

## MINUTES OF MEETING HELD NOVEMBER 14, 2005

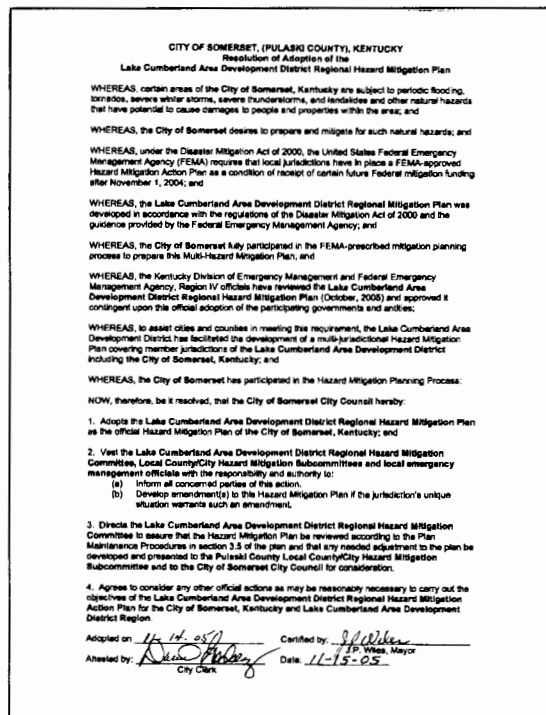
The Common Council of the City of Somerset, Kentucky met in regular session on Monday, November 14, 2005 at 7:00 p.m. with the following present: Mayor JP Wiles. Council Members: Jerry Burnett, Tim Rutherford, Joanne Norfleet, Clarence Floyd, Jerry Wheeldon, Mark Beasley, Jerry Girdler, Charlie New, Donna Hunley, John Minton, Jim Mitchell and Fonda Crawford. City Clerk David Godsey and City Attorney Joe Travis.

Mr. Floyd moved to allow the Police Department to donate sick time for a fellow employee. Mr. Wheeldon seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Burnett, Mr. Rutherford, Mrs. Norfleet, Mr. Floyd, Mr. Wheeldon, Mr. Beasley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, and Mrs. Crawford.

Mrs. Norfleet moved to approve the minutes of the last regular meeting held on October 24, 2005 and the minutes along with the reports to be approved as delivered. Mr. New seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Burnett, Mr. Rutherford, Mrs. Norfleet, Mr. Floyd, Mr. Wheeldon, Mr. Beasley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, and Mrs. Crawford.

Mr. Wheeldon moved to approve all department bills. Mr. Beasley seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Burnett, Mr. Rutherford, Mrs. Norfleet, Mr. Floyd, Mr. Wheeldon, Mr. Beasley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, and Mrs. Crawford.

Mr. New moved to approve the following Resolution adopting the Lake Cumberland Area Development District Regional Hazard Mitigation Plan. Mrs. Crawford seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Burnett, Mr. Rutherford, Mrs. Norfleet, Mr. Floyd, Mr. Wheeldon, Mr. Beasley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, and Mrs. Crawford.



Mrs. Norfleet moved to approve the following Bond Resolution regarding the Beecher House. Mr. Burnett seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Burnett, Mr. Rutherford, Mrs. Norfleet, Mr. Floyd, Mr. Wheeldon, Mr. Beasley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, and Mrs. Crawford.

**BOND RESOLUTION**

WHEREAS, the City of Somerset, Kentucky (the "Issuer") is a city and political subdivision organized and existing under the laws of the Commonwealth of Kentucky; and

WHEREAS, Ky. Rev. Stat. Ann. § 58.020 *et seq.* (the "Act") enables the Issuer to issue its revenue obligations for the purpose of financing any undertaking within the scope of its power in furtherance of the public purpose for which it was created; and

WHEREAS, the Issuer has heretofore adopted a resolution, dated June 27, 2005 (the "Inducement Resolution"), approving in principle the financing of a proposed project in the City of Somerset, Kentucky, and authorizing the execution of this Bond Resolution and the issuance of its tax-exempt and/or taxable obligations in the amount of not to exceed \$1,500,000, for financing the acquisition, development and rehabilitation of the apartment complex known as Beecher House Apartments located at 203 South Main Street, Somerset, Kentucky (hereinafter the "Project"), and the Borrower (hereinafter defined) has represented to the Issuer that its assistance in financing the project is a vital factor in the decision to proceed with the project in the City of Somerset, Kentucky on behalf of Beecher House Partners, LLC, a Kentucky limited liability company, and/or its assigns (the "Borrower"); and

WHEREAS, in accordance with the applicable provisions of the Act, the Issuer, in furtherance of the public purpose for which it was created, proposes to enter into a Loan Agreement (the "Agreement"), dated as of November 1, 2005, or such other date as shall be approved by the Issuer, with the Borrower under terms of which the Issuer agrees to finance, in whole or in part, the cost of acquiring, constructing and installing the Project, all as is more fully set forth in the Agreement for the exclusive use and occupancy of the Borrower, and the Borrower agrees to pay to the Issuer specified payments which will be fully sufficient to pay the principal of and interest on the Bonds hereinafter authorized as the same become due and to pay certain administrative expenses in connection with said Bonds; and

WHEREAS, after study and investigation by the Issuer, it appears to be in the best interest of the citizens of the City of Somerset, Kentucky, that the Agreement be entered into, and the Issuer has found and does hereby declare that the Project constitutes a lawful and valid public purpose in that it will further the public purpose intended to be served by the Act; and

WHEREAS, a feasible method of financing the Project is by the issuance and sale of the City of Somerset, Kentucky Multifamily Housing Mortgage Revenue Bonds

(Beecher House Partners, LLC Project), Series 2005 (hereinafter the "Bonds") to be issued in an aggregate amount not to exceed \$1,500,000; and

WHEREAS, under the terms of the Agreement, the Issuer will receive payments from the Borrower, which said payments shall be assigned and pledged, together with the Agreement itself, and other "Pledged Revenues" (defined in the Agreement) as security for the payment of the principal of, prepayment premium (if any) and interest on, the Bonds; and

WHEREAS, as security for the payment of the Bonds, the Borrower will convey title to and grant a security interest in the Project to the Issuer by a Mortgage and Security Agreement (the "Security Agreement"), dated as of November 1, 2005, or such other date as shall be approved by the Issuer; and

WHEREAS, the Issuer and Bank of Oklahoma, N.A., Tulsa, Oklahoma, or such other trustee as shall be approved by the Issuer (the "Trustee") will enter into a Trust Indenture, dated as of November 1, 2005, or such other date as shall be approved by the Issuer, hereinafter the "Trust Indenture", containing the terms of the Bonds and setting forth in detail the terms under which the Bonds are to be issued;

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. **Authority for Bond Resolution.** This Bond Resolution is adopted pursuant to the provisions of the Act.

Section 2. **Findings.** It is hereby ascertained, determined and declared that:

(a) the financing of the Project is a lawful and valid public purpose in that it will further the public purpose intended to be served by the Act;

(b) the payments to be received by the Issuer under the Agreement will be fully sufficient to pay the principal of and interest on, the Bonds as the same become due and to pay certain administrative expenses in connection with the Bonds; and

(c) the Bonds will constitute only a limited obligation of the Issuer and will be payable solely from the Pledged Revenues to be assigned and pledged to the payment thereof and will not constitute a debt or a general obligation or a pledge of the faith and credit of the Issuer, Commonwealth of Kentucky or any political

Page 2

subdivision thereof, including Pulaski County, Kentucky, and will not directly, indirectly, or contingently obligate the Issuer, said Commonwealth or any political subdivision thereof, including said County, to levy or to pledge any form of taxation whatever for the payment thereof.

Section 3. **Authorization of the Financing of the Project.** The financing of the Project as contemplated in the Agreement is hereby authorized.

Section 4. **Authorization of Bonds.** For the purpose of financing the cost, in whole or in part, of the Project, the issuance of revenue bonds of the Issuer known as "City of Somerset, Kentucky Multifamily Housing Revenue Bonds (Beecher House Partners, LLC Project), Series 2005" is hereby authorized. The Bonds shall be dated, mature, bear interest, be subject to prepayment prior to maturity and be payable as set forth in the Agreement. The Bonds shall be issued as fully registered taxable and/or tax exempt Bonds in the denominations and face amounts (the aggregate of which shall not exceed \$1,500,000), set forth in the Agreement and with such rights of transfer and executed in the manner provided in the Agreement.

Section 5. **Authorization of Agreement.** The execution, delivery and performance of the Agreement between the Issuer and the Borrower are hereby authorized. The Agreement shall be in substantially the form submitted to this meeting, subject to such minor changes, insertions or omissions as may be approved by the Mayor of the Issuer, and the execution of the Agreement by the Mayor and Clerk of the Issuer as hereby authorized shall be conclusive evidence of any such approval.

Section 6. **Approval of Security Agreement.** The form of the Security Agreement from the Borrower to the Issuer is hereby approved. The Security Agreement shall be in substantially the form submitted to this meeting, subject to such minor changes, insertions or omissions as may be approved by the Mayor of the Issuer, and the execution of the Security Agreement by the Mayor and Clerk of the Issuer as hereby approved shall be conclusive evidence of any such approval.

Section 7. **Authorization of Trust Indenture.** In order to secure the payment of the principal of and interest on, the Bonds herein authorized, the execution, delivery and performance of the Trust Indenture by and between the Issuer and the Trustee are hereby authorized. The Trust Indenture shall be in substantially the form submitted to this meeting, subject to such minor changes, insertions or omissions as may be approved by the Mayor of the Issuer and the execution of the Assignment by the Mayor and Clerk of the Issuer as hereby authorized shall be conclusive evidence of any such approval.

Page 3

Section 8. **Authorization of Sale of Bonds.** The sale of the Bonds to Bergen Capital, Inc., or such other underwriter as shall be approved by the Issuer (the "Underwriter"), as provided in the Agreement, is hereby approved.

Section 9. **Validation and Confirmation of Inducement Agreement.** The execution and subsequent delivery on behalf of the Issuer of the Inducement Agreement with respect to the Issuer's agreement in principle to finance the Project are hereby ratified and confirmed.

Section 10. **Non-Arbitrage Certification.** Any officer of the Issuer is hereby authorized to execute a non-arbitrage certification in order to comply with Section 148 of the Internal Revenue Code of 1986, as amended, and the applicable Income Tax Regulations thereunder.

Section 11. **No Personal Liability.** No stipulation, obligation or agreement herein contained or contained in the Agreement or the Trust Indenture shall be deemed to be a stipulation, obligation or agreement of any officer, director, agent or employee of the Issuer in his individual capacity, and no such officer, director, agent or employee shall be personally liable on the Bonds or be subject to personal liability or accountability by reason of the issuance thereof.

Section 12. **Indemnification.** Issuance of the Bonds is conditioned upon the inclusion of Section 410 entitled "Indemnification of Issuer and Trustee" in the terms of the Trust Indenture.

Section 13. **General Authority.** From and after the execution and delivery of the documents heretofore authorized, the proper officers, directors, agents and employees of the Issuer are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of said documents as executed and are further authorized to take any and all further actions and execute and deliver any and all other documents and certificates as may be necessary or desirable in connection with the issuance of the Bonds and the execution and delivery of the Agreement and the Trust Indenture and to documents compliance with the provisions of Section 103 of the Internal Revenue Code of 1986, as amended, it being the intent herein to clothe said officials with broad and plenary powers in the premises.

The Mayor and Clerk of the Issuer are hereby authorized and directed to prepare and furnish to the purchaser or purchasers, when the Bonds are issued, certified copies of

Page 4

all the proceedings and records of the Issuer relating to the Bonds, and such other affidavits and certificates as may be required to show the facts relating to the legality and marketability of the Bonds as such facts appear from the books and records in the officers' custody and control or as otherwise known to them, and all such certified copies, certificates and affidavits, including any heretofore furnished, shall constitute representations of the Issuer as to the truth of all statements contained therein.

Section 14. **Actions Approved and Confirmed.** All acts and doings of the officers of the Issuer which are in conformity with the purposes and intent of this Bond Resolution and in the furtherance of the issuance of the Bonds and the execution, delivery and performance of the Agreement and the Trust Indenture shall be, and the same hereby are, in all respects approved and confirmed.

Section 15. **Severability of Invalid Provisions.** If any one or more of the agreements or provisions herein contained shall be held invalid, then such covenants, agreements or provisions shall be null and void and shall be deemed separable from the remaining agreements and provisions and shall in no way affect the validity of any of the other agreements and provisions hereof or of the Bonds authorized hereunder.

Section 16. **Repealing Clause.** All resolutions or parts thereof of the Issuer to conflict with the provisions herein contained are, to the extent of such conflict, hereby superceded and repealed.

Section 17. **Effective Date.** This Bond Resolution shall take effect immediately upon its adoption.

ADOPTED on the 14<sup>th</sup> day of November, 2005.

CITY OF SOMERSET, KENTUCKY

By:   
Mayor

(SEAL)

Attest:  
Clerk

Page 5

Mr. Floyd moved to refund the following amount paid on 2004 taxes: Robinson, Ruth Revocable, 145 Murfield Dr. Somerset, KY in the amount of \$54.33 for a Homestead Exemption. Mrs. Norfleet seconded the motion. Upon roll call the following Council Members voted “Aye”: Mr. Burnett, Mr. Rutherford, Mrs. Norfleet, Mr. Floyd, Mr. Wheeldon, Mr. Beasley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, and Mrs. Crawford.

City of Somerset

400 East Mt. Vernon Street  
P.O. Box 989  
SOMERSET, KENTUCKY 42502  
(606)78-6366  
(606)78-2481 (FAX)

JP Wiles  
Mayor

David Godsey  
City Clerk

4446702

Refund 2004

To DAVID GODSEY, School Tax Collector

Credit: Robinson, Ruth Revocable

Address: 145 Murfield Dr. Somerset, KY

VALUATION: \$ 6,000 Real Estate

who has been assessed for Somerset City School Taxes for the year of 2004

The reason for this credit is: Homestead Exemption

Date: 11/2/05 By: [Signature] PTA

November 2, 2005

Somerset City Council  
City Hall  
400 E. Mt. Vernon Street  
Somerset, Kentucky 42501

Dear Councilors:

I am writing in behalf of Robinson, Ruth Revocable, 145 Murfield Dr., Somerset, KY who is requesting a refund on their previously paid 2004 City taxes. Mr. T.W. Todd, Property Valuation Administrator, has issued a credit slip for a Homestead Exemption in the amount of \$54.33. The amount of refund due is \$54.33. Thank you.

Sincerely,  
[Signature]  
David Godsey  
City Clerk

Equal Opportunity Employer M/F/D (606)78-6176 (TDD)

Mr. Rutherford moved to refund the following amount paid on 2004 taxes: Fields, Josephine and Liberty, 2779 S. Meridian Rd., Walbuh, IN in the amount of \$11.64 for wrong district entered in computer by PVA. Mrs. Norfleet seconded the motion. Upon roll call the following Council Members voted “Aye”: Mr. Burnett, Mr. Rutherford, Mrs. Norfleet, Mr. Floyd, Mr. Wheeldon, Mr. Beasley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, and Mrs. Crawford.

City of Somerset

400 East Mt. Vernon Street  
P.O. Box 989  
SOMERSET, KENTUCKY 42502  
(606)78-6366  
(606)78-2481 (FAX)

JP Wiles  
Mayor

David Godsey  
City Clerk

245-7850-01 2004

To DAVID GODSEY, School Tax Collector

Credit: Fields, Josephine & Liberty

Address: 2779 S. Meridian Rd. Walbuh, IN

VALUATION: \$ 6,000 Real Estate

who has been assessed for Somerset City School Taxes for the year of 2004

The reason for this credit is: Wrong District

Date: 11/2/05 By: [Signature] PTA

November 3, 2005

Mr. Wilson Sears, Superintendent  
Somerset Board of Education  
305 College Street  
Somerset, Kentucky 42501

Dear Mr. Sears:

I am writing in behalf of Fields, Josephine & Liberty, 2779 S. Meridian Rd., Walbuh, IN who is requesting a refund on their previously paid 2004 Somerset Independent School taxes. Mr. T.W. Todd, Property Valuation Administrator, has issued a credit slip for wrong district entered in computer in the amount of \$6.00. The amount of refund due is \$22.52. Thank you.

Sincerely,  
[Signature]  
David Godsey  
City Clerk

Equal Opportunity Employer M/F/D (606)78-6176 (TDD)

Second reading was given the following Ordinances; 05-12, 05-13, 05-14, and 05-15.

ORDINANCE NO. 05-12

AN ORDINANCE AMENDING ORDINANCE NO. 00-18, KNOWN AS THE ZONING ORDINANCE AND ALTERING THE ZONING MAP, BY CHANGING A BOUNDARY OF LAND NOW ZONED R-2 TO B-2.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOMERSET, KENTUCKY:

That Ordinance No. 00-18, known as the Zoning Ordinance, Somerset, Kentucky, be and the same is hereby amended by altering the Zoning Map in the following manner:

I. By changing the following boundary of land being zoned R-2 to B-2.

TRACT V (Owens Property)

One certain parcel of land located in Somerset, Pulaski County, Kentucky, off Monticello Street and bounded as follows:

BEGINNING on Mary Denham's S.E. corner in said road; thence south course with said road 142 feet to S.A. Newell's corner, thence with S.A. Newell's line 438 feet to Fannie Denham's line; thence her line a northeast course 142 feet to a stone in same; thence to Mary Denham's southeast corner; thence her line to the beginning.

THERE IS EXPECTED from the foregoing that part sold to Clint Canada and Allen Canada, January 6, 1949, and recorded in Deed Book 163, Page 154, Pulaski County Court Clerk's Office, Kentucky, which is bounded as follows:

A certain tract of land lying and being in Pulaski County, City of Somerset, Kentucky and bounded as follows:

BEGINNING on the north side of Monticello Street at the SE corner of Witt Lee property; thence a northern direction and with his line 145 feet to a stone; thence at

right angles 142 feet more or less to a stone in J.P. Sear's line; thence a southern direction with J.P. Sear's line 155 feet more or less to a stone at the north edge of Monticello Street; thence a western direction with Monticello Street 142 feet more or less to the beginning.

TRACT VIII (Ray Property)

A certain tract or parcel of land located and being in Somerset, Pulaski County, Kentucky, and bounded and described as follows, to-wit:

BEGINNING at a stone at the corner of the Fred Burns lot on Monticello Street, and running thence with said lot to the Silvers' line; thence with the Silvers' line to the Silvers' northeast corner; thence west with Silvers' line and the James Roy line to Dr. Scott line; thence with the Scott line to a 16 foot alley; thence eastward with said alley to the Burns' line; thence with the Burns' line to the beginning.

TRACTS I, II, III, IV, V, VI, VII, & VIII being the same property conveyed to Stewart Development, Inc. a Kentucky corporation, by Deed of conveyance dated the 30th day of July, 2001 from Dean Stewart (a/k/a R. Dean Stewart) and Carolyn F. Stewart, husband and wife, and Stewart Development, Inc. a Kentucky corporation, of Record in Deed Book 582, Page 218, Pulaski County Court Clerk's Office, Kentucky.

TRACT X (Kordasch Property)

Two certain tracts or parcels of land lying and being in Somerset, Pulaski County, Kentucky on the west side of Monticello Street, the same lying together and constituting one boundary of land, but individually described as follows:

Beginning at W.D. Hall's northeast corner, a stone in the Somerset and Monticello Street or road, and running northeast to a gate post, corner to Gilbert Waddle lot; thence with his line to a stone in Fanny Denham's line; thence her line to W.D. Hall's corner; thence with his line to the beginning.

ALSO:

A certain strip of land lying next to the house and lot of Fred Burns on Monticello Street in Somerset, Kentucky said strip of land 10 feet in width and beginning at a point 10 feet from the property formerly owned by W. L. Brown and running; thence to the rear end of the property formerly owned by said Brown at which end it is in width 1 1/4 feet from the corner of said property and thence with the divisional line between property formerly owned by said Brown and Fred Burns at their corner; thence 10 feet to the beginning, said 10 feet in width on Monticello Street and 1 1/2 feet at the rear of the lot formerly owned by the said Brown and the line so called for herein shall conform to said width at front and back of said lot.

THERE IS EXCLUDED from the above tract of land that portion which has been deeded to the Kentucky Transportation Cabinet (Kentucky Highway Department), of Record in road Deed Book 20, Page 214, Pulaski County Court Clerk's Office, Kentucky.

BEING the same property, conveyed to Stewart Development, Inc. a Kentucky corporation, by Deed of Conveyance dated the 31st day of December 2003, from Dean Stewart and Carolyn F. Stewart, husband and wife, of Record in Deed Book 729, Page 697, Pulaski County Clerk's Office, Kentucky.

TRACT XI (Garrett Property)

A certain lot or parcel of land lying and being in the City of Somerset, Pulaski County, on the west side of Monticello Street, and fronting on Monticello Street 80 feet and running back 147 feet, and bounded as follows, to wit:

BEGINNING on the west side of Monticello Street at Schuyler Hall's corner, running southwardly with said street 80 feet to Luroy's corner; thence her line 147 1/2 feet to a stake; thence northwardly parallel with the first line 80 feet to Schuyler Hall's lot; thence 147 1/2 feet

eastwardly to the beginning.

BEING the same property conveyed to Stewart Development, Inc. a Kentucky corporation, by Deed of Conveyance dated the 23rd day of June, 2003 from Samantha Garrett, a single woman, et al, of Record in Deed Book 716, Page 293, Pulaski County Court Clerk's Office, Kentucky.

II. The City Clerk of the City of Somerset, Kentucky is hereby authorized to alter the Zoning Map to reflect said change.

III. This Ordinance shall be in full force and effect from and after adoption.

FIRST READING: October 24, 2005

SECOND READING: November 14, 2005

APPROVED:

MAYOR

ATTEST:

CITY CLERK

APPLICATION FOR ZONING AMENDMENT/DEVELOPMENT PLAN APPROVAL TO THE SOMERSET PLANNING COMMISSION

APPLICATION NO. 05-02

THE UNDERSIGNED OWNER(S) OF THE FOLLOWING LEGALLY DESCRIBED PROPERTY REQUEST THE CONSIDERATION OF CHANGE IN ZONING DISTRICT CLASSIFICATION APPROVAL OF DEVELOPMENT PLAN AS SPECIFIED BELOW:

1. NAME OF APPLICANT: Stewart Development

2. MAILING ADDRESS: 145 Monticello St. (BUSINESS)

3. PHONE NUMBER (HOME): \_\_\_\_\_ (BUSINESS)

4. PROPERTY OWNER: Same as above

5. LOCATION DESCRIPTION: Monticello Street

6. EXISTING USE: Vacant Land

7. PROPOSED USE: Commercial Property

8. PRESENT ZONING DISTRICT: R-2

9. PROPOSED ZONING DISTRICT: R-2

SUPPORT INFORMATION: ATTACH THE FOLLOWING ITEMS TO THE APPLICATION:

A. A VICINITY MAP SHOWING PROPERTY LINES, STREETS, AND EXISTING PROPOSED ZONING.

B. A LIST OF ALL PROPERTY OWNERS AND THEIR MAILING ADDRESSES WITHIN CONTIGUOUS TO, AND DIRECTLY ACROSS THE STREET FROM THE PROPOSED RE-ZONING.

C. FEES AS REQUIRED.

D. LEGAL DESCRIPTION.

DATE: 9/13/05 APPLICANT SIGNATURE: Dean Stewart

FOR OFFICIAL USE ONLY PLANNING COMMISSION

DATE FILED: 9-13-05 DATE OF NOTICE IN NEWSPAPER: \_\_\_\_\_ FEE PAID: 402.00

DATE OF NOTICE TO PROPERTY OWNER: 9-13-05 DATE OF PUBLIC HEARING: 9-27-05

RECOMMENDATION OF PLANNING COMMISSION: APPROVAL \_\_\_\_\_ DENIAL \_\_\_\_\_

REASON FOR RECOMMENDATION: \_\_\_\_\_

DATE: 9-13-05 PLANNING COMMISSION CHAIRMAN: Dean Stewart

FOR OFFICIAL USE ONLY (LEGISLATIVE AUTHORITY)

DATE OF RECOMMENDATION RECEIVED: \_\_\_\_\_

ACTION BY LEGISLATIVE AUTHORITY: APPROVED \_\_\_\_\_ DENIAL \_\_\_\_\_

IF DENIED, REASON FOR DENIAL: \_\_\_\_\_

DATE: \_\_\_\_\_ CLERK: \_\_\_\_\_

NOTE: THREE COPIES OF THIS FORM AND SUPPORTING INFORMATION MUST BE FILED WITH THE SOMERSET PLANNING COMMISSION. APPLICATION MUST BE RETURNED TO THE OFFICE OF CODE ENFORCEMENT 4 WEEKS PRIOR TO MEETING DATE.

ORDINANCE NO. 08-13

AN ORDINANCE AMENDING ORDINANCE NO. 00-18, KNOWN AS THE ZONING ORDINANCE AND ALTERING THE ZONING MAP, BY CHANGING A BOUNDARY OF LAND NOW ZONED A-1 TO B-2.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOMERSET, KENTUCKY:

That Ordinance No. 00-18, known as the Zoning Ordinance, Somerset, Kentucky, be and the same is hereby amended by altering the Zoning Map in the following manner:

I. By changing the following boundary of land being zoned A-1 to

B-2.

A certain tract or parcel of land lying and being in Pulaski County, Kentucky, and being more particularly bounded and described as follows to-wit:

BEGINNING at a power pole on north side of drive and being in line with parent tract; thence N 4 degrees 30' 28" E 211.04 feet to a post in fence; thence N 82 degrees 42' 09" W 131.68 feet to an iron pin; thence S 23 degrees 47' 49" W 61.57 feet to an iron pin at the end of a sidewalk; thence S 0 degrees 19' 21" W 187.28 feet to an iron pin; thence N 83 degrees 16' 19" E 140.89 feet to the point of beginning containing 07.577 acres, more or less, as surveyed by Wilson & Associates, Somerset, Kentucky.

BEING the same property conveyed to THE Paul and Juanita Hall Family Limited Partnership by Deed of Conveyance dated the 6<sup>th</sup> day of August, 1997, from Paul Hall and Juanita Hall, husband and wife, of Record in Deed Book 603, Page 405, Pulaski County Court Clerk's Office, Kentucky.

II. The City Clerk of the City of Somerset, Kentucky is hereby authorized to alter the Zoning Map to reflect said change.

III. This Ordinance shall be in full force and effect from and after adoption.

FIRST READING: October 24, 2005

SECOND READING: November 14, 2005

APPROVED:

MAYOR

ATTEST:

CITY CLERK

APPLICATION FOR ZONING AMENDMENT/DEVELOPMENT PLAN APPROVAL  
TO THE  
SOMERSET PLANNING COMMISSION

APPLICATION NO. 08-08

THE UNDERSIGNED OWNER(S) OF THE FOLLOWING LEGALLY DESCRIBED PROPERTY REQUEST THE CONSIDERATION OF CHANGE IN ZONING DISTRICT CLASSIFICATION APPROVAL OF DEVELOPMENT PLAN AS SPECIFIED BELOW:

1. NAME OF APPLICANT: Stewart Development (Down Street)

MAILING ADDRESS: 741 Monticello St

PHONE NUMBER (HOME): (BUSINESS)

PROPERTY OWNER: Same as above

LOCATION DESCRIPTION: 1854 Tucker Lane

EXISTING USE: Residential

PROPOSED USE: Commercial Use

PRESENT ZONING DISTRICT: A-1

PROPOSED ZONING DISTRICT: B-2

SUPPORT INFORMATION: ATTACH THE FOLLOWING ITEMS TO THE APPLICATION:  
A. A VICINITY MAP SHOWING PROPERTY LINES, STREETS, AND EXISTING PROPOSED ZONING.  
B. A LIST OF ALL PROPERTY OWNERS AND THEIR MAILING ADDRESSES WITHIN, CONTIGUOUS TO, AND DIRECTLY ACROSS THE STREET FROM THE PROPOSED RE-ZONING.  
C. FEES AS REQUIRED  
D. LEGAL DESCRIPTION.

DATE: 9/13/05 APPLICANT SIGNATURE: [Signature]

FOR OFFICIAL USE ONLY  
PLANNING COMMISSION

DATE FILED: 9-13-05 DATE OF NOTICE IN NEWSPAPER: DATE OF PUBLIC HEARING: 9-27-05  
DATE OF NOTICE TO PROPERTY OWNER: 9-13-05  
RECOMMENDATION OF PLANNING COMMISSION: APPROVAL DENIAL  
REASON FOR RECOMMENDATION:

DATE: 9-30-05 PLANNING COMMISSION CHAIRMAN: [Signature]

FOR OFFICIAL USE ONLY  
(LEGISLATIVE AUTHORITY)

DATE OF RECOMMENDATION RECEIVED  
ACTION BY LEGISLATIVE AUTHORITY: APPROVED DENIAL  
IF DENIED, REASON FOR DENIAL:

DATE: CLERK

NOTE: THREE COPIES OF THIS FORM AND SUPPORTING INFORMATION MUST BE FILED WITH THE SOMERSET PLANNING COMMISSION. APPLICATION MUST BE RETURNED TO THE OFFICE OF CODE ENFORCEMENT 4 WEEKS PRIOR TO MEETING DATE.

ORDINANCE NO. 08-14

AN ORDINANCE AMENDING ORDINANCE NO. 00-18, KNOWN AS THE ZONING ORDINANCE AND ALTERING THE ZONING MAP, BY CHANGING A BOUNDARY OF LAND NOW ZONED R-1 TO B-2.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOMERSET, KENTUCKY:

That Ordinance No. 00-18, known as the Zoning Ordinance, Somerset, Kentucky, be and the same is hereby amended by altering the Zoning Map in the following manner:

I. By changing the following boundary of land being zoned R-1 to

B-2.

A certain tract or parcel of land lying and being in Pulaski County, Kentucky, on the waters of Sinking Creek, about one mile west of the City of Somerset, and bounded and described as follows:

BEGINNING at an iron pin on the south side of Honey Suckle Drive, and being N 76° 00' E 187.0 to the center line of Ringold Road, and a new corner of Wiley Turner, thence with a new line of Turner, S 00° 27' 41" W 90.12' to an iron pin, thence N 81° 14' 57" W 90.0' to an iron pin, corner of Buia and Hall, thence with Hall's Line, N 05° 00' E 101.0' to an iron pin at the southern right of way line, thence with the right of way, S 76° 00' W 100.0' to the point of beginning. Containing .2015 acres, more or less, as surveyed by Bobby Hudson, LS 1253, on 03-21-90.

Being the same property conveyed to Wiley Turner and Gertrude Turner, husband and wife, by deed dated March 19, 1987 from Harold B. Morgan and Alma Morgan, husband and wife, as appears of record in Deed Book 456, Page 374, Pulaski County Court Clerk's Office, Kentucky; Gertrude Turner died November 21, 2004 and Wiley Turner became the sole fee simple owner of the above described property by virtue of the survivorship provision in the aforesaid deed.

II. The City Clerk of the City of Somerset, Kentucky is hereby authorized to alter the Zoning Map to reflect said change.

III. This Ordinance shall be in full force and effect from and after adoption.

FIRST READING: October 24, 2005

SECOND READING: November 14, 2005

APPROVED:

MAYOR

ATTEST:

CITY CLERK

**APPLICATION FOR ZONING AMENDMENT/DEVELOPMENT PLAN APPROVAL  
TO THE  
SOMERSET PLANNING COMMISSION**

APPLICATION NO. 05-07

THE UNDERSIGNED OWNER(S) OF THE FOLLOWING LEGALLY DESCRIBED PROPERTY REQUEST THE CONSIDERATION OF CHANGE IN ZONING DISTRICT CLASSIFICATION APPROVAL OF DEVELOPMENT PLAN AS SPECIFIED BELOW:

- NAME OF APPLICANT: Sherr and Joann Winkley
- MAILING ADDRESS: 333 Sandpiper Rd.
- PHONE NUMBER (HOME): 606-441-2674 (BUSINESS): 606-479-3657
- PROPERTY OWNER: Sherr & Joann
- LOCATION DESCRIPTION: Home and used for on corner of Thompsons Lane & Sandpiper Road
- EXISTING USE: Home & Farm Use
- PROPOSED USE: R-1
- PRESENT ZONING DISTRICT: R-1
- PROPOSED ZONING DISTRICT: R-2

SUPPORT INFORMATION: ATTACH THE FOLLOWING ITEMS TO THE APPLICATION:  
A. A VICINITY MAP SHOWING PROPERTY LINES, STREETS, AND EXISTING PROPOSED ZONING.  
B. A LIST OF ALL PROPERTY OWNERS AND THEIR MAILING ADDRESSES WITHIN, CONTIGUOUS TO, AND DIRECTLY ACROSS THE STREET FROM THE PROPOSED RE-ZONING.  
C. FEES AS REQUIRED  
D. LEGAL DESCRIPTION.

DATE \_\_\_\_\_ APPLICANT SIGNATURE: \_\_\_\_\_

FOR OFFICIAL USE ONLY  
PLANNING COMMISSION

DATE FILED 9-18-05 DATE OF NOTICE IN NEWSPAPER 9-18-05 FEE PAID 402.00  
DATE OF NOTICE TO PROPERTY OWNER 9-19-05 DATE OF PUBLIC HEARING 9-21-05  
RECOMMENDATION OF PLANNING COMMISSION: APPROVAL ☒ DENIAL \_\_\_\_\_  
REASON FOR RECOMMENDATION: \_\_\_\_\_

DATE 9-27-05 PLANNING COMMISSION CHAIRMAN: [Signature]

FOR OFFICIAL USE ONLY  
(LEGISLATIVE AUTHORITY)

DATE OF RECOMMENDATION RECEIVED \_\_\_\_\_  
ACTION BY LEGISLATIVE AUTHORITY APPROVED \_\_\_\_\_ DENIAL \_\_\_\_\_  
IF DENIED, REASON FOR DENIAL \_\_\_\_\_

DATE \_\_\_\_\_ CLERK \_\_\_\_\_

NOTE: THREE COPIES OF THIS FORM AND SUPPORTING INFORMATION MUST BE FILED WITH THE SOMERSET PLANNING COMMISSION. APPLICATION MUST BE RETURNED TO THE OFFICE OF CODE ENFORCEMENT 4 WEEKS PRIOR TO MEETING DATE.

<p style="text-align: center;"><b>ORDINANCE NO. 05-15</b></p> <p>AN ORDINANCE AMENDING ORDINANCE NO. 00-18, KNOWN AS THE ZONING ORDINANCE AND ALTERING THE ZONING MAP, BY CHANGING A BOUNDARY OF LAND NOW ZONED R-1 TO B-2.</p> <p>BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOMERSET, KENTUCKY:</p> <p>That Ordinance No. 00-18, known as the Zoning Ordinance, Somerset, Kentucky, be and the same is hereby amended by altering the Zoning Map in the following manner:</p> <p>I. By changing the following boundary of land being zoned R-1 to B-2.</p> <p>A certain lot or parcel of ground located, lying and being in Pulaski County, Kentucky, and being more particularly bounded and described as follows, to-wit:</p> <p>Located in West Somerset, Kentucky, and being all of Block "F" of the Graham Sub-division as shown by plat of same, which said plat is recorded in Plat Book 1, at page 60 (Now Plat Cabinet A, Slide 29-1), Pulaski County Clerk's Office, Kentucky, to which reference is hereby made.</p> <p>This property is SUBJECT to a Gas Line Easement of record in Deed Book 484, page 627, Pulaski County Court Clerk's Office, Kentucky.</p> <p>This property is SUBJECT to a Sewer Line easement to The City of Somerset, Kentucky, dated September 28, 2001, of record in Deed Book 684, Page 042, Pulaski County Court clerk's Office, Kentucky.</p> <p>Being Tract # 27 of the same property conveyed to the W. D. Gover Co., LLC, a limited liability company, by Deed of Conveyance from Jolly Gover Hardin Hill, Executrix of the Last Will and Testament of W. Miles Hardin, deceased, dated October 2, 1997, of record in Deed Book 606, Page 425, Pulaski County Court Clerk's Office, Kentucky.</p>	<p style="text-align: center;">ALSO</p> <p>A certain tract or parcel of land lying and being in Pulaski County, Kentucky, and being more particularly described as follows:</p> <p>All of that certain 15 foot strip of land designated as McKinney Drive that abuts Lots 1 and 3 of Block F in the Graham Subdivision to the City of Somerset, Kentucky, as shown on a Plat of the said subdivision of record in Plat Cabinet A, Slide 29-1, Pulaski County Court Clerk's Office, Kentucky.</p> <p>Being a part of the same property conveyed to Miles Lancaster Hardin Dye Garner and Jolly Gover Hardin Hill by Deed of Conveyance from the City of Somerset, Kentucky, a municipal corporation, dated March 10, 1997, of record in Deed Book 597, Page 298, Pulaski County Court Clerk's Office, Kentucky.</p> <p>II. The City Clerk of the City of Somerset, Kentucky is hereby authorized to alter the Zoning Map to reflect said change.</p> <p>III. This Ordinance shall be in full force and effect from and after adoption.</p> <p>FIRST READING: <u>October 24, 2005</u></p> <p>SECOND READING: <u>November 14, 2005</u></p>
--	---

**APPLICATION FOR ZONING AMENDMENT/DEVELOPMENT PLAN APPROVAL  
TO THE  
SOMERSET PLANNING COMMISSION**

APPLICATION NO. 05-08

THE UNDERSIGNED OWNER(S) OF THE FOLLOWING LEGALLY DESCRIBED PROPERTY REQUEST THE CONSIDERATION OF CHANGE IN ZONING DISTRICT CLASSIFICATION APPROVAL OF DEVELOPMENT PLAN AS SPECIFIED BELOW:

- NAME OF APPLICANT: East Creek Properties
- MAILING ADDRESS: 1427 S Hwy 27 Somerset, Ky 40501
- PHONE NUMBER (HOME): \_\_\_\_\_ (BUSINESS): \_\_\_\_\_
- PROPERTY OWNER: Sherr & Joann
- LOCATION DESCRIPTION: Thomas Rd
- EXISTING USE: Yarns Field
- PROPOSED USE: Office Building
- PRESENT ZONING DISTRICT: R-1
- PROPOSED ZONING DISTRICT: R-2

SUPPORT INFORMATION: ATTACH THE FOLLOWING ITEMS TO THE APPLICATION:  
A. A VICINITY MAP SHOWING PROPERTY LINES, STREETS, AND EXISTING PROPOSED ZONING.  
B. A LIST OF ALL PROPERTY OWNERS AND THEIR MAILING ADDRESSES WITHIN, CONTIGUOUS TO, AND DIRECTLY ACROSS THE STREET FROM THE PROPOSED RE-ZONING.  
C. FEES AS REQUIRED  
D. LEGAL DESCRIPTION.

DATE 8-25-05 APPLICANT SIGNATURE: [Signature]

FOR OFFICIAL USE ONLY  
PLANNING COMMISSION

DATE FILED 8-25-05 DATE OF NOTICE IN NEWSPAPER 9-13-05 FEE PAID 402.00  
DATE OF NOTICE TO PROPERTY OWNER 9-13-05 DATE OF PUBLIC HEARING 9-21-05  
RECOMMENDATION OF PLANNING COMMISSION: APPROVAL ☒ DENIAL \_\_\_\_\_  
REASON FOR RECOMMENDATION: \_\_\_\_\_

DATE 9-27-05 PLANNING COMMISSION CHAIRMAN: [Signature]

FOR OFFICIAL USE ONLY  
(LEGISLATIVE AUTHORITY)

DATE OF RECOMMENDATION RECEIVED \_\_\_\_\_  
ACTION BY LEGISLATIVE AUTHORITY APPROVED \_\_\_\_\_ DENIAL \_\_\_\_\_  
IF DENIED, REASON FOR DENIAL \_\_\_\_\_

DATE \_\_\_\_\_ CLERK \_\_\_\_\_


NOTE: THREE COPIES OF THIS FORM AND SUPPORTING INFORMATION MUST BE FILED WITH THE SOMERSET PLANNING COMMISSION. APPLICATION MUST BE RETURNED TO THE OFFICE OF CODE ENFORCEMENT 4 WEEKS PRIOR TO MEETING DATE.

Mr. Floyd moved to approve the above Ordinances on their second reading. Mrs. Norfleet seconded the motion. Upon roll call the following Council Members voted “Aye”: Mr. Burnett, Mr. Rutherford, Mrs. Norfleet, Mr. Floyd, Mr. Wheeldon, Mr. Beasley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, and Mrs. Crawford.

Mrs. Crawford moved to refund the following amount paid on 2005 taxes: Orme, Brenda, 140 Central Pt. Ave., Somerset KY in the amount of \$56.75 for a Homestead Exemption. Mr. Mitchell seconded the motion. Upon roll call the following Council Members voted “Aye”: Mr. Burnett, Mr. Rutherford, Mrs. Norfleet, Mr. Floyd, Mr. Wheeldon, Mr. Beasley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, and Mrs. Crawford.

City of Somerset

400 East Mt. Vernon Street  
P.O. Box 888  
SOMERSET, KENTUCKY 42502  
(606) 778-8368  
(800) 778-2451 (FAX)



JP Weiss  
Mayor

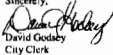
David Godsey  
City Clerk

November 10, 2005

Somerset City Council  
City Hall  
400 E. Mt. Vernon Street  
Somerset, Kentucky 42501

Dear Councilmembers:

I am writing in behalf of Brenda Orme, 140 Central Pt. Ave. Somerset, KY who is requesting a refund on their previously paid 2005 City taxes. Mr. T.W. Todd, Property Valuation Administrator, has issued a credit slip for a Homestead Exemption in the amount of \$29,400. The amount of refund due is \$56.75. Thank you.

Sincerely,  
  
David Godsey  
City Clerk

40000015

To: DAVID GODSEY, Somerset City Collector

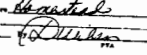
Credit: Brenda Orme

Address: 140 Central Pt. Ave. Somerset, KY

Valuation: Real Estate

who has been assessed for Somerset City School Taxes for the year 05

The reason for this credit is: Homestead

Date: 11-9-05 

Equal Opportunity Employer M/F/D (809) 778-8176 (100)

Mr. Floyd moved to approve the request to advertise for bids for five (5) new defibrillator units for the Fire/EMS department. Mr. Beasley seconded the motion. Upon roll call the following Council Members voted “Aye”: Mr. Burnett, Mr. Rutherford, Mrs. Norfleet, Mr. Floyd, Mr. Wheeldon, Mr. Beasley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, and Mrs. Crawford.

There being no further business the meeting adjourned.

APPROVED \_\_\_\_\_

MAYOR

ATTEST: \_\_\_\_\_

CITY CLERK