

ORDINANCE NO. BG2017 - 33

ORDINANCE ANNEXING PROPERTY BY CONSENT

ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY [Signature]

ORDINANCE ANNEXING 33.87 ACRES OF
PROPERTY LOCATED AT 1854 THREE SPRINGS
ROAD, PARCEL #042A-51, PRESENTLY OWNED
BY THE ESTATE OF OWEN SIMS, AND 12.48
ACRES OF INTERSTATE 65 RIGHT-OF-WAY,
FOR A TOTAL OF 46.35 ACRES WITH SAID
TERRITORY BEING CONTIGUOUS TO
EXISTING CITY LIMITS; AND FURTHER
APPROVING AN ASSOCIATED ECONOMIC
DEVELOPMENT ANNEXATION INCENTIVE
AGREEMENT

WHEREAS, pursuant to KRS 81A.412, the City of Bowling Green may annex any area which meets the requirements for annexation if the owner of record of the land to be annexed gives prior consent in writing; and,

WHEREAS, the Estate of Owen Sims, property owner, has requested and consented to the annexation of 33.87 acres of property located at 1854 Three Springs Road, Parcel #042A-51; and,

WHEREAS, the City of Bowling Green hereby declares it desirable to annex the property and approximately 12.48 acres of Interstate 65 right-of-way as described in the attachments to this Ordinance; and,

WHEREAS, the proposed property to be annexed is adjacent or contiguous to the City, and the property is urban in character and suitable for development for urban purposes without unreasonable delay; and,

WHEREAS, in Municipal Order No. 2012-183, the Board of Commissioners approved the City of Bowling Green Economic Development Annexation Incentive Policy in order to encourage voluntary annexation of vacant or partially developed property adjacent to the City limits, particularly in areas likely to result in job creation; and,

WHEREAS, the policy was amended in Municipal Order No. 2014-95 to allow for additional time

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in which to begin the refund policy among other amendments; and,

WHEREAS, the Annexation Incentive Policy targeted five (5) specific areas adjacent to the current City limits; and,

WHEREAS, the property being proposed for annexation in this Ordinance is close to, but not included in the original annexation target areas; and,

WHEREAS, the Annexation Incentive Policy authorizes the Board of Commissioners to add other target areas at its discretion and it is in the best interests of the City to add the property proposed to be annexed to the Target Annexation Area map; and,

WHEREAS, pursuant to the Annexation Incentive Policy, the property owner consenting to annexation may receive a rebate of City property taxes paid on the annexed property for a period not to exceed five (5) years to aid in covering development costs with the rebate period to begin no later than ten (10) years from the date of the annexation; and,

WHEREAS, the Estate of Owen Sims, has requested the rebate of the City property taxes which requires the execution of an agreement between the Estate of Owen Sims and the City; and,

WHEREAS, it is in the best interest of the City to approve this consensual annexation of property located at 1854 Three Springs Road, Parcel #042A-51 pursuant to the Annexation Incentive Policy and the agreement setting out the annexation incentives.

NOW, THEREFORE, BE IT ORDAINED by the City of Bowling Green, Kentucky pursuant to KRS 81A.412 as follows:

1. The property located at 1854 Three Springs Road, Parcel #042A-51, identified on the attached map and further described in the attachments to this Ordinance containing 33.87 acres presently owned by the Estate of Owen Sims, and approximately 12.48 acres of Interstate 65 right-of-way, for a total of 46.35 acres, all of which is contiguous to existing City limits, shall be and is hereby annexed into the City of Bowling Green, Kentucky by consent of the owner, and the boundaries of the City are hereby

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extended so as to include and incorporate all of this real estate into the City of Bowling Green.

2. A copy of this Ordinance shall be forwarded to the Public Works Department, Planning and Design Division and it is hereby authorized and directed to make the necessary changes to the territorial limits of the City in Chapter One of the City of Bowling Green Code of Ordinances to reflect this annexation.

3. The Board of Commissioners, pursuant to the Annexation Incentive Policy, hereby approves the addition of this property as an annexation target area.

4. The Annexation Incentive Agreement between the Estate of Owen Sims and the City for the total acreage of 33.87, a copy of which is attached to and made a part of this Ordinance, is hereby approved.

5. The Mayor and all other appropriate City officers and officials are authorized and directed to execute this Agreement and any and all other documents necessary to carry out this transaction and to complete this annexation, and the City Manager is to act for and in the name of the City throughout the administration and performance thereof.

6. The provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provision shall for any reason be declared invalid, such declaration of invalidity shall not affect the validity of the remainder of this Ordinance.

7. All prior Municipal Orders or Ordinances or parts of any Municipal Order or Ordinance in conflict herewith are hereby repealed.

8. This Ordinance is adopted pursuant to KRS 83A.060 in that it was introduced on July 18, 2017, and given final reading on August 1, 2017, and said Ordinance shall be in full force and effect upon signature, recordation and publication in summary pursuant to KRS Chapter 424.

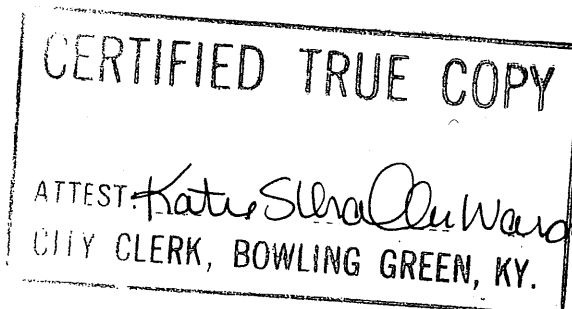
(Ordinance No. BG2017 – 33)

ADOPTED: August 1, 2017

APPROVED: Brian Nash
Mayor, Chairman of Board of Commissioners

ATTEST: Kate Shraeder Ward
City Clerk

SPONSORED BY: Brian "Slim" Nash, Commissioners, 07/11/2017, 8:25 a.m.

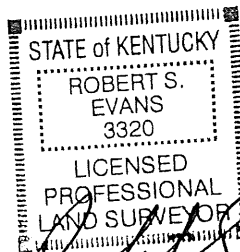


ANNEXATION LEGAL DESCRIPTION OWEN SIMS PROPERTY – THREE SPRINGS ROAD

A certain parcel of land located on Three Springs Road (KY 884) approximately 1.5 miles +/- southwest of the intersection of Three Springs Road and Scottsville Road (US 231) and adjacent to the city limits of Bowling Green, Kentucky and more particularly described as follows:

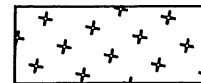
The following description was prepared by Robert S. Evans PLS # 3320 BG Public Works – Field Engineering. Sources of record Deed Book 385 Page 55, as recorded in the Warren County Court Clerk's Office, and from tax maps and records in the Warren County PVA office. Description based on a survey by Lucas L. Slavey PLS#3922 dated March 6th. 2017. This is not a boundary survey and is for annex purposes only.

Beginning at a point in the existing city limits said point being in the east right-of-way of Interstate 65 ; thence crossing Interstate 65 N 66°42'37" W, 731.63' to a point in the west right-of-way of Interstate 65 and common to Owen Sims DB. 385 PG. 55 and Danny Goad DB. 776 PG. 468; thence leaving said right-of-way and with Goad line N 19°14'22" W, 494.16' to a point; thence N 32°12'34" W, 759.64' to point; thence N 57°45'15" E, 8.15' to a point; thence N 29°19'16" W, 453.81' to a point; thence S 68°00'19" W, 31.52' to a point common with C6HO LLC & Hightower Properties LLC DB. 1096 PG. 705 and MPB. 23 PG. 82; thence with said line N 32°12'34" W, 95.50' to a point; thence N 40°30'19" W, 320.83' to a point in the east right-of-way of Three Springs Road (KY 884); thence with said right-of-way N 41°03'01" E, 376.19' to a point common to S Family Properties LLC DB. 983 PG. 282; thence leaving said right-of-way with S Family Properties LLC and Silver Springs Subdivision PB. 23 PG. 65 S 34°58'14" E, 1050.97' to a point; thence N 56°32'10" E, 763.39' to a point; thence S 34°28'47" E, 677.02' to a point in the west right-of-way of Interstate 65; thence crossing Interstate 65 S 66°42'25" E, 310.57' to a point in the east right-of-way Interstate 65 and being in the line of existing city limits; thence with said right-of-way S 23°17'35" E, 1092.64' to a point; thence S 04°23'12" E, 272.14' to the point of beginning containing 46.35 acres.

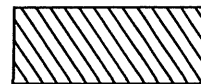


7/12/17

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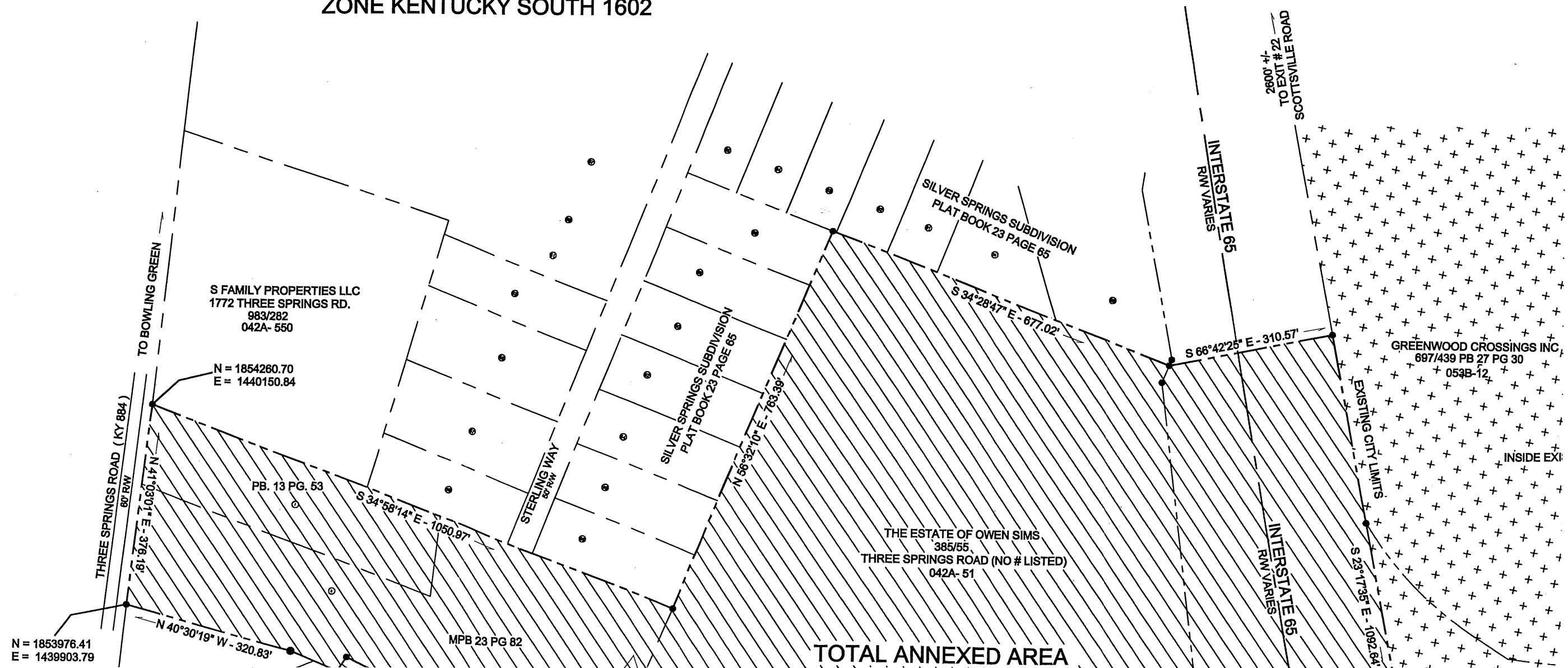


EXISTING CITY LIMITS



TOTAL ANNEXED AREA = 46.35 acres

- 1) PROPERTY ANNEXED = 33.87 acres
- 2) RIGHT- of- WAY ANNEXED = 12.48 acres
- 3) SOURCE OF TITLE = DEED BOOK 385 PAGE 55
- 4) DESCRIPTION BASED ON A SURVEY BY
LUCAS L. SLAVEY PLS# 3922 DATED MARCH 6, 2017.
- 5) HORIZONTAL DATUM U.S. STATE PLANE 1983,
ZONE KENTUCKY SOUTH 1602

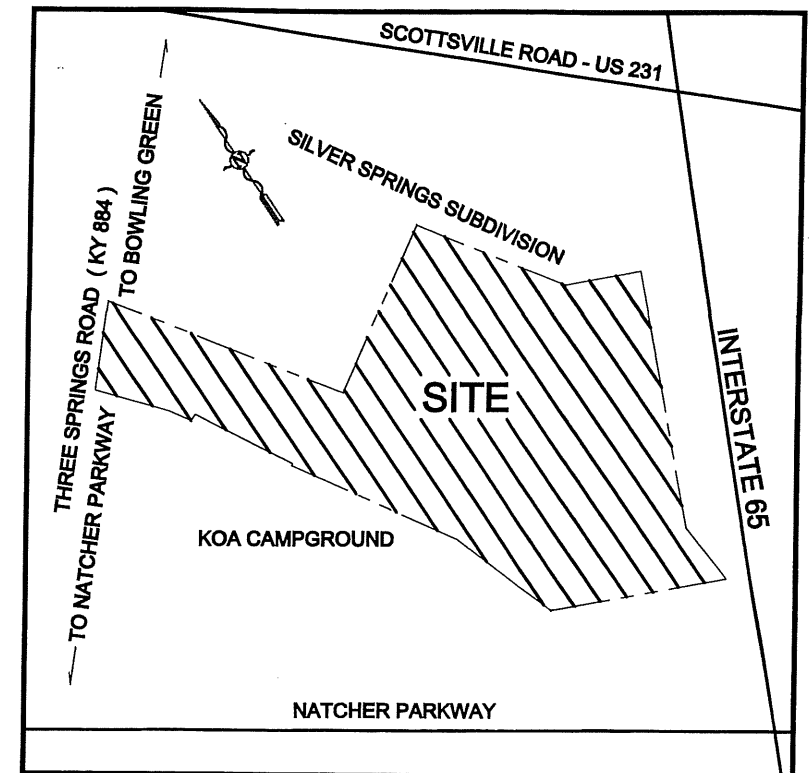
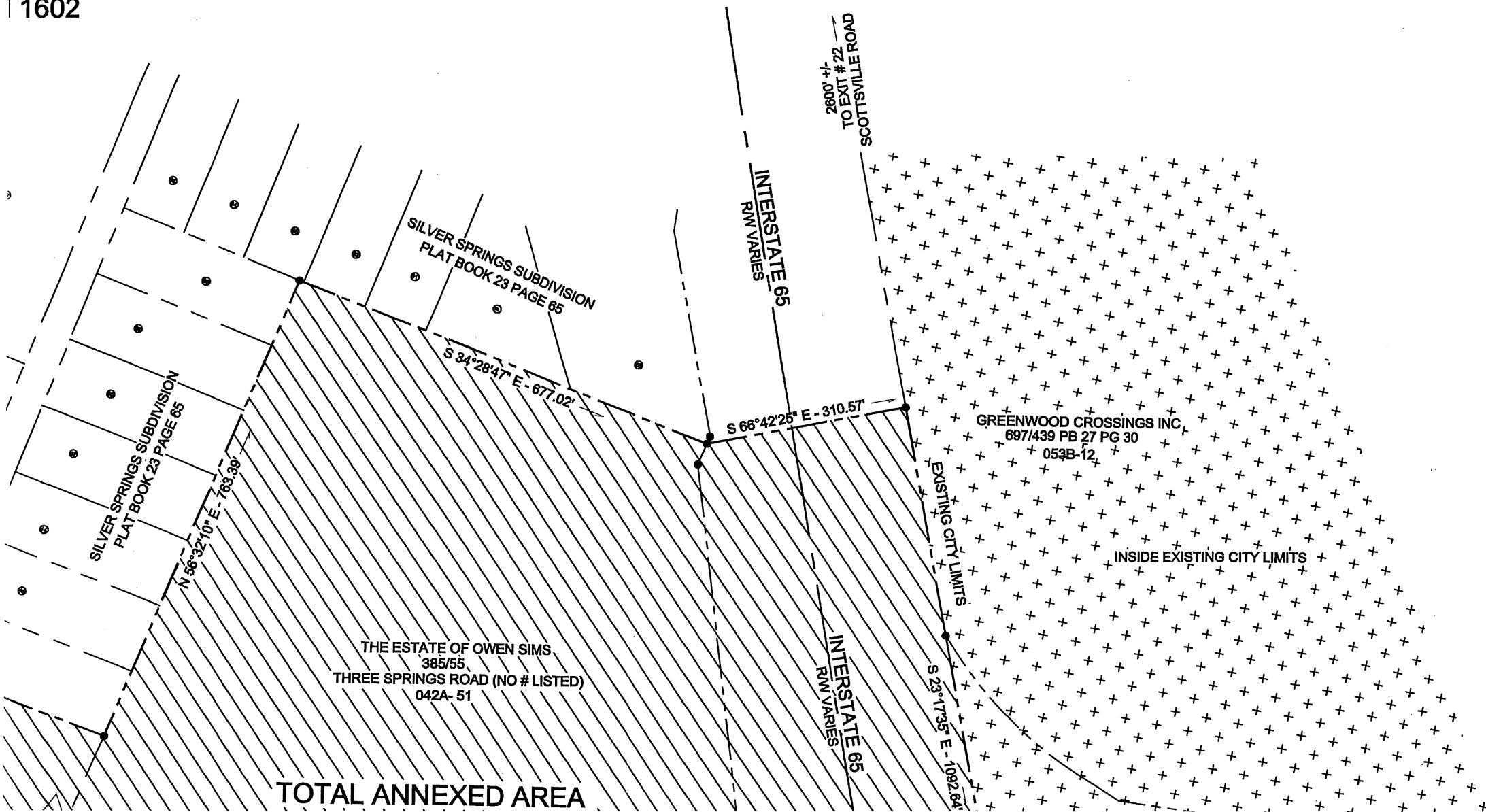


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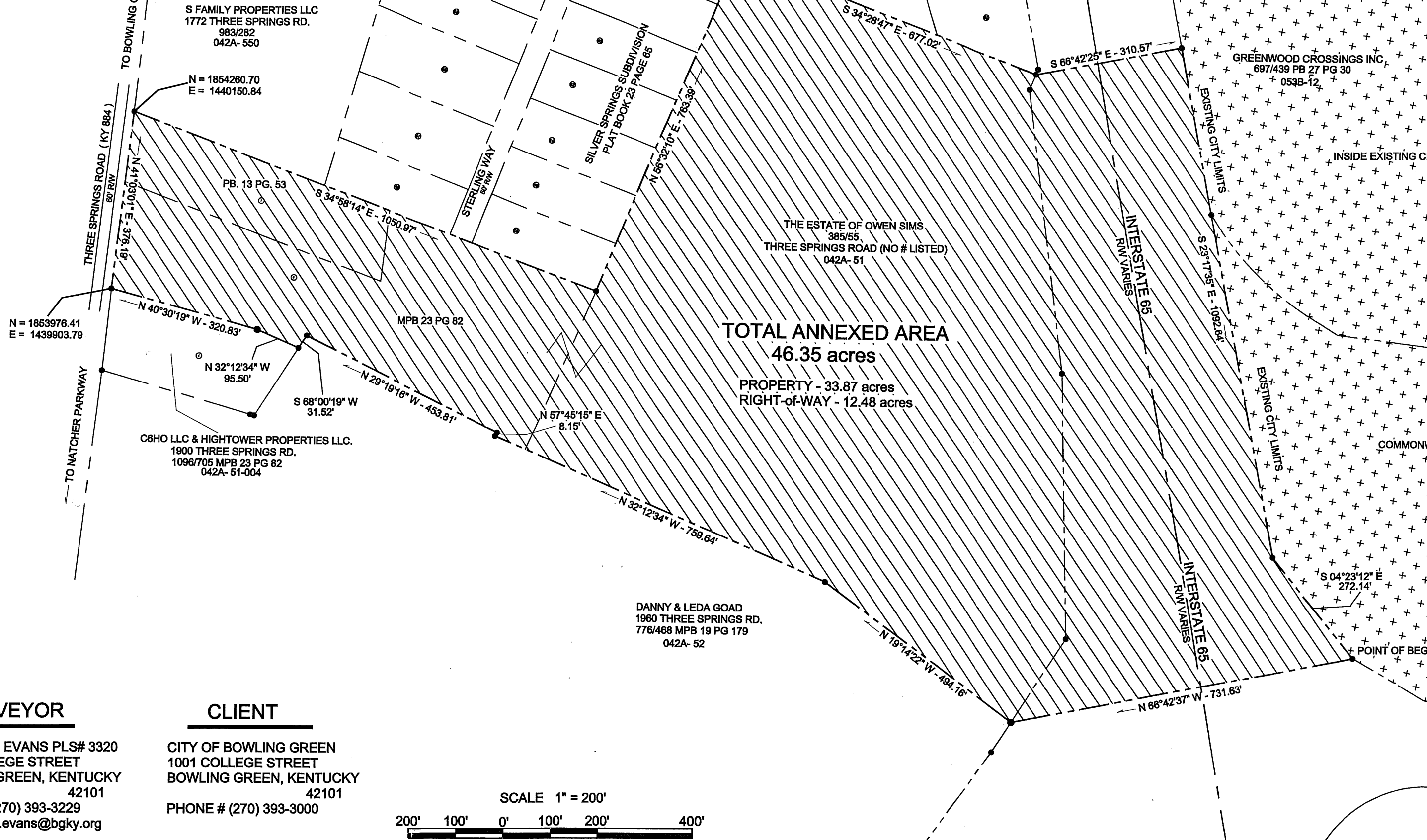
Y LIMITS

KED AREA = 46.35 acres

= 33.87 acres
D = 12.48 acres
ED BOOK 385 PAGE 55
IA SURVEY BY
922 DATED MARCH 6, 2017.
. STATE PLANE 1983,
1602



VICINITY MAP
NOT TO SCALE



SURVEYOR

ROBERT S. EVANS PLS# 3320
1011 COLLEGE STREET
BOWLING GREEN, KENTUCKY
42101
PHONE # (270) 393-3229
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CLIENT

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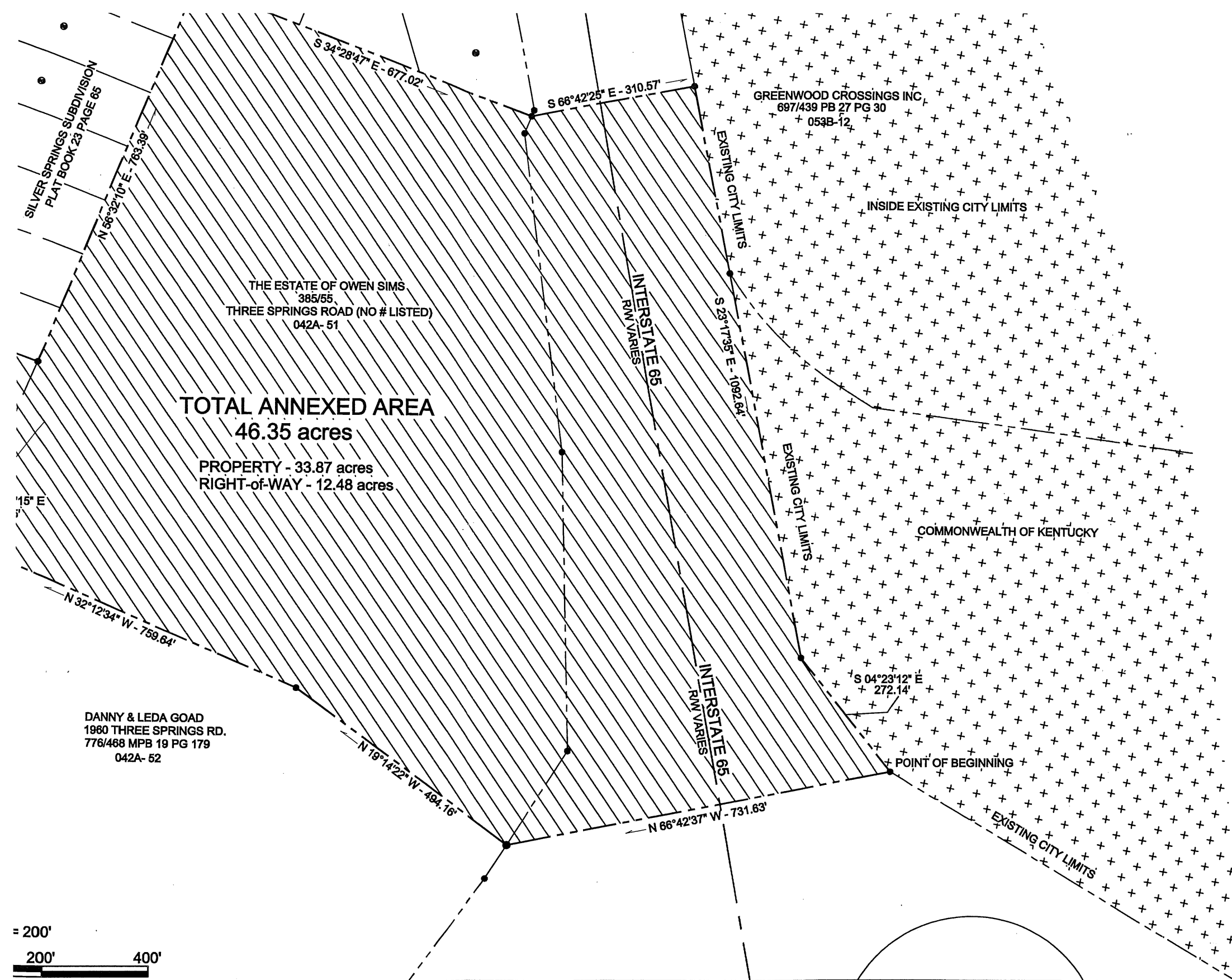


CITY OF BOWLING GREEN

PUBLIC WORKS DEPARTMENT

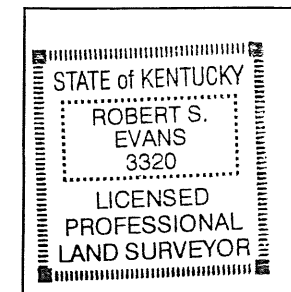
Date	Revision

**ANNEXATION
OWEN SIMS PROPE**

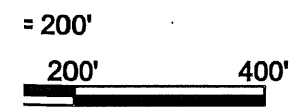


THIS DRAWING WAS PREPARED USING DEEDS AND PLATS OF RECORD IN THE WARREN COUNTY COURT CLERK'S OFFICE AND FROM TAX MAPS AND RECORDS IN THE WARREN COUNTY PROPERTY VALUATION ADMINISTRATOR'S OFFICE. THIS IS NOT OR INTENDED TO BE A BOUNDARY SURVEY AND SHOULD NOT BE USED AS SUCH, THIS DRAWING IS FOR ANNEXATION PURPOSES ONLY.

Robert S. Evans 7/12/17
ROBERT S. EVANS PLS# 3320 DATE



NOT VALID UNLESS STAMPED IN RED



WORKS DEPARTMENT	Date	Revision	ANNEXATION OWEN SIMS PROPERTY	SHEET 01 OF 01 JOB NO. 17074 SCALE 1" = 200' DATE 07/12/2017