

ORDINANCE NUMBER 24- 20

AN ORDINANCE TO THE CITY OF SOMERSET, KENTUCKY, ANNEXING BY CONSENT PROPERTY AS DESCRIBED BELOW AND IN ATTACHMENTS TO THIS ORDINANCE, ATTACHMENTS INCORPORATED IN FULL BY REFERENCE HEREIN, AND

WHEREAS, ANNEXATION REQUEST FORMS HAVE BEEN SUBMITTED BY THE PROPERTY OWNER(S), AND THE FORMS HAVE BEEN ACCEPTED BY THE CITY AS COMPLETED; AND THE PROPERTY OWNERS EACH HAVING WAIVED THE SIXTY (60) DAY WAITING PERIOD, BY AND THROUGH THE ANNEXATION REQUEST FORM, SIGNED BY THE OWNER AND/OR AN AUTHORIZED AGENT OF THE OWNER AND INCORPORATED IN FULL HEREIN BY REFERENCE, AND MADE PART OF THE ATTACHMENTS TO THIS ORDINANCE; AND

WHEREAS, ALL DOCUMENTS AND RECORDS NEEDED TO PROCEED WITH ANNEXATION OF THE PROPERTIES INTO THE CORPORATE LIMITS OF THE CITY OF SOMERSET; AND

WHEREAS, THIS DOCUMENT WAS SENT TO THE JUDGE EXECUTIVE AND COUNTY ATTORNEY OF PULASKI COUNTY AFTER THE FIRST READING AS NOTICE UNDER 23 REGULAR SESSION SENATE BILL 141; AND

WHEREAS, THE PROPERTIES MEET ALL REQUIREMENTS FOR ANNEXATION AS SET FORTH IN KRS AND ALL OTHER APPLICABLE LAW.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SOMERSET, KENTUCKY:

SECTION 1. THAT THE PROPERTIES DESCRIBED BELOW IN ATTACHMENTS HERETO AND BELOW ARE HEREBY ANNEXED INTO THE CITY'S CORPORATE LIMITS:

EXHIBIT A THE DELINEATED LAND COMPRISING TRACT .610 ACRES SHOWN ON AN ANNEXATION MAP TITLED "ANNEXATION MAP, CITY OF SOMERSET, .610 ACRES INTERSECTION OF KY HWY 27 & STONEGATE DR." DATED 7/15/24 BY AGE ENGINEERING SERVICES, SAID LAND HAVING PVA LOT DESIGNATION 062-1-0-65.3.

SECTION 2. THE SUBJECT PROPERTY'S OWNER HAS APPLIED FOR B-2 ZONING. THE PLANNING AND ZONING BOARD HEARD

THE APPLICATION ON AUGUST 27TH, 2024 AND
RECOMMEND THE B-2 ZONING TO THE CITY COUNCIL.

SECTION 3.

NOTICE TO PULASKI COUNTY FISCAL COURT WAS
GIVEN AFTER THE FIRST READING AND 45 DAYS
BEFORE THE SECOND READING. THE PROPERTY OWNER
PROMISED TO ANNEX AS LOTS SOLD DUE TO UTILITY
AND INFRASTRUCTURE BUILT IN THE AREA BUY THE
CITY.

SECTION 4.

THIS ORDINANCE SHALL TAKE EFFECT AFTER ITS
PASSAGE AND UPON PUBLICATION BY LAW.

FIRST READING: JULY 22, 2024

SECOND READING (NOT BEFORE SEPTEMBER 5, 2024): SEPTEMBER 9, 2024

APPROVED: _____


ALAN L. KECK, MAYOR
CITY OF SOMERSET, KY

ATTEST: _____


NICK BRADLEY, CITY CLERK

P.O. BOX 204
165 FOSTER LANE
STANFORD, KY 40484



PHONE 606.365.8362
FAX 606.365.1097

EXHIBIT "A"

City of Somerset Annexation Ordinance No. 24-20

A certain tract of land lying adjacent to the existing City Limits of Somerset (Ordinance No. 17-24), being on the eastern edge of right-of-way of US Hwy 27 and the southern edge of right-of-way of Stonegate Drive in Pulaski County, Kentucky and is more particularly described as follows:

Commencing at an mag nail w/ washer (P.L.S. #4048), said mag nail w/ washer being on the eastern edge of right-of-way of US Hwy 27 - Commonwealth of Ky. (right-of-way varies) – State Highway Plans (FD04-100-0027-011-016), being on southern edge of right-of-way of Stonegate Drive (60' right-of-way), being a previous corner annexed to the City of Somerset (Ordinance No. 17-24), having Kentucky State Plane Coordinate System – South Zone Coordinates of N=1905916.14, E=1969105.41 and being the **Point of Beginning** for this description;

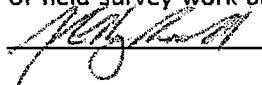
Thence continuing along the southern edge of right-of-way of Stonegate Drive (60' right-of-way) the following one (1) call: **S75°00'00"E – 295.03 feet** to an mag nail w/ washer found (P.L.S. #4048), said pin being on the western edge of right-of-way of a paved road (unnamed), private road on the parent tract, does not appear to be dedicated to public for right-of-way, and a new corner being annexed into the City of Somerset;

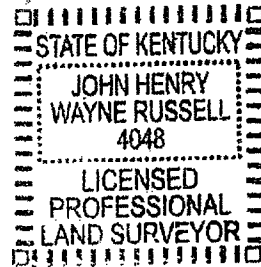
Thence continuing along the western edge of right-of-way of a paved road (unnamed), private road on the parent tract, does not appear to be dedicated to public for right-of-way, the following one (1) call: a curve to the **Left**, having a Radius of **390.00'**, chord bearing of **S08°42'50"W** and chord distance of **87.79 feet** to an iron pin found (P.L.S. #4048), said pin being on the western edge of right-of-way of a paved road (unnamed), private road on the parent tract, does not appear to be dedicated to public for right-of-way, and a new corner being annexed into the City of Somerset;

Thence leaving the western edge of right-of-way of a paved road (unnamed), private road on the parent tract, does not appear to be dedicated to public for right-of-way, and continuing along the new line being annexed into the City of Somerset the following one (1) call: **N75°32'00"W – 307.43 feet** to an iron pin found (P.L.S. #4048), said pin being on the eastern right-of-way of US Hwy 27 - Commonwealth of Ky. (right-of-way varies) – State Highway Plans (FD04-100-0027-011-016) and in the line of the City of Somerset (Ordinance No. 17-24);

Thence continuing along the line of the City of Somerset (Ordinance No. 17-24), and continuing along the eastern edge of right-of-way of US Hwy 27 - Commonwealth of Ky. (right-of-way varies) - State Highway Plans (FD04-100-0027-011-016), the following one (1) call: a curve to the **Right**, having a Radius of **11372.94'**, chord

bearing of N16°45'54"E and chord distance of 90.17 feet to the Point of Beginning having an area of 0.610 acres.

This annexation ordinance description was created from a combination of field survey work and recreation of deed descriptions by John Henry Russell, AGE Engineering Services, Inc.,  Kentucky P.L.S. #4048, dated the 15th day of July, 2024.



ANNEXATION MAP
CITY OF SOMERSET
0.610 ACRES INTERSECTION OF KY HWY 27 & STONEGATE DR.
SOMERSET, PULASKI COUNTY, KENTUCKY

DATE: 07-15-2024
SCALE: 1" = 20'
DRAWN BY: BROWN
APPROVED BY: RUSSELL
FILENAME: 24177.ANNEK

ENGINEERING SERVICES, INC.
P. O. BOX 204
STANFORD, KY 40484
PHONE (606) 355-8362
FAX (606) 355-1097

ANNEXATION MAP
CITY OF SOMERSET
PROPOSED ANNEXATION
0.610 ACRES

EXHIBIT "A"

1 OF 1

PARENT TRACT
CREEKSIDE DEVELOPMENT, LLC
SUBJECT TO PLAT CABINET F,
SLIDE 11D AND PLAT CABINET F,
SLIDE 18D

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CREEKSIDE DEVELOPMENT, LLC
SUBJECT TO PLAT CABINET F,
SLIDE 11D AND PLAT CABINET F,
SLIDE 18D

UNITED CUMBERLAND BANK
1150 N. W. 34TH AVE.
TALLAHASSEE, FL 32309-1500
ALSO SEE PLAT CABINET F,
SLIDE 18D

US HIGHWAY 27
COMMENCEMENT POINT OF KY
1E004-107-0037-011-01K

PIPE LINE RIGHT-OF-WAY
ALIGNMENT
1150 N. W. 34TH AVE.
TALLAHASSEE, FL 32309-1500

EXISTING SOMERSET CITY LIMITS
SEE ORDINANCE 1724

EXISTING SOMERSET CITY LIMITS
SEE ORDINANCE 1724

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SEE ORDINANCE 1724

EXISTING SOMERSET CITY LIMITS
SEE ORDINANCE 1724

PURPOSE OF MAP:
1) TO CREATE A 0.610 ACRE PARCEL TO BE
ANNEXED INTO THE CITY OF SOMERSET.

CURVE	BEARING	CHORD DISTANCE	CHORD BEARING	CHORD BEARING
C1	N 70.00° E	37.7267' ±	S 81.79° W	90.17'
C2	N 137.94° E	115.4524' ±	N 62.06° E	90.17'

THIS IS THE COMMENCEMENT POINT FOR THIS ANNEXATION ORDINANCE, BEING A PARCELS INCORPORATED INTO ORDINANCE NO. 1724, AS ISSUED BY THE MEMORANDUM SECRETARY OF PULASKI COUNTY, KENTUCKY, ON 07/15/2024. P. S. 84(8) WAS FOUND AT THIS LOCATION. ALL ADJACENT PARCELS ARE AS SHOWN IN 2023/24 PLAT E 130000124-0

ALL BEARINGS ARE BASED ON GRID NORTH
USING THE PLAT COORDINATE
SYSTEM SOUTH 1001.
ALL COORDINATES DISPLAYED ON THIS PLAT
ARE FROM THE KENTUCKY STATE PLAT
COORDINATE SYSTEM SOUTH 1001.

VICINITY MAP

NOT TO SCALE

LEGEND

- ANNEXATION CORNER (AS NOTED)
- ANNEXATION CORNER (AS NOTED)
- - - ANNEXATION LINES OF A.C. SURVEY
- - - ADDING PROPERTY BOUNDARY LINES PER DETAIL DESCRIPTIONS

SURVEYORS CERTIFICATE

THIS ANNEXATION ORDINANCE DESCRIPTION WAS CREATED AFTER A COMPARISON OF THE SURVEY INFORMATION WITH THE SURVEY RECORDS OF JOHN HENRY BLOUSEL, AGE ENGINEERING SERVICES, INC. ALL BEARINGS ARE BASED ON GRID NORTH OF THE KENTUCKY STATE PLAT COORDINATE SYSTEM SOUTH 1001. 14-088.

STATE OF KENTUCKY
PLAT BOOK 498
PAGE 103

DATE: 7/15/24



DEPARTMENT OF HOUSING, BUILDINGS AND CONSTRUCTION

Planning & Zoning Commission

306 East Mount Vernon Street

First Floor 203

Somerset, KY 40364

Phone: (606) 427-5214

Fax: (606) 677-0669

www.cityofsomerset.com

ANNEXATION REQUEST FORM

I, Jerry S. Icard, Jr. ^{Manager of} Creekside formally request annexation
Development,
of my property located at S. Hwy 27, Somerset, Ky

into the City of Somerset

I also request that the 60-day waiting period be waived

I also request that this property be zoned _____

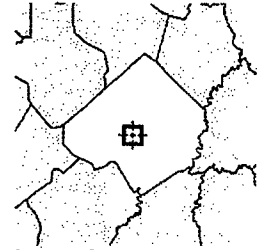
Jerry S. Icard, Jr.

Signature

Date



Overview



Legend

- Parcels
- Roads
- Land hook

Parcel ID	062-1-0-65.3	Mailing	CREEKSIDE DEVELOPMENT	Total	\$600,000	Last 2 Sales			
Class	COMMERCIAL	Address	LLC	Value		Date	Price	Reason	Qual
Taxing District	11		105 E RIDGE LANE SUITE 1			12/13/2018	\$1	K	U
			SOMERSET, KY 42501			12/30/2015	\$500000	K	U
Acres/Lot	1.5	Physical	S HWY 27						
		Address	Pulaski County						
Brief	TR 3 CREEKSIDE DEV LLC BNDRY SUR 1.50 AC								
Tax Description	(Note: Not to be used on legal documents)								

Date created: 7/16/2024

Last Data Uploaded: 7/15/2024 8:20:16 PM

CITY OF SOMERSET, KENTUCKY
PLANNING AND ZONING COMMISSION

FINDINGS OF FACT, CONCLUSIONS
AND RECOMMENDED MAP AMENDMENT

CASE NO: _____

RE: Zone Determination: Creekside Development, LLC

For Recording purposes,
Listed below are the parties involved in the Zone Determination for
South Highway 27
Somerset, Kentucky
PVA Parcel 062-1-0-65.3

Party One
City of Somerset,
Planning & Zoning Commission
PO Box 989
Somerset, Kentucky, 42502

Party Two
Creekside Development, LLC
105 E Ridge Lane Suite 1
Somerset, Kentucky, 42503

The Planning and Zoning Commission having heard testimony at a public hearing conducted before the Commission on the 27th day of August 2024 and based on the evidence presented, the Planning and Zoning Commission enters the following FINDINGS OF FACT, CONCLUSIONS AND MAP AMENDMENT.

FINDINGS OF FACT

Creekside Development, LLC is the owner of record of a tract of land on the west side of S US 27 bounded on the west by said US 27, on the east by Monticello Street, and on the south by Realty Lane. The land is depicted on plat of record in Plat Cabinet F Slide 018D. Tract 3 is in the process of being annexed into the City of Somerset. The tract is at the North US 27 entrance at Stoplight 16A, and is in the southeast quadrant of the entrance and intersecting roads.

The tract is a portion of the lands conveyed to Creekside Development, LLC, per deed of conveyance dated the 30th of December 2015 and of record in Deed Book 939 Page 620 and

corrected in Deed of Correction dated December 13, 2018 and of record in Deed Book 989 Page 159.

The tract is surrounded by the remaining lands of Creekside Development on the:

South-Parcel 062-1-0-65.4-Lot 2 Plat Cabinet F Slide 018D and

East-Parcel 062-1-0-65-Tract 5 Plat Cabinet F Slide 018D,

by S Hwy 27 on the west, and to the north by

Parcel 062-1-0-65.2, United Cumberland Bank, 2568 S Hwy 27,

Lots 4 & 4A Plat Cabinet F Slide 018D

Parcel 062-1-0-65.2, United Cumberland Bank, is in the city of Somerset and Zoned B-2.

The remaining properties are not in the City of Somerset and not zoned.

On the west side of S US 27, the owners of record are:

Parcel 062-1-0-70.3, Cook Out of Somerset, Inc. 2561 S Hwy 27, Zoned B-2

Parcel 062-1-0-70.4, L & N Federal Credit Union, 2599 S Hwy 27, Zoned B-2

The Comprehensive Plan being developed does not designate future uses for tracts outside the Corporate Boundaries of Somerset. The past Comprehensive Plan Future Use map shows the planned use as Commercial.

The tract is on S Hwy 27 and its size is such that it precludes many uses, such as shopping centers, new car development, multibuilding apartment complexes, 10,000 SF + larger churches, schools and other endeavors that require large areas of green space or parking.

The use in the residential field is unlikely, due to its location on a six-lane major thoroughfare.

Nearby uses are quick serve restaurants (2), banks (2), offices (1) national retailers (2) used car sales (1) new car sales (1), and special purpose properties (Oakwood).

Based on surrounding uses and its location, the property should be zoned B-2, Highway Oriented Commercial.

As this is a zone determination, this action does not have to comply with KRS 100.213.

Reggie Chaney, City Engineer, spoke on behalf of the petitioner. No one else spoke on the zone determination. Montie Gover questioned the process and why the property was not being brought in under the Planning and Zoning Ordinance 4.17.

CONCLUSIONS

The board felt that the proposed zone designation (B-2) is appropriate, voting 5-0 in favor of said change with Burgin, Floyd, Holland, Stringer and Vaught voting in favor of the rezoning. Lynch was absent.

RECOMMENDED MAP AMENDMENT

It is hereby recommended by this Commission that the map amendment be shown as B-2 when annexed.

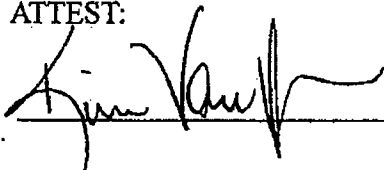
A true and correct copy of this Findings of Fact, Conclusions and Recommended Map Amendment shall be sent to the City of Somerset City Council for adoption.

DONE AND ORDERED this 28th day of August 2024.



Chairman, Planning and Zoning Commission
City of Somerset

ATTEST:



Planning & Zoning Commission Clerk

This document was prepared by the staff of the Planning and Zoning Department under the supervision of John Adams, City Attorney

City Attorney