

ORDINANCE 15-2021

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 LOCATED AT 5369 OLD HARTFORD ROAD, CONTAINING 43.988 ACRES, MORE OR LESS, AT THE REQUEST OF DEER VALLEY SUBDIVISION, LLC.

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 the property described hereinafter, by reason of population density, commercial, industrial, institutional, or governmental use of land, or subdivision of land, is urban in character or suitable for development for urban purposes without unreasonable delay.

(3) 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.

(4) The Board further finds that no part of the area to be annexed is presently within the boundary of any other incorporated city.

(5) 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 known as 5369 Old Hartford Road containing 43.988 acres located on the east side of Owensboro, Daviess County, Kentucky more particularly described as follows:

Beginning at a point in the east right of way line of Old Hartford Road, said point being the southeast corner of lot 9 of the Stony Brook Subdivision; thence following the east line of the Stony Brook Subdivision and the new City Limit Line N 48°06'02" E, 27.74 feet to a point; thence N 18°32'12" E, 1817.90 feet to a point in the west right of way line of the William H. Natcher Parkway, said point also being S 06°46'05" W, 335.07 feet from the current City Limit Line; thence following the new City Limit Line and the west right of way line of the William H. Natcher Parkway S 31°55'23" E, 20.01 feet; thence S 32°03'11" E, 466.79 feet to a point being S 17°46'57" W, 331.44 feet from the current City Limit Line; thence continuing with the new City Limit Line and the west right of way line of the William H. Natcher Parkway as follows: S 35°42'24" E, 150.00 feet to a point; thence S 47°01'00" E, 152.97 feet to a

point; thence S 35°42'24" E, 500.00 feet to a point; thence S 31°53'33" E, 300.67 feet to a point; thence S 35°42'24" E, 381.77 feet to a point in the west line of 5415 Old Hartford Road (Tract B, P.B. 47, Pg. 164); thence following the new City Limit Line and the west lines of 5415 Old Hartford Road as follows: S 17°43'22" W, 411.29 feet to a point; thence N 67°24'07" W, 854.95 feet to a point; thence S 24°34'58" W, 43.88 feet to a point; thence S 19°38'55" W, 65.47 feet to a point; thence S 25°49'55" W, 85.83 feet to a point; thence S 23°08'39" W, 98.67 feet to a point; thence S 23°40'00" W, 265.26 feet to a point; thence S 18°16'49" W, 181.05 feet to a point; thence S 20°54'39" W, 97.77 feet to a point in the east right of way line of Old Hartford Road; thence following the east right of way line of Old Hartford Road and the new City Limit Line as follows: N 30°56'20" W, 92.38 feet to a point; thence N 35°55'03" W, 689.96 feet to a point; thence N 35°08'04" W, 84.20 feet to the point of beginning containing 43.988 acres as shown on an annexation plat prepared by the City of Owensboro, dated 8/10/2021.

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 a recorded plat prepared by BEI, Inc. found in Plat Book 47, at Page 164 in the office of the Daviess County Clerk and using 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 AU Urban Agriculture, 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 2nd day of November, 2021.

PUBLICLY READ AND APPROVED ON SECOND READING, this the 16th day of November, 2021.

Thomas H. Watson, Mayor

ATTEST:

Beth Davis, City Clerk

CERTIFICATION

I, Beth Davis, City Clerk of the City of Owensboro, Kentucky, do hereby certify that the foregoing is a true and correct copy of Ordinance 15-2021, duly adopted by the Owensboro Board of Commissioners on November 16, 2021, the original of which is on file in the Office of the City Clerk, this the 16th day of November, 2021.

Beth Davis, City Clerk

CITY OF OWENSBORO

COMMISSION MEETING DATE: 11/2/2021

AGENDA REQUEST AND SUMMARY SUBMITTED BY: City Engineering Dept. - Michael Hamilton

- **TITLE: PROPOSED ANNEXATION FOR DEER VALLEY SUBDIVISION, LLC PROPERTY AT 5369 OLD HARTFORD ROAD**

Ordinance Prepared by: ☒ City Staff ☐ Other Preparer ☒ Attachments: Annexation Request Form, Stamped and Signed Annexation Description, Stamped and Signed Annexation Map, Vicinity Map

Summary & Background:

Deer Valley Subdivision, LLC, owner of said property has submitted a signed annexation request forms for property at 5369 Old Hartford Road.

The proposed annexation for property at 5369 Old Hartford Road is identified as PVA Parcel Map No. 063-00-00-025-02-000 totals 43.988 acres and is zoned AU.

There will be an Annexation Incentive Agreement for this property between the City of Owensboro and Deer Valley Subdivision, LLC.

CITY OF OWENSBORO

----ANNEXATION REQUEST FORM----

1. LOCATION OF PROPERTY TO BE ANNEXED:

5369 Old HARTFORD ROAD (PVA MAP # 063-00-00-025-02-000)

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

SEE ANNEXATION PLAT

B. SOURCE OF TITLE:

DEED BOOK 261, PAGE 420

PLAT BOOK 47 PAGE 164

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

ZONED: AU

4. ACREAGE FEES: N/A

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

DEER VALLEY SUBDIVISION, LLC

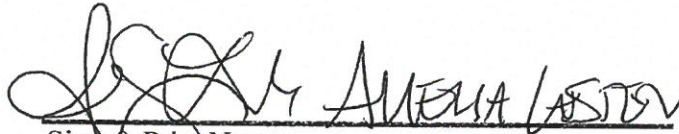
3624 WATHENS CROSSING

6. PHONE NO: 270-684-0639


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 5369 OLD HARTFORD 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 29 day of October, 20 21.

Witness:


Sign & Print Name

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


Signature

William R. Jagoe IV member

Print Name

Dave Valley Sig LLC

3624 WATKIN CROSSING

Dwainsboro Ky 42301

FOR FINANCE DEPARTMENT USE ONLY:

Annexation Fee

Amount: N/A

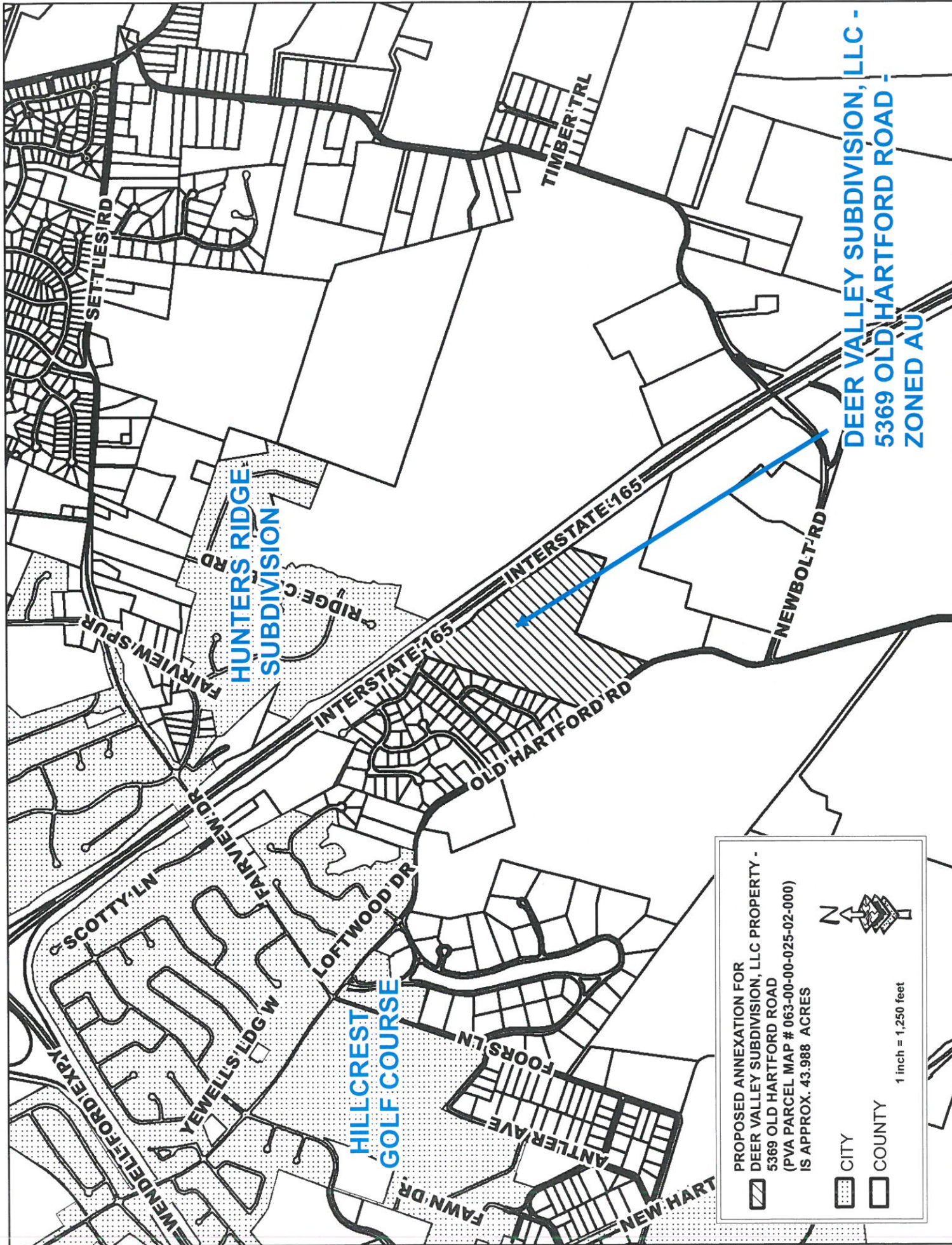
Acreage Fee

Amount: N/A

Received by Finance Department

Date: _____

Initialed By: _____



PROPOSED ANNEXATION FOR

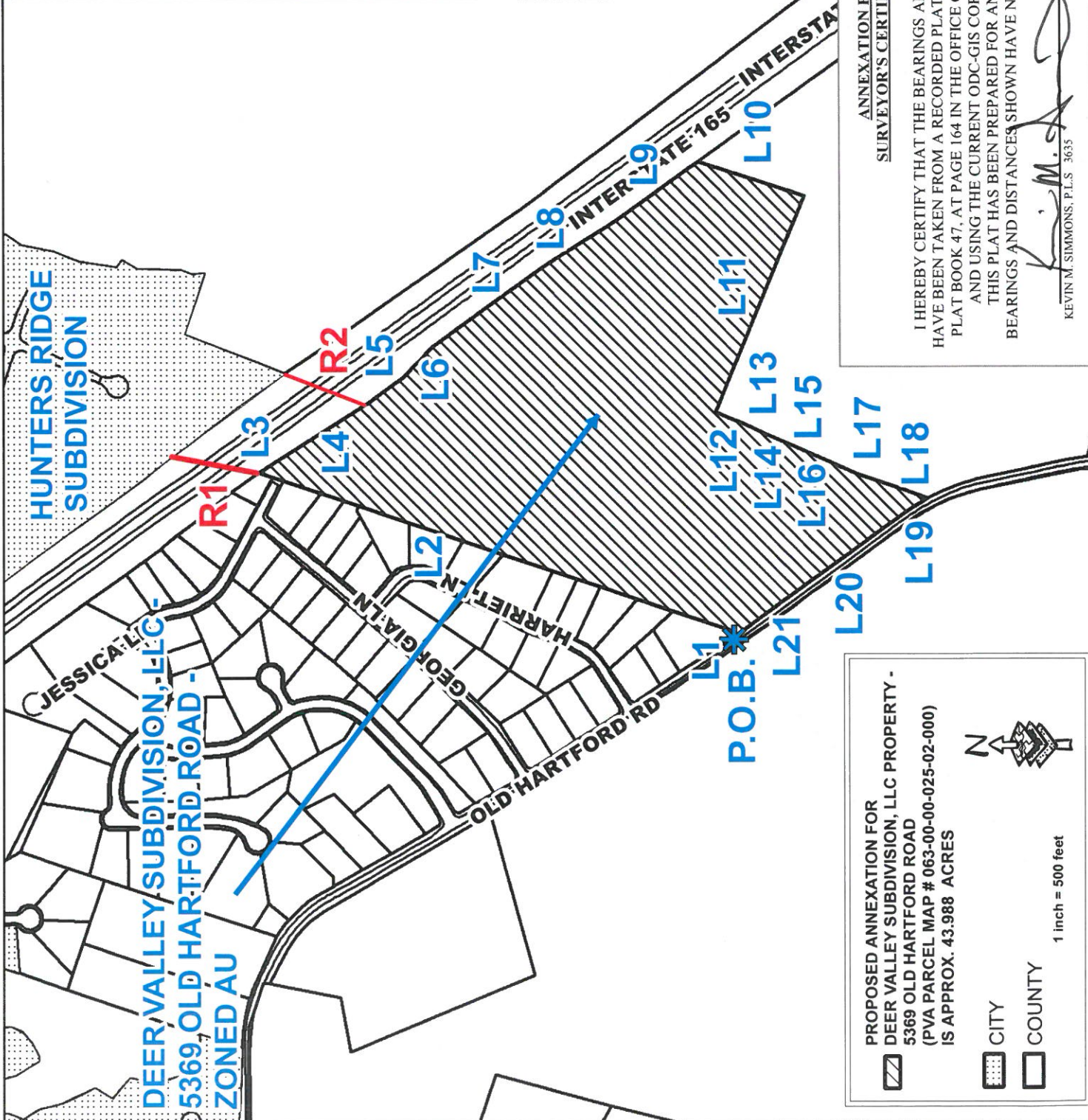
- DEER VALLEY SUBDIVISION, LLC PROPERTY - 5369 OLD HARTFORD ROAD (PVA PARCEL MAP # 063-00-00-025-02-000) IS APPROX. 43.988 ACRES
- CITY
- COUNTY

1 inch = 1,250 feet

N

LINE TABLE		
LINE	BEARING	LENGTH
L1	N 48° 06' 02" E	27.74'
L2	N 18° 32' 12" E	1,817.90'
L3	S 31° 55' 23" E	20.01'
L4	S 32° 03' 11" E	466.79'
L5	S 35° 42' 24" E	150.00'
L6	S 47° 01' 00" E	152.97'
L7	S 35° 42' 24" E	500.00'
L8	S 31° 53' 33" E	300.67'
L9	S 35° 42' 24" E	381.77'
L10	S 17° 43' 22" W	411.29'
L11	N 67° 24' 07" W	854.95'
L12	S 24° 34' 58" W	43.88'
L13	S 19° 38' 55" W	65.47'
L14	S 25° 49' 55" W	85.83'
L15	S 23° 08' 39" W	98.67'
L16	S 23° 40' 00" W	265.26'
L17	S 18° 16' 49" W	181.05'
L18	S 20° 54' 39" W	97.77'
L19	N 30° 56' 20" W	92.38'
L20	N 35° 55' 03" W	689.96'
L21	N 35° 08' 04" W	84.20'

REFERENCE LINE TABLE		
LINE	BEARING	LENGTH
R1	S 06° 46' 05" W	335.07'
R2	S 17° 46' 57" W	331.44'



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 RECORDED PLAT PREPARED BY BEI, INC. FOUND IN PLAT BOOK 47, AT PAGE 164 IN THE OFFICE OF THE DAVIESS COUNTY CLERK AND USING THE CURRENT ODC-GIS CORPORATE BOUNDARY LAYER. THIS PLAT HAS BEEN PREPARED FOR ANNEXATION PURPOSES ONLY. BEARINGS AND DISTANCES SHOWN HAVE NOT BEEN VERIFIED IN THE FIELD.

Kevin M. Simmons
 KEVIN M. SIMMONS, P.L.S. 3635
 8-11-21
 DATE

PROPOSED ANNEXATION FOR
 DEER VALLEY SUBDIVISION, LLC PROPERTY -
 5369 OLD HARTFORD ROAD
 (PVA PARCEL MAP # 063-00-00-025-02-000)
 IS APPROX. 43.988 ACRES



CITY
 COUNTY

1 inch = 500 feet


ANNEXATION DESCRIPTION

5369 Old Hartford Road: 43.988 ACRES

A tract of land known as 5369 Old Hartford Road containing 43.988 Acres located on the east side of Owensboro, Daviess County, Kentucky more particularly described as follows:

Beginning at a point in the east right of way line of Old Hartford Road, said point being the southeast corner of lot 9 of the Stony Brook Subdivision; thence following the east line of the Stony Brook Subdivision and the new City Limit Line N 48°06'02" E, 27.74 feet to a point; thence N 18°32'12" E, 1817.90 feet to a point in the west right of way line of the William H. Natcher Parkway, said point also being S 06°46'05" W, 335.07 feet from the current City Limit Line; thence following the new City Limit Line and the west right of way line of the William H. Natcher Parkway S 31°55'23" E, 20.01 feet; thence S 32°03'11" E, 466.79 feet to a point being S 17°46'57" W, 331.44 feet from the current City Limit Line; thence continuing with the new City Limit Line and the west right of way line of the William H. Natcher Parkway as follows: S 35°42'24" E, 150.00 feet to a point; thence S 47°01'00" E, 152.97 feet to a point; thence S 35°42'24" E, 500.00 feet to a point; thence S 31°53'33" E, 300.67 feet to a point; thence S 35°42'24" E, 381.77 feet to a point in the west line of 5415 Old Hartford Road (Tract B, P.B. 47, Pg. 164); thence following the new City Limit Line and the west lines of 5415 Old Hartford Road as follows: S 17°43'22" W, 411.29 feet to a point; thence N 67°24'07" W, 854.95 feet to a point; thence S 24°34'58" W, 43.88 feet to a point; thence S 19°38'55" W, 65.47 feet to a point; thence S 25°49'55" W, 85.83 feet to a point; thence S 23°08'39" W, 98.67 feet to a point; thence S 23°40'00" W, 265.26 feet to a point; thence S 18°16'49" W, 181.05 feet to a point; thence S 20°54'39" W, 97.77 feet to a point in the east right of way line of Old Hartford Road; thence following the east right of way line of Old Hartford Road and the new City Limit Line as follows: N 30°56'20" W, 92.38 feet to a point; thence N 35°55'03" W, 689.96 feet to a point; thence N 35°08'04" W, 84.20 feet to the point of beginning containing 43.988 Acres as shown on an annexation plat prepared by the City of Owensboro, dated 8/10/2021.

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Kevin M. Simmons, PLS 3635
8-10-21
Date

