

## **ORDINANCE 22-2022**

**AN ORDINANCE REPEALING ORDINANCE 13-2022 IN ITS ENTIRETY, WHICH WAS APPROVED BY THE OWENSBORO BOARD OF COMMISSIONERS ON JUNE 7, 2022, AND ANNEXING TO THE CITY OF OWENSBORO CERTAIN UNINCORPORATED TERRITORY IN THE COUNTY OF DAVIESS ADJOINING THE PRESENT BOUNDARY LINE OF THE CITY, BEING PROPERTY (GOETZ DITCH) LOCATED AT OR NEAR THE WENDELL FORD EXPRESSWAY AND GOETZ DRIVE CONTAINING 11.619 ACRES, MORE OR LESS, AT THE REQUEST OF THE CITY OF OWENSBORO, KENTUCKY.**

**WHEREAS**, on June 7, 2022, the Owensboro Board of Commissioners approved Ordinance 13-2022 annexing into the City certain unincorporated territory in the County of Daviess adjoining the boundary line of the City, being property (Goetz Ditch) located at or near the Wendell Ford Expressway and Goetz Drive containing 11.619 acres, more or less; and

**WHEREAS**, Ordinance 13-2022 described the property to be annexed incorrectly; and

**WHEREAS**, the Board of Commissioners has determined that Ordinance 13-2022 should be repealed and replaced with this ordinance correctly describing the property to be annexed; and

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

(4) 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.** Ordinance 13-2022 is hereby repealed in its entirety.

**Section 2.** The findings of fact recited in the preamble hereinabove are hereby adopted, affirmed and incorporated by reference as if fully set forth herein.

**Section 3.** 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 certain tract of land being located near the Wendell H. Ford Expressway (U.S. Highway 60 (By-Pass) and Goetz Drive in Daviess County, Kentucky and being more particularly described as follows:

Beginning at a calculated point in the south right-of-way line of the Wendell H. Ford Expressway and being the eastern most corner of the Owensboro Developers LLC. property as recorded in Deed Book 1056 at Page 630 and Plat Book 33 at Page 214 (Parcel A) in the Office of the Daviess County Clerk, said point having a Kentucky State Plane South Zone Coordinate N:2151983.26, E:1241031.70; thence with the said south right-of-way line of said U.S. 60 By-Pass and following the New City Limit Line South 63 degrees 35 minutes 14 seconds East, a distance of 187.88 feet to a calculated point; thence continuing along said by-pass and New City Limit Line South 64 degrees 54 minutes 10 seconds East, a distance of 86.28 feet to a calculated point being the northern most corner of said Owensboro Developers LLC. property Parcel C of Plat Book 33 at Page 214 in said clerk's office; thence with the west line of said Owensboro Developers LLC. Property and continuing with the New City Limit Line for the next three (3) calls:

1. South 45 degrees 28 minutes 36 seconds West, a distance of 179.46 feet to a calculated point.
2. South 68 degrees 07 minutes 14 seconds West, a distance of 634.03 feet to a calculated point.
3. South 51 degrees 57 minutes 27 seconds West, a distance of 667.31 feet to a calculated point in the north line of the Daviess County Board of Education property as recorded in

Deed Book 630 at Page 319 in said clerk's office; thence with the north line of said Daviess County Board of Education property and continuing with the New City Limit Line North 87 degrees 33 minutes 03 seconds West, a distance of 105.13 feet to a calculated point being the northwest corner of the Taylor Mitchell Subdivision as recorded in Plat Book 8 at Page 269 in said clerk's office, said point being in the Current City Limit Line; thence with the north line of said Taylor Mitchell Subdivision and the Current City Limit Line North 87 degrees 33 minutes 03 seconds West, a distance of 614.65 feet to a calculated point in the north line of the Apollo Heights Subdivision as recorded in Plat Book 48 at Page 140 in said clerk's office and being a corner to said Owensboro Developers LLC; thence leaving said north line with the east line of said Owensboro Developers LLC and following the New City Limit Line for the next four (4) calls:

1. North 01 degrees 57 minutes 24 seconds East, a distance of 250.37 feet to a calculated point;
2. South 87 degrees 32 minutes 15 seconds East, a distance of 605.54 feet to a calculated point;

3. North 57 degrees 01 minutes 01 seconds East, a distance of 837.40 feet to a calculated point;
4. North 65 degrees 22 minutes 48 seconds East, a distance of 438.46 feet to the point of beginning and containing 11.619 acres. This description is for an Annexation Plat and shall not be used for the transfer of real property.

**Section 4.** That the territory annexed herein is currently zoned as R-1C Single Family Residential, as illustrated by the zoning maps attached hereto and incorporated by reference herein.

**Section 5.** 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 16th day of August, 2022.

**PUBLICLY READ AND APPROVED ON SECOND READING**, this the 6th day of September, 2022.

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Thomas H. Watson, Mayor

ATTEST:

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Beth Davis, City Clerk

**CERTIFICATION**

I, Bath Davis, City Clerk of the City of Owensboro, Kentucky, do hereby certify that the foregoing is a true and correct copy of Ordinance 22-2022, duly adopted by the Owensboro Board of Commissioners on September 6, 2022, the original of which is on file in the Office of the City Clerk, this the 6th day of September, 2022.

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

**CITY OF OWENSBORO**

**COMMISSION MEETING DATE: 8/16/2022**

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

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- **TITLE: PROPOSED ANNEXATION FOR CITY OF OWENSBORO PROPERTY - GOETZ DITCH BASIN PROPERTY – GOETZ DRIVE**

**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:**

**City of Owensboro, owns property previously constructed as a regional detention basin and intends to annex this property in conjunction with proposed Farmview Subdivision properties. The City of Owensboro has signed an annexation request and consent form proposed annexation.**

**The proposed annexation of the City of Owensboro property is identified as PVA Parcel Map No. 048-00-00-018-01-000. The property totals 11.619 acres and is zoned R-1C.**

CITY OF OWENSBORO

----ANNEXATION REQUEST FORM----

**1. LOCATION OF PROPERTY TO BE ANNEXED:**

**GOETZ DITCH BASIN PROPERTY - 1300 BLOCK OF GOETZ DRIVE -  
(PVA MAP # 048-00-00-018-01-00)**

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

**SEE ATTACHED MAP & DESCRIPTION**

**B. SOURCE OF TITLE:**

**DEED BOOK 789 PAGE 284**

**PLAT BOOK 33 PAGE 214**

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

**R-1C**

**4. ACREAGE FEES: N/A**

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

**CITY OF OWENSBORO**

**101 EAST 4TH STREET OWENSBORO, KY 42301**

**6. PHONE NO: 270-687-8552**

### CONSENT AND WAIVER OF STATUTORY RIGHTS

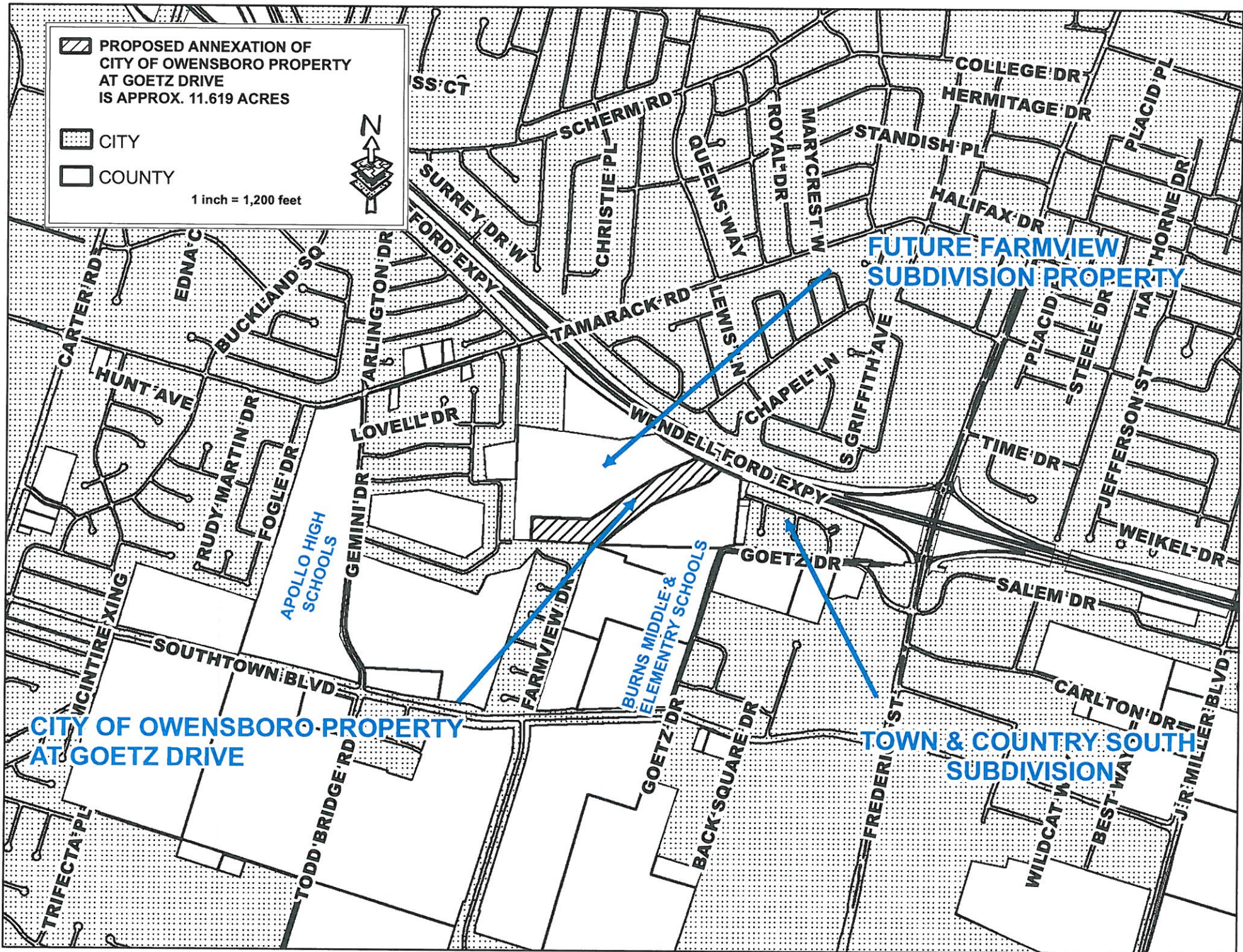
I (We) solemnly swear and affirm that I am (we are) the fee simple record owner(s) of property located at 1300 Block of Goetz Drive <sup>(Goetz Basin Ditch)</sup> in Daviess County, Kentucky. I (We) hereby request, and consent to, annexation of the property more particularly described hereinabove. I (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 9th day of August, 20 22.

Witness: Beth Davis Beth Davis  
Sign & Print Name

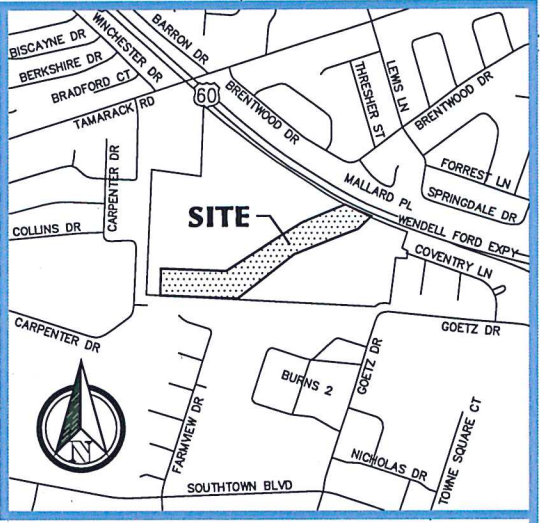
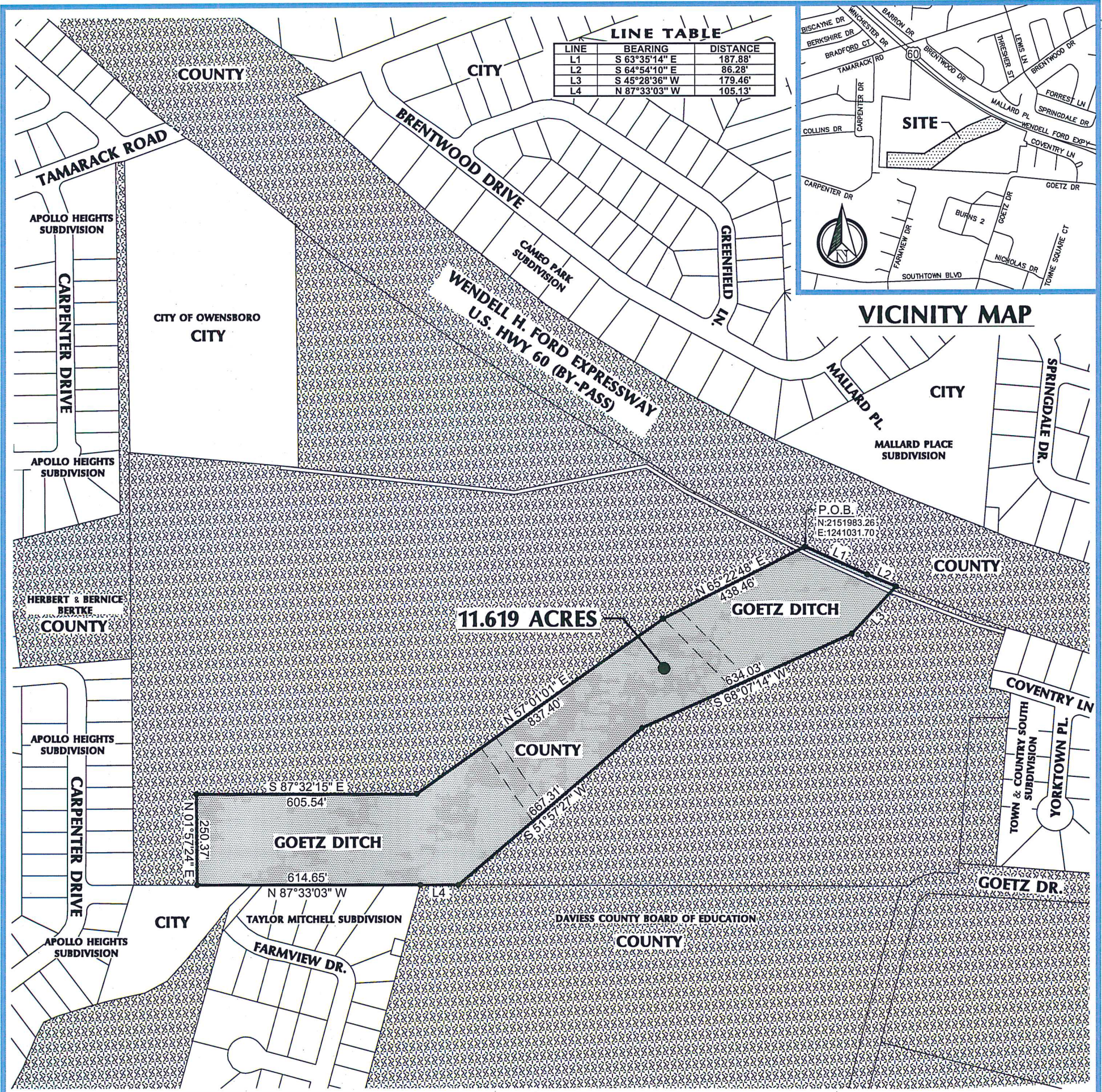
Signature (s) of Record Owner (s) of Property:

Thomas H. Watson  
Signature  
Thomas H. Watson  
Print Name





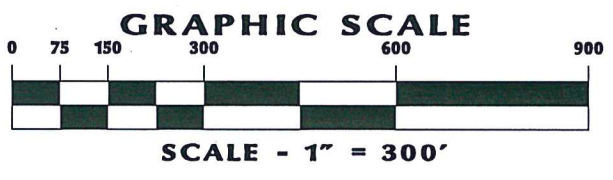




VICINITY MAP

**LEGEND**

- IN COUNTY
- IN CITY
- IN COUNTY - TO BE ANNEXED



**OWNER / CLIENT**  
OWENSBORO DEVELOPERS, LLC.  
1521 COPPER CREEK DRIVE  
OWENSBORO, KY 42303-1797

**ANNEXATION PLAT**  
LOCATED NEAR COVENTRY LANE  
AND GOETZ DRIVE  
CITY OF OWENSBORO  
DAVIESS COUNTY, KENTUCKY  
SCALE: 1"=300'

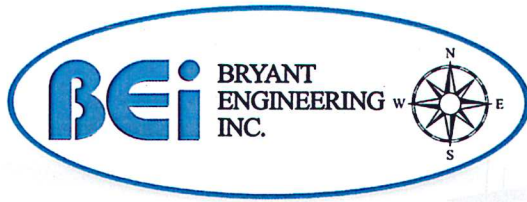
**SURVEYOR'S CERTIFICATION**  
I HEREBY CERTIFY THAT THE TRACT OF LAND SHOWN HEREON WAS  
PLOTTED FROM A PLAT RECORDED IN PLAT BOOK 33, AT PAGE 215  
IN THE OFFICE OF THE DAVIESS COUNTY CLERK.

**SURVEYOR** **DATE** 8-1-22

STATE OF KENTUCKY  
MARK A. PHELPS  
4420  
LICENSED PROFESSIONAL  
LAND SURVEYOR

**BEI** BRYANT ENGINEERING INC.  
Civil Engineering • Land Surveying  
1535 FEDERICA STREET ~ P.O. BOX 21382  
OWENSBORO, KENTUCKY 42304  
270-685-2811





1535 Frederica Street  
Owensboro, KY 42301  
P.O. Box 21382  
www.bryant-eng.com  
Phone: (270) 685-2811  
Fax: (270) 683-4991

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ANNEXATION DESCRIPTION  
11.619 ACRES  
NEAR THE WENDELL H. FORD EXPRESSWAY  
U.S. 60 (BY-PASS)

A certain tract of land being located near the Wendell H. Ford Expressway (U.S. Highway 60 (By-Pass) and Goetz Drive in Daviess County, Kentucky and being more particularly described as follows:

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Mark A. Phelps, KY PLS No. 4420

8-1-22

Date



F:\Data\2021\21-6394\03\_Survey\Descriptions\Annexation Descriptions\Annexation Description 11.619 Acres