

ORDINANCE 04-2022

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 2731 WEST 2ND STREET, CONTAINING 10.416 ACRES, MORE OR LESS, AT THE REQUEST OF WESTERN KENTUCKY BOTANICAL GARDENS, INC.

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 owner of record of the territory to be annexed, has previously consented in writing to the annexation proposed, and has 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 2731 West Second Street containing 10.416 Acres located on the west side of Owensboro, Daviess County, Kentucky more particularly described as follows:

Beginning at a point in the north right-of-way line of West Second Street, said point having a Kentucky State Plane South Coordinate N:2167878.35, E:1237512.06 and being in the current city limit line; thence following the north right-of-way line of West Second Street and the current city limit line N 81°47'26" W, 492.50 feet to a point being a corner to Audubon Loans (D.B. 702, Pg. 192); thence leaving the current city limit line and following the new city limit line and the lines of Audubon Loans as follows: N 00°36'52" W, 453.20 feet to a point; thence S 88°38'52" W, 144.85 feet to a point; thence N 01°17'09" W, 92.68 feet to a point; thence S 88°39'55" W, 570.92 feet to a point in the east right-of-way line of Carter Road, said point also being in the current city limit line; thence following the east right-of-way line of Carter Road and the current city limit line N 04°29'45" W, 50.10 feet to a point in the east

right-of-way line of Carter Road, said point being the southwest corner of Audubon Church of the Nazarene, Inc. (D.B. 617, Pg. 992); thence leaving the current city limit line and following the new city limit line and the lines of Audubon Church of the Nazarene as follows: N 88°40'16" E, 469.28 feet to a point; thence N 04°28'08" W, 199.98 feet to a point in the south line of the City of Owensboro (D.B. 429, Pg. 333), said point also being in the current city limit line; thence following the lines of the City of Owensboro and the current city limit line as follows: N 88°39'52" E, 218.08 feet to a point; thence S 04°29'15" E, 125.96 feet to a point; thence S 28°33'44" E, 123.33 feet to a point; thence N 00°41'59" W, 99.72 feet to a point; thence S 81°48'10" E, 561.81 feet to a point in the west line of Audubon Loans 1, LLC (D.B. 924, Pg. 785); thence leaving the current city limit line and following the lines of Audubon Loans 1 and the new city limit line as follows: S 01°31'05" E, 425.02 feet to a point; thence N 81°46'23" W, 99.96 feet to a point; thence S 01°30'16" E, 239.96 feet to the point of beginning containing 10.416 Acres as shown on an annexation plat prepared by the City of Owensboro, dated 02/16/2022.

This description was prepared by Kevin M. Simmons, PLS 3635 with the Owensboro 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 found in Plat Book 50, at Page 05 in the office of the Daviess County Clerk and have been rotated and translated to comply with KRS 81A.470.

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 1st day of March, 2022.

PUBLICLY READ AND APPROVED ON SECOND READING, this the 15th day
of March, 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 04-2022, duly adopted by the Owensboro Board of Commissioners on March 15, 2022, the original of which is on file in the Office of the City Clerk, this the 15th day of March, 2022.

Beth Davis, City Clerk

CITY OF OWENSBORO

COMMISSION MEETING DATE: 3/1/2022

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

- **TITLE: PROPOSED ANNEXATION FOR WESTERN KY BOTANICAL GARDENS, INC.
PROPERTY AT 2731 W. 2ND STREET**

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:

Western KY Botanical Gardens, Inc., owner of said property has submitted a signed annexation request forms for property at 2731 W. 2nd Street.

The proposed annexation for property at 2731 W. 2nd Street is identified as PVA Parcel Map No. 046-00-00-036-00-000 totals 10.416 acres and is zoned B-4.

There will not be an Annexation Incentive Agreement for this property between the City of Owensboro and Western Ky Botanical Gardens, Inc.

CITY OF OWENSBORO

----ANNEXATION REQUEST FORM----

1. LOCATION OF PROPERTY TO BE ANNEXED:

2731 W. 2ND STREET (PVA MAP # 046-00-00-036-00-000)

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

SEE ATTACHED MAP & DESCRIPTION

B. SOURCE OF TITLE:

DEED BOOK 1034 PAGE 242

PLAT BOOK 50 PAGE 5

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

B-4

4. ACREAGE FEES: N/A

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

WESTERN KENTUCKY BOTANICAL GARDENS, INC.

25 CARTER ROAD OWENSBORO ,KY 42302

6. PHONE NO: 270-993-1234

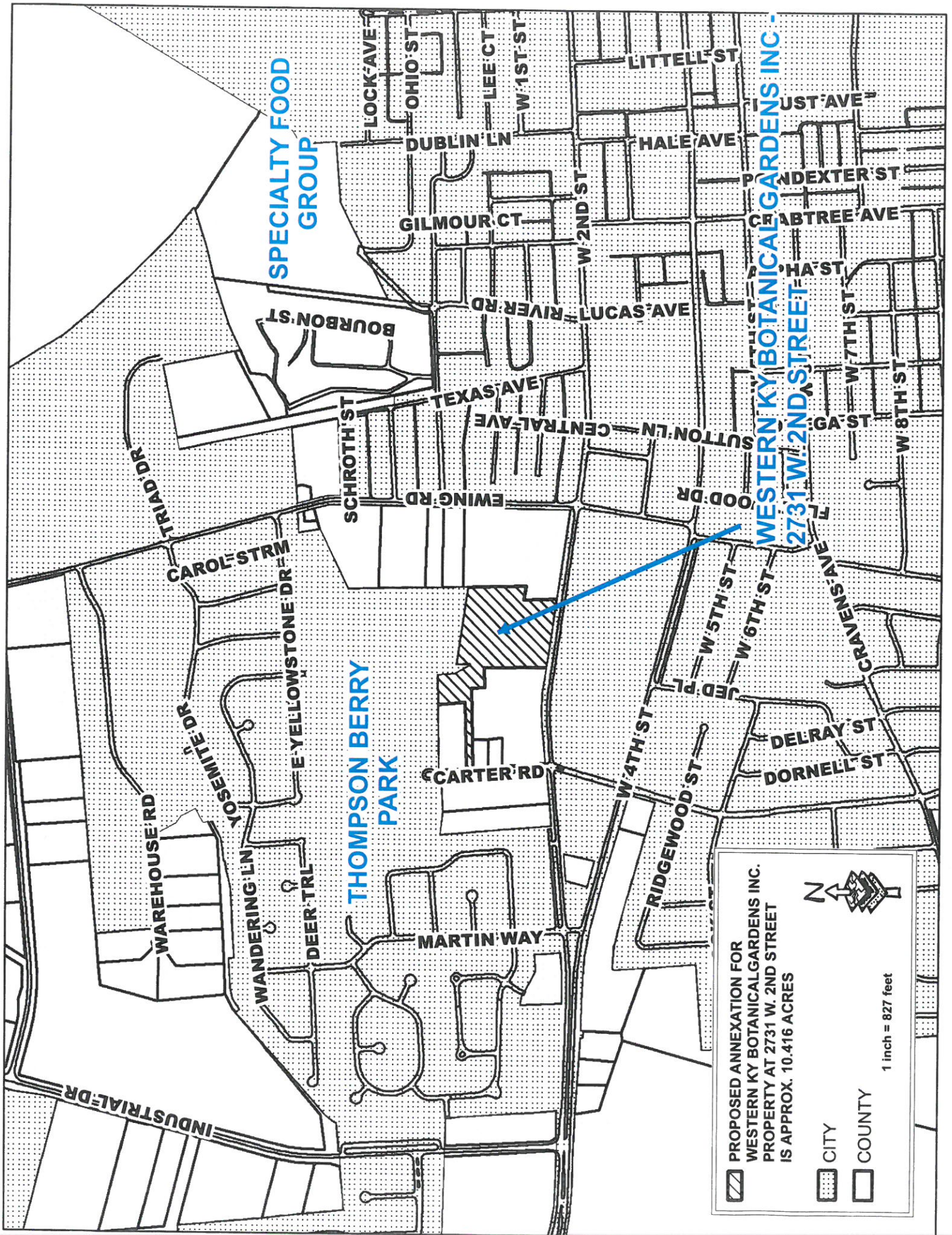
CONSENT AND WAIVER OF STATUTORY RIGHTS

I (We) solemnly swear and affirm that I am (we are) the fee simple record owner(s) of property located at 2731 West 2nd Street 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 16 day of February, 20 22.

Witness: Laura Strehl Laura Strehl
Sign & Print Name

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

Sara Williams
Signature
Sara Williams, Board President
Print Name



PROPOSED ANNEXATION FOR
WESTERN KY BOTANICAL GARDENS INC.
PROPERTY AT 2731 W. 2ND STREET
IS APPROX. 10.416 ACRES



CITY
COUNTY

1 inch = 827 feet

☒ PROPOSED ANNEXATION FOR
WESTERN KY BOTANICAL GARDENS INC.
PROPERTY AT 2731 W. 2ND STREET
IS APPROX. 10.416 ACRES



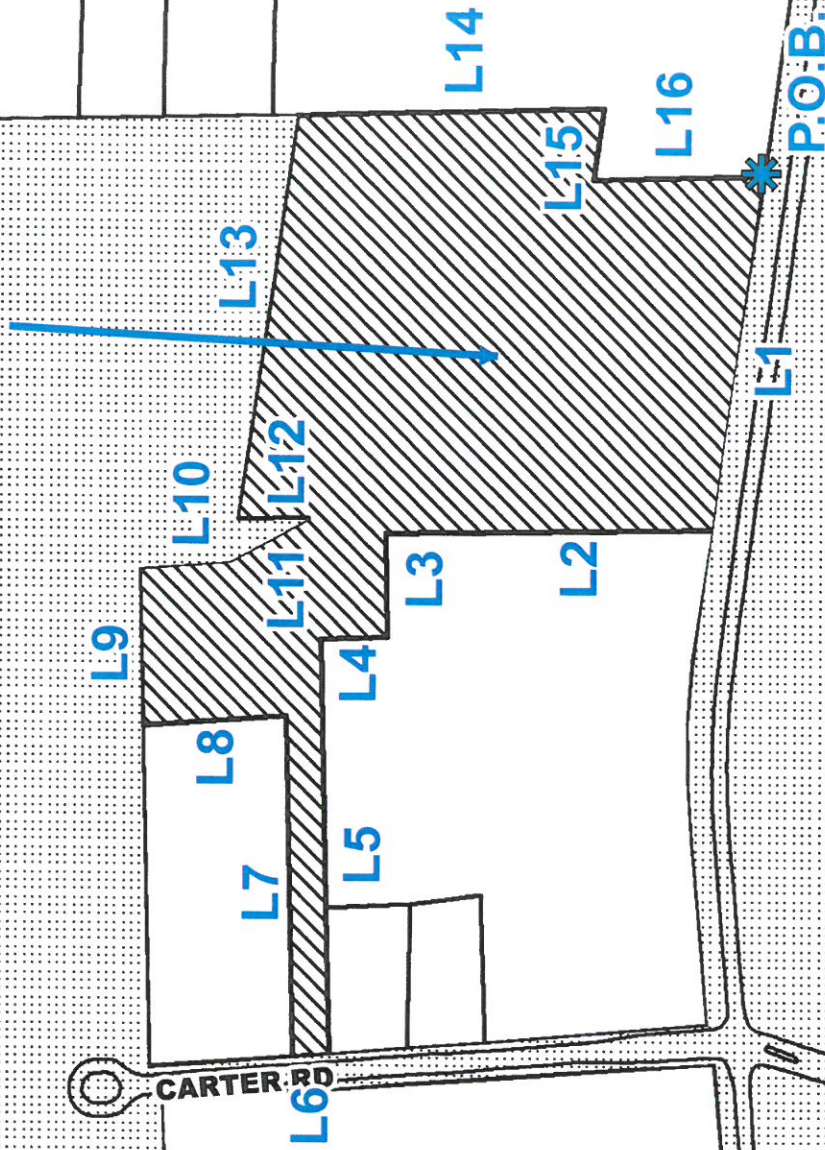
☐ CITY
☐ COUNTY

1 inch = 255 feet

LINE TABLE		
LINE	BEARING	LENGTH
L1	N 81° 47' 26" W	492.50'
L2	N 00° 36' 52" W	453.20'
L3	S 88° 38' 52" W	144.85'
L4	N 01° 17' 09" W	92.68'
L5	S 88° 39' 55" W	570.92'
L6	N 04° 29' 45" W	50.10'
L7	N 88° 40' 16" E	469.28'
L8	N 04° 28' 08" W	199.98'
L9	N 88° 39' 52" E	218.08'
L10	S 04° 29' 15" E	125.96'
L11	S 28° 33' 44" E	123.33'
L12	N 00° 41' 59" W	99.72'
L13	S 81° 48' 10" E	561.81'
L14	S 01° 31' 05" E	425.02'
L15	N 81° 46' 23" W	99.96'
L16	S 01° 30' 16" E	239.96'

POB COORDINATES
KY SPC SOUTH
N:2167878.35
E:1237512.06

WESTERN KY BOTANICAL GARDENS INC -
2731 W. 2ND STREET



ANNEXATION PLAT
SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE BEARINGS AND DISTANCES SHOWN HEREON
HAVE BEEN TAKEN FROM THE PLAT OF RECORD IN PLAT BOOK 50 PAGE 05, 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
KEVIN M. SIMMONS, P.L.S. 3635
DATE 2-16-22

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

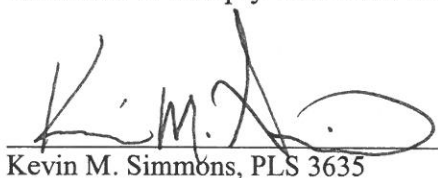
ANNEXATION DESCRIPTION

2731 West Second Street: 10.416 ACRES

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Kevin M. Simmons, PLS 3635
Date 2-16-22

