselor Wilson stated that there was a Committee Report to deny the request, but it was never passed as a recommendation and, instead, the matter was deferred. There was not a second application and the matter continued on being reviewed per the deferral and resulted in the zone change.

Mr. Hayes advised that the zone change was passed by the Fiscal Court in June, 1995. Chairman Viox stated that the Fiscal Court had its own hearing and the zoning was changed. The property has been zoned I-1 since last June and this hearing is to see if the zoning is proper when it is annexed into the City of Walton.

Mr. Collenson questioned the property on either side. Chairman Viox explained that this request involves only the piece of property owned by D & S.

Mr. Dan Childress from D & S Enterprises explained that he applied for annexation to the City of Walton to get water. He was told that the change only affected this property and did not affect any neighbors.

There being no further comments, Chairman Viox stated that the Committee Meeting for this item will be on December 6, 1995 at 7:45 P.M. in this room. This item will be on the Agenda for the Business Meeting on December 6, 1995 at 8 P.M..

The Chairman closed this Public Hearing.

APPROVED:



William R. Viox, Chairman

Attest:


Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3-B, THIRD FLOOR
BUSINESS MEETING
December 6, 1995
8:00 P.M.

Mr. William Viox, Chairman, called the meeting to order at 8:12 P.M..

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett
Mr. William Bailey
Mr. Fred Burch, Vice Chairman
Mr. Phil Damstrom
Mr. Robert Kirby, Jr.
Mr. Mike McKinney
Mr. Don McMillian
Mr. Bob Millay
Mr. Barry Neltner
Mr. Robert Ries
Mrs. Linda Schaffer
Mr. William Viox, Chairman
Mr. Earl White

COMMISSION MEMBERS NOT PRESENT:

Mr. Ralph Rush
Mrs. Carol Smith, Secretary/Treasurer

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Mr. Dave Geohegan, AICP
Mr. Jeff Hayes, AICP
Ms. Jan Hancock, Secretary
Mr. Kevin Wall, AICP

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Fred Burch, Chairman

DATE: December 6, 1995

RE: Request of City of Walton to consider an amendment to the Walton Zoning Map as a result of the annexation of a 2 acre tract located on south side of KY 16, Boone County, Kentucky.. The request involves recommending a zoning classification for the site based upon annexation into the City of Walton. The site is currently zoned Industrial One (I-1) and is owned by D&S Enterprises, L.L.C.

REMARKS:

We, the Committee, recommend that the current zoning of Industrial One (I-1) not be changed as a result of annexation of the 2 acre tract into the City of Walton. Based upon the following findings of fact, the Committee can find no impact from annexation upon the current zoning of the property or the surrounding property.

Findings of Fact

1. The 1995 Boone County Comprehensive Plan indicated that the site will be developed for industrial purposes. Specific references to the Comprehensive Plan are made in the November 15, 1995 Staff Report.
2. The site is subject to a previously approved Zoning Map Amendment request and conditions.

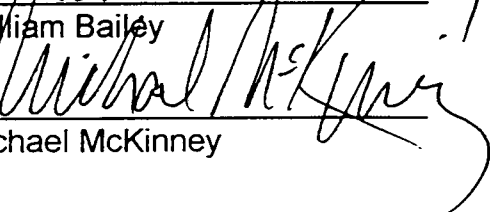
A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request.



 Fred Burch, Chairman




 William Bailey



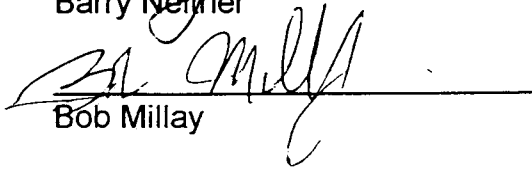
 Michael McKinney



 Phil Damstrom



 Barry Nelmer



 Bob Millay

BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
THIRD FLOOR SMALL COURTROOM 3-B

November 15, 1995

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Staff Member Jeff Hayes presented the Staff Report (see Staff Report).

There being no one present from the City of Walton, Chairman Viox asked if there were any comments from the public or from the Planning Commission.

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Counselor Wilson stated that there was a Committee Report to deny the request, but it was never passed as a recommendation and, instead, the matter was deferred. There was not a second application and the matter continued on being reviewed per the deferral and resulted in the zone change.

Mr. Hayes advised that the zone change was passed by the Fiscal Court in June, 1995. Chairman Viox stated that the Fiscal Court had its own hearing and the zoning was changed. The property has been zoned I-1 since last June and this hearing is to see if the zoning is proper when it is annexed into the City of Walton.

Mr. Collenson questioned the property on either side. Chairman Viox explained that this request involves only the piece of property owned by D & S.

Mr. Dan Childress from D & S Enterprises explained that he applied for annexation to the City of Walton to get water. He was told that the change only affected this property and did not affect any neighbors.

There being no further comments, Chairman Viox stated that the Committee Meeting for this item will be on December 6, 1995 at 7:45 P.M. in this room. This item will be on the Agenda for the Business Meeting on December 6, 1995 at 8 P.M..

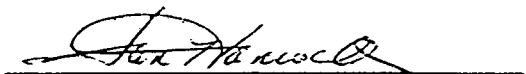
The Chairman closed this Public Hearing.

APPROVED:



William R. Viox, Chairman

Attest:



Jan Hancock, Recording Secretary

Mr. McMillian moved that the salaries, benefits, and bills due be approved and paid as presented; and indicated approval of those items which have been paid. Mr. Ries seconded the motion and it carried unanimously.

ANNOUNCEMENT:

Chairman Viox announced that the next Business Meeting will be held in the renovated courtroom across the hall.

UNFINISHED BUSINESS:

1. Zoning Map Amendment

The request of the City of Walton to consider an amendment to the Walton Zoning Map as a result of the annexation of a 2-acre tract on the south side of KY 16, Boone County, Kentucky. The request involves recommending a zoning classification for the site based upon annexation into the City of Walton. The site is currently zoned Industrial One (I-1) and is owned by D & S Enterprises, L.L.C..

Staff Member Jeff Hayes presented the Committee Report which recommended that the current zoning not be changed as a result of annexation, based on the findings of fact (see Committee Report).

Mr. Damstrom moved to adopt the Committee Report. Mr. Millay seconded the motion.

Chairman Viox asked if there was anyone present from the City of Walton in regard to this request. There was no response.

There being no further comments, Chairman Viox asked for a vote on the motion made by Mr. Damstrom and it carried unanimously.

2. Zoning Map Amendment

The request of the Boone County Historic Preservation Review Board (applicant) for Lowell L. Scott (owner) for a Zoning Map Amendment for Rabbit Hash, a 3.5-acre site located in the vicinity of 10046 Lower River Road, Boone County, Kentucky. The request is to add the Historic District (H) Overlay Zone to the current Rural Suburban Estates/Small Community (RSE/SC) Zone.

Mr. Costello advised that Ms. Cabot was not present due to a car accident today. Mr. Costello presented the Committee Report which recommended approval of the request based on the findings of fact (see Committee Report).

There being no discussion, Mr. Kirby moved by resolution to the Boone County Fiscal Court to approve the request based on the Committee Report. Mr. Neltner seconded the motion and it carried unanimously.

EXHIBIT "C"

10237

BOOK 579 PAGE 74

DEED

RETURN TO:
KENTUCKY LAND TITLE AGENCY
2362 GRANDVIEW DRIVE
FT. MITCHELL, KY 41017

FAIR CASH VALUE
TRANSFER TAX

37.50 *3*

PION: _____
GROUP: 2080
PLAT: _____

Know All Men By These Presents:

That PRESTON ALLEN AND HELEN JANE WALTERS ALLEN, HIS WIFE
A/K/A HELEN WALTERS ALLEN, A/K/A HELEN ALLEN

whose mailing address is: 1909 Sweet Falls Ct. # 108 Ashleys NV. 89128
for and in consideration of THIRTY SEVEN THOUSAND TWO HUNDRED FIFTY DOLLARS AND 00/100
grantees herein, the receipt of which is acknowledged, do bargain, sell, and convey to: *to them paid by the*
gr D & S ENTERPRISES, L.L.C.

heirs and assigns forever, the following described Real Estate, in the City of _____
BOONE
County of ~~Kentucky~~ and Commonwealth of Kentucky, to-wit:

THE FOLLOWING IS A DESCRIPTION OF A PARCEL OF GROUND LYING
AND BEING ON THE SOUTH SIDE OF OLD KENTUCKY ROUTE 16 1.05
MILES NORTH OF WALTON IN BOONE COUNTY, KENTUCKY AND
PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT A P.K. NAIL IN THE CENTER OF OLD KENTUCKY ROUTE
16 NEAR THE INTERSECTION OF NEW KENTUCKY ROUTE 16 AND A
CORNER TO ROBKE; THENCE WITH SAID LINE AND THE R/W OF NEW
KENTUCKY ROUTE 16 S 79 DEGREES 49' E 63.2 FEET TO A POINT;
THENCE WITH THE LINE OF ROBKE, S 8 DEGREES 41' W 290.6 FEET
TO A POST; THENCE S 9 DEGREES 18' W 234.3 FEET TO A STEEL
POST; THENCE WITH A NEW MADE LINE OF THE GRANTORS, N 77
DEGREES 21' W 145.8 FEET TO A STEEL POST; THENCE N 1 DEGREE
15' E 455.0 FEET TO A P.K. NAIL IN THE CENTER OF OLD
KENTUCKY ROUTE 16; THENCE WITH THE CENTER OF SAID ROAD, N 74
DEGREES 14' E 157.8 FEET TO THE PLACE OF BEGINNING,
CONTAINING 2.06 ACRES, MORE OR LESS, EXCLUSIVE OF ALL
RIGHT-OF-WAYS AND EASEMENTS OF RECORD.

BEING THE SAME PROPERTY CONVEYED TO THE GRANTORS HEREIN BY
DEED RECORDED IN DEED BOOK 424 PAGE 258 OF THE BOONE COUNTY
CLERK'S RECORDS AT BURLINGTON, KENTUCKY.

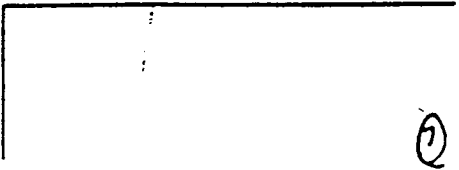
RECORDED
INDEXED
MAY 10 1974
CLERK

PROPERTY ADDRESS: 2 ACRE LOT RT. 16, BOONE COUNTY, KENTUCKY

GRANTEE MAILING ADDRESS: 149 Nicholas Dr, Boone Co, KY 41002

PREPARED BY: *RETURN TO*
Ronald G. Mullen
RONALD G. MULLEN, ATTORNEY
2362 GRANDVIEW DRIVE
FT. MITCHELL, KY 41017

CLERKS USE ONLY



12. wtd

DIETZGEN MASTER FORM 198MF

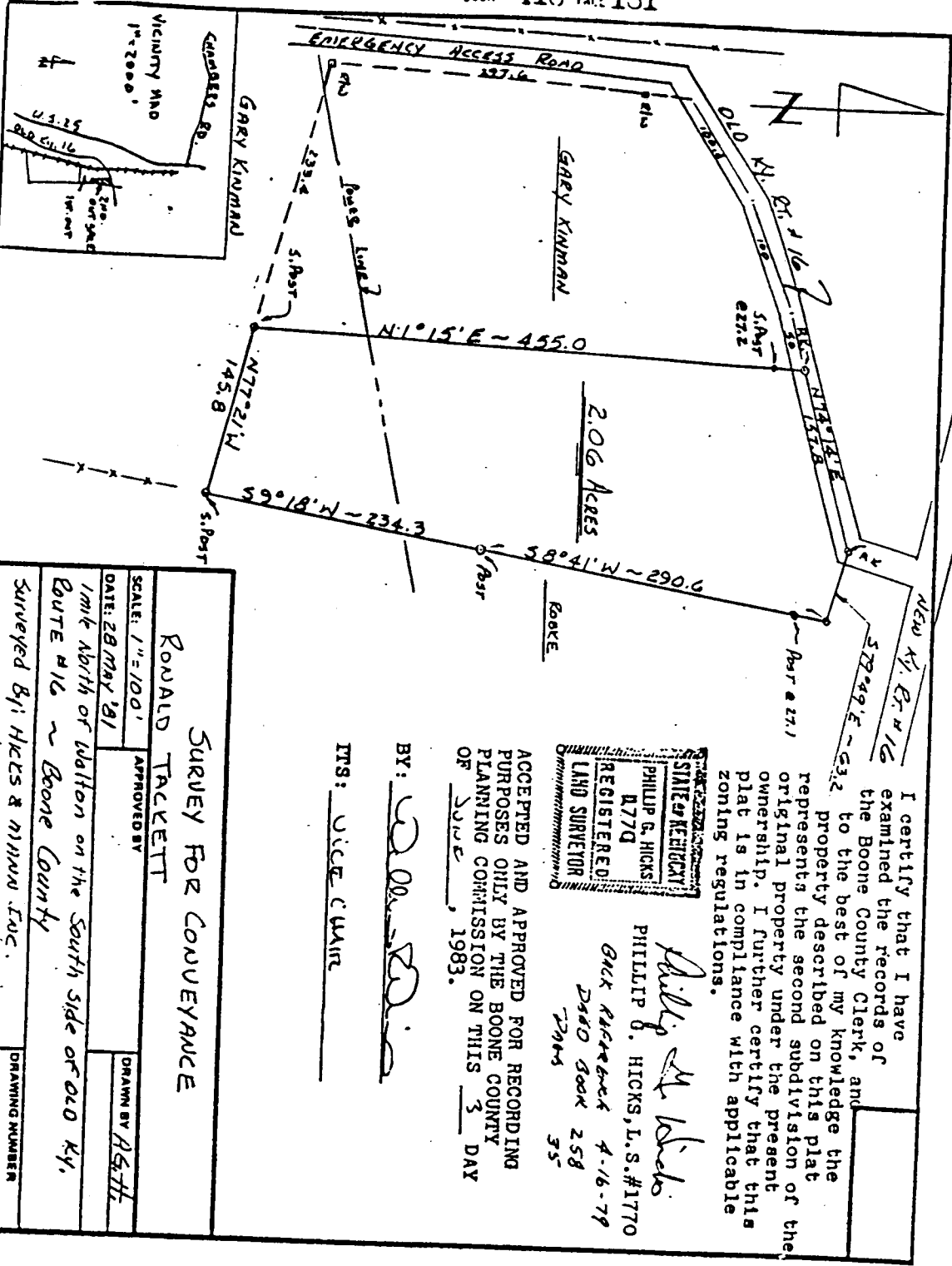


EXHIBIT D

I certify that I have examined the records of the Boone County Clerk, and to the best of my knowledge the property described on this plat represents the second subdivision of the original property under the present ownership. I further certify that this plat is in compliance with applicable zoning regulations.



Phillip G. Hicks
 PHILLIP G. HICKS, L.S.#1770
 GICK REGISTERED 4-16-79
 2580 BOOK 258
 2905 35

ACCEPTED AND APPROVED FOR RECORDING PURPOSES ONLY BY THE BOONE COUNTY PLANNING COMMISSION ON THIS 3 DAY OF June, 1983.

BY: [Signature]
 TMS: VICE CHAIR

SURVEY FOR CONVEYANCE

RONALD TACKETT

SCALE: 1"=100' APPROVED BY _____

DATE: 28 MAY '81 DRAWN BY: RSH

1 mile North of Walton on the South side of Old KY. ROUTE #16 ~ Boone County

Surveyed by: Hicks & Kinman Inc.
 Williamsonstown, Ky. 41077

DRAWING NUMBER: 81-54-B

NOTE:
 IN ACCORDANCE WITH KRS 100.209 (1), THIS MAP IS INCLUDED IN THE ORDINANCE OF ANNEXATION TO SHOW THE ZONING WHICH WILL BE EFFECTIVE FOR THE ANNEXED PROPERTY, NAMELY, INDUSTRIAL ONE (I-1).

State of Kentucky, County of Boone
JERRY W. ROUSE, Clerk of the Boone County
Court, do certify that the foregoing
Deed was, on the 5 day of

July
1945 at 12:30 P. M. lodged in my office
for record, and that it has been duly recorded in
my said office, together with this and the
certificate thereon endorsed.

Given under my hand this 5 day of July
19 45

JERRY W. ROUSE, CLERK
By Jerry Rouse D.C.

Together with all the PRIVILEGES AND APPURTENANCES to the same belonging.

TO HAVE AND TO HOLD the same to the said
GRANTEES AS AFOREMENTIONED

heirs and assigns, forever, the Grantor S heirs, executors and administrators, HEREBY COVENANTING with the grantee S heirs and assigns, that the TITLE so conveyed is CLEAR, FREE AND UNINCUMBERED, and that THEY will WARRANT AND DEFEND the same against all legal claims whatsoever.

IN WITNESS WHEREOF, The said Grantor
PRESTON ALLEN AND HELEN ALLEN, HIS WIFE

hereunto set THEIR hand, this 29TH day of JUNE in the year 1995

<i>Preston Allen</i> PRESTON ALLEN	<i>Helen Walters Allen</i> HELEN WALTERS ALLEN
---------------------------------------	---

State of Kentucky
County of Kenton

The foregoing instrument was acknowledged, subscribed and sworn to before me this 29TH day of JUNE, 1995
by the Grantor

WALTERS
PRESTON ALLEN AND HELEN ALLEN, HIS WIFE

Commission expires: NANCY K. MULLEN
Notary Public, Kentucky, State of Large
My Commission Expires Sept. 24, 1998

Nancy K. Mullen
NOTARY PUBLIC
(Title)

CERTIFICATE OF CONSIDERATION

Grantor and Grantee both certify, under oath, that the consideration reflected in this deed is the full consideration paid for the property and Grantee joins in this deed for the sole purpose of making this certificate about the consideration.

Sworn to this 29TH day of JUNE in the year 1995

GRANTOR	GRANTEE D & S ENTERPRISES, L.L.C.
<i>Preston Allen</i> PRESTON ALLEN	<i>Daniel E. Childress</i> DANIEL E. CHILDRESS, PRESIDENT/MEMBER
<i>Helen Walters Allen</i> HELEN WALTERS ALLEN	<i>Shawn Murray</i> SHAWN MURRAY, VICE PRESIDENT/MEMBER

State of Kentucky
County of Kenton

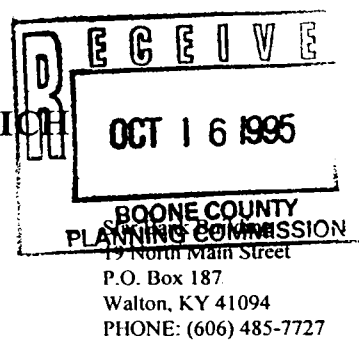
The foregoing certification was acknowledged, subscribed and sworn to before me this 29TH day of JUNE, 1995
by

WALTERS
PRESTON ALLEN AND HELEN ALLEN, HIS WIFE
D & S ENTERPRISES, L.L.C., BY DANIEL E. CHILDRESS, PRESIDENT AND MEMBER
MEMBER AND SHAWN MURRAY, VICE PRESIDENT, PURSUANT TO A DULY AUTHORIZED
CORPORATE RESOLUTION.

Commission expires: NANCY K. MULLEN
Notary Public, Kentucky, State of Large
My Commission Expires Sept. 24, 1998

Nancy K. Mullen
(Title)

MATHIS, DALLAS & FROHLICH
Attorneys at Law



Kevin
Wall
New
Box

Willie Mathis, Jr. P.S.C.
Stephen K. Dallas P.S.C.
Anthony W. Frohlich P.S.C.
Terry R. Edwards P.S.C.
Robert D. Neace P.S.C.
Gregory W. McDowell
Jonathan S. Jennings

Star Bank Building
7992 Dixie Highway
P.O. Box 6205
Florence, KY 41042
PHONE: (606) 525-6161

October 13, 1995

PLEASE REPLY TO: FLORENCE OFFICE

Mr. Kevin Costello, AICP
Executive Director
Boone County Planning Commission
2995 Washington Street
Burlington, KY 41005

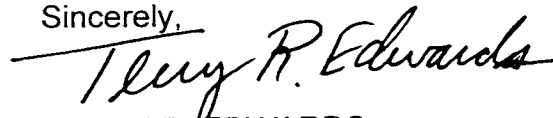
Re: City of Walton Annexation of D & S Enterprises L.L.C. Property

Dear Kevin:

Please note that D & S Enterprises, L.L.C., has requested that the City of Walton annex its property, which is described in Deed Book 579, Page 74, a copy of which is enclosed for your review. In accordance with KRS 81A.420(3) and KRS 100.209, the City of Walton has elected to establish the zoning for the new territory prior to the completion of the annexation. Therefore, the City of Walton respectfully requests the Boone County Planning Commission to follow the procedure outlined in KRS 100.209 to make recommendations as to the zoning regulations which will be effective for the property upon its annexation by the city.

If you have any questions regarding this matter, please contact me. As always, thank you for your assistance and cooperation. Awaiting your reply,

Sincerely,



TERRY R. EDWARDS
Walton City Attorney

TRE:as
enclosures
cc: Mayor Phillip W. Trzop