

## **MUNICIPAL ORDER 23-2019**

**A MUNICIPAL ORDER DECLARING THE 0.237 ACRES OF REAL PROPERTY LOCATED ADJACENT TO 3310 WEST SECOND STREET AS SURPLUS PROPERTY; AND FURTHER AUTHORIZING THE MAYOR TO EXECUTE A QUITCLAIM DEED TRANSFERRING THE PROPERTY TO THE KENTUCKY TRANSPORTATION CABINET DEPARTMENT OF HIGHWAYS IN ACCORDANCE WITH KRS 82.083(4).**

**WHEREAS**, the City of Owensboro acquired the hereinafter described property by Deed dated March 21, 2011, wherein the Kentucky Transportation Cabinet conveyed all of its rights, title, and interest in and to the property described herein below to the City; and

**WHEREAS**, an adjacent landowner has expressed interest to the City in obtaining the property, consolidating with his currently owned adjacent property, and then annexing into the Owensboro city limits; and

**WHEREAS**, the City seeks to convey all of its rights, title, and interest in the property back to the Kentucky Transportation Cabinet so that it can convey the property directly to the adjacent landowner free and clear of any deed restrictions on conveyance of the property; and

**WHEREAS**, the 0.237 acres of property located adjacent to 3310 West Second Street is not needed and the City now desires to declare this property to be surplus property, so that it can be transferred back to the Kentucky Transportation Cabinet, in accordance with KRS 82.083(4), and the Cabinet can transfer to the adjacent property owner.

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

**Section 1.** In accordance with KRS 82.083(3), the Board of Commissioners makes the following determination:

(1) The surplus property is adjacent to 3310 West Second Street and is more particularly described as follows:

Beginning at a ½-inch iron pipe found (no cap), said pipe being 30 feet south of the center line of West Second Street and at the northwest corner Kulwant Singh (DB 922 at PG 248); thence with the west line of Singh South 11 degrees 15 minutes 32 seconds West 109.15 feet to a ½-inch iron pipe found (cap #2492); said pipe being the southwest corner of Singh and 50 feet north of the centerline of West Fourth Street; thence running with the North right-of-way line of said public street North 78 degrees 43 minutes 00 seconds West 106.36 feet to a point; said point being approximately 60 feet east of the extension of Martin Way; thence running 60 feet from and parallel with said extension North 8 degrees 20 minutes 31 seconds West 66.02 feet to a point; said point being 30 feet south of centerline of West Second Street; thence running with said public right-of-way North 81 degrees 12 minutes 15 seconds East 136.80 feet to the point of beginning and containing 0.237 acre per field information dated 06/13/2019.

AND BEING a part of the same property conveyed to the City of Owensboro, Kentucky from the Commonwealth of Kentucky on behalf of the Transportation Cabinet, Department of Highways, by deed dated March 21, 2011, of record in Deed Book 894, Page 912, Daviess County Court Clerk's Office.

(2) The intended use at the time of acquisition was for use and perpetual maintenance.

(3) It is in the public interest to dispose of it so that a local business owner can obtain the property adjacent to his business, the business owner will be charged with the duty of maintaining the property.

(4) The method of disposition to be used is transfer to another governmental agency without compensation.

**Section 2.** By and through the Board of Commissioners, all the property listed in Section 1(1) above is hereby declared surplus property which may be transferred, sold, or otherwise conveyed in accordance with the provisions of KRS 82.083.

**Section 3.** By and through the Board of Commissioners, the Mayor is hereby authorized to negotiate and execute a deed, whereby the Surplus Property may be conveyed, sold, transferred and/or deeded away.

**Section 4.** The Board of Commissioners hereby authorizes the Mayor, City Manager, City Engineer, and other appropriate city officials to execute the deeds, consolidation plats, agreements and all other documents which are deemed necessary to meet the requirements of this order including the payment of funds and other actions as required under the Agreement as approved herein.

**INTRODUCED, PUBLICLY READ AND FINALLY APPROVED ON ONE READING,** this the 3rd day of September, 2019.

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Thomas H. Watson, Mayor

ATTEST:

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Beth Cecil, City Clerk