

## **MUNICIPAL ORDER 13-2019**

**A MUNICIPAL ORDER APPROVING THE CONVEYANCE TO THE CITY OF OWENSBORO OF A ONE-THIRD (1/3) PORTION OF PROPERTY OWNED BY THE DAVIESS COUNTY FISCAL COURT CONTAINING 30.897 ACRES AND LOCATED AT 3300 CARTER ROAD; AND FURTHER AUTHORIZING THE MAYOR TO EXECUTE A DEED TRANSFERRING THE PROPERTY TO RIVERFRONT FORWARD, LLC IN ACCORDANCE WITH KRS 82.083(4).**

**WHEREAS**, the 30.897 acres at 3300 Carter Road, is zoned Commercial by the Owensboro Metropolitan Planning Commission, and has remained vacant; and

**WHEREAS**, the City of Owensboro owned a one-third (1/3) portion of the 30.897 acres of real property located at Air Park, Owensboro, Kentucky, of which the Owensboro Board of Commissioners approved the sale of its interest to Riverfront Forward, LLC in Municipal Order 8-2019; and

**WHEREAS**, due to differing statutory requirements for the disposition of real property, the Daviess County Fiscal Court seeks to convey its one-third (1/3) portion of the 30.897 acres at 3300 Carter Road to the City in order for the City to convey the property to Riverfront Forward, LLC; and

**WHEREAS**, Riverfront Forward, LLC wishes to purchase the one-third (1/3) interest in the property to be conveyed by Daviess County to the City and build on the property in furtherance of development of the City; and

**WHEREAS**, the proceeds of the sale of the one-third (1/3) interest from the City to Riverfront Forward, LLC, will be paid to the County;

**WHEREAS**, the conveyance of the 30.897 acres of property at 3300 Carter Road by the City will promote economic development within the City and should be sold or transferred in accordance with KRS 82.083(4).

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

**Section 1.** The Owensboro Board of Commissioners approves the conveyance of a one-third (1/3) portion of property owned by the Daviess County Fiscal Court, containing 30.897 acres and located at 3300 Carter Road, to the City.

**Section 2.** In accordance with KRS 82.083(3), the Board of Commissioners makes the following determination:

- (1) The real property to be conveyed by the City to Riverfront Forward, LLC consists of a one-third (1/3) interest in 30.897 acres and is located 3300 Carter Road, Owensboro, Kentucky. A copy of a plat for this real property is attached hereto as Exhibit "A," and incorporated herein by reference.
- (2) The intended use for the property is to promote economic development by encouraging businesses to locate on said property.
- (3) It is in the public interest to dispose of the property listed above so that Riverfront Forward, LLC can own the entirety of the property and utilize the property for a business purpose and return the property to the tax rolls for the benefit of the City.
- (4) The property listed in Section 1(1) above shall be transferred for economic development purposes in accordance with KRS 82.083(4)(b).

**Section 3.** By and through the Board of Commissioners, the property listed in Section 1(1) above may be transferred, sold, or otherwise conveyed in accordance with the provisions of KRS 82.083(4).

**Section 4.** The Board of Commissioners hereby authorizes the Mayor, City Manager, Assistant City Manager, City Attorney, City Engineer, and other appropriate City officials to execute the deed, survey, consolidation plat, agreements and all other documents which are deemed necessary to meet the requirements of this order and other actions as required under the Agreement as approved herein.

**INTRODUCED, PUBLICLY READ AND FINALLY APPROVED ON ONE READING,** this the 7th day of May, 2019.

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Thomas H. Watson, Mayor

ATTEST:

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Beth Cecil, City Clerk

# Exhibit A

