

APPLICATION TO BOURBON COUNTY JOINT PLANNING COMMISSION

Agricultural Land Division

Bourbon County Joint Planning Commission

525 High Street, Paris, KY 40361 • (859) 987-2150

Office Use only:

Application No. ALD21-14 Fee Amount: \$ 175⁰⁰ Date Fee Received: 5/14/2021

1. APPLICANT (prospective purchaser) Oscar & Janice Sarmiento

MAILING ADDRESS 1301 Harp Innis Road, Lexington, KY 40511

PHONE # (HOME) Cell Phone 859-983-1697 (OTHER) _____

2. OWNER Ricky A. & Claudia L. Claypool & Jeffrey K. & Angela S. McAlmond

MAILING ADDRESS P.O. Box 273 North Middletown, KY 40357

PHONE # (HOME) 859-707-7491

(OTHER) _____

3. LOCATION AND BRIEF DESCRIPTION OF LAND: Old Millersburg Road; flat to gently rolling

4. ACREAGE: 7.00 acres

5. ZONING DISTRICT: A-1

6. IDENTIFY CURRENT USE OF BUILDINGS No current buildings

7. PROPOSED STRUCTURES House

8. INFRASTRUCTURE:

Does the Division involve a new street? Yes/No

Is public water available? Yes/No

What agricultural use will you make of this property? garden, farm animals, and fruit trees

9. FEE: Refer to Fee Schedule

10. 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)

Janice M Sarmiento
APPLICANT SIGNATURE

5-12-2021
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. Individuals are not required to employ an attorney, but you are encouraged to do so. All business entities require legal representation.

DARNELL ENGINEERING, INC.

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

ENGINEERING & SURVEYING
Allen Patrick Darnell, PE, PLS
allenpatrickdarnell@gmail.com (EMAIL)

May 14, 2021

File No. 21-4678

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

RE: Ag Land Division @ Old Millersburg Road, Bourbon County

Dear Sirs:

Please find transmitted herewith an Agricultural Land Division Application and plat. The purpose of this plat is to create and divide off a 7.000 acre parcel. 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:

ROBERT J & ASHLEY D LUTZ, 2308 OLD MILLERSBURG RD, PARIS KY 40361
DANIEL SCOTT MALLORY LIVING TRUST, 2501 ROYSTER RD, LEXINGTON KY 40516
KAABA REAL ESTATE LLC, 1818 MILLERSBURG RD, PARIS KY 40361
DAVID MICHAEL & CYNTHIA A MCFARLAND, 2094 MILLERSBURG RD, PARIS KY 40361

Respectfully Submitted,

Darnell Engineering, Inc.

Cc: File

Enclosures

AFFIDAVIT

(Land Use)

The Affiant Ricky A. & Claudia L. Claypool & Jeffrey K. & Angela S. McAlmond, first being duly sworn, states that:

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.

Ricky A. Claypool Jeff K. McAlmond
Claudia L. Claypool Angela S. McAlmond
Landowner

STATE OF Ky

COUNTY OF Bourbon

Sworn and subscribed to before me by Ricky & Claudia Claypool on this
the 12 day of May, 2021.

My commission expires 10-18-24.

W. Bruce A. Thwaites
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.

AFFIDAVIT

(Land Use)

The Affiant Oscar & Janice Sarmiento, first being duly sworn, states that:

1. He (she) is the Prospective Purchaser 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.

Oscar Sarmiento Janice M Sarmiento
Prospective Purchaser

STATE OF Ky

COUNTY OF Bourbon

Sworn and subscribed to before me by Oscar & Janice Sarmiento on this
the 12 day of May, 2021.

My commission expires 10-18-24.

Donna Q. Thurites
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.

AFTER RECORDING RETURN TO:
 JACK MARTIN GOINS
 ATTORNEY AT LAW
 315 PLEASANT STREET
 PARIS, KY 40361

DEED

THIS DEED made and entered into this 23rd day of April, 2021, by and between **ESTATE OF ROSE MARIE FARAH**, by and through **MARY-ALICHA WELDON**, Executrix, c/o P. O. Box 166, Carlisle, KY 40311, party of the first part, and **RICKY A. CLAYPOOL** and **CLAUDIA L. CLAYPOOL**, husband and wife, of 179 Southland Dr., Paris, KY 40361, and **JEFFREY K. McALMOND** and **ANGELA S. McALMOND**, husband and wife, of 454 Levy Rd., Paris, KY 40361, parties of the second part; transfer year taxes in care of Ricky A. Claypool and Claudia L. Claypool and Jeffrey K. McAlmond and Angela S. McAlmond, c/o 179 Southland Dr., Paris, KY 40361.

WITNESSETH:

For and in consideration of the sum of **FIVE HUNDRED TEN THOUSAND DOLLARS (\$510,000.00)** paid to the party of the first part by the parties of the second part, the receipt of all of which the party of the first part hereby acknowledges, the party of the first part hereby bargains, sells and conveys unto the parties of the second part, Ricky A. Claypool and Claudia L. Claypool, a one-half undivided interest, in fee simple, to the survivor of them, his or her heirs and assigns forever, and unto the parties of the second part, Jeffrey K. McAlmond and Angela S. McAlmond, a one-half undivided interest, in fee simple, to the survivor of them, his or her heirs and assigns forever, and with the Covenant of **GENERAL WARRANTY**, all of the first party's right, title and interest in and to the following described real property located in Bourbon County, Kentucky:

BEGINNING at a post in the right-of-way of the L&N Railroad corner to Tract No. 1; thence N 48°00' E 3.03 chains; thence N 41°00' E 3.03 chains; thence N 37°00' E 8.60 chains to a gate post; thence N 2.84 chains; thence N 7°00' W 10.07 chains; thence N 2°30' W 4.25 chains to a post in the right-of-way of the Old Maysville and Lexington Pike, corner to Ed Hill; thence S 73°45' E 13.30 chains to a corner to Hill and Calhoun; thence S 35°45' E 14.33 chains to a hackberry; thence S 42°10' W 8.50 chains; thence S 41°30' E 36.15 chains to a stone corner to Calhoun in McIntire's line; thence S 43°00' W

17.63 chains to a stone in McIntire's line, corner to Tract No. 1, N 47*10' W 49.00 chains to the beginning, containing **120.00 acres**, and being commonly known and designated as **2246 Old Millersburg Road**, Paris, Kentucky.

This conveyance is subject, however, to that certain electric transmission lines easement granted to Kentucky Utilities Company by that certain instrument dated June 12, 1930, and recorded in the Bourbon County Clerk's Office in Deed Book 115, Page 139, and is also subject to that certain communication lines right-of-way easement granted to South Central Bell Telephone Company by that certain instrument dated April 6, 1970, and of record in said Clerk's Office in Deed Book 157, Page 636.

AND BEING the same property conveyed to Licha H. Farah and Rose Marie H. Farah, husband and wife, by Deed dated March 1, 1977, and of record in Deed Book 175, Page 400, Bourbon County Clerk's Office. An undivided 1/6th interest each was conveyed to Licha H. Farah, Jr., Mary Alichah Farah, Edward Jebron Farah, and Rose Ann Farah, by Deed dated April 1, 1998, of record in Deed Book 231, Page 364. Licha H. Farah, Jr., Mary Alichah Weldon f/k/a Mary Alichah Farah, Edward Jebron Farah, and Rose Ann Evans f/k/a Rose Ann Farah, joined by their spouses as applicable, conveyed their interest to Licha H. Farah and Rose Marie H. Farah, husband and wife, by Quitclaim Deed dated July 23, 2006, of record in Deed Book 266, Page 717. Licha H. Farah and Rose Marie H. Farah, husband and wife, conveyed the property to Licha H. Farah, married, by Quitclaim Deed dated May 31, 2008, of record in Deed Book 275, Page 492. Licha H. Farah died testate, married to Rose Marie H. Farah, on May 7, 2016, and pursuant to the terms of his Will recorded in Will Book EEE, Page 277 the property was devised to his trust, namely Licha H. Farah Fund B Trust, with his surviving spouse Rose Marie H. Farah serving as Trustee until her death and then as set out in said Will, the Successor Co-Trustees being Licha H. Farah Jr. and Mary-Alichah Weldon. **AND BEING** the same property conveyed to Estate of Rose Marie Farah by Deed dated April 23, 2021, of record in Deed Book 317, Page 320. See the Will of Rose Marie Farah of record in Will Book EEE, Page 272. Mary-Alichah Weldon was appointed Executrix, with power to sell. The appointment of the Executrix is still in full force and effect.

TO HAVE AND TO HOLD the above described property together with all appurtenances and privileges thereunto belonging, unto the parties of the second part, Ricky A. Claypool and Claudia L. Claypool, a one-half undivided interest, in fee simple, to the survivor of them, his or her heirs and assigns forever, and unto the parties of the second part, Jeffrey K. McAlmond and Angela S. McAlmond, a one-half undivided interest, in fee simple, to the survivor of them, his or her heirs and assigns forever, with