

APPLICATION TO PLANNING COMMISSION
Agricultural Land Division

Paris- Bourbon County Joint Planning Commission
301 Main Street, Paris, KY 40361 • (859) 987-2150 • Fax (859) 987-2136

Office Use only:

Application No. ALD18-10 Fee Amount: \$ 175⁰⁰ Date Fee Received: 5/21/18

1. **APPLICANT (prospective purchaser)** Jacob H. Graves, IV
MAILING ADDRESS 3641 Barrow Wood Lane, Lexington, KY 40502
PHONE NO. (859) 321-8812 (HOME) _____ (WORK)

2. **OWNER** Jeff Walker, Trustee (Guess, Mattingly, Archison)
MAILING ADDRESS 201 West Short Street, Lexington, KY 40507
PHONE NO. (859) 367-6924 (HOME) _____ (WORK)

3. **LOCATION OF LAND AND BRIEF DESCRIPTION OF LAND:** Austerlitz Road (KY 57); flat to gently rolling pasture

5. **ACREAGE:** 5.818 **ZONING DISTRICT:** Ag

6. **IDENTIFY CURRENT USE OF BUILDINGS** none

7. **PROPOSED STRUCTURES** metal barn

8. **INFRASTRUCTURE:**

Does the Division involve a new street? No

Is public water available? Yes

What agricultural use will you make of this property? cattle

7. **FEE:** Refer to Fee Schedule

8. **SUPPLEMENTAL INFORMATION:**

CHECKLIST:

- Attach a Legal Description of the Property (include deed book and page number for all tracts comprising the plat)
- Attach a plat of the Division
- Attach a narrative of the proposed use (as described above)
- Attach a narrative describing any prior actions taken by the Board of Adjustment on this property
- Attach a list of adjoining property owners (name and address)

Jacob H. Graves IV
APPLICANT SIGNATURE

4-25-18
DATE

Applications under zoning regulations involve legal procedures and the satisfaction of legal requirements, often complex, based up the written information in your application and the facts presented at your hearing. If you fail to comply with the procedures, or to satisfy the requirements your application will be subject to denial. Even if your application is approved it could be subject to a neighboring landowners appeal to the Circuit Court. You are not required to employ an attorney but you are encouraged to do so.

DARNELL ENGINEERING, INC.

P.O. Box 175
Cynthiana, KY 41031
(859) 234-8957-Telephone

ENGINEERING & SURVEYING
Allen Patrick Darnell, PE, PLS
patdarnell@kymail.com (EMAIL)

May 21, 2018

File No. 18-3864

Bourbon County Planning Commission
525 High Street, Room 127
Paris, Kentucky 40361

RE: Ag Land Division @ Austerlitz Road (KY 57), Bourbon County

Dear Sirs:

Please find transmitted herewith an Agricultural Land Division Application and plat. The land use will remain the same; agricultural. To our knowledge there has been no previous action taken by the board of adjustments in regards to this property.

The adjoining property owners are:

INNISBROOK FARM LLC, 3964 WINCHESTER RD, LEXINGTON, KY 40509
EDWARD W & DIANE L GANZER, 332 ESCONDIDA RD, PARIS, KY 40361
CHARLES H SEALE, 254 ROCKAWAY ST, HAZARD, KY 41701
GARY RAY FAULCONER & JOE DAVID FAULCONER, 504 ESCONDIDA RD, PARIS, KY 40361
JOE DAVID FAULCONER, 504 ESCONDIDA RD, PARIS, KY 40361
EMMA LOU THOMAS RITTER & JARRELL D RITTER, 113 WOODMONT DR, PARIS, KY 40361
JOHN & MELODY SPARKS, 1150 GAY EVANS RD, WINCHESTER, KY 40391
ROBERT MATTINGLY, II; 651 AUSTERLITZ RD; PARIS, KY 40361

Respectfully Submitted,

Darnell Engineering, Inc.

Cc: File

Enclosures

AFFIDAVIT

(Land Use)

The Affiant Jacob H. Graves, IV, first being duly sworn, states that:

- 5. He (she) is the prospective purchaser of one of the parcels of land shown in the attached application:
- 6. An agricultural use is now and will be made of the property as set out in K.R.S. 100.111 (2).
- 7. Any residence on the premises or hereafter constructed on the premises will be occupied by a person, and their family, who is engaged in this agricultural use.
- 8. This is not a division so as to allow for residential building development for sale or lease to the public.

Jacob H. Graves, IV
Landowner

STATE OF Kentucky
COUNTY OF Fayette

Sworn and subscribed to before me by Jacob H. Graves, IV this the 25th day of April, 2018.

My commission expires 9/15/2019.

Katherine D. Dailey
NOTARY PUBLIC ID# 541262

STATE AT LARGE

K.R.S. 100.111 (2) "Agricultural Use" means the use of a tract of at least five (5) contiguous acres for the production of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard, fruits, vegetable, flowers, or ornamental plants, including provisions for dwellings for persons and their families who are engaged in the above agricultural use on the tract, but not including residential building development for sale or lease to the public.

AFFIDAVIT

(Land Use)

The Affiant Jeff Walker, Trustee of, first being duly sworn, states that:
the J.H. Graves Trust UW FBO Jacob H. Graves III, Member,
J.H. Graves III Family, LLC

1. He (she) is the owner of one of the parcels of land shown in the attached application:
2. An agricultural use is now and will be made of the property as set out in K.R.S. 100.111 (2).
3. Any residence on the premises or hereafter constructed on the premises will be occupied by a person, and their family, who is engaged in this agricultural use.
4. This is not a division so as to allow for residential building development for sale or lease to the public.

[Handwritten signature of Jeff Walker]

Landowner

AS TRUSTEE OF
J.H. GRAVES TRUST UW
FBO JACOB H. GRAVES III,
MEMBER, J.H. GRAVES III
FAMILY LLC.

STATE OF Kentucky
COUNTY OF Fayette

Sworn and subscribed to before me by Jeffrey R. Walker on this the 25th day of April, 2018.

My commission expires 10/4/18.

[Handwritten signature of Dixie Carpenter]

NOTARY PUBLIC

STATE AT LARGE



K.R.S. 100.111 (2) "Agricultural Use" means the use of a tract of at least five (5) contiguous acres for the production of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard, fruits, vegetable, flowers, or ornamental plants, including provisions for dwellings for persons and their families who are engaged in the above agricultural use on the tract, but not including residential building development for sale or lease to the public.



DEED OF CORRECTION

WHEREAS, by Deed dated November 2, 2009, of record in the Office of the Bourbon County Clerk in Deed Book 279, Page 515, certain real property located in Fayette, County, Clark County and Bourbon County, Kentucky, was conveyed by JAMES H. FRAZIER III, MASTER COMMISSIONER OF THE FAYETTE CIRCUIT COURT, as Grantor and J.H. GRAVES III FAMILY, LLC, a Kentucky limited liability company, as Grantee; and

WHEREAS, it is the mutual agreement of the parties to correct the Deed, which incorrectly stated the style of the underlying action by omitting the name of William Daniel Graves as a party thereto.

WHEREAS, in the action brought pursuant to KRS Chapter 389A of *J.H. Graves, III (also known as J.H. Graves, Jr., and J.H. Graves, III), Virginia Graves Clow, Jacob H. Graves, IV, Laura Graves Proctor, Melonie Graves, Andrew R. Graves, Lucy Graves Foster, Robert Benjamin Graves and William Daniel Graves, against Casandra Jolly Graves, a person under a legal disability for whom Laura Graves Proctor and Jacob H. Graves, IV, have been appointed and duly qualified as guardians, Jane Graves Blackford, James Blackwell Graves, Sr., the Unborn Children of Jacob H. Graves, III, and the Contingent Remaindermen who are not Immediately Ascertainable*, being Civil Action No.08-CI-3589, now pending in the Fifth Division of the Fayette Circuit Court, an Order was granted on the 21st day of August, 2009, approving the transfer of the herein described property to J.H. Graves, III, Family, LLC, a Kentucky limited liability company, and directing the Master Commissioner of said Court to execute a deed on behalf of all the parties to the above referenced action conveying all of their right, title and interest in the hereinafter described property to J.H. Graves, III, Family, LLC, a Kentucky limited liability company, its successors and assigns forever.

NOW, THEREFORE, this DEED OF CORRECTION is made the 2nd day of February, 2010, by and between JAMES H. FRAZIER III, SPECIAL COMMISSIONER OF THE BOURBON CIRCUIT COURT, 201 W. Main Street, Suite 1100, Lexington, Kentucky 40507, for and on behalf of the above named parties ("Grantors") and J.H. GRAVES III FAMILY, LLC, a Kentucky limited liability company, whose address is c/o Jeffrey R. Walker, Gess Mattingly & Atchison, P.S.C., 201 W. Short St., Lexington, Kentucky 40507 ("Grantee"). The current year in-care-of tax mailing address is c/o Jeffrey R. Walker, Gess Mattingly & Atchison, P.S.C., 201 W. Short St., Lexington, Kentucky 40507.

WITNESSETH:

THAT for and in consideration of One Dollar (\$1.00), and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Grantors have BARGAINED and SOLD and by these presents do hereby GRANT AND CONVEY unto the Grantee in fee simple, its successors and assigns forever, all of their right, title and interest in and to that certain property located in Fayette County, Clark County and Bourbon County, Kentucky, more particularly described as follows:

RETURN TO :
Samuel G. Carneal
Gess Mattingly & Atchison, P.S.C.
201 W. Short Street
Lexington, KY 40507

TRACT 1

All of that tract of land containing 252.70 acres known as the "Moloney Farm" situated on the Clintonville and Austerlitz Turnpike in Bourbon County, Kentucky,

Said Tract also being described as follows:

A certain tract of land situated on the Clintonville and Austerlitz Turnpike in Bourbon County, Kentucky, and described by metes and bounds as follows:

Beginning at A, a stake corner to Mrs. Mollie Grimes' Heirs; thence N 69 ½ E. 273 feet to B, a post corner to said Heirs; thence N 1 W 2417 feet to C, a stone corner to same; thence N 79 ¼ W 318 feet to D, a stone corner to same; thence N 12 ¼ E 3642 feet to E, a stone in a line of said Grimes' Heirs and a corner to Mrs. Anne Brown; thence N 78 deg. 50 min. W 1753 feet to F, a stone in line of James Liter and corner to Mrs. Anne Clay Shackelford; thence S 12 deg. 35 min. W 3652 feet to G, a stone corner to George Williams; thence S 79 E 915 feet to H, a post in a pond, a corner to said Williams; thence with his line S 11 deg. 55 min. W 3633 feet to I, a point in the center of the Clintonville and Thatcher's Mill Turnpike; thence with the center thereof N 62 ½ E 334 feet to J, thence N 70 ¼ E 1390 feet to K, a point in the center of said turnpike, a corner to Mrs. Mollie Grimes' Heirs; thence with their line N 24 E 212 feet to the beginning, containing 252.70 acres.

TRACT 2

All that certain tract of land containing 148.7 acres known as the "Cook Place" lying on the east side of the Chilesburg and Clintonville Pike in Fayette County, Kentucky, near the Davids Fork Church

Said Tract also being described as follows:

All the following described tract of land lying on the East side of the Chilesburg and Clintonville Pike in Fayette County, Kentucky, near the David's Fork Church, as more particularly described as follows, to-wit:

Beginning at a stone on the West side of the Chilesburg and Clintonville Pike, corner to J.H. Graves in Tanner's line; thence with the line of Miss Lula Coons S. 43 E. 2266 feet to a stone corner to Mrs. Haskins; thence N. 47 E. 2498 feet to a stone corner to H.M. Coons; thence with his line and with the line of the Ferguson heirs N. 42 W. 2466 feet to a stone corner to Ferguson's heirs; thence with their line S. 48 W. 1296 feet to a stone corner to George Lee; thence N. 89-¼ W. 694 feet to Henry Lee's corner in the middle of the Chilesburg and Clintonville Pike; thence with the pike S. 1-½ W. 637 feet; thence S. 48 W. 34 feet to a stone a little West of the pike corner to J.H. Graves; thence with his line S 1 W. 369 feet to the beginning, containing 148.7 acres, omitting a graveyard reserved;