

ORDINANCE 27-2023

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 2808 WEST PARRISH AVENUE CONTAINING 17.253 ACRES, MORE OR LESS, AT THE REQUEST OF THE T.C. OSBORNE ESTATE.

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) The T.C. Osborne Estate made a request for annexation of their property, the property is contiguous to the existing city boundary, and the City has provided written notice to Daviess County Fiscal Court at least forty-five (45) days prior to the enactment of this ordinance.

(4) Annexing this parcel of land would directly facilitate the delivery of new or substantially improved services that cannot be provided by the City, or any subunit of the City, absent annexation, or the lack of annexation will result in the substantial loss of services.

(5) 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. The Board further finds that no part of the area to be annexed is presently within the boundary of any other incorporated city.

(6) That the fee simple owners of record of the territory to be annexed have previously consented in writing to the annexation proposed, and have otherwise waived all rights under KRS 81A.412, 81A.420 and 81A.425, which consents and waivers are 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:

2808 West Parrish Avenue

A tract of land known as 2808 West Parrish Avenue containing 17.253 Acres located on the west side of Owensboro, Daviess County, Kentucky more particularly described as follows:

Beginning at a point in the west right-of-way line of Carter Road and in the north line of the Jack Fentress Subdivision, said point having a Kentucky State Plane South Zone Coordinate N:2160569.59, E:1236767.17 and being in the Current City Limit Line; thence following the north line of the Jack Fentress Subdivision and the Current City Limit Line S 75°36'39" W, 579.57 feet to a point in the east right-of-way line of Dallas Avenue, said point being in the Current City Limit Line; thence following the east right-of-way line of Dallas Avenue and the Current City Limit Line N 09°27'58" W, 300.08 feet to a point in the intersection of the north right-of-way line of North York Street and the southeast corner of Villa Point Properties, LLC; thence leaving the Current City Limit Line and following the New City Limit Line and the east line of Villa Point Properties, LLC N 09°27'58" W, 102.32 feet to a point being the southwest corner of Moonlite Bar-B-Que Inn, Inc., said point also being in the Current City Limit Line; thence following the lines of Moonlit Bar-B-Que Inn, Inc. and the Current City Limit Line as follows: N 78°03'19" E, 169.81 feet to a point; thence N 09°28'41" W, 678.17 feet to a point being the southwest corner of Dipper Land LLC; thence following the lines of Dipper Land LLC and the New City Limit Line as follows: N 80°14'19" E, 120.31 feet to a point; thence N 01°45'41" W, 246.91 feet to a point; thence S 77°09'19" W, 25.30 feet to a point; thence N 09°28'41" W, 2.00 feet to a point in the south right-of-way line of West Parrish Avenue, said point being in the Current City Limit Line; thence following the south right-of-way line of West Parrish Avenue and the Current City Limit Line N 77°09'19" E, 292.28 feet to a point being the northwest corner of McDonalds Corp 16/126, said point also being in the Current City Limit Line; thence following the lines of McDonalds Corp 16/126 and the Current City Limit Lines as follows: S 01°45'41" E, 300.00 feet to a point; thence N 77°50'19" E, 175.00 feet to a point being the southwest corner of Sonlight Investments, Inc.; thence leaving the Current City Limit Line and following the New City Limit Line and the south line of Sonlight Investments, Inc. N 77°50'19" E, 184.95 feet to a point in the west right-of-way line of Carter Road; thence following the west right-of-way line of Carter Road and the New City Limit Line S 01°43'24" E, 87.57 feet to a point being in the Current City Limit Line and being the northeast corner of De Maxx Partnership of KY LLC; thence following the lines of De Maxx Partnership of KY LLC and the Current City Limit Lines as follows: S 77°50'19" W, 189.35 feet to a point; thence S 01°45'41" E, 100.00 feet to a point; thence N 77°50'19" E, 164.64 feet to a point in the west right-of-way line of Carter Road; thence leaving the Current City Limit Line and following the New City Limit Line and the west right-of-way lines of Carter Road as follows: S 01°43'24" E, 275.70 feet to a point; thence S 02°32'04" W, 161.25 feet to a point; thence S 25°33'06" W, 87.91 feet to a point; thence S 14°17'27" W, 110.99 feet to a point; thence S 17°17'28" W, 256.82 feet to the point of beginning containing 17.253 Acres as shown on an annexation plat prepared by the City of Owensboro dated 5/11/2023.

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 from deeds found in Deed Book 138, Pg. 458, Deed Book 686, Pg. 186 and a plat found in Plat Book 47, Pg. 161 in the office of the Daviess County Clerk. Bearings and distances have been rotated and translated to comply with KRS 81A.470.

Section 3. That the territory annexed herein is currently zoned as B-4 General Business, as illustrated by the zoning map 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 7th day of November, 2023.

PUBLICLY READ AND APPROVED ON SECOND READING, this the 21st day of November, 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 November 21, 2023, the original of which is on file in the Office of the City Clerk, this the 21st day of November, 2023.

Beth Davis, City Clerk

CITY OF OWENSBORO

COMMISSION MEETING DATE: 6/6/2023

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

- **TITLE: PROPOSED ANNEXATION FOR T.C. OSBORNE ESTATE PROPERTY AT 2808 WEST PARRISH AVENUE**

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:

T.C. Osborne Estate, owners of said property has submitted a signed annexation request forms for property at 2808 West Parrish Avenue.

The proposed annexation for property at 2808 West Parrish Avenue is identified as PVA Parcel Map No. 047-00-00-037-00-000 totals 17.253 acres and is zoned B-4.

There will not be an Annexation Incentive Agreement for this property between the City of Owensboro and the T.C. Osborne Estate.

ANNEXATION DESCRIPTION


2808 West Parrish Avenue: 17.253 ACRES

A tract of land known as 2808 West Parrish Avenue containing 17.253 Acres located on the west side of Owensboro, Daviess County, Kentucky more particularly described as follows:

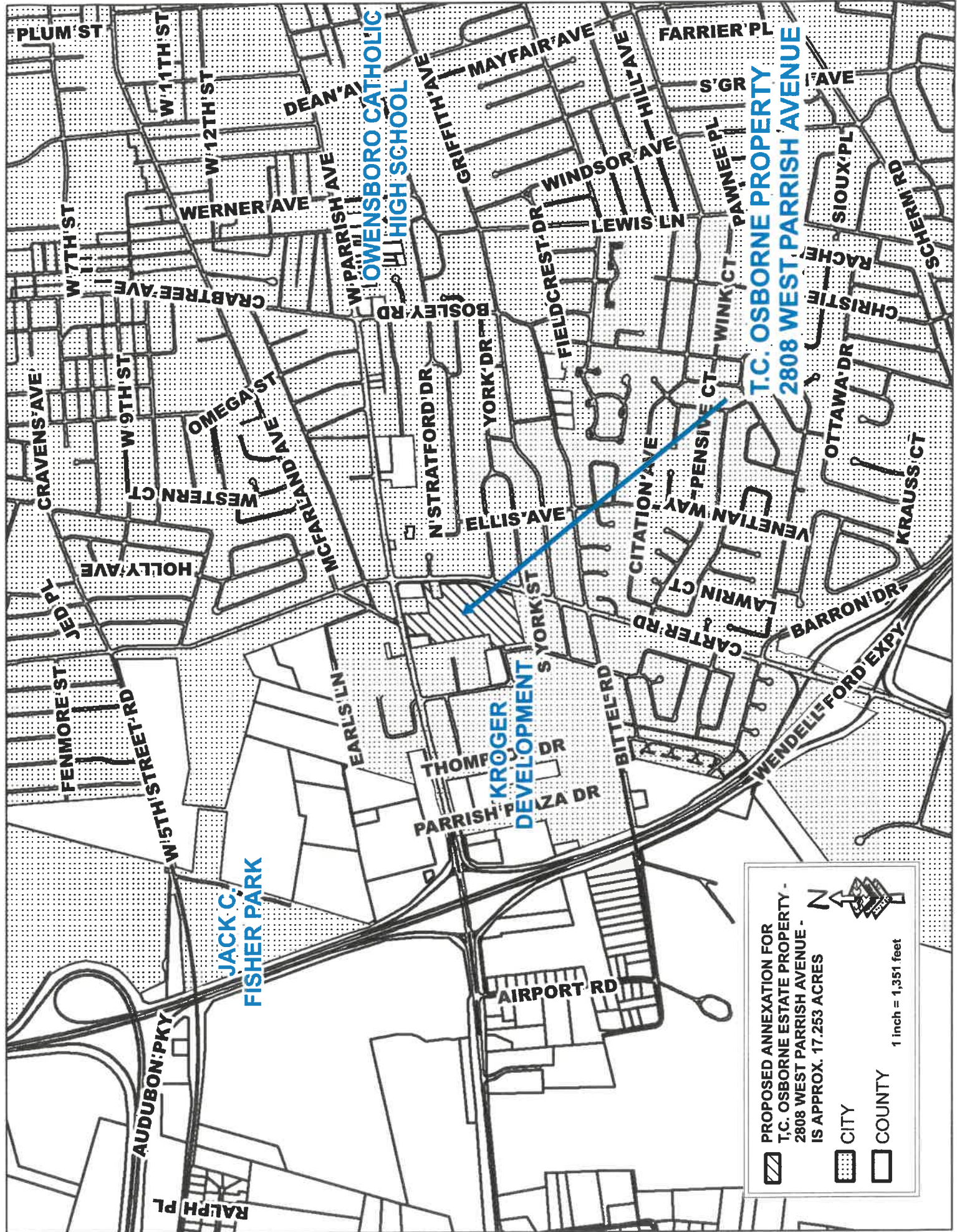
Beginning at a point in the west right-of-way line of Carter Road and in the north line of the Jack Fentress Subdivision, said point having a Kentucky State Plane South Zone Coordinate N:2160569.59, E:1236767.17 and being in the Current City Limit Line; thence following the north line of the Jack Fentress Subdivision and the Current City Limit Line S 75°36'39" W, 579.57 feet to a point in the east right-of-way line of Dallas Avenue, said point being in the Current City Limit Line; thence following the east right-of-way line of Dallas Avenue and the Current City Limit Line N 09°27'58" W, 300.08 feet to a point in the intersection of the north right-of-way line of North York Street and the southeast corner of Villa Point Properties, LLC; thence leaving the Current City Limit Line and following the New City Limit Line and the east line of Villa Point Properties, LLC N 09°27'58" W, 102.32 feet to a point being the southwest corner of Moonlite Bar-B-Que Inn, Inc., said point also being in the Current City Limit Line; thence following the lines of Moonlit Bar-B-Que Inn, Inc. and the Current City Limit Line as follows: N 78°03'19" E, 169.81 feet to a point; thence N 09°28'41" W, 678.17 feet to a point being the southwest corner of Dipper Land LLC; thence following the lines of Dipper Land LLC and the New City Limit Line as follows: N 80°14'19" E, 120.31 feet to a point; thence N 01°45'41" W, 246.91 feet to a point; thence S 77°09'19" W, 25.30 feet to a point; thence N 09°28'41" W, 2.00 feet to a point in the south right-of-way line of West Parrish Avenue, said point being in the Current City Limit Line; thence following the south right-of-way line of West Parrish Avenue and the Current City Limit Line N 77°09'19" E, 292.28 feet to a point being the northwest corner of McDonalds Corp 16/126, said point also being in the Current City Limit Line; thence following the lines of McDonalds Corp 16/126 and the Current City Limit Lines as follows: S 01°45'41" E, 300.00 feet to a point; thence N 77°50'19" E, 175.00 feet to a point being the southwest corner of Sonlight Investments, Inc.; thence leaving the Current City Limit Line and following the New City Limit Line and the south line of Sonlight Investments, Inc. N 77°50'19" E, 184.95 feet to a point in the west right-of-way line of Carter Road; thence following the west right-of-way line of Carter Road and the New City Limit Line S 01°43'24" E, 87.57 feet to a point being in the Current City Limit Line and being the northeast corner of De Maxx Partnership of KY LLC; thence following the lines of De Maxx Partnership of KY LLC and the Current City Limit Lines as follows: S 77°50'19" W, 189.35 feet to a point; thence S 01°45'41" E, 100.00 feet to a point; thence N 77°50'19" E, 164.64 feet to a point in the west right-of-way line of Carter Road; thence leaving the Current City Limit Line and following the New City Limit Line and the west right-of-way lines of Carter Road as follows: S 01°43'24" E, 275.70 feet to a point; thence S 02°32'04" W, 161.25 feet to a point; thence S 25°33'06" W, 87.91 feet to a point; thence S 14°17'27" W, 110.99 feet to a point; thence S 17°17'28" W, 256.82 feet to the point of

beginning containing 17.253 Acres as shown on an annexation plat prepared by the City of Owensboro dated 5/11/2023.

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 from deeds found in Deed Book 138, Pg. 458, Deed Book 686, Pg. 186 and a plat found in Plat Book 47, Pg. 161 in the office of the Daviess County Clerk. Bearings and distances have been rotated and translated to comply with KRS 81A.470.

 5-11-23
Kevin M. Simmons, PLS 3635 Date





PROPOSED ANNEXATION FOR
T.C. OSBORNE ESTATE PROPERTY -
2808 WEST PARRISH AVENUE -
IS APPROX. 17.253 ACRES

CITY

COUNTY

1 inch = 1,351 feet

POB COORDINATES
 KY SPC SOUTH
 N:2160569.59
 E:1236767.17

PROPOSED ANNEXATION FOR
 T.C. OSBORNE ESTATE PROPERTY -
 2808 WEST PARRISH AVENUE -
 IS APPROX. 17.253 ACRES

CITY _____ COUNTY _____

1 inch = 200 feet



LINE TABLE		
LINE	BEARING	LENGTH
L1	S 75° 36' 39" W	579.57'
L2	N 09° 27' 58" W	300.08'
L3	N 09° 27' 58" W	102.32'
L4	N 78° 03' 19" E	169.81'
L5	N 09° 28' 41" W	678.17'
L6	N 80° 14' 19" E	120.31'
L7	N 01° 45' 41" W	246.91'
L8	S 77° 09' 19" W	25.30'
L9	N 09° 28' 41" W	2.00'
L10	N 77° 09' 19" E	292.28'
L11	S 01° 45' 41" E	300.00'
L12	N 77° 50' 19" E	175.00'
L13	N 77° 50' 19" E	184.95'
L14	S 01° 43' 24" E	87.57'
L15	S 77° 50' 19" W	189.35'
L16	S 01° 45' 41" E	100.00'
L17	N 77° 50' 19" E	164.64'
L18	S 01° 43' 24" E	275.70'
L19	S 02° 32' 04" W	161.25'
L20	S 25° 33' 06" W	87.91'
L21	S 14° 17' 27" W	110.99'
L22	S 17° 17' 28" W	256.82'

L14
 RICHBROOKE TRCE

L18

L19

L20

L21

L22

P.O.B.

CARTER RD

L1

DALLAS AVE

T.C. OSBORNE PROPERTY
 2808 WEST PARRISH AVENUE

STATE OF KENTUCKY
 KEVIN M. SIMMONS
 LICENSED PROFESSIONAL
 LAND SURVEYOR
 3685

N.YORK

ANNEXATION PLAT
 SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE BEARINGS AND DISTANCES SHOWN HEREON
 HAVE BEEN TAKEN FROM DEED BOOK 138 AT PAGE 458, DEED BOOK 686 AT PAGE 186,
 PLAT BOOK 47 PAGE 161 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.

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

5-11-23
 DATE

CITY OF OWENSBORO ANNEXATION REQUEST FORM

1. LOCATION OF PROPERTY TO BE ANNEXED (“PROPERTY”):

2808 Parrish Avenue West (PVA Map No. 047-00-00-037-00-000)

2. A. LEGAL DESCRIPTION OF PROPERTY:

17.253 acres—see attached

B. SOURCE OF TITLE:

Deed Book 138, Page 458; (see also attached)

Plat Book 15, Page 82; Plat Book 47, Page 161

3. ZONING CLASSIFICATION OF PROPERTY (ATTACH ZONING MAP):

B-4

4. ACREAGE FEES: N/A

5. NAMES AND ADDRESS(ES) OF RECORD OWNER(S) OF PROPERTY:

Joel David Osborne Irrevocable Trust, Daniel Osborne, Trustee
1421 Triplett Street, Owensboro, KY 42303

Nancy T. Wilson
2828 Hillside Drive, Owensboro, KY 42301

Bonnie T. Hayden and Mark Hayden
1410 Parkview Drive, Owensboro, KY 42301

James S. Tong and Vanessa Tong
10433 KY 144, Philpot, KY 42366

Mariann Hamzeh and Ali Hamzeh
1615 N. Sylvania, Ft. Worth, TX 76111

Brenda K. Sanders and Michael Sanders
P.O. Box 134, Oaktown, IN 47561

Charles W. Osborne Revocable Living Trust d: Sept. 14, 2000, Mary O. Clark, Successor Trustee
1530 Daniels Lane, Owensboro, KY 42303

Decedent’s Trust of the Thomas D. Osborne Living Trust d: May 29, 2003, Jean C. Osborne, Trustee
2718 Eastside Street, Santa Ana, CA 92704
George E. Osborne Testamentary Trust, Robert N. Osborne and Mark E. Osborne, Co-Trustees
3201 Hwy 554, Owensboro, KY 42301

Patricia Osborne
3201 Hwy 554, Owensboro, KY 42301

Marilyn N. Osborne
1405 E. 4th Street, Owensboro, KY 42303

Daniel Joseph Osborne
1421 Triplett Street, Owensboro, KY 42303

6. PHONE NUMBER: _____

6. PHONE NUMBER: _____

CONSENT AND WAIVER OF STATUTORY RIGHTS
(Attach additional sheets if necessary)

I solemnly swear and affirm that I am the fee simple record owner of property located at 2808 Parrish Avenue West in Daviess County, Kentucky (the "Property"). I hereby request and consent to annexation of the Property, and affirm that annexation of the Property would directly facilitate the delivery of new or substantially improved services that cannot be provided by the city, or any subunit of the city, absent annexation, and that the lack of annexation will result in the substantial loss of services. I further acknowledge and agree that by executing this instrument, I knowingly and voluntarily waive those rights otherwise afforded me by KRS 81A.420 and 81A.425, as authorized in KRS81A.412, on this the 27 day of July, 2023.

Signature of Record Owner of Property:

Signature

Printed Name

Nancy T. Wilson

Signature

Nancy T. Wilson

Printed Name

Witness of Property Owner Signature:

[Handwritten Signature]

Signature

John Adrian Gonzalez

Printed Name

6. PHONE NUMBER: _____

CONSENT AND WAIVER OF STATUTORY RIGHTS
(Attach additional sheets if necessary)

I solemnly swear and affirm that I am the fee simple record owner of property located at 2808 Parrish Avenue West in Daviess County, Kentucky (the "Property"). I hereby request and consent to annexation of the Property, and affirm that annexation of the Property would directly facilitate the delivery of new or substantially improved services that cannot be provided by the city, or any subunit of the city, absent annexation, and that the lack of annexation will result in the substantial loss of services. I further acknowledge and agree that by executing this instrument, I knowingly and voluntarily waive those rights otherwise afforded me by KRS 81A.420 and 81A.425, as authorized in KRS81A.412, on this the 27 day of July, 2023.

Signature of Record Owner of Property: Vanessa Tong

Signature
VANESSA TONG
Printed Name

Signature
James Tong
Printed Name

Signature
James Tong
Printed Name

Witness of Property Owner Signature:
[Signature]
Signature
John Adrian Gonzalez
Printed Name

Bonnie T Hayden
Mark Hayden
Brenda K Sanders
Michael Sanders
Marwan Hamzich
Ali Hamzich
by James S. Tong POA

6. PHONE NUMBER: _____

CONSENT AND WAIVER OF STATUTORY RIGHTS
(Attach additional sheets if necessary)

I solemnly swear and affirm that I am the fee simple record owner of property located at 2808 Parrish Avenue West in Daviess County, Kentucky (the "Property"). I hereby request and consent to annexation of the Property, and affirm that annexation of the Property would directly facilitate the delivery of new or substantially improved services that cannot be provided by the city, or any subunit of the city, absent annexation, and that the lack of annexation will result in the substantial loss of services. I further acknowledge and agree that by executing this instrument, I knowingly and voluntarily waive those rights otherwise afforded me by KRS 81A.420 and 81A.425, as authorized in KRS81A.412, on this the 27th day of July, 2023.

Signature of Record Owner of Property:

Mary O Clark
Signature

Mary O. Clark
Printed Name, Successor Trustee of the Charles W. Osborne Revocable
Living Trust dated September 14, 2000

Marilyn T. Osborne
Signature

MARILYN T. OSBORNE
Printed Name

Witness of Property Owner Signature:

LAURA WARE Michael
Signature

LAURA WARE Michael
Printed Name

6. PHONE NUMBER: _____

CONSENT AND WAIVER OF STATUTORY RIGHTS
(Attach additional sheets if necessary)

I solemnly swear and affirm that I am the fee simple record owner of property located at 2808 Parrish Avenue West in Daviess County, Kentucky (the "Property"). I hereby request and consent to annexation of the Property, and affirm that annexation of the Property would directly facilitate the delivery of new or substantially improved services that cannot be provided by the city, or any subunit of the city, absent annexation, and that the lack of annexation will result in the substantial loss of services. I further acknowledge and agree that by executing this instrument, I knowingly and voluntarily waive those rights otherwise afforded me by KRS 81A.420 and 81A.425, as authorized in KRS 81A.412, on this the 24th day of July, 2023.

Signature of Record Owner of Property:

Patricia L. Osborne by Mark E. Osborne P.O.A

Signature

Patricia L. Osborne by Mark E. Osborne P.O.A

Printed Name

Mark E. Osborne

Signature

Mark E. Osborne

Printed Name

Witness of Property Owner Signature:

John Adrian Gonzalez

Signature

John Adrian Gonzalez

Printed Name

John Adrian Gonzalez

6. PHONE NUMBER: _____

CONSENT AND WAIVER OF STAUTORY RIGHTS
(Attach additional sheets if necessary)

I solemnly swear and affirm that I am the fee simple record owner of property located at 2808 Parrish Avenue West in Daviess County, Kentucky (the "Property"). I hereby request and consent to annexation of the Property, and affirm that annexation of the Property would directly facilitate the delivery of new or substantially improved services that cannot be provided by the city, or any subunit of the city, absent annexation, and that the lack of annexation will result in the substantial loss of services. I further acknowledge and agree that by executing this instrument, I knowingly and voluntarily waive those rights otherwise afforded me by KRS 81A.420 and 81A.425, as authorized in KRS81A.412, on this the 27th day of July, 2023.

Signature of Record Owner of Property:

Signature *David Osborne*

DANIEL OSBORNE

Printed Name *David Osborne Trustee*

Signature *DANIEL OSBORNE TRUSTEE*

Printed Name, Joel David Osborne Irrevocable Living Trust

Witness of Property Owner Signature:

Laura W. Michael

Signature *LAURA W. MICHAEL*

Printed Name

CR:G

6. PHONE NUMBER: _____

CONSENT AND WAIVER OF STATUTORY RIGHTS
(Attach additional sheets if necessary)

I solemnly swear and affirm that I am the fee simple record owner of property located at 2808 Parrish Avenue West in Daviess County, Kentucky (the "Property"). I hereby request and consent to annexation of the Property, and affirm that annexation of the Property would directly facilitate the delivery of new or substantially improved services that cannot be provided by the city, or any subunit of the city, absent annexation, and that the lack of annexation will result in the substantial loss of services. I further acknowledge and agree that by executing this instrument, I knowingly and voluntarily waive those rights otherwise afforded me by KRS 81A.420 and 81A.425, as authorized in KRS81A.412, on this the 3rd day of August, 2023.

Signature of Record Owner of Property:

Signature

Jean Osborne

Printed Name, Trustee of the Decedent's Trust of the Thomas D. Osborne Living Trust dated May 29, 2003

→

Jean - Osborne

Signature

Printed Name

Witness of Property Owner Signature:

Mary K. Meyers

Signature

Mary K. Meyers

Printed Name

CONSENT AND WAIVER OF STAUTORY RIGHTS

(Attach additional sheets if necessary)

I solemnly swear and affirm that I am the fee simple record owner of property located at 2808 Parrish Avenue West in Daviess County, Kentucky (the "Property"). I hereby request and consent to annexation of the Property, and affirm that annexation of the Property would directly facilitate the delivery of new or substantially improved services that cannot be provided by the city, or any subunit of the city, absent annexation, and that the lack of annexation will result in the substantial loss of services. I further acknowledge and agree that by executing this instrument, I knowingly and voluntarily waive those rights otherwise afforded me by KRS 81A.420 and 81A.425, as authorized in KRS81A.412, on this the 2nd day of August, 2023.

Signature of Record Owner of Property:



Signature

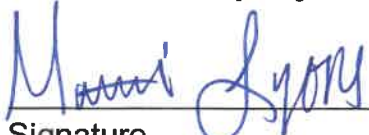
Robert N. Osborne, Successor Co-Trustee of the George E. Osborne Testamentary Trust
(Printed Name)



Signature

Mark E. Osborne, Co-Trustee of the George E. Osborne Testamentary Trust
(Printed Name)

Witness of Property Owner Signature:



Signature

Mattie Lyons

Printed Name