

ORDINANCE 11-2019

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 GATEWAY LAND, LLC AND LOCATED AT 2945 HIGHWAY 54, CONTAINING 2.361 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 Gateway Land, LLC 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 64°01'04" W, 278.44 feet to a point being the southeast corner of 2935 Hwy 54; thence following the east line of 2935 Hwy 54 and the current city limit line N 25°58'56" E, 318.03 feet to a point in the south right of way line of Aldi Way, said point being in the current city limit line; thence following the south right of way line of Aldi Way and the current city limit line S 64°01'04" E, 282.48 feet to a point; thence following a circular curve to the right having a radius of 37.00 feet and subtended by the chord S 21°00'45" E, 50.47 to a point in the west right of way line of Hayden Road, said point being in the current city limit line; thence following the west right of way line of Hayden Road and the current city limit line as follows S 21°59'33" W, 152.34 feet to a point; thence following a circular curve to the right having a radius of 218.50 feet and subtended by the chord S 24°55'17" W, 22.33 feet to a point; thence S 27°51'01" W, 60.97 feet to a point; thence following a circular curve to the right having a radius of 50.00 feet subtended by the chord S 71°54'59" W, 69.55 feet to the point of beginning containing 2.361 Acres as shown on an Annexation Plat prepared by the City Engineer's office dated 05/16/2019.

This description was by Kevin M. Simmons, PLS 3635 with the City Engineer's office for annexation purposes only, and shall not be used for the transfer of title. Bearings and distances described herein were derived from the City of Owensboro's corporate boundary layer, parcel layer and from a deed of record found in D.B. 937 at Pg. 589 in the office of Daviess County Court Clerk. 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 21st day of May, 2019.

PUBLICLY READ AND APPROVED ON SECOND READING, this the 4th day of June, 2019.

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 11-2019, duly adopted by the Owensboro Board of Commissioners on June 4, 2019, the original of which is on file in the Office of the City Clerk, this the ____ day of June, 2019.

Beth Cecil, City Clerk

Consent

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

Item No.

TITLE
REQUEST ANNEXATION FOR GATEWAY LAND, LLC PROPERTY AT 2945 KY HIGHWAY 54

MEETING OF CITY COMMISSION ON <i>(State the meeting date May 21. 2019</i>
BUDGET <i>(State any budget consequences):</i> N/A

SUMMARY AND BACKGROUND <i>(Continue on additional sheet, if necessary):</i>
<p>THE PROPOSED ANNEXATION FOR PROPERTY AT 2945 KY HWY 54 TOTALS = 2.361 ACRES</p> <p>GATEWAY LAND, LLC PROPERTY – 2945 KY HIGHWAY 54 IS ZONED B-4</p> <p>GATEWAY LAND, LLC, OWNER OF PROPERTY AT 2945 KY HWY 54 HAS SUBMITTED A SIGNED ANNEXATION REQUEST FORM.</p> <p>THERE WILL BE NO ANNEXATION INCENTIVE AGREEMENT FOR THIS PROPERTY BETWEEN THE CITY OF OWENSBORO AND GATEWAY LAND, LLC</p> <p style="text-align: right;">Check if continued on next page </p>

RECOMMENDATION OR ACTION REQUESTED: <i>(State the action requested or recommended)</i>
APPROVE ANNEXATION

ATTACHMENTS <i>(12 copies for agenda packets)</i>	Check if no attachments	<input type="checkbox"/>
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

May 17, 2019

To: Nate Pagan
City Manager

From: Kevin Collignon, P.E.
City Engineer

Re: Annexation Request for Gateway Land, LLC property – 2945 KY HWY 54

Attached is the information necessary to initiate annexation for 2945 KY HWY 54. (See attached). Gateway Land, LLC, owner of said property has submitted a signed annexation request forms for 2945 KY HWY 54.

There will be no Annexation Incentive Agreement for this property 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**

CITY OF OWENSBORO

----ANNEXATION REQUEST FORM----

1. LOCATION OF PROPERTY TO BE ANNEXED:

2945 HWY 54

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

See Attached

B. SOURCE OF TITLE:

2945 HWY 54 - DEED BK 932 PG 522

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

PO BOX 460049 Dept 501 Houston, TX 77056-8049

6. PHONE NO: _____

270-315-0056

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 2945 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 10th day of May, 2019.

Witness: Robin Williams-Phillips
Sign & Print Name

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

X [Signature]
Signature
MATT HAYDON
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: _____
	Initialed By: _____

**ANNEXATION PLAT
SURVEYOR'S CERTIFICATION**

I HEREBY CERTIFY THAT THE BEARINGS AND DISTANCES SHOWN
HEREON HAVE BEEN TAKEN FROM A DEED OF RECORD AT DEED
BOOK 937 AT PAGE 589, AND FROM THE CURRENT
ODC-GIS CORPORATE BOUNDARY LINE LAYER AND PARCEL LAYER.
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
[Signature] 5-16-19
DATE

**HIGHLAND
ELEMENTARY SCHOOL**

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

**PROPOSED ANNEXATION FOR
GATEWAY LAND, LLC PROPERTY
2945 HWY 54
IS APPROX. 2.361 ACRES**

CITY
COUNTY

1 inch = 200 feet



**GATEWAY COMMONS
DEVELOPMENT**

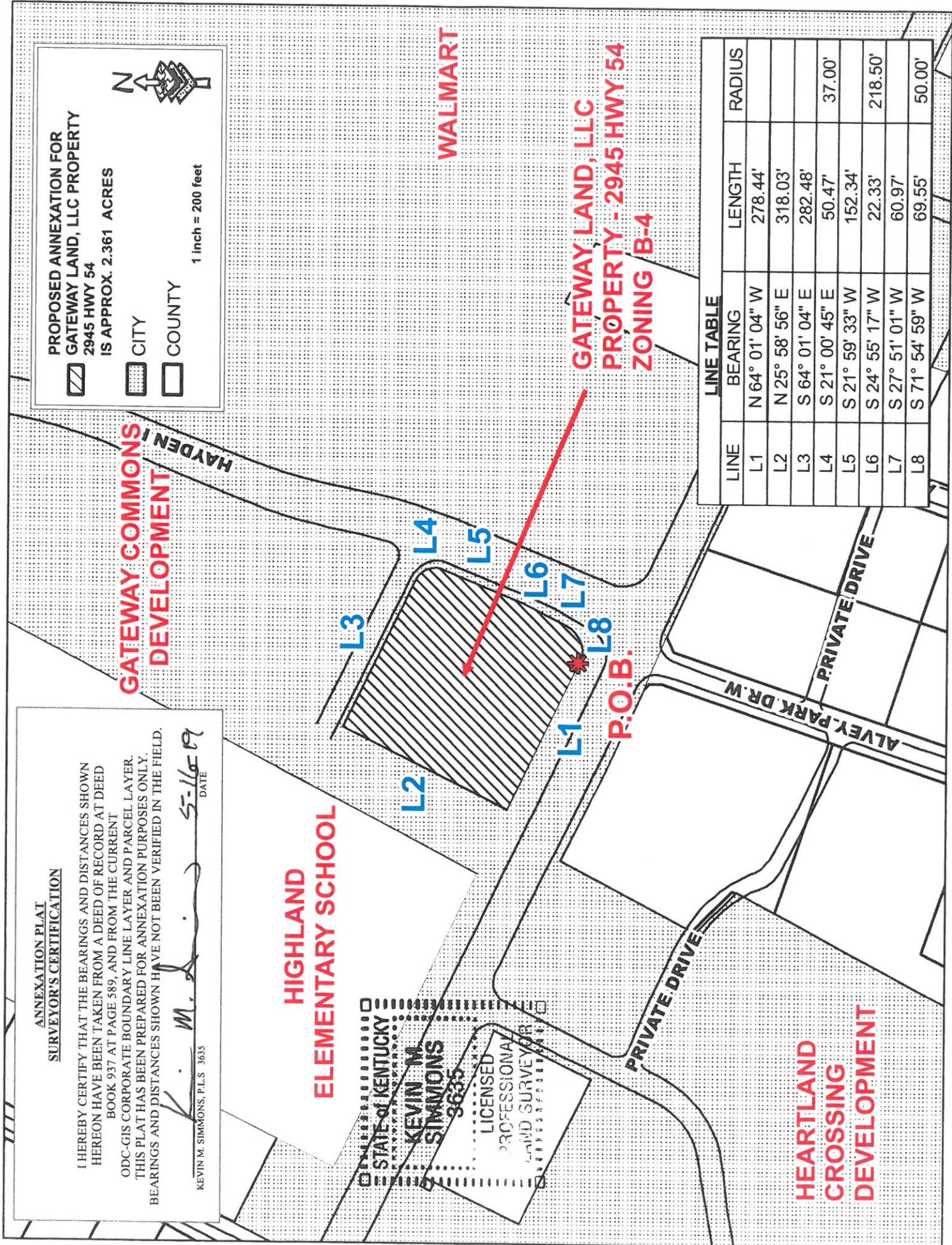
WALMART

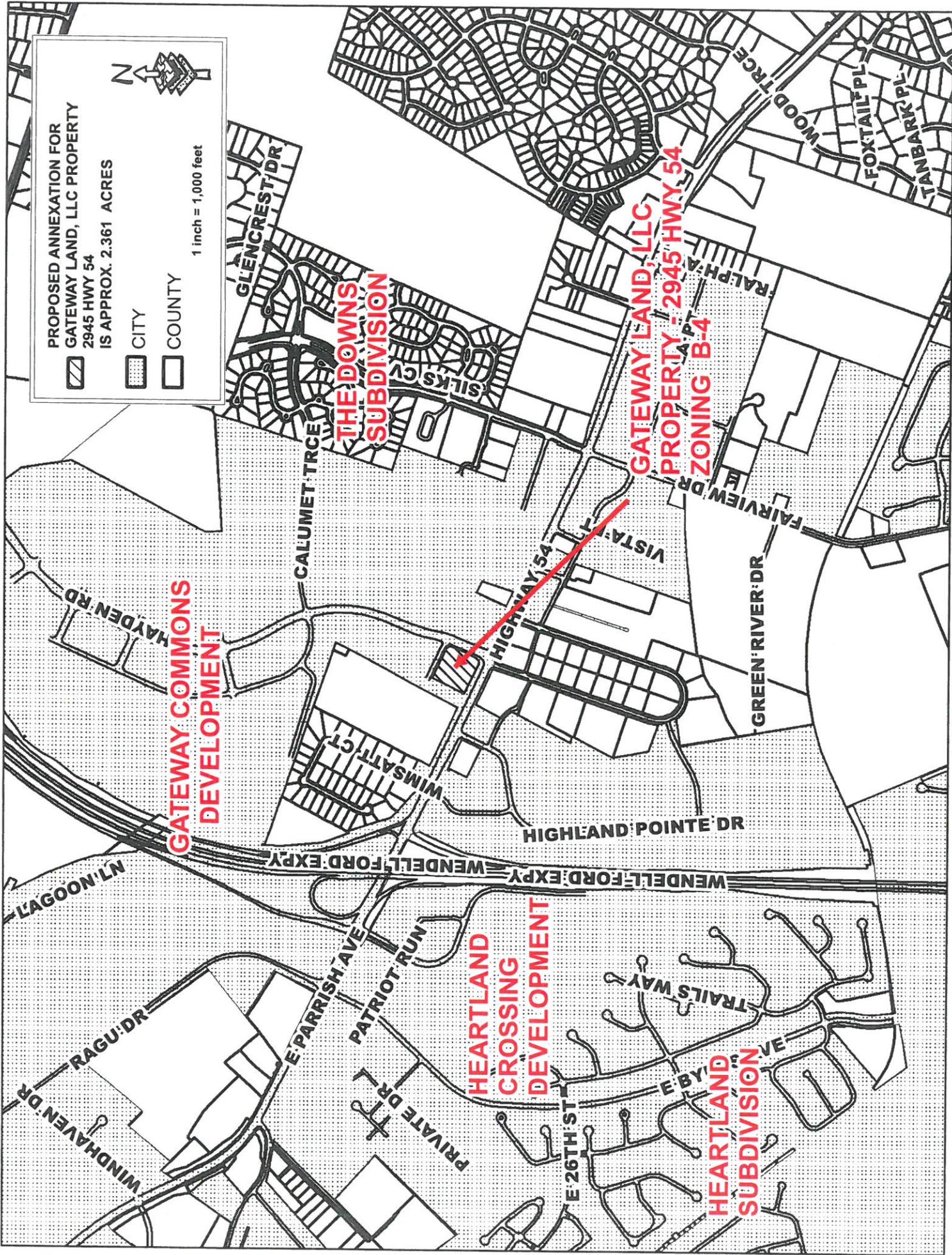
**GATEWAY LAND, LLC
PROPERTY - 2945 HWY 54
ZONING B-4**

P.O.B.

**HEARTLAND
CROSSING
DEVELOPMENT**

LINE TABLE			
LINE	BEARING	LENGTH	RADIUS
L1	N 64° 01' 04" W	278.44'	
L2	N 25° 58' 56" E	318.03'	
L3	S 64° 01' 04" E	282.48'	
L4	S 21° 00' 45" E	50.47'	37.00'
L5	S 21° 59' 33" W	152.34'	
L6	S 24° 55' 17" W	22.33'	218.50'
L7	S 27° 51' 01" W	60.97'	
L8	S 71° 54' 59" W	69.55'	50.00'





PROPOSED ANNEXATION FOR
 GATEWAY LAND, LLC PROPERTY
 2945 HWY 54
 IS APPROX. 2.361 ACRES



CITY
 COUNTY

1 inch = 1,000 feet

**GATEWAY COMMONS
 DEVELOPMENT**

**THE DOWNS
 SUBDIVISION**

**HEARTLAND
 CROSSING
 DEVELOPMENT**

**HEARTLAND
 SUBDIVISION**

**GATEWAY LAND, LLC
 PROPERTY - 2945 HWY 54
 ZONING B-4**

HAYDEN RD

CALUMET TRCE

GLENCREST DR

SILKS CV

WIMSATT CT

HIGHWAY 54

HIGHLAND POINTE DR

FAIRVIEW DR

GREEN RIVER DR

WENDELL FORD EXPY

LAGOON LN

WINDHAVEN DR

RAGU DR

E PARRISH AVE

PATRIOT RUN

PRIVATE DR

E 26TH ST

E BYVALE AVE

TRAILS WAY

WOOD TRCE

FOXTAIL PL

TANBARK PL

TANBARK PL

RALPH AVE

ANNEXATION DESCRIPTION

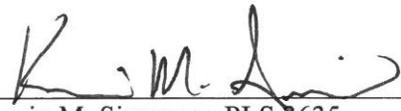
2945 HWY 54.

Area: 2.361 ACRES

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 64°01'04" W, 278.44 feet to a point being the southeast corner of 2935 Hwy 54; thence following the east line of 2935 Hwy 54 and the current city limit line N 25°58'56" E, 318.03 feet to a point in the south right of way line of Aldi Way, said point being in the current city limit line; thence following the south right of way line of Aldi Way and the current city limit line S 64°01'04" E, 282.48 feet to a point; thence following a circular curve to the right having a radius of 37.00 feet and subtended by the chord S 21°00'45" E, 50.47 to a point in the west right of way line of Hayden Road, said point being in the current city limit line; thence following the west right of way line of Hayden Road and the current city limit line as follows S 21°59'33" W, 152.34 feet to a point; thence following a circular curve to the right having a radius of 218.50 feet and subtended by the chord S 24°55'17" W, 22.33 feet to a point; thence S 27°51'01" W, 60.97 feet to a point; thence following a circular curve to the right having a radius of 50.00 feet subtended by the chord S 71°54'59" W, 69.55 feet to the point of beginning containing 2.361 Acres as shown on an Annexation Plat prepared by the City Engineer's office dated 05/16/2019.

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Kevin M. Simmons, PLS 3635 5-16-19
Date

