

## **MUNICIPAL ORDER 23-2021**

### **A MUNICIPAL ORDER AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A RELEASE OF RESTRICTIVE COVENANTS AND REVERSIONARY CLAUSE FOR PROPERTY LOCATED AT 731 JACKSON STREET.**

**WHEREAS**, the City of Owensboro conveyed real property located at 731 Jackson Street to The ARC of Owensboro, Inc. (Grantee) by deed dated June 18, 2002, of record in Deed Book 753, page 855, in the Office of the Daviess County Clerk; and

**WHEREAS**, said deed imposed restrictive covenants requiring the Grantee to use the property for job training, rehabilitation and job placement for persons with disabilities, and requiring that if the property were sold, any net sales proceeds would be used in a manner consistent with the Grantee's charitable mission and Section 501(c)(3) of the Internal Revenue Code, for public use and/or benefit; and

**WHEREAS**, said deed also contained a reversionary clause in favor of the City of Owensboro in the event the Grantee ceased to operate the subject property for the uses and purposes set forth above; and

**WHEREAS**, The ARC of Owensboro, Inc. now desires to sell the real property located at 731 Jackson Street and the restrictive covenants and reversionary clause constitute an impediment to the sale; and

**WHEREAS**, the City of Owensboro has obtained satisfactory written assurances from The ARC of Owensboro, Inc. that any sales proceeds will be used in a manner consistent with its charitable mission and Section 501(c)(3) of the Internal Revenue Code, for public use and/or benefit.

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

**Section 1.** The Board of Commissioners hereby authorizes and directs the Mayor to execute a release of the restrictive covenants and reversionary clause contained in the deed of record in Deed Book 753, page 855, Office of the Daviess County Clerk.

**Section 2.** That the Mayor, City Manager and other appropriate staff members are hereby authorized to sign any and all of the agreements, instruments, or documents deemed necessary to the furtherance of the authority outlined herein.

**INTRODUCED, PUBLICLY READ AND FINALLY APPROVED ON ONE  
READING,** this the 1st day of June, 2021.

\_\_\_\_\_  
Thomas H. Watson, Mayor

ATTEST:

\_\_\_\_\_  
Beth Davis, City Clerk