

REQUEST OF THE CITY OF WALTON, KENTUCKY TO REVIEW THE
EFFECT OF ANNEXATION ON THE ZONING OF 19.9 ACRES
OWNED BY ALONZO AND ELLA JEAN BARKER

MARCH 23, 1988

In accordance with Kentucky Law (K.R.S. 81A.420 and K.R.S. 100.209), the City of Walton has requested the Planning Commission review the effect of annexation, if any, on the zoning of a 19.9 acre site located on the west side of Dixie Highway (U.S. 25) north of the Brookwood Apartments and Chris Chad Subdivision.

The subject property has approximately 600 feet of frontage on the west side of Dixie Highway. There are presently three houses on the 19.9 acre site. The portion of the site which fronts on Dixie Highway is zoned Rural Suburban (RS) (See Attached Map). The site also has frontage on the KY 16 ramp to the bridge over U.S. 25.

Surrounding Land Use and Zoning

North of the subject site, adjacent to Dixie Highway, are two single-family residences in the RS zone. South of the site are the Brookview townhouses, which are zoned Urban Residential One (UR-1) and Chris Chad Subdivision, which is zoned Suburban Residential One (SR-1). Both of these developments are in the City of Walton. There is also a single-family residence in the A-2 zone located between Chris Chad Subdivision and the subject property.

The L & N Railroad is located on the east side of Dixie Highway opposite the site. The remainder of the adjacent properties are zoned A-2. Chambers Road is approximately 1,200 feet north of the subject property.

Purpose of Annexation

The property owner has stated that annexation is requested so that the site may obtain public water and sewer service from the City. In addition, the applicant has stated that additional development may occur on the site in the future. However, the applicant has presented no specific development proposals.

Relationship to the 1986 Boone County Comprehensive Plan

The Future Land Use Map of the Comprehensive Plan indicates the vicinity of the site to be medium density and low density residential uses in the future. In addition, the text of the Plan calls for medium and low density residential development along Chambers Road and Dixie Highway (pages L-22 and 23).

Conclusion

The existing land use on the 19.9 acre site is in conformance with the current Comprehensive Plan and Zoning Regulations, and the annexation request is not the result of a specific proposal for re-development of the site. Therefore, it is staff's opinion that the existing zoning of RS and A-2 is the most appropriate classification for the site at this time.

Respectfully submitted,



Jim Sturdevant,
Plans Examiner/Planner

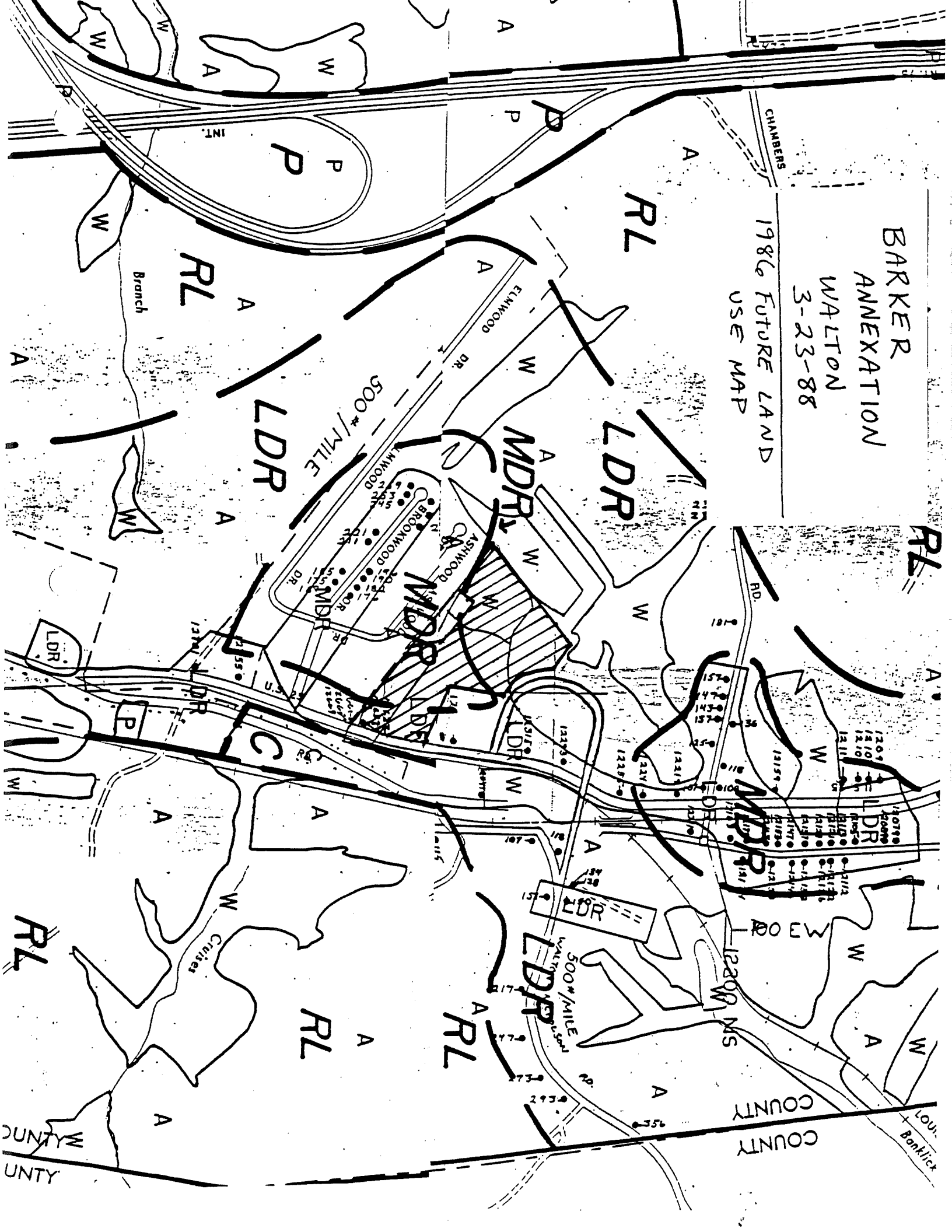
JS:mcb

Attachments

BARKER ANNEXATION

WALTON
3-23-88

1986 FUTURE LAND
USE MAP



WALTON COUNTY

LOUISIANA
Banklick

WALTON COUNTY

EXHIBIT "A"

4395-K

BOOK 355 PAGE 224 DEED

Property Transfer Tax Paid \$ 88.50
JERRY W. ROUSE, Clerk D.C.

KNOW ALL MEN BY THESE PRESENTS:

That

Fred S. Jones and Lucille Jones, his wife

for and in consideration of Eighty-Eight Thousand Five Hundred (\$88,500.00) Dollars

the receipt whereof is hereby acknowledged, do hereby bargain, sell and convey to the said

Alonzo Barker and Ella Jean Barker, his wife, with the remainder in fee simple to the survivor of them, his or her heirs and assigns forever, the following described real estate, lying and being in Boone County, Kentucky to-wit:

Grantee Mailing Address _____ Group No. 211 & 212

Present Street Address U.S. 25, Route 2, Walton, Kentucky Plat No. _____

Lying and being in Boone County, Kentucky and being Lots Nos. Forty-three (43), Forty-four (44), Forty-five (45), Forty-Six (46) Forty-seven (47), Forty-eight (48) and Forty-nine (49) of the Chambers Heights Subdivision, lying on U.S. Highway No. 25, about 1 mile North of Walton, Kentucky as shown by the plat of said subdivision being of record in the office of the Clerk of Boone County at Burlington, in Plat Book No. 1, page 118. All of the lots hereby conveyed are subject to all of the restrictions of record in former deeds.

LESS AND EXCEPTING that portion herein described as follows: Situated in Boone County, Kentucky, just north of the City of Walton and in the vicinity of the intersection of the Louisville & Nashville Railroad and the Cincinnati, New Orleans & Texas Pacific Railroad and being more particularly described as follows: BEGINNING at a point on the existing right of way of US 25, 30 feet left of Station 43+50; thence N 1° 43' 53" W 50.99 feet to a point 40 feet left of Station 44+00 ; thence N 5° 15' 49" E 140.30 feet to a point 50.56 feet left of Station 45+39.90; thence S 80° 25' 17" E and along the grantor's northerly property line 20.56 feet to a point 30 feet left of Station 45+39.90; thence S 9° 34' 43" W and along the existing right of way line 189.90 feet to the point of beginning. The above described property contains 2387 square feet more or less.

Being the same property conveyed to Fred S. Jones and Lucille Jones, recorded in Deed Book _____, Page _____, in the aforesaid Clerk's office.

Being all the same property conveyed to the Grantor s by Lucille Jones and Fred S. by deed dated 21 day of May 1973 and recorded in deed book 203 page 601 Jones, in the office of the Clerk of the Boone County Court, Burlington, Kentucky.

Together with all the privileges and appurtenances to the same belonging. To have and to hold the same to the said

Alonzo Barker and Ella Jean Barker, his wife, with the remainder in fee simple to the survivor of them, his or her

copy

COPY

PARCEL NO. I: GROUP 2078

LOCATED GENERALLY ON THE SOUTHWEST SIDE OF RELOCATED KENTUCKY HIGHWAY #16 AND WEST OF US HIGHWAY #25, NORTH OF WALTON AND DESCRIBED THUS: BEGINNING AT THE INTERSECTION OF THE NORTHWEST LINE OF CHAMBERS HEIGHTS SUBDIVISION (PLAT BOOK 1, PAGE 118), WITH THE SOUTHWEST LINE OF THE ORIGINAL CHAMBERS FARM PROPERTY, SAID POINT BEING THE SOUTHWEST CORNER OF LOT NO. 50 OF SAID SUBDIVISION; THENCE WITH SAID LINE OF SAID SUBDIVISION, NORTH 18°5' EAST 733.41 FEET OR SUFFICIENT TO REACH THE SOUTHWEST RIGHT OF WAY LINE OF SAID RELOCATED HIGHWAY 16; THENCE WITH SAID RIGHT OF WAY LINE, NORTH 44°25' WEST 305.75 FEET; NORTH 15°49' WEST 251.08 FEET, NORTH 8°17' WEST 138.64 FEET TO A CORNER WITH PARCEL 1AX (HIGHWAY D.B. 11, PAGE 190) ACQUIRED BY THE HIGHWAY DEPARTMENT; THENCE WITH THE SOUTHWEST LINE OF SAID PARCEL NORTH 71°4' WEST 167.95 FEET TO THE SOUTHEAST LINE OF A PARCEL OF 13.541 ACRES CONVEYED OUT OF ROGER AUGENSTEIN'S 44.7798 ACRES TRACT; THENCE WITH THE SOUTHEAST LINES OF SAID PARCEL, SOUTH 28°47' WEST 148.77 FEET, SOUTH 39°43' WEST 343.21 FEET, SOUTH 49°10' WEST 478.0 FEET TO THE MOST SOUTHERLY CORNER THEREOF; THENCE WITH THE SOUTHWEST LINE OF SAID 44.7798 ACRES TRACT, SOUTH 54°5' EAST 414.5 FEET TO A CORNER WITH A PARCEL OF 1.64 ACRES CONVEYED OUT OF SAID TRACT; THENCE WITH LINES THEREOF, NORTH 34°21' EAST 150.0 FEET, SOUTH 54°6' EAST 352.17 FEET, SOUTH 24°26' EAST 242.68 FEET, SOUTH 34°8' WEST PASSING POINT "A" AT 15 FEET, A TOTAL DISTANCE OF 30 FEET TO SAID SOUTHWEST LINE OF SAID 44.7798 ACRES TRACT; THENCE THEREWITH, SOUTH 54°5' EAST 119.84 FEET TO THE PLACE OF BEGINNING, CONTAINING 15.1857 ACRES MORE OR LESS.

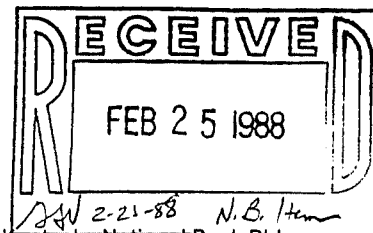
THE ABOVE DESCRIBED PROPERTY IS SUBJECT TO THE RIGHT OF USE OF THE 20-FOOT WIDTH PASSWAY WHICH IS DESCRIBED IN A CONVEYANCE TO OSCAR W. AUGENSTEIN, WHICH IS RECORDED IN DEED BOOK 231, PAGE 205.

ALSO GRANTED HERewith IS THE RIGHT OF USE OF SAID PASSWAY WHICH IS DESCRIBED PARTICULARLY AS FOLLOWS: BEING A PASSWAY 20 FEET IN WIDTH FOR PURPOSES OF EGRESS AND INGRESS TO AND FROM THE ABOVE DESCRIBED PROPERTY TO AND FROM U.S. HIGHWAY #25, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS: BEGINNING AT THE ABOVE DESCRIBED POINT "A;" THENCE SOUTH 54°44' EAST 171.47 FEET TO A POINT; THENCE SOUTH 62°43' EAST 76.38 FEET TO A POINT; THENCE SOUTH 68°48' EAST 167.49 FEET TO A POINT; THENCE SOUTH 63°21' EAST 191.8 FEET TO A POINT IN THE EASTERLY BOUNDARY LINE OF THE GRANTOR'S PROPERTY, THE EAST LINE OF LOT 52 OF CHAMBERS HEIGHTS SUBDIVISION, IN THE WESTERLY RIGHT OF WAY OF U.S. HIGHWAY #25, SAID POINT BEING 10.0 FEET NORTH OF THE SOUTHEAST CORNER OF SAID LOT 52 AND 19.0 FEET SOUTH OF THE CENTERLINE OF AN ELECTRIC RIGHT OF WAY, 15.0 FEET IN WIDTH AND SUBJECT TO ALL EASEMENTS OF RECORD OR IN EXISTENCE.

PARCEL NO. II: GROUP 210²
 BEING ALL OF LOTS 50, 51 AND 52, CHAMBERS HEIGHTS SUBDIVISION, AS SHOWN ON PLAT RECORDED IN PLAT BOOK 1, PAGE 118, BOONE COUNTY CLERK'S RECORDS AT BURLINGTON, KENTUCKY. SAID PARCEL FRONTS 150 FEET ON THE WEST SIDE OF U.S. HIGHWAY #25 AND COMPRISING 1.151 ACRES MORE OR LESS. SAID PARCEL IS SUBJECT TO A 20-FOOT WIDTH RIGHT OF WAY GRANTED TO OSCAR AUGENSTEIN IN DEED BOOK 231, PAGE 205.

OTHER SUPPORTING INFORMATION

MATHIS, DALLAS & FROHLICH
Attorneys at Law



Kentucky National Bank Bldg.
19 North Main Street
Walton, Kentucky 41094
(606) 485-7727

Willie Mathis, Jr., P.S.C.
Stephen K. Dallas, P.S.C.
Anthony W. Frohlich, P.S.C.
David W. Martin, P.S.C.
Terry R. Edwards, P.S.C.

Kentucky National Bank Bldg.
7992 Dixie Highway
P.O. Box 6205
Florence, Kentucky 41042
(606) 525-6161

PLEASE REPLY TO: FLORENCE OFFICE

February 24, 1988

Boone County Planning
And Zoning
ATTN: Gerald Newton

RE: My Client: City of Walton

Dear Gerry:

The City of Walton is planning to annex property owned by Alonzo and Ella Jean Barker. A copy of their deeds are attached hereto. However, as you are aware, KRS 81A.420 provides that the Planning Commission shall conduct a public hearing relative to zoning which will be effective for the annexed area prior to the annexation becoming effective. Therefore, City Counsel has requested that I write you this letter asking that you conduct said public hearing as soon as possible.

If you have any questions, feel free to contact the undersigned.

I remain,

Sincerely,

A handwritten signature in cursive script that reads "Tony".

ANTHONY W. FROHLICH
Attorney for City of Walton

AWF:TK
Encl.
dnr

cc Mayor William King

BOONE COUNTY PLANNING COMMISSION

Public Hearing Item #4
March 23, 1988

Page 1

Following a five-minute recess, Chairman Viox introduced the fourth item on the agenda:

4. Applicant: City of Walton
Request: Annexation

This was a Public Hearing on the request of the City of Walton to annex three parcels of land (an approximate 19.94-acre site) located at 12637 Dixie Highway, Boone County, Kentucky. The site is currently owned by Alonzo and Ella Jean Barker and is zoned Rural Suburban (RS) and Agricultural Estate (A-2). A Public Hearing is to be scheduled to determine the impact of annexation upon the current zoning.

Staff Member, Jim Sturdevant, presented the Staff Report which included a slide presentation (see Staff Report).

Chairman Viox asked if there was a representative of the City of Walton present who wished to speak regarding this request.

The Chairman noted that Ruth Glenn, representing the City of Walton, was present. Mrs. Glenn did not wish to comment at this time.

Chairman Viox asked if there was anyone else present who wished to speak or if there were any questions.

Mr. Sharp noted that there is an area east of the railroad tracks which currently has an industrial use and asked for Staff's comments.

Mr. Sturdevant noted the area indicated by Mr. Sharp and stated that there was an error on the Zoning Map. He noted that there is a small industrial area south and east of the site, across Dixie Highway and the railroad tracks.

Mr. Sharp noted that water is currently under consideration for the area.

Betty Crawford, an adjoining property owner, asked if the property owners had requested annexation.

Mr. Sturdevant stated that he believed the Barkers had asked the City to annex their property.

Mrs. Crawford asked if her property would also be annexed. Chairman Viox stated that he did not believe the request included her property.

Pat Conroy stated that he lives next to the adjoining property and asked if, in the future, the city continues on down the road with the annexation plan, would he be notified.

Counselor Wilson advised Mrs. Crawford that, even though the Commission does not believe that her property is included in the description, she should check with the City of Walton. He advised her that if her property is in the description and she does not want to be annexed to the city, she would have a certain number of days to petition the city. He stated that the annexation procedure is handled by the city and the only reason this matter is before the Commission is to determine whether or not the current zoning would be affected.

In response to Mr. Conroy's question, Counselor Wilson stated that under the current statutes, Mr. Conroy would receive a notice about the Public Hearing on the zoning issue if he was an adjoining property owner.

Mr. Conroy asked if once a parcel was annexed to the city, would the Commission have no further authority regarding future planning and zoning.

Counselor Wilson advised that this is a county-wide Commission and a proposed zone change would still require a Public Hearing before the Commission. The Commission would make a recommendation to the city. He added that if only part of this 19-acre tract was to be rezoned and his property did not abut that part, he may not get a notice.

Mr. George Toonler stated that there are three properties adjoining the site proposed for annexation. He asked if those property owners could stop the annexation.

Counselor Wilson suggested that Mr. Toonler consult the Walton City Attorney or an attorney of his choice in this regard. He added that it is his understanding that you must be a property owner within the area proposed for annexation to oppose the matter.

Mrs. Ruth Glenn stated that Mr. Barker requested annexation and the City has not yet had its first reading. She asked that if the adjoining property owners also wished to be annexed, could they become part of the same request or would another Public Hearing be required.

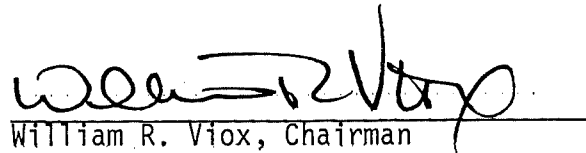
Counselor Wilson stated that there would have to be another Public Hearing properly advertised.

Mr. Don Davis noted that there is property between the parcel proposed for annexation and the city, which will not be in the city. He explained that the city had annexed the right-of-way of U.S. 25 north of the city to Old Chambers Road and, therefore, this parcel is contiguous to the city. He noted that these property owners could request annexation.

Chairman Viox asked if there were any further comments or questions.

There being no further discussion, Chairman Viox stated that this item will be on the Agenda for the Business Meeting on April 6, 1988 at 8 P.M.. He suggested that interested parties check with the Staff in regard to the Committee Meeting. Chairman Viox closed this Public Hearing.

APPROVED:



William R. Viox, Chairman

ATTEST:



Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

April 6, 1988

8:00 P.M.

Mr. William Viox, Chairman, called the meeting to order at 8:00 P.M..

COMMISSION MEMBERS PRESENT:

Mr. Larry Barnett, Vice Chairman
Mr. Fred Burch
Mrs. Rita Bushelman
Mr. Lawrence Collins
Mr. Phil Damstrom
Mr. Melvin DeLong
Mr. R. N. Greene
Mr. Rector Jones
Mr. Don McMillian
Mr. Charles Moore
Mr. Barry Neltner
Mr. Ralph Rush
Mrs. Carol Smith
Mr. William Viox, Chairman

COMMISSION MEMBERS NOT PRESENT:

Mr. Floyd Sharp

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Viox noted that each member had received a copy of the Minutes of the Business Meeting of March 16, 1988 and the Public Hearings of March 23, 1988 and March 30, 1988 and asked if there were any comments or corrections.

There being no changes to the Minutes, Mr. Moore moved that they be approved. Mr. Rush seconded the motion and it carried unanimously.

4. Annexation Request by the City of Walton

A request of the City of Walton to annex three parcels of land (an approximate 19.94-acre site) located at 12637 Dixie Highway, Boone County, Kentucky. The site is currently owned by Alonzo and Ella Jean Barker and is zoned Rural Suburban (RS) and Agricultural Estate (A-2). A Public Hearing has been held to determine the impact of annexation upon the current zoning.

Mr. Gerald Newton, Director, read the Committee Report which indicated that the Annexation of the property should not affect its present zoning, based on the findings of fact (see Committee Report).

Chairman Viox asked if there was anyone present who wished to speak in regard to this item.

Mrs. Thelma Castellini questioned why a matter of annexation would come before the Planning and Zoning Commission. She stated that she thought an annexation matter should go to the voters, but the City of Walton had annexed the right-of-way of the road where no one lives.

Counselor Wilson advised that annexation is a decision of the city involved, but under current State statutes, the matter must be referred to the Commission to determine the effect of annexation upon the current zoning of the property.

In response to further questions from Mrs. Castellini, Counselor Wilson stated that the Commission is only authorized to address the effect of annexation upon the current zoning.

There being no further discussion, Mr. McMillian moved by resolution that the Commission's opinion, as expressed in the Committee Report, be transmitted to the City of Walton. He noted that the Commission is neither approving nor disapproving a zone change. Mr. Greene seconded the motion and it carried unanimously.

6. Zoning Map Amendment

A request of Martin J. Horwitz and William J. Kathman, Jr. (applicants) for Howard and Elaine Beeson (owners) for a Zoning Map Amendment on a 58-acre (approx.) site located south of Mt. Zion Road and east of Highland Acres Subdivision, Boone County, Kentucky. The request is to rezone the site from Suburban Residential One (SR-1) to Commercial Services (C-3) and Urban Residential One (UR-1).

Mr. Gerald Newton, Director, read the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report).

EXHIBIT "B"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Don McMillian, Chairman

DATE: April 6, 1988

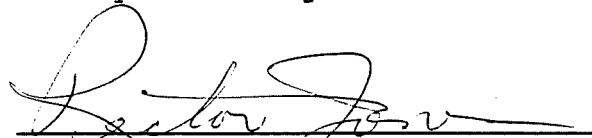
RE: Request of the City of Walton to annex three parcels of land (+19.94 acre site) located at 12637 Dixie Highway, Boone County, Kentucky. The site is currently owned by Alonzo and Ella Jean Barker and is zoned Rural Suburban (RS) and Agricultural Estate (A-2). A Public Hearing has been held to determine the impact of annexation upon the current zoning.

REMARKS:


We, the Committee, recommend that the Annexation of the above property should not effect its present zoning based upon the following findings of fact:

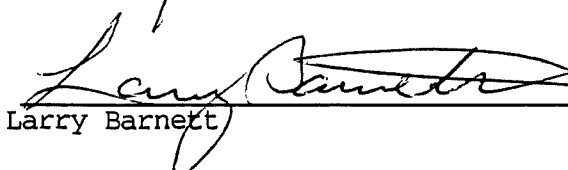
1. The present land use is in conformance with both the present zoning of Rural Suburban (RS) and Agricultural Two (A-2).
2. The present land use is in conformance with the 1986 Boone County Comprehensive Plan which calls for future land uses of medium and low density residential in the vicinity of the subject site.


 Don McMillian, Chairman


 Rector Jones


 Fred Burch


 Carol Smith


 Larry Barnett

/kam

**ORDINANCE NUMBER
1988-9**

AN ORDINANCE ANNEXING CERTAIN UNINCORPORATED TERRITORY LOCATED AT 12637 DIXIE HIGHWAY, WALTON, KENTUCKY, AND ADOPTING THE CURRENT ZONING CLASSIFICATION OF RURAL SUBURBAN (RS) AND AGRICULTURAL ESTATE (A-2). (THE ALONZO BARKER AND ELLA JEAN BARKER PROPERTY.)

WHEREAS, the City has previously enacted Ordinance Number 1988-6 stating its intention to annex the hereinafter described unincorporated territory; and,

WHEREAS, all of the owners of such territory duly waived the time period of protest of K.R.S. 81A.420 (2) and (3), such owners have duly waived the provisions of K.R.S. 81A.460, such owners have consented to annexation and request that the annexation proceed immediately; and,

WHEREAS, pursuant to the recommendation of the Boone County Planning Commission under K.R.S. 81A.420 (1), such territory, upon annexation, shall retain its current zoning classification of Rural Suburban (RS) and Agricultural Estate (A-2).

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WALTON, KENTUCKY, AS FOLLOWS:

SECTION ONE

That the territory described in Exhibit "A" and Exhibit "B," which are attached hereto and incorporated herein by reference, shall be and the same is hereby annexed to the City of Walton, Kentucky.

SECTION TWO

That the Zoning Classification of such territory annexed herein after annexation shall retain its current classification which is Rural Suburban (RS) and Agricultural Estate (A-2). A Plat showing the Zoning Classification for the annexed territory is attached hereto as Exhibit "C" and incorporated by reference herein.

SECTION THREE

That following the enactment and publication of this Ordinance, such territory shall become a part of the City of Walton, Kentucky, for all purposes.

PASSED AND APPROVED UPON FIRST READING THIS, THE 13TH DAY OF JUNE, 1988, BY 6 MEMBERS OF CITY COUNCIL AND ORDERED PUBLISHED AS REQUIRED BY LAW.

PASSED AND APPROVED UPON SECOND READING THIS, THE 27TH DAY OF JUNE, 1988, BY MEMBERS OF CITY COUNCIL AND ORDERED PUBLISHED AS REQUIRED BY LAW.

APPROVED:

/s/William M. King
MAYOR WILLIAM KING

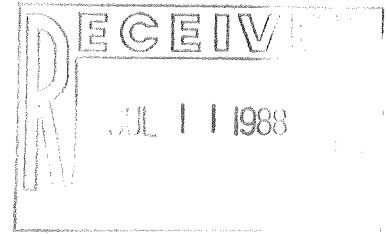
ATTEST:

/s/Ruth Glenn
RUTH GLENN, CITY CLERK

THIS INSTRUMENT PREPARED BY:

/s/Anthony W. Frohlich
ANTHONY W. FROHLICH
Attorney for City of Walton

BCR1T



R-21-88