

MUNICIPAL ORDER 13-2021

A MUNICIPAL ORDER AMENDING AND CORRECTING MUNICIPAL ORDER 22-2020, AS THAT ORDER RELATES TO THE SALE OF APPROXIMATELY TWENTY-TWO AND NINE HUNDRED TWELVE THOUSANDTHS (22.912) COMBINED ACRES OF SURPLUS REAL PROPERTY LOCATED ON PLEASANT VALLEY ROAD.

WHEREAS, pursuant to Municipal Order 22-2020, the City of Owensboro (the “City”) and Professional Properties and Construction, LLC (“PPC”) entered into a Real Estate Purchase Agreement on August 14, 2020, concerning PPC’s purchase from the City of approximately twenty-two and nine hundred twelve thousandths (22.912) combined acres of real property located on Pleasant Valley Road (the “Agreement”); and

WHEREAS, Municipal Order 22-2020 mistakenly relied upon KRS 82.083(4)(g), instead of the applicable KRS 82.083(4)(b), as the method of disposition to be used for the contemplated transfer; and

WHEREAS, the City wishes to correct the mistake and make such correction retroactive to August 4, 2020, the date of Municipal Order 22-2020.

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

Section 1. Section 3 of Municipal Order 22-2020 is hereby stricken in its entirety and replaced with the following language:

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

- (1) The surplus real property to be sold is more particularly described in Exhibit “B” herein.
- (2) At the time of its acquisition, the above-described real property was part of a tract purchased for the purpose of extending Fairview Drive, thereby benefitting the development of Gateway Commons, and in particular providing improved access to the new Daviess County Middle School.
- (3) It is in the public interest to dispose of the above-described real property for economic development purposes, so that an interested party can purchase and develop the property to benefit the community.
- (4) The method of disposition to be used for the above-described real property shall be KRS 82.083(4)(b), as it will be transferred, with compensation, for economic development purposes.”

Section 2. The amended language contained in Section 1 above shall be retroactively made a part of Municipal Order 22-2020, effective as of August 4, 2020, as though it had been originally contained in Municipal Order 22-2020.

Section 3. Except as expressly amended by this Municipal Order, Municipal Order 22-2020 shall otherwise remain unchanged.

Section 4. To the extent necessary, the City hereby ratifies the August 14, 2020 Real Estate Purchase Agreement that was entered into on the basis of Municipal Order 22-2020.

**INTRODUCED, PUBLICLY READ, AND FINALLY APPROVED ON ONE
READING**, this the 20th day of April, 2021.

Thomas H. Watson, Mayor

ATTEST:

Beth Davis, City Clerk