

ORDINANCE 14-2017

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 IV (10.191 ACRES), MORE OR LESS.

ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
By: Handie Adkins

WHEREAS, the Board of Commissioners for the City of Owensboro approved Ordinance 26-2015 on August 4, 2015, annexing property located at 2900 Kentucky Highway 54 (Gateway Commons), containing 190.468 acres, more or less; and

WHEREAS, on May 17, 2016 through Ordinance 14-2016, two additional tracts located at 2900 Kentucky Highway 54 (Gateway Commons), Tract II containing 6.853 acres and Tract III containing 0.592 acres, more or less, were approved for annexation; and

WHEREAS, the owners of the property annexed in Ordinance 14-2015 and 14-2016, Gateway Land, LLC, have filed a request seeking to annex an additional tract 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 the Tract IV annexation.

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 IV: 10.191 acres

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

Beginning at a point being S 37°30'08" E, 412.89 feet and S 08°40'12" E, 429.93 feet from the intersection of the east line of Gateway Commons Development and the south right of way line of Old Pleasant Valley Road, said point being in the current city limit line; thence leaving the current city limit line and following the new city limit line S 27°29'58" W, 1286.11 feet to

a point in the east line of the Gateway Commons Development, said point being in the current city limit line; thence following the east line of the Gateway Commons Development and the current city limit line N 03°05'14" W, 251.43 feet to a point; thence N 10°35'14" W, 951.00 feet to a point; thence S 86°42'04" E, 783.42 feet to the point of beginning containing 10.191 acres as shown on an Annexation Plat prepared by BEI Engineering, dated 04-03-2017.

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 04-03-17. Bearings and distances were not verified with a field survey.


Section 3. That the territory annexed herein is zoned as Urban Agriculture, Zoned A-U, 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 Board of Commissioners hereby authorizes the Mayor, City Attorney, Director of Finance and Support Services, and other appropriate City Officials to execute the amended agreement in a form substantially the same as the attached and all other documents which are deemed necessary to meet the requirements of this Ordinance as approved herein.

INTRODUCED AND PUBLICLY READ ON FIRST READING, this the 6th day of June, 2017.

PUBLICLY READ AND APPROVED ON SECOND READING, this the 12th day of June, 2017.



Thomas H. Watson, Mayor

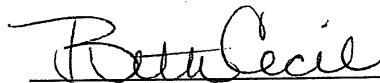
ATTEST:



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 14-2017, duly adopted by the Owensboro Board of Commissioners on June 12, 2017, the original of which is on file in the Office of the City Clerk, this the 12th day of June, 2017.



Beth Cecil, City Clerk

Consent

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

Item No.

TITLE
REQUEST ANNEXATION FOR GATEWAY COMMONS 2900 BL. KY HIGHWAY 54 (ADDITIONAL PROPERTY – FORMER SETTLES ESTATE PROPERTY – TRACT IV)

MEETING OF CITY COMMISSION ON (State the meeting date <i>May 16, 2017</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 GATEWAYS COMMONS (ADDITIONAL PROPERTY - FORMER SETTLES ESTATES PROPERTY-TRACT IV) TRACT IV – 10.191 ACRES</i></p> <p><i>GATEWAYS COMMONS PROPERTY (FORMER SETTLES ESTATES PROPERTY) – 2900 BL. KY HIGHWAY 54 TRACT IV IS CURRNETLY ZONED AU</i></p> <p><i>TRACT IV 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.</i></p> <p><i>GATEWAY LAND, LLC, OWNER OF TRACT IV 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"/></p>

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"/>
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

April 18, 2017

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 – Former Settles Estate Property - Tract IV).

Attached is the information necessary to initiate annexation for Gateway Commons – 2900 Bl. of KY HWY 54 (Additional Property – Former Settles Estate Property - Tract IV). (See attached). Gateway Land, LLC owner of said property has submitted a signed annexation request forms for Tract IV.

Tract IV 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 has been 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 has been 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 Tom Watson
City Commissioners
Steve Mitchell
Ed Ray**

CITY OF OWENSBORO

----ANNEXATION REQUEST FORM----

1. LOCATION OF PROPERTY TO BE ANNEXED:

Near Pleasant Valley Road

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

(SEE ATTACHED DESCRIPTION)

B. SOURCE OF TITLE: Deed Book 978, at Page 208

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

A-U

4. ACREAGE FEES: N/A

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

Gateway Land, LLC

Matthew R. Hayden, Manager

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 NEAR PLEASANT VALLEY RD 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

30TH day of MARCH, 20 17.

Witness:

Stephen L. Bailey

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

[Signature]

FOR FINANCE DEPARTMENT USE ONLY:

Annexation Fee

Amount: N/A

Acreage Fee

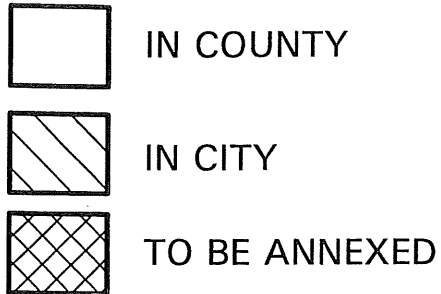
Amount: N/A

Received by Finance Department

Date: _____

Initialed By: _____

LEGEND



PROPERTY DESCRIPTION

Beginning at a 24-inch tree being South 37 degrees 30 minutes 08 seconds East, a distance of 412.89 feet and South 08 degrees 40 minutes 12 seconds East, a distance of 429.93 feet from the intersection of the east line of the Gateway Land, LLC property, as recorded in Deed Book 945, at Page 733 in the office of the Daviess County Clerk with the south right-of-way line of Old Pleasant Valley Road, said south right-of-way line being 30.00 feet from its centerline and being in the west line of the Irene Settles Estate property, as recorded in Deed Book 121, at Page 418 in said clerk's office; thence severing said Settles property South 27 degrees 29 minutes 58 seconds West, passing through an iron pin set at 10.00 feet, in all a total distance of 1,286.11 feet to an iron pin set being in said east line of said Gateway property; thence with said east line for the following three (3) calls:

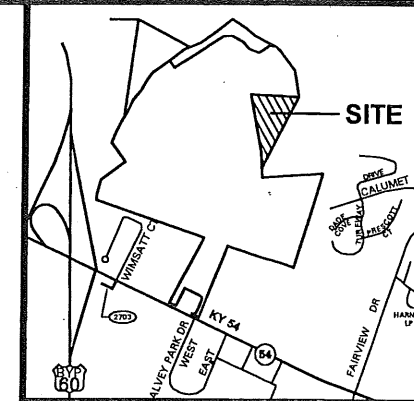
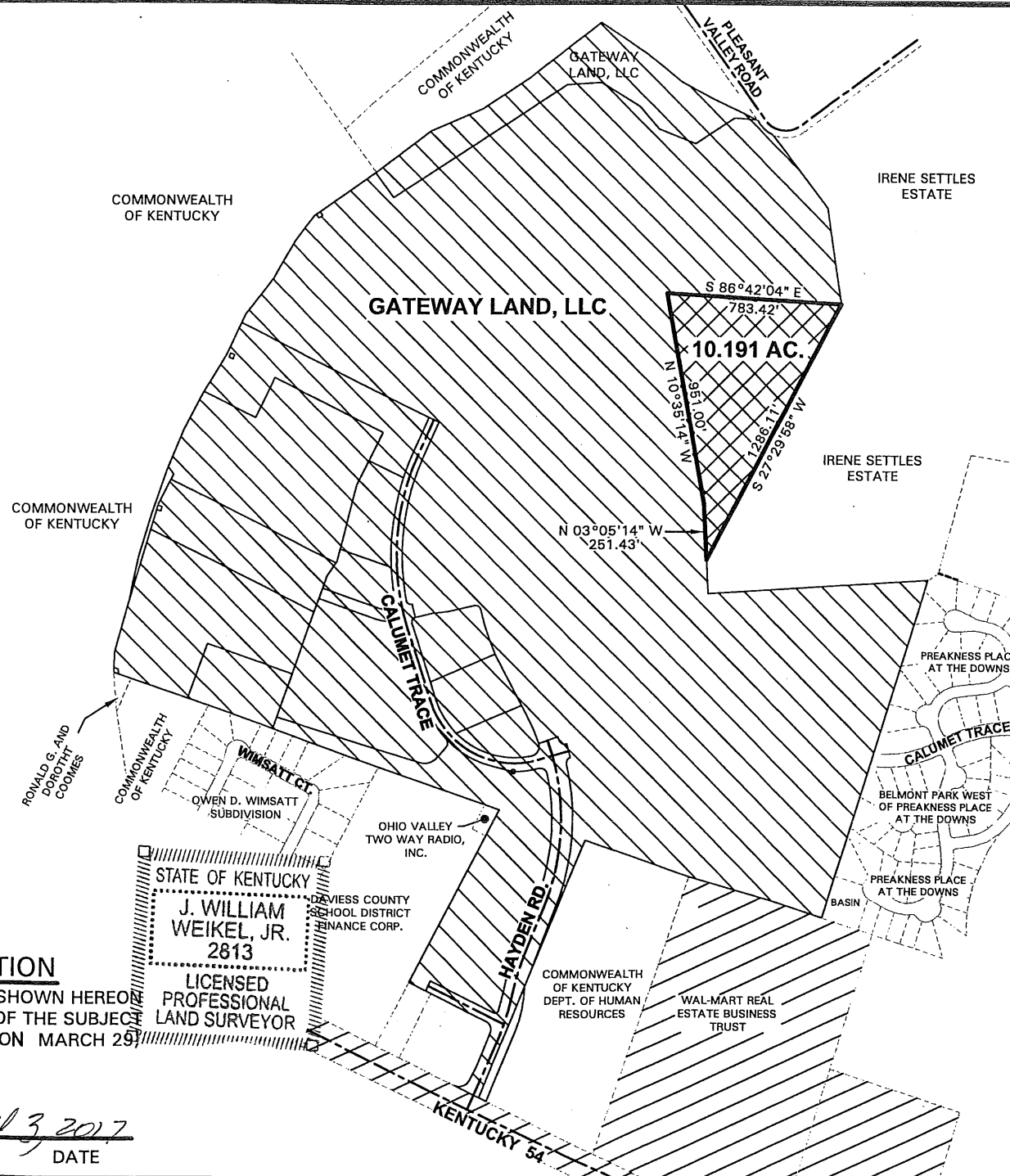
1. North 03 degrees 05 minutes 14 seconds West, a distance of 251.43 feet to an iron pin set;
2. North 10 degrees 35 minutes 14 seconds West, passing through an iron pin set at 941.00 feet, in all a total distance of 951.00 feet to a found corner post;
3. South 86 degrees 42 minutes 04 seconds East, passing through an iron pin set at 773.42 feet, in all a total distance of 783.42 feet to the point of beginning and containing 10.191 acres.

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 MARCH 29, 2017.

J. William Weikel, Jr.
J. WILLIAM WEIKEL, JR., KY P.L.S. NO. 2813 DATE

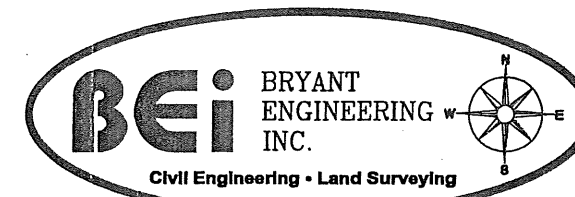


VICINITY MAP

GATEWAY LAND, LLC.

ANNEXATION PLAT
LOCATED ON KY HWY 54, HAYDEN RD,
CALUMET TRACE & PLEASANT VALLEY RD.
EAST OF OWENSBORO
DAVIESS COUNTY, KENTUCKY
SCALE: 1" = 700'

03-30-2017



1535 FEDERICA STREET ~ P.O. BOX 21382
OWENSBORO, KENTUCKY 42304

270-685-2811

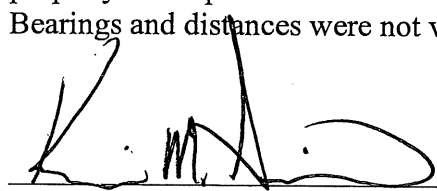
ANNEXATION DESCRIPTION

Gateway Commons-Tract IV: 10.191 ACRES

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

Beginning at a point being S 37°30'08" E, 412.89 feet and S 08°40'12" E, 429.93 feet from the intersection of the east line of Gateway Commons Development and the south right of way line of Old Pleasant Valley Road, said point being in the current city limit line; thence leaving the current city limit line and following the new city limit line S 27°29'58" W, 1286.11 feet to a point in the east line of the Gateway Commons Development, said point being in the current city limit line; thence following the east line of the Gateway Commons Development and the current city limit line N 03°05'14" W, 251.43 feet to a point; thence N 10°35'14" W, 951.00 feet to a point; thence S 86°42'04" E, 783.42 feet to the point of beginning containing 10.191 Acres as shown on an Annexation Plat prepared by BEI Engineering, dated 04-03-2017.


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 04-03-17. Bearings and distances were not verified with a field survey.



Kevin M. Simmons, PLS 3635

5-2-17
Date




**PROPOSED ANNEXATION FOR
GATEWAY COMMONS DEVELOPMENT
2900 BL. KY HIGHWAY 54 - TRACT IV
IS APPROX. 10.191 ACRES**

 CITY

 COUNTY

1 inch = 300 feet



**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 3, 2017. THIS PLAT HAS
BEEN PREPARED FOR ANNEXATION PURPOSES ONLY. BEARINGS
AND DISTANCES SHOWN HAVE NOT BEEN VERIFIED IN THE FIELD.

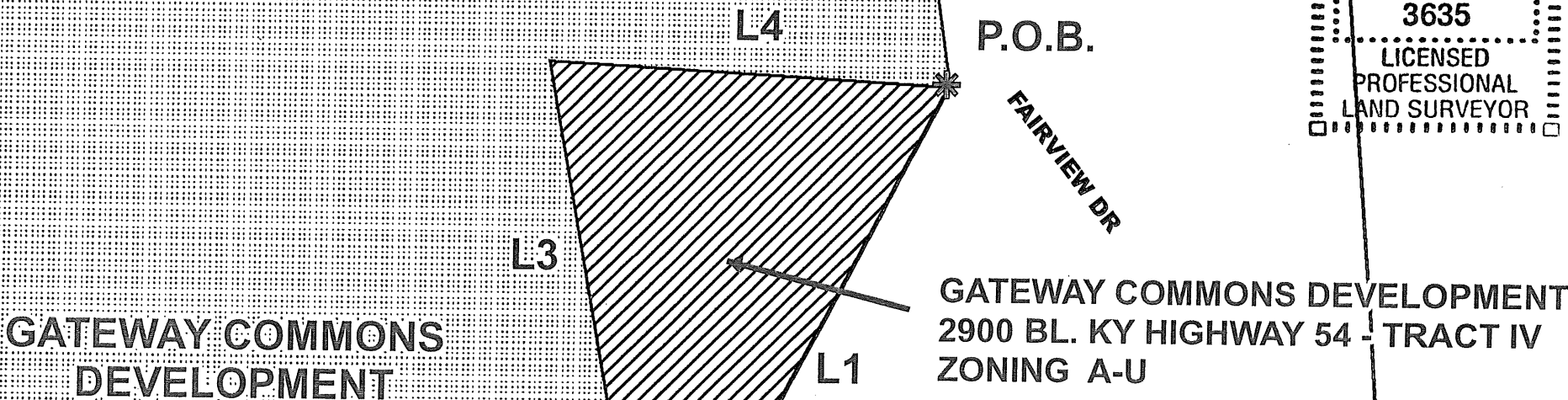
Kevin M. Simmons 5-2-17

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

STATE OF KENTUCKY

**KEVIN M.
SIMMONS
3635**

LICENSED
PROFESSIONAL
LAND SURVEYOR



LINE TABLE		
LINE	BEARING	LENGTH
L1	S 27° 29' 58" W	1286.11'
L2	N 03° 05' 14" W	251.43'
L3	N 10° 35' 14" W	951.00'
L4	S 86° 42' 04" E	783.42'