

**ORDINANCE 30-2016**

**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 3138 FAIRVIEW DRIVE, CONTAINING 10.530 ACRES, MORE OR LESS.**

**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.

**WHEREAS**, in consideration for the annexation, the parties have agreed to enter into an Annexation Incentive Agreement which is attached hereto and incorporated herein by reference.

RECEIVED AND FILED  
DATE November 18, 2016

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

**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:

**3138 Fairview Drive: 10.530 ACRES**

A portion of a tract of land located at 3138 Fairview Drive on the east side of Owensboro, Daviess County, Kentucky more particularly described as follows:

Beginning at point being S 66°26'49" E, 573.92 feet from the east right of way line of Fairview Drive, said point being in north line of the Daviess County Fiscal Court (D.B. 795, Pg. 768), and being the southeast corner to Woodlands Plaza, LLC, and also being in the current city limit line; thence following the current city limit line and the east line of Woodlands Plaza, LLC N 19°05'15" E, 500.96 feet to a point; thence leaving the east line of Woodlands Plaza and the current city limit line and following the new city limit line S 70°39'23" E, 863.12 feet to a point in the west line of C S Oboro, LLC; thence following the west line of C S Oboro, LLC and the new city limit line S 19°29'43" W, 564.20 feet to a point in the north line of Daviess County Fiscal Court; thence following the north line of Daviess County Fiscal Court and the new city limit line N 66°26'49" W, 861.71 feet to the point of beginning containing 10.530 acres as shown on an annexation plat prepared by BEI, Inc. dated October 12, 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 an annexation plat prepared by BEI, Inc. dated October 12, 2016. Bearings and distances were not verified with a field survey.

**Section 3.** That the territory annexed herein is zoned as R-3MF Residential, 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 provisions of this Ordinance are severable, and if any section, phrase or provisions hereof shall for any reason be declared invalid or unenforceable, such declaration shall not affect the validity of the remainder hereof. If any resolution, order or part is in conflict with the provisions hereof, the provisions hereof shall prevail and be given effect.

**Section 6.** The Ordinance shall become effective immediately upon passage and publication.

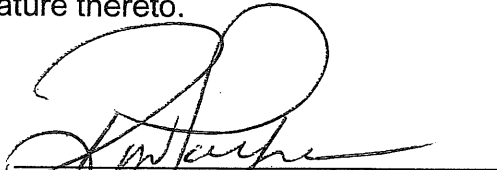
**Section 7.** The Board of Commissioners hereby authorizes the Mayor, City Attorney, Director of Finance and Support Services, and other appropriate City Officials to execute the agreement in a form substantially the same as the attached any and all other documents which are deemed necessary to meet the requirements of this Ordinance as approved herein.

**Section 8.** The Board of Commissioners hereby authorizes the Mayor to execute an addendum to the applicable annexation agreement for the property immediately to the west of the real property being annexed herein (identified within the exhibits as Woodlands Plaza, LLC) whereby its' term shall be extended to match the term of the annexation agreement attached hereto (not to exceed a total of five (5) years once activated).

**INTRODUCED AND PUBLICLY READ ON FIRST READING**, this the 1st day of November, 2016.

**PUBLICLY READ AND APPROVED ON SECOND READING**, this the 15<sup>th</sup> day of November, 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 30-2016, duly adopted by the Owensboro Board of Commissioners on November 15, 2016, the original of which is on file in the Office of the City Clerk, this the 15<sup>th</sup> day of November, 2016.

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

|                |
|----------------|
| <b>Consent</b> |
|                |

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

|                 |
|-----------------|
| <b>Item No.</b> |
|                 |

|   |
|---|
| <b>TITLE</b>  |
| REQUEST ANNEXATION FOR 3138 FAIRVIEW DRIVE<br>(FMU, LLC PROPERTY) |

|   |
|---|
| <b>MEETING OF CITY COMMISSION ON</b> (State the meeting date   November 1, 2016 |
| <b>BUDGET</b> (State any budget consequences):   N/A                            |

|   |
|---|
| <b>SUMMARY AND BACKGROUND</b> (Continue on additional sheet, if necessary):   |
| <p><i>THE PROPOSED ANNEXATION FOR 3138 FAIRVIEW DRIVE</i></p> <p><b>TOTALS = 10.530 ACRES</b></p> <p><i>FMU, LLC PROPERTY – 3138 FAIRVIEW DRIVE IS CURRENTLY ZONED R-3MF RESIDENTIAL</i></p> <p><i>FMU, LLC OWNER OF 3138 FAIRVIEW DRIVE, HAS SUBMITTED A SIGNED ANNEXATION REQUEST FORM.</i></p> <p><i>3138 FAIRVIEW DRIVE WILL BE CONSOLIDATED &amp; INCORPORATED WITH OTHER PROPERTIES IN A FUTURE PROPOSED DEVELOPMENT. A PRELIMINARY SUBDIVISION PLAN/FINAL DEVELOPMENT PLAN WILL BE SUBMITTED TO OMPC &amp; CITY PUBLIC WORKS FOR REVIEW.</i></p> <p><i>THERE WILL BE PUBLIC IMPROVEMENTS CONSTRUCTED WITH THIS DEVELOPMENT SUCH AS STREET AND STORM FACILITIES AMONG OTHERS, SO SURETY BONDS WILL BE POSTED WITH THIS DEVELOPMENT AT TIME OF FINAL PLAT</i></p> <p><i>THERE WILL BE AN ANNEXATION INCENTIVE AGREEMENT FOR THIS PROPERTY</i></p> <p style="text-align: right;"><b>Check if continued on next page</b></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> |  |
| 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          |



# City of Owensboro Kentucky



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

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

October 26, 2016

**To:** Bill Parrish  
City Manager

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

**Re:** Annexation Request for 3138 Fairview Drive

Attached is the information necessary to initiate annexation for 3138 Fairview Drive (See attached). FMU, LLC, owner of said property has submitted a signed Annexation Request Form.

3138 Fairview Drive will be consolidated & incorporated with other properties in a future proposed development. A Preliminary Subdivision Plan/Final Development Plan will be submitted to OMPC & City Public Works for review.

There will be public improvements constructed with this development such as street and storm facilities among others, so surety bonds will be posted with this development at time of final plat

There will be an Annexation Incentive Agreement for this Property.

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:

3138 Fairview Drive

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

See Attached Exhibit

B. SOURCE OF TITLE:

DB 953, Pg 659 & DB 875, Pg 780

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

R3MF

4. ACREAGE FEES: \_\_\_\_\_

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

FMU, LLC

2960 Fairview Drive, Owensboro, KY 42303

6. PHONE NO: 270-663-2325

### 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 25 day of October, 20 16.

Witness:

[Signature]

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

[Signature]  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### FOR FINANCE DEPARTMENT USE ONLY:

Annexation Fee

Amount: N/A

Acreage Fee

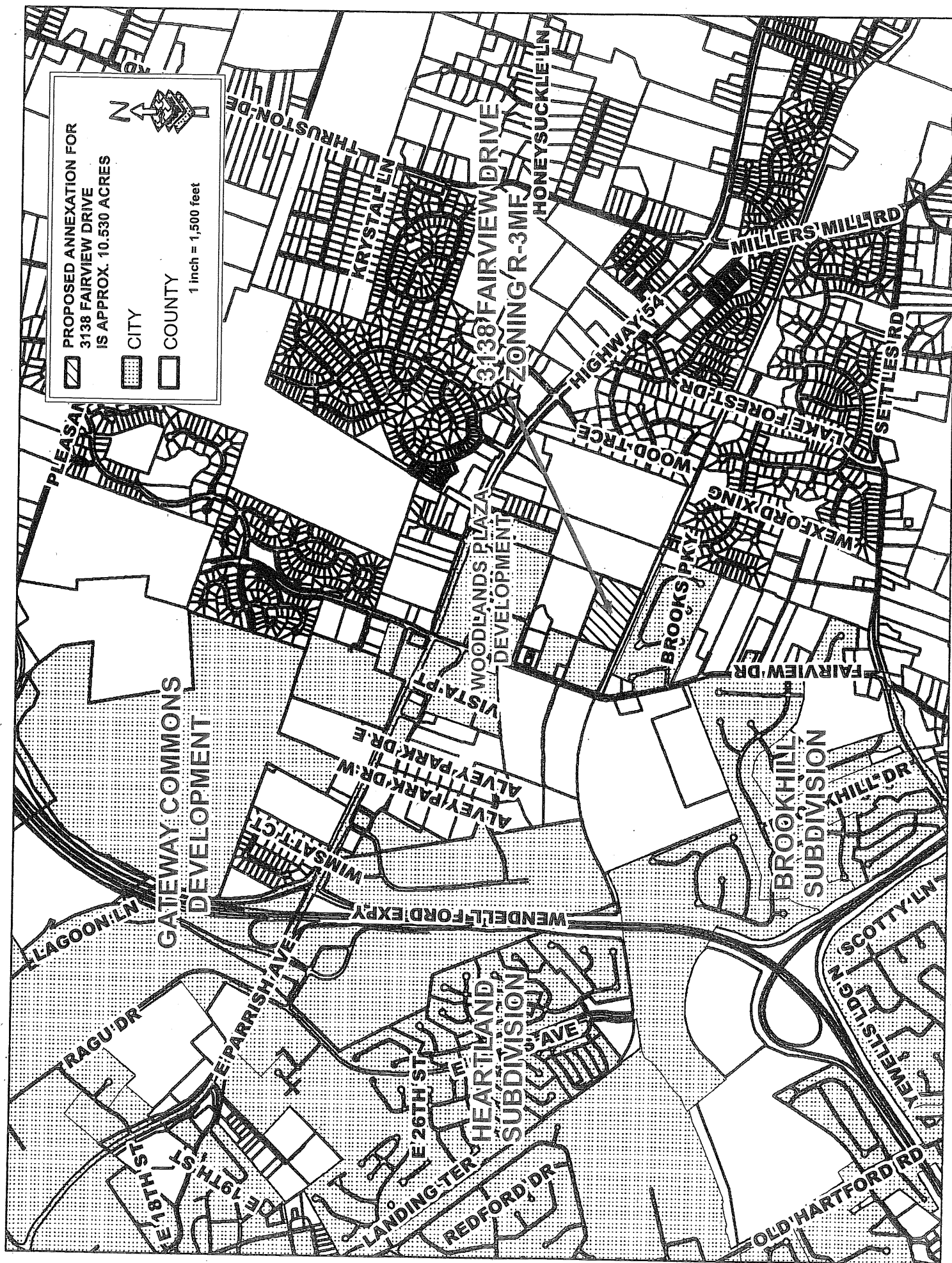
Amount: N/A

Received by Finance Department

Date: \_\_\_\_\_

Initialed By: \_\_\_\_\_






## ANNEXATION DESCRIPTION

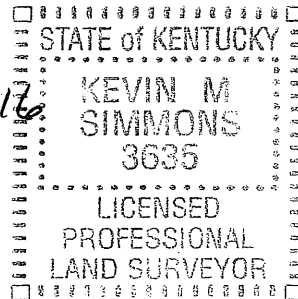
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Kevin M. Simmons, PLS 3635      10-26-16      Date



 PROPOSED ANNEXATION FOR  
 3138 FAIRVIEW DRIVE  
 IS APPROX. 10.530 ACRES

 CITY

 COUNTY

1 inch = 400 feet



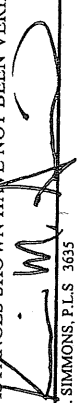
3138 FAIRVIEW-DRIVE  
 ZONING R-3MF

# LINE TABLE

| LINE | BEARING         | LENGTH  |
|------|-----------------|---------|
| L1   | N 19° 05' 15" E | 500.96' |
| L2   | S 70° 39' 23" E | 863.12' |
| L3   | S 19° 29' 43" W | 564.20' |
| L4   | N 66° 26' 49" W | 861.71' |

## 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. 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 10-26-16

STATE OF KENTUCKY

PROFESSIONAL  
 LAND SURVEYOR

P.O.B.

BROOKSIDE CT

SILVER CREEK LOOP

RESERVE WAY

BROOKSIDE

WOODLANDS PLAZA  
DEVELOPMENT

PROFESSIONAL PARK DR

FAIRVIEW DR

VILLA PT

RALPH AVE

L2

L1

L3

L4