

MUNICIPAL ORDER 3-2024

A MUNICIPAL ORDER DECLARING PROPERTY LOCATED AT HILLCREST GOLF COURSE AS SURPLUS PROPERTY AND AUTHORIZING THE MAYOR TO EXECUTE A DEED CONVEYING 0.764 ACRES, AND PERMANENT AND TEMPORARY EASEMENTS OVER ADDITIONAL TRACTS, TO THE COMMONWEALTH OF KENTUCKY, FOR THE USE AND BENEFIT OF THE TRANSPORTATION CABINET, FOR THE PURPOSE OF CONSTRUCTING AND MAINTAINING A ROUNDABOUT AT THE INTERSECTION OF OLD HARTFORD ROAD, FAIRVIEW DRIVE AND FOORS LANE.

WHEREAS, the City of Owensboro owns an undivided one-half (1/2) interest in certain real property located at 4346 Old Hartford Road which contains Hillcrest Golf Course; and

WHEREAS, the City now desires to declare a 0.764 acre portion of this property to be surplus property, so it can be sold to the Commonwealth of Kentucky, for the benefit of the Transportation Cabinet (hereafter "the Commonwealth"), for a roundabout to be constructed at the intersection of Old Hartford Road, Fairview Drive, and Foors Lane; and

WHEREAS, the City also desires to grant permanent and temporary easements to the Commonwealth over and across portions of the Hillcrest Golf Course property to allow for construction and maintenance of the roundabout; and

WHEREAS, conveyance of the property and easements will have substantial benefit to citizens of Owensboro in alleviating traffic at the intersection, and will have only a temporary minimal impact upon golfers at Hillcrest.

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

Section 1. In accordance with KRS 82.083(3), the Board of Commissioners makes the following determination:

- (1) The surplus real property owned by the City is located at 4346 Old Hartford Road.
- (2) The intended use for the property at the time of its acquisition was a golf course.
- (3) It is in the public interest to dispose of the property listed above so that it can be used to build a roundabout to alleviate traffic congestion at the intersection of Old Hartford Road, Fairview Drive, and Fours Lane.
- (4) The property located at 4346 Old Hartford Road shall be conveyed for monetary consideration to the Commonwealth.

Section 2. By and through the Board of Commissioners, a 0.764 acre portion of the property located at 4346 Old Hartford Road, as described on the attached Exhibit A, is hereby declared surplus property which may be transferred, sold, or otherwise conveyed in accordance with KRS 82.083.

Section 3. That the City of Owensboro, Kentucky, by and through its Board of Commissioners, hereby approves the sale of the 0.764 acre portion of property located at 4346 Old Hartford Road to the Commonwealth.

Section 4. That the City of Owensboro, Kentucky, by and through its Board of Commissioners, further approves the grant of permanent and temporary easements over portions of the property located at 4346 Old Hartford Road to the Commonwealth for construction and maintenance of the roundabout. The tracts over which the easements are granted are described on the attached Exhibit B.

Section 5. That the Mayor, City Manager and appropriate staff members are hereby authorized to sign the deed and all other documents deemed necessary to the furtherance of the authority outlined herein.

INTRODUCED, PUBLICLY READ AND FINALLY APPROVED ON ONE READING, this the 16th day of January, 2024.

Thomas H. Watson, Mayor

ATTEST:

Beth Davis, City Clerk

EXHIBIT A

Parcel 001 Tract A

Beginning at a point 31.29 feet right of KY 298 West at Station 47+40.00, said point being in the existing and proposed south right of way line of KY 298; thence with the existing south right of way line of KY 298 South 53 Degrees 48 Minutes 54 Seconds East a distance of 102.78 feet to a point 29.08 feet right of KY 298 West at Station 48+43.82; thence South 51 Degrees 27 Minutes 36 Seconds East a distance of 230.17 feet to a point 29.84 feet left of KY 298 Roundabout at Station 12+45.22, said point being in the existing west right of way line of Fours Lane; thence leaving the existing south right of way line of KY 298 and with the existing west right of way line of Fours Lane South 19 Degrees 02 Minutes 36 Seconds West a distance of 472.71 feet to a point 23.46 feet right of Fours Lane at Station 64+60.00, said point being in the proposed west right of way line for Fours Lane; thence leaving the existing west right of way line of Fours Lane and with the proposed west right of way line for Fours Lane North 70 Degrees 47 Minutes 05 Seconds West a distance of 11.04 feet to a point 34.49 feet right of Fours Lane at Station 64+60.00; thence North 17 Degrees 56 Minutes 00 Seconds East a distance of 136.77 feet to a point 35.00 feet right of Fours Lane at Station 63+20.00; thence North 11 Degrees 21 Minutes 04 Seconds East a distance of 56.75 feet to a point 35.00 feet right of Fours Lane at Station 62+60.00; thence North 04 Degrees 10 Minutes 42 Seconds West a distance of 112.99 feet to a point 50.00 feet right of Fours Lane at Station 61+40.00; thence North 12 Degrees 42 Minutes 21 Seconds West a distance of 125.01 feet to a point 40.00 feet right of KY 298 Roundabout at Station 10+13.09; thence along an arc 47.02 feet to the right, having a radius of 104.50 feet, the chord of which is North 00 Degrees 10 Minutes 60 Seconds East a distance of 46.62 feet, to a point 40.00 feet right of KY 298 Roundabout at Station 9+84.07; thence North 13 Degrees 04 Minutes 21 Seconds East a distance of 65.03 feet to a point 35.00 feet right of KY 298 West at Station 49+25.00; thence North 40 Degrees 19 Minutes 15 Seconds West a distance of 22.50 feet to a point 35.00 feet right of KY 298 West at Station 49+00.00; thence North 52 Degrees 22 Minutes 01 Seconds West a distance of 103.44 feet to a point 40.00 feet right of KY 298 West at Station 47+90.00; thence North 43 Degrees 06 Minutes 02 Seconds West a distance of 50.16 feet to the POINT OF BEGINNING.

The above described parcel contains 0.764 acres (33,274 square feet,) more or less.

It is understood between the parties hereto and made a covenant herein that the above-described property is conveyed in fee simple.

EXHIBIT B

Parcel 001 Tract B

Beginning at a point 30.91 feet right of KY 298 West at Station 44+90.95, said point being in the existing south right of way line of KY 298; thence with the existing south right of way line of KY 298 South 56 Degrees 43 Minutes 18 Seconds East a distance of 45.56 feet to a point 31.30 feet right of KY 298 West at Station 45+36.51; thence South 57 Degrees 11 Minutes 15 Seconds East a distance of 102.26 feet to a point 30.03 feet right of KY 298 West at Station 46+39.68; thence South 53 Degrees 48 Minutes 54 Seconds East a distance of 99.29 feet to a point 31.29 feet right of KY 298 West at Station 47+40.00, said point being in the proposed south right of way line for KY 298; thence leaving the existing south right of way line of KY 298 and with the proposed south right of way line of KY 298 South 43 Degrees 06 Minutes 02 Seconds East a distance of 50.16 feet to a point 40.00 feet right of KY 298 West at Station 47+90.00; thence South 52 Degrees 22 Minutes 01 Seconds East a distance of 103.44 feet to a point 35.00 feet right of KY 298 West at Station 49+00.00; thence South 40 Degrees 19 Minutes 15 Seconds East a distance of 22.50 feet to a point 35.00 feet right of KY 298 West at Station 49+25.00; thence South 13 Degrees 04 Minutes 21 Seconds West a distance of 65.03 feet to a point 40.00 feet right of KY 298 Roundabout at Station 9+84.07; thence along an arc 47.02 feet to the left, having a radius of 104.50 feet, the chord of which is South 00 Degrees 10 Minutes 60 Seconds West for a distance of 46.62 feet, to a point 40.00 feet right of KY 298 Roundabout at Station 10+13.09; thence South 12 Degrees 42 Minutes 21 Seconds East a distance of 125.01 feet to a point 50.00 feet right of Fours Lane at Station 61+40.00; thence South 04 Degrees 10 Minutes 42 Seconds East a distance of 112.99 feet to a point 35.00 feet right of Fours Lane at Station 62+60.00; thence South 11 Degrees 21 Minutes 04 Seconds West a distance of 56.75 feet to a point 35.00 feet right of Fours Lane at Station 63+20.00; thence South 17 Degrees 56 Minutes 00 Seconds West a distance of 136.77 feet to a point 34.49 feet right of Fours Lane at Station 64+60.00; thence South 70 Degrees 47 Minutes 05 Seconds East a distance of 11.04 feet to a point 23.46 feet right of Fours Lane at Station 64+60.00, said point being in the existing west right of way line of Fours Lane; thence leaving the proposed west right of way line for Fours Lane and with the existing west right of way line of Fours lane South 19 Degrees 02 Minutes 36 Seconds West a distance of 20.00 feet to a point 23.40 feet right of Fours Lane at Station 64+80.00; thence leaving the existing west right of way line of Fours lane North 70 Degrees 47 Minutes 07 Seconds West a distance of 30.65 feet to a point 54.05 feet right of Fours Lane at Station 64+80.00; thence North 17 Degrees 56 Minutes 00 Seconds East a distance of 155.18 feet to a point 55.03 feet right of Fours

Lane at Station 63+19.75; thence North 11 Degrees 21 Minutes 04 Seconds East a distance of 52.87 feet to a point 55.10 feet right of Fours Lane at Station 62+61.97; thence North 04 Degrees 10 Minutes 42 Seconds West a distance of 108.77 feet to a point 69.92 feet right of Fours Lane at Station 61+42.57; thence North 12 Degrees 42 Minutes 21 Seconds West a distance of 171.37 feet to a point 68.88 feet right of KY 298 Roundabout at Station 9+89.42; thence North 22 Degrees 29 Minutes 41 Seconds West a distance of 130.57 feet to a point 60.70 feet right of KY 298 West at Station 48+08.27; thence North 50 Degrees 12 Minutes 49 Seconds West a distance of 166.09 feet to a point 50.02 feet right of KY 298 West at Station 46+40.28; thence North 57 Degrees 11 Minutes 15 Seconds West a distance of 101.44 feet to a point 51.30 feet right of KY 298 West at Station 45+36.42; thence North 56 Degrees 43 Minutes 18 Seconds West a distance of 45.64 feet to a point 50.91 feet right of KY 298 West at Station 44+90.78; thence North 33 Degrees 16 Minutes 42 Seconds East a distance of 20.00 feet to the POINT OF BEGINNING.

The above-described parcel contains 0.542 acres (23,612 square feet,) more or less.

It is the specific intention of the grantors herein to convey a permanent utility easement to the property described above for the purpose of constructing and perpetually maintaining public utilities.

Parcel 001 Tract C

Beginning at a point 39.98 feet right of KY 298 West at Station 48+20.00, said point in the proposed south right of way line of KY 298; thence with the proposed south right of way line of KY 298 South 52 Degrees 22 Minutes 01 Seconds East a distance of 24.53 feet to a point 39.74 feet right of KY 298 West at Station 48+45.00; thence leaving the proposed south right of way line of KY 298 South 38 Degrees 37 Minutes 45 Seconds West a distance of 100.24 feet to a point 139.98 feet right of KY 298 West at Station 48+45.00; thence North 51 Degrees 51 Minutes 04 Seconds West a distance of 13.36 feet to a point 140.02 feet right of KY 298 West at Station 48+30.49; thence North 32 Degrees 14 Minutes 58 Seconds East a distance of 100.55 feet to the POINT OF BEGINNING.

The above-described parcel contains 0.044 acres (1,897 square feet,) more or less.

It is the specific intention of the grantors herein to convey a permanent drainage easement to the property described above for the purpose of constructing and perpetually maintaining a storm sewer system.

Parcel 001 Tract D

Beginning at a point 54.99 feet right of KY 298 West at Station 47+00.38; thence South 50 Degrees 12 Minutes 49 Seconds East a distance of 105.96 feet to a point 60.70 feet right of KY 298 West at Station 48+08.27; thence South 22 Degrees 29 Minutes 41 Seconds East a distance of 95.01 feet to a point 102.34 feet right of KY 298 West at Station 49+12.44; thence North 52 Degrees 22 Minutes 01 Seconds West a distance of 186.15 feet to a point 106.34 feet right of KY 298 West at Station 47+00.74; thence North 35 Degrees 16 Minutes 14 Seconds East a distance of 51.35 feet to the POINT OF BEGINNING.

The above-described parcel contains 0.163 acres (7,117 square feet,) more or less.

It is the specific intention of the grantors herein to convey a temporary easement to the property described above for the purpose of highway, ditch, and parking lot construction; said easement terminates and reverts upon completion of the project for which it is acquired.