

ORDINANCE 01-2023

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 4513 U.S. HIGHWAY 60 WEST, 4575 U.S. HIGHWAY 60 WEST AND 280 HARBOR HILLS DRIVE CONTAINING A TOTAL OF 133.893 ACRES, MORE OR LESS, AT THE REQUEST OF DEER VALLEY SUBDIVISION, 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. There is an annexation incentive agreement for this property (Municipal Order ____-2023).

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:

Heatherstone Subdivision: 133.893 acres

A tract of land known as the Heatherstone Subdivision containing 133.893 acres located on U.S. Hwy 60 West 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 U.S. Hwy 60 West, said point having a Kentucky State Plane South Zone Coordinate N:2,169,696.01, E:1,227,773.80; thence leaving the north right-of-way line of U.S. Hwy 60 West and following the New City Limit Line as follows: N 04°32'45"W, 1,257.30 feet to a point; thence N 04°20'05" W, 486.42 feet to a point; thence N 04°17'34" W, 1,165.76 feet to a point in the south line of the Harbor Hills Subdivision, said point being in the Current City Limit Line; thence following the south line of Harbor Hills Subdivision and the Current City Limit Line as follows: N 85°29'12" E, 100.26 feet to a point; thence N 85°17'35" E, 1,594.39 feet to a point; thence

S 01°45'53" W, 50.30 feet to a point; thence N 85°16'48" E, 362.99 feet to a point; thence N 04°42'08" W, 49.92 feet to a point; thence N 85°21'24" E, 188.43 feet to a point in the west line of Robert H. Steele Charitable Unitrust; thence leaving the Current City Limit Line and following the New City Limit Line and the west line of Steele S 04°13'40" E, 1,431.40 feet to a point in the west line of Bon Harbor Estates, said point being in the Current City Limit Line; thence following the west line of Bon Harbor Estates and the Current City Limit Line S 04°15'24" E, 924.49 feet to a point in the north line of the Massie Clark Development Co.; thence leaving the Current City Limit Line and following the New City Limit Line and the north line of Massie Clark Development Co as follows: S 89°57'40" W, 0.46 feet to a point; thence N 79°00'18" W, 995.58 feet to a point; thence N 80°01'41" W, 10.00 feet to a point being the northwest corner of Donald D. Caudill, III; thence following the west line of Caudill and the New City Limit Line S 18°44'47" W, 1,271.00 feet to a point in the north right-of-way line of U.S. Hwy 60 West; thence following the New City Limit Line and the north right-of-way line of U.S. Hwy 60 West N 70°36'05" W, 834.65 feet to the point of beginning containing 133.893 acres as shown on an annexation plat prepared by BEI dated 8/24/2022.

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 layer, parcel layer and an annexation plat prepared by BEI dated 8/24/2022 and have been rotated and translated to comply with KRS 81A.470.

Section 3. That the territory annexed herein is currently zoned as A-U Urban Agriculture and R-1C Single Family Residential, 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 20th day of December, 2022.

PUBLICLY READ AND APPROVED ON SECOND READING, this the 3rd day of January, 2023.

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 __-2023, duly adopted by the Owensboro Board of Commissioners on January 3, 2023, the original of which is on file in the Office of the City Clerk, this the 3rd day of January, 2023.

Beth Davis, City Clerk

CITY OF OWENSBORO

COMMISSION MEETING DATE: 12/20/2022

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

- **TITLE: PROPOSED ANNEXATION FOR DEER VALLEY SUBDIVISION, LLC PROPERTY (4513 US HWY 60 W. - PVA MAP # 038-00-00-012-01-00, 4575 US HWY 60 W. - PVA MAP # 038-00-00-006-00-000, & 280 HARBOR HILLS DRIVE - PVA MAP # 038-00-00-012-00-000) - HEATHERSTONE SUBDIVISION PROPERTY**

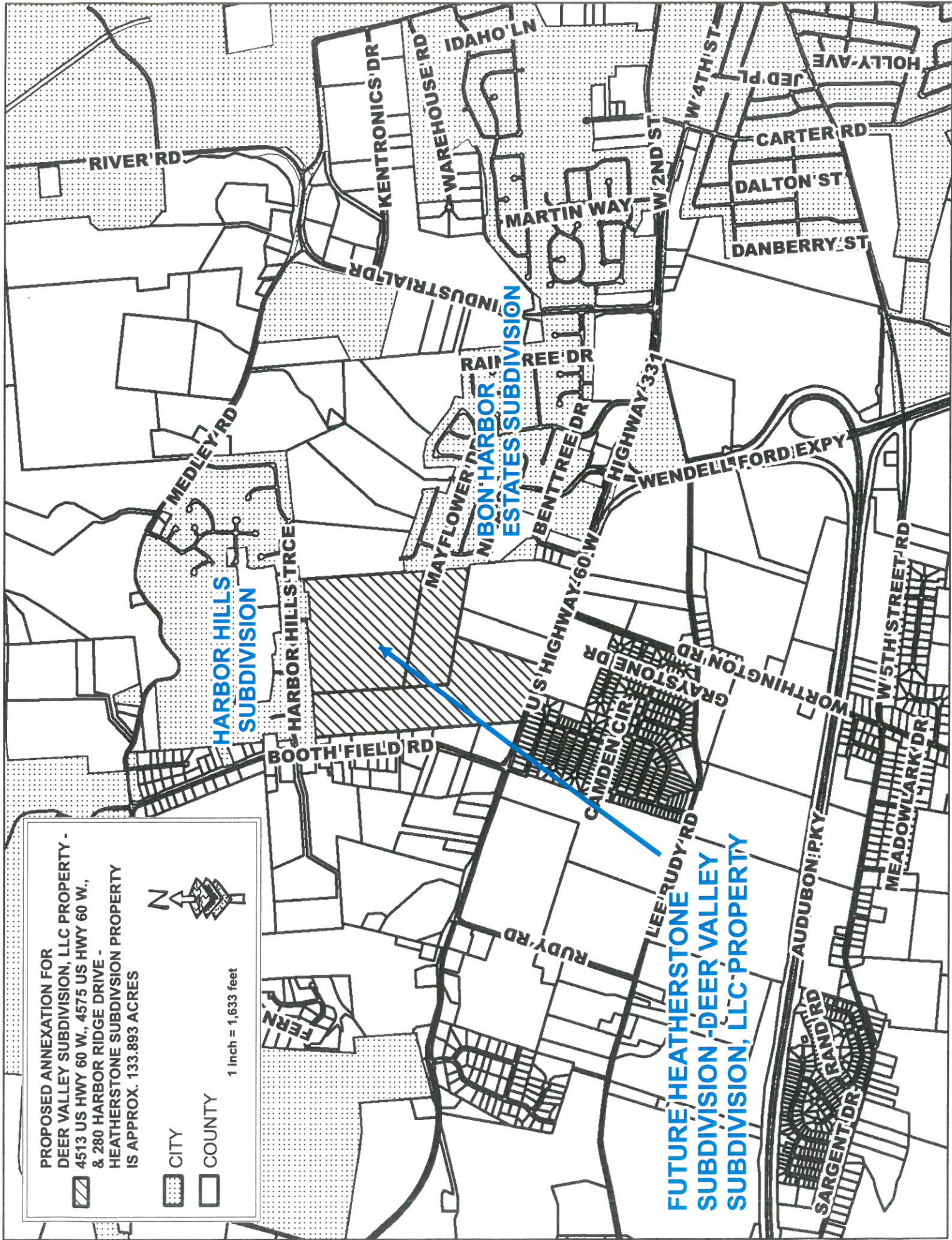
Ordinance Prepared by: ☒ City Staff ☐ Other Preparer ☒ Attachments: Annexation Request Form, Stamped and Signed Annexation Description, Stamped and Signed Annexation Map, Vicinity Map

Summary & Background:

Deer Valley Subdivision, LLC, owner of properties at 4513 US HWY 60 W., 4575 US HWY 60 W., and 280 Harbor Hills Drive and the developer of the future Heatherstone Subdivision on said properties has submitted a signed annexation request and consent form for property along US HWY 60 West.

The proposed annexation of the Deer Valley Subdivision LLC properties consists of property zoned both A-U and R-1C.

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



FUTURE HEATHERSTONE SUBDIVISION-DEER VALLEY SUBDIVISION, LLC PROPERTY

POB COORDINATES

KY SPC SOUTH

N:2,169,696.01

E:1,227,773.80

LINE TABLE		
LINE	BEARING	LENGTH
L1	N 04° 32' 45" W	1,257.30'
L2	N 04° 20' 05" W	486.42'
L3	N 04° 17' 34" W	1,165.76'
L4	N 85° 29' 12" E	100.26'
L5	N 85° 17' 35" E	1,594.39'
L6	S 01° 45' 53" W	50.30'
L7	N 85° 16' 48" E	362.99'
L8	N 04° 42' 08" W	49.92'
L9	N 85° 21' 24" E	188.43'
L10	S 04° 13' 40" E	1,431.40'
L11	S 04° 15' 24" E	924.49'
L12	S 89° 57' 40" W	0.46'
L13	N 79° 00' 18" W	995.58'
L14	N 80° 01' 41" W	10.00'
L15	S 18° 44' 47" W	1,271.00'
L16	N 70° 36' 05" W	834.65'

**PROPOSED ANNEXATION FOR
DEER VALLEY SUBDIVISION, LLC PROPERTY -
4513 US HWY 60 W., 4575 US HWY 60 W.,
& 280 HARBOR RIDGE DRIVE -
HEATHERSTONE SUBDIVISION PROPERTY
IS APPROX. 133.893 ACRES**

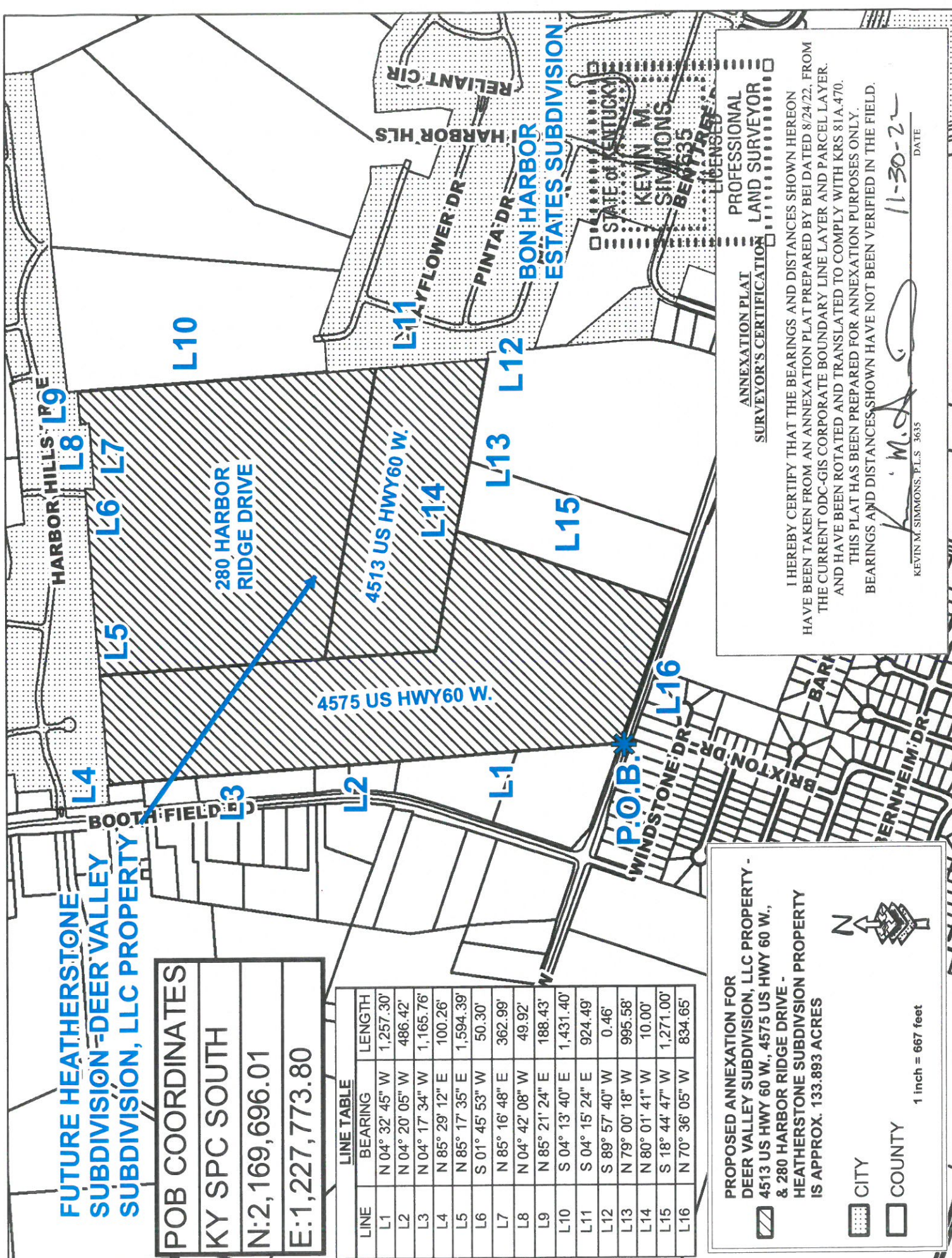


CITY



COUNTY

1 inch = 667 feet



ANNEXATION PLAT
SURVEYOR'S CERTIFICATION

PROFESSIONAL
LAND SURVEYOR

I HEREBY CERTIFY THAT THE BEARINGS AND DISTANCES SHOWN HEREON
HAVE BEEN TAKEN FROM AN ANNEXATION PLAT PREPARED BY BEI DATED 8/24/22, 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

11-30-22
DATE


ANNEXATION DESCRIPTION

Heatherstone Subdivision: 133.893 ACRES

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Kevin M. Simmons, PLS 3635 Date 9-7-22



CITY OF OWENSBORO

---ANNEXATION REQUEST FORM---

1. LOCATION OF PROPERTY TO BE ANNEXED:

DEER VALLEY SUBDIVISION, LLC PROPERTY (4513 US HWY 60 W. -
PVA MAP # 038-00-00-012-01-00, 4575 US HWY 60 W. - PVA MAP # 038-00-00-
006-00-000, & 280 HARBOR HILLS DRIVE - PVA MAP # 038-00-00-012-00-
000) - HEATHERSTONE SUBDIVISION PROPERTY

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

SEE ATTACHED MAP & DESCRIPTION

B. SOURCE OF TITLE:

DEED BOOK 1069 PAGE 867

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

R-1C and A-U

4. ACREAGE FEES: N/A

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

DEER VALLEY SUBDIVISION LLC

3624 WATHEN CROSSING OWENSBORO, KY 42301

6. PHONE NO: 270-684-0639

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 4575 US HWY 60 West-280 Harbor Hill Dr. 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

12 day of December, 2022 .

Witness:



J Scott Jagoe

Sign & Print Name

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


Signature

Deer Valley Subdivision LLC

Print Name

William R Jagoe IV Member