

ORDINANCE 2-2016

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 AT 2906 HIGHWAY 54 (HIGHLAND POINTE DEVELOPMENT), CONTAINING 0.447 ACRES, MORE OR LESS.

ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Handie Johnson

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 hereinbelow is adjacent or contiguous to the city's boundaries.

(2) 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. The Board further finds that no part of the area to be annexed is presently within the boundary of any other incorporated city.

(3) That the fee simple owners of record of the territory to be annexed, have previously consented in writing to the annexation proposed, and have 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. There is an annexation incentive agreement for this property, as per Municipal Order 1-2006; an amendment will be made to include this property.

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, State of Kentucky, adjoining and being adjacent to the present boundary line of the City of Owensboro, Kentucky, more particularly described as follows:

A tract of land located at 2906 KY HWY 54 on the east side of Owensboro, Daviess County, Kentucky more particularly described as follows:

Beginning at a point in the south right of way line of KY Hwy 54, said point also being in the current city limit line; thence following the south right of way line of KY Hwy 54 and the current city limit line S 64°09'49" E, 94.82 feet to a point; thence S 64°00'33" E, 62.51 feet to a point being the northwest corner to Highland Pointe Holdings, LLC and also being in the current city limit line; thence leaving the current city limit line and following the new city limit line S 25°59'27" W, 21.69 feet to a point; thence S 63°56'45" E, 16.63 feet to a point in the current city limit line, said point also being in the west line of JJP Jumpin Jack, LLC; thence following the current city limit line and the west line of JJP Jumpin Jack, LLC S 25°35'37" W, 162.87 feet to a point in the line of Highland Pointe Holdings, LLC, said point being in the current city limit line; thence following the line of Highland Pointe Holdings, LLC and the current city limit line N 64°00'33" W, 41.00 feet to a point; thence continuing with the same N 10°02'44" W, 227.93 feet to the point of beginning containing 0.447 Acres as shown on an Annexation Plat prepared by BEI Engineering, dated 01-13-2016.

Section 3. That the territory annexed herein is zoned as General Business, Zoned B-4, as illustrated by the zoning maps attached hereto and incorporated by reference herein.

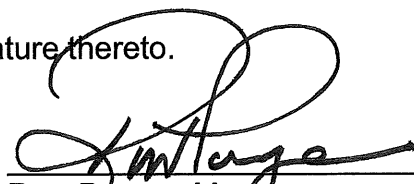
Section 4. Any dedicated streets, alleys, or easements constituting any portion of the property to be annexed are hereby accepted by the City of Owensboro pursuant to KRS 82.400.

Section 5. The Mayor is hereby authorized to execute an amendment to the existing annexation agreement applicable to the surrounding property whereby the property being annexed herein is added to the geographic boundary of the subject annexation agreement under its current terms and conditions.

INTRODUCED AND PUBLICLY READ ON FIRST READING, this the 19th day of January, 2016.

PUBLICLY READ AND APPROVED ON SECOND READING, this the 2nd day of February, 2016.

WHEREUPON, after a vote of the Commission, Mayor Payne declared the Ordinance adopted and affixed his signature thereto.



Ron Payne, Mayor

ATTEST:



Beth Cecil, City Clerk

CERTIFICATION

I, Beth Cecil, City Clerk of the City of Owensboro, Kentucky, do hereby certify that the foregoing is a true and correct copy of Ordinance 2-2016, duly adopted by the Owensboro Board of Commissioners on February 2, 2016, the original of which is on file in the Office of the City Clerk, this the 2nd day of February, 2016.



Beth Cecil, City Clerk

Consent

**CITY OF OWENSBORO
AGENDA REQUEST AND SUMMARY
COVER SHEET**

Item No.

TITLE
REQUEST ANNEXATION FOR 2906 HIGHWAY 54 (HIGHLAND POINTE DEVELOPMENT)

MEETING OF CITY COMMISSION ON (State the meeting date <i>January 19, 2016</i>)
BUDGET (State any budget consequences): <i>N/A</i>

SUMMARY AND BACKGROUND (Continue on additional sheet, if necessary):
<p><i>THE PROPOSED ANNEXATION FOR 2906 HIGHWAY 54 (HIGHLAND POINTE DEVELOPMENT) TOTALS = 0.447 ACRES</i></p> <p><i>2906 HIGHWAY 54 IS A COMMERCIAL LOT THAT IS ZONED B-4</i></p> <p><i>THERE WILL BE NO SURETY BOND FOR PUBLIC IMPROVEMENTS, PUBLIC SIDEWALK WILL BE INSTALLED IN THE RIGHT OF WAY OF WIMSATT COURT PER THE ORIGNIAL DEVELOPMENT PLAN FOR HIGHLAND POINTE DEVELOPMENT</i></p> <p><i>HIGHLAND POINTE HOLDINGS, LLC OWNER OF 2906 HWY 54 HAS SUBMITTED A SIGNED ANNEXATION REQUEST FORM.</i></p> <p><i>A FUTURE SITE DEVELOPMENT PLAN WILL BE SUBMITTED TO OMPC & THE CITY OF OWENSBORO FOR REVIEW FOR COMPLIANCE TO THE PUBLIC IMPROVEMENT SPECIFICATIONS AND PREVIOUSLY APPROVED DEVELOPMENT PLANS</i></p> <p><i>ANNEXATION INCENTIVE AGREEMENT FOR THIS PROPERTY WILL BE COVERED THROUGH AMENDMENT TO THE EXISTING AGREEMENT FOR THE HIGHLAND POINTE DEVELOPMENT</i></p>
Check if continued on next page <input type="checkbox"/> <input type="checkbox"/>

RECOMMENDATION OR ACTION REQUESTED: (State the action requested or recommended)
APPROVE ANNEXATION

ATTACHMENTS (12 copies for agenda packets)	Check if no attachments <input type="checkbox"/> <input type="checkbox"/>
THE ANNEXATION REQUEST FORM, LETTER, DESCRIPTION AND PLAT ARE ATTACHED.	

Note: All City Commission Agenda items submitted by staff, including appropriate backup materials, must be approved and submitted to the City Clerk not later than noon Thursdays preceding Tuesday, 6:30 p.m. meetings.

Submitted by	Department Head Approval	City Attorney Approval	City Manager Approval
MICHAEL HAMILTON	KEVIN COLLIGNON	ED RAY	BILL PARRISH



Engineering Department
Phone (270) 687-8641
Fax (270) 687-8579

City of Owensboro Kentucky



101 E. 4th Street
P.O. Box 10003
Owensboro, Ky 42302-9003

January 14, 2015

To: Bill Parrish
City Manager

From: Kevin Collignon, P.E.
City Engineer

Re: Annexation Request for 2906 HWY 54 (Highland Pointe Development).

Attached is the information necessary to initiate annexation for 2906 HWY 54 (Highland Pointe Development). (See attached). Highland Pointe Holdings, LLC owner of said property has submitted a signed annexation request form for 2906 HWY 54.

No surety bonds were posted for public improvements. However, public sidewalk will be installed in the right of way of Wimsatt Court per the original development plan for Highland Pointe Development.

A future site development plan will be submitted to OMPC & the City of Owensboro for review for compliance to the Public Improvement Specifications & previously approved development plans.

Annexation Incentive Agreement for this property will be covered through amendment to the existing agreement for the Highland Pointe Development.

A signed Annexation Request Form, property description and related plats are attached. With ordinance preparation, the request is in order for consideration by the City Commission.

Attachment

MH

**c: Mayor Ron Payne
City Commissioners
Steve Mitchell
Ed Ray**

CITY OF OWENSBORO

----ANNEXATION REQUEST FORM----

1. LOCATION OF PROPERTY TO BE ANNEXED:

2906 KY Hwy 54 , Owensboro, KY 42303

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

(SEE ATTACHED DESCRIPTION)

B. SOURCE OF TITLE: D.B. 929, PG. 776 - P.B. 42, PG. 189

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

B4 General Business

4. ACREAGE FEES: N/A

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

Highland Pointe Holdings, LLC

2960 Fairview Drive

Owensboro, Ky 42303


6. PHONE NO: 270-689-1733

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 2906 KY HWY 54 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 8th day of January, 20 16.

Witness: _____

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



FOR FINANCE DEPARTMENT USE ONLY:

Annexation Fee

Amount: N/A

Acreage Fee

Amount: N/A

Received by Finance Department

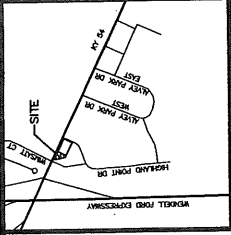
Date: _____

Initialed By: _____

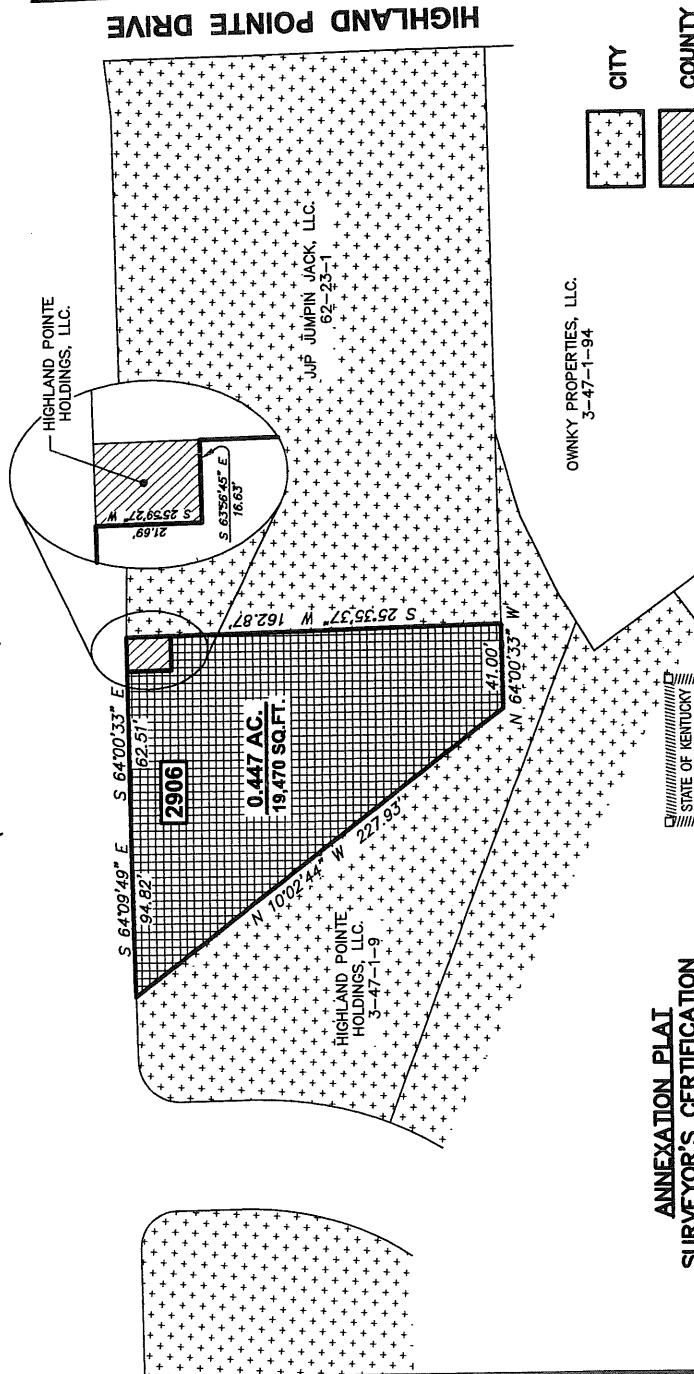
WIMSATT COURT

OWNER/CLIENT
HIGHLAND POINTE HOLDINGS, LLC.
2960 FAIRVIEW DRIVE
OWENSBORO, KY 42301

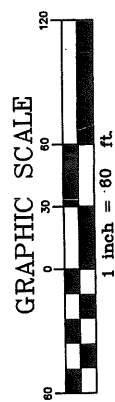
VICINITY MAP



KY HWY 54
(RW VARIES IN WIDTH)



CITY
COUNTY
TO BE ANNEXED



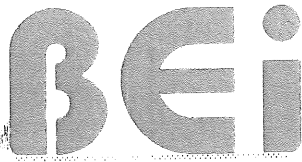
ANNEXATION PLAT
SURVEYOR'S CERTIFICATION
I HEREBY CERTIFY THAT THE TRACT OF LAND SHOWN HEREON
WAS PLOTTED BASED UPON A FIELD SURVEY OF THE
SUBJECT PROPERTY COMPLETED UNDER MY DIRECTION ON
DECEMBER 03, 2015.
J. William Weikel, Jr.
J. WILLIAM WEIKEL, JR., KY R.L.S. NO. 2813
DATE *Jan 13, 2016*

HIGHLAND POINTE HOLDINGS, LLC

ANNEXATION PLAT
LOCATED ON HWY 54
CITY OF OWENSBORO
DAVIESS COUNTY, KENTUCKY

F:\02-3568\ANNEXATION\POPTES.dwg

BEI BRYANT ENGINEERING INC.
Civil Engineering - Land Surveying
1333 FREDERICK STREET - P.O. BOX 21382
OWENSBORO, KENTUCKY 42304
270-685-2811



BRYANT ENGINEERING, INC.

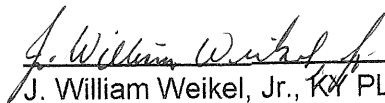
1535 FREDERICA STREET • P.O. BOX 21382 • OWENSBORO, KY 42304

PHONE: (270)685-2811 • FAX: (270)683-4991

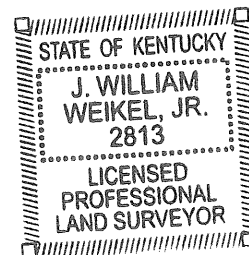
PROPERTY DESCRIPTION FOR ANNEXATION

A certain tract of land being located at 2906 Kentucky Highway 54 in Owensboro, Daviess County, Kentucky and being more particularly described as follows:

Beginning at a calculated point being South 25 degrees 35 minutes 37 seconds West, a distance of 21.71 feet from the Northwest corner of the JJP Jumpin Jack LLC property, as recorded in Plat Book 44, at Page 228 in the office of the Daviess County Clerk and in the east line of the Highland Pointe Holdings, LLC property, as recorded in Deed Book 929, at Page 776 in said clerk's office; thence with said east line South 25 degrees 35 minutes 37 seconds West, a distance of 162.87 feet to a calculated point being in the east line of the Highland Pointe Holdings, LLC property, as recorded in Deed Book 799, at Page 770 in said clerk's office; thence with said east line North 64 degrees 00 minutes 33 seconds West, a distance of 41.00 feet to a calculated point; thence continuing with said east line North 10 degrees 02 minutes 44 seconds West, a distance of 227.93 feet to a calculated point being in the south right-of-way line of Kentucky Highway 54; thence with said south right-of-way line South 64 degrees 09 minutes 49 seconds East, a distance of 94.82 feet to a calculated point; thence continuing with said south right-of-way line South 64 degrees 00 minutes 33 seconds East, a distance of 62.51 feet to a calculated point being in the north line of said holdings property, as recorded Deed Book 929, at Page 776; thence severing said holdings property South 25 degrees 59 minutes 27 seconds West, a distance of 21.69 feet to a calculated point; thence continuing to sever said holdings property South 63 degrees 56 minutes 45 seconds East, a distance of 16.63 feet to the point of beginning and containing 0.447 acres. This description is for an annexation only and is NOT to be used for the transfer of real property.

 Jan 13, 2016
J. William Weikel, Jr., KY PLS No. 2813 Date

F:\Data\2005\05-3588\Annexation Description



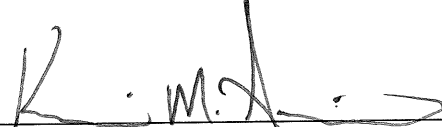
ANNEXATION DESCRIPTION

2906 KY HWY 54: 0.447 ACRES

A tract of land located at 2906 KY HWY 54 on the east side of Owensboro, Daviess County, Kentucky more particularly described as follows:

Beginning at a point in the south right of way line of KY Hwy 54, said point also being in the current city limit line; thence following the south right of way line of KY Hwy 54 and the current city limit line S 64°09'49" E, 94.82 feet to a point; thence S 64°00'33" E, 62.51 feet to a point being the northwest corner to Highland Pointe Holdings, LLC and also being in the current city limit line; thence leaving the current city limit line and following the new city limit line S 25°59'27" W, 21.69 feet to a point; thence S 63°56'45" E, 16.63 feet to a point in the current city limit line, said point also being in the west line of JJP Jumpin Jack, LLC; thence following the current city limit line and the west line of JJP Jumpin Jack, LLC S 25°35'37" W, 162.87 feet to a point in the line of Highland Pointe Holdings, LLC, said point being in the current city limit line; thence following the line of Highland Pointe Holdings, LLC and the current city limit line N 64°00'33" W, 41.00 feet to a point; thence continuing with the same N 10°02'44" W, 227.93 feet to the point of beginning containing 0.447 Acres as shown on an Annexation Plat prepared by BEI Engineering, dated 01-13-2016.

This description was prepared for annexation purposes by Kevin M. Simmons, PLS 3635 with the City of Owensboro. Bearings and distances described herein were taken from a property description and annexation plat prepared by BEI Engineering dated 01-13-16. Bearings and distances were not verified with a field survey.


Kevin M. Simmons, PLS 3635

Date: 1/13/16

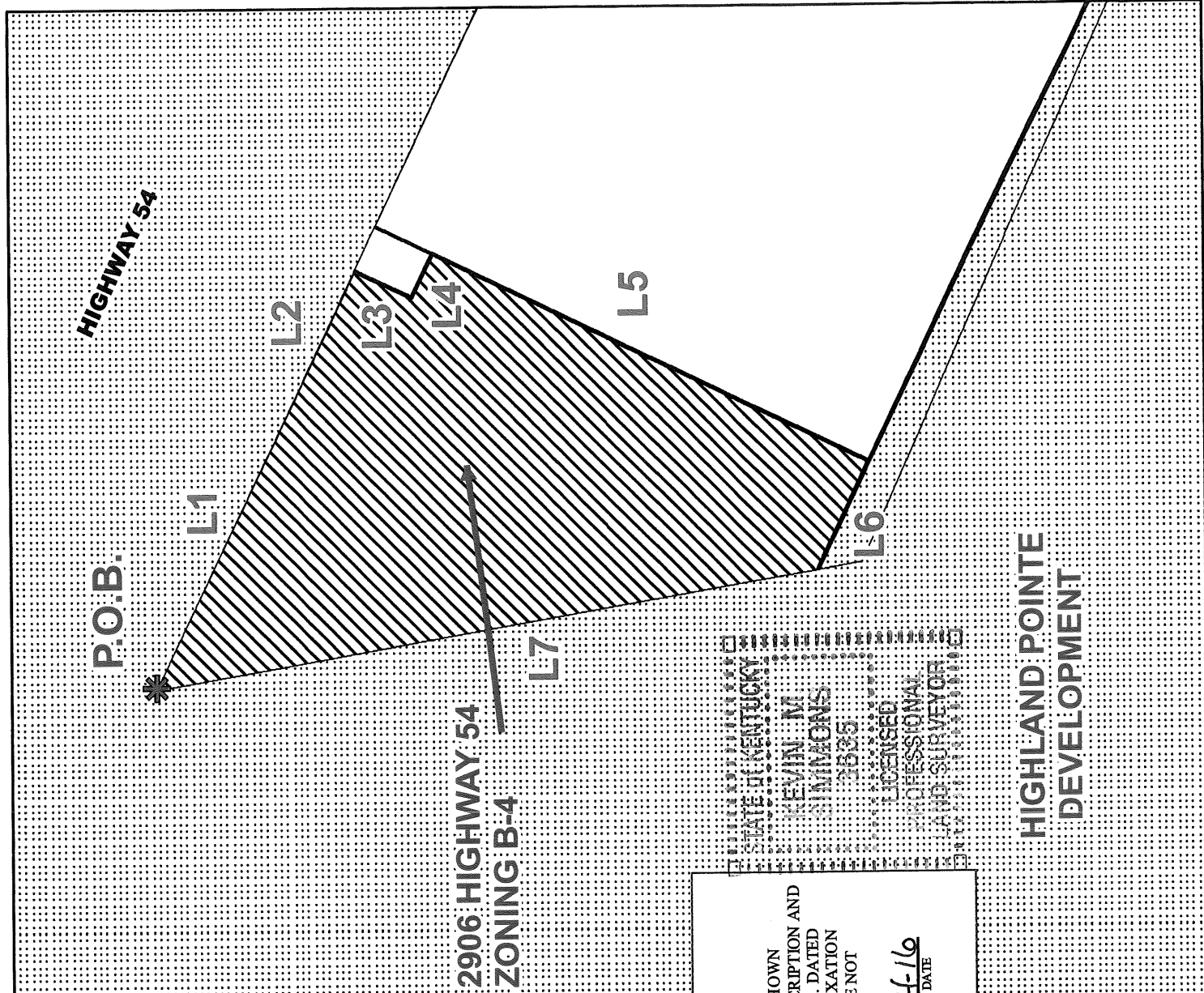
STATE OF KENTUCKY
KEVIN M.
SIMMONS
3635
LICENSED
PROFESSIONAL
LAND SURVEYOR

PROPOSED ANNEXATION FOR
 2906 HIGHWAY 54
 IS APPROX. 0.447 ACRES

CITY
 COUNTY

1 inch = 50 feet

LINE TABLE		
LINE	BEARING	LENGTH
L1	S 64° 09' 49" E	94.82'
L2	S 64° 00' 33" E	62.51'
L3	S 25° 59' 27" W	21.69'
L4	S 63° 56' 45" E	16.63'
L5	S 25° 35' 37" W	162.87'
L6	N 64° 00' 33" W	41.00'
L7	N 10° 02' 44" W	227.93'



ANNEXATION PLAT
SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE BEARINGS AND DISTANCES SHOWN
 HEREON HAVE BEEN TAKEN FROM A PROPERTY ANNEXATION DESCRIPTION AND
 ANNEXATION PLAT PREPARED BY BRYANT ENGINEERING, INC. DATED
 JANUARY 13, 2016. THIS PLAT HAS BEEN PREPARED FOR ANNEXATION
 PURPOSES ONLY. BEARINGS AND DISTANCES SHOWN HAVE NOT
 BEEN VERIFIED IN THE FIELD.

KEVIN M. SIMMONS, P.L.S. 3635

1-14-16
 DATE

WIMSA

HIGHLAND POINTE
DEVELOPMENT