

ORDINANCE 21-2022

AN ORDINANCE REPEALING ORDINANCE 12-2022 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 LOCATED AT OR NEAR GOETZ DRIVE AND COVENTRY LANE, TRACT I (36.925 ACRES), TRACT II (15.655 ACRES) AND TRACT III (0.444 ACRES) CONTAINING A TOTAL OF 53.024 ACRES, MORE OR LESS, AT THE REQUEST OF OWENSBORO DEVELOPERS, LLC.

WHEREAS, on June 7, 2022, the Owensboro Board of Commissioners approved Ordinance 12-2022 annexing into the City certain unincorporated territory in the County of Daviess adjoining the boundary line of the City, being property located at or near Goetz Drive and Coventry Lane, and said to contain 53.468 acres, more or less; and

WHEREAS, Ordinance 12-2022 described the property to be annexed incorrectly and misstated the acreage of the property as well; and

WHEREAS, the Board of Commissioners has determined that Ordinance 12-2022 should be repealed and replaced with this ordinance correctly describing the property to be annexed; and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.

(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. An annexation incentive agreement for this property was approved for this property on June 7, 2022, by Municipal Order 23-2022.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF OWENSBORO, KENTUCKY, AS FOLLOWS:

Section 1. Ordinance 12-2022 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:

TRACT I: 36.925 acres

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 (U.S. Hwy 60 By-Pass) and being the northeast corner of the City of Owensboro Municipal Utilities property (record source unknown), said point having a Kentucky State Plane South Zone Coordinate N:2152932.81, E:1239664.19; thence leaving the Current City Limit Line and following the New City Limit Line and said south right-of-way line for the next 8 (eight) calls:

1. South 47 degrees 38 minutes 21 seconds East, a distance of 136.33 feet to a calculated point;
2. South 52 degrees 30 minutes 06 seconds East, a distance of 408.61 feet to a calculated point;
3. South 55 degrees 00 minutes 02 seconds East, a distance of 357.80 feet to a calculated point;
4. South 56 degrees 36 minutes 19 seconds East, a distance of 305.17 feet to a calculated point;
5. South 52 degrees 51 minutes 45 seconds East, a distance of 100.01 feet to a calculated point;
6. South 60 degrees 11 minutes 48 seconds East, a distance of 215.56 feet to a calculated point;
7. South 62 degrees 00 minutes 23 seconds East, a distance of 114.98 feet to a calculated point;
8. South 61 degrees 36 minutes 38 seconds East, a distance of 30.03 feet to a calculated point

being the northernmost corner of the City of Owensboro property as recorded in Deed Book 789 at Page 284 and shown on Plat Book 33 at Page 214 in the Office of the Daviess County Clerk; thence with the west line of said City of Owensboro property and continuing with the New City Limit Line for the next four (4) calls:

1. South 65 degrees 22 minutes 48 seconds West, a distance of 438.46 feet to a calculated point;
2. South 57 degrees 01 minutes 01 seconds West, a distance of 837.40 feet to a calculated point;
3. North 87 degrees 32 minutes 15 seconds West, a distance of 605.54 feet to a calculated point;
4. South 01 degrees 57 minutes 24 seconds West, a distance of 250.37 feet to a calculated point in

the north line of the Robert and Karen Rowan, Apollo Heights Subdivision consolidation property as recorded in Deed Book 573 at Page 565 and Plat Book 48 at Page 140 in said clerk's office, said point also being in the

Current City Limit Line; thence continuing with the Apollo Heights Subdivision north property line and the Current City Limit Line North 87 degrees 29 minutes 24 seconds West, a distance of 174.57 feet to a calculated point in the east property line of the Apollo Heights Subdivision as shown in a plat recorded in Deed Book 430 at Page 537 in said clerk's office, said point also being in the Current City Limit Line; thence with said east property line of Apollo Heights Subdivision and the Current City Limit Line, North 01 degrees 46 minutes 19 seconds East, a distance of 626.21 feet to a calculated point being the southeast corner of the Carey L. and Jamie Stanley Bertke property as recorded in Deed Book 1039 at Page 700 and Plat Book 23 at Page 250 in said clerk's office; thence leaving the Current City Limit Line and following the New City Limit Line and the east line of said Bertke property North 01 degrees 46 minutes 19 seconds East, a distance of 571.13 feet to a calculated point being the southwest corner of the City of Owensboro Municipal Utilities property (record source unknown), said point being in the Current City Limit Line; thence leaving the New City Limit Line and following the Current City Limit Line and the south line of said City of Owensboro property South 82 degrees 22 minutes 22 seconds East, a distance of 468.93 feet to a calculated point being the southeast corner of said City of Owensboro property; thence continuing with the Current City Limit Line and the east line of said City of Owensboro property North 01 degrees 40 minutes 46 seconds East, a distance of 670.40 feet to the point of beginning and containing 36.925 acres. This description is for an Annexation Exhibit and shall not be used for the transfer of real property.

TRACT II: 15.655 acres

A certain tract of land being located near Goetz Drive and Coventry Lane in Daviess County, Kentucky and being more particularly described as follows:

Beginning at a calculated point in the north right-of-way line of Goetz Drive and being the northeast corner of the Daviess County Board of Education property as recorded in Deed Book 630 at Page 319 in the Office of the Daviess County Clerk, said point having a Kentucky State Plane South Zone Coordinate N:2151036.68, E:1241277.27; thence following the New City Limit Line and the north line of said Daviess County Board of Education North 87 degrees 33 minutes 03 seconds West, a distance of 1,242.14 feet to a calculated point in the south line of the City of Owensboro property as recorded in Deed Book 789 at Page 284 and shown in Plat Book 33 at Page 214 in said clerk's office; thence leaving said north line with the east line of said City of Owensboro property and following the New City Limit Line for the next three (3) calls:

1. North 51 degrees 57 minutes 27 seconds East, a distance of 667.31 feet to a calculated point;

2. North 68 degrees 07 minutes 14 seconds East, a distance of 634.03 feet to a calculated point;
3. North 45 degrees 28 minutes 36 seconds East, a distance of 179.46 feet to a calculated point in the south right-of-way line of the Wendell H. Ford Expressway (U.S. Hwy 60 By-Pass); thence with said south line of Wendell H. Ford Expressway and continuing with the New City Limit Line South 67 degrees 04 minutes 03 seconds East, a distance of 243.38 feet to a calculated point being the corner to the remaining acreage of the Town and Country Subdivision; thence with the west line of said Town and Country Subdivision remainder and the New City Limit Line South 06 degrees 55 minutes 04 seconds West, a distance of 707.80 feet to a calculated point in said north right-of-way line of Goetz Drive; thence continuing with the New City Limit Line and said north right-of-way line for the next 5 (five) calls;
5. North 84 degrees 41 minutes 01 seconds West, a distance of 39.14 feet to a calculated point;
6. North 88 degrees 50 minutes 31 seconds West, a distance of 28.00 feet to a calculated point;
7. South 78 degrees 02 minutes 12 seconds West, a distance of 28.00 feet to a calculated point;
8. South 64 degrees 54 minutes 55 seconds West, a distance of 28.00 feet to a calculated point;
9. South 52 degrees 20 minutes 35 seconds West, a distance of 25.28 feet to the point of beginning and containing 15.655 acres. This description is for an Annexation Exhibit and shall not be used for the transfer of real property.

TRACT III: 0.444 acres

A certain tract of land being located in the City of Owensboro in Daviess County, KY and being more particularly described as follows:

Beginning at calculated point in the south right-of-way line of Coventry Lane said right-of-way being 50 feet in width and being the northwest corner of the Eddie L. and Suzette R. Austin property as recorded in Deed Book 693 at Page 649 and in Plat Book 8 at Page 243 in the Office of the Daviess County Clerk, said point also being in the Current City Limit Line, said point having a Kentucky State Plane South Coordinate N:2151556.13, E:1241581.97; thence with the west property line of said Austin property and the Current City Limit Line South 06 degrees 54 minutes 44 seconds West, a distance of 69.04 feet to a calculated point, being the northeast corner of the Keith B. and Rachel H. Evans property as recorded in Deed Book 877 at Page 391 in said clerk's office; thence leaving the Current City Limit Line and following the New City Limit Line and the north property line of said Evans property North 87

degrees 31 minutes 12 seconds West, a distance of 105.01 feet to a calculated point in the east property line of the Owensboro Developers, LLC property as recorded in Deed Book 1056 at Page 630 and Plat Book 33 at Page 214 in said clerk's office; thence continuing with the New City Limit Line and said east property line North 06 degrees 55 minutes 04 seconds East, a distance of 278.14 feet to a calculated point being in the south right-of-way line of Wendell Ford Expressway (Highway 60 By-Pass); thence with said bypass right-of-way line and continuing with the New City Limit Line South 65 degrees 41 minutes 29 seconds East, a distance of 43.28 feet to a calculated point; thence continuing along the same line and the New City Limit Line South 68 degrees 34 minutes 38 seconds East, a distance of 38.26 feet to a calculated point, being the northwest corner of the Anthony L. and Sandra M. Meadows property as recorded in Deed Book 771 at Page 848 and Plat Book 8 at Page 243 in said clerk's office, said point being in the Current City Limit Line; thence with said Meadows west property line and the Current City Limit Line South 20 degrees 00 minutes 02 seconds West, a distance of 122.49 feet to a calculated point in the north right-of-way line of Coventry Lane, thence with said right-of-way line South 11 degrees 51 minutes 22 seconds West, a distance of 50.00 feet to a calculated point in the south right-of-way line of Coventry Lane; thence following the Current City Limit Line in a curve to the right being subtended by a chord of South 73 degrees 59 minutes 32 seconds East, a chord distance of 59.13 feet and having a radius of 408.37 feet, in all an arc distance of 59.18 feet to the point of beginning and containing 0.444 acres. This description is for an Annexation Exhibit and shall not be used for 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.

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 21-2022, 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 OWENSBORO DEVELOPERS, LLC PROPERTY, FUTURE FARMVIEW SUBDIVISION PROPERTY - TRACTS I, II, & III**

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:

Owensboro Developers, LLC, owner/developer of the Farmview Subdivision property Tracts I, II, & III has submitted a signed annexation request and consent form for Tracts I, II, & III.

The proposed annexation of Tract I is 36.925 acres and identified as PVA Parcel Map No. 048-00-00-018-00-000, Tract II is 15.655 acres and is identified as PVA Parcel Map No. 048-00-00-019-00-000, and Tract III is 0.444 acres but has no PVA information. Tract III was excess undeveloped property from the Town & Country South Subdivision obtained by Owensboro Developers, LLC through deed. All properties are zoned R-1C.

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

CITY OF OWENSBORO

---ANNEXATION REQUEST FORM---

1. LOCATION OF PROPERTY TO BE ANNEXED:

GOETZ DRIVE (PVA MAP #'s - Tract I - 048-00-00-018-00-000 - Tract II - 048-00-00-019-00-000) - Tract III - Excess Town & Country South Subdivision Property obtained by Owensboro Developers, LLC

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

SEE ATTACHED MAP & DESCRIPTION

B. SOURCE OF TITLE:

DEED BOOK 1056 PAGE 630

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:

OWENSBORO DEVELOPERS, LLC

1521 COPPER CREEK DRIVE, OWENSBORO, KY

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

GOETZ DRIVE (PVA MAP #'s - Tract I - 048-00-00-018-00-000 -
Tract II - 048-00-00-019-00-000) - Tract III - Excess Town & Country
South Subdivision Property obtained by Owensboro Developers, LLC 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

3

day of

August

, 20

22

Witness: Michael Nicholas Hurst

Sign & Print Name

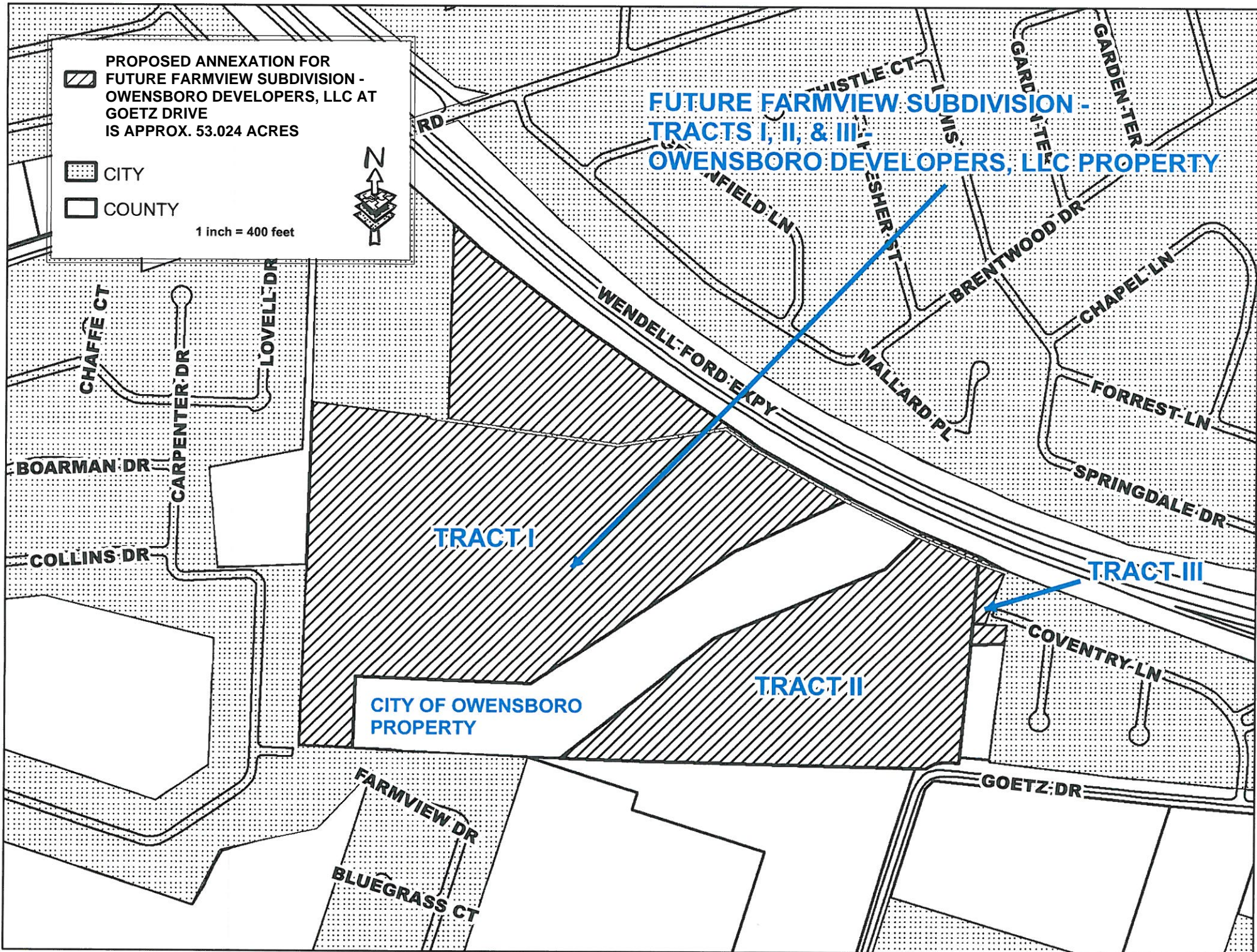
Signature (s) of Record Owner (s) of Property:

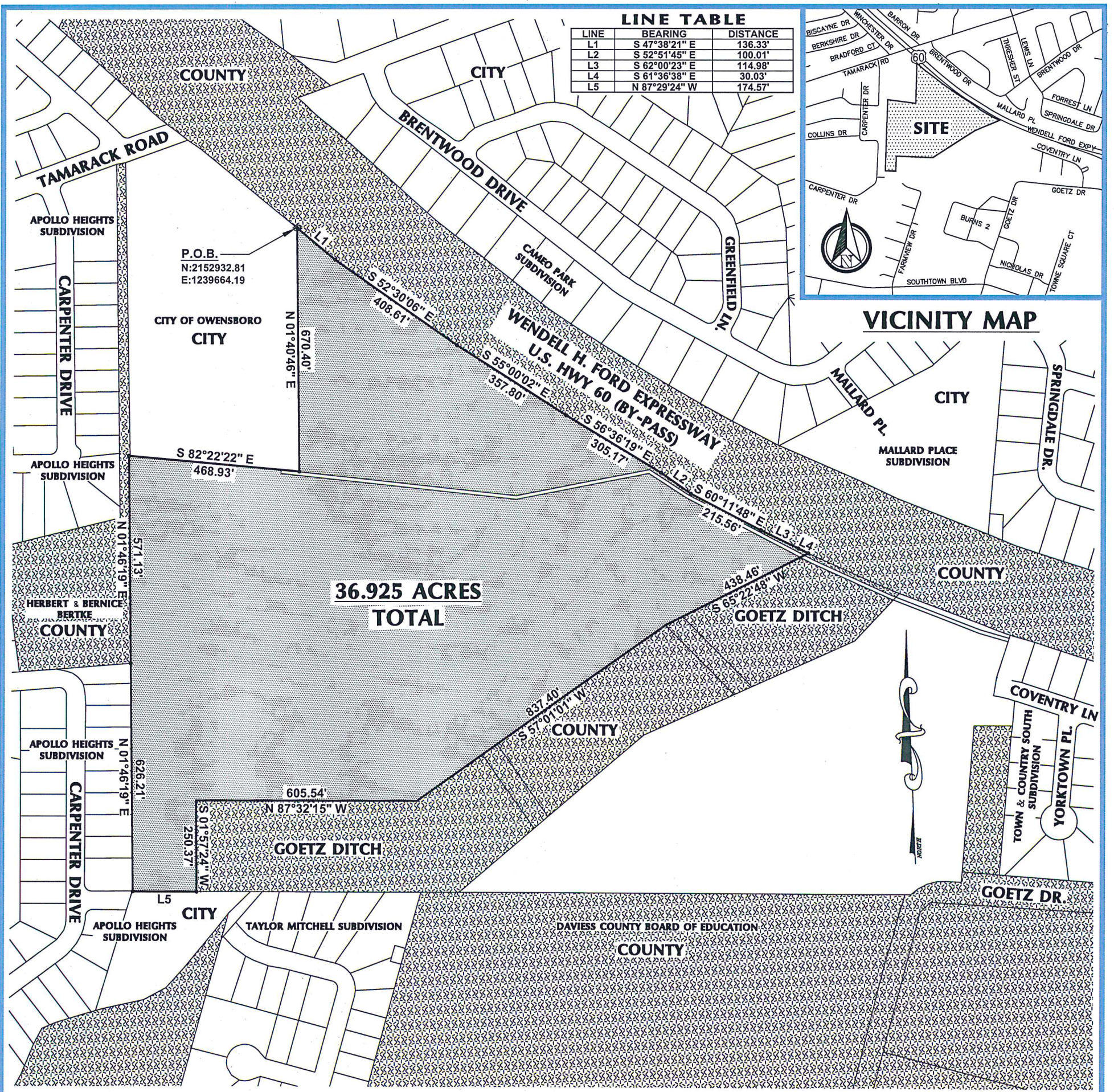
[Signature]

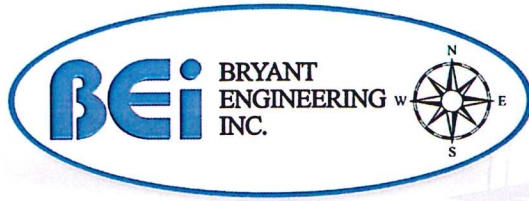
Signature

Amrik Jammal

Print Name







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

ANNEXATION DESCRIPTION
36.925 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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8. South 61 degrees 36 minutes 38 seconds East, a distance of 30.03 feet to a calculated point to a calculated point being the northernmost corner of the City of Owensboro property as recorded in Deed Book 789 at Page 284 and shown on Plat Book 33 at Page 214 in the Office of the Daviess County Clerk; thence with the west line of said City of Owensboro property and continuing with the New City Limit Line for the next four (4) calls:
 1. South 65 degrees 22 minutes 48 seconds West, a distance of 438.46 feet to a calculated point;
 2. South 57 degrees 01 minutes 01 seconds West, a distance of 837.40 feet to a calculated point;
 3. North 87 degrees 32 minutes 15 seconds West, a distance of 605.54 feet to a calculated point;
 4. South 01 degrees 57 minutes 24 seconds West, a distance of 250.37 feet to a calculated point in the north line of the Robert and Karen Rowan, Apollo Heights Subdivision consolidation property as recorded in Deed Book 573 at Page 565 and Plat Book 48 at Page 140 in said clerk's office, said point also being in the Current City Limit Line; thence continuing with the Apollo Heights Subdivision north property line and the Current City Limit Line North 87 degrees 29 minutes 24 seconds West, a distance of 174.57 feet to a calculated point in the east property line of the Apollo Heights Subdivision as shown in a plat recorded in Deed Book 430 at Page 537 in said clerk's office, said point also being in the Current City Limit Line; thence with said east property line of Apollo Heights Subdivision and the Current City Limit Line, North 01 degrees 46 minutes 19 seconds East, a distance of 626.21 feet to a calculated point being the southeast corner of the Carey L. and Jamie Stanley Bertke property as recorded in Deed Book 1039 at Page 700 and Plat Book 23 at Page 250 in said clerk's office; thence leaving the Current City Limit Line and following the New City Limit Line and the east line of said Bertke property North 01 degrees 46 minutes 19 seconds East, a distance of 571.13 feet to a calculated point being the southwest corner of the City

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Mark A. Phelps, KY PLS No. 4420

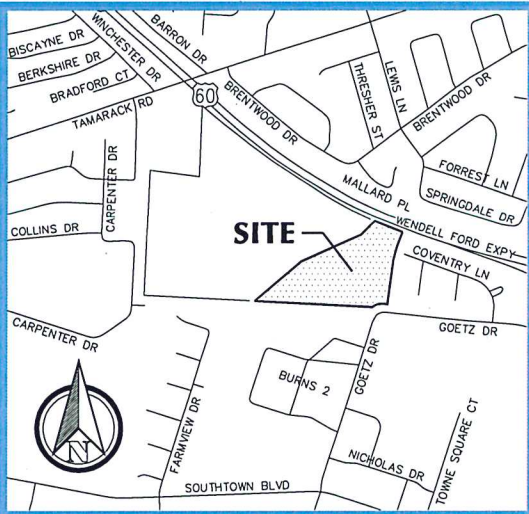
8-1-22

Date

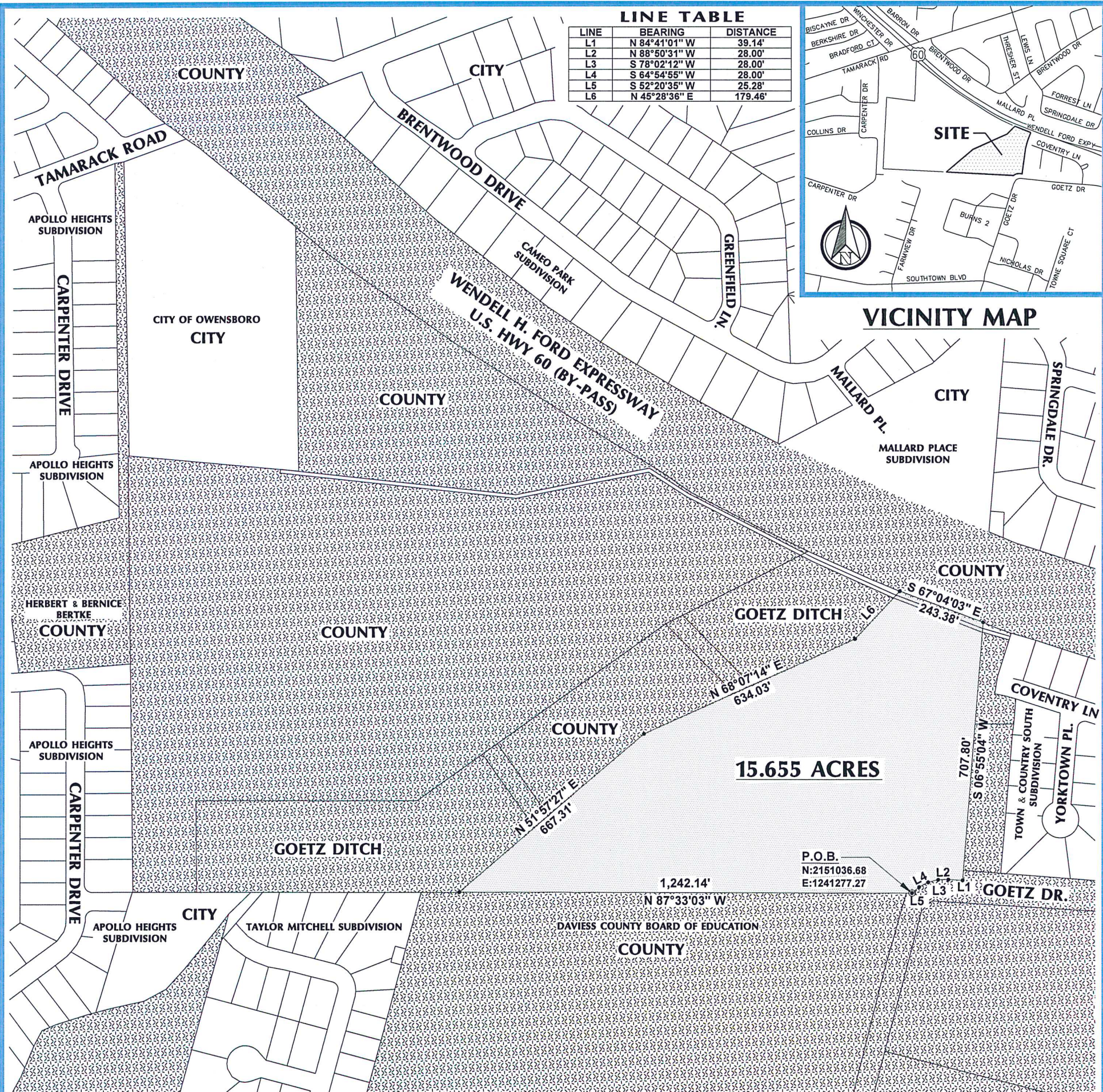


F:\Data\2021\21-6394\03_Survey\Descriptions\Annexation Descriptions\Annexation Legal Description 36.925 Acres

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 84°41'01" W	39.14'
L2	N 88°50'31" W	28.00'
L3	S 78°02'12" W	28.00'
L4	S 64°54'55" W	28.00'
L5	S 52°20'35" W	25.28'
L6	N 45°28'36" E	179.46'

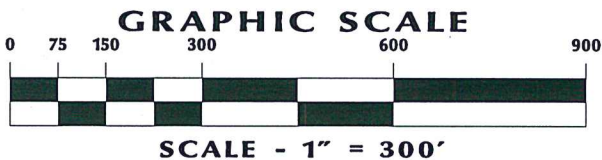


VICINITY MAP



LEGEND

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



ANNEXATION PLAT

LOCATED NEAR COVENTRY LANE
AND HWY 60 BYPASS
CITY OF OWENSBORO
DAVIESS COUNTY, KENTUCKY
SCALE : 1"=300'

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

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.

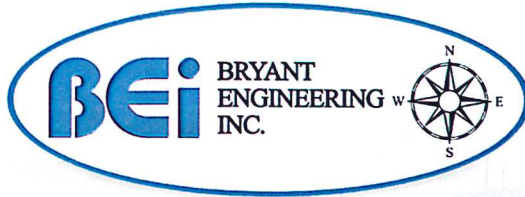
Mark A. Phelps 8-2-22
SURVEYOR DATE

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



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
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ANNEXATION DESCRIPTION
15.655 ACRES
NEAR GOETZ DRIVE AND
COVENTRY LANE

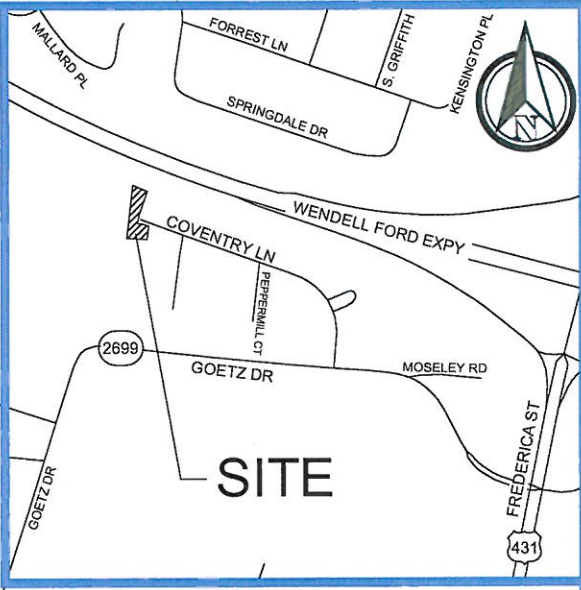
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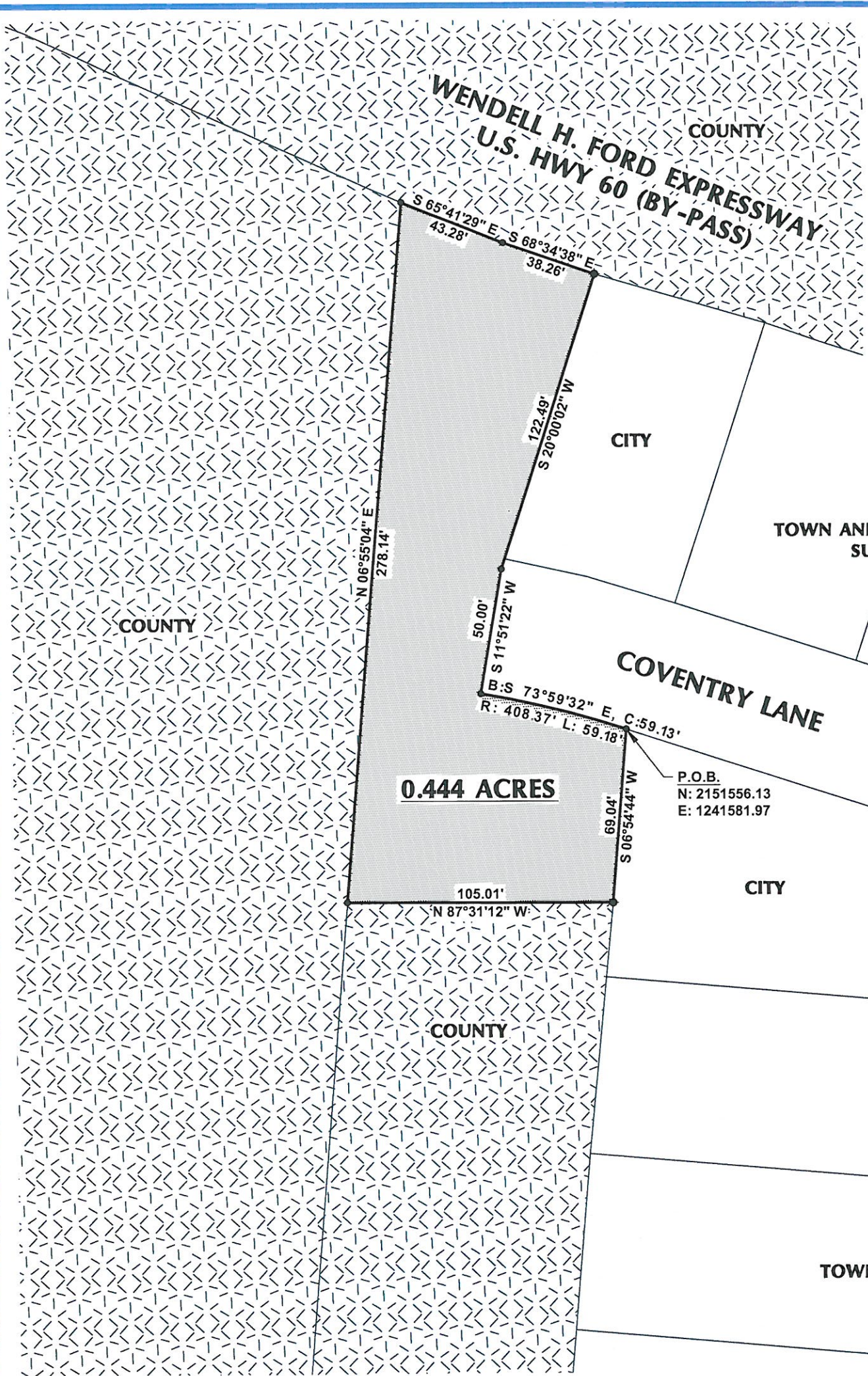
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Mark A. Phelps, KY PLS No. 4420 8-2-22 Date





VICINITY MAP

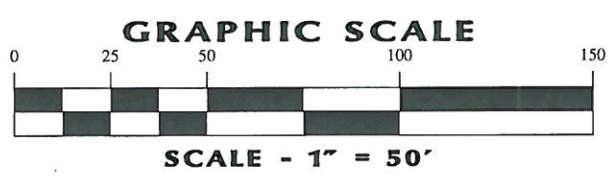


LEGEND

IN COUNTY

IN CITY

IN COUNTY - TO BE ANNEXED



ANNEXATION PLAT
LOCATED NEAR COVENTRY LANE
AND HWY 60 BYPASS
CITY OF OWENSBORO
DAVISS COUNTY, KENTUCKY
SCALE : 1"=50'

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

05-16-2022

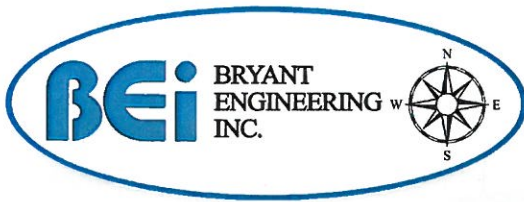
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7-6-22
SURVEYOR DATE



BEi BRYANT ENGINEERING INC.
Civil Engineering • Land Surveying

1535 FREDERICA STREET ~ P.O. BOX 21382
OWENSBORO, KENTUCKY 42304
270-685-2811



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ANNEXATION DESCRIPTION
0.444 ACRES
NEAR COVENTRY LANE

A certain tract of land being located in the City of Owensboro in Daviess County, KY and being more particularly described as follows:

Beginning at calculated point in the south right-of-way line of Coventry Lane said right-of-way being 50 feet in width and being the northwest corner of the Eddie L. and Suzette R. Austin property as recorded in Deed Book 693 at Page 649 and in Plat Book 8 at Page 243 in the Office of the Daviess County Clerk, said point also being in the Current City Limit Line, said point having a Kentucky State Plane South Coordinate N:2151556.13, E:1241581.97; thence with the west property line of said Austin property and the Current City Limit Line South 06 degrees 54 minutes 44 seconds West, a distance of 69.04 feet to a calculated point, being the northeast corner of the Keith B. and Rachel H. Evans property as recorded in Deed Book 877 at Page 391 in said clerk's office; thence leaving the Current City Limit Line and following the New City Limit Line and the north property line of said Evans property North 87 degrees 31 minutes 12 seconds West, a distance of 105.01 feet to a calculated point in the east property line of the Owensboro Developers, LLC property as recorded in Deed Book 1056 at Page 630 and Plat Book 33 at Page 214 in said clerk's office; thence continuing with the New City Limit Line and said east property line North 06 degrees 55 minutes 04 seconds East, a distance of 278.14 feet to a calculated point being in the south right-of-way line of Wendell Ford Expressway (Highway 60 By-Pass); thence with said bypass right-of-way line and continuing with the New City Limit Line South 65 degrees 41 minutes 29 seconds East, a distance of 43.28 feet to a calculated point; thence continuing along the same line and the New City Limit Line South 68 degrees 34 minutes 38 seconds East, a distance of 38.26 feet to a calculated point, being the northwest corner of the Anthony L. and Sandra M. Meadows property as recorded in Deed Book 771 at Page 848 and Plat Book 8 at Page 243 in said clerk's office, said point being in the Current City Limit Line; thence with said Meadows west property line and the Current City Limit Line South 20 degrees 00 minutes 02 seconds West, a distance of 122.49 feet to a calculated point in the north right-of-way line of Coventry Lane, thence with said right-of-way line South 11 degrees 51 minutes 22 seconds West, a distance of 50.00 feet to an calculated point in the south right-of-way line of Coventry Lane; thence following the Current City Limit Line in a curve to the right being subtended by a chord of South 73 degrees 59 minutes 32 seconds East, a chord distance of 59.13 feet and having a radius of 408.37 feet, in all an arc distance of 59.18 feet to the point of beginning and containing 0.444 acres. This description is for an Annexation Exhibit and shall not be used for transfer of real property.


Mark A. Phelps, KY PLS No. 4420 7-6-22
Date



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Description 0.444 Acres