

ORDINANCE 18-2017

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 3301 NEW HARTFORD ROAD (FAMILY Y OF OWENSBORO DAVIESS COUNTY, INC.), CONTAINING 0.339 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, 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 no annexation incentive agreement.

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 on the south side of Owensboro, Daviess County, Kentucky on New Hartford Road more particularly described as follows:

Beginning at a point in the east right of way line of New Hartford Road, said point being in the current city limit line; thence leaving the current city limit line and following the new city limit line and the east right of way line of New Hartford Road N 20°58'42" W, 9.81 feet to a point; thence with the same N 01°29'02" W, 71.22 feet to a point in the east right of way line of New Hartford Road; thence leaving the east right of way line of New Hartford Road and following the new city limit line as follows: N 64°49'30" E, 180.60 feet to a point; thence S 25°07'46" E, 75.00 feet to a point in the current city limit line; thence following the current city limit line S 64°49'30" W, 209.87 feet to the point of beginning containing 0.339 Acres as shown on an annexation plat prepared by BEI, Inc dated June 10, 2017.

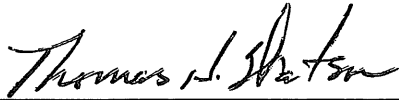
This description was prepared for annexation purposes by Kevin M. Simmons, PLS 3635 with the City of Owensboro. Bearings and distances described herein were taken from an annexation plat prepared by BEI, Inc dated June 10, 2017. Bearings and distances were not verified with a field survey.

Section 3. That the territory annexed herein is zoned General Business 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 18th day of July, 2017.

PUBLICLY READ AND APPROVED ON SECOND READING, this the 1st day of
August, 2017.



Thomas H. Watson, Mayor

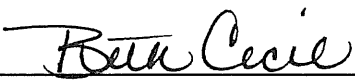
ATTEST:



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 18-2017, duly adopted by the Owensboro Board of Commissioners on July 18, 2017, the original of which is on file in the Office of the City Clerk, this the 1st day of August, 2017.



Beth Cecil, City Clerk

Consent

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

Item No.

TITLE
REQUEST ANNEXATION FOR 3301 NEW HARTFORD ROAD (FAMILY Y OF OWENSBORO DAVIESS COUNTY, INC.)

MEETING OF CITY COMMISSION ON (State the meeting date <i>July 18, 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 3301 NEW HARTFORD ROAD (FAMILY Y OWENSBORO DAVIESS COUNTY, INC. PROPERTY)</i> <i>3301 NEW HARTFORD ROAD (FUTURE 3415 NEW HARTFORD ROAD) – 0.339 ACRES</i></p> <p><i>FAMILY Y OF OWENSBORO DAVIESS COUNTY, INC. PROPERTY – 3301 NEW HARTFORD ROAD IS CURRENTLY ZONED B-4. WITH THIS ANNEXATION THERE WILL NOT BE ANY PUBLIC IMPROVMENTS, SO NO SURETY BONDS WILL BE NEEDED.</i></p> <p><i>FAMILY Y OF OWENSBORO DAVIESS COUNTY, INC., CURRENT OWNER OF 3301 NEW HARTFORD ROAD HAS SUBMITTED A SIGNED ANNEXATION REQUEST FORM. THIS PROPERTY HAS BEEN APPROVED BY OMPC TO BE CONSOLIDATED WITH PROPERTY OWNED BY BYRNE-RINEY PROPERTIES, LLC AS PART OF 3415 NEW HARTFORD ROAD.</i></p> <p><i>THERE WILL NOT BE AN ANNEXATION INCENTIVE AGREEMENT FOR THIS PROPERTY.</i></p> <p style="text-align: right;">Check if continued on next page </p>

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

ATTACHMENTS (12 copies for agenda packets)	Check if no attachments	
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

July 6, 2017

To: Bill Parrish
City Manager

From: Kevin Collignon, P.E.
City Engineer

Re: Annexation Request from Family Y of Owensboro Daviess County, Inc. for property currently at 3301 New Hartford Road to be consolidated with 3415 New Hartford Road.

Attached is the information necessary to initiate annexation for 3301 New Hartford Road (See attached). Family Y of Owensboro Daviess County, Inc., current owner of said property has submitted a signed annexation request form for 3301 New Hartford Road. This property has been approved by OMPC to be consolidated with property owned by Byrne-Riney Properties, LLC as part of 3415 New Hartford Road.

This Family Y of Owensboro Daviess County, Inc. property is currently zoned as B-4. With this annexation there will not be any public improvements, so no surety bonds will be needed.

There will not 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 Thomas H. Watson
City Commissioners
Steve Mitchell
Ed Ray**

CITY OF OWENSBORO

----ANNEXATION REQUEST FORM----

1. LOCATION OF PROPERTY TO BE ANNEXED:

A portion PVA 63-51-1, New Hartford Road

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

(SEE ATTACHED DESCRIPTION)

B. SOURCE OF TITLE: DB 671 Pg. 568

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

B-4, General Business

4. ACREAGE FEES: N/A

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

Family Y of Owensboro Daviess County, Inc.

400 KY Parkway

Owensboro, KY 42301

6. PHONE NO: 270-684-1495

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 A portion PVA 63-51-1, New Hartford 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

20 day of June, 20 17.

Witness:

Chuck Coffman

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: _____

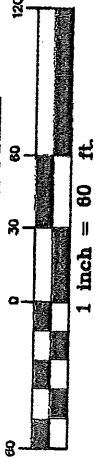
LEGEND

IN COUNTY

IN CITY

TO BE ANNEXED

GRAPHIC SCALE



FEATURES SHOWN HEREON COLLECTED BY THE METHOD OF RTK. GPS MEASUREMENT USING DUAL FREQUENCY TRIMBLE GNSS R8 EQUIPMENT, OF WHICH THE UNADJUSTED POSITIONAL ACCURACY OF EACH MONUMENT IS ± 0.06 FEET ± 100 PPM AND HAS NOT BEEN ADJUSTED. THE BEARINGS SHOWN HEREON ARE TIED TO KENTUCKY STATE PLANE COORDINATES (KY SOUTH ZONE 1602).

NEW HARTFORD ROAD
FAMILY OF OWENSBORO
DAVIESS COUNTY, INC.

NEW HARTFORD ROAD
FAMILY OF OWENSBORO
DAVIESS COUNTY, INC.

PROPERTY DESCRIPTION

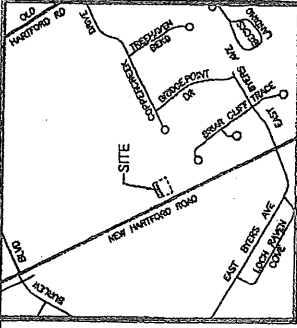
Beginning at a calculated point being in the east right-of-way line of US Highway 231, said east right-of-way line varies in width from its centerline and being the westernmost corner of the Byrner-Riney Properties, LLC property, as recorded in Deed Book 977, at Page 237; thence with said east right-of-way line N 20°58'42" W, 9.81' to a calculated point; thence continuing with said east right-of-way line N 01°29'02" W, 71.22' to a calculated point being in the west line of the Family Y of Owensboro Davie Co., Inc. property, as recorded in Deed Book 671, at Page 568 in said clerk's office; thence severing said Family Y property N 64°49'30" E, 180.60' to a calculated point; thence continuing to sever said Family Y property S 25°07'46" E, 75.00' to a calculated point being the northeast corner of said Byrner-Riney property; thence with the north line of said Byrner-Riney property S 64°49'30" W, 209.87' to the point of beginning. This description is for an Annexation ONLY and is NOT to be used for the transfer of real property and is subject to CMPC consideration.

STATE OF KENTUCKY
J. WILLIAM WEIKEL, JR.
2813
LICENSED
PROFESSIONAL
LAND SURVEYOR

PREPARED BY:

J. William Weikel, Jr. *[Signature]* 2017
DATE
J. WILLIAM WEIKEL, JR., KY P.L.S. NO 2813

VICINITY MAP



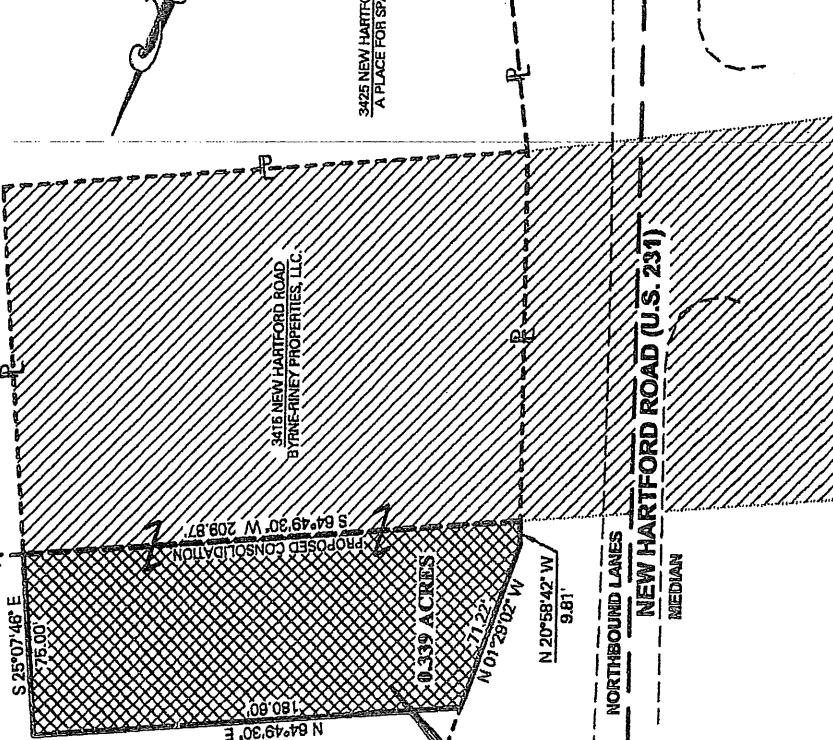
RECORD SOURCE
DEED BOOK 671, PAGE 568
DEED BOOK 977, PAGE 237

COMPLIES WITH 201
KAR18:150 SECTION 13
NOT A BOUNDARY SURVEY
NOT FOR TRANSFER OF
REAL PROPERTY

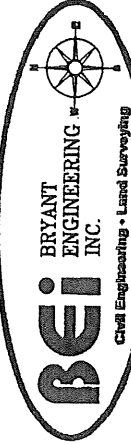
BYRNER-RINEY PROPERTIES, LLC.

ANNEXATION PLAT
LOCATED ON U.S. HWY 231
(NEW HARTFORD ROAD)
CITY OF OWENSBORO
DAVIESS COUNTY, KENTUCKY
06-10-2017

3425 NEW HARTFORD ROAD
A PLACE FOR SPACE, LLC.



NEW HARTFORD ROAD (U.S. 231)
MEDIAN

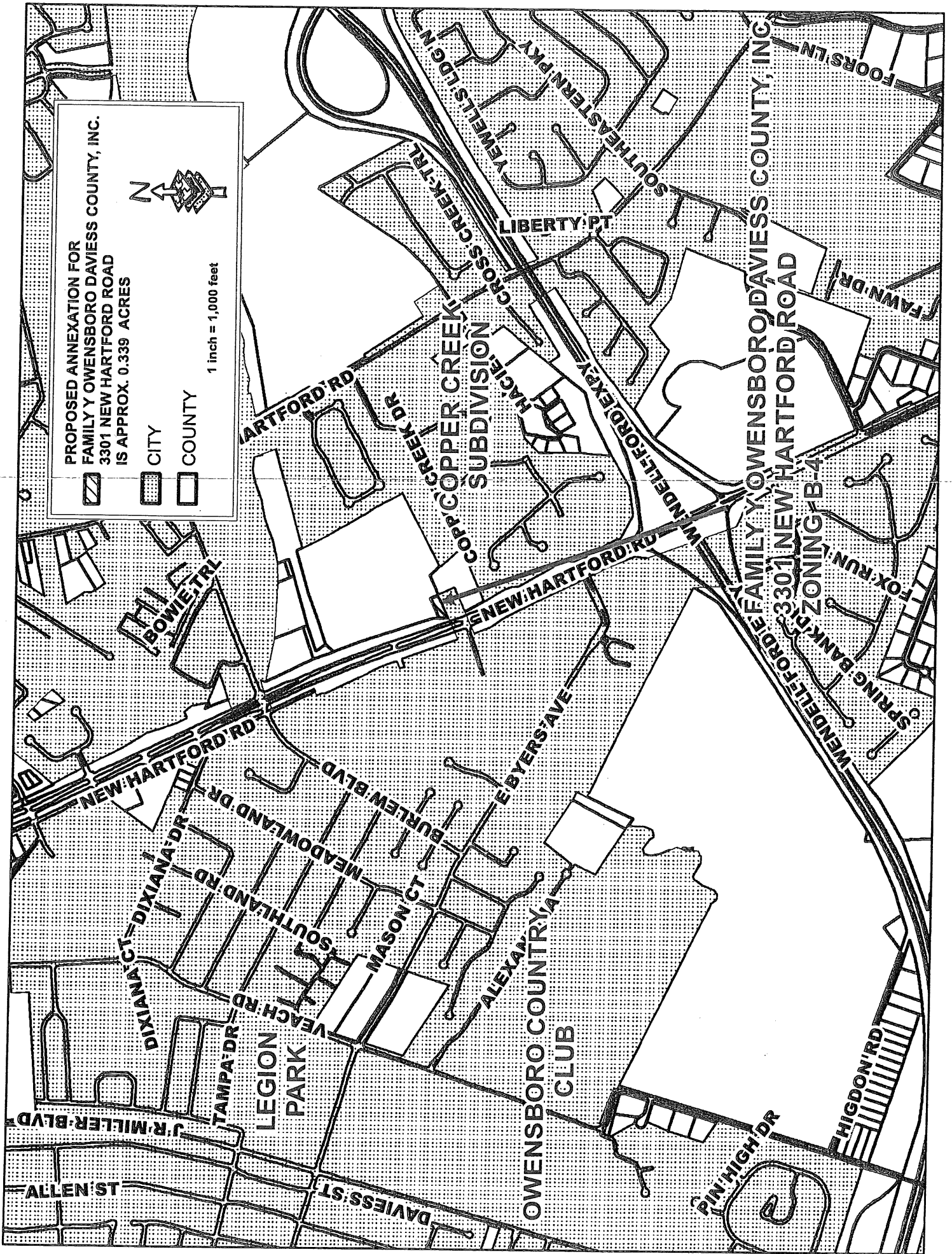


Bei BRYANT
ENGINEERING
INC.
Civil Engineering • Land Surveying

1535 FREDERICK STREET - P.O. BOX 24382
OWENSBORO, KENTUCKY 42304

270-685-2811

F:\17-5583\dwg\ANNEXATION.dwg




ANNEXATION DESCRIPTION

3301 New Hartford Road: 0.339 ACRES

A tract of land located on the south side of Owensboro, Daviess County, Kentucky on New Hartford Road more particularly described as follows:

Beginning at a point in the east right of way line of New Hartford Road, said point being in the current city limit line; thence leaving the current city limit line and following the new city limit line and the east right of way line of New Hartford Road N 20°58'42" W, 9.81 feet to a point; thence with the same N 01°29'02" W, 71.22 feet to a point in the east right of way line of New Hartford Road; thence leaving the east right of way line of New Hartford Road and following the new city limit line as follows: N 64°49'30" E, 180.60 feet to a point; thence S 25°07'46" E, 75.00 feet to a point in the current city limit line; thence following the current city limit line S 64°49'30" W, 209.87 feet to the point of beginning containing 0.339 Acres as shown on an annexation plat prepared by BEI, Inc dated June 10, 2017.

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Kevin M. Simmons, PLS 3635 7/5/17 Date


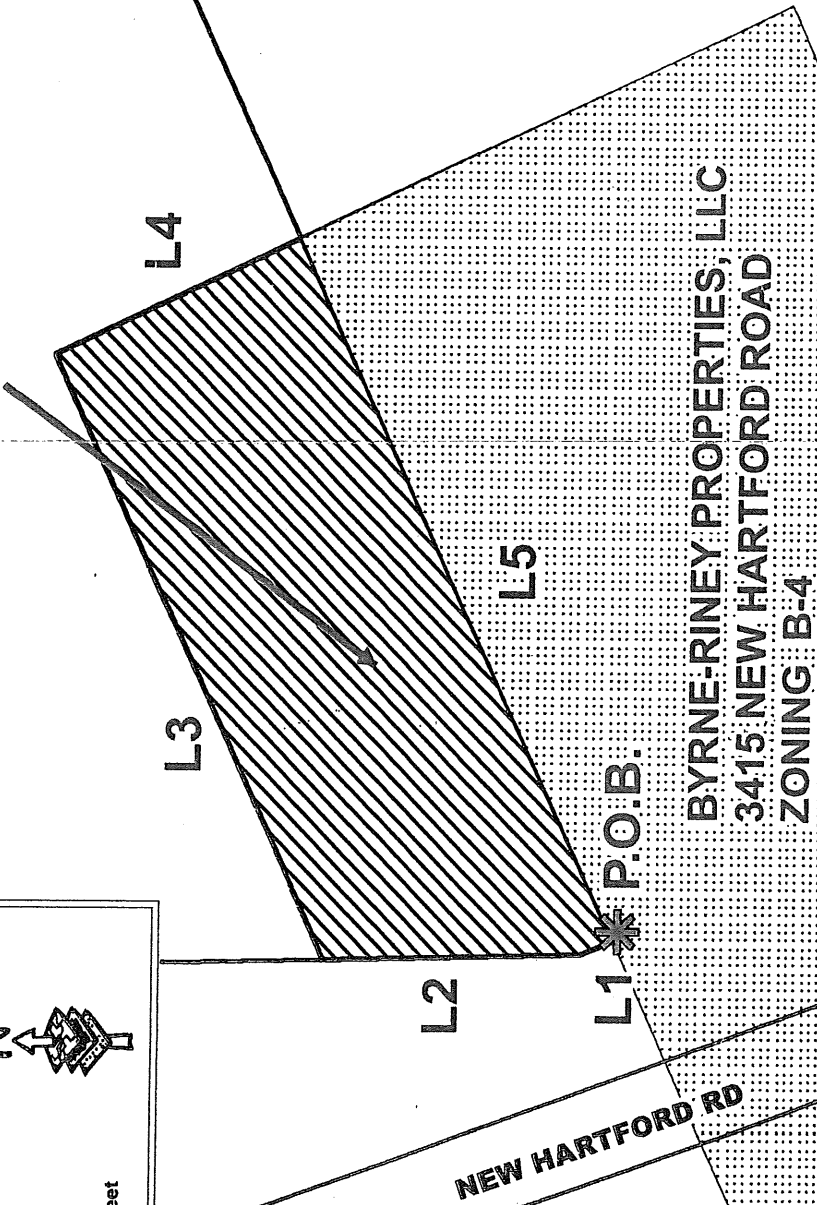
STATE of KENTUCKY
KEVIN M.
SIMMONS
3635
LICENSED
PROFESSIONAL
LAND SURVEYOR

FAMILY Y OWENSBORO DAVIESS COUNTY, INC
 3301 NEW HARTFORD ROAD
 ZONING B-4

PROPOSED ANNEXATION FOR
 FAMILY Y OWENSBORO DAVIESS COUNTY, INC.
 3301 NEW HARTFORD ROAD
 IS APPROX. 0.339 ACRES

☒ CITY
☐ COUNTY

1 inch = 50 feet

BYRNE-RINEY PROPERTIES, LLC
 3415 NEW HARTFORD ROAD
 ZONING B-4

LINE TABLE		
LINE	BEARING	LENGTH
L1	N 20° 58' 42" W	9.81'
L2	N 01° 29' 02" W	71.22'
L3	N 64° 49' 30" E	180.60'
L4	S 25° 07' 46" E	75.00'
L5	S 64° 49' 30" W	209.87'

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 JUNE 10, 2017. THIS PLAT HAS
 BEEN PREPARED FOR ANNEXATION PURPOSES ONLY. BEARINGS
 AND DISTANCES SHOWN HAVE NOT BEEN VERIFIED IN THE FIELD.

STATE OF KENTUCKY
 KEVIN M. SIMMONS
 3685
 7/5/17
 LICENSED PROFESSIONAL LAND SURVEYOR