

ORDINANCE 31-2019

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 OWNED BY CEDARHURST OF OWENSBORO REAL ESTATE, LLC AND LOCATED AT 1900 PLEASANT VALLEY ROAD, CONTAINING SEVEN (7) 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 described hereinafter 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. There is an annexation incentive agreement for this property, as per Municipal Order 27-2019.

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 southeast side of Owensboro, Daviess County, Kentucky more particularly described as follows:

Beginning at a point in the intersection of the south right of way line of Pleasant Valley Road and the west right of way line of Kentucky Highway 603, said point also being in the current city limit line; thence leaving the current city line and following the new city limit line and the west right of way line of Kentucky Highway 603 with the following calls: S 34°25'17" E, 19.06 feet to a point; thence N 64°04'19" E, 107.39 feet to a point; thence S 46°48'24" E, 325.03 feet to a point; thence S 37°04'06" E, 162.78 feet to a point; thence S 06°30'11" E, 85.36 feet to a point in the north right of way line of Wendell Ford Expressway; thence following the north right of way line of the Wendell Ford Expressway and the new city limit line with the following calls: S 19°55'34" W, 53.85 feet to a point; thence S 40°05'27" W, 175.06 feet to a point; thence S 31°38'49" W, 228.52 feet to a point; thence S 49°41'49" W, 19.46 feet to a point being the southeast corner of Lot 2 of Angus Hill Farm, LLC; thence following the new city limit line and the east line of Angus Hill Farm N 35°05'19" W, 761.01 feet to a point in the south right of way line of Pleasant Valley Road, said point being in the current city limit line; thence following the south right of way line of Pleasant Valley Road and the current city limit line N 55°09'03" E, 306.09 feet to the point of beginning containing 7.00 Acres as shown on an Annexation Plat prepared by BEI, Inc. dated 9-18-2019.

This description was prepared 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 taken from an Annexation Plat prepared by BEI, Inc. dated 9-18-2019, a recorded plat at Plat Book 48, Pg. 151, and the current ODC-GIS corporate boundary layer. Bearings and distances were not verified with a field survey.

Section 3. That the territory annexed herein is currently zoned as B-4 General Business Zone with CUP for Assisted Living, as illustrated by the zoning maps attached hereto and incorporated by reference herein.

Section 4. Any approved dedicated streets, alleys, or easements on the plat signed by the City Engineer, 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 1st day of October, 2019.

PUBLICLY READ AND APPROVED ON SECOND READING, this the 15th day of October, 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 31-2019, duly adopted by the Owensboro Board of Commissioners on October 15, 2019, the original of which is on file in the Office of the City Clerk, this the ____ day of _____, 2019.

Beth Cecil, City Clerk

CITY OF OWENSBORO

----ANNEXATION REQUEST FORM----

1. LOCATION OF PROPERTY TO BE ANNEXED:

1900 Pleasant Valley Road

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

See Attached

B. SOURCE OF TITLE:

Special Warranty Deed

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

B-4 General Business w/ CUP for Assisted Living

4. ACREAGE FEES: _____

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

Cedarhurst of Owensboro Real Estate, LLC

300 Hunter Avenue

Suite 200

St. Louis, MO 63124

6. PHONE NO: (314) 884-8968

CONSENT AND WAIVER OF STATUTORY RIGHTS

I (We) solemnly swear and affirm that I am (we are) the fee simple record owner(s) of property located at 1900 Pleasant Valley Road 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

11 day of September, 20 19.

Witness: Nick Dwyer
Sign & Print Name

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

[Signature]
Signature

Jordan Dorse
Print Name

FOR FINANCE DEPARTMENT USE ONLY:

Annexation Fee Amount: N/A

Acreage Fee Amount: N/A

Received by Finance Department Date: _____

Initialed By: _____



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 23, 2019

To: Nate Pagan
City Manager

From: Kevin Collignon, P.E.
City Engineer

Re: Annexation Request for Cedarhurst of Owensboro Real Estate, LLC
property – 1900 Pleasant Valley Road

Attached is the information necessary to initiate annexation for 1900 Pleasant Valley Road. (See attached). Cedarhurst of Owensboro Real Estate, LLC, owner of said property has submitted a signed annexation request forms for 1900 Pleasant Valley Road.

There will be Annexation Incentive Agreement for this property between the City of Owensboro & Cedarhurst of Owensboro Real Estate, 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**

Consent

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

Item No.

TITLE
REQUEST ANNEXATION FOR CEDARHURST OF OWENSBORO REAL ESTATE, LLC PROPERTY AT 1900 PLEASANT VALLEY ROAD

MEETING OF CITY COMMISSION ON <i>(State the meeting date</i> October 1, 2019
BUDGET <i>(State any budget consequences):</i> N/A

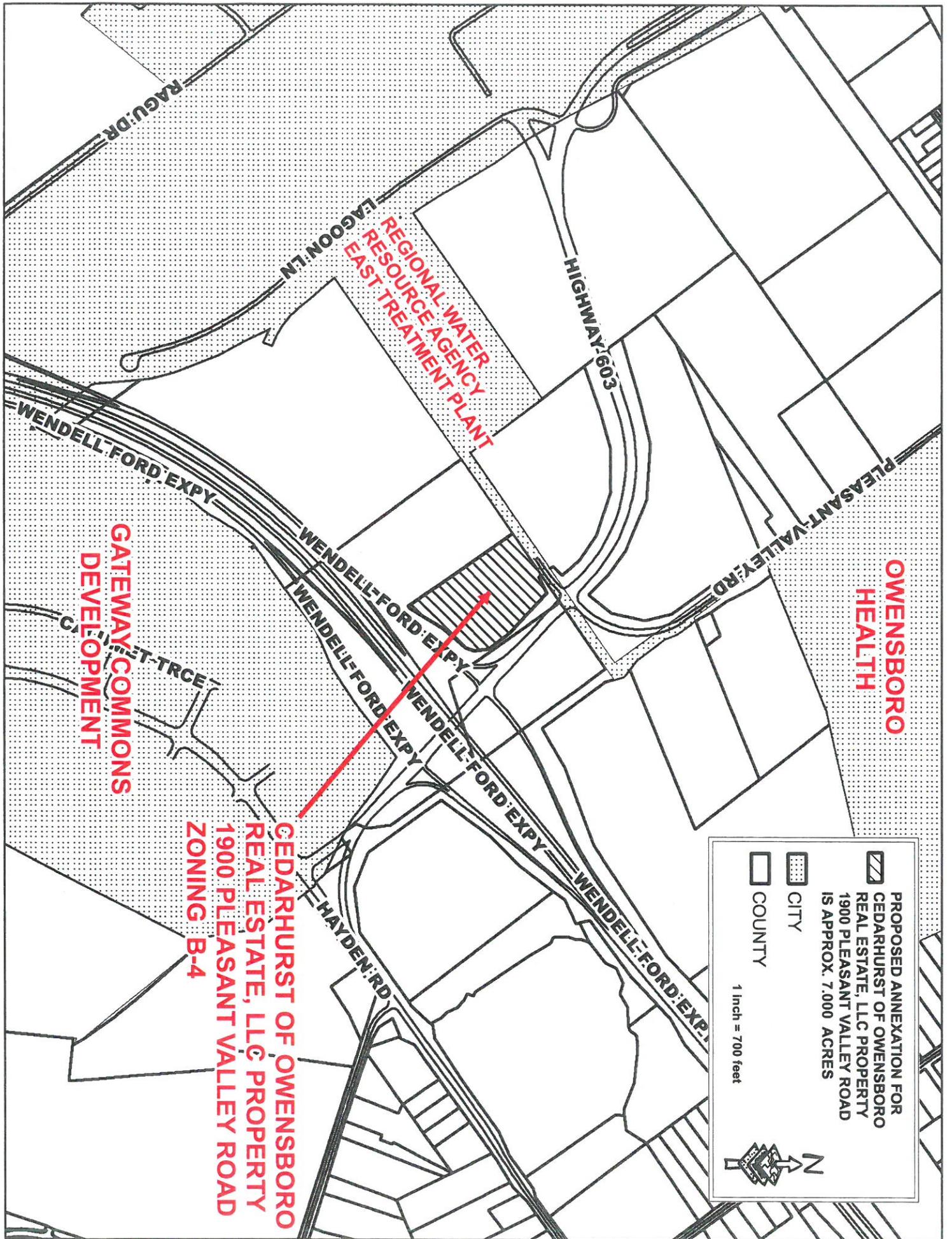
SUMMARY AND BACKGROUND <i>(Continue on additional sheet, if necessary):</i>
<p><i>THE PROPOSED ANNEXATION FOR PROPERTY AT 1900 PLEASANT VALLEY ROAD TOTALS = 7.000 ACRES</i></p> <p><i>CEDARHURST OF OWENSBORO REAL ESTATE, LLC PROPERTY – 1900 PLEASANT VALLEY ROAD IS ZONED B-4</i></p> <p><i>CEDARHURST OF OWENSBORO REAL ESTATE, LLC, OWNER OF PROPERTY AT 1900 PLEASANT VALLEY ROAD HAS SUBMITTED A SIGNED ANNEXATION REQUEST FORM.</i></p> <p><i>THERE WILL BE ANNEXATION INCENTIVE AGREEMENT FOR THIS PROPERTY BETWEEN THE CITY OF OWENSBORO AND SYF PROPERTIES, LLC</i></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



**OWENSBORO
HEALTH**

**REGIONAL WATER
RESOURCE AGENCY
EAST TREATMENT PLANT**

**GATEWAY COMMONS
DEVELOPMENT**

**CEDARHURST OF OWENSBORO
REAL ESTATE, LLC PROPERTY
1900 PLEASANT VALLEY ROAD
ZONING B-4**

**PROPOSED ANNEXATION FOR
CEDARHURST OF OWENSBORO
REAL ESTATE, LLC PROPERTY
1900 PLEASANT VALLEY ROAD
IS APPROX. 7,000 ACRES**

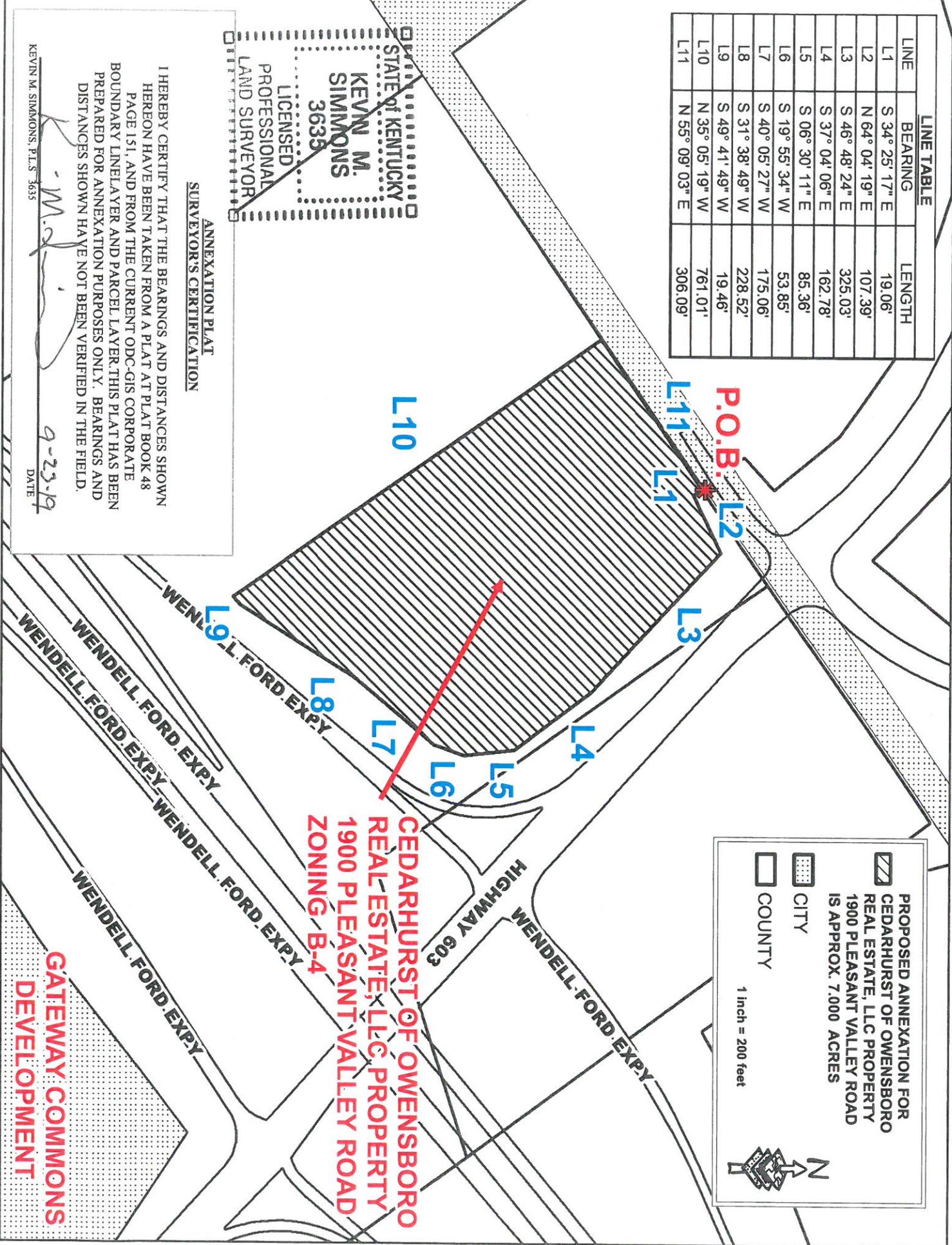
 CEDARHURST OF OWENSBORO REAL ESTATE, LLC PROPERTY IS APPROX. 7,000 ACRES
 CITY
 COUNTY

1 Inch = 700 feet



LINE	BEARING	LENGTH
L1	S 34° 25' 17" E	19.06'
L2	N 64° 04' 19" E	107.39'
L3	S 46° 48' 24" E	325.03'
L4	S 37° 04' 06" E	162.78'
L5	S 06° 30' 11" E	85.36'
L6	S 19° 55' 34" W	53.85'
L7	S 40° 05' 27" W	175.06'
L8	S 31° 38' 49" W	228.52'
L9	S 49° 41' 49" W	19.46'
L10	N 35° 05' 19" W	761.01'
L11	N 55° 09' 03" E	306.09'

P.O.B.: L2



PROPOSED ANNEXATION FOR
 CEDARHURST OF OWENSBORO
 REAL ESTATE, LLC PROPERTY
 1900 PLEASANT VALLEY ROAD
 IS APPROX. 7.000 ACRES

CITY
 COUNTY

1 Inch = 200 feet

**CEDARHURST OF OWENSBORO
 REAL ESTATE, LLC PROPERTY
 1900 PLEASANT VALLEY ROAD
 ZONING - B-4**

**GATEWAY COMMONS
 DEVELOPMENT**

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

**ANNEXATION PLAT
 SURVEYOR'S CERTIFICATION**

I HEREBY CERTIFY THAT THE BEARINGS AND DISTANCES SHOWN
 HEREON HAVE BEEN TAKEN FROM A PLAT AT PLAT BOOK 48
 PAGE 151, 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
 DATE 9-23-19

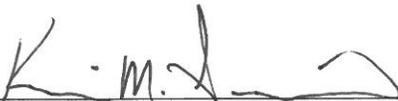
ANNEXATION DESCRIPTION

1900 Pleasant Valley Road: 7.00 ACRES

A tract of land located on the southeast side of Owensboro, Daviess County, Kentucky more particularly described as follows:

Beginning at a point in the intersection of the south right of way line of Pleasant Valley Road and the west right of way line of Kentucky Highway 603, said point also being in the current city limit line; thence leaving the current city limit line and following the new city limit line and the west right of way line of Kentucky Highway 603 with the following calls: S 34°25'17" E, 19.06 feet to a point; thence N 64°04'19" E, 107.39 feet to a point; thence S 46°48'24" E, 325.03 feet to a point; thence S 37°04'06" E, 162.78 feet to a point; thence S 06°30'11" E, 85.36 feet to a point in the north right of way line of Wendell Ford Expressway; thence following the north right of way line of the Wendell Ford Expressway and the new city limit line with the following calls: S 19°55'34" W, 53.85 feet to a point; thence S 40°05'27" W, 175.06 feet to a point; thence S 31°38'49" W, 228.52 feet to a point; thence S 49°41'49" W, 19.46 feet to a point being the southeast corner of Lot 2 of Angus Hill Farm, LLC; thence following the new city limit line and the east line of Angus Hill Farm N 35°05'19" W, 761.01 feet to a point in the south right of way line of Pleasant Valley Road, said point being in the current city limit line; thence following the south right of way line of Pleasant Valley Road and the current city limit line N 55°09'03" E, 306.09 feet to the point of beginning containing 7.00 Acres as shown on an Annexation Plat prepared by BEI, Inc. dated 9-18-2019.

This description was prepared 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 taken from an Annexation Plat prepared by BEI, Inc. dated 9-18-2019, a recorded plat at Plat Book 48, Pg. 151, and the current ODC-GIS corporate boundary layer. Bearings and distances were not verified with a field survey.

 9-23-19
Kevin M. Simmons, PLS 3635 Date

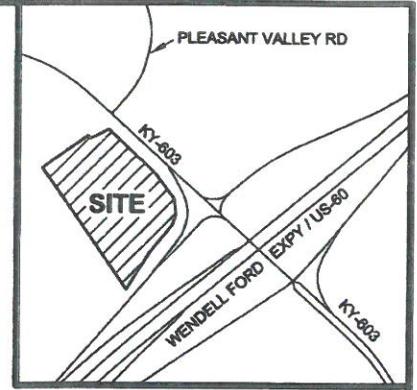
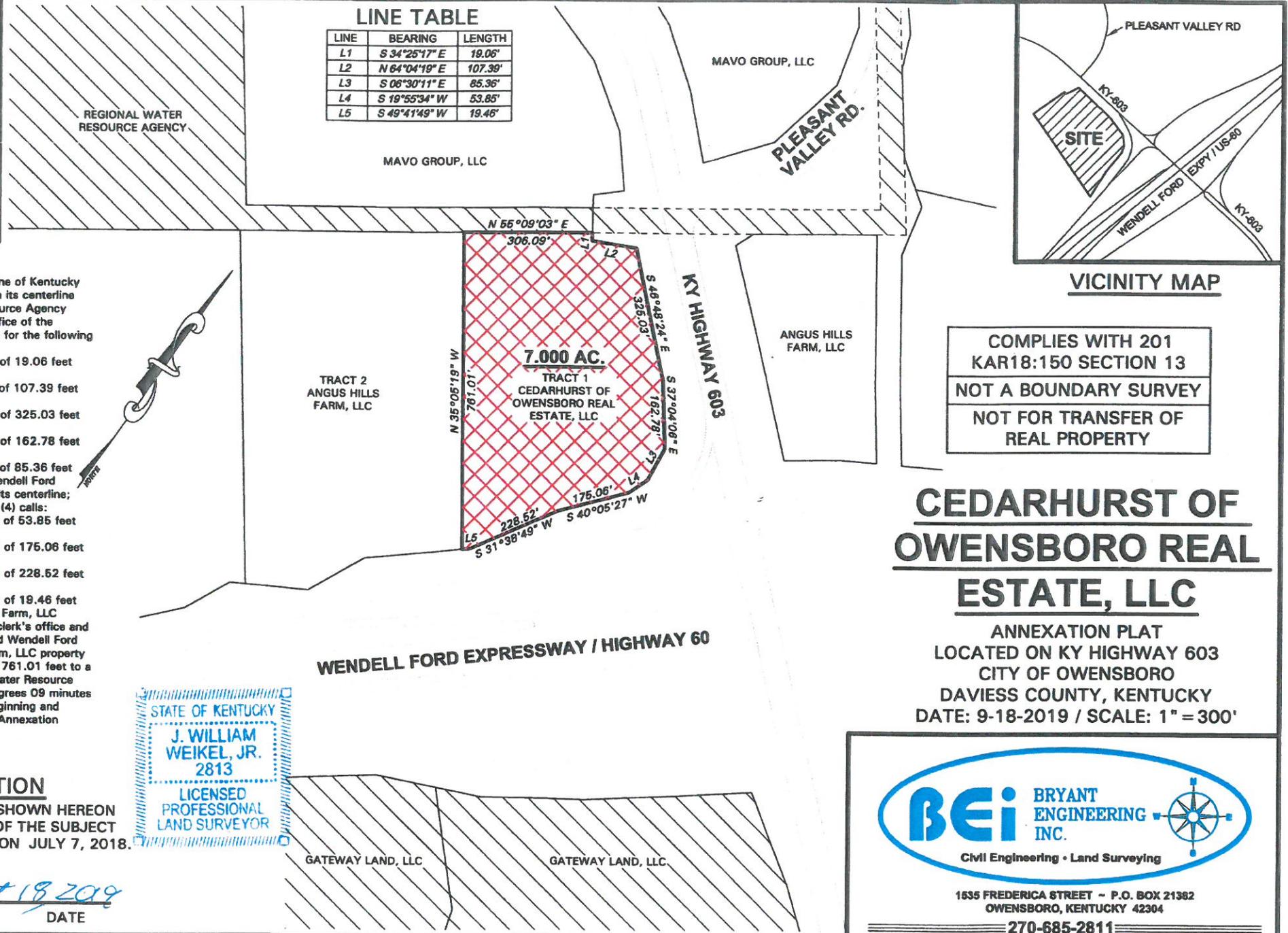


LEGEND

-  IN COUNTY
-  IN CITY
-  TO BE ANNEXED

LINE TABLE

LINE	BEARING	LENGTH
L1	S 34°25'17" E	19.06'
L2	N 64°04'19" E	107.39'
L3	S 06°30'11" E	85.36'
L4	S 19°55'34" W	53.85'
L5	S 49°41'49" W	19.46'



VICINITY MAP

COMPLIES WITH 201
KAR18:150 SECTION 13
NOT A BOUNDARY SURVEY
NOT FOR TRANSFER OF
REAL PROPERTY

**CEDARHURST OF
OWENSBORO REAL
ESTATE, LLC**

ANNEXATION PLAT
LOCATED ON KY HIGHWAY 603
CITY OF OWENSBORO
DAVIES COUNTY, KENTUCKY
DATE: 9-18-2019 / SCALE: 1" = 300'

PROPERTY DESCRIPTION

Beginning at calculated point being in the west right-of-way line of Kentucky Highway 603, said west right-of-way line varies in width from its centerline and being the easternmost corner of the Regional Water Resource Agency property, as recorded in Deed Book 899, at Page 26 in the office of the Daviess County Clerk; thence with said west right-of-way line for the following five (5) calls:

1. South 34 degrees 25 minutes 17 seconds East, a distance of 19.06 feet to a calculated point;
2. North 64 degrees 04 minutes 19 seconds East, a distance of 107.39 feet to a calculated point;
3. South 46 degrees 48 minutes 24 seconds East, a distance of 325.03 feet to a calculated point;
4. South 37 degrees 04 minutes 06 seconds East, a distance of 162.78 feet to a calculated point;
5. South 06 degrees 30 minutes 11 seconds East, a distance of 85.36 feet to a calculated point being in the north right-of-way line of Wendell Ford Expressway, said north right-of-way line varies in width from its centerline; thence with said north right-of-way line for the following four (4) calls:

1. South 19 degrees 55 minutes 34 seconds West, a distance of 53.85 feet to a calculated point;
2. South 40 degrees 05 minutes 27 seconds West, a distance of 175.06 feet to a calculated point;
3. South 31 degrees 38 minutes 49 seconds West, a distance of 228.52 feet to a calculated point;
4. South 49 degrees 41 minutes 49 seconds West, a distance of 19.46 feet to a calculated point being in the south line of the Angus Hills Farm, LLC property, as recorded in Deed Book 888, at Page 625 in said clerk's office and after the right-of-way for said Kentucky Highway 603 and said Wendell Ford Expressway is taken out; thence severing said Angus Hills Farm, LLC property North 35 degrees 05 minutes 19 seconds West, a distance of 761.01 feet to a calculated point being in the southeast line of said Regional Water Resource Agency property; thence with said southeast line North 55 degrees 09 minutes 03 seconds East, a distance of 306.09 feet to the point of beginning and containing 7.000 acres. This description is to be used for an Annexation ONLY and is NOT to be used for the transfer of real property.

**ANNEXATION PLAT
SURVEYOR'S CERTIFICATION**

I HEREBY CERTIFY THAT THE TRACT OF LAND SHOWN HEREON WAS PLOTTED BASED UPON A FIELD SURVEY OF THE SUBJECT PROPERTY COMPLETED UNDER MY DIRECTION ON JULY 7, 2018.

J. William Weikel, Jr.
J. WILLIAM WEIKEL, JR., KY P.L.S. NO. 2813 DATE

STATE OF KENTUCKY
J. WILLIAM WEIKEL, JR.
2813
LICENSED PROFESSIONAL LAND SURVEYOR