

ORDINANCE NO. BG2020 - 37

ORDINANCE ANNEXING PROPERTY BY CONSENT

MICHAEL G. ADAMS  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
BY Handie Addenorn

ORDINANCE ANNEXING A TOTAL OF  
APPROXIMATELY 6.604 ACRES OF PROPERTY  
LOCATED AT 0 MORGANTOWN ROAD, WITH  
PROPERTY PRESENTLY OWNED BY LOST  
RIVER HOLDINGS LLC, 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, Lost River Holdings LLC, property owner, has requested and consented to the annexation of 6.604 acres of property located at 0 Morgantown Road; and,

WHEREAS, the City of Bowling Green hereby declares it desirable to annex this 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,

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

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City limits; and,

WHEREAS, the property being proposed for annexation in this Ordinance is included in the original annexation target areas; 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, Lost River Holdings LLC, has requested the rebate of the City property taxes which requires the execution of an agreement between Lost River Holdings LLC and the City; and,

WHEREAS, it is in the best interest of the City to approve this consensual annexation of property located at 50 Morgantown Road 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 0 Morgantown Road, identified on the attached map and further described in the attachments to this Ordinance containing a total of 6.604 acres, presently owned by Lost River Holdings LLC, 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.

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

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the addition of this property as an annexation target area.

4. The Annexation Incentive Agreement between Lost River Holdings LLC and the City for the total acreage of 6.604, 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 November 17, 2020, and given final reading on December 1, 2020, and said Ordinance shall be in full force and effect upon signature, recordation and publication in summary pursuant to KRS Chapter 424.

ADOPTED: December 1, 2020

APPROVED: Bruce Wilkerson  
Mayor, Chairman of Board of Commissioners

ATTEST: Ashley Jackson  
City Clerk

SPONSORED BY: Jeffery B. Meisel, City Manager

**CERTIFIED TRUE COPY**  
ATTEST Ashley Jackson  
CITY CLERK, BOWLING GREEN, KY

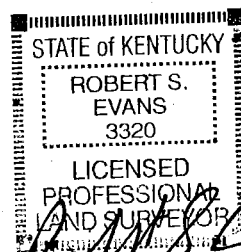
ANNEXATION LOST RIVER HOLDINGS LLC

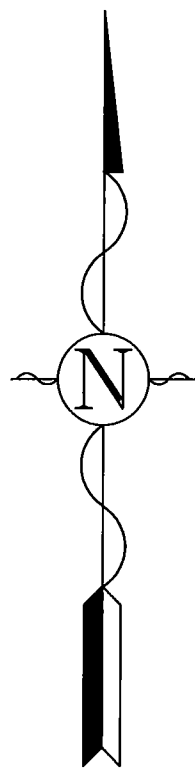
MORGANTOWN ROAD (US 231)

Being a 6.604 acre tract located on US HWY 231 N (Morgantown Road in Warren County, Kentucky and adjacent to the existing city limits of the City of Bowling Green, Kentucky and being more particularly described as follows:


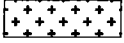
This description prepared by Robert S. Evans PLS# 3320, City Surveyor, Bowling Green Public Works. Sources for this description are Deed Book 1213 Page 571, Plat Book 43 Page 6, as recorded in the Warren County Court Clerk's office. Information was also taken from survey by D & L Land Surveying, Adam Leftwich PLS# 4091 dated 10/28/2020, and KYTC Project SSP 114-7613 Sec# 1. This description is based on State Plane Coordinates Kentucky South 1602. This description is for annexation purposes only and not for the conveyance of property.

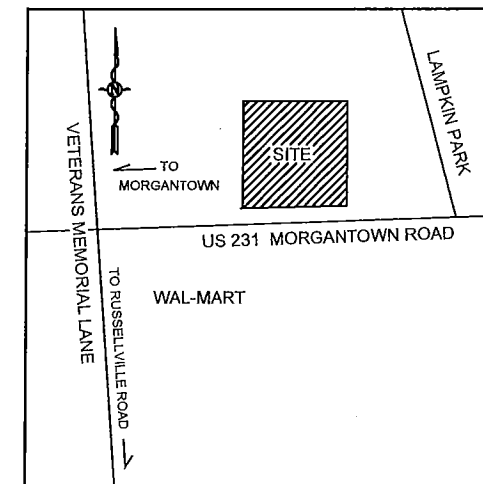
Beginning at a point in the north right-of-way of US HWY 231N (Morgantown Road) said point is 51' left of centerline station 67+66.82 also common to Brian & Alexandra Oulay Deed Book 1174 Page 584 and Lost River Holdings LLC Deed Book 1213 Page 571 ; thence leaving said right-of-way North 16 degrees 03 minutes 56 seconds West, 671.03 feet to a point common to Res-Care Inc. Deed Book 825 Page 624; thence with Res=Care line North 67 degrees 03 minutes 37 seconds East, 406.66 feet to a point; thence South 11 degrees 49 minutes 29 seconds East, 494.27 feet to a point; thence North 84 degrees 54 minutes 48 seconds East, 57.99 feet to a point common with Eddie & Mary Edwards Deed Book 468 Page 119 ; thence South 12 degrees 26 minutes 39 seconds East, 280.10 feet to a point in the north right-of-way of US HWY 231N (Morgantown Road); thence with said right-of-way South 82 degrees 51 minutes 21 seconds West, 411.40 feet to the point of beginning containing 6.604 acres.



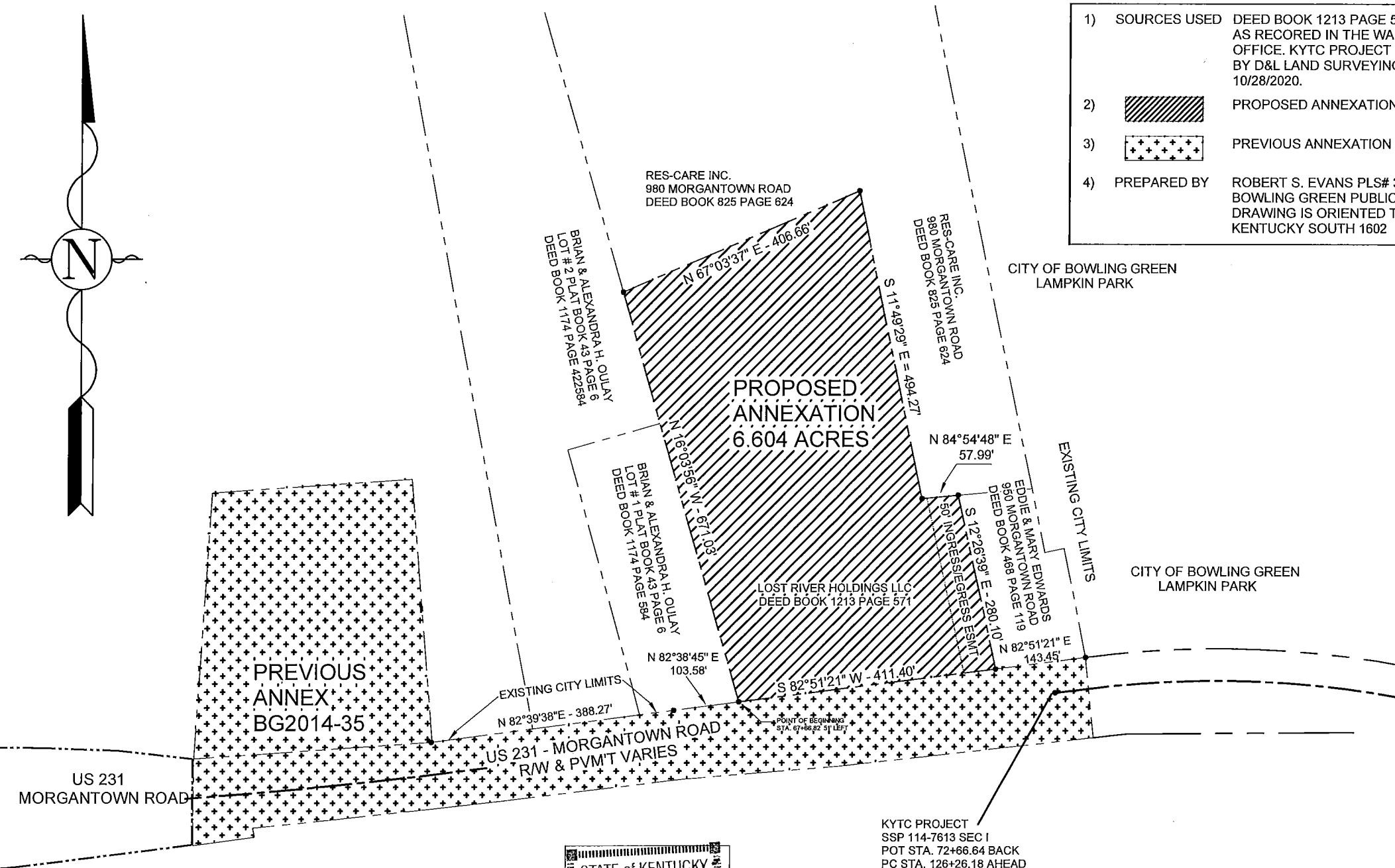


## NOTES

- 1) SOURCES USED DEED BOOK 1213 PAGE 571, PLAT BOOK 43 PAGE 6 AS RECORDED IN THE WARREN COUNTY COURT CLERK'S OFFICE. KYTC PROJECT SSP 114-7613 SEC 1, AND A SURVEY BY D&L LAND SURVEYING, ADAM LEFTWICH PLS# 4091 DATED 10/28/2020.
- 2)  PROPOSED ANNEXATION 6.604 ACRES
- 3)  PREVIOUS ANNEXATION BG2014-35
- 4) PREPARED BY ROBERT S. EVANS PLS# 3320 CITY SURVEYOR BOWLING GREEN PUBLIC WORKS DRAWING IS ORIENTED TO STATE PLANE COORDINATES KENTUCKY SOUTH 1602

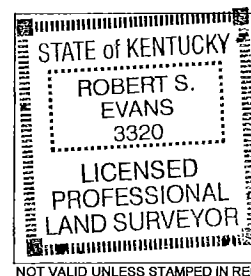


VICINITY MAP  
NOT TO SCALE

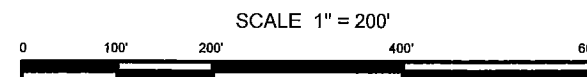


THIS DRAWING WAS PREPARED USING DEEDS AND PLATS OF RECORD IN THE WARREN COUNTY COURT CLERKS OFFICE AND FROM TAX MAPS AND RECORDS IN THE WARREN COUNTY PROPERTY VALUATION ADMINISTRATORS OFFICE. THIS IS NOT OR INTENDED TO BE A BOUNDARY SURVEY AND SHOULD NOT BE USED AS SUCH. THIS DRAWING IS FOR ANNEXATION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

ROBERT S. EVANS PLS# 3320 DATE 11/2/20



KYTC PROJECT  
SSP 114-7613 SEC 1  
POT STA. 72+66.64 BACK  
PC STA. 126+26.18 AHEAD



### SURVEYOR

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1011 COLLEGE STREET  
BOWLING GREEN, KENTUCKY 42101  
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e-mail - rob.evans@bgky.org

### CLIENT

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



CITY OF BOWLING GREEN

PUBLIC WORKS DEPARTMENT

PROPOSED ANNEXATION  
LOST RIVER HOLDINGS

SHEET 1 OF 1

JOB NO. 20131 SCALE 1" = 200' DATE 11/02/2020