

## **ORDINANCE 23-2022**

**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 3107 LEITCHFIELD ROAD (HWY 54) AND LEITCHFIELD ROAD (HWY 54) RIGHT OF WAY, CONTAINING 0.880 ACRES, MORE OR LESS, AT THE REQUEST OF MALI HWY 54, 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 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 3107 Leitchfield Road (Hwy 54) and right-of-way containing 0.880 Acres located on the east side of Owensboro, Daviess County, Kentucky more particularly described as follows:

Beginning at a point in the Current City Limit Line point having a Kentucky State Plane South Zone Coordinate N:2160645.16, E:1260815.59; thence following the Current City Limit Line N 64°38'24" W, 139.07 feet to a point; thence following the Current City Limit Line N 64°38'26" W, 9.51 feet to a point; thence following the Current City Limit Line N 24°42'02" E, 32.48 feet to a point; thence with the Current City Limit Line N 24°42'02" E, 259.01 feet to a point; thence following the Current City Limit Line S 63°16'03" E, 115.73 feet to a point; thence following the Current City Limit Line S 18°12'18" W, 68.69 feet to a point; thence following the Current City Limit Line S 18°12'18" W, 212.94 feet to a point; thence following the Current City Limit Line S 18°12'18" W, 9.34 feet to the point of beginning containing 0.880 Acres as

shown on an annexation plat prepared by the City of Owensboro, dated 08/09/2022.

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 the current ODC-GIS corporate boundary and parcel layer and deed description found in Deed Book 1050, Page 277 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 P-1 Professional/Service, 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 16th day of August, 2022.

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

ATTEST:

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

\_\_\_\_\_  
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 23-2022, 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**

---

- **TITLE: PROPOSED ANNEXATION FOR MALI HWY 54, LLC PROPERTY AT 3107 LEITCHFIELD ROAD (HWY 54) AND LEITCHFIELD ROAD (HWY 54) 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:**

**Mali HWY 54, LLC, owner of said property has submitted a signed annexation request forms for property at 3107 Leitchfield Road (HWY 54).**

**The proposed annexation for property at 3107 Leitchfield Road (HWY 54) is identified as PVA Parcel Map No. 062-00-00-038-00-000 totals 0.809 acres and is zoned P-1, with the inclusion of a portion of Leitchfield Road (HWY 54) right of way. The total area of this proposed annexation is 0.880 acres.**

**There will be not be an Annexation Incentive Agreement for this property between the City of Owensboro and Mali HWY 54, LLC.**

**Accompanying this property annexation, the City of Owensboro will annex portions of Commonwealth of Kentucky right of way along Leitchfield Road (HWY 54) to improve municipal connectivity and continuity.**

CITY OF OWENSBORO

----ANNEXATION REQUEST FORM----

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

3107 Leitchfield Road, Owensboro, KY 42303

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

See attached.

**B. SOURCE OF TITLE:**

Deed Book 1050, Page 277

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

P-1

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

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

Mali Hwy 54 LLC, 50 N LA Cienega Blvd Suite 215


Beverly Hills, CA 90211-2246

**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 3107 Leitchfield Road, Owensboro, KY 42303 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 14 day of July, 20 22.

Witness:

  
Sign & Print Name Wyatt Wagner

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

  
Signature  
Jacob Felder  
Print Name







PROPOSED ANNEXATION FOR

MALI HWY 54 LLC PROPERTY -

PROPERTY AT 3107 LEITCHFIELD ROAD

(PVA PARCEL MAP # 062-00-00-038-00-000)

LEITCHFIELD ROAD (HWY 54) RIGHT OF WAY

IS APPROX. 0.880 ACRES



1 inch = 100 feet

POB COORDINATES

KY SPC SOUTH

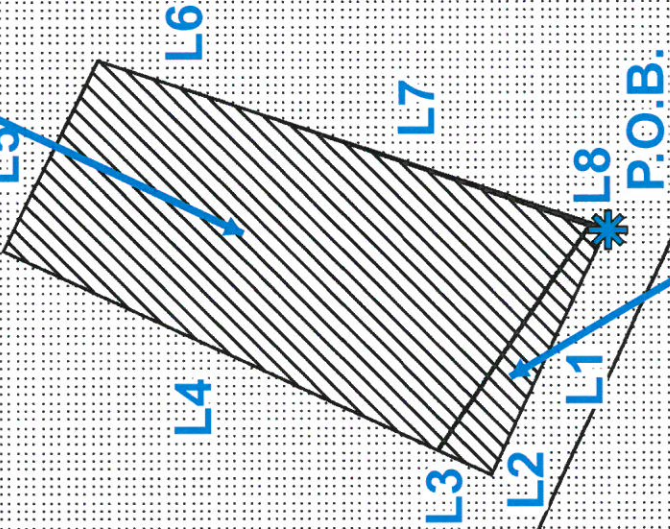
N: 2160645.16

E: 1260815.59

MALI HWY 54 LLC PROPERTY -  
3107 LEITCHFIELD ROAD (HWY 54) -  
ZONED P-1

LINE TABLE

LINE	BEARING	LENGTH
L1	N 64° 38' 24" W	139.07'
L2	N 64° 38' 26" W	9.51'
L3	N 24° 42' 02" E	32.48'
L4	N 24° 42' 02" E	259.01'
L5	S 63° 16' 03" E	115.73'
L6	S 18° 12' 18" W	68.69'
L7	S 18° 12' 18" W	212.94'
L8	S 18° 12' 18" W	9.34'



ANNEXATION PLAT  
SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE BEARINGS AND DISTANCES SHOWN HEREON  
HAVE BEEN TAKEN FROM DEED BOOK 1050 AT PAGE 277 AND FROM THE  
CURRENT ODC-GIS CORPORATE BOUNDARY AND PARCEL LAYER.

THIS PLAT HAS BEEN PREPARED FOR ANNEXATION PURPOSES ONLY.

BEARINGS AND DISTANCES SHOWN HAVE NOT BEEN VERIFIED IN THE FIELD

DATE 8-10-22

KEVIN M. SIMMONS, P.L.S. 3635

LEITCHFIELD ROAD (HWY 54)  
RIGHT OF WAY

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



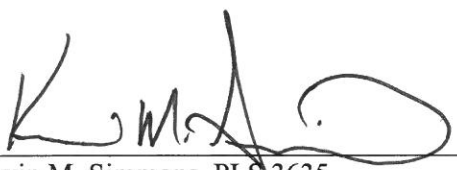
## ANNEXATION DESCRIPTION

### **3107 Leitchfield Road (Hwy 54): 0.880 ACRES**

A tract of land known as 3017 Leitchfield Road (Hwy 54) and right-of-way containing 0.880 Acres located on the east side of Owensboro, Daviess County, Kentucky more particularly described as follows:

Beginning at a point in the Current City Limit Line point having a Kentucky State Plane South Zone Coordinate N:2160645.16, E:1260815.59; thence following the Current City Limit Line N 64°38'24" W, 139.07 feet to a point; thence following the Current City Limit Line N 64°38'26" W, 9.51 feet to a point; thence following the Current City Limit Line N 24°42'02" E, 32.48 feet to a point; thence with the Current City Limit Line N 24°42'02" E, 259.01 feet to a point; thence following the Current City Limit Line S 63°16'03" E, 115.73 feet to a point; thence following the Current City Limit Line S 18°12'18" W, 68.69 feet to a point; thence following the Current City Limit Line S 18°12'18" W, 212.94 feet to a point; thence following the Current City Limit Line S 18°12'18" W, 9.34 feet to the point of beginning containing 0.880 Acres as shown on an annexation plat prepared by the City of Owensboro, dated 08/09/2022.

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 the current ODC-GIS corporate boundary and parcel layer and deed description found in Deed Book 1050, Page 277 in the Office of the Daviess County Clerk and have been rotated and translated to comply with KRS 81A.470.

  
Kevin M. Simmons, PLS 3635      8-9-22  
Date

