

**ORDINANCE 2-2024**

**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 ADJACENT TO 4359 HARBOR HILLS TRACE (TRACT 1) CONTAINING 0.074 ACRES, MORE OR LESS, AND PROPERTY LOCATED ADJACENT TO 4335 AND 4323 HARBOR HILLS TRACE (TRACT 2) CONTAINING 0.105 ACRES, MORE OR LESS, AT THE REQUEST OF BREKK PROPERTIES, 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) BREKK Properties, LLC, made a request for annexation of its 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) 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.

(5) 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 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.

**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:

**TRACT 1: 0.074 ACRES**

Proposed annexation for a portion of Daviess County PVA parcel #37-03 laying directly behind 4359 Harbor Hills Trace containing 0.074 Acres located on the west side of Owensboro, Daviess County, Kentucky more particularly described as follows:

Beginning at a point being the northwest corner of Lot No. 45, Unit 4, Section 1 of Harbor Hills Subdivision, said point having a Kentucky State Plane South Zone Coordinate N:2173106.17, E:1229414.29, said point being in the Current City Limit Line; thence leaving the Current City Limit Line and following the New City Limit Line as follows: N 04°31'12" W, 40.00 feet to a point; thence N 85°18'22" E, 80.68 feet to a point; thence S 04°41'51" E, 40.00 feet to a point being the northeast corner of Lot No. 45, Unit 4, Section 1 of Harbor Hills Subdivision, said point also being in the Current City Limit Line; thence following the north line of Lot No. 45 and the Current City Limit Line S

85°18'22" W, 80.80 feet to the point of beginning containing 0.074 Acres as shown on an annexation plat prepared by the City of Owensboro dated 12/14/2023.

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 D.B. 913, Pg. 126, D.B. 1075, Pg. 722 and plats found in P.B 44, Pg. 16 and P.B. 37, Pg. 190 in the office of the Daviess County Clerk. Bearings and distances have been rotated and translated to comply with KRS 81A.470.

### **TRACT 2: 0.105 ACRES**

Proposed annexation for a portion of Daviess County PVA parcel #37-03 laying directly behind 4323 and 4335 Harbor Hills Trace containing 0.105 Acres located on the west side of Owensboro, Daviess County, Kentucky more particularly described as follows:

Beginning at a point being the northwest corner of Lot No. 43, Unit 5, Section 1 of Harbor Hills Subdivision, said point having a Kentucky State Plane South Zone Coordinate N:2173119.37, E:1229574.53, said point also being in the Current City Limit Line; thence leaving the Current City Limit Line and following the New City Limit Line as follows: N 04°37'54" W, 40.00 feet to a point; thence N 85°13'22" E, 80.09 feet to a point; thence S 04°38'15" E, 20.00 feet to a point; thence N 85°09'55" E, 68.42 feet to a point; thence S 09°03'10" E, 20.05 feet to a point being in the north line of Lot No. 42, Unit 5, Section 1 of Harbor Hills Subdivision, said point also being in the Current City Limit Line; thence following the north lines of Lot No. 42 & 43 and the Current City Limit Line as follows: S 85°09'55" W, 69.97 feet to a point; thence S 85°13'21" W, 80.10 feet to the point of beginning containing 0.105 acres as shown on an annexation plat prepared by the City of Owensboro dated 12/14/2023.

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 D.B. 913, Pg. 126, D.B. 952, Pg. 770, D.B. 1031, Pg. 217 and plats found in P.B 44, Pg. 16 and P.B. 37, Pg. 220 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 A-U Urban Agriculture, 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 16th day of January, 2024.

**PUBLICLY READ AND APPROVED ON SECOND READING**, this the 6th day of February, 2024.

\_\_\_\_\_  
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 2-2024, duly adopted by the Owensboro Board of Commissioners on February 6, 2024, the original of which is on file in the Office of the City Clerk, this the 6th day of February, 2024.

\_\_\_\_\_  
Beth Davis, City Clerk

**CITY OF OWENSBORO**

**COMMISSION MEETING DATE: 1/16/2024**

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

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- **TITLE: PROPOSED ANNEXATION FOR BREKK PROPERTIES, LLC PROPERTY AT HARBOR CREST COVE (PVA PARCEL MAP # 037-00-00-003-00-000)**

**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:**

**Bradley J. Wimsatt with BREKK Properties, LLC, owner of said property has submitted a signed annexation request forms for property at Harbor Crest Cove.**

**The proposed annexation is for two tracts of property being divided off of a larger property at the end of Harbor Crest Cove is identified as PVA Parcel Map No. 037-00-00-003-00-000, the two tracts total 0.179 acres (Tract 1 is 0.074 Acres and Tract 2 is 0.105) and are zoned A-U.**

**These tracts are then intended to be sold to adjacent property owners within the Harbor Hills Subdivision that are currently within the City Boundary at 4359 Harbor Hills Trace, 4335 Harbor Hills Trace, and 4323 Harbor Hills Trace. This annexation is necessary so that these tracts can be consolidated to the Harbor Hills Drive properties.**

**There will not be an Annexation Incentive Agreement for this property between the City of Owensboro and the owner BREKK Properties, LLC.**

CITY OF OWENSBORO

----ANNEXATION REQUEST FORM----

**1. LOCATION OF PROPERTY TO BE ANNEXED:**

A portion of PVA parcel 37-03 behind 4323,4335  
and 4359 Harbor Hills Trace

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

Attached

**B. SOURCE OF TITLE:**

D.B. 913, Pg. 126

P.B. 44, Pg. 16

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

A-U

**4. ACREAGE FEES:** N/A

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

BREKK Properties, LLC  
1744 River Road, Owensboro KY 42301

**6. PHONE NO:** 270-929-5677

**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 A portion of PVA parcel #37-03 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

14<sup>th</sup> day of December, 20 23.

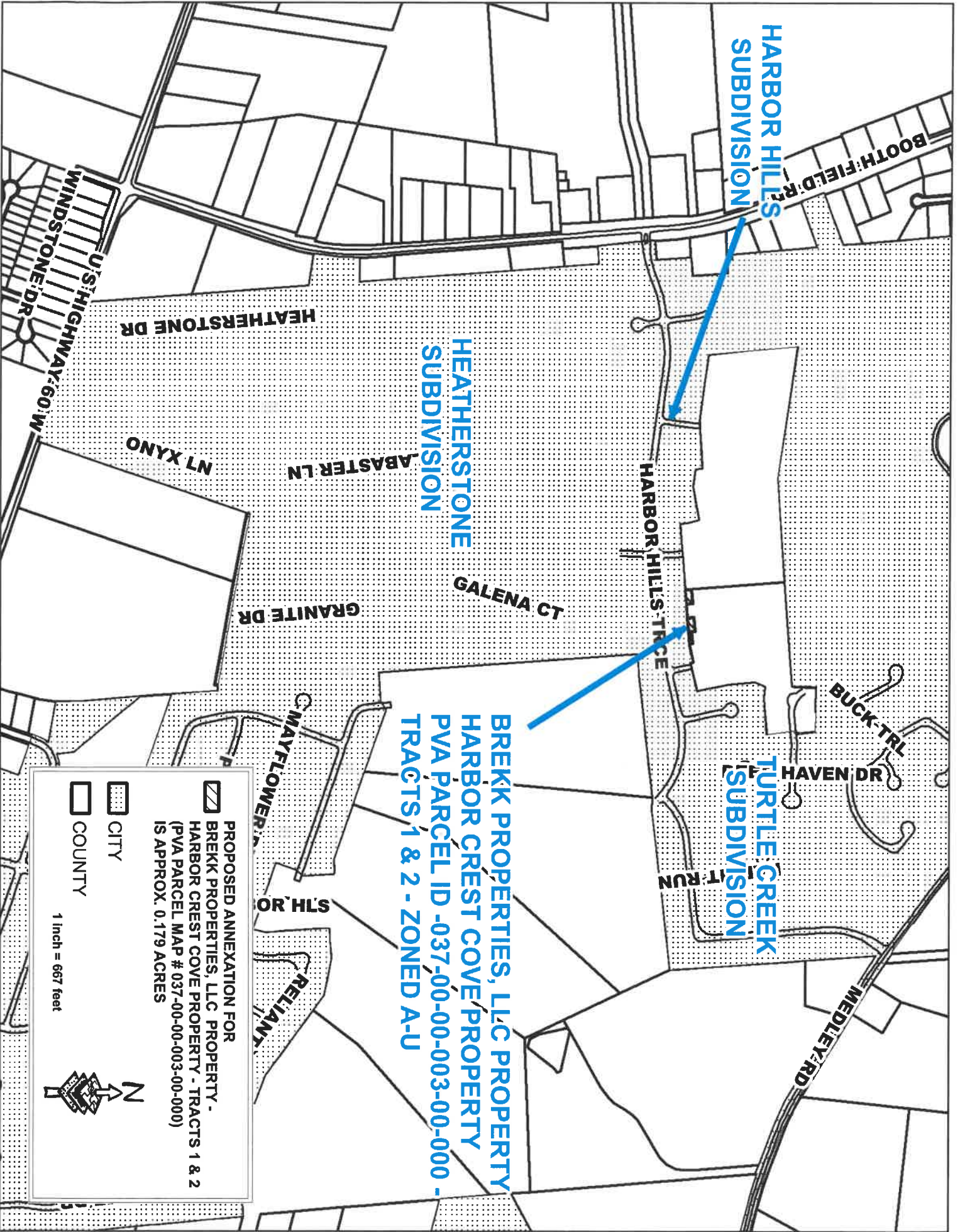
Witness: Kim Simmons, Kevin M. Simmons  
Sign & Print Name

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

Bradley J. Wimsatt  
Signature

Bradley J Wimsatt  
Print Name

\_\_\_\_\_  
\_\_\_\_\_



**HARBOR HILLS  
SUBDIVISION**

**HEATHERSTONE  
SUBDIVISION**

**TURTLE CREEK  
SUBDIVISION**

**BREKK PROPERTIES, LLC PROPERTY  
HARBOR CREST COVE PROPERTY  
PVA PARCEL ID -037-00-00-003-00-000 -  
TRACTS 1 & 2 - ZONED A-U**

WINDSTONE DR  
U.S. HIGHWAY 60 W

HEATHERSTONE DR

NT XANO LN

ABASTER LN

GRANITE DR

GAENA CT

HARBOR HILLS TRCE

BUCK TRL

HAVEN DR

MEDLEY RD

MAYFLOWER

OR HL'S

RELIANT

**PROPOSED ANNEXATION FOR**

- BREKK PROPERTIES, LLC PROPERTY - HARBOR CREST COVE PROPERTY - TRACTS 1 & 2 (PVA PARCEL MAP # 037-00-00-003-00-000) IS APPROX. 0.179 ACRES
- CITY
- COUNTY

1 inch = 667 feet



**PROPOSED ANNEXATION FOR**  
 BREKK PROPERTIES, LLC PROPERTY -  
 HARBOR CREST COVE PROPERTY - TRACT 1  
 (PVA PARCEL MAP # 037-00-00-003-00-000)  
 IS APPROX. 0.074 ACRES

CITY  
 COUNTY  
 1 inch = 21 feet



TRACT 1  
 POB COORDINATES  
 KY SPC SOUTH  
 N:2173106.17  
 E:1229414.29

LINE TABLE - TRACT 1		
LINE	BEARING	LENGTH
L1	N 04° 31' 12" W	40.00'
L2	N 85° 18' 22" E	80.68'
L3	S 04° 41' 51" E	40.00'
L4	S 85° 18' 22" W	80.80'

BREKK PROPERTIES, LLC PROPERTY  
 HARBOR CREST COVE PROPERTY  
 PVA PARCEL ID -037-00-00-003-00-000 -  
 ZONED A-U



P.O.B.

4359 HARBOR  
 HILLS TRACE

4347 HARBOR  
 HILLS TRACE

I HEREBY CERTIFY THAT THE BEARINGS AND DISTANCES SHOWN HEREON  
 HAVE BEEN TAKEN FROM DEED BOOK 913 AT PAGE 126, PLAT BOOK 44 AT PAGE 16,  
 DEED BOOK 1075 AT PAGE 722, PLAT BOOK 37 AT PAGE 190  
 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.

ANNEXATION PLAT  
 SURVEYOR'S CERTIFICATION

*Kevin M. Simmons*  
 KEVIN M. SIMMONS, P.L.S. 3635  
 12-15-23  
 DATE

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

HARBOR HILLS  
 SUBDIVISION

**PROPOSED ANNEXATION FOR**  
 BREKK PROPERTIES, LLC PROPERTY -  
 HARBOR CREST COVE PROPERTY - TRACT 2  
 (PVA PARCEL MAP # 037-00-00-003-00-000)  
 IS APPROX. 0.105 ACRES

CITY  
 COUNTY

1 inch = 42 feet

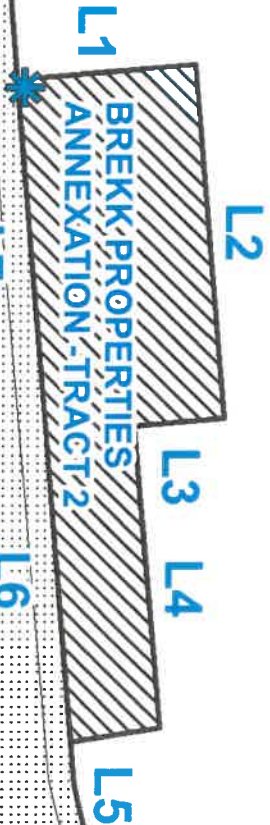


**TRACT 2**  
**POB COORDINATES**  
**KY SPC SOUTH**  
**N:2173119.37**  
**E:1229574.53**

LINE TABLE - TRACT 2		
LINE	BEARING	LENGTH
L1	N 04° 37' 54" W	40.00'
L2	N 85° 13' 22" E	80.09'
L3	S 04° 38' 15" E	20.00'
L4	N 85° 09' 55" E	68.42'
L5	S 09° 03' 10" E	20.05'
L6	S 85° 09' 55" W	69.97'
L7	S 85° 13' 21" W	80.10'

**HARBOR HILLS TRCE**

**BREKK PROPERTIES, LLC PROPERTY**  
**HARBOR CREST COVE PROPERTY**  
**PVA PARCEL ID -037-00-00-003-00-000 -**  
**ZONED A-U**



**P.O.B. L7**

**4335 HARBOR HILLS TRACE**  
**4323 HARBOR HILLS TRACE**  
**HARBOR HILLS SUBDIVISION**

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

ANNEXATION PLAT  
 SURVEYOR'S CERTIFICATION

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KEVIN M. SIMMONS, P.L.S. 3635  
  
 DATE 12-15-23

## ANNEXATION DESCRIPTION

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Kevin M. Simmons, PLS 3635      12-15-23  
Date

