

ORDINANCE 02-2023

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 3805 WEST FIFTH STREET ROAD CONTAINING A TOTAL OF 114.245 ACRES, MORE OR LESS, AT THE REQUEST OF BIG RIVERS ELECTRIC CORPORATION.

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:

Big Rivers Electric Corp. Annexation: 114.245 ACRES
3805 West Fifth Street Road

A tract of land owned by Big Rivers Electric Corp. containing 114.245 Acres located at 3805 West Fifth Street Road on the west side of Owensboro, Daviess County, Kentucky more particularly described as follows:

Beginning at a point in the south right-of-way line of West Second Street, said point having a Kentucky State Plane South Coordinate N:2167720.88, E:1232884.00, said point being in the Current City Limit Line; thence following the south right-of-way line of West Second Street and the Current City Limit line as follows: N 76°19'09" E, 25.53 feet to a point; thence S 75°11'43" E, 74.97 feet to a point; thence N 89°25'33" E, 251.81 feet to a point; thence S 88°02'06" E, 579.98 feet to a point being a corner to Thomas Osborne (D.B. 548, Pg. 646); thence leaving the south right-of-way line of West Second Street and the

Current City Limit Line and following the New City Limit Line and the line of Osborne S 17°41'42" E, 147.86 feet to a point; thence continuing with the New City Limit Line and the line of Osborne and others S 71°30'57" E, 528.16 feet to a point being a corner to Donna R. Clark (D.B. 1062, Pg. 104); thence with the line of Clark and the New City Limit Line S 14°59'58" W, 2868.93 feet to a point in the north right-of-way line of West Fifth Street Road, said point being in the Current City Limit Line; thence following the north right-of-way line of West Fifth Street Road and the Current City Limit Line S 74°20'19" W, 21.37 feet to a point being a corner of Audubon Loans I, LLC (D.B. 1018, Pg. 127); thence leaving the north right-of-way line of West Fifth Street Road and the Current City Limit Line and following the New City Limit Line and the lines of Audubon Loans I, LLC as follows: N 16°26'50" E, 37.52 feet to a point; thence S 89°44'22" W, 84.20 feet to a point; thence S 00°38'01" W, 47.30 feet to a point being a corner of the City of Owensboro (D.B. 684, Pg. 231); thence following the lines of the City of Owensboro and the New City Limit Line as follows: N 87°45'50" W, 608.05 feet to a point; thence N 87°52'56" W, 385.35 feet to a point; thence N 52°46'20" W, 45.29 feet to a point; thence N 76°08'45" W, 45.29 feet to a point; thence S 80°28'50" W, 45.29 feet to a point; thence S 57°06'25" W, 45.29 feet to a point; thence N 87°44'12" W, 106.23 feet to a point; thence N 25°50'44" W, 314.86 feet to a point in the east right-of-way line of the U.S. Hwy. 60/Audubon Parkway Ramp; thence following the east right-of-way line of the U.S. Hwy. 60/Audubon Parkway Ramp and the New City Limit Line as follows: N 59°53'14" E, 114.33 feet to a point; thence N 53°28'03" E, 102.39 feet to a point; thence N 43°06'30" E, 103.55 feet to a point; thence N 34°26'25" E, 106.48 feet to a point; thence N 24°52'05" E, 105.27 feet to a point; thence N 15°27'35" E, 104.09 feet to a point; thence N 06°12'37" E, 105.51 feet to a point; thence N 03°32'26" W, 103.54 feet to a point; thence N 12°36'47" W, 95.36 feet to a point; thence N 21°22'25" W, 105.51 feet to a point; thence N 30°00'40" W, 84.35 feet to a point; thence N 39°27'00" W, 88.44 feet to a point being a corner to the City of Owensboro (D.B. 684, Pg. 231); thence following the lines of the City of Owensboro and the New City Limit Line as follows: N 50°31'38" E, 30.09 feet to a point; thence N 39°37'19" W, 24.23 feet to a point; thence N 56°49'33" W, 201.16 feet to a point; thence N 57°21'07" W, 236.42 feet to a point; thence N 55°35'22" W, 116.10 feet to a point; thence N 52°21'04" W, 112.96 feet to a point; thence N 44°47'30" W, 101.67 feet to a point; thence N 31°14'01" W, 175.57 feet to a point; thence N 13°16'01" E, 58.49 feet to a point; thence N 12°29'30" W, 78.32 feet to a point; thence N 16°32'45" W, 23.86 feet to a point being a corner to C T C Investments, LLC (D.B. 704, Pg. 850); thence following the lines of C T C Investments, LLC and the New City Limit Line as follows: S 88°04'18" E, 941.40 feet to a point; thence N 16°44'14" E, 1065.55 feet to the point of beginning containing 114.245 Acres as shown on an annexation plat prepared by the City of Owensboro's Engineering Department dated 12-08-2022.

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 a field survey performed by BEI and complies with KRS 81A.470.

Section 3. That the territory annexed herein is currently zoned as I-1, Light Industrial, 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 02-2023, 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 BIG RIVERS ELECTRIC CORPORATION
PROPERTY AT 3805 WEST 5TH STREET ROAD**

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:

Big Rivers Electric Corporation, owner of property at 3805 W. 5th Street Road has submitted a signed annexation request and consent form.

The proposed annexation of 3805 W. 5th Street Road is 114.245 acres and identified as PVA Parcel Map No. 047-00-00-003-00-000 and the property is zoned I-1.

There will be an Annexation Incentive Agreement for this property between the City of Owensboro and Big Rivers Electric Corporation.

CITY OF OWENSBORO

----ANNEXATION REQUEST FORM----

1. LOCATION OF PROPERTY TO BE ANNEXED:

BIG RIVERS ELECTRIC CORPORATION PROPERTY - 3805 WEST 5TH STREET ROAD

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

SEE ATTACHED MAP & DESCRIPTION

B. SOURCE OF TITLE:

DEED BOOK 1056 PAGE 526

PLAT BOOK 46 PAGE 27

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

I -1

4. ACREAGE FEES: N/A

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

BIG RIVERS ELECTRIC CORPORATION

201 THIRD STREET HENDERSON KY 42420

6. PHONE NO:

270-827-4821


CONSENT AND WAIVER OF STATUTORY RIGHTS

I (We) solemnly swear and affirm that I am (we are) the fee simple record

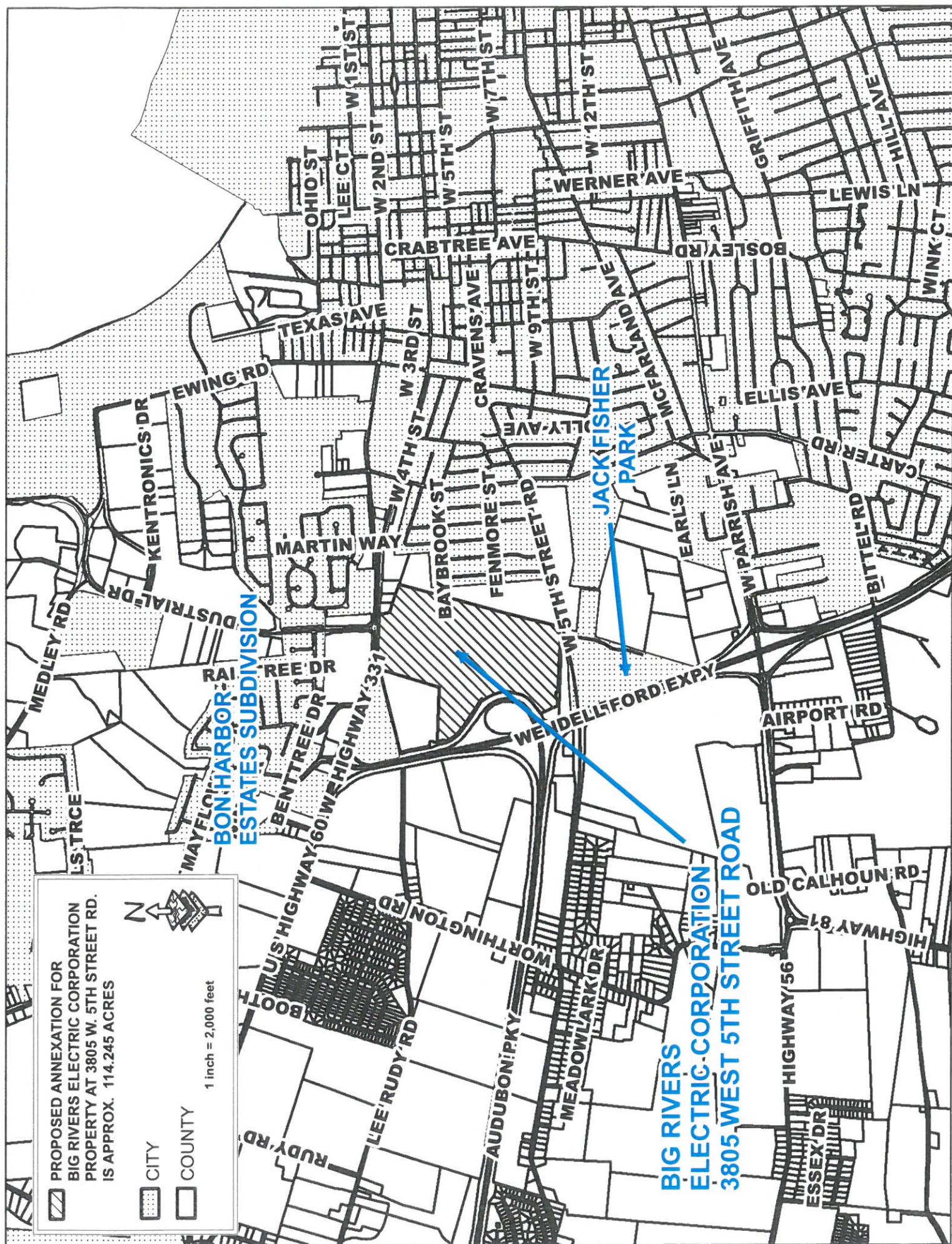
owner(s) of property located at Industrial Dr (TBD) in
Daviess County, Kentucky. I (We) hereby request, and consent to,
annexation of the property more particularly described hereinabove. I (We)
further acknowledge and agree, that by executing this instrument, I (We)
knowingly and voluntarily waive those rights otherwise afforded me (us) by
KRS 81A. 420 and 81A.425, as authorized in KRS 81A.412, on this the
14th day of December, 20 22.

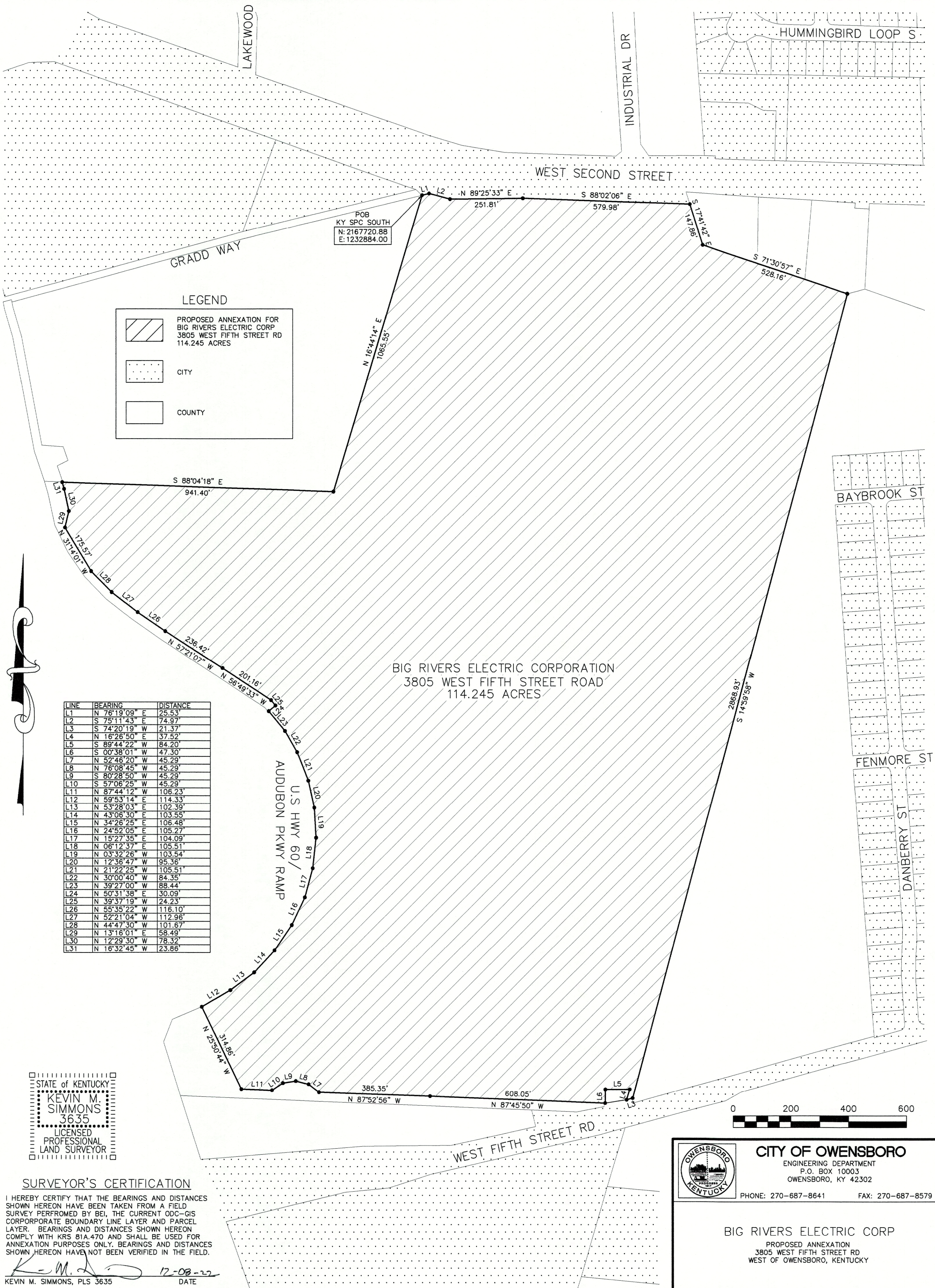
Witness:  Dana L Frederick
Sign & Print Name

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


Signature

Print Name
Robert F Toerne





LINE	BEARING	DISTANCE
L1	N 76°19'09" E	25.53'
L2	S 75°11'43" E	74.97'
L3	S 74°20'19" W	21.37'
L4	N 16°26'50" E	37.52'
L5	S 89°44'22" W	84.20'
L6	S 00°38'01" W	47.30'
L7	N 52°46'20" W	45.29'
L8	N 76°08'45" W	45.29'
L9	S 80°28'50" W	45.29'
L10	S 57°06'25" W	45.29'
L11	N 87°44'12" W	106.23'
L12	N 59°53'14" E	114.33'
L13	N 53°28'03" E	102.39'
L14	N 43°06'30" E	103.55'
L15	N 34°26'25" E	106.48'
L16	N 24°52'05" E	105.27'
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L22	N 30°00'40" W	84.35'
L23	N 39°27'00" W	88.44'
L24	N 50°31'38" E	30.09'
L25	N 39°37'19" W	24.23'
L26	N 55°35'22" W	116.10'
L27	N 52°21'04" W	112.96'
L28	N 44°47'30" W	101.67'
L29	N 13°16'01" E	58.49'
L30	N 12°29'30" W	78.32'
L31	N 16°32'45" W	23.86'

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

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE BEARINGS AND DISTANCES SHOWN HEREON HAVE BEEN TAKEN FROM A FIELD SURVEY PERFORMED BY ME, THE CURRENT ODC-GIS CORPORATE BOUNDARY LINE LAYER AND PARCEL LAYER. BEARINGS AND DISTANCES SHOWN HEREON COMPLY WITH KRS 81A.470 AND SHALL BE USED FOR ANNEXATION PURPOSES ONLY. BEARINGS AND DISTANCES SHOWN HEREON HAVE NOT BEEN VERIFIED IN THE FIELD.

KEVIN M. SIMMONS, PLS 3635
DATE 12-08-22



CITY OF OWENSBORO
ENGINEERING DEPARTMENT
P.O. BOX 10003
OWENSBORO, KY 42302

PHONE: 270-687-8641 FAX: 270-687-8579

BIG RIVERS ELECTRIC CORP
PROPOSED ANNEXATION
3805 WEST FIFTH STREET RD
WEST OF OWENSBORO, KENTUCKY

ANNEXATION DESCRIPTION

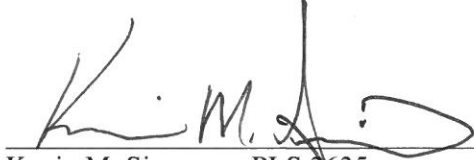
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 12-8-22
Kevin M. Simmons, PLS 3635 Date

