

ORDINANCE 01-2022

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 1937 LEITCHFIELD ROAD, CONTAINING 2.237 ACRES, MORE OR LESS, AT THE REQUEST OF VAF 1937 LEITCHFIELD ROAD, 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 1937 Leitchfield Road containing 2.906 Acres located on the east side of Owensboro, Daviess County, Kentucky more particularly described as follows:

Beginning at point in the Current City Limit Line on the south side of East Parrish Avenue, said point having a Kentucky State Plane Coordinate (South Zone) N:2163421.06, E:1255767.86; thence following the Current City Limit Line as follows: S 25°46'35" E, 68.72 feet to a point; thence S 26°55'32" E, 75.91 feet to a point; thence S 27°22'46" E, 86.85 feet to a point; S 30°02'03" E, 65.11 feet to a point; thence S 32°28'58" E, 61.31 feet to a point; thence S 35°39'49" E, 80.17 feet to a point; thence following a circular to the left having a chord bearing S 48°03'32" E, 326.96 feet having a radius of 1049.66 feet to a point; thence following a circular curve to the right having a chord bearing S 26°58'00" E, 31.58 feet, having a radius of 30.21 feet to a point; thence S 06°37'58" W, 13.04 feet to a point in the north right-of-way line of Leitchfield Road; thence following the north right-of-way line of Leitchfield

Road and current City Limit Line as follows: S 58°12'59" W, 24.77 feet to a point; thence following a circular curve to the right having a chord bearing S 77°14'29" W, 131.94 feet, having a radius of 210.59 feet to a point; thence N 85°41'36" W, 38.84 feet to a point; thence N 82°14'55" W, 94.61 feet to a point; thence N 82°41'46" W, 45.90 feet to a point; thence N 75°49'58" W, 82.08 feet to a point; thence N 55°57'48" W, 120.69 feet to a point; thence N 51°35'10" W, 110.74 feet to a point being the southeast corner of SMB Properties, LLC (D.B. 809, Pg. 93); thence following the lines of SMB Properties and the Current City Limit Line as follows: N 57°06'13" E, 11.53 feet to a point; thence N 47°32'18" E, 171.00 feet to a point; thence N 50°26'03" E, 103.88 feet to a point; thence S 38°35'31" E, 41.47 feet to a point; thence N 55°55'31" E, 40.98 feet to a point in the south right-of-way line of East Parrish Avenue, said point being in the Current City Limit Line; thence continuing with the South Right-of-way line of East Parrish Avenue and the Current City Limit Line as follows: N 31°46'06" W, 87.53 feet to a point; thence N 28°30'58" W, 84.95 feet to a point; thence N 26°48'03" W, 84.99 feet to a point; thence N 26°30'35" W, 102.87 feet to a point; thence following the New City Limit Line N 63°31'53" E, 18.75 feet to the point of beginning containing 2.906 Acres as shown on an annexation plat prepared by the City of Owensboro, dated 12/15/2021.

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 70 in the office of the Daviess County Clerk and using the current ODC-GIS Corporate Boundary Layer and have been rotated and translated to comply with KRS 81A.470. 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, 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 4th day of January, 2022.

PUBLICLY READ AND APPROVED ON SECOND READING, this the 18th day
of January, 2022.

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 01-2022, duly adopted by the Owensboro Board of Commissioners on January 18, 2022, the original of which is on file in the Office of the City Clerk, this the 18th day of January, 2022.

Beth Davis, City Clerk

CITY OF OWENSBORO

COMMISSION MEETING DATE: 1/4/2022

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

- **TITLE: PROPOSED ANNEXATION FOR VAF 1937 LEITCHFIELD ROAD, LLC PROPERTY AT 1937 LEITCHFIELD, EAST PARRISH AVENUE (HIGHWAY 54) RIGHT OF WAY, AND LEITCHFIELD ROAD RIGHT OF WAY**

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:

VAF 1937 Leitchfield Road, LLC, owner of said property has submitted a signed annexation request forms for property at 1937 Leitchfield Road.

The proposed annexation for property at 1937 Leitchfield Road is identified as PVA Parcel Map No. 062-00-00-004-00-000 totals 2.237 acres and is zoned B-4. The total area of this proposed annexation is 2.906 acres, with a portion of East Parrish Avenue (Highway 54) being zoned P-1.

There will be an Annexation Incentive Agreement for this property between the City of Owensboro and VAF 1937 Leitchfield Road.

Accompanying this property annexation, the City of Owensboro will annex portions of Commonwealth of Kentucky right of way along East Parrish Avenue and Leitchfield Road and City of Owensboro right of way along Leitchfield Road to improve municipal connectivity and continuity.

CITY OF OWENSBORO

----ANNEXATION REQUEST FORM----

1. LOCATION OF PROPERTY TO BE ANNEXED:

1937 LEITCHFIELD ROAD (PVA MAP # 062-00-00-004-00-000)

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

SEE ANNEXATION PLAT

B. SOURCE OF TITLE:

DEED BOOK 1042, PAGE 750

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

ZONED: B-4

4. ACREAGE FEES: N/A

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

VAF 1937 LEITCHFIELD ROAD, LLC

1554 N. BEVERLY DRIVE, BEVERLY HILLS, CA 90210

6. PHONE NO: _____



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 1937 LEITCHFIELD 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 1st day of December, 20 21.

Witness: Andrew H. Raines Andrew H. Raines
Sign & Print Name


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

[Signature]
Signature
Robert Pardo
Print Name

FOR FINANCE DEPARTMENT USE ONLY:

Annexation Fee	Amount: <u>N/A</u>
Acreage Fee	Amount: <u>N/A</u>
Received by Finance Department	Date: _____
	Initialed By: _____

PROPOSED ANNEXATION FOR

 VAF 1937 LEITCHFIELD ROAD, LLC PROPERTY -
 PROPERTY AT 1937 LEITCHFIELD ROAD &
 RIGHT OF WAY ALONG LEITCHFIELD ROAD &
 EAST PARRISH AVENUE (HWY 54).
 IS APPROX. 2.906 ACRES

 CITY
 COUNTY

1 inch = 150 feet



LINE TABLE		
LINE	BEARING	LENGTH
L1	S 25° 46' 35" E	68.72'
L2	S 26° 55' 32" E	75.91
L3	S 27° 22' 46" E	86.85'
L4	S 30° 02' 03" E	65.11'
L5	S 32° 28' 58" E	61.31'
L6	S 35° 39' 49" E	80.17'
L7	S 06° 37' 58" W	13.04'
L8	S 58° 12' 59" W	24.77'
L9	N 85° 41' 36" W	38.84'
L10	N 82° 14' 55" W	94.61'
L11	N 82° 41' 46" W	45.90'
L12	N 75° 49' 58" W	82.08'
L13	N 55° 57' 48" W	120.69'
L14	N 51° 35' 10" W	110.74'
L15	N 57° 06' 13" E	11.53'
L16	N 47° 32' 18" E	171.00'
L17	N 50° 26' 03" E	103.88'
L18	S 38° 35' 31" E	41.47'
L19	N 55° 55' 31" E	40.98'
L20	N 31° 46' 06" W	87.53'
L21	N 28° 30' 58" W	84.95'
L22	N 26° 48' 03" W	84.99'
L23	N 26° 30' 35" W	102.87'
L24	N 63° 31' 53" E	18.75'

CURVE LINE TABLE

CURVE	CHORD BEARING	CHORD LENGTH	ARC LENGTH	RADIUS
C1	S 48° 03' 32" E	326.96'	328.30'	1049.66'
C2	S 26° 58' 00" E	31.58'	33.23'	30.21'
C3	S 77° 14' 29" W	131.94'	134.20'	210.59'

POB COORDINATES

KY SPC SOUTH

N:2163421.06

E:1255767.86

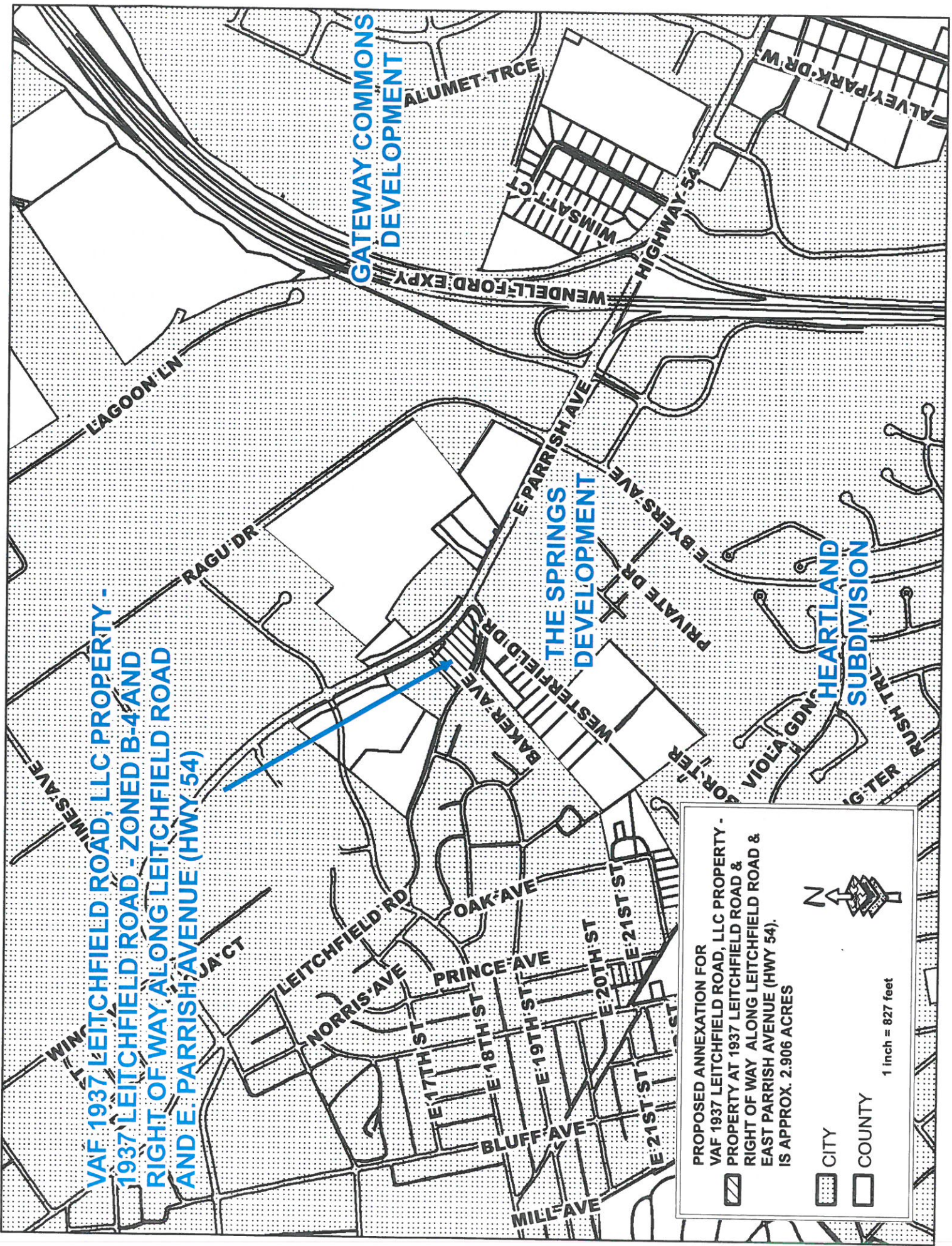
VAF 1937 LEITCHFIELD ROAD, LLC PROPERTY -
 1937 LEITCHFIELD ROAD - ZONED B-4 AND
 RIGHT OF WAY ALONG LEITCHFIELD ROAD
 AND E. PARRISH AVENUE (HWY 54)

OFFICE OF THE
 STATE OF KENTUCKY
 KEVIN M. SIMMONS
 3635

ANNEXATION PLAT
 SURVEYOR'S CERTIFICATION
 LICENSED
 PROFESSIONAL
 LAND SURVEYOR

I HEREBY CERTIFY THAT THE BEARINGS AND DISTANCES SHOWN HEREON
 HAVE BEEN TAKEN FROM THE PLAT OF RECORD IN PLAT BOOK 47 PAGE 70, FROM
 THE CURRENT ODC-GIS CORPORATE BOUNDARY LINE LAYER AND PARCEL LAYER.
 AND HAVE BEEN ROTATED AND TRANSLATED TO COMPLY WITH KRS 81A.470.
 THIS PLAT HAS BEEN PREPARED FOR ANNEXATION PURPOSES ONLY.
 BEARINGS AND DISTANCES SHOWN HAVE NOT BEEN VERIFIED IN THE FIELD.

KEVIN M. SIMMONS, P.L.S. 3635
 12-15-21
 DATE



PROPOSED ANNEXATION FOR
VAF 1937 LEITCHFIELD ROAD, LLC PROPERTY -
PROPERTY AT 1937 LEITCHFIELD ROAD &
RIGHT OF WAY ALONG LEITCHFIELD ROAD &
EAST PARRISH AVENUE (HWY 54).
IS APPROX. 2.906 ACRES

GATEWAY COMMONS
DEVELOPMENT

THE SPRINGS
DEVELOPMENT

HEARTLAND
SUBDIVISION

PROPOSED ANNEXATION FOR
VAF 1937 LEITCHFIELD ROAD, LLC PROPERTY -
PROPERTY AT 1937 LEITCHFIELD ROAD &
RIGHT OF WAY ALONG LEITCHFIELD ROAD &
EAST PARRISH AVENUE (HWY 54).
IS APPROX. 2.906 ACRES



CITY
COUNTY

1 inch = 827 feet

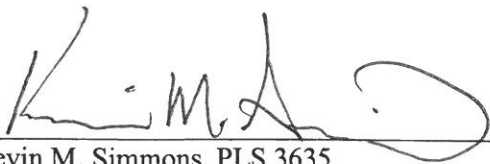
ANNEXATION DESCRIPTION

1937 Leitchfield Road: 2.906 ACRES

A tract of land known as 1937 Leitchfield Road containing 2.906 Acres located on the east side of Owensboro, Daviess County, Kentucky more particularly described as follows:

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Kevin M. Simmons, PLS 3635 Date 12-17-21

