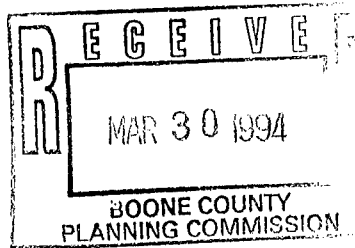


MATHIS, DALLAS & FROHLICH

Attorneys at Law

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.
Robert D. Neace, P.S.C.
Gregory W. McDowell
Jonathan S. Jennings



March 25, 1994

Star Bank Building
19 North Main Street
Walton, Kentucky 41094
(606) 485-7727

Star Bank Building
7992 Dixie Highway
P. O. Box 6205
Florence, Kentucky 41042
(606) 525-6161
FAX: (606) 525-6194

PLEASE REPLY TO: FLORENCE OFFICE

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

Re: **City of Walton Annexation of Albert R. Richard Property**

Dear Kevin:

Enclosed is a copy of an ordinance stating the intention of the City of Walton to annex certain property.

Please note that, in accordance with KRS 81A.420(3) and KRS 100.209, copies of which are enclosed for your review, the City of Walton has elected to establish the zoning for the new territory prior to the completion of the annexation. The relevant language of KRS 81A.420(3) which permits this election is highlighted for your review. Also, the relevant language of KRS 100.209 is highlighted for your review.

Therefore, the City of Walton respectfully requests the Boone County Planning Commission to follow the procedure outlined in KRS 100.209 to adopt a comprehensive plan amendment and to make recommendations as to the zoning or other land use 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

cc: Mayor Phillip W. Trzop

CITY OF WALTON, KENTUCKY
ORDINANCE NO. 1994- 2

AN ORDINANCE STATING THE INTENTION OF THE CITY OF WALTON, KENTUCKY TO ANNEX CERTAIN UNINCORPORATED TERRITORY CONTIGUOUS TO THE PRESENT CORPORATE LIMITS OF THE CITY OF WALTON, KENTUCKY.

WHEREAS, the City Council of the City of Walton, Kentucky desires to annex certain unincorporated territory contiguous to the present corporate limits of the City of Walton, Kentucky; and

WHEREAS, Albert R. Richard being the owner of certain property adjacent to the City of Walton, Kentucky, has consented in writing to the annexation of his property; and

WHEREAS, the owner has waived the time period for a protest of KRS 81A.420(2) and (3) and has waived the provisions of KRS 81A.460, incorporated herein by reference.

NOW, THEREFORE, be it ordained by the City Council of the City of Walton, Kentucky as follows:

SECTION ONE

The City finds that the hereinafter described unincorporated territory is adjacent or contiguous to the boundary of the City of Walton, Kentucky, is urban in character or is suitable for development for urban purposes without unreasonable delay, and is not included within the boundaries of another incorporated city.

SECTION TWO

The City declares it desirable and states its intention to annex the unincorporated territory described in Exhibits A and B attached hereto and incorporated herein by reference as if fully set out herein.

SECTION THREE

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

SECTION FOUR

If any section, paragraph, or clause of this Ordinance be held by a proper Court to be invalid, such invalidity shall not affect the remaining sections, paragraphs, or clauses, it being expressly declared that the remainder of such Ordinance would have been passed despite such invalidity.

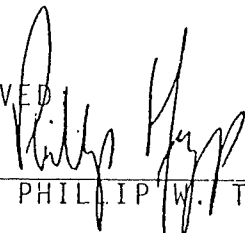
SECTION FIVE

The time period for protest of KRS 81A.460 having been duly waived, the City shall proceed to annex such territory immediately upon enactment and publication of this Ordinance.

FIRST READING: FEBRUARY 14, 1994

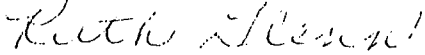
SECOND READING: MARCH 14, 1994

APPROVED:



MAYOR PHILIP W. TRZOP

ATTEST:



RUTH GLENN, CITY CLERK

ORDINANCE SPONSORED BY: JOHN TAYLOR

EXHIBIT A

Group No. 2080

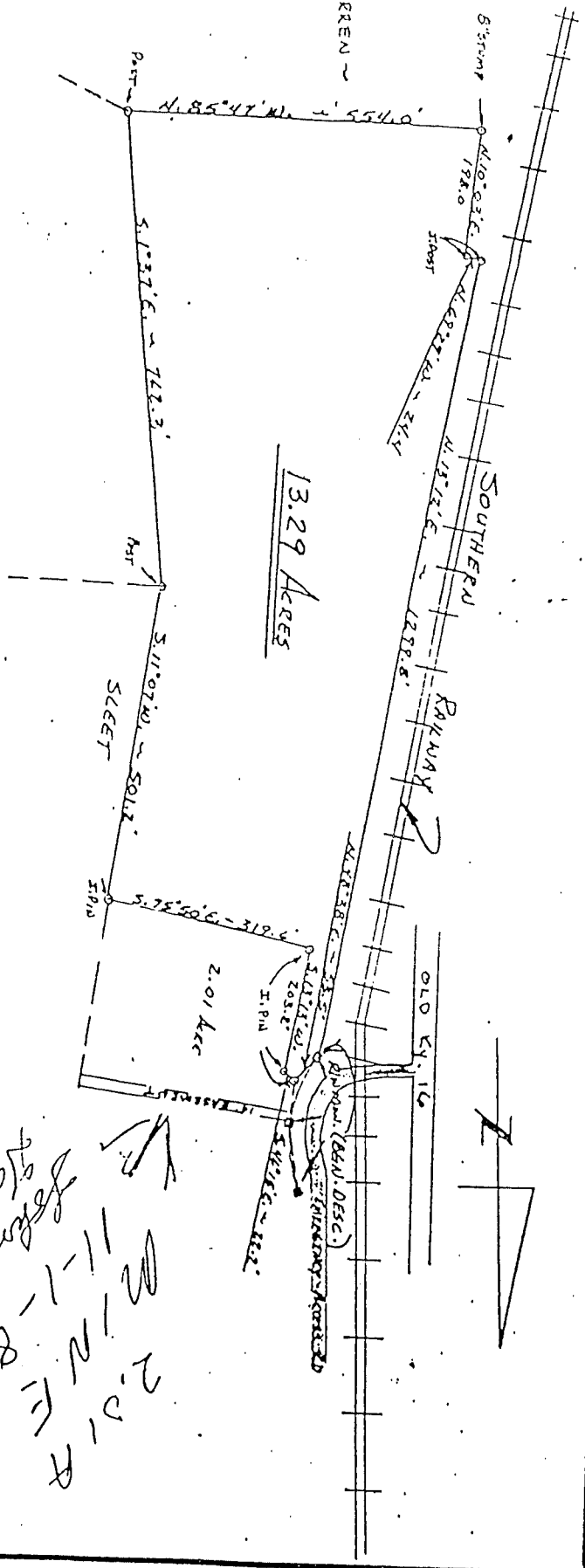
The following is a description of a parcel of ground lying and being on the East side of an Emergency Access Road, 1.0 miles North of Walton in Boone County, Kentucky, and more particularly described as follows:

Beginning at an iron pin in the East right-of-way of an Emergency Access Road and said point also being the Southwest corner of an existing 14 foot wide easement; thence with the right-of-way of said access road, the chord bearing and distance being, S 11-44 W 51.2 feet to an iron pin; thence with new made lines of the Grantors, S 46-15 E 22.2 feet to an iron pin; thence S 13-13 W 203.2 feet to an iron pin being 50 feet East of the Grantors original West line; thence S 75-50 E 319.6 feet to an iron pin in the line of Sleet; thence with said line N 11-07 E 284.0 feet to an iron pin being the Southeast corner of a 14 foot wide easement; thence with the South line of said easement, N 79-01 W 329.9 feet to the place of beginning containing 2.01 acres more or less.

The above description is in accordance with a survey made by Hicks & Mann, Inc. on the 10th day of June, 1983.

Being all of the same property conveyed to Albert R. Richard by Johnny Gault, an unmarried man, by deed dated the 2nd day of October, 1989 and recorded in Deed Book 416, Page 166, Boone County Clerk's Records, Burlington, Kentucky.

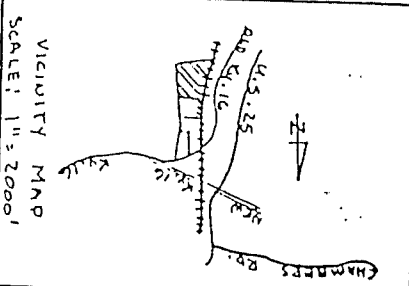
WARREN



13.29 Acres

STATE OF KENTUCKY
 REGISTERED
 1919
 RONNIE L. MANN
 LAND SURVEYOR

STATE OF KENTUCKY
 REGISTERED
 R 779
 PHILIP G. HICKS
 LAND SURVEYOR



SURVEY FOR COVENANCE
RONALD TRACETT for OHANNY TRACETT
 SCALE: 1" = 200'
 DATE: 10 JUNE 1983
 APPROVED BY
 DRAWN BY E.C.M.
 1 mile North of Walton on the East side of the Southern Railway & South of Emergency Access Rd. - Boone Co.
 Surveyed By: Hicks & Mann Inc.
 Williamstown, Ky. 41097
 DRAWING NUMBER
 03-39-A

2.01 Acre
 11-11-83
 W. Williams

EXHIBIT "A"

STAFF REPORT

Request of City of Walton to consider an amendment to the Walton Zoning Map as a result of annexation of a 2.011 acre site located south of Walton-Nicholson Road and east of the Southern Railroad line, Boone County, Kentucky. The request involves scheduling a Public Hearing to recommend a zoning classification for the site based upon annexation into the City of Walton. The current zoning of the property is industrial One (I-1).

May 18, 1994

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 2.011 acre tract is owned by Albert Richard and is located on Walton-Nicholson Road, Boone County, Kentucky (see sheet #1). This site was rezoned by the Boone County Fiscal Court in July of 1993.

Surrounding Zoning and Land Uses. (See Sheet #2)

North: Vacant land zoned Industrial One (I-1);
South: Murphy-Catton Woodworking zoned Industrial One (I-1);
East: Agricultural land zoned Agricultural Estate (A-2);
West: Southern Railroad and residences zoned Suburban Residential One (SR-1) and Rural Suburban (RS).

Relationship to the Comprehensive Plan

The 1990 Boone County Comprehensive Plan Land Use Map indicates the Future Land Use of this site as Industrial. The location of the 2.011 acre tract is adjacent to an existing I-1 use (Murphy-Catton Woodworking) which is located within the City of Walton. The text of the Comprehensive Plan refers to this area in a general way stating "that the Walton area should experience gradual commercial, and industrial growth."

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

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

Staff Review

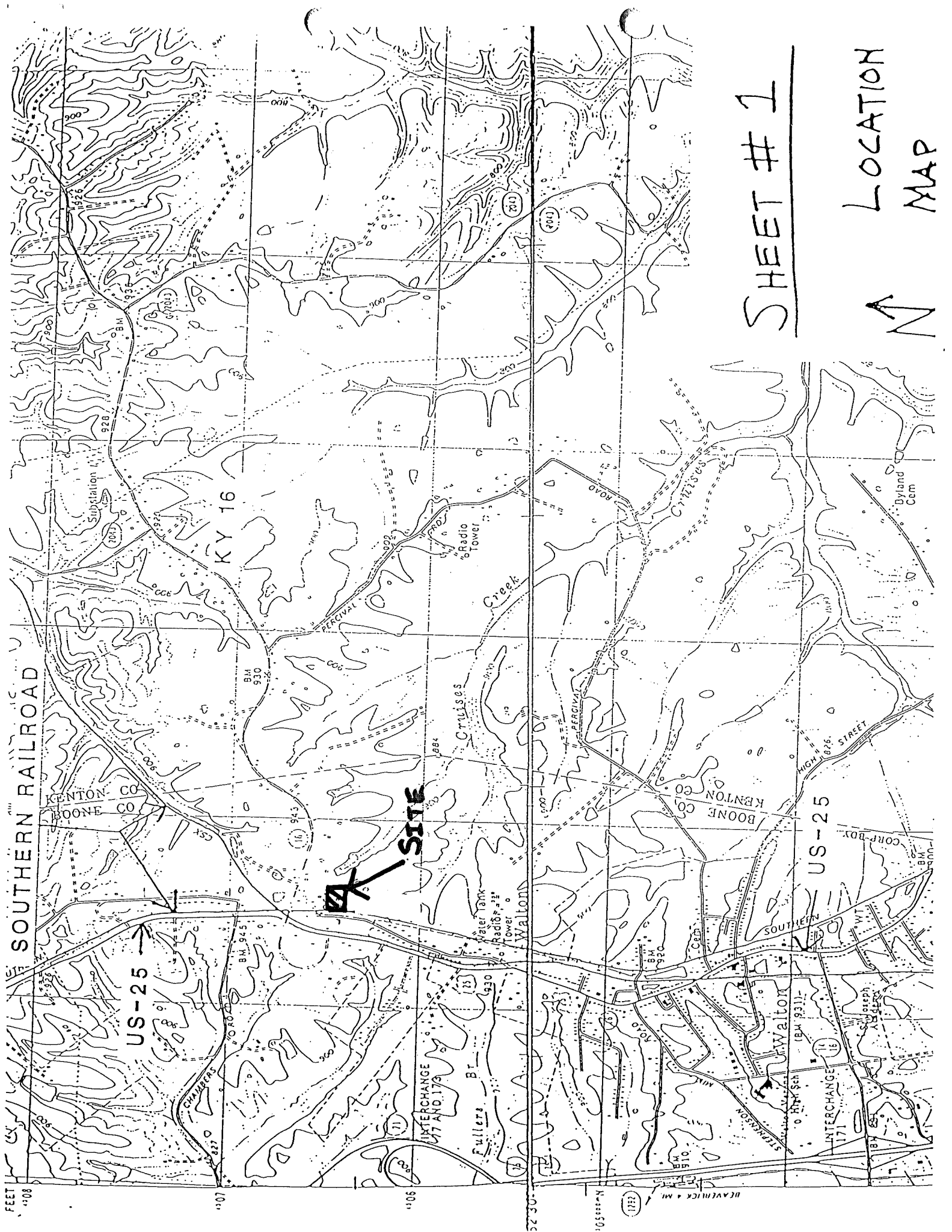
Staff believes that the existing zoning, Industrial One (I-1), on the 2.011 acre tract is consistent with the Comprehensive Plan and the adjacent land uses. The annexation of the site does not necessitate a change in zoning to be in accordance with the 1990 Boone County Zoning Regulations as they pertain 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 property.

Respectfully Submitted,



Jeffrey F. Hayes
Planner I

JFH/par



SHEET # 1

LOCATION
MAP



FEET
1" = 400'

SOUTHERN RAILROAD

US-25

KY 16

★ SITE

INTERCHANGE
177 AND 179

Fullers - Bt

Walton

1771

Walton

US-25

INTERCHANGE
171

Walton

Dyland
Cem

CONF. BLDG.

SOUTHERN

STARKSON

INTERCHANGE
171

Walton

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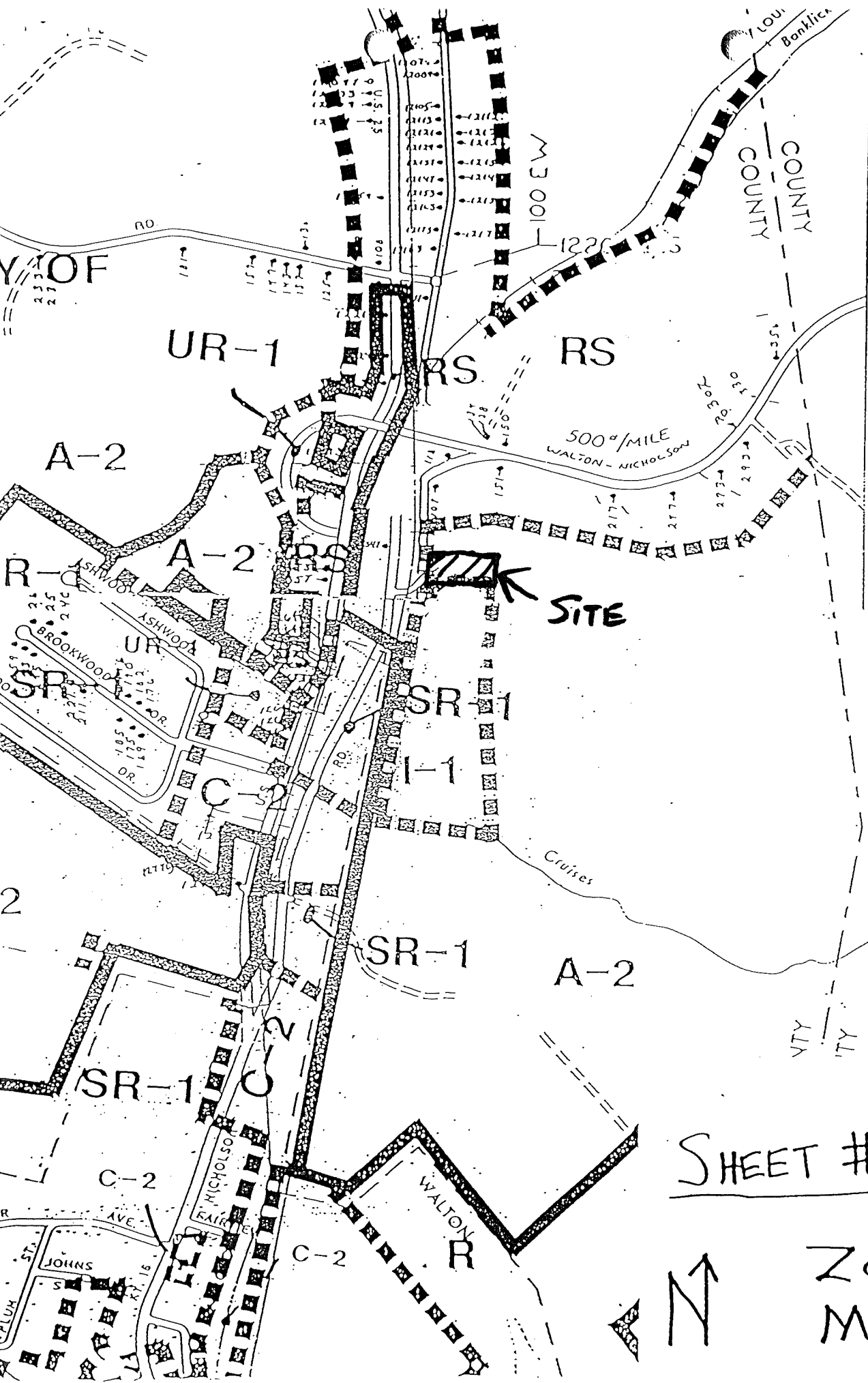
Walton

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SITE

SHEET # 2



ZONING
MAP

PUBLIC HEARING ITEM NO. 3:

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

Following the first Public Hearing, Chairman Viox introduced the third item on the Agenda:

3. Applicant: City of Walton

Request: Annexation

The request of the City of Walton to consider an amendment to the Walton Zoning Map as a result of annexation of a 2.011-acre site located south of Walton-Nicholson Road and east of the Southern Railroad line, Boone County, Kentucky. The request involves scheduling a Public Hearing to recommend a zoning classification for the site based upon annexation into the City of Walton. The current zoning of the property is Industrial One (I-1).

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

Counselor Wilson advised that this is not a zone change request. Under Kentucky law, when a city wishes to annex property, it is their option to have it referred to the Commission for a Public Hearing to see if annexation would have an effect on its current zoning. It is his understanding that neither the city nor the property owner is seeking a zone change.

Chairman Viox asked if there was anyone present from the City of Walton who wished to speak. There was no response.

Chairman Viox asked if there were any comments from the public or from the Commission. There being none, Chairman Viox stated that the Committee Meeting for this item will be on May 23, 1994 at 1 P.M. in the Second Floor Conference Room at the Administrative Building. This item will be on the Agenda for the Business Meeting on June 1, 1994 at 8 P.M..

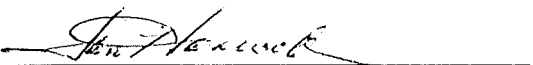
The Chairman closed this Public Hearing.

APPROVED:



William R. Viox, Chairman

Attest:



Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION
BUSINESS MEETING

June 1, 1994
8:00 P.M.

Mr. Barry Neltner, Temporary Presiding Officer, called the meeting to order at 8:10 P.M..

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett
Mr. William Bailey
Mr. Phil Damstrom
Mr. Robert Kirby, Jr.
Mr. Gayle McElroy
Mr. Don McMillian
Mr. Barry Neltner
Mr. Thurman Owens
Mr. Robert Ries
Mr. Ralph Rush
Mrs. Linda Schaffer
Mrs. Carol Smith, Secretary/Treasurer
Mr. William Viox, Chairman
Mr. Earl White

COMMISSION MEMBERS NOT PRESENT:

Mr. Fred Burch, Vice Chairman

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Director
Mr. Dave Geohegan, AICP
Ms. Jan Hancock, Secretary
Mr. Robert Jonas
Mr. Dean Niemeyer

Mr. Costello advised that the Committee Meeting, which is an open meeting, will be next Monday, June 6, 1994, at 1 P.M. in the Ellis Extension Office in the Claxton Room.

Mr. McMillian moved that the request be deferred to the June 15, 1994 Business Meeting. Mr. Owens seconded the motion and it carried unanimously.

2. Zoning Map Amendment

The request of Glenn C. Utz (applicant) for Arlene A. Jones and the Estate of Raymond Beemon (owners) to change the zone from Urban Residential One (UR-1) and Suburban Residential One (SR-1) to Office One (O-1) on a 1.6-acre site located on the south side of Boone Aire Road, just south of KY 18. The request is to allow a professional office building.

Staff Member Dean Niemeyer presented the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report). He advised that the applicant has signed the letter agreeing to the conditions.

Mr. Owens moved by resolution to the Boone County Fiscal Court that the request be approved based on the Staff and Committee Reports. Mrs. Smith seconded the motion.

Mr. Neltner asked for a roll call vote on the motion which found Mrs. Arnett, Mr. Bailey, Mr. Damstrom, Mr. Kirby, Mr. McElroy, Mr. McMillian, Mr. Owens, Mr. Neltner, Mr. Rush, Mrs. Schaffer, Mrs. Smith, and Mr. White in favor. Mr. Ries was opposed. Chairman Viox was not yet present. The motion carried by a vote of 12 to 1.

3. Annexation by the City of Walton

The request by the City of Walton to consider an amendment to the Walton Zoning Map as a result of annexation of a 2.011-acre site located south of Walton-Nicholson Road and east of the Southern Railroad line, Boone County, Kentucky. The request involves scheduling a Public Hearing to recommend a zoning classification for the site based upon annexation into the City of Walton. The current zoning of the property is Industrial One (I-1).

Chairman Viox arrived at this time.

Staff Member Dave Geohegan presented the Committee Report which recommended that the current zoning not be changed as a result of annexation. The Committee finds no impact on the current zoning as a result of the annexation. (See Committee Report).

Mr. Kirby moved by resolution to the City of Walton that the Committee Report be adopted. Mr. Ries seconded the motion and it carried unanimously.

EXHIBIT "B"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Gayle McElroy, Chairman

DATE: June 1, 1994

RE: Request by the City of Walton to consider an amendment to the Walton Zoning Map as a result of annexation of a 2.011 acre site located south of Walton-Nicholson Road and east of the Southern Railroad line, Boone County, Kentucky. The purpose of this request is to determine the impact of annexation upon the current zoning of the property. The current zoning of the property is Industrial One (I-1).

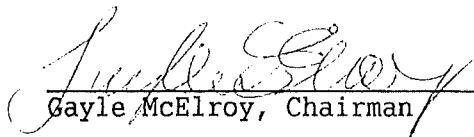
REMARKS:

We, the Committee, recommend that the current zoning of Industrial One (I-1) not be changed as a result of annexation of the 2.011 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 1990 Boone County Comprehensive Plan indicated that the site will be developed for industrial purposes. Specific references to the Comprehensive Plan are made in the May 18, 1994 Staff Report.
2. The site is subject to a previously approved Zoning Map Amendment request and conditions.

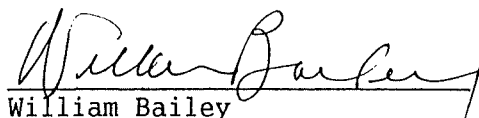
A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request.

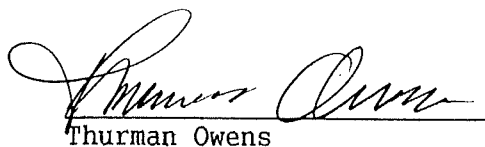

Gayle McElroy, Chairman

Fred Burch


Phil Damstrom

Barry Neltner


William Bailey


Thurman Owens

Boone County Recorder

July 20, 1994

**CITY OF WALTON, KENTUCKY
ORDINANCE NO. 1994- 12**

AN ORDINANCE OF THE CITY OF WALTON, KENTUCKY, APPROVING AND ADOPTING A ZONING CLASSIFICATION FOR CERTAIN PROPERTY THAT HAS BEEN PROPOSED FOR ANNEXATION TO THE CITY OF WALTON, KENTUCKY. (PROPERTY: 2.01 ACRE SITE OWNED BY ALBERT R. RICHARD GENERALLY LOCATED SOUTH OF WALTON-NICHOLSON ROAD AND EAST OF THE SOUTHERN RAILROAD LINE, BOONE COUNTY, KENTUCKY)

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 City of Walton, Kentucky has passed and published Ordinance No. 1994-2 stating its intention to annex certain property generally located south of Walton-Nicholson Road and east of the Southern Railroad line, Boone County, Kentucky; and

WHEREAS, the Boone County Planning Commission as a 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-94-018-A has made its recommendation to the City; and

WHEREAS, KRS 100.209 provides that the city legislative body shall take final action upon the planning commission's recommendation prior to the ordinance of annexation.

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

SECTION I

A certain portion of property owned by Albert R Richard generally located south of Walton-Nicholson Road and east of the Southern Railroad line, Boone County,