

**FISCAL COURT
RESOLUTION NO. 2023 - 039**

**ROAD CLOSING – Portion of West Anjou Court
(undeveloped 50' Right-of-Way for Future Street)
In The Orchard Subdivision, Elizabethtown, KY**

**This Resolution duly made and adopted this 28th day of February 2023, by the Hardin County
Fiscal Court, County of Hardin, and Commonwealth of Kentucky.**

WHEREAS, a request has been made by Deena & Daniel London and Vonce & Latarsha Isom to close the platted, undeveloped 50' right-of-way for Future Street at the end of West Anjou Court in The Orchard Subdivision as recorded in the office of the Hardin County Clerk's Office, Plat Cabinet 1, Sheet 4299. The right-of-way will be consolidated into adjoining Lots 29 & 30 of The Orchard Subdivision with an Amended Record Plat.

WHEREAS, the proposal was submitted to the Hardin County Planning and Development Commission for review as provided in KRS 100.324(4); and the Commission having adopted RESOLUTION 2023-003 at its meeting held on the 17th of January 2023 finding that the closing of the right-of-way meets the Goals and Objectives of the COMPREHENSIVE DEVELOPMENT GUIDE, a photocopy of the said RESOLUTION is attached hereto and made a part hereof; and

WHEREAS, pursuant to KRS Chapter 178, the Hardin County Fiscal Court held a public hearing on Tuesday, 28 February 2023, on the proposed Road Closing and to receive the Viewers Report and testimony from the public,

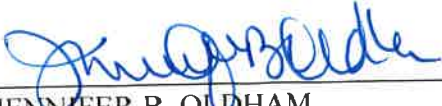
NOW THEREFORE, BE IT RESOLVED, by the Hardin County Fiscal Court, Commonwealth of Kentucky as follows:

1. The closing of a Portion of West Anjou Court (Undeveloped 50' right-of-way for Future Street) in The Orchard Subdivision as illustrated on the attached exhibits, and described in the Summary Report, which, by reference is made a part hereof, will not cause any inconvenience, nor will it result in a hardship for any person or property, and traffic patterns and the general health, safety and welfare of the public will be improved.
2. That the platted right-of-way is hereby closed, discontinued and removed from public use as provided in KRS Chapter 178.
3. Pursuant to Jones vs. Avondale Heights Co., 47 S. W. 2d 949 (KY. 1932) and other applicable case law, the closed platted right-of-way shall revert to the adjoining property owners and be shown on an Amended Subdivision Plat of The Orchard Subdivision, Lots 29 & 30 to be submitted by the owner and approved by the Planning Commission and recorded in the office of the Hardin County Court Clerk, Elizabethtown, Kentucky.

ADOPTED by the Hardin County Fiscal Court, Commonwealth of Kentucky, in Regular Meeting, on this 28th of February 2023.



KEITH TAUL
HARDIN COUNTY
JUDGE /EXECUTIVE



JENNIFER B. OLDHAM
HARDIN COUNTY ATTORNEY

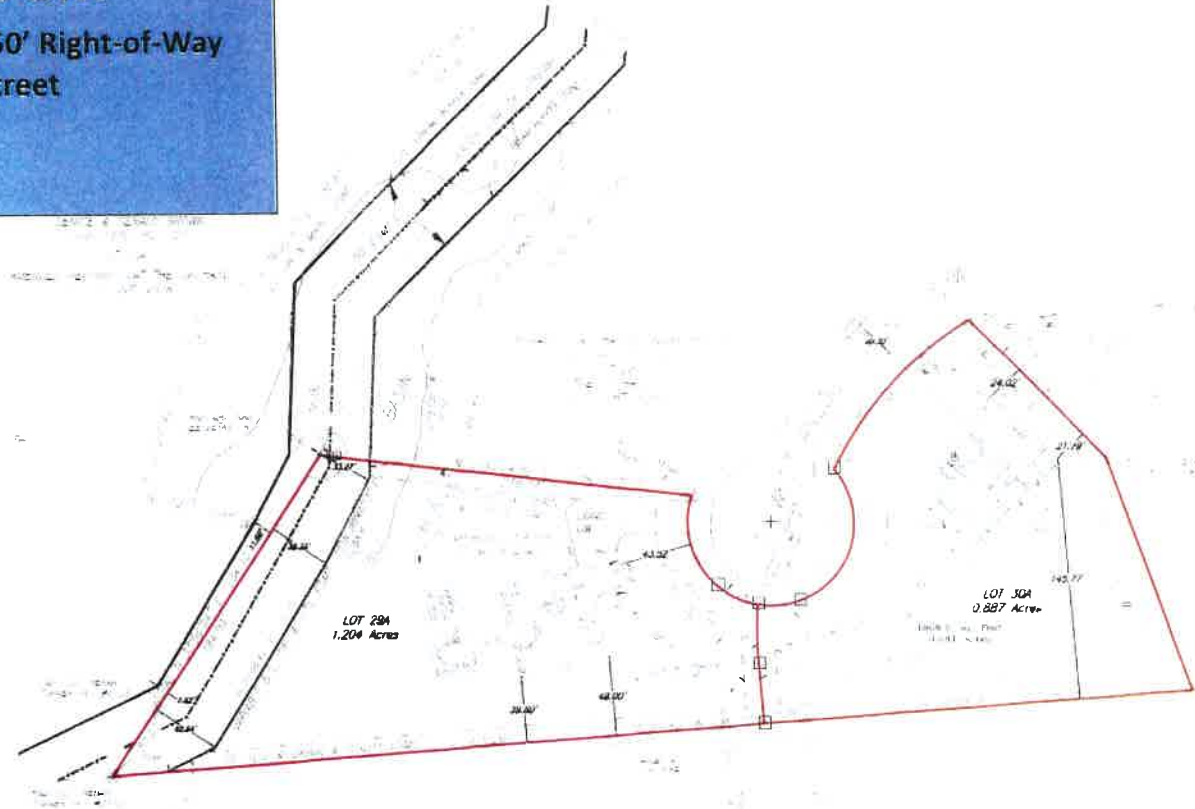
ROAD CLOSING SUMMARY REPORT

Portion of West Anjou Court - Undeveloped 50' Right-of-Way
for Future Street

The Orchard Subdivision

28 February 2023

Applicants: Deena & Daniel London
90 West Anjou Ct.
Elizabethtown, KY 42701
&
Vonce & Latarsha Isom
67 West Anjou Ct.
Elizabethtown, KY 42701



REQUEST: A Road Closing request has been submitted to close a 50' Undeveloped right-of-way for future street at the end of West Anjou Court in Elizabethtown, KY in The Orchard Subdivision to allow for the property to be merged with the adjoining lots.

**ROAD CLOSING
SUMMARY REPORT**

- A. Meeting Notification**
- B. KRS 100.324 (4)**
- C. Vicinity Map**
- D. Zoning Map**
- E. Aerial Photographs**
- F. Plat of The Orchard Subdivision (2006)**
- G. Proposed Amended Plat of The Orchard Subdivision, Lots 29 & 30 (2022/2023)**
- H. Photos of the Site**
- I. Topography Map**
- J. Staff Report and COMPREHENSIVE PLAN ANALYSIS**
- K. *Comprehensive Development Guide**
- L. *Development Guidance System Ordinance**
- M. Planning Commission Resolution 2023-003**
- N. Fiscal Court Resolution 2023-028 (Appointing Viewers)**
- O. Viewers Report**
- P. Fiscal Court Resolution 2023-039 for consideration**

***Not provided in PowerPoint**

KRS Chapter 100.324(4) – The Planning Commission is required to review any proposed street closing with regard to the Comprehensive Plan. The specific language of the law states:

(4) Any proposal for ... disposition of land for public facilities, ..., shall be referred to the commission to be review in light of its agreement with the comprehensive plan, and the commission shall, within sixty (60) days ... advise the referring body whether the project is in accordance with the comprehensive plan.

3 signs have been posted on site since Wednesday, January 18, 2023



Newspaper Notice on Sat./Sun.
February 18/19, 2023



4 Letters were sent to adjoining property owners on February 10, 2023



Hardin County
Planning and Development Commission
 129 N. Provident Way, 204 - 25
 Elizabethtown, KY 42701
 Phone: 502-636-1100 Fax: 502-636-1104

Estimated: 02/2023

NOTICE OF PUBLIC HEARING

To Surrounding Property Owners:

The purpose of this letter is to notify you of an anticipated PUBLIC HEARING before the Hardin County Fiscal Court regarding the application as follows:

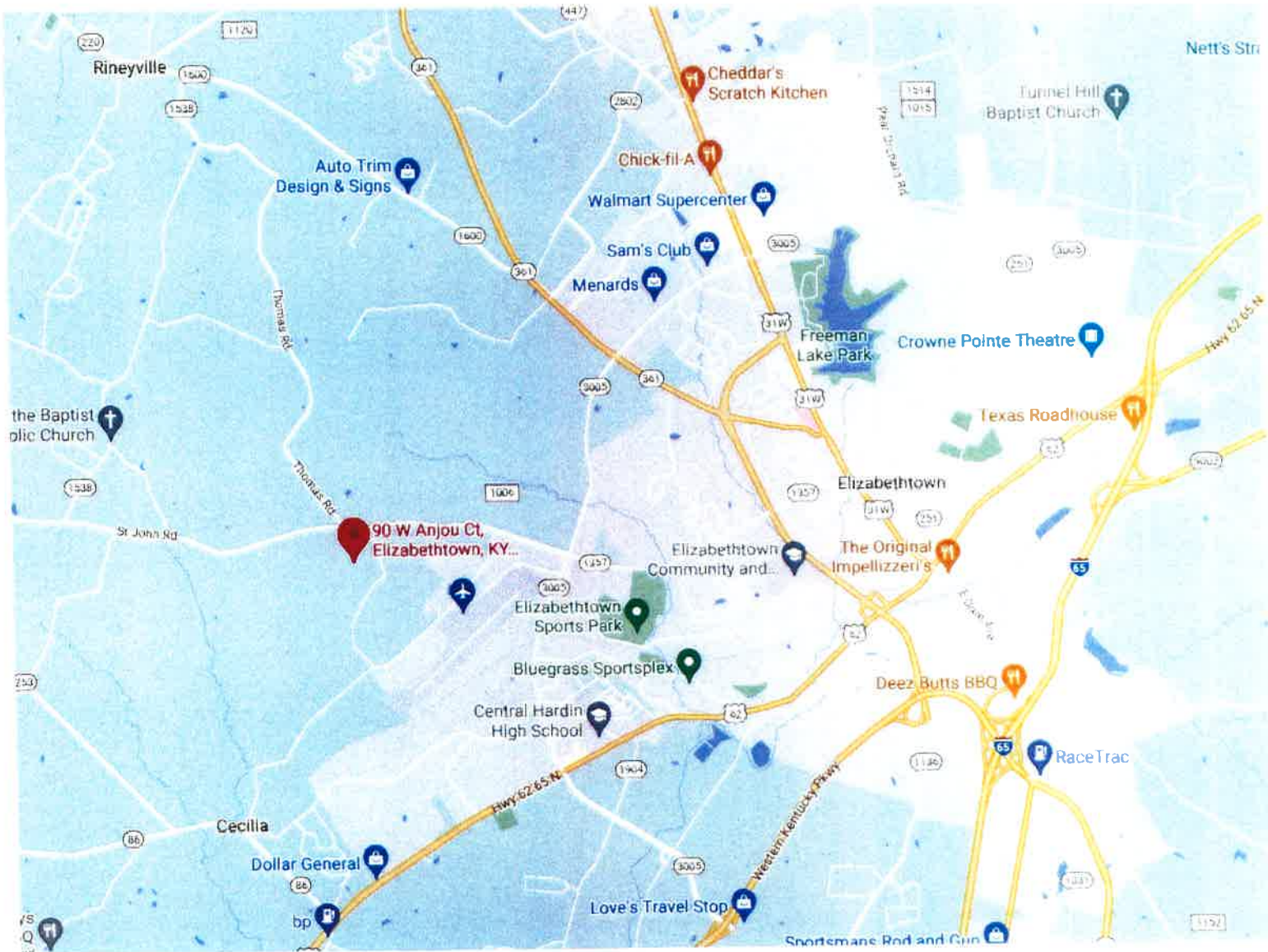
DATE: 28 FEBRUARY 2023
 TIME: 5:30 PM
 PLACE: Hardin County Government Center, Third Floor, Meeting Room, 150 North Provident Way, Elizabethtown, KY 42701
 LOCATION: 50' DEDICATED RIGHT-OF-WAY FOR FUTURE STREET AT THE END OF WEST ANJOU COURT IN THE ORCHARD SUBDIVISION
 REQUEST: TO CLOSE A DEDICATED RIGHT-OF-WAY FOR FUTURE STREET AT THE END OF WEST ANJOU COURT - See Enclosed Map

The Hardin County Fiscal Court will decide if the closing right-of-way is in the public interest. The presence of any person or property on the property during the hearing is not a guarantee of public access.

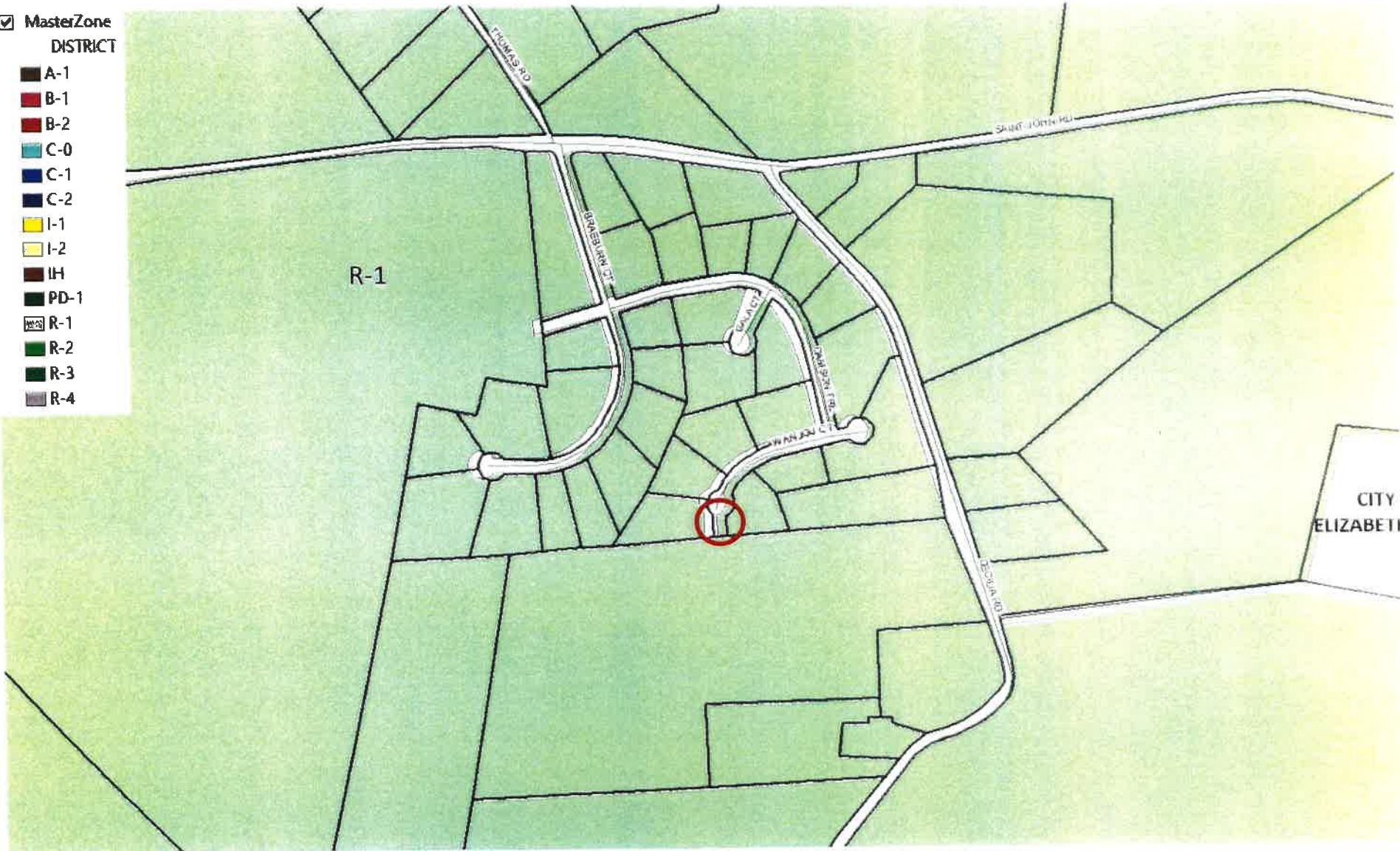


Adam C. King, AICP
 Director

cc: ALL APPPLICANT SIGNATURES

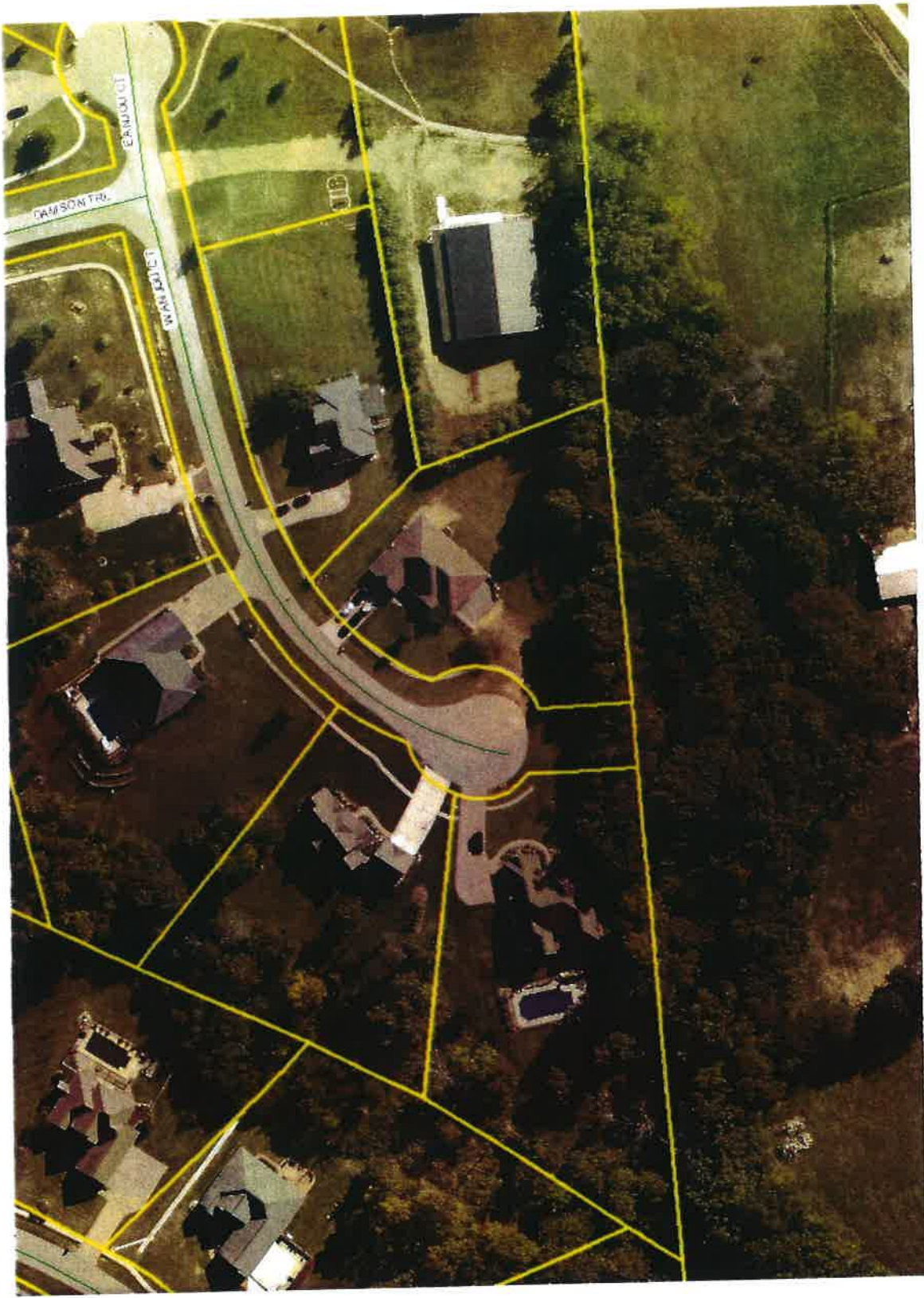


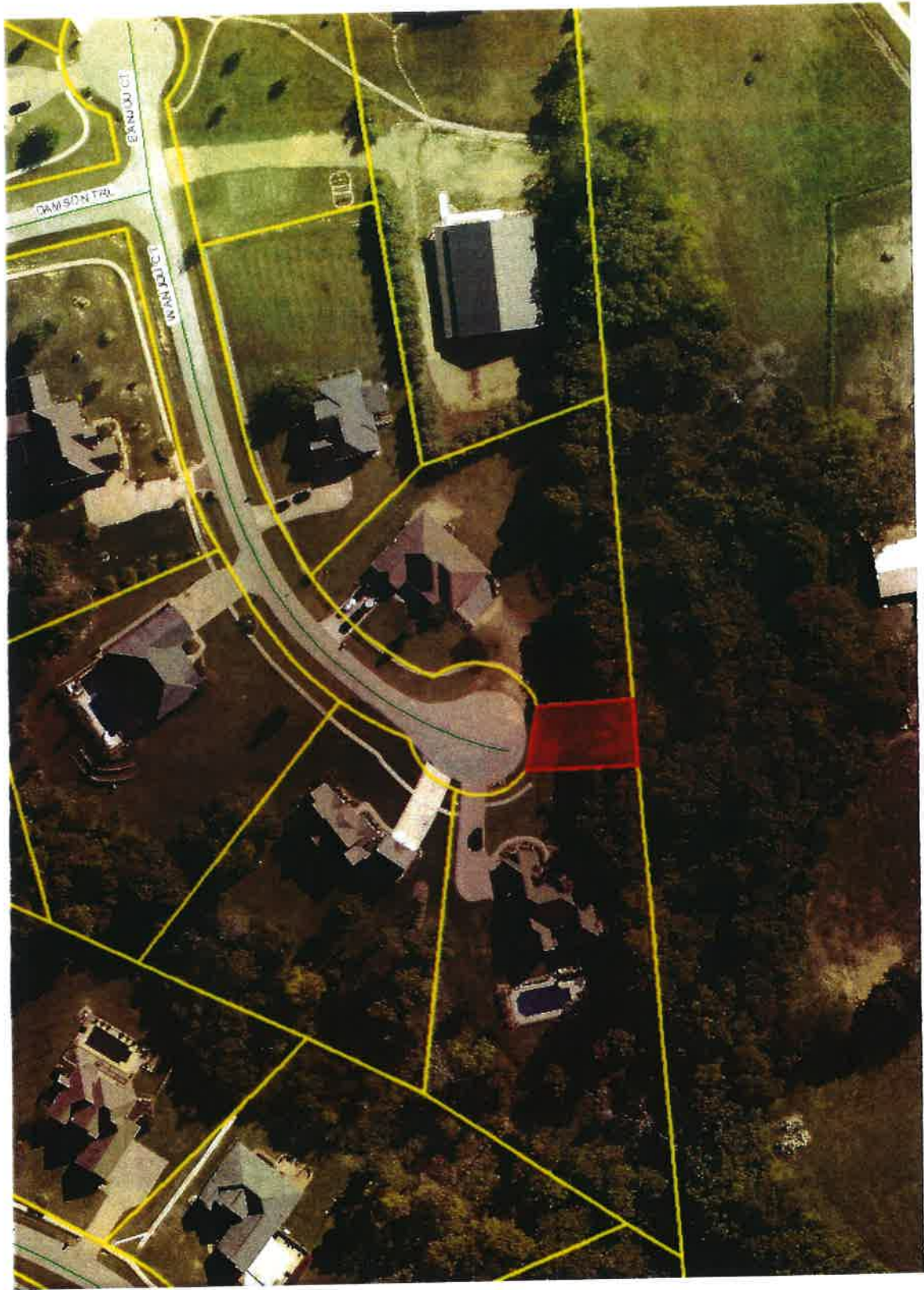
- MasterZone
- DISTRICT
- A-1
- B-1
- B-2
- C-0
- C-1
- C-2
- I-1
- I-2
- IH
- PD-1
- R-1
- R-2
- R-3
- R-4

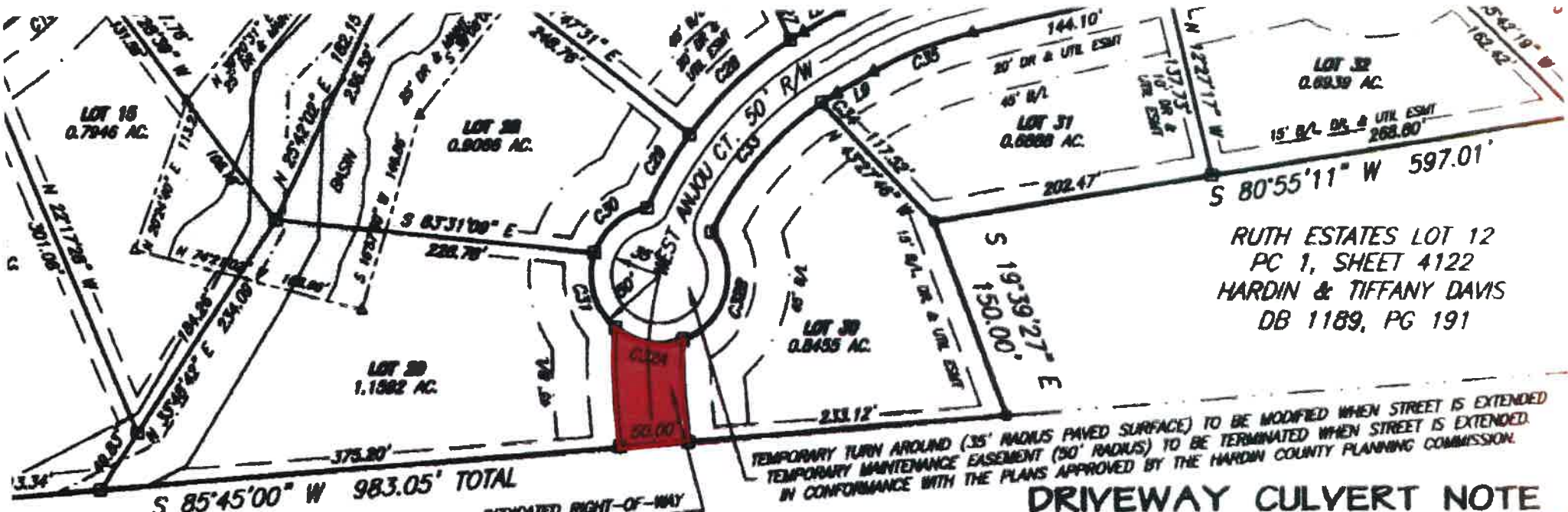




Adjoining Snodgrass farm is approximately 26 acres after the creation of a 2 acre lot and has 166' of road frontage on Cecilia Road







**ITY EASEMENT
LEASE NOTE**

MT." FOR AN EXISTING UTILITY LINE IS

DEDICATED RIGHT-OF-WAY
50' FOR FUTURE STREET

VENSON & DEBORAH SNODGRASS
D.B. 679, PG. 440

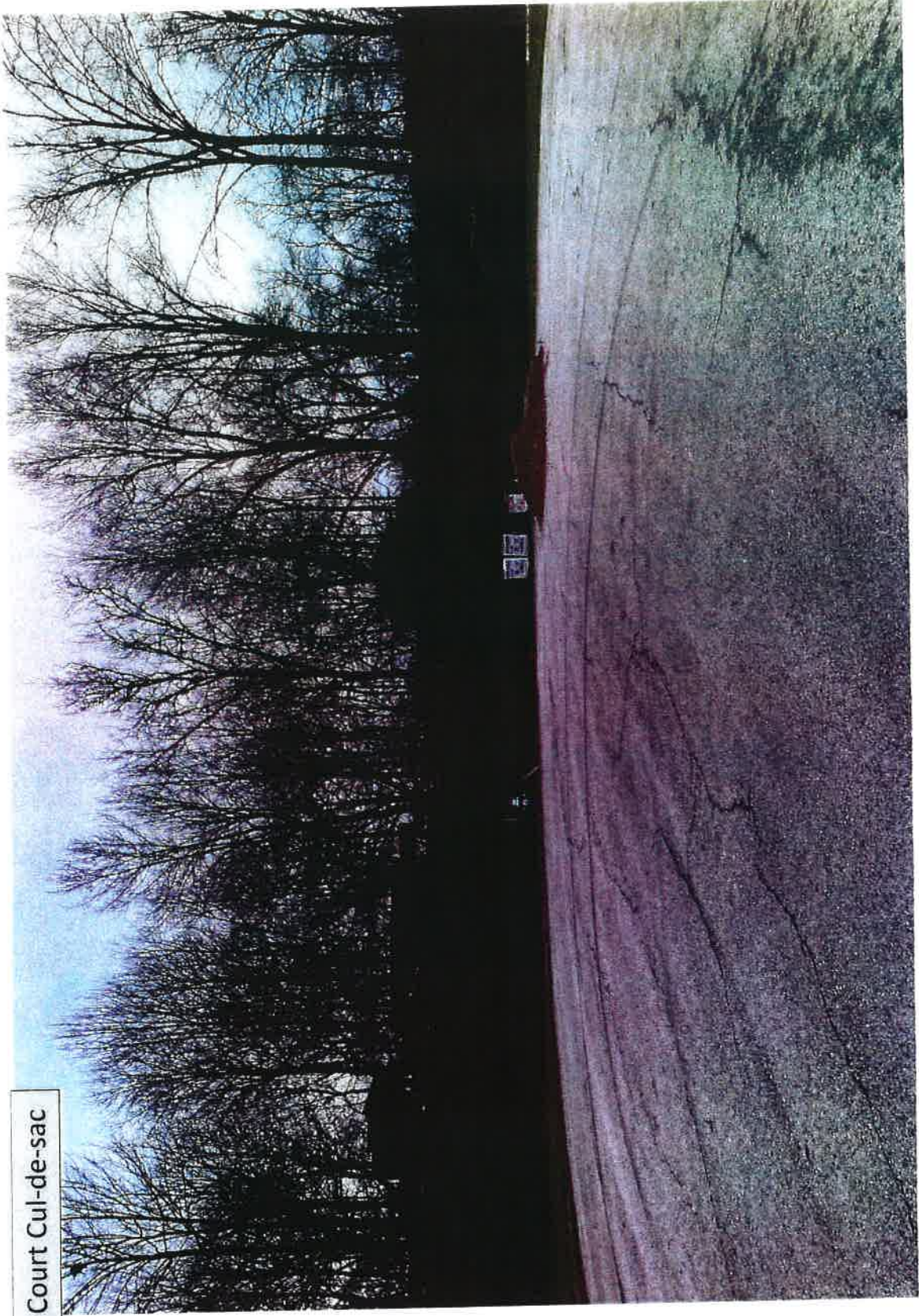
TEMPORARY TURN AROUND (35' RADIUS PAVED SURFACE) TO BE MODIFIED WHEN STREET IS EXTENDED
TEMPORARY MAINTENANCE EASEMENT (50' RADIUS) TO BE TERMINATED WHEN STREET IS EXTENDED
IN CONFORMANCE WITH THE PLANS APPROVED BY THE HARDIN COUNTY PLANNING COMMISSION.

DRIVEWAY CULVERT NOTE

- LOTS 1-4, 14, 18, 19-24, 26-27, 30, 32-35, 38-41, & 43-45 REQUIRE A 15" DRIVEWAY CULVERT.
- LOTS 5-13, 17-18, 28-29, 36-37, & 42 REQUIRE A 24" DRIVEWAY CULVERT.

RUTH ESTATES LOT 12
PC 1, SHEET 4122
HARDIN & TIFFANY DAVIS
DB 1189, PG 191

West Anjou Court Cul-de-sac





East side of the cul-de-sac
67 West Anjou Ct.

West side of the cul-de-sac
90 West Anjou Ct.







Future right-of-way to the adjoining property has a ravine with 14' drop and then a 18' climb

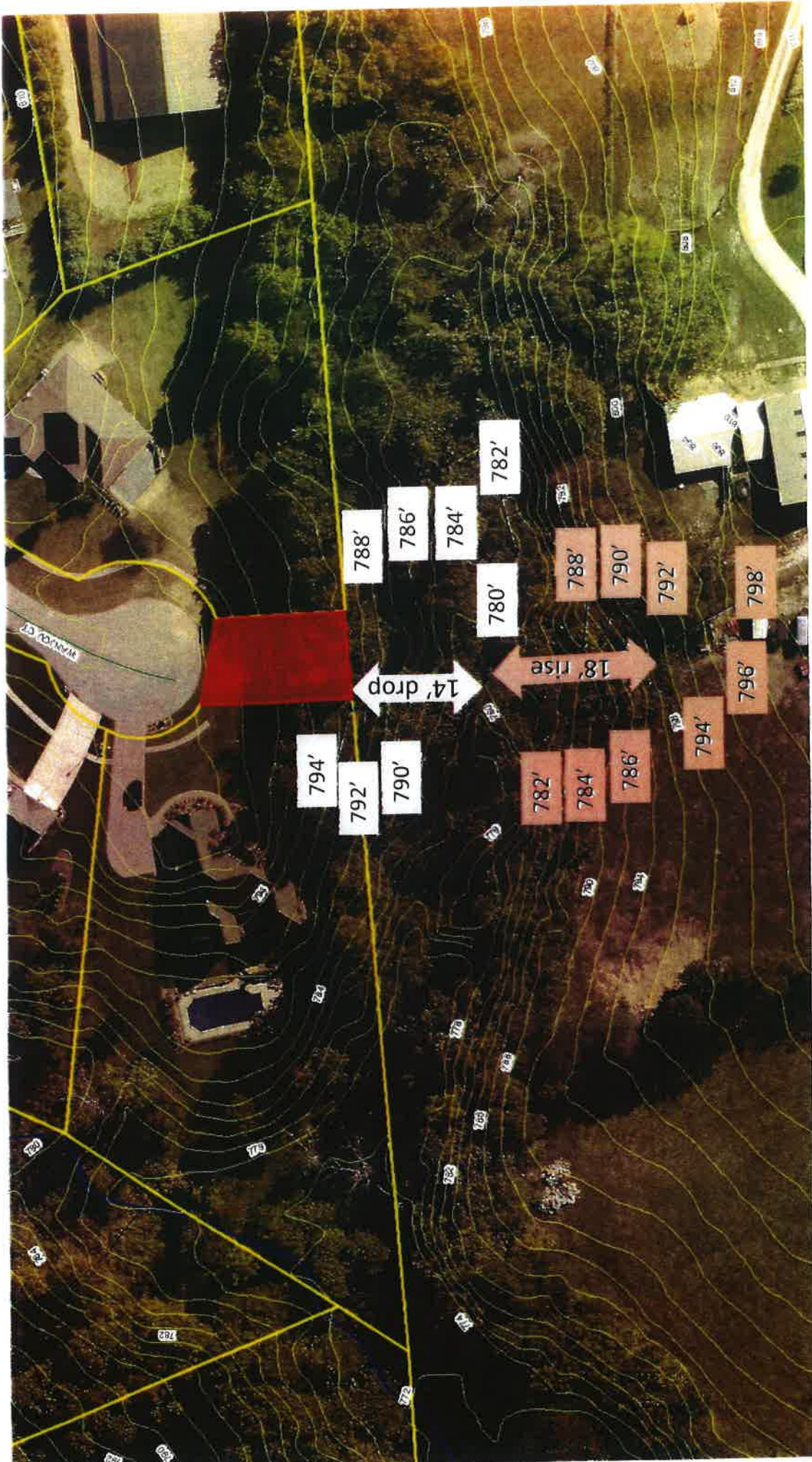




East side of the cul-de-sac
67 West Anjou Ct.

West side of the cul-de-sac
90 West Anjou Ct.







105.312
acres

212.5
acres

26 acres

24 acres

THOMAS RD

GRAEBURN CT

DANBURY RD

WINDY HILL RD

WINDY HILL RD

ROAD CLOSING REVIEW STAFF REPORT		Hardin County Planning and Development Commission 150 N. Provident Way Elizabethtown, Kentucky 42701 (270) 769-5479
"Portion of West Anjou Court" (undeveloped 50' right-of-way for future street) The Orchard Subdivision, Elizabethtown, KY		
REQUEST: A Road Closing review has been submitted to close a 50' undeveloped right-of-way for future street at the end of West Anjou Court in Elizabethtown, KY in The Orchard Subdivision to allow for the property to be merged with the adjoining lots.		
Viewers to be Appointed by Fiscal Court: Planning Commission Review Hearing Date: Fiscal Court Public Hearing Date:	February 14, 2023 17 January 2023 February 28, 2023	Applicants: Deena & Daniel London 90 West Anjou Court Elizabethtown, KY 42701 & Lataraha & Vouce Isom 67 West Anjou Court Elizabethtown, KY 42701
PVA Parcel Number: 160-00-02-029 & 030 Land Use Group: Urban Area Planning Area: West Urban Area (#5) Location of Proposed Road Closing: The end of West Anjou Court in The Orchard Subdivision off of St. John Road. Adjacent Zoning: Residential & Commercial North - R-1 Rollin (0.9 acres) & Powell (1.12 acres) South - R-1 Snodgrass (26 acres) East - R-1, Isom (0.85 acres) West - R-1, London (1.16 acres)		Proposal: To close a portion of West Anjou Court (a platted undeveloped 50' right-of-way for future street) at the end of West Anjou Court in The Orchard Subdivision adjacent to Lots 29 & 30. The roadway has never been constructed. The right-of-way will be consolidated into adjoining Lots 29 & 30 with an Amended Record Plat merging half the right-of-way with each adjoining lot.
Road Characteristics: The Undeveloped 50' right-of-way for future street is located at the end of West Anjou Court in the Orchard Subdivision, off of St. John Road. The street is unconstructed and would not be cost effective to build due to topography with a 14' drop and an 18' rise in elevation between the adjoining property and the dedicated future right-of-way.		Interconnectivity: The 50' undeveloped right-of-way for West Anjou Court was a future right-of-way connection to the adjoining farm to the south. The connectivity to the adjoining 16 acre farm would be difficult due to topography issues for connectivity, also there is a second dedicated 50' undeveloped right-of-way for future street within this subdivision that would lead to the 105 acre farm to the east. This right-of-way is therefore unnecessary.
		KRS Chapter 100.324(4) - The Planning Commission is required to review any proposed street closing with regard to the Comprehensive Plan. The specific language of the law states: <i>(4) Any proposal for acquisition or disposition of land for public facilities, or changes in the character, location or extent of structures or land for public facilities, ... shall be referred to the commission to be reviewed in light of its agreement with the comprehensive plan, and the commission shall, within sixty (60) days ... advise the referring body whether the project is in accordance with the comprehensive plan.</i>

STAFF REVIEW AND RECOMMENDATION

The Staff finds that the request will not cause any inconvenience, nor will it result in a hardship for any person or property, and traffic patterns and the general health, safety and welfare of the public will be improved. The proposal includes closing Cherry Hill Drive (undeveloped 40' right-of-way) off Hutcherson Lane in Cherry Hill Estates. The closed right-of-way will be merged into adjoining Lots 1-6 with an Amended Record Plat to become a single lot to be known as Lot 1A of Cherry Hill Estates. The request agrees with the language of the COMPREHENSIVE DEVELOPMENT GUIDE as follows:

TRANSPORTATION

GOAL 10: TO IMPROVE THE TRANSPORTATION SYSTEM OF HARDIN COUNTY SO THAT IT ENCOURAGES THE SMOOTH FLOW OF TRAFFIC THROUGHOUT THE COUNTY.

Objective 10: To evaluate and close streets or streets of record which are not being used, have not been constructed or are unnecessary.

A Public Hearing for this proposed closing is scheduled before Fiscal Court, on 23 August 2022. A RESOLUTION may be adopted by the Planning Commission to be presented at the Fiscal Court public hearing for consideration and action on this request.

RESOLUTION 2023-001
MAP AMENDMENT
Rural Residential (R-2) to Convenience Commercial (C-1)

- WHEREAS** the Hardin County Fiscal Court and the Hardin County Planning and Development Commission have adopted a Comprehensive Plan, Land Use Regulations, and Subdivision Regulations;
- WHEREAS** the above-mentioned regulations are designed to protect the public health, safety and welfare of the citizens of Hardin County;
- WHEREAS** the proposed site is located in the Industrial Area of Hardin County and within the Glendale Industrial Planning Area (#25);
- WHEREAS** this proposal is a request to rezone the 1995 designation of Rural Residential (R-2) to Convenience Commercial (C-1) to allow for a proposed RV Park + Campground (Recreational Enterprise).

NOW THEREFORE, BE IT RESOLVED, by the Hardin County Planning and Development Commission that a request for a Map Amendment for property owned by JUC Construction, Inc. and identified as being approximately 8.25 acre site located on the south side of Gilead Church Road (KY 1136) in Glendale, Kentucky identified as PVA Map #191-00-00-003 be granted a zone change from the existing Rural Residential Zone (R-2) to the Convenience Commercial Zone (C-1), based on the following findings and compliance with the policies and goals of the Comprehensive Plan

With the appropriate portions of the Development Guidance System, Zoning Ordinance and the Comprehensive Development Guide, 2019 the testimony provided by staff and those in attendance at the public hearing, the Planning Commission hereby adopts the attached Staff Report and it is determined that the proposed C-1 Zone is more appropriate than the existing R-2 Zone based on the Comprehensive Plan's following Policies, Goals & Objectives:

Step 1:	Development Policies 1-8 & 19.
Step 2:	Property Characteristics 1-10;
Step 3:	Land Use Plan Group, Industrial Area
Step 4:	Planning Area, Glendale Industrial Planning Area (#25)

Goal 6: TO IMPROVE AND PROMOTE HARDIN COUNTY AS A PLACE FOR COMMERCE AND INDUSTRY

- Objectives:**
- 1. To provide adequate space for the proper location of commercial and industrial land uses
 - 5. To use all resources available to attract new commercial, service and industrial development
 - 6. To expand employment and investment opportunities

ADOPTED THIS THIRD DAY OF JANUARY 2023.


 Mark Hinton, Chairman


 Adam C. King, AICP, Director

**FISCAL COURT
RESOLUTION NO. 2023 – 028**

**APPOINTING VIEWERS FOR ROAD CLOSING
Portion of West Anjou Court (undeveloped 50' Right-of-Way for Future Street)
In The Orchard Subdivision, Elizabethtown, KY**

WHEREAS, a request has been made by Deena & Daniel London and Vonice & Latarsha Isom to close the platted, undeveloped 50' right-of-way for future street at the end of West Anjou Court in The Orchard Subdivision as recorded in the office of the Hardin County Clerk's Office, Plat Cabinet 1, Sheet 4299.

WHEREAS, KRS 178.070 requires the appointment of "viewers" to report and make a recommendation on the closure of a right-of-way.

NOW, THEREFORE, BE IT RESOLVED, by the Hardin County Fiscal Court, Commonwealth of Kentucky, that Nick Douthitt, GIS Coordinator, Dwight Morgan, Hardin County Road Supervisor and Adam King, AICP, Director of the Hardin County Planning & Development Commission, are hereby appointed as "viewers" pursuant to KRS 178.070 to carefully inspect and study the proposed closing described as an "undeveloped 50' right-of-way for future street" at the end of West Anjou Court in The Orchard Subdivision" and report their findings to the Hardin County Fiscal Court.

ADOPTED by the Hardin County Fiscal Court, Commonwealth of Kentucky, in Regular Meeting, on this 14th day of February 2023.


KEITH TAUL
HARDIN COUNTY JUDGE/EXECUTIVE

Attested by:


BRIAN D. SMITH
HARDIN COUNTY COURT CLERK

VIEWERS REPORT ROAD CLOSING

Portion of West Anjou Court (undeveloped 50' Right-of-Way for Future Street) In The Orchard Subdivision, Elizabethtown, KY

Pursuant to KRS 178.070 the undersigned, Nick Douthitt, GIS Coordinator, Dwight Morgan, Road Supervisor and Adam King, AICP, Director, being the Viewers appointed by Hardin County Fiscal Court pursuant to RESOLUTION No. 2023-028, hereby file this written report.

This report is concerning the proposal to close the platted, undeveloped 50' right-of-way for Future Street at the end of West Anjou Court in The Orchard Subdivision as recorded in the office of the Hardin County Clerk's Office, Plat Cabinet 1, Sheet 4299. The right-of-way will be consolidated into adjoining Lots 29 & 30 of The Orchard Subdivision with an Amended Record Plat. The owners, Lectus & Daniel London and Vonce & Latarsha Isom, have submitted the Road Closing request.

As required by KRS 178.070, signs giving Public Notice of the Public Hearing on the proposed Road Closing were posted in three (3) public places in the vicinity of the right-of-way proposed to be closed. Said signs were posted on Friday, 30 December 2022 and have remained posted thereon until the date of the hearing this Tuesday, 28 February 2023.

The undersigned, having made a careful inspection and study of the proposed Road Closing, hereby report that no inconvenience would result from the proposed closing. The end result of the closure allows for the 50' undeveloped right-of-way for Future Street to be merged into adjoining Lots 29 & 30 of The Orchard Subdivision via an Amended Subdivision Plat.

Respectfully submitted this Tuesday, 28 February 2023.



NICK DOUTHITT, GIS Coordinator
Hardin County Engineering Department



DWIGHT MORGAN, Road Supervisor
Hardin County Road Department



ADAM KING, AICP, Director
Hardin County Planning & Development
Commission

**FISCAL COURT
RESOLUTION NO. 2023 - 039**

**ROAD CLOSING - Portion of West Anjou Court
(undeveloped 50' Right-of-Way for Future Street)
In The Orchard Subdivision, Elizabethtown, KY**

This Resolution duly made and adopted this 28th day of February 2023, by the Hardin County Fiscal Court, County of Hardin, and Commonwealth of Kentucky.

WHEREAS, a request has been made by Deena & Daniel London and Vonnie & Lataisha Isom to close the platted, undeveloped 50' right-of-way for Future Street at the end of West Anjou Court in The Orchard Subdivision as recorded in the office of the Hardin County Clerk's Office Plat Cabinet 1, Sheet 4299. The right-of-way will be consolidated into adjoining Lots 29 & 30 of The Orchard Subdivision with an Amended Record Plat.

WHEREAS, the proposal was submitted to the Hardin County Planning and Development Commission for review as provided in KRS 100.324(4), and the Commission having adopted RESOLUTION 2023-003 at its meeting held on the 17th of January 2023 finding that the closing of the right-of-way meets the Goals and Objectives of the COMPREHENSIVE DEVELOPMENT GUIDE, a photocopy of the said RESOLUTION is attached hereto and made a part hereof, and

WHEREAS, pursuant to KRS Chapter 178, the Hardin County Fiscal Court held a public hearing on Tuesday, 28 February 2023, on the proposed Road Closing and to receive the Viewers Report and testimony from the public.

NOW THEREFORE, BE IT RESOLVED, by the Hardin County Fiscal Court Commonwealth of Kentucky as follows:

1. The closing of a Portion of West Anjou Court (Undeveloped 50' right-of-way for Future Street) in The Orchard Subdivision as illustrated on the attached exhibits, and described in the Summary Report, which, by reference is made a part hereof, will not cause any inconvenience, nor will it result in a hardship for any person or property, and public interests and the general health, safety and welfare of the public will be improved.
2. That the platted right-of-way is hereby closed, discontinued and removed from public use as provided in KRS Chapter 178.
3. Pursuant to *Jones vs. Avondale Heights Co.*, 47 S. W. 2d 949 (KY 1932) and other applicable case law, the closed platted right-of-way shall revert to the adjoining property owners and be shown on an Amended Subdivision Plat of The Orchard Subdivision, Lots 29 & 30 to be submitted by the owner and approved by the Planning Commission and recorded in the office of the Hardin County Court Clerk, Elizabethtown, Kentucky.

ADOPTED by the Hardin County Fiscal Court, Commonwealth of Kentucky, in Regular Meeting, on this 28th of February 2023.



KEITH TAUL
HARDIN COUNTY
JUDGE /EXECUTIVE



JENNIFER B. OLDHAM
HARDIN COUNTY ATTORNEY