

ORDINANCE 18-2018

AN ORDINANCE ANNEXING TO THE CITY OF OWENSBORO CERTAIN UNINCORPORATED TERRITORY IN DAVIESS COUNTY ADJOINING THE PRESENT BOUNDARY LINE OF THE CITY, FORMERLY USED AS AN ANIMAL SHELTER AND BEING PROPERTY LOCATED AT 2935 HIGHWAY 54, CONTAINING 0.844 ACRES, MORE OR LESS.

WHEREAS, the Board of Commissioners for the City of Owensboro, Kentucky, makes the following findings of fact:

(1) The Board of Commissioners has determined that the property described hereinbelow is adjacent or contiguous to the city's boundaries.

(2) That it is deemed desirable and it is hereby proposed to annex to the City of Owensboro by extending the boundary line of the city so as to include within the same, that certain territory which is now embraced within Daviess County adjoining the present boundary line of the City of Owensboro, and formerly referred to as the Animal Shelter, as more particularly described herein. The Board further finds that no part of the area to be annexed is presently within the boundary of any other incorporated city.

(3) That the fee simple owners of record of the territory to be annexed, have previously consented in writing to the annexation proposed, and have otherwise waived all rights under KRS 81A.412, 81A.420 and 81A.425, which consent and waiver is on file with the office of the City Engineer.

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

Section 1. The findings of fact recited in the preamble hereinabove are hereby adopted, affirmed and incorporated by reference as if fully set forth herein.

Section 2. There is hereby annexed to the City of Owensboro, Kentucky, and its boundary line is hereby extended so as to include within the limits of the City of Owensboro that certain territory in Daviess County, Commonwealth of Kentucky, formerly adjoining and being adjacent to the present boundary line of the City of Owensboro, Kentucky, more particularly described as follows:

A tract of land located on the east side of Owensboro, Daviess County, Kentucky more particularly described as follows:

Beginning at a point in the current city limit line, said point being in the north right of way line of HWY 54; thence following the north right of way line of HWY 54 and the current city limit line N 64°01'04" W, 119.93 feet to a point, said point being the southeast corner to the Daviess County School District; thence following the east line of the Daviess County School District and the new city limit line N 27°31'53" E, 318.14 feet to a point being a corner to Gateway Land LLC (3190 Hayden Road), said point also being in the current city limit line; thence following the south line of Gateway Land, LLC and the current city limit line S 64°01'04" E, 111.33 feet to a point being the northwest corner to Gateway Land, LLC (2945 HWY 54); thence following the west line of Gateway Land, LLC and the new city limit line S 25°58'56" W, 318.03 feet to the point of beginning containing 0.844 Acres as shown on a plat of record found in Plat Book 44, at Page 129.

This description was prepared for annexation purposes by Kevin M. Simmons, PLS 3635 with the City of Owensboro. Bearings and distances described herein were taken from a plat of record found in Plat Book 44, at Page 129. Bearings and distances were not verified with a field survey.

Section 3. That the territory annexed herein is currently zoned as General Business B-4 as illustrated by the zoning map attached hereto and incorporated by reference herein.

Section 4. Any dedicated streets, alleys, or easements constituting any portion of the property to be annexed are hereby accepted by the City of Owensboro pursuant to KRS 82.400.

INTRODUCED AND PUBLICLY READ ON FIRST READING, this the 18th day of
September, 2018.

PUBLICLY READ AND APPROVED ON SECOND READING, this the 2nd day
of October, 2018.

Thomas H. Watson, Mayor

ATTEST:

Beth Cecil, City Clerk

CERTIFICATION

I, Beth Cecil, City Clerk of the City of Owensboro, Kentucky, do hereby certify that the foregoing is a true and correct copy of Ordinance 18-2018, duly adopted by the Owensboro Board of Commissioners on October 2, 2018, the original of which is on file in the Office of the City Clerk, this the ____ day of October, 2018.

Beth Cecil, City Clerk



Engineering Department
Phone (270) 687-8641
Fax (270) 687-8579

City of Owensboro Kentucky



101 E. 4th Street
P.O. Box 10003
Owensboro, Ky 42302-9003

July 26, 2018

To: Nate Pagan
City Manager

From: Kevin Collignon, P.E.
City Engineer

Re: Annexation Request for Gateway Commons – 2935 KY HWY 54 (Additional Property – Tract V).

Attached is the information necessary to initiate annexation for Gateway Commons – 2935 KY HWY 54 (Additional Property – Tract V). (See attached). Gateway Land, LLC owner of said property has submitted a signed annexation request forms for 2935 KY HWY 54.

Tract V has been consolidated & incorporated into the Gateway Commons Development and there will be surety bonds for the Public Improvements to be installed as part of the approved Preliminary Subdivision Plan/ Final Development Plan at the time of Final Plat

Gateway Commons Development will be included in a Tax Increment Finance Program proposed by the City of Owensboro to the Commonwealth of Kentucky.

An Annexation Incentive Agreement for this development will be entered into between the City of Owensboro & Gateway Land, LLC.

A signed Annexation Request Form, property description and related plats are attached. With ordinance preparation, the request is in order for consideration by the City Commission.

Attachment

MH

**c: Mayor Tom Watson
City Commissioners
Steve Mitchell
Steve Lynn**

Consent

**CITY OF OWENSBORO
AGENDA REQUEST AND SUMMARY
COVER SHEET**

Item No.

TITLE
REQUEST ANNEXATION FOR GATEWAY COMMONS 2935 KY HIGHWAY 54 (ADDITIONAL PROPERTY – TRACT V)

MEETING OF CITY COMMISSION ON (State the meeting date <i>August 7, 2018</i>)
BUDGET (State any budget consequences): <i>N/A</i>

SUMMARY AND BACKGROUND (Continue on additional sheet, if necessary):
<p><i>THE PROPOSED ANNEXATION FOR GATEWAYS COMMONS (ADDITIONAL PROPERTY – 2935 KY HWY 54- TRACT V) TOTALS = 0.844 ACRES</i></p> <p><i>GATEWAYS COMMONS PROPERTY – 2935 BL. KY HIGHWAY 54 - TRACT V IS ZONED B-4</i></p> <p><i>TRACT V HAS BEEN CONSOLIDATED & INCORPORATED INTO THE GATEWAY COMMONS DEVELOPMENT AND THERE WILL BE SURETY BONDS FOR THE PUBLIC IMPROVEMENTS TO BE INSTALLED AS PART OF THE APPROVED PRELIMINARY SUBDIVISION PLAN/ FINAL DEVELOPMENT PLAN AT THE TIME OF FINAL PLAT.</i></p> <p><i>GATEWAY LAND, LLC, OWNER OF TRACT V FUTURE GATEWAY COMMONS DEVELOPMENT PROPERTY HAS SUBMITTED A SIGNED ANNEXATION REQUEST FORM.</i></p> <p><i>GATEWAY COMMONS DEVELOPMENT WILL BE INCLUDED IN A TAX INCREMENT FINANCE PROGRAM PROPOSED BY THE CITY OF OWENSBORO TO THE COMMONWEALTH OF KENTUCKY.</i></p> <p><i>THERE WILL BE AN ANNEXATION INCENTIVE AGREEMENT FOR THIS PROPERTY AS PART OF THE GATEWAY COMMONS DEVELOPMENT</i></p> <p align="right">Check if continued on next page </p>

RECOMMENDATION OR ACTION REQUESTED: (State the action requested or recommended)
APPROVE ANNEXATION

ATTACHMENTS (12 copies for agenda packets)	Check if no attachments	
THE ANNEXATION REQUEST FORM, LETTER, DESCRIPTION AND PLAT ARE ATTACHED.		

Note: All City Commission Agenda items submitted by staff, including appropriate backup materials, must be approved and submitted to the City Clerk not later than noon Thursdays preceding Tuesday, 6:30 p.m. meetings.

Submitted by	Department Head Approval	City Attorney Approval	City Manager Approval
MICHAEL HAMILTON	KEVIN COLLIGNON	STEVE LYNN <i>SL</i>	NATE PAGAN

CITY OF OWENSBORO

----ANNEXATION REQUEST FORM----

1. LOCATION OF PROPERTY TO BE ANNEXED:

2935 HWY 54

2. A. LEGAL DESCRIPTION OF PROPERTY TO BE ANNEXED:

See Attached

B. SOURCE OF TITLE:

2935 HWY 54 - DEED BK 922 PG522

**3. ZONING CLASSIFICATION OF PROPERTY TO BE ANNEXED:
(ATTACH ZONING MAP)**

B-4

4. ACREAGE FEES: _____

**5. NAME(S) AND ADDRESSES(S) OF RECORD OWNER(S) OF
PROPERTY TO BE ANNEXED:**

Gateway Land, LLC, Matt Hayden

2960 Fairview Drive Owensboro, KY 42303

6. PHONE NO: 270-689-1733

CONSENT AND WAIVER OF STATUTORY RIGHTS

I (We) solemnly swear and affirm that I am (we are) the fee simple record owner(s) of properties located at 2935 HWY 54 in Daviess County, Kentucky. I (We) hereby request, and consent to, annexation of the property more particularly described hereinabove. I (We) further acknowledge and agree, that by executing this instrument, I (We) knowingly and voluntarily waive those rights otherwise afforded me (us) by KRS 81A. 420 and 81A.425, as authorized in KRS 81A.412, on this the 27th day of August, 20 18.

Witness: Beth Cecil - Beth Cecil
Sign & Print Name

Signature (s) of Record Owner (s) of Property:

Ed Ray
Signature

Ed Ray, Coo,
Print Name

Gateway Land, LLC

FOR FINANCE DEPARTMENT USE ONLY:

Annexation Fee

Amount: N/A

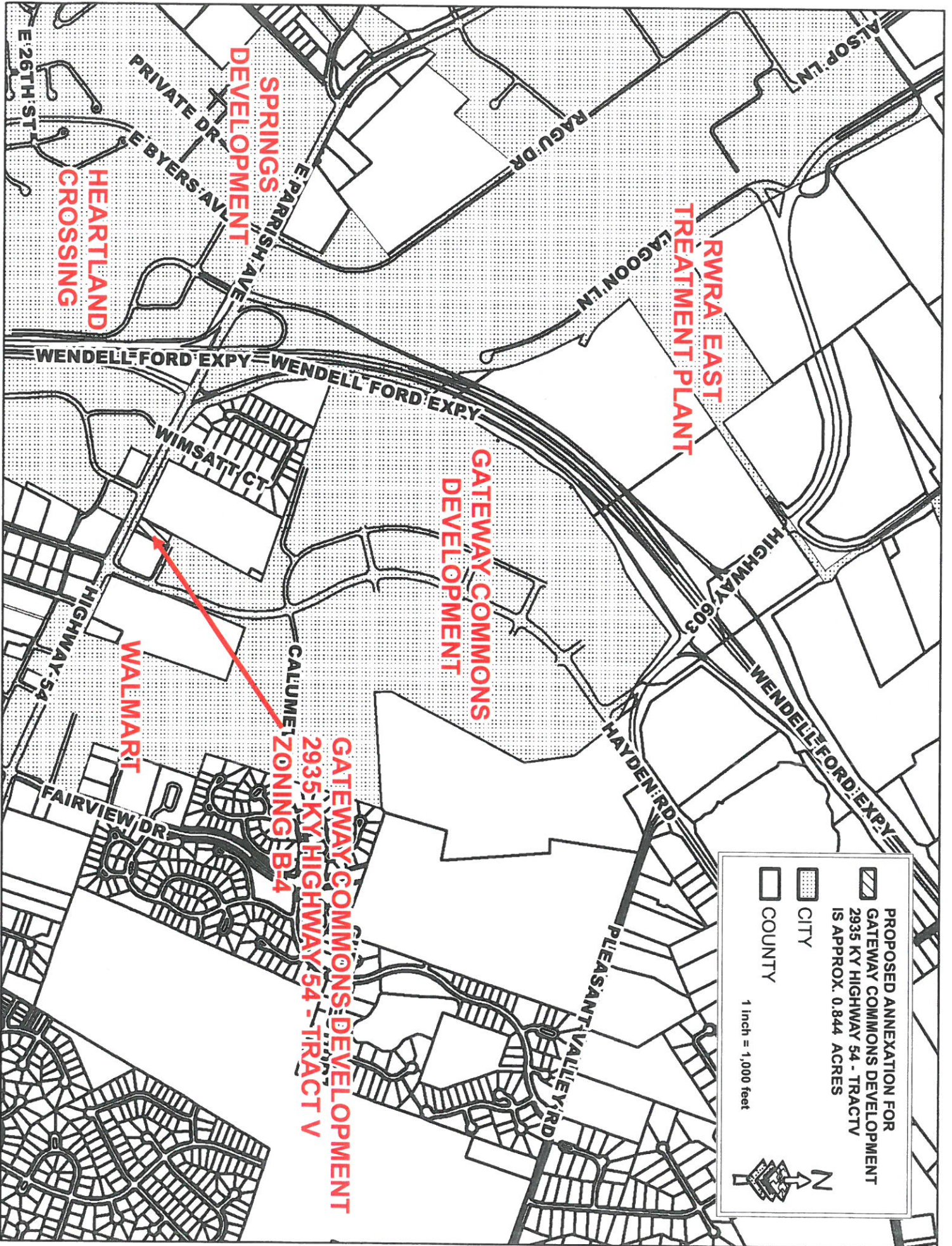
Acreage Fee

Amount: N/A

Received by Finance Department

Date: _____

Initialed By: _____



HEARTLAND
CROSSING

SPRINGS
DEVELOPMENT




RWRA EAST
TREATMENT PLANT

GATEWAY COMMONS
DEVELOPMENT


WALMART

GATEWAY COMMONS DEVELOPMENT
2935 KY HIGHWAY 54 - TRACT V
ZONING B-4

**PROPOSED ANNEXATION FOR
GATEWAY COMMONS DEVELOPMENT
2935 KY HIGHWAY 54 - TRACT V
IS APPROX. 0.844 ACRES**

 GATEWAY COMMONS DEVELOPMENT
 CITY
 COUNTY

1 Inch = 1,000 feet

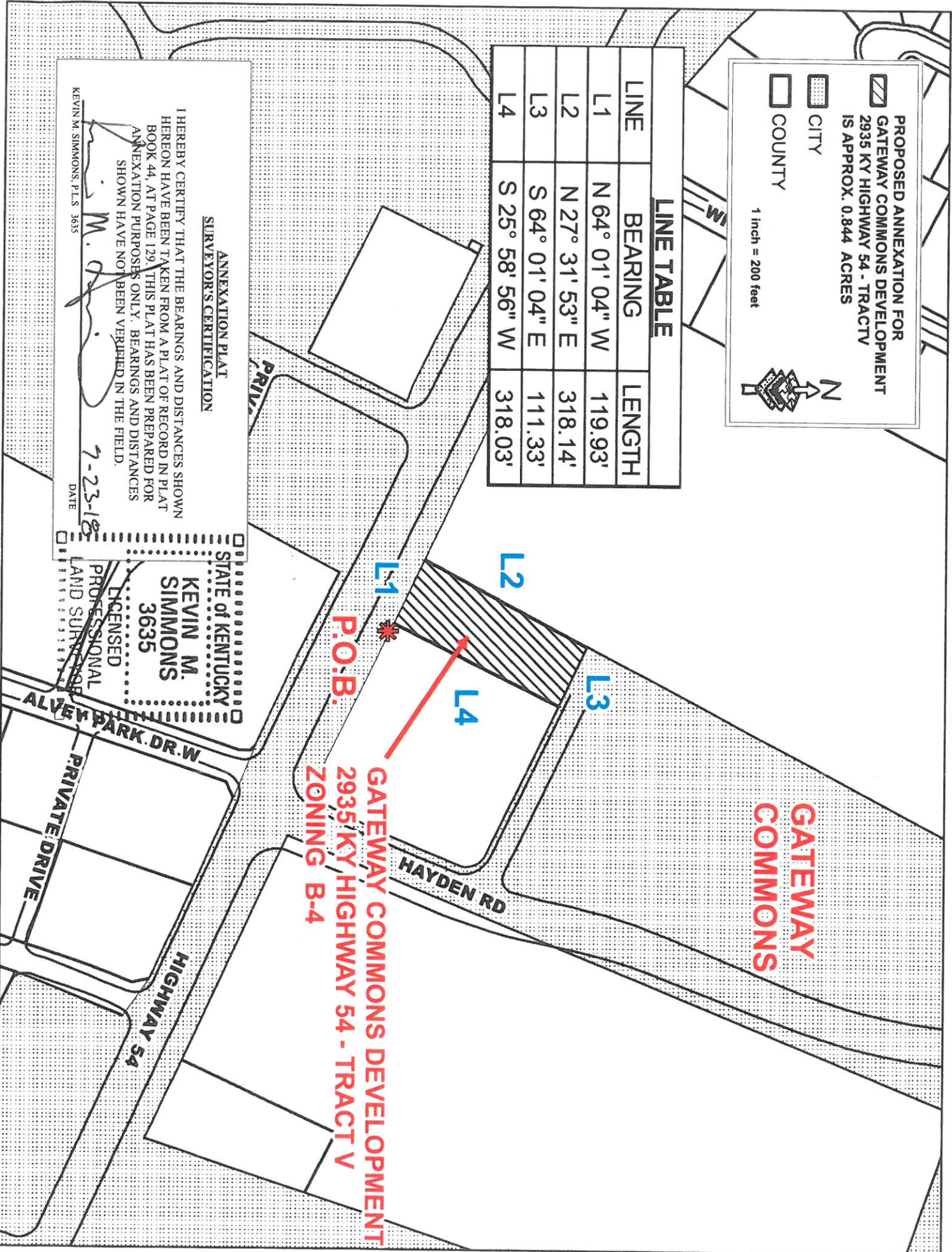
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**PROPOSED ANNEXATION FOR
GATEWAY COMMONS DEVELOPMENT**
2935 KY HIGHWAY 54 - TRACT V
IS APPROX. 0.844 ACRES

GATEWAY COMMONS DEVELOPMENT
 CITY
 COUNTY

1 inch = 200 feet

LINE TABLE		
LINE	BEARING	LENGTH
L1	N 64° 01' 04" W	119.93'
L2	N 27° 31' 53" E	318.14'
L3	S 64° 01' 04" E	111.33'
L4	S 25° 58' 56" W	318.03'



**ANNEXATION PLAT
SURVEYOR'S CERTIFICATION**

I HEREBY CERTIFY THAT THE BEARINGS AND DISTANCES SHOWN
HEREON HAVE BEEN TAKEN FROM A PLAT OF RECORD IN PLAT
BOOK 44, AT PAGE 129. THIS PLAT HAS BEEN PREPARED FOR
ANNEXATION PURPOSES ONLY. BEARINGS AND DISTANCES
SHOWN HAVE NOT BEEN VERIFIED IN THE FIELD.

Kevin M. Simmons
DATE: 7-23-18

KEVIN M. SIMMONS, P.L.S. 3635

STATE OF KENTUCKY
KEVIN M. SIMMONS
3635
LICENSED PROFESSIONAL
LAND SURVEYOR

**GATEWAY COMMONS DEVELOPMENT
2935 KY HIGHWAY 54 - TRACT V
ZONING B-4**

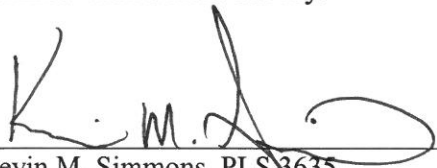
ANNEXATION DESCRIPTION

2935 HWY 54: 0.844 ACRES

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Kevin M. Simmons, PLS 3635 7-23-18
Date

