

## **MUNICIPAL ORDER 6-2019**

**A MUNICIPAL ORDER AUTHORIZING AND DIRECTING THE MAYOR TO NEGOTIATE AND EXECUTE A REAL ESTATE PURCHASE AND SALE AGREEMENT FOR THE ACQUISITION OF PROPERTY AT 710 W. SECOND STREET; AND FURTHER AUTHORIZING THE MAYOR TO EXECUTE A DEED TRANSFERRING A ONE-THIRD (1/3) INTEREST IN THE PROPERTY, IN ACCORDANCE WITH KRS 82.083(4), TO THE DAVIESS COUNTY FISCAL COURT.**

**WHEREAS**, the City of Owensboro has engaged upon a total revitalization of the Downtown Area; and

**WHEREAS**, Riverfront Forward, LLC, owns certain real property located at 710 W. Second Street in Owensboro, Daviess County, Kentucky and have agreed to convey said property to the City of Owensboro; and

**WHEREAS**, the City of Owensboro seeks to acquire said property to perform additional improvements in the Downtown Area; and

**WHEREAS**, the City of Owensboro seeks to sell a one-third (1/3) interest in the property to the Daviess County Fiscal Court.

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

**Section 1.** The Board of Commissioners hereby authorizes and directs the Mayor and other appropriate city officials to negotiate and execute a purchase agreement which sets forth the terms and conditions for the City's acquisition of the property located at 710 W. Second Street. Said property is more particularly described in Attachment "A" herein.

**Section 2.** That the City of Owensboro, Kentucky, by and through its Board of Commissioners, hereby approves the purchase of 710 W. Second Street provided such conveyance is for the purpose of furthering its revitalization of the Downtown Area.

**Section 3.** In accordance with KRS 82.083(3), the Board of Commissioners makes the following determination:

- (1) The real property being purchased by the City of Owensboro consists of 0.785 acres and is located 710 W. Second Street, Owensboro, Kentucky, as described in the aforementioned Exhibit "A," incorporated herein by reference.
- (2) The intended use for the property at time the time of acquisition was and is in furtherance of economic development.
- (3) That the City of Owensboro, Kentucky, by and through its Board of Commissioners, hereby approves the sale of a one-third (1/3) undivided interest in 710 W. Second Street to the Daviess County Fiscal Court.
- (4) It is in the public interest to sell the one-third (1/3) interest in the property listed above so that the City and County may work together jointly to offer said property, for economic development purposes, to an interested party who may purchase and utilize the property in furtherance of improvement of the downtown.
- (5) The property listed in Exhibit "A" above shall be transferred for economic development purposes in accordance with KRS 82.083(4)(b).

**Section 4.** That the Mayor, City Manager and appropriate staff members are hereby authorized to sign any and all deeds or other documents deemed necessary to the furtherance of the authority outlined herein.

**INTRODUCED, PUBLICLY READ AND FINALLY APPROVED ON ONE  
READING**, this the 16th day of April, 2019.

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Thomas H. Watson, Mayor

ATTEST:

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Beth Cecil, City Clerk



1535 Frederica Street  
Owensboro, KY 42301  
P.O. Box 21382  
www.bryant-eng.com  
Phone: (270) 685-2811  
Fax: (270) 683-4991

PROPERTY DESCRIPTION  
0.785 ACRES  
710 WEST SECOND STREET

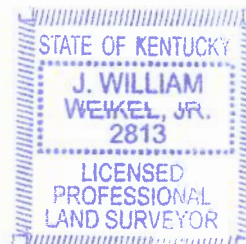
A certain tract of land being located at 710 West Second Street in Owensboro, Daviess County, Kentucky and being more particularly described as follows:

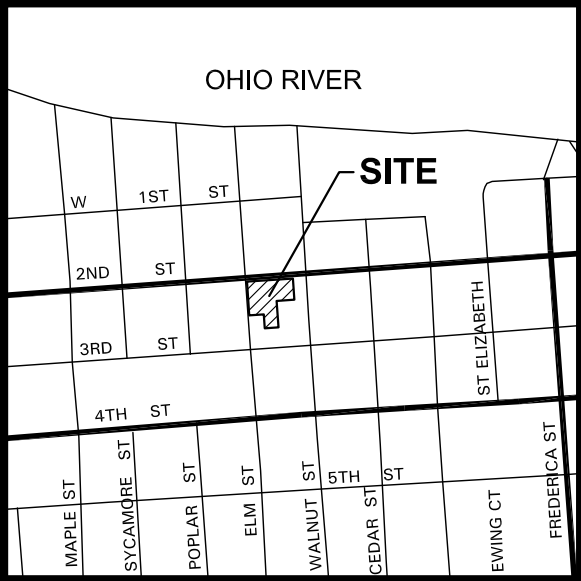
Unless stated otherwise any monument referred to herein as an "iron pin set" or "iron pin found" is a 5/8-inch steel reinforcement bar, eighteen (18) inches in length, with a pink plastic cap embossed "J.W. Weikel, KY PS 2813".

Beginning at a calculated point being at the intersection of the south right-of-way line of West Second Street with the east right-of-way line of Elm Street, said south and east right-of-way lines being 33.00 feet from their centerlines and being North 15 degrees 11 minutes 37 seconds East, a distance of 0.42 feet from a found P.K. Nail; thence with said south right-of-way line North 86 degrees 49 minutes 07 seconds East, a distance of 217.87 feet to a found Magnail with disk stamped PLS 2813 being the north west corner of the Owensboro-Daviess County Industrial Foundation, Inc. property, as recorded in Deed Book 900, at Page 129 in the office of the Daviess County Clerk; thence with the west line of said Foundation property South 03 degrees 17 minutes 29 seconds East, a distance of 100.71 feet to an iron pin found being in the north line of the Economic Development Properties, Inc. property, as recorded in Deed Book 899, at Page 761 in said clerk's office; thence with said north line for the following five (5) calls:

1. South 86 degrees 49 minutes 39 seconds West, a distance of 83.84 feet to a calculated point being South 08 degrees 12 minutes 49 seconds West, a distance of 0.36 feet from a found 1/2-inch iron pipe;
2. South 03 degrees 17 minutes 29 seconds East, a distance of 125.39 feet to an iron pin set;
3. South 86 degrees 49 minutes 39 seconds West, a distance of 64.95 feet to an iron pin set;
4. North 03 degrees 17 minutes 29 seconds West, a distance of 65.84 feet to a calculated point being South 89 degrees 44 minutes 32 seconds East, a distance of 0.44 feet from a found 1/2-inch iron pipe;
5. South 86 degrees 49 minutes 39 seconds West, a distance of 69.08 feet to an iron pin found being in said east right-of-way line; thence with said east right-of-way line North 03 degrees 17 minutes 29 seconds West, a distance of 160.23 feet to the point of beginning and containing 0.785 acres as shown on a Plat of a physical survey conducted under the direction of J. William Weikel, Jr., KY PLS no. 2813, of Bryant Engineering, Inc., on March 06, 2018 and shown of record in said clerk's office in Plat Book 47, at Page 149, that was based on deeds of record in Deed Book 340, at Page 285, Deed Book 382, at Page 280, Deed Book 509, at Page 375, and Deed Book 991, at Page 26 and also City Ordinance # 04-2018. The property described herein above is subject to all legal easements and rights-of-way that may or may not be of record.

*J. William Weikel, Jr.* April 13, 2019  
J. William Weikel, Jr., KY PLS No. 2813 Date





VICINITY MAP

OWNER/CLIENT

RIVERFRONT FORWARD, LLC.  
2960 FAIRVIEW DRIVE  
OWENSBORO, KY 42303

RECORD SOURCE

DEED BOOK 340, PAGE 285  
DEED BOOK 382, PAGE 280  
DEED BOOK 509, PAGE 375  
DEED BOOK 991, PAGE 26

THE SUBJECT PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA PER F.I.R.M. NO. 21059C0138D, EFFECTIVE APRIL 16, 2009.

THE PROPERTY DESCRIBED HEREON IS SUBJECT TO ALL LEGAL EASEMENTS AND RIGHTS-OF-WAY THAT MAY OR MAY NOT BE OF RECORD.

THIS PLAT AND SURVEY REPRESENTED HEREON COMPLIES WITH 201 KAR 18:150.

SITE DEVELOPMENT REQUIREMENTS INCLUDING, BUT NOT LIMITED TO BUILDING SETBACKS/BUILD-TO-ZONES, ACCESS, LANDSCAPING, DESIGN GUIDELINES, SIGNAGE, ETC. ARE PER ARTICLE 21 OF THE ZONING ORDINANCE.

THE BOUNDARY SURVEY REPRESENTED HEREON WAS PERFORMED EXCLUSIVELY USING TRIMBLE GPS R8 GNSS MODEL 3, DUAL FREQUENCY RECEIVERS BY REAL TIME KINEMATIC WITH A RELATIVE POSITIONAL ACCURACY OF 0.03 FEET USING GEOID MODEL 09 WITH KENTUCKY SOUTH 1602 AND NAVD 1988.

ZONED: B-2

ACCESS SHALL BE IN COMPLIANCE WITH THE ACCESS MANAGEMENT MANUAL AND ARTICLE 21 OF THE ZONING ORDINANCE.

LEGEND

- 5/8" REBAR (18" IN LENGTH) SET W/CAP, P.L.S. NO. 2813
- 5/8" REBAR FOUND W/CAP, P.L.S. NO. 2813
- MAGNAIL FOUND W/DISK, STAMPED P.L.S. NO. 2813
- PK NAIL FOUND
- 1/2" IRON PIPE FOUND

OWNER'S CERTIFICATION

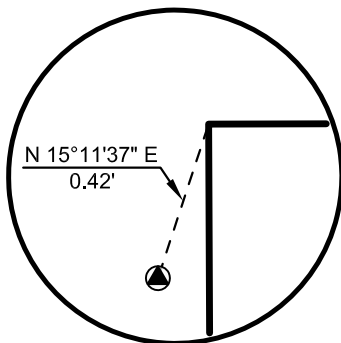
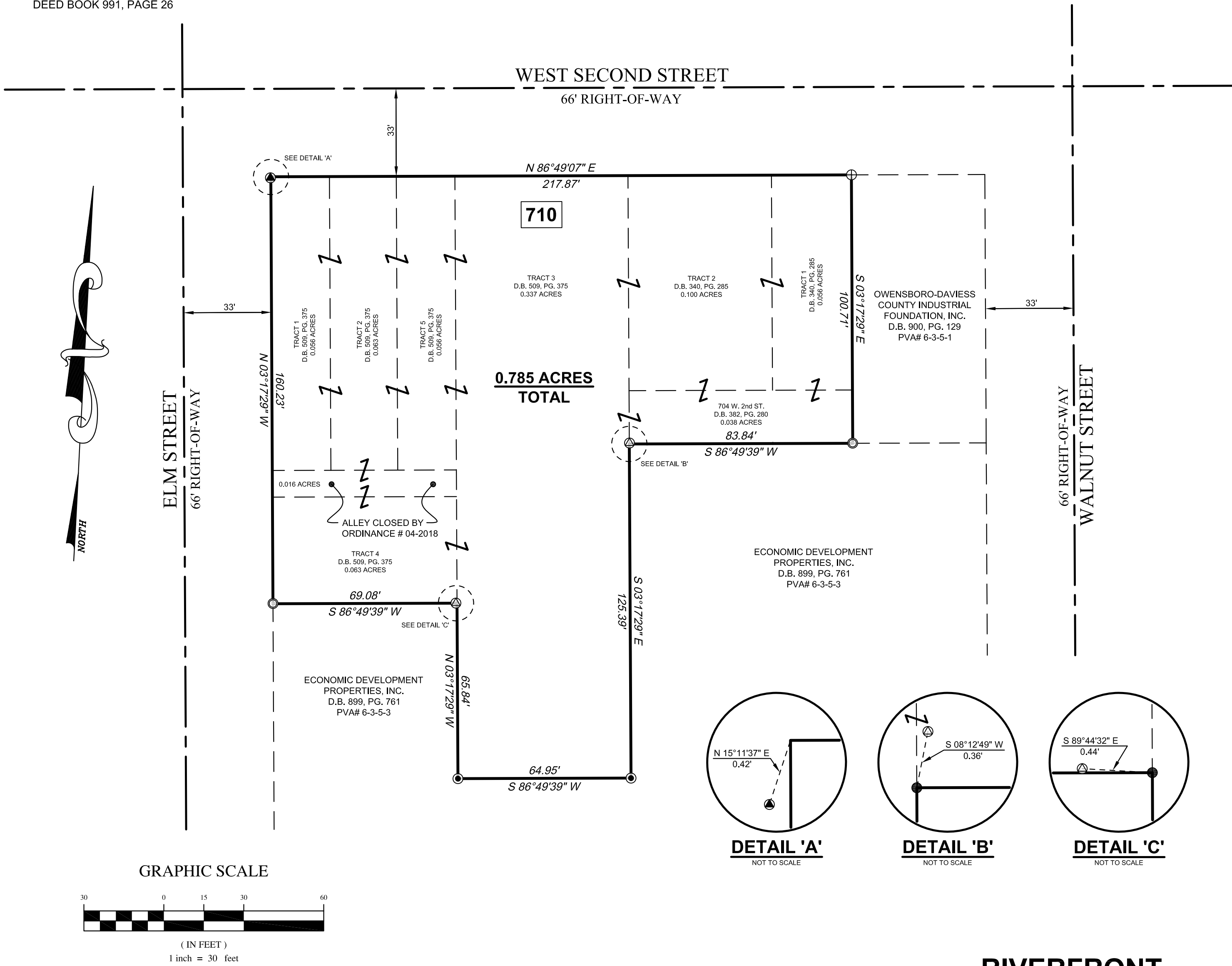
I, THE UNDERSIGNED OWNER OF THE REAL ESTATE SHOWN AND DESCRIBED HEREON, DO HEREBY CERTIFY THAT I HAVE LAID-OFF, PLATTED AND SUBDIVIDED, AND DO HEREBY LAYOFF, PLAT AND SUBDIVIDE SAID REAL ESTATE IN ACCORDANCE WITH THE WITHIN PLAT, AND DO HEREBY ACCEPT THIS SURVEY, ALL STREETS AND ALLEYS SHOWN AND NOT HERETOFORE DEDICATED, ARE HEREBY DEDICATED TO THE PUBLIC.

SIGNED: \_\_\_\_\_

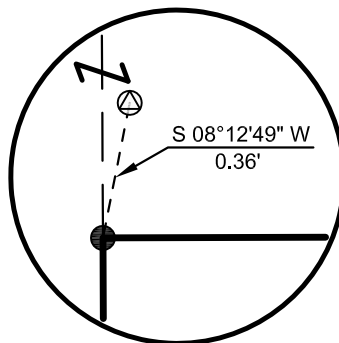
OMPC APPROVAL

APPROVED: \_\_\_\_\_  
Director

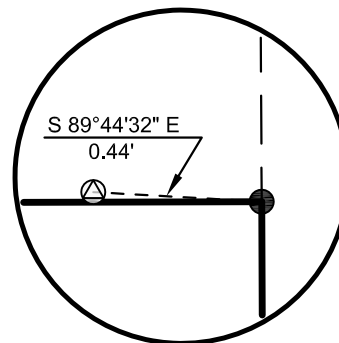
DATE: \_\_\_\_\_



DETAIL 'A'  
NOT TO SCALE



DETAIL 'B'  
NOT TO SCALE

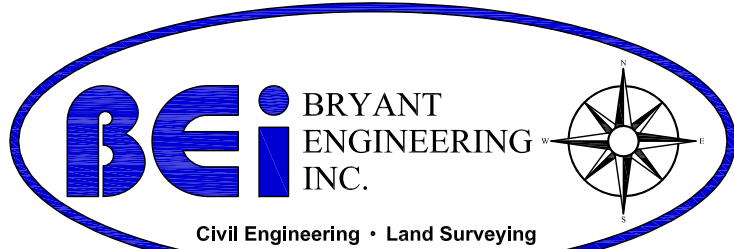


DETAIL 'C'  
NOT TO SCALE

RIVERFRONT FORWARD, LLC.

PROPERTY SURVEY & CONSOLIDATION  
LOCATED ON W. 2nd ST. & ELM ST.  
CITY OF OWENSBORO  
DAVIESS COUNTY, KENTUCKY

03-06-2018 F:\DATA\18-5746\dwg\MASTER CONSOLIDATION.dwg



1535 FREDERICA STREET ~ P.O. BOX 21382  
OWENSBORO, KENTUCKY 42304

(270) 685-2811

SURVEYOR'S CERTIFICATION

I DO HEREBY EXCLUSIVELY CERTIFY TO THE PARTIES NAMED HEREON THAT SHOWN HEREON IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY PERFORMED UNDER MY DIRECTION BY THE METHOD OF RTK: GPS MEASUREMENT USING DUAL FREQUENCY TRIMBLE GNSS R8 EQUIPMENT, OF WHICH THE UNADJUSTED POSITIONAL ACCURACY OF EACH MONUMENT IS +/- 0.05 FEET+100PPM AND HAS NOT BEEN ADJUSTED. THE BEARINGS SHOWN HEREON ARE TIED TO KENTUCKY STATE PLANE COORDINATES (KY SOUTH ZONE 1602). THE SURVEY IS CLASSIFIED AS AN URBAN SURVEY AND MEETS ALL OF THE ACCURACY AND PRECISION SPECIFICATIONS FOR THAT CLASS AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I ALSO CERTIFY THAT ALL MONUMENTS INDICATED HEREON DO ACTUALLY EXIST AND THAT THEIR LOCATIONS, SIZES, AND MATERIALS ARE CORRECTLY INDICATED. THE SURVEY COMPLIES WITH 201 KAR 18:150

J. WILLIAM WEIKEL, JR, KY PLS NO. 2813 DATE