

MUNICIPAL ORDER 51-2022

A MUNICIPAL ORDER AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN EASEMENT AGREEMENT BETWEEN THE CITY OF OWENSBORO AND KENERGY, GRANTING A PERPETUAL EASEMENT FOR THE PURPOSE OF CONSTRUCTING AND THEREAFTER OPERATING, MAINTAINING, REPAIRING AND RECONSTRUCTING ELECTRIC TRANSMISSION LINES ACROSS A PORTION OF HILLCREST GOLF COURSE.

WHEREAS, Kenergy requests a perpetual easement for the purpose of constructing and thereafter operating, maintaining, repairing and reconstructing electric transmission lines and appurtenant facilities over and across a portion of Hillcrest Golf Course, as shown on the attached Exhibit “A”; and

WHEREAS, the granting of the easement is made necessary by the proposed roundabout at the intersection of Old Hartford Road, Foors Lane and Fairview Drive; and

WHEREAS, the granting of a perpetual easement has been fully reviewed by city staff and will not unreasonably interfere with use of Hillcrest Golf Course; and

WHEREAS, there may be other utility providers who need similar easements made necessary by the proposed roundabout.

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

Section 1. That the Mayor be, and he hereby is, authorized and directed to execute a Deed of Easement by and between the City of Owensboro and Kenergy, under the terms of which the City shall grant a perpetual easement over a portion of Hillcrest Golf Course in order for Kenergy to construct and thereafter operate, maintain, repair and reconstruct electric transmission lines and appurtenant facilities.

Section 2. That the Mayor, City Manager, City Engineer and other staff members are hereby authorized to execute any and all other agreements, instruments or documents deemed necessary and appropriate to effectuate and implement this easement agreement, and to execute additional deeds of easement with other utility providers made necessary by the roundabout project.

INTRODUCED, PUBLICLY READ, AND FINALLY APPROVED ON ONE READING, this the 20th day of December, 2022.

Thomas H. Watson, Mayor

ATTEST:

Beth Davis, City Clerk

EXHIBIT "A"



ELECTRIC LINE - RIGHT -OF-WAY EASEMENT
(OVERHEAD OR UNDERGROUND FACILITIES)

THIS EASEMENT for electric facilities made and entered into on this the _____ day of _____, 20____ by and between the undersigned (whether one or more) CITY OF OWENSBORO , HILLCREST GOLF COURSE

(unmarried) (husband and wife) and Kenergy Corp a cooperative whose address is P.O. Box 18, 6402 Old Corydon Road, Henderson, Kentucky, 42419-0018 (hereinafter called "Cooperative").

For valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the undersigned grant(s) unto the cooperative, its successors and assigns, the right to enter upon the land of the undersigned, for the purposes stated herein, which lands are situated in DAVIESS County, Kentucky, and more particularly described as follows:

☐ _____
Initial Permission granted for telephone, cablevision or other communications to attach to poles and use same route.

A certain tract of land containing approximately 70 acres located 4346 OLD HARTFORD ROAD OWENSBORO KY.

and bounded as follows:

On the North By OLD HARTFORD ROAD
On the South By ANTLER AVENUE
On the East By FOORS LANE
On the West By SOUTH EASTERN PARKWAY

AND BEING the same real property acquired by the undersigned from WALTER & MILDRED JOHNSON
by DEED dated the 12TH day of APRIL, 1976, of record
in DEED book 456, page 077, office of the DAVIESS County Court Clerk.

The undersigned grant(s) to the Cooperative an electric power line easement 40' feet in width along with the right to construct, bury, reconstruct, rephase, repair, replace, operate and maintain on the above-described lands an electric transmission and/or distribution line, cable or system and necessary related facilities, and to cut, trim and control the growth by any reasonable means of trees, shrubbery and other vegetation located within the easement or that may interfere with or threaten to endanger the operation or maintenance of said line, cable or system.

The Undersigned covenant(s) that they (he or she) have (has) the right to convey the foregoing easement and rights granted herein and that the Cooperative shall have quiet and peaceable possession of said rights throughtout the existence of this easement.

Cooperative agrees that it shall pay all reasonable damages to existing buildings, growing crops (where appropriate), and fences caused by ordinary day-to-day construction, operation, maintenance or reconstruction required by Cooperative in the exercise of the rights herein granted. The easement shall be kept clear of all other obstructions, including buildings, that may interfere with or endanger the operation and maintenance of said line, cable or system.

The location of the easement herein granted shall at all times be as selected by Cooperative and said location shall be as approximately shown on the attached plat or sketch of said location if attached hereto.

RELOCATE 3 PHASE OVERHEAD CONDUCTOR ROUTE DUE TO THE
PROPOSED KYTC ROUNDABOUT ON KENERGY WORK ORDER 35627
LOCATION NUMBERS 1,3,4,6,7,12 SEE ATTACHED EXHIBIT.
CROSSING WITH OVERHEAD CONDUCTOR ,KENERGY EASEMENT
ADJACENT TO KYTC PUBLIC UTILITY EASEMENT AND VARIES ALONG
THE ROUTE WILL NOT EXCEED 40 FOOT IN TOTAL WIDTH.
CUT AND CLEAN UP 1 PINE.
Prepared by SCOTT ATHERTON
(Print & Sign)
KENERGY CORP. P.O. 1389 OWENSBORO KY. 42302
KENERGY CORP.

IN WITNESS WHEREOF, the undersigned have set their hands this day and date first hereinabove written.

X
X
STATE OF KENTUCKY

Signed in the presence of:
X
X

COUNTY OF _____

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 20____, BY _____

X Notary Public, _____
My Commission Expires: _____

KY 298 WEST			
DESCRIPTION	State Plane Coordinates		
	NORTH (Y)	EAST (X)	
POB STA. 43+12.71	3792680.42	4537820.61	
PC STA. 45+50.24	3792551.82	4538020.31	
PI STA. 46+97.07	3792472.32	4538143.76	
PCC STA. 48+43.67	3792381.09	4538258.81	
PI STA. 49+65.44	3792305.43	4538354.23	
PT STA. 50+78.04	3792186.89	4538382.08	

STONE CREEK PARK			
DESCRIPTION	State Plane Coordinates		
	NORTH (Y)	EAST (X)	
POB STA. 50+00.00	3792060.97	4538626.59	
PC STA. 50+32.01	3792033.17	4538610.74	
PI STA. 51+26.84	3791950.78	4538563.77	
PT STA. 52+15.52	3791856.46	4538573.60	
POE STA. 52+16.04	3791855.95	4538573.65	

FAIRVIEW DRIVE			
DESCRIPTION	State Plane Coordinates		
	NORTH (Y)	EAST (X)	
POB/PC STA. 84+49.63	3792519.08	4538845.98	
PI STA. 86+21.07	3792423.42	4538703.72	
PT STA. 87+92.47	3792323.37	4538564.51	
PCC STA. 88+86.18	3792269.92	4538487.54	
PI STA. 89+43.39	3792237.29	4538440.55	
PT STA. 89+99.59	3792221.33	4538385.61	
POE STA. 90+00.46	3792221.09	4538384.78	

PARKING LOT BASELINE			
DESCRIPTION	State Plane Coordinates		
	NORTH (Y)	EAST (X)	
PI STA. 0+00.00	3792395.40	4538104.73	
PI STA. 2+09.69	3792267.36	4538270.80	

ROUNDAABOUT			
DESCRIPTION	State Plane Coordinates		
	NORTH (Y)	EAST (X)	
PC STA. 9+25.00	3792282.87	4538343.87	
PT STA. 13+96.05	3792282.95	4538344.04	

ROUNDABOUT			
DESCRIPTION	State Plane Coordinates		
	NORTH (Y)	EAST (X)	
PC STA. 9+25.00	3792282.87	4538343.87	
PT STA. 13+96.05	3792282.95	4538344.04	

STONE CREEK PARK			
DESCRIPTION	State Plane Coordinates		
	NORTH (Y)	EAST (X)	
PI STA. 49+65.44	3792305.43	4538354.23	
PT STA. 50+78.04	3792186.89	4538382.08	

FAIRVIEW DRIVE			
DESCRIPTION	State Plane Coordinates		
	NORTH (Y)	EAST (X)	
POB/PC STA. 84+49.63	3792519.08	4538845.98	
PI STA. 86+21.07	3792423.42	4538703.72	
PT STA. 87+92.47	3792323.37	4538564.51	
PCC STA. 88+86.18	3792269.92	4538487.54	
PI STA. 89+43.39	3792237.29	4538440.55	
PT STA. 89+99.59	3792221.33	4538385.61	
POE STA. 90+00.46	3792221.09	4538384.78	

RIGHT OF WAY MONUMENT POINTS						
ALIGNMENT	STATION	OFFSET	TYPE	DESCRIPTION	State Plane Coordinates	
					NORTH (Y)	EAST (X)
KY 298 WEST	47+40	31.29'RT	1	-	3792418.90	4538151.12
KY 298 WEST	47+90	40'RT	1	-	3792382.27	4538191.12
KY 298 WEST	49+00	35'RT	1	-	3792319.11	4538271.12
KY 298 WEST	49+25	35'RT	1	-	3792301.96	4538281.12
ROUNDABOUT	9+84.07	40'RT	1	-	3792238.62	4538271.12
ROUNDABOUT	10+13.09	40'RT	1	-	3792192.00	4538271.12
FOORS LANE	61+40	50'RT	1	-	3792070.05	4538301.12
FOORS LANE	62+60	35'RT	1	-	3791957.36	4538301.12
FOORS LANE	63+20	35'RT	1	-	3791901.72	4538291.12
FOORS LANE	64+60	34.49'RT	1	-	3791771.60	4538251.12
FOORS LANE	64+60	23.46'RT	1	-	3791767.96	4538261.12
KY 298 EAST	69+88.63	40'RT	1	-	3792105.85	4538441.12
KY 298 EAST	71+08.68	60'RT	1	-	3792036.95	4538545.16
KY 298 EAST	72+33.43	40'RT	1	-	3791994.52	4538659.75
KY 298 EAST	73+49.97	30'RT	1	-	3791938.58	4538759.34
KY 298 EAST	74+40	23.09'RT	1	-	3791889.22	4538833.03
FAIRVIEW DRIVE	87+60	34.05'RT	1	-	3792369.98	4538571.12
FAIRVIEW DRIVE	88+00.15	44.64'RT	1	-	3792355.66	4538532.74
FAIRVIEW DRIVE	88+70.79	42.50'RT	1	-	3792313.61	4538475.94
FAIRVIEW DRIVE	89+03.63	41.40'RT	1	-	3792295.47	4538451.07
FAIRVIEW DRIVE	89+35.98	51.97'RT	1	-	3792290.98	4538421.46
-	-	-	1	-	-	-
-	-	-	1	-	-	-

" EXHIBIT A " (NTS)						
PROPOSED KENERGY CORP 40' EASEMENT						
POINT	DESCRIPTION			State Plane Coordinates		
				NORTH (Y)	EAST (X)	ELEV. (Z)
C.P. 1	I.P. W/CAP	3793090.89	4537237.32	448.54	-----	-----
C.P. 2	I.P. W/CAP	3792737.16	4537704.88	441.65	-----	-----
C.P. 3	I.P. W/CAP	3792488.91	4538060.25	457.48	46+18.58	30.49 RT
C.P. 4	I.P. W/CAP	3792221.37	4538404.64	456.33	89+81.59	5.74 LT
C.P. 5	I.P. W/CAP	3791343.62	4538109.93	442.89	-----	-----
C.P. 6	PK NAIL	3791518.36	4539248.28	441.69	-----	-----

KY 298 EAST			
DESCRIPTION	State Plane Coordinates		
	NORTH (Y)	EAST (X)	
POB/PC STA. 68+59.57	3792209.63	4538354.78	
PI STA. 69+37.64	3792162.14	4538416.74	
PRC STA. 70+14.96	3792136.8	4538488.19	
PI STA. 72+38.79	3792040.46	4538693.02	
PT STA. 74+59.33	3791894.38	4538862.60	

COORDINATE SYSTEM

Coordinates for horizontal control were obtained from GPS methods and adjusted to the National NAD83/FBN System.

Coordinates are based on State Plane Coordinate System Single Zone and in U.S. Survey Feet.

No Grid Factor was used on this project.

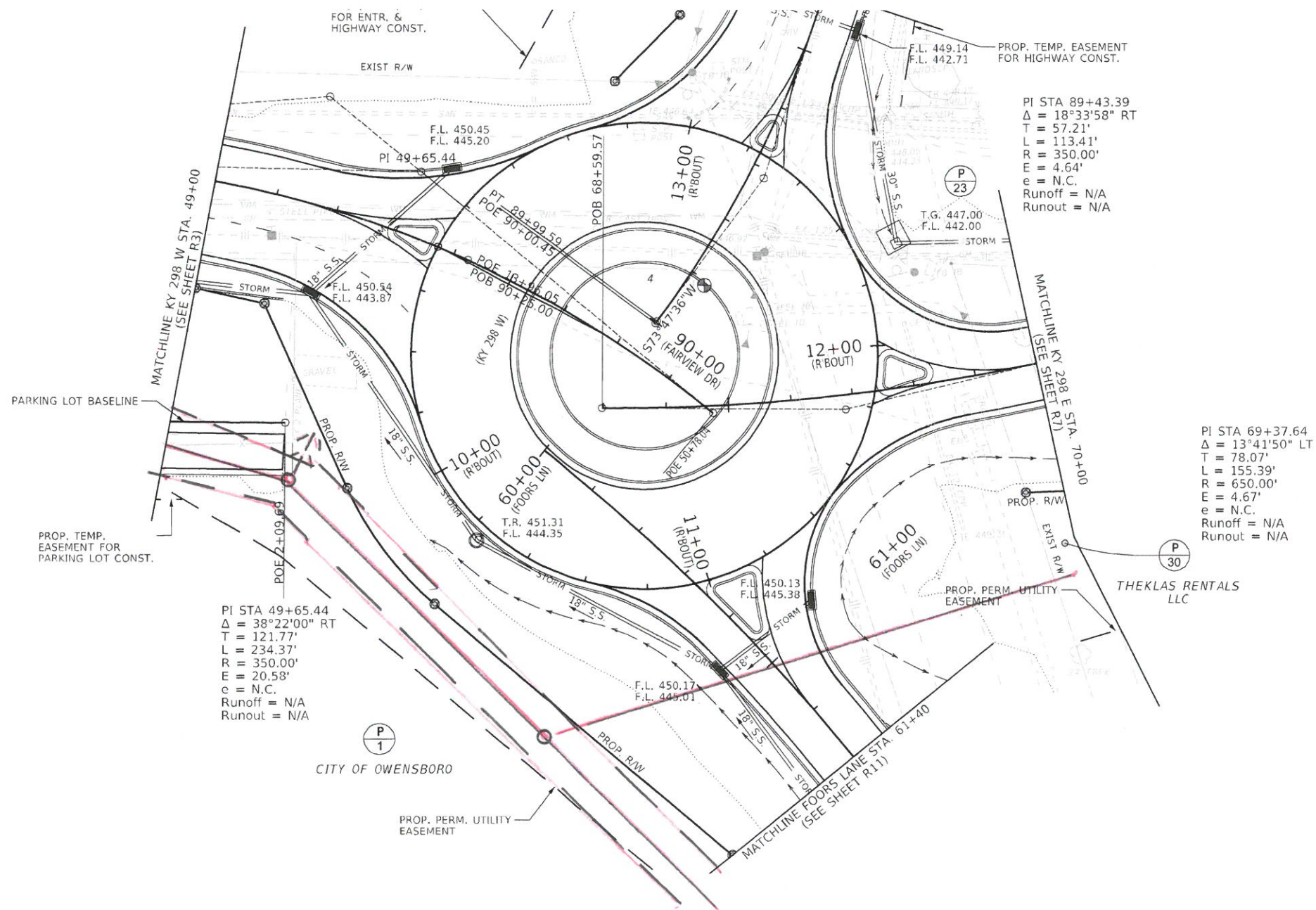


COORDINATE CONTROL SHEET

HORIZONTAL SCALE
SCALE: 1" = 100'

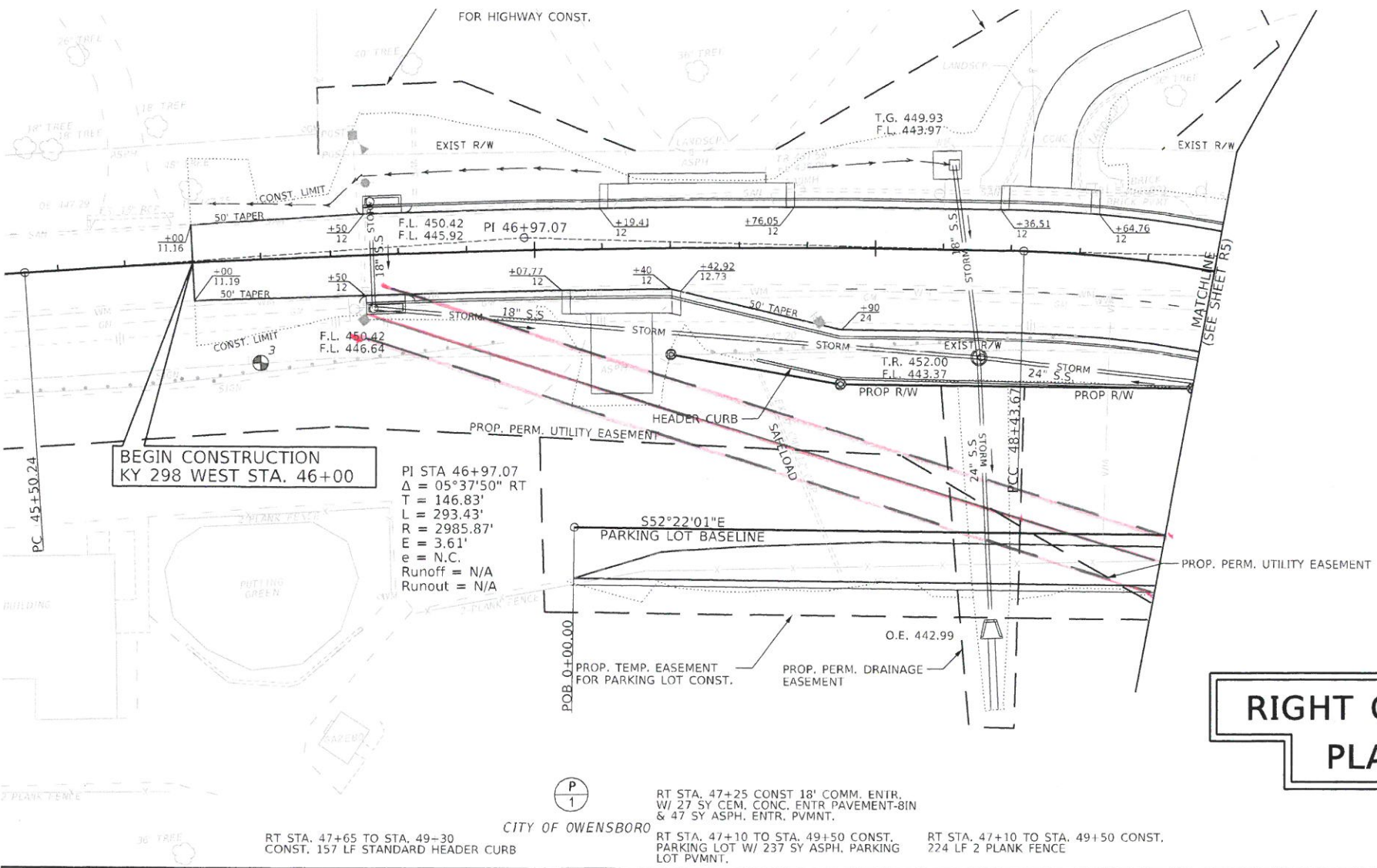


ITEM NO.	02-0229.00	COUNTY OF	DAVIESS
SHEET NO.	R16		





Proposed 40' R/W
Proposed 3 phase
New Anchors
(NTS)



RIGHT OF WAY
PLANS

KY 298 WEST	HORIZONTAL SCALE SCALE: 1" = 20'		STA 46+00 TO 49+00	ITEM NO. 02-229.00	COUNTY OF DAVISS
				SHEET NO. R3	

DATE PLOTTED: 9/7/2005 7:08:02 PM

FILE NAME: J:\11402 - ORD\50 - PLAN SHEETS\10 - ROADWAY\30 - PLANS AND PROFILES\R00300PL-KY 298 WEST.DGN

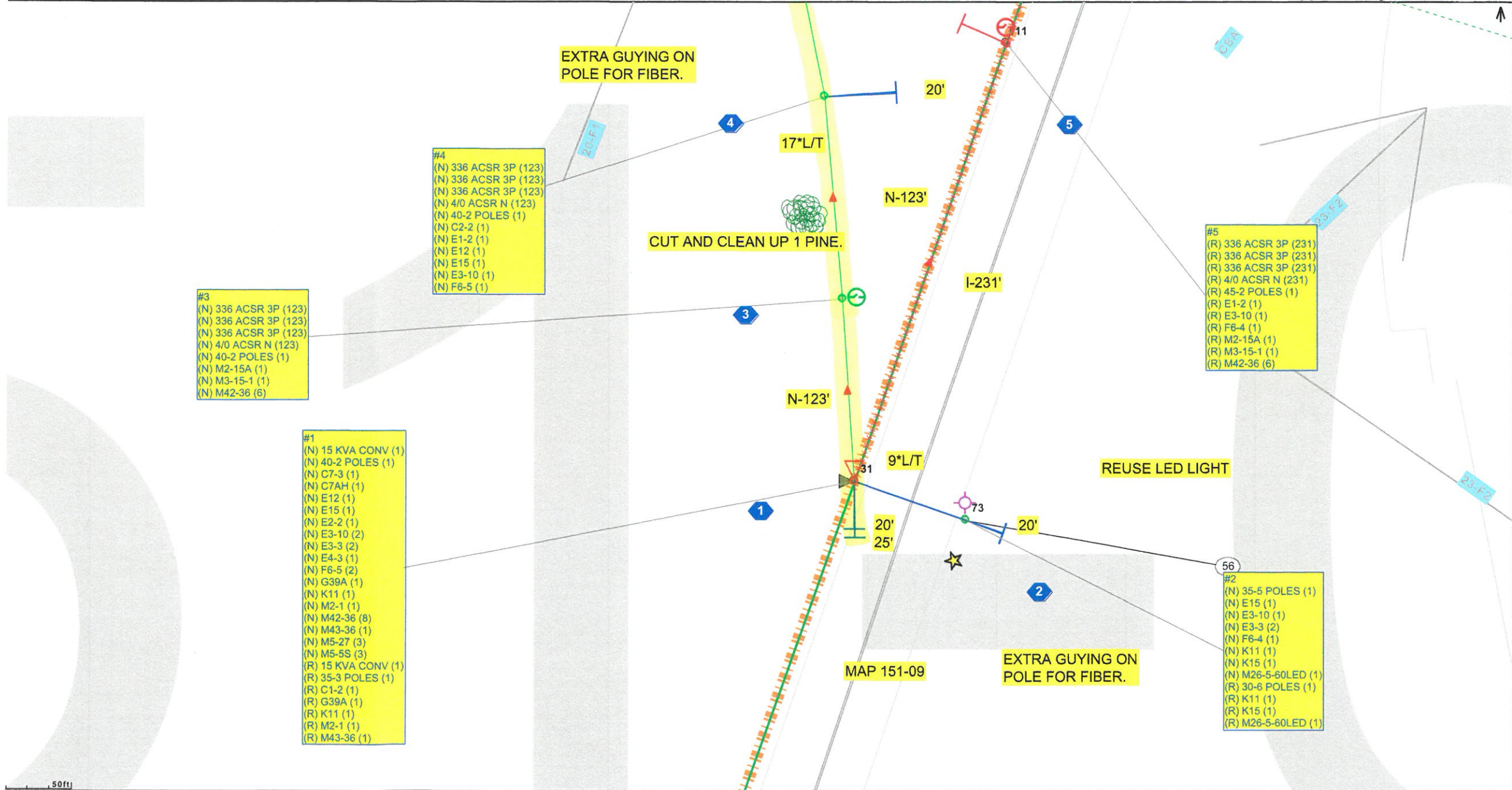


Name: KY 298 Roundabout
Map Number: P15109206
Address: HWY 298 OLD HARTFORD ROAD AND KY-3143
City: OWENSBORO
County: 02 - Daviess
Staked By: Contractor

RUS Description: 608 - Misc
Minor Work
R/W Secured: No
Dir. Code: 07
Phasing: Three

W.O. #: 35627
S.O. #: 220020762

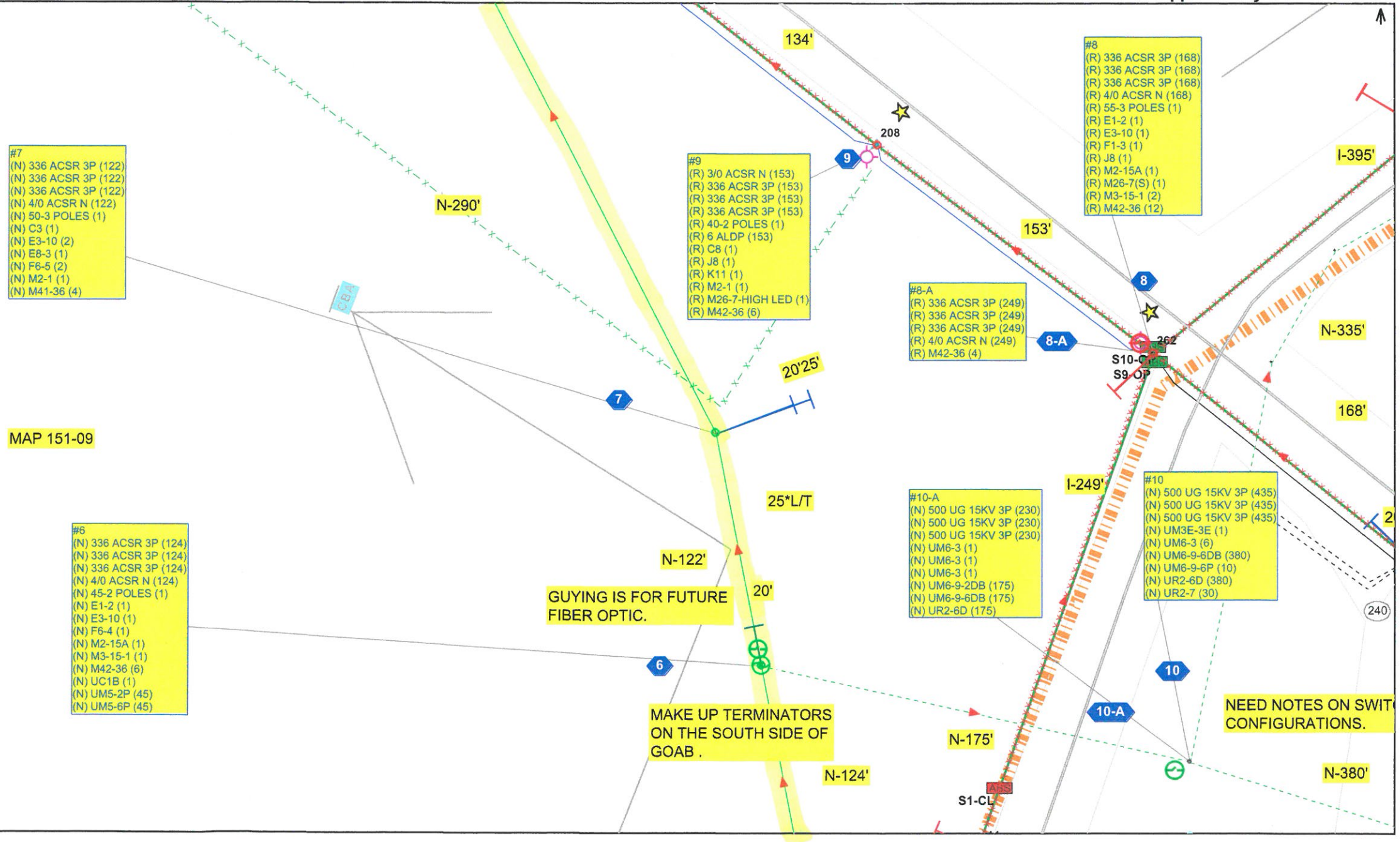
Staked By: Contractor Date:
2022-04-06
Approved By: Date:





Name: KY 298 Roundabout
Map Number: P15109206
Address: HWY 298 OLD HARTFORD ROAD AND KY-3143
City: OWENSBORO
County: 02 - Daviess
Staked By: Contractor

RUS Description: 608 - Misc
Minor Work
R/W Secured: No
Dir. Code: 07
Phasing: Three
W.O. #: 35627
S.O. #: 220020762
Staked By: Contractor
Date: 2022-04-06
Approved By: Date:





Name: KY 298 Roundabout
Map Number: P15109206
Address: HWY 298 OLD HARTFORD ROAD AND KY-3143
City: OWENSBORO
County: 02 - Daviess
Staked By: Contractor

RUS Description: 608 - Misc
Minor Work
R/W Secured: No
Dir. Code: 07
Phasing: Three
W.O. #: 35627
S.O. #: 220020762
Staked By: Contractor
Date: 2022-04-06
Approved By: Date:

