

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. ALD23-05 Fee Amount: \$ 175⁰⁰ Date Fee Received: 2/10/2023

1. APPLICANT (prospective purchaser) MSF Properties, LLC

MAILING ADDRESS 161 Levy Road, Paris, KY 40361

PHONE # Justin Menke- (859) ⁵⁴⁷~~437~~-8249

2. OWNER Justin & Susan M. Menke

MAILING ADDRESS 161 Levy Road, Paris, KY 40361

PHONE # Justin Menke- (859) ⁵⁴⁷~~437~~-8249

3. LOCATION AND BRIEF DESCRIPTION OF LAND: #161 Levy Road (KY 57), flat to gently rolling

4. ACREAGE: 5.000 5. ZONING DISTRICT: A-1

6. IDENTIFY CURRENT USE OF BUILDINGS house, buildings, barn

7. PROPOSED STRUCTURES none at this time

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? chickens & ducks

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)

APPLICANT SIGNATURE

DATE

2/9/2023


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.


AFFIDAVIT

(Land Use)

The Affiant Justin Menke & Susan M. Menke 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.



Justin Menke
 Landowner


Susan M. Menke

STATE OF Kentucky
 COUNTY OF Bourbon

Sworn and subscribed to before me by M. Lee Ginter on this
 the 9th day of February, 2023

My commission expires Feb 25, 2025.


M. Lee Ginter
 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 MSF Properties, LLC, 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.



Prospective Purchaser

STATE OF Kentucky

COUNTY OF Bourbon

Sworn and subscribed to before me by UM. Lee Linter on this
the 9th day of February, 20 23.

My commission expires Feb 25, 2025.



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.

REAL ESTATE TAX PAID AMT \$ 0
CYNTHIA SANTANA WILSON, BCC
DATE 9/20/22 BY De Jay Hurst DC

FILED FOR RECORD
CYNTHIA SANTANA WILSON
BOURBON COUNTY CLERK
2022 SEP 20 PM 1:06

QUITCLAIM DEED

THIS DEED, made and entered into this 14 day of September, 2022, by and between **Steven Schrader and Barbara Schrader**, husband and wife, of 1973 Gainesborough Ln, Cincinnati, OH 45230, as first parties, and **Justin Menke and Susan M. Menke**, husband and wife, second parties, of 161 Levy Pike, N. Middletown, KY 40357 which is also the tax mailing address.

WITNESSETH:

The parties of the first part for **LOVE AND AFFECTION** between parents and child, quitclaim and release their interest to the second parties, for and during their joint lives together with the remainder in fee simple to the survivor of them, his or her heirs and assigns forever, any right or claim, interest in the following property:

LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A"

TO HAVE AND TO HOLD the above-described property to the parties of the second part, for and during their joint lives together with the remainder in fee simple to the survivor of them, his or her heirs and assigns forever.

RETURN TO:

Don B. White, PLLC
200 W. Lowry Lane
Lexington, KY 40503

LEGAL DESCRIPTION

161 LEVY ROAD
NORTH MIDDLETOWN, KY

Beginning at an iron post, this being the southwest corner of the fence around the North Middletown water tower; thence with the line of the North Middletown School property, S 82 deg. 37' E 217 ft. to a post in the west margin of a twenty-foot passway; thence with the west margin of said passway, S 5 1/4 deg. W 304 - 1/2 ft. to the north margin of Wilson Avenue (designated on the plat hereinafter mentioned as "Caywood Street"); thence with the margin of said avenue, 20 ft., to a post corner to John Stuart's heirs; thence with their line, N 5 1/4 deg. E 304 1/2 ft., a post corner to same; thence S 82 deg. 37' E 195 ft. to a post corner to Prewitt; thence with Prewitt's line N 10 1/2 deg. E 192 ft., to a post corner to same; thence in an easterly direction 65 ft. to a post, corner to same, this being the Northeastern corner of Lot # 10, Block H of Fairview Addition, a plat of which is of record in Deed Book 105, Page 260, in the Bourbon County Clerk's Office; thence S 63 3/4 deg. E along the northeasterly line of Lot numbers 11 through 15, (Wilson's Heirs) to a post corner to Wilson's Heirs and Lot # 15, a distance of 475 ft., more or less; thence with the western line of Lot # 1, Block G of said Addition, shown on said plat to be 335 ft.; thence with the southern line of Lot numbers 1 through 17 of Block G, shown on said plat to be 513 ft., 3 inches, to the eastern point of said Lot # 17 and the center of the Levy Pike; thence with the center of said pike, N 60 deg. 40' E 576 ft., N 44 deg. E 417 ft. to a corner to Gilkey; thence with Gilkey's line N ("N" was omitted from 2 prior deeds) 51 deg. W 1953 ft., more or less, to a post corner to Robert Gilkey and John Gilkey; thence with John Gilkey's line S 31 3/4 deg. W 1197 ft., more or less, to a post corner to John Gilkey (this being the corner of Charlton Lowe in Mrs. Dick Skillman's line, one and the same person as Laura Talbott, as shown in Deed Book 109, Page 470); thence west with John Gilkey N 83 1/4 deg. W 34 ft. to said school property; thence with the line of the school property S 5 1/2 deg. W 260 ft. to the beginning.

There is excepted from the above-described property a 0.230 acre tract conveyed to the City of North Middletown from Belva Chamberlain, single, by deed dated May 2, 1994 and recorded in Deed Book 219, Page 147, in the Bourbon County Clerk's office.

Being the same property conveyed to Justin Menke and Susan M. Menke, husband and wife, and Steven Schrader and Barbara Schrader, husband and wife, from John W. Combs, single, by deed dated January 29, 2021 and recorded in Deed Book 316, Page 448.

STATE OF KENTUCKY
COUNTY OF BOURBON, Sct.
I, CYNTHIA SANTANA WILSON, Clerk of Bourbon County Court,
do certify that the foregoing DEED
was on 9/20/2022 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.

CYNTHIA SANTANA WILSON, CLERK

Cynthia Santana Wilson, BCC.

Book 323 Page 414 (4)



REAL ESTATE TAX PAID AMT \$ 599.00
RICHARD STIPPEADS, BCC
DATE 2/5/21 BY A. Jayhurst DC

2021 FEB -5 PM 2:28
RICHARD STIPPEADS
BOURBON COUNTY CLERK

THIS DEED, made and entered into on this 29th day of January, 2021, by and between John W. Combs, single, party of the first part, of 2328 W. Pacific Ave., Spokane, WA 99201, and Justin Menke and Susan M. Menke, husband and wife, of 8126 Pleasant Valley Rd., Florence, KY 41042, and Steven Schrader and Barbara Schrader, husband and wife, of 1973 Gainesborough Ln., Cincinnati, OH 45230, all as second parties. Tax bills may be mailed in care of Justin Menke at 8126 Pleasant Valley Rd., Florence, KY 41042.

WITNESSETH

THAT the party of the first part, for and in consideration of the total purchase price of \$599,000.00, cash in hand paid by the parties of the second part, the receipt of all of which is hereby acknowledged, has bargained and sold and does hereby grant and convey unto the parties of the second part, for and during their joint lives together with the remainder in fee simple to the survivor of them, his or her heirs and assigns forever, the following described property together with all improvements thereon and appurtenances thereunto belonging, located in the County of Bourbon, State of Kentucky, described as follows, to-wit:

SEE ATTACHED EXHIBIT "A"

TO HAVE AND TO HOLD the above described property unto the said parties of the second part, for and during their joint lives together with the remainder in fee simple

RETURN TO:
Don B. White
Attorney at Law
2357 Huguenard, Suite 200
Lexington, Kentucky 40503

EXHIBIT "A"
LEGAL DESCRIPTION

161 LEVY ROAD, NORTH MIDDLETOWN, KY

Beginning at an iron post, this being the southwest corner of the fence around the North Middletown water tower; thence with the line of the North Middletown School property, S 82 deg. 37' E 217 ft. to a post in the west margin of a twenty-foot passway; thence with the west margin of said passway, S 5 1/4 deg. W 304 - 1/2 ft. to the north margin of Wilson Avenue (designated on the plat hereinafter mentioned as "Caywood Street"); thence with the margin of said avenue, 20 ft., to a post corner to John Stuart's heirs; thence with their line, N 5 1/4 deg. E 304 1/2 ft., a post corner to same; thence S 82 deg. 37' E 195 ft. to a post corner to Prewitt; thence with Prewitt's line N 10 1/2 deg. E 192 ft., to a post corner to same; thence in an easterly direction 65 ft. to a post, corner to same, this being the Northeastern corner of Lot # 10, Block H of Fairview Addition, a plat of which is of record in Deed Book 105, Page 260, in the Bourbon County Clerk's Office; thence S 63 3/4 deg. E along the northeasterly line of Lot numbers 11 through 15, (Wilson's Heirs) to a post corner to Wilson's Heirs and Lot # 15, a distance of 475 ft., more or less; thence with the western line of Lot # 1, Block G of said Addition, shown on said plat to be 335 ft.; thence with the southern line of Lot numbers 1 through 17 of Block G, shown on said plat to be 513 ft., 3 inches, to the eastern point of said Lot # 17 and the center of the Levy Pike; thence with the center of said pike, N 60 deg. 40' E 576 ft., N 44 deg. E 417 ft to a corner to Gilkey; thence with Gilkey's line N ("N" was omitted from 2 prior deeds) 51 deg. W 1953 ft., more or less, to a post corner to Robert Gilkey and John Gilkey; thence with John Gilkey's line S 31 3/4 deg. W 1197 ft., more or less, to a post corner to John Gilkey (this being the corner of Charlton Lowe in Mrs. Dick Skillman's line, one and the same person as Laura Talbott, as shown in Deed Book 109, Page 470); thence west with John Gilkey N 83 1/4 deg. W 34 ft. to said school property; thence with the line of the school property S 5 1/2 deg. W 260 ft. to the beginning.

There is excepted from the above-described property a 0.230 acre tract conveyed to the City of North Middletown from Belva Chamberlain, single, by deed dated May 2, 1994 and recorded in Deed Book 219, Page 147, in the Bourbon County Clerk's office.

Being the same property conveyed to John Combs and Stephanie Combs, husband and wife, from the Estate of Belva Bates Chamberlain et al, by deed dated February 18, 2013 and recorded in Deed Book 290, Page 195; and also the same property conveyed to John W. Combs, from Stephanie C. Combs, by Quitclaim deed, pursuant to a Decree of Dissolution, which deed was dated January 7, 2015 and recorded in Deed Book 297, Page 125; both in the aforesaid Clerk's office.

Book 316 Page 448 (5)



790251

STATE OF KENTUCKY
COUNTY OF BOURBON, Sct.
I, RICHARD STIPP EADS, Clerk of Bourbon County Court,
do certify that the foregoing DEED
was on 2/5/2021 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, CLERK

Richard Stipp Eads, BCC

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)*

February 10, 2023

File No. 23-5318

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

RE: Ag Land Division @ #161 Levy Road (KY 57), 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 5.000 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:

MARY SHELLEY, 245 LEVY RD, PARIS KY 40361
NATALIA I LOREDO & JOSE LUIS RODRIGUEZ, 303 TARR RD, PARIS KY 40361
JASON D & MELINDA P GEORGE, P O BOX 229, N MIDDLETOWN KY 40357
GENEVA LONG IRREVOCABLE FAMILY TRUST, P O BOX 133, N MIDDLETOWN KY 40357
RONALD TRAVIS WINSTEAD, 692 SPRINGHURST DR, LEXINGTON KY 40503
VEDA HONAKER, P O BOX 144, N MIDDLETOWN KY 40357
BOURBON COUNTY BOARD D OF EDUCATION, 3343 LEXINGTON RD, PARIS KY 40361
KENTUCKY-AMERICAN WATER COMPANY, 2300 RICHMOND RD, LEXINGTON KY 40502
JOSUE S RAMIREZ, 343 COLLEGE RD, PARIS KY 40361
UDELLA BLACKBURN & DAVID COOK SR, P O BOX 502, N MIDDLETOWN KY 40357

Respectfully Submitted,

Darnell Engineering, Inc.

Cc: File

Enclosures