

RECEIVED AND FILED
DATE April 23, 2018

ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Randie Adkins

ORDINANCE NO. BG2018 - 19

ORDINANCE ANNEXING PROPERTY BY CONSENT

ORDINANCE ANNEXING 22.58 ACRES OF
PROPERTY LOCATED ON LOVERS LANE
PRESENTLY OWNED BY BUHR-ROCK
DEVELOPMENT, INC., WITH SAID TERRITORY
BEING CONTIGUOUS TO EXISTING CITY
LIMITS, APPROVING THE ADDITION OF THIS
LOCATION TO THE TARGET ANNEXATION
AREA MAP 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, Buhr-Rock Development, Inc. has requested and consented in writing to the annexation of 22.58 acres of property located on Lovers Lane, southwest from the intersection of Cemetery Road; and,

WHEREAS, the City of Bowling Green hereby declares it desirable to annex the property 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 in which to begin the refund policy among other amendments; and,

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SECRETARY
COMMONWEALTH OF KENTUCKY

(Ordinance No. BG2018 – 19)

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, Buhr-Rock Development, Inc. has requested the rebate of the City property taxes which requires the execution of an agreement between Buhr-Rock Development, Inc. and the City; and,

WHEREAS, it is in the best interest of the City to approve this consensual annexation of property located on Lovers Lane 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 presently owned by Buhr-Rock Development, Inc. located on Lovers Lane, which is identified on the attached map and further described in the attachments to this Ordinance containing approximately 22.58 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 extended so as to include and incorporate all of this real estate into the City of Bowling Green.

(Ordinance No. BG2018 – 19)

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 Buhr-Rock Development, Inc. and the City for the total acreage of 22.58, 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 March 28, 2018, and given final reading on April 17, 2018, and said Ordinance shall be in full force and effect upon signature, recordation and publication in summary pursuant to KRS Chapter 424.

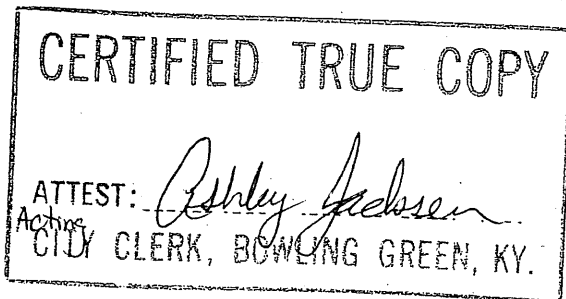
(Ordinance No. BG2018 - 19)

ADOPTED: April 17, 2018

APPROVED: Benny Wilkerson
Mayor, Chairman of Board of Commissioners

ATTEST: Ashley Jackson
Acting City Clerk

SPONSORED BY: Katie Schaller-Ward, Interim City Manager, 03/26/2018, 3:30 p.m.



LEGAL DESCRIPTION

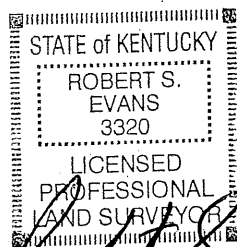
ANNEXATION

Buhr Rock Inc. Property Lovers Lane

Being certain parcels of land located on Lovers Lane 970' +/- southwest from the intersection of Cemetery Road and adjacent to the city limits of Bowling Green, Kentucky and more particularly described as follows:

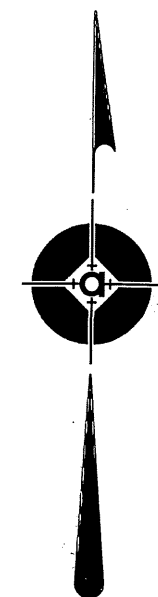
The following description was prepared by Robert S. Evans PLS # 3320 BG Public Works – Field Engineering. Sources of record Deed Book 1152 Page 177, Plat Book 17 Page 44 as recorded in the Warren County Court Clerk's Office. Also from a boundary survey by American Engineers, Robert Neuhaus PLS# 3857 dated March 18, 2018. This is not a boundary survey and is for annex purposes only.

Beginning at a point in the existing city limits, said point being common to Lot# 18 Lovers Lane Acres Sec. III, PB 17 PG 132 and Lot# 320 Briarwood Manor Sec.9 PB 17 PG 129; thence with the line of Briarwood Manor North 49 degrees 26 minutes 53 seconds West, 630.00 feet to a point common to Lot# 325 of Briarwood Manor Sec. 9 and Lot# 328 Briarwood Manor Sec. 8 PB 17 PG 34; thence North 36 degrees 00 minutes 21 seconds East, 302.50 feet to a point; thence North 53 degrees 26 minutes 33 seconds West, 163.58 feet to a point in the southeast right-of-way of Wrenwood Drive; thence North 57 degrees 03 minutes 53 seconds West, 49.99 feet to a point in the northwest right-of-way of Wrenwood Drive; thence North 54 degrees 22 minutes 14 seconds West, 209.62 feet to a point common to Lot# 260 and Lot# 475 of Briarwood Manor Sec.16 PB 28 PG 157; thence North 36 degrees 41 minutes 41 seconds East, 764.64 feet to a point common to Lot# 469 and Alvin Ford Jr. DB 439 PG 136; thence South 50 degrees 13 minutes 42 seconds East, 415.23 feet to a point common with David Buchanan Sr. DB 491 PG 663; thence South 36 degrees 05 minutes 11 seconds West, 298.26 feet to a point; thence South 53 degrees 00 minutes 55 seconds East, 846.07 feet to a point in the northwest right-of-way of Lovers Lane (KY 880); thence with said right-of-way with a curve to the left having a radius of 1645.00 feet, an arc length of 179.23 feet, a chord bearing of South 37 degrees 52 minutes 31 seconds West, and a chord length of 179.14 feet to a point; thence South 40 degrees 15 minutes 50 seconds West, 74.79 feet to a point; thence South 24 degrees 09 minutes 48 seconds West, 80.00 feet to a point; thence with a curve to the left having a radius of 1645.00 feet, an arc length of 223.46 feet, a chord bearing of South 25 degrees 27 minutes 06 seconds West, and a chord length of 223.29 feet to a point; thence North 68 degrees 26 minutes 23 seconds West, 5.00 feet to a point; thence with a curve to the left having a radius of 1650.00 feet, an arc length of 180.59 feet, a chord bearing of South 18 degrees 25 minutes 29 seconds West, and a chord length of 180.50 feet to a point; thence South 17 degrees 46 minutes 30 seconds West, 79.60 feet to a point in the northwest right-of-way of Lovers Lane (KY 880) and common to Lot# 18 Lovers Lane Acres Sec.III; thence leaving said right-of-way North 49 degrees 38 minutes 03 seconds West, 339.41 feet to the point of beginning containing 22.58 acres.

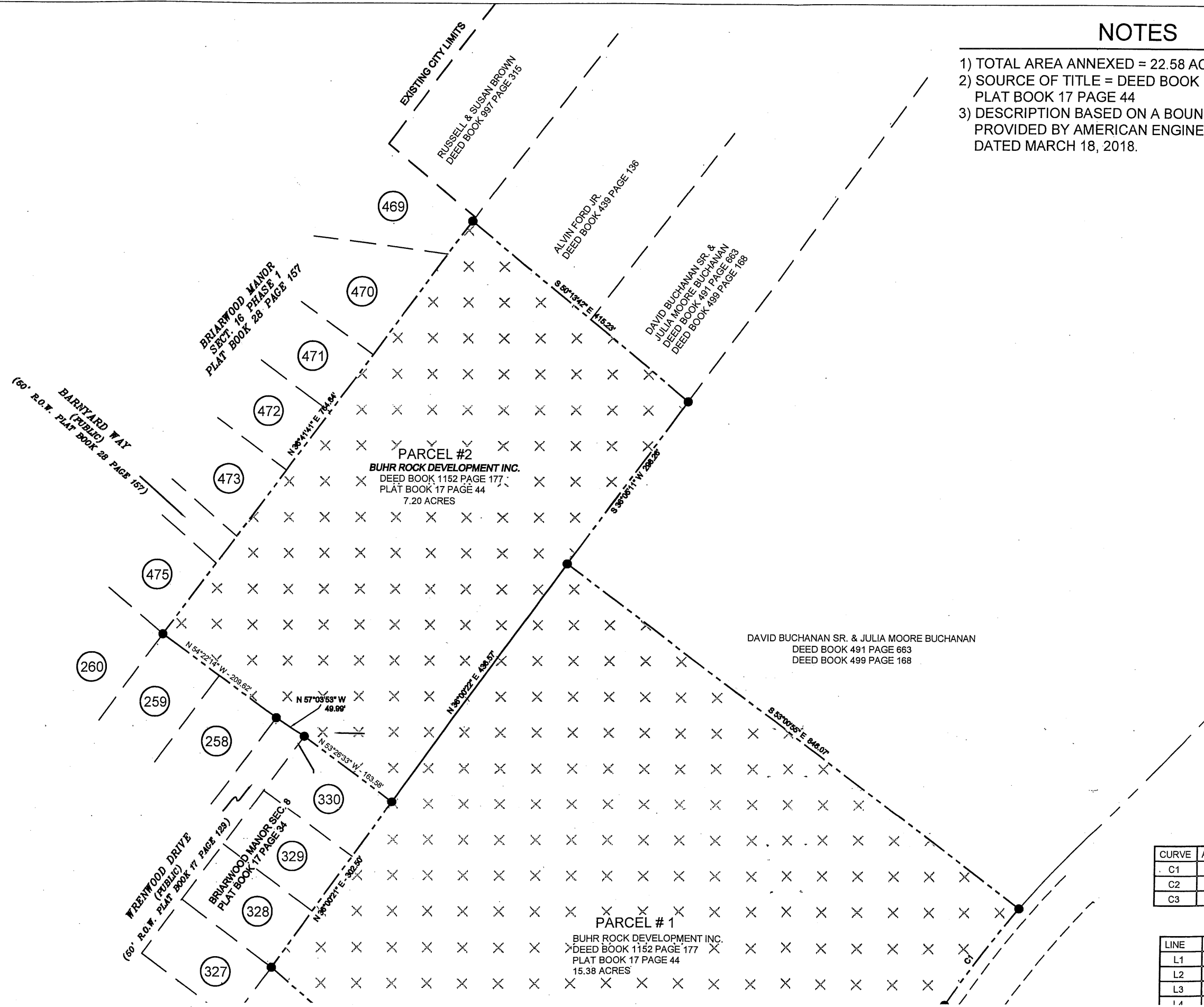


NOTES

- 1) TOTAL AREA ANNEXED = 22.58 ACRES
- 2) SOURCE OF TITLE = DEED BOOK 11: PLAT BOOK 17 PAGE 44
- 3) DESCRIPTION BASED ON A BOUNDARY PROVIDED BY AMERICAN ENGINEER DATED MARCH 18, 2018.

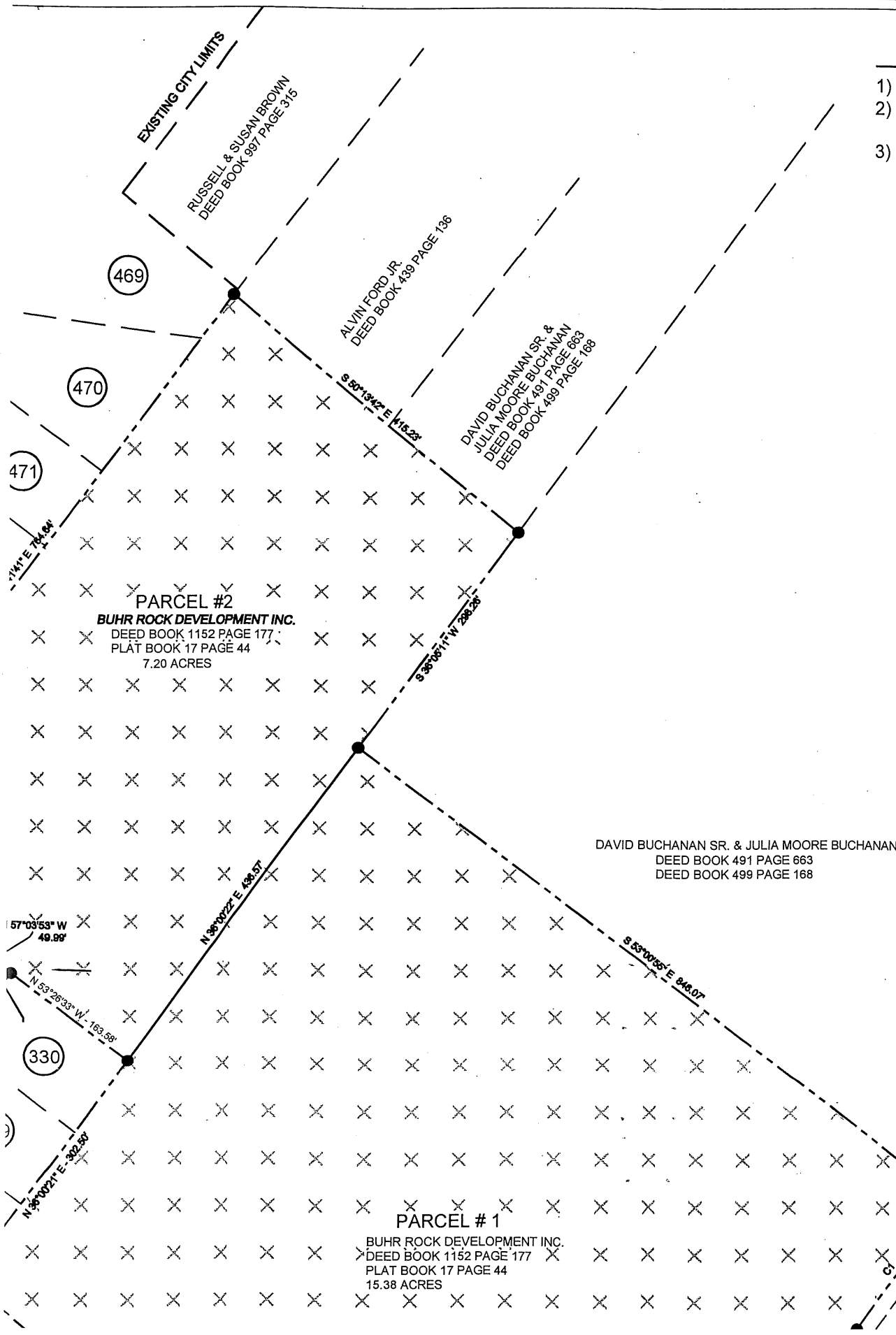


NORTH



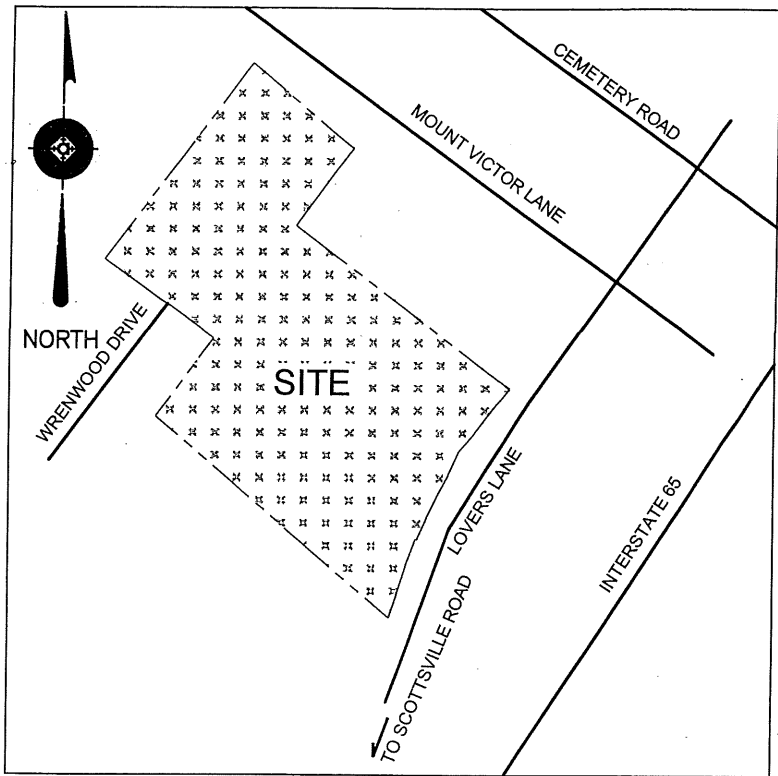
| CURVE | AREA |
|-------|------|
| C1 | |
| C2 | |
| C3 | |

| LINE | AREA |
|------|------|
| L1 | |
| L2 | |
| L3 | |
| L4 | |



NOTES

- 1) TOTAL AREA ANNEXED = 22.58 ACRES
- 2) SOURCE OF TITLE = DEED BOOK 1152 PAGE 177
PLAT BOOK 17 PAGE 44
- 3) DESCRIPTION BASED ON A BOUNDARY SURVEY
PROVIDED BY AMERICAN ENGINEERS, ROBERT NEUHAUS PLS # 3857
DATED MARCH 18, 2018.



VICINITY MAP
N.T.S.

| CURVE TABLE | | | | |
|-------------|------------|----------|---------------|--------------|
| CURVE | ARC LENGTH | RADIUS | CHORD BEARING | CHORD LENGTH |
| C1 | 179.23' | 1645.00' | S 37°52'31" W | 179.14' |
| C2 | 223.46' | 1645.00' | S 25°27'06" W | 223.29' |
| C3 | 180.59' | 1650.00' | S 18°25'29" W | 180.50' |

| LINE TABLE | | |
|------------|---------------|----------|
| LINE | BEARING | DISTANCE |
| L1 | S 40°15'50" W | 74.79' |
| L2 | S 24°09'48" W | 80.00' |
| L3 | N 68°26'23" W | 5.00' |
| L4 | S 17°46'30" W | 70.60' |

DAVID BUCHANAN SR. & JULIA MOORE BUCHANAN
DEED BOOK 491 PAGE 663
DEED BOOK 499 PAGE 168

| CURVE | ARC LENGTH |
|-------|------------|
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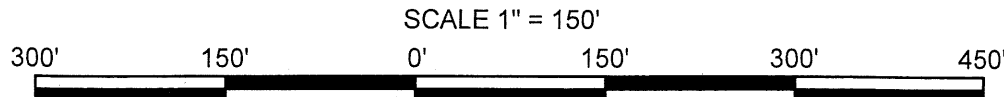
PARCEL #1
BUHR ROCK DEVELOPMENT INC.
DEED BOOK 1152 PAGE 177
PLAT BOOK 17 PAGE 44
15.38 ACRES

LOVERS LANE
(PUBLIC)
(VARIABLE WIDTH R.O.W.)
KYTC PLAN SET, PROJECT NO. FD04 114
0880 003-007, ITEM NO. 3-290.01,
DATED: 4-20-07)

THIS DRAWING WAS PREPARED USING DEEDS AND PLATS
OF RECORD IN THE WARREN COUNTY COURT CLERKS OFFICE
AND FROM TAX MAPS AND RECORDS IN THE WARREN COUNTY
PROPERTY VALUATION ADMINISTRATORS 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 3/26/18
ROBERT S. EVANS PLS# 3320 DATE

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 CITY OF BOWLING GREEN

PUBLIC WORKS DEPARTMENT

| Date | Revision |
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ANNEXATION LOVE
BUHR ROCK DEV.

DAVID BUCHANAN SR. & JULIA MOORE BUCHANAN
DEED BOOK 491 PAGE 663
DEED BOOK 499 PAGE 168

PARCEL # 1

BUHR ROCK DEVELOPMENT INC.
DEED BOOK 1152 PAGE 177
PLAT BOOK 17 PAGE 44
15.38 ACRES

POINT
OF
BEGINNING

LOVERS LANE ACRES SEC III
PLAT BOOK 17 PAGE 132

LOVERS LANE
(PUBLIC)
(VARIABLE WIDTH R.O.W.
KYTC PLAN SET, PROJECT NO. FDD4 114
0880 003-007, ITEM NO. 3-290.01,
DATED: 4-20-07)

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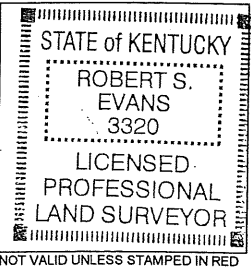
ROBERT S. EVANS PLS# 3320 DATE

CURVE TABLE

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SURVEYOR

ROBERT S. EVANS PLS # 3320
1011 COLLEGE STREET
BOWLING GREEN, KENTUCKY
42101
PHONE # (270) 393-3229
e-mail - rob.evans@bgky.org

CLIENT

CITY OF BOWLING GREEN
1001 COLLEGE STREET
BOWLING GREEN, KENTUCKY
42101
PHONE # (270) 393-3000

WORKS DEPARTMENT

| Date | Revision |
|------|----------|
| | |
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ANNEXATION LOVERS LN.
BUHR ROCK DEV. INC.

SHEET 1 OF 1
JOB NO. 18034 SCALE 1" = 150' DATE 03/26/2018