

**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 5-2016, duly adopted by the Owensboro Board of Commissioners on February 16, 2016, the original of which is on file in the Office of the City Clerk, this the 8<sup>th</sup> day of March, 2016.

  
Beth Cecil, City Clerk

RECEIVED AND FILED  
DATE March 11, 2016  
\_\_\_\_\_  
ALISON LUNDERGAN GRIMES  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
BY Handie Adkins

## **ORDINANCE 5-2016**

**AN ORDINANCE STRIKING CERTAIN UNINHABITED AREA THEREBY REDUCING THE BOUNDARIES OF THE CITY, BEING THE PROPERTY LOCATED AT 2703 BRECKENRIDGE STREET; AND FUTHER REMOVING SAID PROPERTY FROM THE TAX ROLLS OF THE CITY.**

**WHEREAS**, HHTG Properties, LLC (HHTG) is the owner of certain property located at 2703 Breckenridge Street located in the City of Owensboro and more particularly described below and in a plat recorded in Plat Book 28, Page 30, Office of the Daviess County Court Clerk. A copy of said plat is attached hereto as Exhibit "A"; and

**WHEREAS**, a portion of said property was annexed by the City of Owensboro in 1968 by Ordinance No. 112-68; and

**WHEREAS**, Ordinance No. 112-68, inadvertently failed to include two parcels of property, one containing .089 acres and one containing .174 acres, in the description of said Ordinance of the property located at 2703 Breckenridge Street, resulting in a divided lot; and

**WHEREAS**, as a result of this error, the records of the Office of the Daviess County PVA have shown the property at 2703 Breckenridge Street as being located in the County, even though part of said property was annexed into the City by the 1968 Ordinance referred to above; and

**WHEREAS**, HHTG purchased said property on October 3, 2011, by deed of record in Deed Book 895, Page 571, Office of the Daviess County Clerk; and

**WHEREAS**, prior to its purchase, HHTG researched the records of the Daviess County Clerk and Office of the Daviess County PVA and in reliance on those records purchased said property and constructed a building on the property; and

**WHEREAS**, HHTG Properties, LLC, recently received notification that the property located at 2703 Breckenridge Street was placed on the City tax roll and was no longer shown by tax records to be located in the County for property tax purposes, relying on Ordinance No. 112-68; and

**WHEREAS**, at the request of HHTG and as required by KRS 81A.440(2)(a), the Owensboro Board of Commissioners passed Ordinance 35-2015 on December 15, 2015, proposing to strike the uninhabited territory from its boundaries in order to reunite the divided lot, alleviate confusion of the property records, and avoid undue hardship; and

**WHEREAS**, as required by KRS 81A.440(2)(b), the City sent notice of its intention to strike the uninhabited territory to the Daviess County Judge-Executive on December 16, 2015, and the Daviess County Fiscal Court has not passed an ordinance objecting to the City's intention to strike the territory, which constitutes acceptance of the City's decision.

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

**Section 1.** In accordance with the requirements of KRS 81A.440(2)(b), the City hereby strikes certain uninhabited area located at 2703 Breckenridge Street, thereby reducing the boundaries of the City;

**Section 2.** The described uninhabited area located at 2703 Breckenridge Street that the City strikes is more particular described as follows:

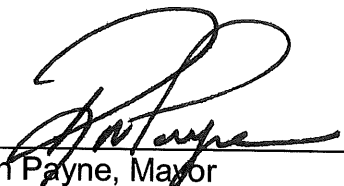
Beginning at a 1/2 inch iron pipe found in the east right-of-way line of Breckenridge Street, 66.8 feet from the centerline of said street, also being the northwest corner to Alexander and Co. (P.B. 21, pg. 202); thence with

the right-of-way line of said street North 04 degrees 27 minutes 30 seconds East, 175.68 feet to an iron pin set, said point being 65.8 feet from the centerline of said street, also being the southwest corner to Joy L. Johnson (D.B. 421, Pg. 196); thence with the line of Johnson North 89 degrees 49 minutes 23 seconds East, 178.72 feet to an 3/4 inch iron pipe found in the line of Rose Hill Cemetery; thence with the line of said cemetery South 33 degrees 45 minutes 02 seconds East, 210.15 feet to an 3/4 inch iron pipe found, said point being the northeast corner to R.L. Wilson Heirs, Tract No. 2; thence with said Tract No. 2 South 89 degrees 48 minutes 56 seconds West, 100.39 feet to a 1/2 inch rebar found, being the northeast corner to Alexander and Co.; thence with north line of Alexander and Co. South 89 degrees 49 minutes 23 seconds West 208.74 feet to the point of beginning, containing 0.981 acre, as per survey by Donald K. Bryant, P.L.S. No. 1948 of Bryant Engineering, Inc. on November 16, 1998, and being Tract No. 1 on a plat of record in Plat Book 28, Page 30, in the office of the Daviess County Court Clerk, and subject to all legal easements and rights-of-way of record.

**Section 3.** The described uninhabited area located at 2703 Breckenridge Street is hereby removed from the City's tax rolls.

**INTRODUCED AND PUBLICLY READ ON FIRST READING,** this 2nd day of February, 2016.

**PUBLICLY READ AND FINALLY APPROVED ON SECOND READING,** this 16th day of February, 2016.

  
\_\_\_\_\_  
Ron Payne, Mayor

ATTEST:

  
\_\_\_\_\_  
Beth Cecil, City Clerk


## DE-ANNEXATION DESCRIPTION

### 2703 BRECKENRIDGE STREET: 0.981 ACRES

A tract of land located at 2703 Breckenridge Street on the east side of Owensboro, Daviess County, Kentucky to be removed from the corporate boundary of the City of Owensboro, thus reducing the boundary more particularly described as follows:

Beginning at a point within the current city boundary, said point being in the east right of way line of Breckenridge Street and being the northwest corner to Alexander and Co.; thence following the east right of way line of Breckenridge Street and the new city limit line N 04°27'30" E, 175.68 feet to a point, said point being the southwest corner to Joy Johnson (D.B. 421, Pg. 196); thence following the south line of Johnson and following the new city limit line N 89°49'23" E, 178.72 feet to a point in the west line of Rose Hill Cemetery, said point being in the current city limit line; thence following the west line of Rose Hill Cemetery and the former city limit line to be removed from corporate limits of the City of Owensboro S 33°45'02" E, 210.15 feet to a point being the northeast corner to Tract 2 as shown on a recorded plat found in Plat Book 28, at Page 30; thence following the north line of Tract 2 and the new city limit line S 89°48'56" W, 100.39 feet to a point being the northeast corner to Alexander and Co.; thence following the north line of Alexander and Co. and the new city limit line S 89°49'23" W, 208.74 feet to the point of beginning containing 0.981 Acres as shown on an Annexation Plat prepared by the City Engineer's Office dated March 03, 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 recorded plat recorded in Plat Book 28, Pg. 30 and a de-annexation description included in ordinance 35-2015. Bearings and distances were not verified with a field survey.

  
Kevin M. Simmons, PLS 3635  
Date 3-4-16

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

 PROPOSED DE-ANNEXATION FOR  
2703 BRECKENRIDGE STREET  
IS APPROX. 0.981 ACRES

 CITY

 COUNTY



1 inch = 100 feet

PROPOSED DE-ANNEXATION  
2703 BRECKENRIDGE STREET  
ZONING B-4

BRECKENRIDGE ST

ROSEHILL  
CEMETERY

LINE TABLE		
LINE	BEARING	LENGTH
L1	N 04° 27' 30" E	175.68'
L2	N 89° 49' 23" E	178.72'
L3	S 33° 45' 02" E	210.15'
L4	S 89° 48' 56" W	100.39'
L5	S 89° 49' 23" W	208.74'

L3

L4

L2

L5

L1

P.O.B.

E 27TH ST

NEW HARTFORD RD

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

DE-ANNEXATION PLAT  
SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE BEARINGS AND DISTANCES SHOWN  
HEREON HAVE BEEN TAKEN FROM A RECORDED PLAT RECORDED IN  
PLAT BOOK 28, PG. 30 AND DE-ANNEXATION DESCRIPTION INCLUDED IN  
IN ORDINANCE 35-2015. 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  
DATE 3-4-16