

ORDINANCE 19-2018

AN ORDINANCE ANNEXING TO THE CITY OF OWENSBORO CERTAIN UNINCORPORATED TERRITORY IN THE COUNTY OF DAVIESS ADJOINING THE PRESENT BOUNDARY LINE OF THE CITY, BEING PROPERTY CURRENTLY OWNED BY THE COMMONWEALTH OF KENTUCKY AND LOCATED AT 3001 HIGHWAY 54, CONTAINING 14.54 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 owned by the Commonwealth of Kentucky and described below 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 the County of Daviess adjoining the present boundary line of the City of Owensboro, 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 the County of Daviess, Commonwealth of Kentucky, 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 north right of way line of Hwy 54, said point being in the current city limit line, thence following the north right of way line of Hwy 54 and the current city limit line N 69°27'02" W, 422.61 feet to a point being in the east line of the Gateway Commons development; thence following the east line of Gateway Commons and the current city limit line N 16°38'00" E, 1235.81 feet to a point in the Gateway Commons development; thence following the line of Gateway Commons and the current city limit line S 76°21'09" E, 490.29 feet to a point being the northwest corner to Walmart Real Estate Business Trust; thence following the west line of Walmart and the current city limit line S 13°05'59" W, 1012.92 feet to a point being the northeast corner to 3107 Hwy. 54; thence leaving the current city limit line and following the new city limit line and the lines of 3107 Hwy 54 as follows: N 68°10'35" W, 115.01 feet to a point; thence S 19°44'16" W, 290.05 feet to the point of beginning containing 14.54 Acres as shown on a plat of record found in Deed Book 448, at Page 516.

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 Deed Book 448, at Page 516. Bearings and distances were not verified with a field survey.

Section 3. That the territory annexed herein is currently zoned as Professional Service P-1 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 19-2018, 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

Consent

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

Item No.

TITLE
REQUEST ANNEXATION FOR COMMONWEALTH OF KENTUCKY 3001 KY HIGHWAY 54

MEETING OF CITY COMMISSION ON (State the meeting date <i>September 18, 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 COMMONWEALTH OF KENTUCKY PROPERTY 3001 KY HWY 54 TOTALS = 14.54 ACRES</i></p> <p><i>COMMONWEALTH OF KENTUCKY PROPERTY – 3001 KY HIGHWAY 54 IS ZONED P-1</i></p> <p><i>COMMONWEALTH OF KENTUCKY, OWNER OF PROPERTY AT 3001 KY HWY 54 HAS SUBMITTED A SIGNED ANNEXATION REQUEST FORM.</i></p> <p><i>THERE WILL BE NO ANNEXATION INCENTIVE AGREEMENT FOR THIS PROPERTY BETWEEN THE CITY OF OWENSBORO AND THE COMMONWEALTH OF KENTUCKY</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	NATE PAGAN



City of Owensboro Kentucky



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

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

September 7, 2018

To: Nate Pagan
City Manager

From: Kevin Collignon, P.E.
City Engineer

Re: Annexation Request for Commonwealth of Kentucky Property- 3001 KY HWY 54

Attached is the information necessary to initiate annexation for Commonwealth of Kentucky Property at 3001 KY HWY 54. (See attached). Commonwealth of Kentucky, owner of said property has submitted a signed annexation request forms for 3001 KY HWY 54.

There will be no Annexation Incentive Agreement for this property between the City of Owensboro & the Commonwealth of Kentucky.

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**

CITY OF OWENSBORO

----ANNEXATION REQUEST FORM----

1. LOCATION OF PROPERTY TO BE ANNEXED:

3001 HWY 54, OWENSBORO, KY 42303

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

N/A - To be prepared by City of Owensboro

B. SOURCE OF TITLE:

3001 HWY 54 - DEED BK 448 PG 514

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

P-1

4. ACREAGE FEES: N/A

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

COMMONWEALTH OF KENTUCKY

DEPARTMENT OF HUMAN RESOURCES

FRANKFORT, KY 40602

6. PHONE NO: _____

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 3001 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

30th day of August, 20 18

Witness: Wilda Willis Caudle Wilda Willis Caudle
Sign & Print Name



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

William M. Landrum III
Signature
WILLIAM M. LANDRUM III
Print Name


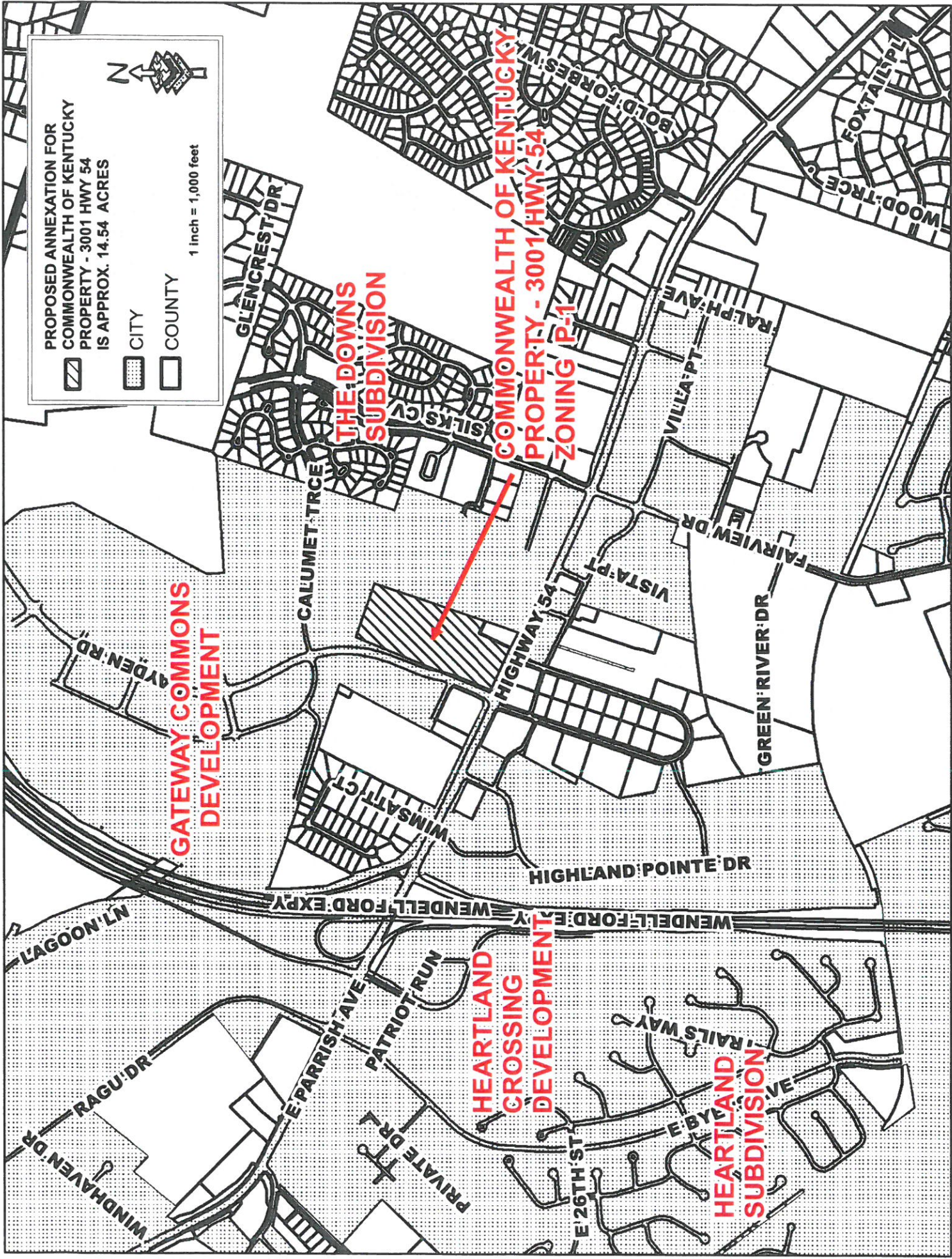
FOR FINANCE DEPARTMENT USE ONLY:

Annexation Fee	Amount: <u>N/A</u>
Acreage Fee	Amount: <u>N/A</u>
Received by Finance Department	Date: <u>N/A</u>
	Initialed By: <u>N/A</u>

PROPOSED ANNEXATION FOR
COMMONWEALTH OF KENTUCKY
PROPERTY - 3001 HWY 54
IS APPROX. 14.54 ACRES

 CITY
 COUNTY

1 inch = 1,000 feet

LINE TABLE		
LINE	BEARING	LENGTH
L1	N 69° 27' 02" W	422.61'
L2	N 16° 38' 00" E	1235.81'
L3	S 76° 21' 09" E	490.29'
L4	S 13° 05' 59" W	1012.92'
L5	N 68° 10' 35" W	115.01'
L6	S 19° 44' 16" W	290.05'

GATEWAY COMMONS DEVELOPMENT

L3

L4

L5

L6

L1

P.O.B.

HEARTLAND CROSSING DEVELOPMENT

THE DOWNS SUBDIVISION

**COMMONWEALTH OF KENTUCKY
PROPERTY - 3001 HWY 54
ZONING P-1**

PROPOSED ANNEXATION FOR
COMMONWEALTH OF KENTUCKY
PROPERTY - 3001 HWY 54
IS APPROX. 14.54 ACRES

1 inch = 400 feet

CITY

COUNTY

N

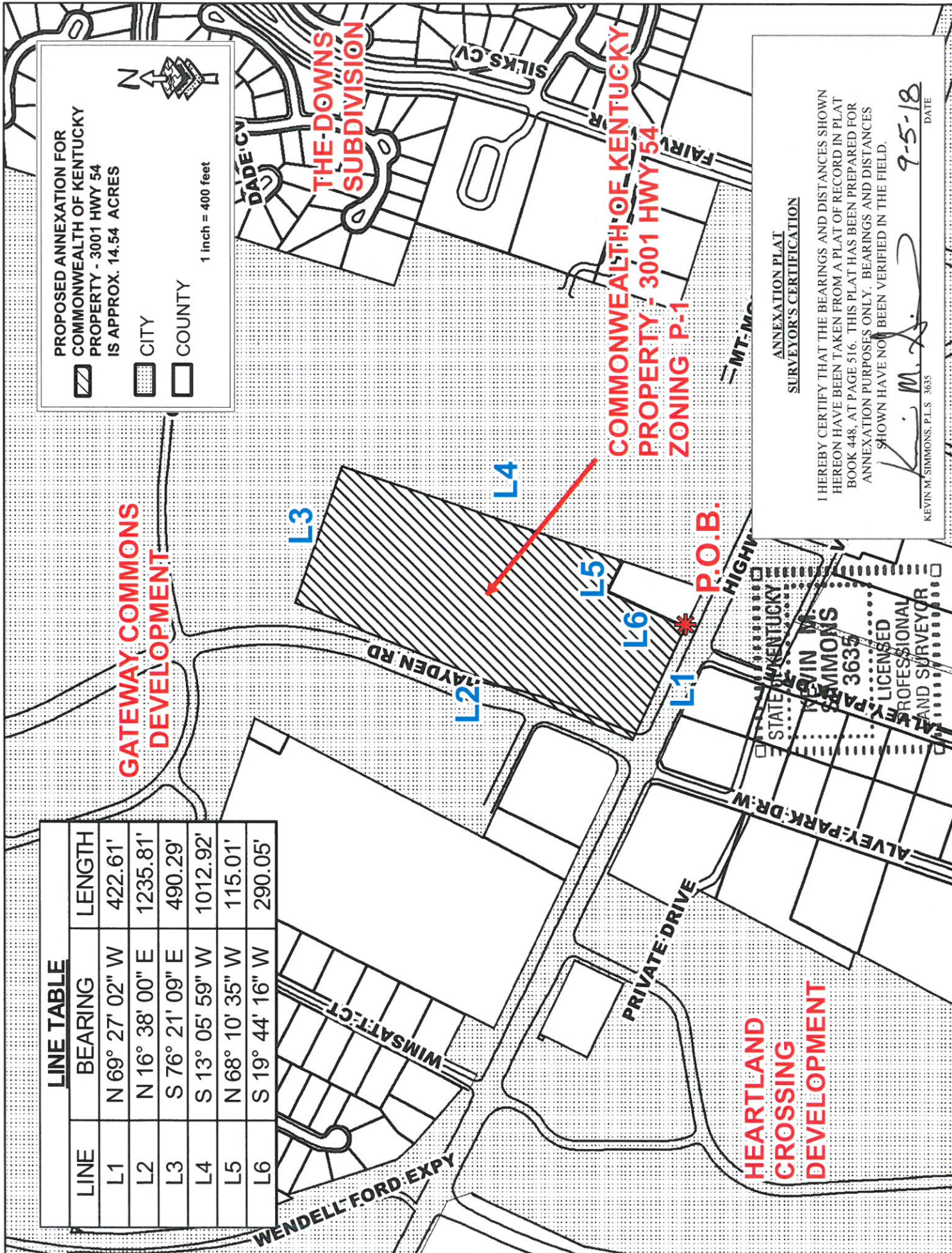
ANNEXATION PLAT
SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE BEARINGS AND DISTANCES SHOWN
HEREON HAVE BEEN TAKEN FROM A PLAT OF RECORD IN PLAT
BOOK 448, AT PAGE 516. THIS PLAT HAS BEEN PREPARED FOR
ANNEXATION PURPOSES ONLY. BEARINGS AND DISTANCES
SHOWN HAVE NOT BEEN VERIFIED IN THE FIELD.

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

9-5-18

DATE



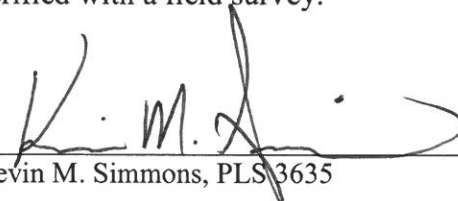
ANNEXATION DESCRIPTION

3001 HWY 54: 14.54 ACRES

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Kevin M. Simmons, PLS 3635 10-22-18
Date

