

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. ALD22-20 Fee Amount: \$ 175⁰⁰ Date Fee Received: 7/15/2022

1. APPLICANT (prospective purchaser) Jennings K. Hampton & Krista Hampton

MAILING ADDRESS 721 Millersburg Road, Paris, KY 40361

PHONE # (HOME) Mr. Hampton- (859) 707-3822 (OTHER) _____

2. OWNER Lucy Marsh

MAILING ADDRESS 715 Millersburg Road, Paris, KY 40361

PHONE # (HOME) _____ (OTHER) _____

3. LOCATION AND BRIEF DESCRIPTION OF LAND: #721 Millersburg Road (US 68), flat

4. ACREAGE: 15.100 5. ZONING DISTRICT: A-1

6. IDENTIFY CURRENT USE OF BUILDINGS house

7. PROPOSED STRUCTURES none

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? vegetable garden

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)

Jennings K. Hampton & Krista Hampton
APPLICANT SIGNATURE

7-11-22
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)*

July 15, 2022

File No. 22-5151

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

RE: Ag Land Division @ Millersburg Pike (US 68), 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 15.100 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:

LUCY ANN MARSH, P O BOX 786, PARIS KY 40362
RAUT LLC, 985 MILLERSBURG RD, PARIS KY 40361
SARAH C LEER, 843 MILLERSBURG RD, PARIS KY 40361

Respectfully Submitted,

Darnell Engineering, Inc.

Cc: File

Enclosures

AFFIDAVIT

(Land Use)

The Affiant Jennings K. Hampton & Krista Hampton, 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.

Jennings K. Hampton & Krista Hampton
Prospective Purchaser

STATE OF Kentucky

COUNTY OF Bourbon

Sworn and subscribed to before me by Jennings J. Hampton & Krista Hampton on this
the 11 day of July, 2022.

My commission expires 1/10/2024.

J M Towell
NOTARY PUBLIC
STATE AT LARGE
Notary No. KYNP394

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 Lucy Marsh, 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.

Lucy Ann Marsh
Landowner

STATE OF Kentucky
COUNTY OF Bowling

Sworn and subscribed to before me by Lucy Ann Marsh on this
the 14 day of July, 2022.

My commission expires 1/10/2024

J M Lovell
NOTARY PUBLIC
STATE AT LARGE Notary No. KYNP394

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

THIS DEED between LUCY ANN MARSH, EXECUTRIX FOR THE ESTATE AND UNDER THE WILL OF JAMES N. MARSH, DECEASED, which Will is of record in the Office of the Bourbon County Court Clerk in Will Book UU, at Page 448, of 715 Millersburg Road, Paris, Kentucky 40361, PARTY OF THE FIRST PART, LUCY ANN MARSH, a single woman, of 715 Millersburg Road, Paris, Kentucky 40361, PARTY OF THE SECOND PART,

WITNESSETH:

WHEREAS, the aforesaid James N. Marsh, died, testate, a resident of Bourbon County, Kentucky, on December 17, 2004, and his Last Will and Testament is of record in the Office of the Bourbon County Court Clerk in Will Book UU, at Page 448;

WHEREAS, the decedent, James N. Marsh, was the owner at the time of his death on December 17, 2004, of that certain farmland with improvements thereon, located at 719 Millersburg Road in Bourbon County, Kentucky, which tract of farmland consisting of 170 acres, more or less, with improvements thereon, is more fully described on Exhibit "A" attached hereto;

WHEREAS, the decedent, James N. Marsh, did, by Item IV A of his Last Will and Testament of record in the Office of the Bourbon County Court Clerk in Will Book UU, at Page 448, devise two-thirds (2/3) of his estate to his Daughter, Lucy Ann Marsh, who is the Second Party herein, and the decedent, James N. Marsh, by Item IV Section A of his Last Will and Testament, directed that his Executrix allocate and convey the

real property described on Exhibit "A" attached hereto, consisting of 170 acres, more or less, with improvements thereon, located at 719 Millersburg Road in Bourbon County, Kentucky, to his Daughter, Lucy Ann Marsh, as a part of her two-thirds (2/3) interest in the Estate of the decedent, James N. Marsh; and

WHEREAS, the purpose of this deed is to convey to the beneficiary, Lucy Ann Marsh, said tract of farmland consisting of 170 acres, more or less, with improvements thereon, located at 719 Millersburg Road in Bourbon County, Kentucky, in accordance with the directive contained in Item IV A of the Last Will and Testament of the decedent, James N. Marsh.

NOW, THEREFORE, in order to carry out the terms and provisions of Item IV A of the Last Will and Testament of the decedent, James N. Marsh, the First Party, Lucy Ann Marsh, as Executrix for the Estate and Under the Will of the decedent, James N. Marsh, does hereby grant and convey unto the Second Party, Lucy Ann Marsh, her heirs and assigns forever, in fee simple, the real property described on Exhibit "A" attached hereto, located on the Millersburg Road in Bourbon County, Kentucky, to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND
INCORPORATED HEREIN BY REFERENCE FOR
PROPERTY DESCRIPTION OF REAL PROPERTY
HEREBY CONVEYED.

TO HAVE AND TO HOLD the hereinabove described real property unto the Second Party, in fee simple, her heirs and

EXHIBIT "A"

That certain farmland, with improvements thereon, located at 719 Millersburg Road in Bourbon County, Kentucky, containing 170 acres, more or less, and more fully described as follows:

PARCEL NO. 1: Beginning at 4, a stone corner to No. 2, in a line of Steele Marsh, thence with his line S 52 1/2 E 23.35 chains to the middle of the Maysville & Lexington turnpike; thence with the middle thereof S 38 1/4 West 15.705 chs. to 6, the middle of said turnpike, a corner to the 61.14 acre tract; thence with the line of this tract N 52 1/2 W 23.35 chs. to a stone in a line of No. 2; thence with a line of No. 2, N 38 1/4 E 15.705 chs. to the beginning, containing 36 2/3 acres.

EXCEPTION: The above described Parcel No. 1 is subject to an exception with regard to the 5 acre tract of land conveyed to Lucy Marsh VonGruenigen, and shown on the plat of record in the Office of the Bourbon County Court Clerk in Plat Cabinet B, Slide 64, which deed from James N. Marsh and Alpha Teska Marsh, his wife, to Lucy Marsh VonGruenigen, is of record in the Office of the Bourbon County Court Clerk in Deed Book 203, at Page 125; and said Parcel No. 1 is further subject to the easement for ingress and egress to and from the Millersburg Road (US HWY 68) and said 5 acre tract of land shown on the plat of record in the Office of the Bourbon County Court Clerk in Plat Cabinet B, Slide 64, which easement for ingress and egress is shown and depicted on said plat of record in the Office of the Bourbon County Court Clerk in Plat Cabinet B, Slide 64.

The above described Parcel No. 1 is a part of the same property acquired by W. S. Marsh, by deed dated March 1, 1919, of record in the Office of the Bourbon County Court Clerk in Deed Book 114, at Page 598; the said W. S. Marsh died, intestate, a resident of Bourbon County, Kentucky, on June 10, 1944, leaving surviving as his only next-of-kin and heir-at-law, his son, James N. Marsh, who inherited the above described property under the laws of descent and distribution then in effect in the Commonwealth of Kentucky, as is more fully set forth in that certain Affidavit of Descent of record in the Office of the Bourbon County Court Clerk in Deed Book 203, at Page 124. The said James N. Marsh died, testate, a resident of Bourbon County, Kentucky, on December 17, 2004, owning the above described Parcel No. 1, at the time of his death, and this deed is executed and delivered by Lucy Ann Marsh, as Executrix under the Will and for the Estate of James N. Marsh, pursuant to and in accordance with Item IV, Section A, of the Last Will and Testament of the decedent, James N. Marsh, which Will is of record in the Office of the Bourbon County Court Clerk in Will Book UU, at Page 448.

PARCEL NO. 2: That certain tract of land containing 88 acres, beginning at K, a stone in Walter Clark's line and a corner to No. 3, thence S 85 7/8 E 6.71 chains to B, a stone corner to said Clark, thence S 4 7/8 W 30.94 chains to C, a stone corner to C.C. Leer, thence S 44 E 12.68 chains to D, the middle of the Paris & Maysville Turnpike a corner to said Leer, thence with the middle of said turnpike S 38 1/4 W 22.57 chains to I, a corner to No. 1, thence N 52 1/2 W 21.37 chains to J, a stone corner to same, thence N 21 3/4 E 48.54 chains to the beginning.

EXCEPTION: The above described Parcel No. 2 is subject to an exception with regard to that certain parcel of land, containing 25.75 acres, more or less, which was conveyed to C.H. Dalzell, by W.S. Marsh and his wife, Lucy W. Marsh, by deed dated May 24, 1919, of record in the Office of the Bourbon County Court Clerk in Deed Book 105, at Page 341, and which 25.75 acre tract of land is more fully described as follows: A certain tract or parcel of land situated in Bourbon County, KY, on the waters of Stoner Creek and bounded as follows: Beginning at a stone, corner to C. H. Dalzell and running therefrom with said Marsh's line S 74 E 927 feet to a stake in Mrs. C. C. Leer's line; thence with her line N 5 1/4 E 1723 feet to a stone corner to said Dalzell; thence 85 3/4 W 440 feet to a stone corner to said Dalzell; thence S 22 1/4 W 1611 feet to the beginning, containing twenty-five and seventy-five one hundredths (25.75) acres.

The above described Parcel No. 2 is a part of the same property acquired by William Steele Marsh (being one and the same person as W. S. Marsh), by deed dated February 12, 1903, and of record in the Office of the Bourbon County Court Clerk in Deed Book 85, at Page 578; the said W. S. Marsh died, intestate, a resident of Bourbon County, Kentucky, on June 10, 1944, leaving surviving as his only next-of-kin and heir-at-law, his son, James N. Marsh, who inherited the above described property under the laws of descent and distribution then in effect in the Commonwealth of Kentucky, as is more fully set forth in that certain Affidavit of Descent of record in the Office of the Bourbon County Court Clerk in Deed Book 203, at Page 124. The said James N. Marsh died, testate, a resident of Bourbon County, Kentucky, on December 17, 2004, owning the above described Parcel No. 2, at the time of his death, and this deed is executed and delivered by Lucy Ann Marsh, as Executrix under the Will and for the Estate of James N. Marsh, pursuant to and in accordance with Item IV, Section A, of the Last Will and Testament of the decedent, James N. Marsh, which Will is of record in the Office of the Bourbon County Court Clerk in Will Book UU, at Page 448.

PARCEL NO. 3: Beginning at P, a stone in line of Thomas Marsh's 105 acres; thence with their line S 74 1/4 E 9.28 chains to W, a stone in Steele Marsh's line (88 a. tract);

thence with his line S 21 3/4 W 4.18 chains to J, a stone corner to the 158.47 a. tract; thence N 52 1/2 W 6.90 chains to R, a stone corner to same; thence N 14 7/8 E 21.49 chains to the beginning, containing 18 acres.

The above described Parcel No. 3 is the same property conveyed to William Steele Marsh (being one and the same person as W. S. Marsh), by deed dated March 1, 1905, and of record in the Office of the Bourbon County Court Clerk in Deed Book 87, at Page 564; the said W. S. Marsh died, intestate, a resident of Bourbon County, Kentucky, on June 10, 1944, leaving surviving as his only next-of-kin and heir-at-law, his son, James N. Marsh, who inherited the above described property under the laws of descent and distribution then in effect in the Commonwealth of Kentucky, as is more fully set forth in that certain Affidavit of Descent of record in the Office of the Bourbon County Court Clerk in Deed Book 203, at Page 124. The said James N. Marsh died, testate, a resident of Bourbon County, Kentucky, on December 17, 2004, owning the above described Parcel No. 3, at the time of his death, and this deed is executed and delivered by Lucy Ann Marsh, as Executrix under the Will and for the Estate of James N. Marsh, pursuant to and in accordance with Item IV, Section A, of the Last Will and Testament of the decedent, James N. Marsh, which Will is of record in the Office of the Bourbon County Court Clerk in Will Book UU, at Page 448.

PARCEL NO. 4: Beginning in the center of said pike corner to W. S. Marsh's orig. tract; thence along same N 52 deg. 15' W 1541 ft. to an iron pin corner to Marsh and Mrs. Carpenter; thence along her lines S 38 deg. 30' W 424 ft. to stone; thence S 52 deg. 15' E 1541 ft. to center of Maysville & Lexington pike, corner to Mrs. Carpenter; thence along center of said pike N 38 deg. 30' E 424 ft. to place of beginning, containing 15 acres as aforesaid.

The above described Parcel No. 4 is the same property conveyed to W. S. Marsh by deed dated March 9, 1920, from Mrs. Frankie Marsh Carpenter and her husband, H. D. Carpenter, which deed is of record in the Office of the Bourbon County Court Clerk in Deed Book 114, at Page 597; the said W. S. Marsh died, intestate, a resident of Bourbon County, Kentucky, on June 10, 1944, leaving surviving as his only next-of-kin and heir-at-law, his son, James N. Marsh, who inherited the above described property under the laws of descent and distribution then in effect in the Commonwealth of Kentucky, as is more fully set forth in that certain Affidavit of Descent of record in the Office of the Bourbon County Court Clerk in Deed Book 203, at Page 124. The said James N. Marsh died, testate, a resident of Bourbon County, Kentucky, on December 17, 2004, owning the above described Parcel No. 4, at the time of his death, and this deed is executed and delivered by Lucy Ann

Marsh, as Executrix under the Will and for the Estate of James N. Marsh, pursuant to and in accordance with Item IV, Section A, of the Last Will and Testament of the decedent, James N. Marsh, which Will is of record in the Office of the Bourbon County Court Clerk in Will Book UU, at Page 448.

PARCEL NO. 5: Beginning at a point in the center of the Paris and Maysville Turnpike corner to James N. Marsh and with the center of said turnpike S 38 1/4 W 907.8' to a corner to Marsh sisters; thence N 52 1/2 W 1046.5 feet to corner in said line; thence S 38 1/4 W 171.2 feet to center of Ruddles Mill Turnpike; thence N 12 deg. W 492.3 feet with the center of said turnpike; thence N 38 1/4 E 16.5 feet to the East margin of said turnpike; thence along the East margin N 12 deg. W 292.7 feet to corner to the Marsh sisters; thence N 38 1/4 E 947.5 feet to corner in said line; thence N 54 deg. W 194.5 feet to corner; thence N 38 1/4 E 1067.2 feet to corner in James N. Marsh line; thence S 52 1/2 E 310 feet to corner 4 in said Marsh line; thence S 38 1/4 W 1392 feet to corner 5 in said line; thence along said line S 52 1/2 E 1541.1 feet to 6 point of beginning containing 42.06 acres, more or less.

Subject to an easement 15 feet in width just inside the existing fence line along the Ruddles Mill Turnpike for the passage of livestock and farm equipment between the two parcels of land covered by deed of even date herewith from James N. Marsh and his wife to Clarine Marsh and Martha Marsh Williams recorded in Deed Book 137, Page 225, in said Clerk's Office, said easement being more particularly described in said deed.

and Being the same property conveyed to James N. Marsh by deed from Martha Marsh Williams and John R. Williams, her husband, and Clarine Marsh, a single woman, by deed dated April 20, 1959, and of record in the Office of the Bourbon County Court Clerk in Deed Book 137, at Page 223; the said James N. Marsh died, testate, a resident of Bourbon County, Kentucky, on December 17, 2004, owning the above described Parcel No. 5, at the time of his death, and this deed is executed and delivered by Lucy Ann Marsh, as Executrix under the Will and for the Estate of James N. Marsh, pursuant to and in accordance with Item IV, Section A, of the Last Will and Testament of the decedent, James N. Marsh, which Will is of record in the Office of the Bourbon County Court Clerk in Will Book UU, at Page 448.

State of Kentucky, County of Bourbon, Sct.
I, RICHARD STIPP EADS, Clerk of Bourbon
County Court, do certify that the foregoing

was, on the Wed day of Nov, 2005
at 4:08 P. M., lodged in my office for record,
and that it has been duly recorded in my said
office, together with this and the certificate thereon
endorsed. Given under my hand.

Richard Stipp Eads, Ccc

05 FEB - 7 PM 4:08
BOURBON COUNTY COURT
RICHARD STIPP EADS
CLERK