

**ORDINANCE 14-2016**

**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 2900 KENTUCKY HIGHWAY 54 (GATEWAY COMMONS DEVELOPMENT), TRACT II (6.853 ACRES) AND TRACT III (0.592 ACRES) CONTAINING A TOTAL OF 7.445 ACRES, MORE OR LESS.**

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

**WHEREAS**, the Board of Commissioners for the City of Owensboro approved Ordinance 14-2015 on August 4, 2015, annexing property located at 2900 Kentucky Highway 54 (Gateway Commons), containing 190.468 acres, more or less; and

**WHEREAS**, the owners of the property annexed in Ordinance 14-2015, Gateway Land, LLC, have filed a request seeking to annex two additional tracts of property adjacent to the property previously annexed located at 2900 Kentucky Highway 54 (Gateway Commons); and

**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 09-2015; the agreement will be amended to include Tract II and Tract III annexations.

**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:

**Gateway Commons Tract II: 6.853 acres**

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

Beginning at a point in the west right of way line of Pleasant Valley Road, said point also being in the north line of Gateway Land, LLC and in the current city limit line; thence following the north line of Gateway Land, LLC and the current city limit line as follows: N 85°20'13" W, 99.72 feet to a point; thence S 56°33'22" W, 208.58 feet to a point; thence N 68°23'08" W, 175.83 feet to a point; thence N 40°05'49" W, 133.41 feet to a point; thence N 58°56'17" W, 201.70 feet to a point; thence S 86°46'28" W, 153.88 feet to a point; thence S 56°56'07" W, 922.70 feet to a point; thence N 36°18'15" W, 136.14 feet to a point in the east right of way line of the Wendell Ford Expressway; thence leaving the current city limit line and following the new city limit line and the east right of way line of the Wendell

Ford Expressway as follows: N 54°34'45" E, 12.21 feet to a point; thence N 52°34'47" E, 294.84 feet to a point; thence N 66°45'30" E, 254.01 feet to a point; thence N 56°33'16" E, 249.99 feet to a point; thence N 52°15'55" E, 401.11 feet to a point; thence S 56°24'44" E, 241.35 feet to a point; thence S 51°17'47" E, 210.98 feet to a point; thence S 61°47'59" E, 154.74 feet to a point; thence S 64°50'36" E, 218.47 feet to the point of beginning containing 6.853 acres as shown on an Annexation Plat prepared by BEI Engineering, dated 04-26-2016.

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 04-26-16. Bearings and distances were not verified with a field survey.

**Gateway Commons Tract III: 0.592 acres**

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

Beginning at a point in the west line of Gateway Land, LLC, said point being in the current city limit line, thence leaving the current city limit line and following the new city limit line N 36°48'38" W, 41.07 feet to a point in the east right of way line of the Wendell Ford Expressway; thence following the new city limit line and the east right of way line of the Wendell Ford Expressway as follows: N 21°57'38" E, 174.02 feet to a point; thence N 27°09'56" E, 196.83 feet to a point; thence N 31°16'05" E, 196.52 feet to a point; thence N 25°08'19" E, 197.26 feet to a point in the current city limit line, said point being in the west line of Gateway Land, LLC; thence following the west line of Gateway Land LLC and the current city limit line as follows: S 21°12'48" W, 443.36 feet to a point; thence S 27°13'37" W, 340.34 feet to the point of beginning containing 0.592 Acres as shown on an Annexation Plat prepared by BEI Engineering, dated 04-26-2016.

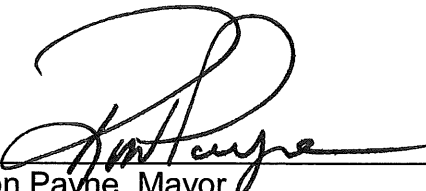
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**Section 3.** That the territory annexed herein is zoned as General Business, Zoned B-4, as illustrated by the zoning maps attached hereto and incorporated by reference herein.

**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.

**INTRODUCED AND PUBLICLY READ ON FIRST READING**, this the 3<sup>rd</sup> day of May, 2016.

**PUBLICLY READ AND APPROVED ON SECOND READING**, this the 17<sup>th</sup> day of May, 2016.

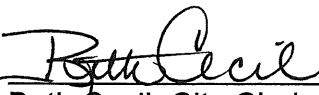
  
\_\_\_\_\_  
Ron Payne, Mayor

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 14-2016, duly adopted by the Owensboro Board of Commissioners on May 17, 2016, the original of which is on file in the Office of the City Clerk, this the 17<sup>th</sup> day of May, 2016.

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

# CITY OF OWENSBORO

## ----ANNEXATION REQUEST FORM----

**1. LOCATION OF PROPERTY TO BE ANNEXED:**

Gateway Commons ( No Address assigned)

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

See attached

**B. SOURCE OF TITLE:**

Plat is under Review

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

B4 General Business

**4. ACREAGE FEES:**

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

Gateway Land, LLC, Matt Hayden

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 \_\_\_\_\_ 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 \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

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: \_\_\_\_\_

Consent

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

Item No.

<b>TITLE</b>
REQUEST ANNEXATION FOR GATEWAY COMMONS 2900 BL. KY HIGHWAY 54 (ADDITIONAL PROPERTY – EXCESS COMMONWEALTH OF KENTUCKY PROPERTY – TRACTS II & III)

<b>MEETING OF CITY COMMISSION ON</b> (State the meeting date <i>May 3, 2016</i> )
<b>BUDGET</b> (State any budget consequences): <i>N/A</i>

<b>SUMMARY AND BACKGROUND</b> (Continue on additional sheet, if necessary):
<p><i>THE PROPOSED ANNEXATION FOR GATEWAYS COMMONS (ADDITIONAL PROPERTY –TRACTS II &amp; III)</i>  <i>TRACT II – 6.85 ACRES</i>  <i>TRACT III- 0.59 ACRES</i>  <i>TOTALS = 7.44 ACRES</i></p> <p><i>GATEWAYS COMMONS PROPERTY – 2900 BL. KY HIGHWAY 54 TRACTS II &amp; III ARE ZONED B-4</i></p> <p><i>TRACTS II &amp; III WILL BE CONSOLIDATED &amp; INCORPORATED INTO THE FUTURE GATEWAY COMMONS DEVELOPMENT AND THERE WILL BE SURETY BONDS FOR THE PUBLIC IMPROVEMENTS TO BE INSTALLED AS PART OF THE APPROVED PRELIMINARY SUBDIVISION PLAN/ FINAL DEVELOPMENT PLAN AT THE TIME OF FINAL PLAT.</i></p> <p><i>GATEWAY LAND, LLC, OWNER OF TRACTS II &amp; III FUTURE GATEWAY COMMONS DEVELOPMENT PROPERTY HAS SUBMITTED A SIGNED ANNEXATION REQUEST FORM.</i></p> <p><i>GATEWAY COMMONS DEVELOPMENT WILL BE INCLUDED IN A TAX INCREMENT FINANCE PROGRAM PROPOSED BY THE CITY OF OWENSBORO TO THE COMMONWEALTH OF KENTUCKY.</i></p> <p><i>THERE WILL BE AN ANNEXATION INCENTIVE AGREEMENT FOR THIS PROPERTY AS PART OF THE GATEWAY COMMONS DEVELOPMENT</i></p> <p style="text-align: right;">Check if continued on next page    <input type="checkbox"/>    <input type="checkbox"/></p>

<b>RECOMMENDATION OR ACTION REQUESTED:</b>
(State the action requested or recommended)
APPROVE ANNEXATION

<b>ATTACHMENTS</b> (12 copies for agenda packets)	<b>Check if no attachments</b>	<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. 4<sup>th</sup> Street  
P.O. Box 10003  
Owensboro, Ky 42302-9003

April 28, 2016

**To:** Bill Parrish  
City Manager

**From:** Kevin Collignon, P.E.  
City Engineer

**Re:** Annexation Request for Gateway Commons – 2900 Bl. of KY HWY 54  
(Additional Property – Excess Commonwealth of Kentucky Property Tracts II & III).

Attached is the information necessary to initiate annexation for Gateway Commons – 2900 Bl. of KY HWY 54 (Additional Property – Tracts II & III). (See attached). Gateway Land, LLC owner of said property has submitted a signed annexation request forms for Tracts II & III.

Tracts II & III will be consolidated & incorporated into the future Gateway Commons Development and There will be surety bonds for the Public Improvements to be installed as part of the approved Preliminary Subdivision Plan/ Final Development Plan at the time of Final Plat

Gateway Commons Development will be included in a Tax Increment Finance Program proposed by the City of Owensboro to the Commonwealth of Kentucky.

An Annexation Incentive Agreement for this development will be entered into between the City of Owensboro & Gateway Land, LLC.

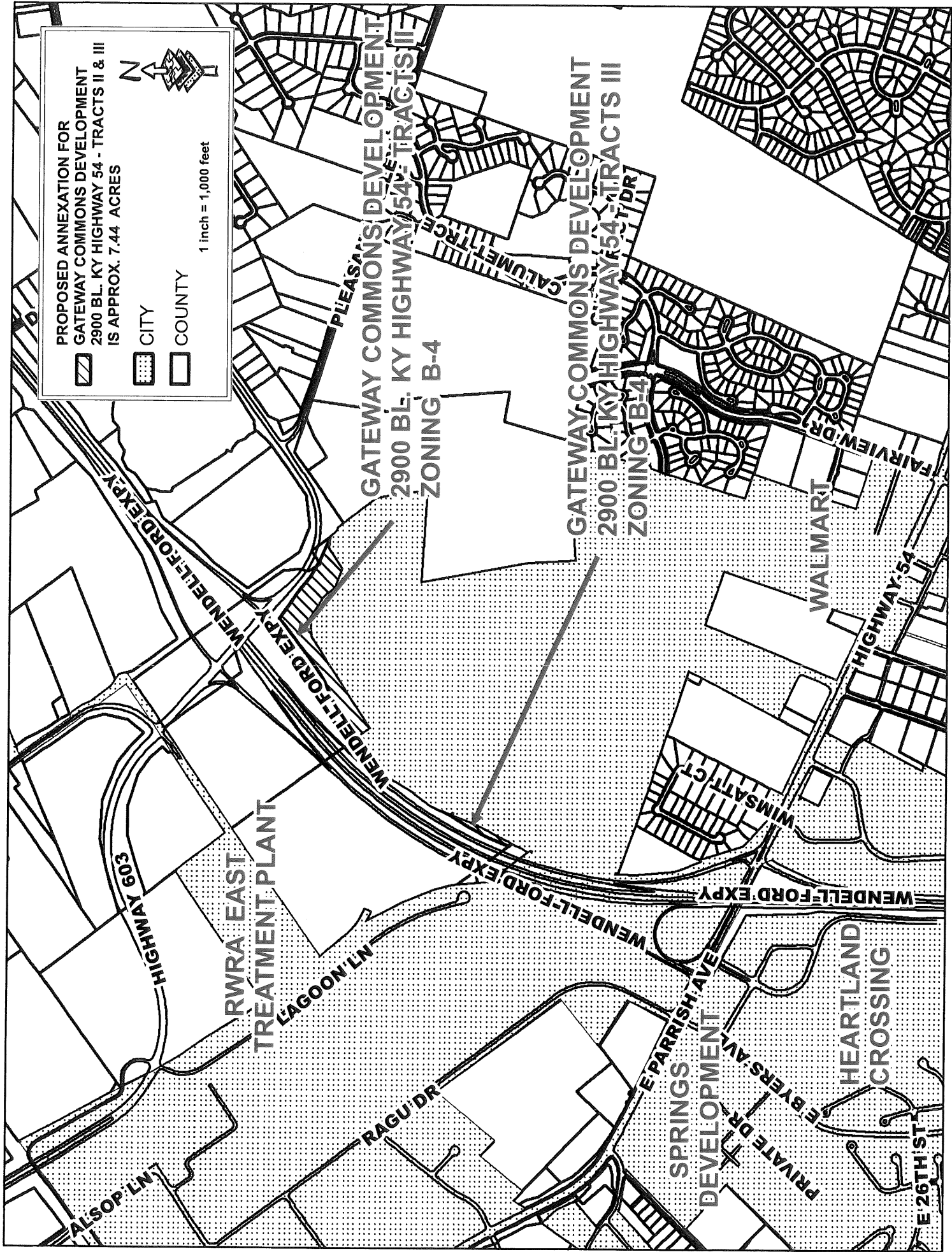
A signed Annexation Request Form, property description and related plats are attached. With ordinance preparation, the request is in order for consideration by the City Commission.

## **Attachment**

**MH**

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





PROPOSED ANNEXATION FOR

GATEWAY COMMONS DEVELOPMENT  
2900 BL. KY HIGHWAY 54 - TRACTS II & III  
IS APPROX. 7.44 ACRES



N



1 inch = 1,000 feet

GATEWAY COMMONS DEVELOPMENT  
2900 BL. KY HIGHWAY 54 - TRACTS II  
ZONING B-4

GATEWAY COMMONS DEVELOPMENT  
2900 BL. KY HIGHWAY 54 - TRACTS I  
ZONING B-4

ALSOP LN  
HIGHWAY 603

RWRA EAST  
TREATMENT PLANT

LAGOON LN

RAGU DR

E PARRISH AVE  
SPRINGS  
DEVELOPMENT

PRIVATE DR  
E BYERS AVE

HEARTLAND  
CROSSING

E 26TH ST

WIMSATT CT

WALMART

HIGHWAY 54

FAIRVIEW DR

WENDELL-FORD EXPR

WENDELL-FORD EXPR

VALUMET TRCE

PLEASEA

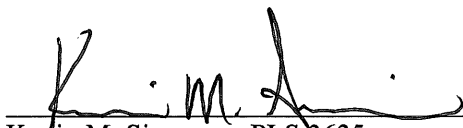
## ANNEXATION DESCRIPTION

### Gateway Commons Tract 2: 6.853 ACRES

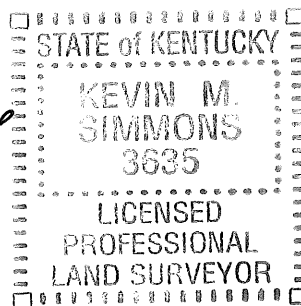
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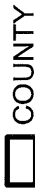
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Kevin M. Simmons, PLS 3635

4/27/16  
Date

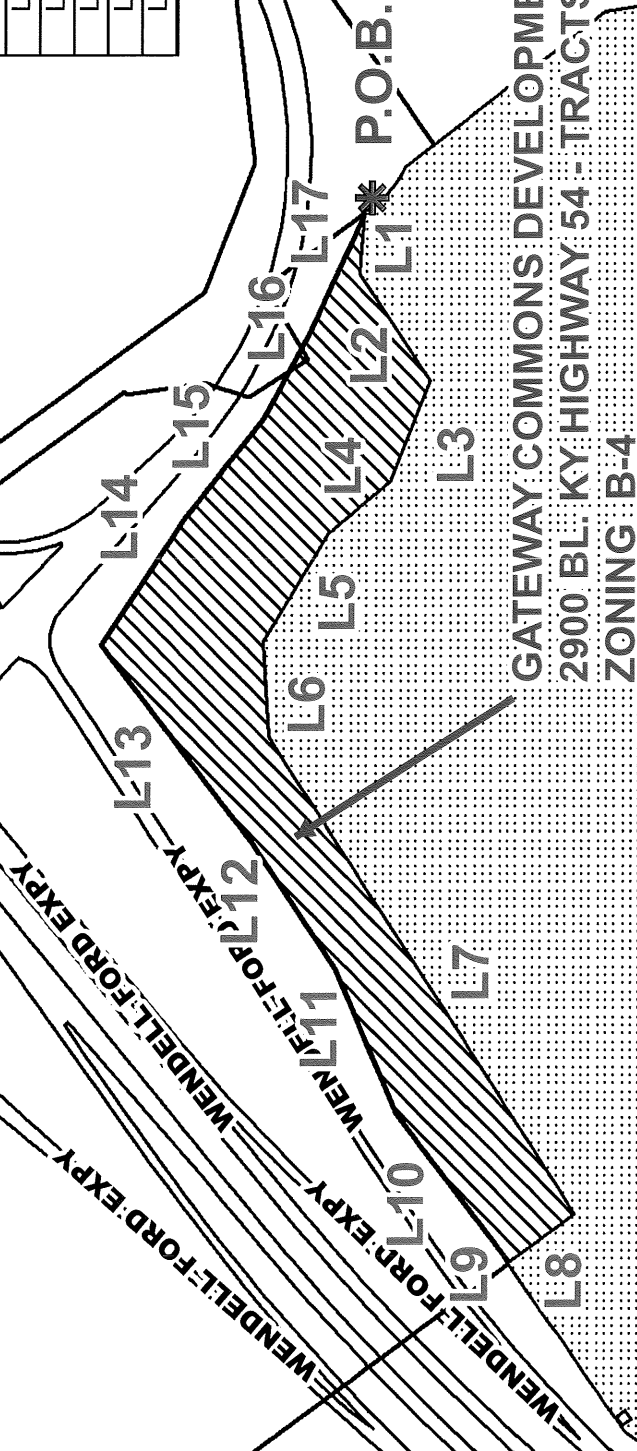


PROPOSED ANNEXATION FOR  
 GATEWAY COMMONS DEVELOPMENT  
 2900 BL. KY HIGHWAY 54 - TRACTS II  
 IS APPROX. 6.85 ACRES



1 inch = 300 feet

LINE TABLE		
LINE	BEARING	LENGTH
L1	N 85° 20' 13" W	99.72'
L2	S 56° 33' 22" W	208.58'
L3	N 68° 23' 08" W	175.83'
L4	N 40° 05' 49" W	133.41'
L5	N 58° 56' 17" W	201.70'
L6	S 86° 46' 28" W	153.88'
L7	S 56° 56' 07" W	922.70'
L8	N 36° 18' 15" W	136.14'
L9	N 54° 34' 45" E	12.21'
L10	N 52° 34' 47" E	294.84'
L11	N 66° 45' 30" E	254.01'
L12	N 56° 33' 16" E	249.99'
L13	N 52° 15' 55" E	401.11'
L14	S 56° 24' 44" E	241.35'
L15	S 51° 17' 47" E	210.98'
L16	S 61° 47' 59" E	154.74'
L17	S 64° 50' 36" E	218.47'



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

GATEWAY  
 COMMONS

ANNEXATION PLAT  
 SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE BEARINGS AND DISTANCES SHOWN  
 HEREON HAVE BEEN TAKEN FROM AN ANNEXATION PLAT PREPARED BY  
 BRYANT ENGINEERING, INC. DATED APRIL 26, 2016. THIS PLAT HAS  
 BEEN PREPARED FOR ANNEXATION PURPOSES ONLY. BEARINGS  
 AND DISTANCES SHOWN HAVE NOT BEEN VERIFIED IN THE FIELD.

Kevin M. Simmons  
 4/28/16  
 STATE


## ANNEXATION DESCRIPTION

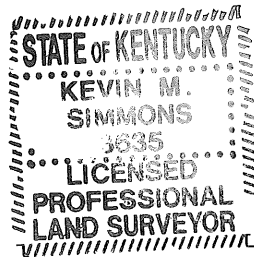
### Gateway Commons Tract 3: 0.592 ACRES

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

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Kevin M. Simmons, PLS 3635  
4/22/16 Date



PROPOSED ANNEXATION FOR  
GATEWAY COMMONS DEVELOPMENT  
2900 BL. KY HIGHWAY 54 - TRACTS III  
IS APPROX. 0.59 ACRES



CITY

COUNTY

1 inch = 200 feet



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

ANNEXATION PLAT  
SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE BEARINGS AND DISTANCES SHOWN  
HEREON HAVE BEEN TAKEN FROM AN ANNEXATION PLAT PREPARED BY  
BRYANT ENGINEERING, INC. DATED APRIL 26, 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  
DATE 4/23/16

LINE TABLE		
LINE	BEARING	LENGTH
L1	N 36° 48' 38" W	41.07'
L2	N 21° 57' 38" E	174.02'
L3	N 27° 09' 56" E	196.83'
L4	N 31° 16' 05" E	196.52'
L5	N 25° 08' 19" E	197.26'
L6	S 21° 12' 48" W	443.36'
L7	S 27° 13' 37" W	340.34'

