

**ORDINANCE 32-2017**

**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 THE  
BLOCK OF 2200-2300 SCHERM ROAD, RIGHT-OF-  
WAY, CONTAINING 2.13 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 section of right of way located on the west side of Owensboro, Daviess County, Kentucky at the intersection of Scherm Road and Barron Drive more particularly described as follows:


Beginning at a point at the intersection of the east right of way line of Barron Drive and the north right of way line of Scherm Road, said point being in the current city limit line; thence following the north right of way line of Scherm Road and the current city limit line as follows: N 88°18'54" E, 275.86 feet to a point; thence S 48°13'06" E, 73.04 feet to a point; thence S 85°55'06" E, 230.35 feet to a point; thence N 84°07'53" E, 698.75 feet to a point in the north right of way line of Scherm Road; thence crossing the right of way of Scherm Road and following the current city limit line S 17°17'26" W, 72.07 feet to a point in the south right of way line of Scherm Road, said point being in the current city limit line; thence following the south right of way line of Scherm Road and the current city limit line as follows: S 84°36'39" W, 53.23 feet to a point; thence S 84°04'55" W, 164.88 feet to a point; thence S 84°40'04" W, 75.33 feet to a point; thence S 87°47'51" W, 52.04 feet to a point; thence S 85°54'52" W, 210.54 feet to a point; thence S 84°32'10" W, 115.52 feet to a point; thence N 88°28'21" W, 75.03 feet to a point; thence N 83°23'12" W, 69.46 feet to a point; thence N 82°06'30" W, 101.97 feet to a point; thence S 47°07'16" W, 57.31 feet to a point; thence S 41°59'14" W, 99.95 feet to a point in the east right of way line of Barron Drive, said point being in the current city limit line; thence following the new city limit line N 46°25'02" W, 290.99 feet to the point of beginning containing 2.123 Acres as shown on an annexation exhibit prepared by the City of Owensboro.

**Section 3.** That the territory annexed herein is zoned both Urban Agriculture A-U and Single Family Residential R-1C, 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 21<sup>st</sup> day of  
November, 2017.

PUBLICLY READ AND APPROVED ON SECOND READING, this the 5<sup>th</sup> day of  
December, 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 32-2017, duly adopted by the Owensboro Board of Commissioners on December 5, 2017, the original of which is on file in the Office of the City Clerk, this the 5<sup>th</sup> day of December, 2017.

  
Beth Cecil, City Clerk

# CITY OF OWENSBORO

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

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

Scherm Road Right of Way (2200-2300 Block)

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

See attached

**B. SOURCE OF TITLE:**

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

A-U AND R-1C

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

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

Daviess County Fiscal Court

212 St. Ann Street Suite 202

**6. PHONE NO:** 270-685-8424

## 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 2200-2300 block of Scherm Road right of way 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

22<sup>nd</sup> day of August, 20 17.

Witness:

*Terrence L. Hardisty*

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: \_\_\_\_\_



## Daviess County Fiscal Court

COUNTY JUDGE/EXECUTIVE  
Al Mattingly

COUNTY ATTORNEY  
Claud Porter

Daviess County Courthouse  
P.O. Box 1716  
Owensboro, Kentucky 42302-1716  
Telephone: (270) 685-8424  
Fax: (270) 685-8469  
[www.daviessky.org](http://www.daviessky.org)

COUNTY COMMISSIONERS  
Charlie Castlen – Central Division  
Mike Koger – Eastern Division  
George Wathan – Western Division

August 22, 2017

Mayor Tom Watson  
P.O. Box 10003  
Owensboro, KY 42303

RE: Consent to annex Scherm Road right-of-way (2200-2300)

Dear Mayor:

The Daviess County Fiscal Court requests that the City annex the portion of Scherm Road right-of-way (2200-2300). This portion of right-of-way begins at Barron Drive and ends at the city limits for a distance of 0.226 miles.

The completed Annexation Request Form is enclosed.

If there are any questions regarding this request, please do not hesitate to contact the County Engineer's office at 270-685-8456.

Sincerely,

Al Mattingly  
County Judge/Executive

Enclosure

cc: City Engineer  
County Engineer

<b>Consent</b>

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

<b>Item No.</b>

<b>TITLE</b>
REQUEST ANNEXATION FOR SCHERM ROAD RIGHT OF WAY (2200-2300 BLOCK SCHERM ROAD)

<b>MEETING OF CITY COMMISSION ON</b> (State the meeting date <b>September 19, 2017</b> )
<b>BUDGET</b> (State any budget consequences): <b>N/A</b>

<b>SUMMARY AND BACKGROUND</b> (Continue on additional sheet, if necessary):
<p><i>THE PROPOSED ANNEXATION FOR SCHERM ROAD (2200-2300 BLOCK)</i></p> <p><i>TOTALS = 2.13 ACRES</i></p> <p><i>SCHERM ROAD RIGHT OF WAY – 2200-2300 BLOCKS SCHERM ROAD ARE ZONED BOTH A-U AND R-1C</i></p> <p><i>THIS SECTION OF SCHERM ROAD STARTS AT THE NORTH RIGHT OF WAY OF BARRON DRIVE (HWY 2707) AND EXTENDS APPROXIMATELY 1,156 FEET TO THE EAST ENDING AT THE CURRENT CITY LIMIT LINE.</i></p> <p><i>THE INTENT OF THE ANNEXION OF THIS PORTION OF RIGHT OF WAY TO AID IN EMERGENCY RESPONSE AND MAINTENANCE RESPONSIBILITY OF THE RIGHT OF WAY.</i></p> <p><i>THERE WILL BE NO SECURITY BONDS FOR PUBLIC IMPROVEMENTS, BECAUSE THERE ARE NO PUBLIC IMPROVEMENTS RELATED TO THIS ANNEXATION.</i></p> <p><i>THERE WILL NOT BE AN ANNEXATION INCENTIVE AGREEMENT FOR THIS RIGHT OF WAY AS PART OF THE SCHERM ROAD RIGHT OF WAY ANNEXATION</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

August 31, 2017

**To:** Bill Parrish  
City Manager

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

**Re:** Annexation Request for Scherm Road right of Way – 2200-2300 block of Scherm Road.

Attached is the information necessary to initiate annexation for the 2200-2300 block of Scherm Road right of way

This section of Scherm Road starts at the north right of way of Barron Drive (HWY 2707) and extends approximately 1,156 feet to the east ending at the current city limit line.

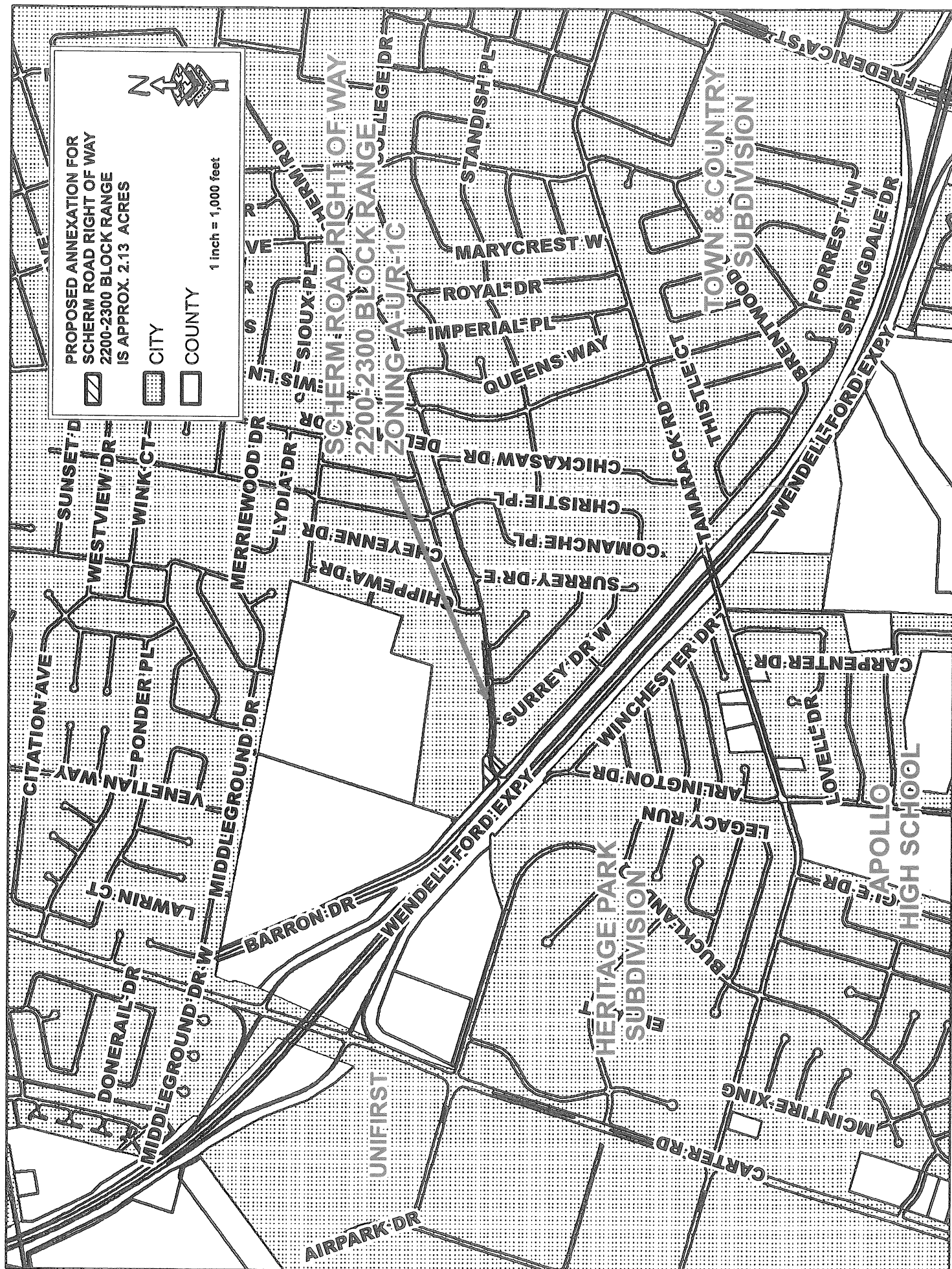
The Daviess County Fiscal Court has submitted a request form and consent letter for the annexation of this Scherm Road right of way which is currently county right of way.

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**



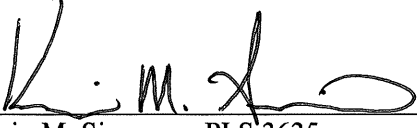
## ANNEXATION DESCRIPTION

### **Scherm Road R/W: 2.123 ACRES**

A section of right of way located on the west side of Owensboro, Daviess County, Kentucky at the intersection of Scherm Road and Barron Drive more particularly described as follows:

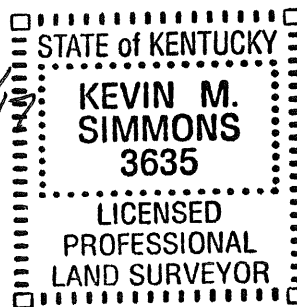
Beginning at a point at the intersection of the east right of way line of Barron Drive and the north right of way line of Scherm Road, said point being in the current city limit line; thence following the north right of way line of Scherm Road and the current city limit line as follows: N 88°18'54" E, 275.86 feet to a point; thence S 48°13'06" E, 73.04 feet to a point; thence S 85°55'06" E, 230.35 feet to a point; thence N 84°07'53" E, 698.75 feet to a point in the north right of way line of Scherm Road; thence crossing the right of way of Scherm Road and following the current city limit line S 17°17'26" W, 72.07 feet to a point in the south right of way line of Scherm Road, said point being in the current city limit line; thence following the south right of way line of Scherm Road and the current city limit line as follows: S 84°36'39" W, 53.23 feet to a point; thence S 84°04'55" W, 164.88 feet to a point; thence S 84°40'04" W, 75.33 feet to a point; thence S 87°47'51" W, 52.04 feet to a point; thence S 85°54'52" W, 210.54 feet to a point; thence S 84°32'10" W, 115.52 feet to a point; thence N 88°28'21" W, 75.03 feet to a point; thence N 83°23'12" W, 69.46 feet to a point; thence N 82°06'30" W, 101.97 feet to a point; thence S 47°07'16" W, 57.31 feet to a point; thence S 41°59'14" W, 99.95 feet to a point in the east right of way line of Barron Drive, said point being in the current city limit line; thence following the new city limit line N 46°25'02" W, 290.99 feet to the point of beginning containing 2.123 Acres as shown on an annexation exhibit prepared by the City of Owensboro.

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 the existing corporate boundary map. Bearings and distances were not verified with a field survey.

  
Kevin M. Simmons, PLS 3635

Date

8/17/17



PROPOSED ANNEXATION FOR  
SCHERM ROAD RIGHT OF WAY  
2200-2300 BLOCK RANGE  
IS APPROX. 2.13 ACRES

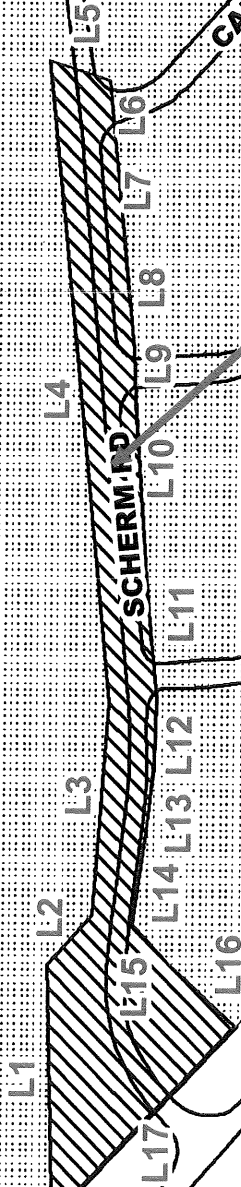


1 inch = 200 feet



LINE TABLE		
LINE	BEARING	LENGTH
L1	N 88° 18' 54" E	275.86'
L2	S 48° 13' 06" E	73.04'
L3	S 85° 55' 06" E	230.35'
L4	N 84° 07' 53" E	698.75'
L5	S 17° 17' 26" W	72.07'
L6	S 84° 36' 39" W	53.23'
L7	S 84° 04' 55" W	164.88'
L8	S 84° 40' 04" W	75.33'
L9	S 87° 47' 51" W	52.04'
L10	S 85° 54' 52" W	210.54'
L11	S 84° 32' 10" W	115.52'
L12	N 88° 28' 21" W	75.03'
L13	N 83° 23' 12" W	69.46'
L14	N 82° 06' 30" W	101.97'
L15	S 47° 07' 16" W	57.31'
L16	S 41° 59' 14" W	99.95'
L17	N 46° 25' 02" W	290.99'

P.O.B.



WENDELL FORD EXPY  
WENDELL FORD EXPY

SCHERM ROAD RIGHT OF WAY  
2200-2300 BLOCK RANGE  
ZONING A-U/R-1C

ANNEXATION PLAT  
SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE BEARINGS AND DISTANCES SHOWN  
HEREON HAVE BEEN TAKEN FROM THE EXISTING CITY OF OWENSBORO  
CORPORATE BOUNDARY MAP. 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 8-28-17

STATE OF KENTUCKY  
KEVIN M. SIMMONS  
3635  
PROFESSIONAL  
LAND SURVEYOR

HERITAGE PARK  
SUBDIVISION