

## ORDINANCE 15-2018

**AN ORDINANCE AMENDING ORDINANCE 16-2015 TO AMEND THE GATEWAY COMMONS TAX INCREMENT FINANCING DEVELOPMENT AREA TO INCLUDE ADDITIONAL PROPERTY WITHIN THE DEVELOPMENT AREA, WITHOUT CHANGING THE LIST OF APPROVED PUBLIC INFRASTRUCTURE IMPROVEMENTS OR THEIR COST, OR THE AMOUNT OF TAX REVENUE THAT HAS BEEN PREVIOUSLY APPROVED OR COMMITTED FOR REIMBURSEMENT BY THE BOARD OF COMMISSIONERS OF THE CITY OF OWENSBORO AND THE COMMONWEALTH OF KENTUCKY IN REGARD TO THE GATEWAY COMMONS DEVELOPMENT PROJECT.**

**WHEREAS**, the City of Owensboro (City) approved Ordinance 16-2015, which established the Gateway Commons Development Area pursuant to KRS 65.7041 to 65.7083 (the “Act”) to encourage public improvements as permitted under the Act to fund public infrastructure improvements through the use of state and local “incremental revenues”, as defined in the Act; and

**WHEREAS**, Ordinance 16-2015 established a local participation agreement and an incremental tax special fund for reimbursement of approved public infrastructure costs, designated by the City of Owensboro as the agency responsible for the special fund, and authorized the Mayor to take appropriate actions in conjunction with the establishment of the development area; and

**WHEREAS**, the Commonwealth of Kentucky, through the Kentucky Economic Development Finance Authority (“KEDFA”) approved state participation in the Gateway Commons tax increment financing development area; and

**WHEREAS**, additional property (“Property”) adjoining the previously approved Gateway Commons Development Area is proposed to be included in the Area; and

**WHEREAS**, adding the Property will not change the previously approved public infrastructure improvements or their cost, and will not increase the amount of incremental tax revenue that has been previously pledged by the City and by the State; and

**WHEREAS**, KEDFA has authorized the City to amend and increase the development area by this ordinance.

**NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE CITY OF OWENSBORO, AS FOLLOWS:**

**Section 1.** The Development Area in Exhibit “A” of Ordinance 16-2015 is amended to include the attached legal description and plat attached hereto and incorporated herein as Exhibit “A”, said development area containing 278.81 acres.

**Section 2.** All references to the Gateway Commons Development Area in the Tax Increment Financing Development Plan, Local Participation Agreement for the Gateway Commons Development Area, and all other exhibits and attachments to Ordinance 16-2015 are hereby amended to include the attached Exhibit “A”.

**INTRODUCED AND PUBLICLY READ ON FIRST READING**, this the 21st day of August, 2018.

**PUBLICLY READ AND APPROVED ON SECOND READING**, this the 18th day of September, 2018.

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Thomas H. Watson, Mayor

ATTEST:

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Beth Cecil, City Clerk

**EXHIBIT A TO ORDINANCE 15-2018**

**TIF DEVELOPMENT AREA MAP**



## **TIF DEVELOPMENT AREA DESCRIPTION**

Beginning at a calculated point being in the north right-of-way of Kentucky Highway 54, said north right-of-way line varies in width from its centerline and being the southwest corner of the Commonwealth of Kentucky Department of Human Resources property, as recorded in Deed Book 448, at Page 514 in the office of the Daviess County Clerk; thence with said north right-of-way line North 64 degrees 01 minutes 04 seconds West, a distance of 123.88 feet to a calculated point being the southeast corner of the property located at 2945 Highway 54; thence with said property for the following seven (7) calls:

- 1) in a curve to the left being subtended by a chord of North 71 degrees 54 minutes 59 seconds East, a chord distance of 69.55 feet and having a radius of 50.00 feet, in all an arc distance of 76.91 feet to a calculated point;

- 2) North 27 degrees 51 minutes 01 seconds East, a distance of 60.97 feet to a calculated point;

- 3) in a curve to the left being subtended by a chord of North 24 degrees 55 minutes 17 seconds East, a chord distance of 22.33 feet and having a radius of 218.50 feet, in all an arc distance of 22.34 feet to a calculated point;

- 4) North 21 degrees 59 minutes 33 seconds East, a distance of 152.34 feet to a calculated point;

- 5) in a curve to the left being subtended by a chord of North 21 degrees 00 minutes 45 seconds West, a chord distance of 50.47 feet and having a radius of 37.00 feet, in all an arc distance of 55.54 feet to a calculated point;

- 6) North 64 degrees 01 minutes 04 seconds West, a distance of 282.48 feet to a calculated point;

- 7) South 25 degrees 58 minutes 56 seconds West, a distance of 318.03 feet to a calculated point being in said north right-of-way line; thence with said north right-of-way line North 64 degrees 01 minutes 04 seconds West, a distance of 119.93 feet to a calculated point being the southeast corner of the Daviess County School District Finance Corp. property, as recorded in Deed Book 800, at Page 604 in said clerk's office; thence with the east line of said school property North 27 degrees 31 minutes 53 seconds East, passing through the southeast corner of the Ohio Valley Two Way Radio, Inc. property, as recorded in Deed Book 678, at Page 570 in said clerk's office, then continuing on the same course with the east line of said radio property, a total distance of 1,184.88 feet to a calculated point being the northeast corner of said radio property; thence with the north line of said radio property North 70 degrees 49 minutes 28 seconds West, passing through the northeast corner of said school property, Owen D. Wimsatt Subdivision, as recorded in Deed Book 419, at Page 95 in said clerk's office, Commonwealth of Kentucky, as shown on highway plans, and Gateway Land, LLC property, as recorded in Deed Book 945, at Page 733 properties then continuing on the same course with the north line of each property, a total distance of 1,842.51 feet to a calculated point being in the east right-of-way line of the Wendell Ford Expressway, said east right-of-way line varies in width from its centerline; thence with said east right-of-way line for the following seven (7) calls:

- 1) South 01 degrees 43 minutes 01 seconds West, a distance of 154.11 feet to a calculated point;

2) South 05 degrees 06 minutes 32 seconds East, a distance of 339.77 feet to a calculated point;

3) South 20 degrees 42 minutes 49 seconds East, a distance of 257.22 feet to a calculated point;

4) South 21 degrees 13 minutes 46 seconds East, a distance of 390.48 feet to a calculated point;

5 ) South 41 degrees 55 minutes 34 seconds East, a distance of 130.00 feet to a calculated point;

6) South 51 degrees 33 minutes 55 seconds East, a distance of 185.84 feet to a calculated point;

7) South 28 degrees 30 minutes 06 seconds West, a distance of 19.75 feet to a calculated point being in the east line of the corporate limits of Owensboro, Kentucky; thence with said east line for the following twenty-three (23) calls:

1) North 63 degrees 32 minutes 54 seconds West, a distance of 139.55 feet to a calculated point;

2) North 64 degrees 47 minutes 08 seconds West, a distance of 120.58 feet to a calculated point;

3) North 63 degrees 22 minutes 42 seconds West, a distance of 102.97 feet to a calculated point;

4) North 62 degrees 41 minutes 22 seconds West, a distance of 126.78 feet to a calculated point;

5) North 62 degrees 51 minutes 58 seconds West, a distance of 158.92 feet to a calculated point;

6) North 63 degrees 11 minutes 03 seconds West, a distance of 191.84 feet to a calculated point;

7) North 62 degrees 33 minutes 26 seconds West, a distance of 237.10 feet to a calculated point;

8) North 63 degrees 16 minutes 58 seconds West, a distance of 196.27 feet to a calculated point;

9) North 62 degrees 17 minutes 22 seconds West, a distance of 299.41 feet to a calculated point;

10) North 27 degrees 07 minutes 23 seconds East, a distance of 777.34 feet to a calculated point;

11) North 31 degrees 12 minutes 19 seconds East, a distance of 362.79 feet to a calculated point;

12) North 20 degrees 11 minutes 25 seconds East, a distance of 156.38 feet to a calculated point;

13) North 09 degrees 30 minutes 19 seconds East, a distance of 99.88 feet to a calculated point;

14) North 04 degrees 54 minutes 03 seconds East, a distance of 146.04 feet to a calculated point;

15) North 06 degrees 12 minutes 31 seconds West, a distance of 222.32 feet to a calculated point;

16) North 05 degrees 03 minutes 26 seconds East, a distance of 237.69 feet to a calculated point;

17) North 11 degrees 51 minutes 35 seconds West, a distance of 243.44 feet to a calculated point;

18) North 19 degrees 09 minutes 05 seconds West, a distance of 199.82 feet to a calculated point;

19) North 25 degrees 34 minutes 51 seconds West, a distance of 200.40 feet to a calculated point;

20) North 32 degrees 01 minutes 47 seconds West, a distance of 199.92 feet to a calculated point;

21) North 36 degrees 47 minutes 30 seconds West, a distance of 100.21 feet to a calculated point;

22) North 43 degrees 53 minutes 53 seconds West, a distance of 246.62 feet to a calculated point;

23) North 35 degrees 36 minutes 13 seconds West, a distance of 146.96 feet to a calculated point; thence severing said corporate limits for the following eighteen (18) calls:

1) North 34 degrees 56 minutes 50 seconds West, a distance of 104.01 feet to a calculated point;

2) North 39 degrees 12 minutes 03 seconds West, a distance of 200.54 feet to a calculated point;

3) North 38 degrees 26 minutes 55 seconds West, a distance of 95.00 feet to a calculated point;

4) North 38 degrees 03 minutes 23 seconds West, a distance of 204.79 feet to a calculated point;

5) North 35 degrees 50 minutes 48 seconds West, a distance of 200.05 feet to a calculated point;

6) North 34 degrees 14 minutes 44 seconds West, a distance of 200.03 feet to a calculated point;

7) North 33 degrees 14 minutes 00 seconds West, a distance of 200.06 feet to a calculated point;

8) North 31 degrees 45 minutes 25 seconds West, a distance of 157.57 feet to a calculated point;

9) North 31 degrees 30 minutes 43 seconds West, a distance of 160.50 feet to a calculated point;

10) North 39 degrees 08 minutes 39 seconds West, a distance of 301.37 feet to a calculated point;

11) North 31 degrees 32 minutes 38 seconds West, a distance of 157.27 feet to a calculated point;

12) South 54 degrees 30 minutes 41 seconds West, a distance of 320.29 feet to a calculated point;

13) South 40 degrees 03 minutes 39 seconds East, a distance of 25.08 feet to a calculated point;

14) South 54 degrees 30 minutes 41 seconds West, a distance of 100.00 feet to a calculated point;

15) North 40 degrees 03 minutes 39 seconds West, a distance of 187.48 feet to a calculated point;

16) North 55 degrees 39 minutes 36 seconds East, a distance of 50.25 feet to a calculated point;

17) South 40 degrees 03 minutes 39 seconds East, a distance of 111.23 feet to a calculated point;

18) North 54 degrees 30 minutes 41 seconds East, a distance of 715.19 feet to a calculated point being in the east line of said corporate limits; thence with said east line for the following Twelve (12) calls:

1) South 26 degrees 15 minutes 01 seconds East, a distance of 166.17 feet to a calculated point;

2) South 27 degrees 54 minutes 08 seconds East, a distance of 306.65 feet to a calculated point;

3) South 29 degrees 45 minutes 13 seconds East, a distance of 143.87 feet to a calculated point;

4) South 35 degrees 37 minutes 40 seconds East, a distance of 238.66 feet to a calculated point;

5) South 30 degrees 45 minutes 26 seconds East, a distance of 119.29 feet to a calculated point;

6) South 30 degrees 45 minutes 13 seconds East, a distance of 279.84 feet to a calculated point;

7) South 34 degrees 26 minutes 42 seconds East, a distance of 181.99 feet to a calculated point;

8) North 55 degrees 12 minutes 06 seconds East, a distance of 1,349.70 feet to a calculated point;

9) South 36 degrees 32 minutes 31 seconds East, a distance of 539.98 feet to a calculated point;

10) North 55 degrees 11 minutes 19 seconds East, a distance of 845.00 feet to a calculated point;

11) South 34 degrees 24 minutes 43 seconds East, a distance of 60.00 feet to a calculated point;

12) South 55 degrees 11 minutes 19 seconds West, a distance of 2,164.39 feet to a calculated point being in the east right-of-way line of an access road east of the Wendell Ford Expressway, said east right-of-way line varies in width from its centerline; thence with said east right-of-way line for the following seven (7) calls:

1) South 39 degrees 55 minutes 56 seconds East, a distance of 288.11 feet to a calculated point;

2) in a curve to the left being subtended by a chord of South 54 degrees 33 minutes 26 seconds East, a chord distance of 274.18 feet and having a radius of 542.96 feet, in all an arc distance of 277.18 feet to a calculated point;

3) South 20 degrees 49 minutes 04 seconds West, a distance of 50.00 feet to a calculated point;

4) North 64 degrees 40 minutes 56 seconds West, a distance of 93.05 feet to a calculated point;

5) South 56 degrees 23 minutes 02 seconds West, a distance of 15.69 feet to a calculated point;

6) South 25 degrees 48 minutes 23 seconds East, a distance of 160.63 feet to a calculated point;

7) in a curve to the right being subtended by a chord of South 17 degrees 05 minutes 01 seconds East, a chord distance of 951.26 feet and having a radius of 2,019.86 feet, in all an arc distance of 960.28 feet to a calculated point being in the west right-of-way line of the Wendell Ford Expressway, said west right-of-way line varies in width from its centerline; thence crossing said expressway South 37 degrees 22 minutes 41 seconds East, a distance of 428.64 feet to a calculated point being in the east right-of-way line of said Expressway, said east right-of-way line varies in width from its centerline; thence with said east right-of-way line for the following seventeen (17) calls:

1) North 27 degrees 13 minutes 37 seconds East, a distance of 148.80 feet to a calculated point;

2) North 36 degrees 48 minutes 38 seconds West, a distance of 41.07 feet to a calculated point;

3) North 21 degrees 57 minutes 38 seconds East, a distance of 51.24 feet to a calculated point;

4) North 21 degrees 57 minutes 38 seconds East, a distance of 122.78 feet to a calculated point;

5) North 27 degrees 09 minutes 56 seconds East, a distance of 196.83 feet to a calculated point;

6) North 31 degrees 16 minutes 05 seconds East, a distance of 196.52 feet to a calculated point;

7) North 25 degrees 08 minutes 19 second East, a distance of 197.26 feet to a calculated point;

8) North 38 degrees 00 minutes 35 seconds East, a distance of 206.86 feet to a calculated point;

9) North 29 degrees 29 minutes 03 seconds East, a distance of 187.35 feet to a calculated point;

10) North 37 degrees 29 minutes 21 seconds East, a distance of 147.24 feet to a calculated point;

11) North 54 degrees 34 minutes 45 seconds East, a distance of 330.20 feet to a calculated point;

12) South 36 degrees 18 minutes 15 seconds East, a distance of 0.19 feet to a calculated point;

13) North 53 degrees 41 minutes 45 seconds East, a distance of 12.21 feet to a calculated point;

14) North 52 degrees 34 minutes 47 seconds East, a distance of 294.84 feet to a calculated point;

15) North 66 degrees 45 minutes 30 seconds East, a distance of 254.01 feet to a calculated point;

16) North 56 degrees 33 minutes 16 seconds East, a distance of 249.99 feet to a calculated point;

17) North 52 degrees 15 minutes 55 seconds East, a distance of 401.11 feet to a calculated point being in the west right-of-way line of Kentucky Highway 603, said west right-of-way line varies in width from its centerline; thence with said west right-of-way line for the following three (3) calls:



1) South 56 degrees 24 minutes 44 seconds East, a distance of 241.35 feet to a calculated point;

2) South 51 degrees 17 minutes 47 seconds East, a distance of 206.27 feet to a calculated point;

3) South 35 degrees 19 minutes 13 seconds East, a distance of 501.17 feet to a calculated point being in the south right-of-way line of Hayden Road, said south right-of-way line varies in width from its centerline; thence with said south right-of-way line North 53 degrees 59 minutes 28 seconds East, a distance of 202.45 feet to a calculated point being in the west line of the Shirley Zoglman et. al. property; thence with said west line for the following four (4) calls:

1) South 37 degrees 30 minutes 08 seconds East, a distance of 342.40 feet to a calculated point;

2) South 08 degrees 40 minutes 12 seconds East, a distance of 429.93 feet to a calculated point;

3) South 27 degrees 29 minutes 58 seconds West, a distance of 1,286.11 feet to a calculated point;

4) South 03 degrees 05 minutes 14 seconds East, a distance of 151.57 feet to a calculated point being the southwest corner of said Zoglman property; thence with the south line of said Zoglman property North 86 degrees 15 minutes 49 seconds East, a distance of 988.52 feet to a calculated point; thence continuing with said south line North 53 degrees 53 minutes 52 seconds East, a distance of 3.99 feet to a calculated point being in the west line of the Downs Subdivision, as recorded in Plat Book 29, at Page 330, Plat Book 30, at Page 22, and Plat Book 30, at Page 141 all in said clerk's office; thence with said west line South 16 degrees 53 minutes 40 seconds West, a distance of 1,578.30 feet to a calculated point being in the north line of the Wal-Mart Real Estate Business Trust property, as recorded in Deed Book 785, at Page 260 in said clerk's office; thence with said north line North 71 degrees 46 minutes 46 seconds West, a distance of 235.51 feet to a calculated point; thence continuing with said north line North 74 degrees 21 minutes 33 seconds West, a distance of 395.33 feet to a calculated point being the northeast corner of said human resources property; thence with the north line of said human resources property North 70 degrees 51 minutes 57 seconds West, a distance of 490.34 feet to a calculated point being the northwest corner of said human resources property; thence with the west line of said human resources property South 21 degrees 59 minutes 33 seconds West, a distance of 1,235.72 feet to the point of beginning and containing 278.81 acres. This description was prepared for a tax area only and is NOT to be used for the transfer of real property.