

**ORDINANCE 33-2017**

**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  
2500 BLOCK OF BARRON DRIVE (BLUEGRASS  
COMMONS SUBDIVISION), CONTAINING 81.70  
ACRES, MORE OR LESS.**

ALISON LUNDERGAN GRIMES  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
BY Ry - Randle 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 an annexation incentive agreement for this  
property, as per Municipal Order 27-2017.

**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 west side of Owensboro, Daviess County, Kentucky on Barron Drive more particularly described as follows:

Beginning at a point in the intersection of the east right of way line of Barron Drive and the south line of Thorobred Acres, said point being in the current city limit line, thence following the south line of Thorobred Acres and the current city limit line S 79°11'20" E, 3133.72 feet to a point in the west line of the Shawnee Park Subdivision, said point being in the current city limit line; thence following the current city limit line and the west line of Shawnee Park Subdivision S 17°06'59" W, 1013.06 feet to a point in the intersection of the west line of Shawnee Park Subdivision and the north line of the City of Owensboro; thence continuing with the current city limit line and the north line of the City of Owensboro as follows: N 72°52'33" W, 320.33 feet to a point; thence S 17°07'57" W, 366.46 feet to a point; thence N 82°27'06" W, 1174.80 feet to a point; thence S 17°12'06" W, 359.38 feet to a point; thence N 47°47'15" W, 25.91 feet to a point; thence S 42°02'46" W, 30.09 feet to a point in the east right of way line of Barron Drive, thence following the east line of Barron Drive and the new city limit line as follows: N 47°46'15" W, 359.71 feet to a point; thence N 27°49'33" W, 357.38 feet to a point, thence N 23°17'39" W, 750.07 feet to a point; thence N 20°53'37" W, 350.14 feet to a point; thence N 23°14'47" W, 400.03 feet to a point; thence N 33°47'07" W, 77.45 feet to the point of beginning containing 81.700 Acres as shown on an annexation exhibit prepared by the City of Owensboro.

**Section 3.** That the territory annexed herein is currently zoned as General Business B-4; Multi-Family Residential R-3MF; and Single-Family Residential R-1C, as illustrated by the zoning maps attached hereto and incorporated by reference herein. The property will be rezoned Single-Family Residential R-1C.


**Section 4.** Any approved dedicated streets, alleys, or easements on the plat signed by the City Engineer, 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 33-2017, 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



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

November 13, 2017

**To:** Bill Parrish  
City Manager

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

**Re:** Annexation Request for Bluegrass Commons Subdivision (2500 Block of Barron Drive).

Attached is the information necessary to initiate annexation for Bluegrass Commons Subdivision (2500 Block of Barron Drive). (See attached).

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.

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

A signed Annexation Request Form from Deer Valley Subdivision, LLC, owner of the property consisting of Bluegrass Commons Subdivision has been submitted, along with the property description and related plats are attached.

## **Attachment**

**MH**

**c: Mayor Thomas H. Watson  
City Commissioners  
Steve Mitchell  
Ed Ray**

Consent

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

Item No.

<b>TITLE</b>
REQUEST ANNEXATION FOR BLUEGRASS COMMONS SUBDIVISION (2500 BLOCK BARRON DRIVE)

<b>MEETING OF CITY COMMISSION ON</b> (State the meeting date   November 21, 2017
<b>BUDGET</b> (State any budget consequences):   N/A

<b>SUMMARY AND BACKGROUND</b> (Continue on additional sheet, if necessary):
<p>THE PROPOSED ANNEXATION FOR BLUEGRASS COMMONS SUBDIVISION – DEER VALLEY SUBDIVISION, LLC TOTAL – 81.700 ACRES</p> <p>BLUEGRASS COMMONS SUBDIVISION PROPERTY – 2500 BLOCK OF BARRON DRIVE CURRENTLY HAS ZONES OF B-4, R-3MF, AND R-1C BUT IS TO BE REZONED TO BE R-1C.</p> <p>PROPERTIES IN THE 2500 BLOCK OF BARRON DRIVE WILL BE CONSOLIDATED &amp; INCORPORATED INTO THE FUTURE BLUEGRASS COMMONS SUBDIVISION 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.</p> <p>DEER VALLEY SUBDIVISION, LLC, OWNER OF THE PROPERTY FOR THE BLUEGRASS COMMONS SUBDIVISION PROPERTY HAS SUBMITTED A SIGNED ANNEXATION REQUEST FORM.</p> <p>THERE WILL BE AN ANNEXATION INCENTIVE AGREEMENT FOR THIS PROPERTY AS PART OF THE BLUEGRASS COMMONS SUBDIVISION</p> <p style="text-align: right;">Check if continued on next page        </p>

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

<b>ATTACHMENTS</b> (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

**CITY OF OWENSBORO**

**----ANNEXATION REQUEST FORM----**

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

2500 Block Barron Drive

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

(SEE ATTACHED DESCRIPTION)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**B. SOURCE OF TITLE:**

Deed Book 988, Page 343

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

R-1C

**4. ACREAGE FEES: N/A**

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

Deer Valley Subdivision, LLC

3624 Wathens Crossing

Owensboro, Kentucky 42301

**6. PHONE NO: 270-684-0639**

## 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 2500 Block Barron Drive 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 14 th day of November, 20 17.

Witness:

*L. William Welch*

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: \_\_\_\_\_

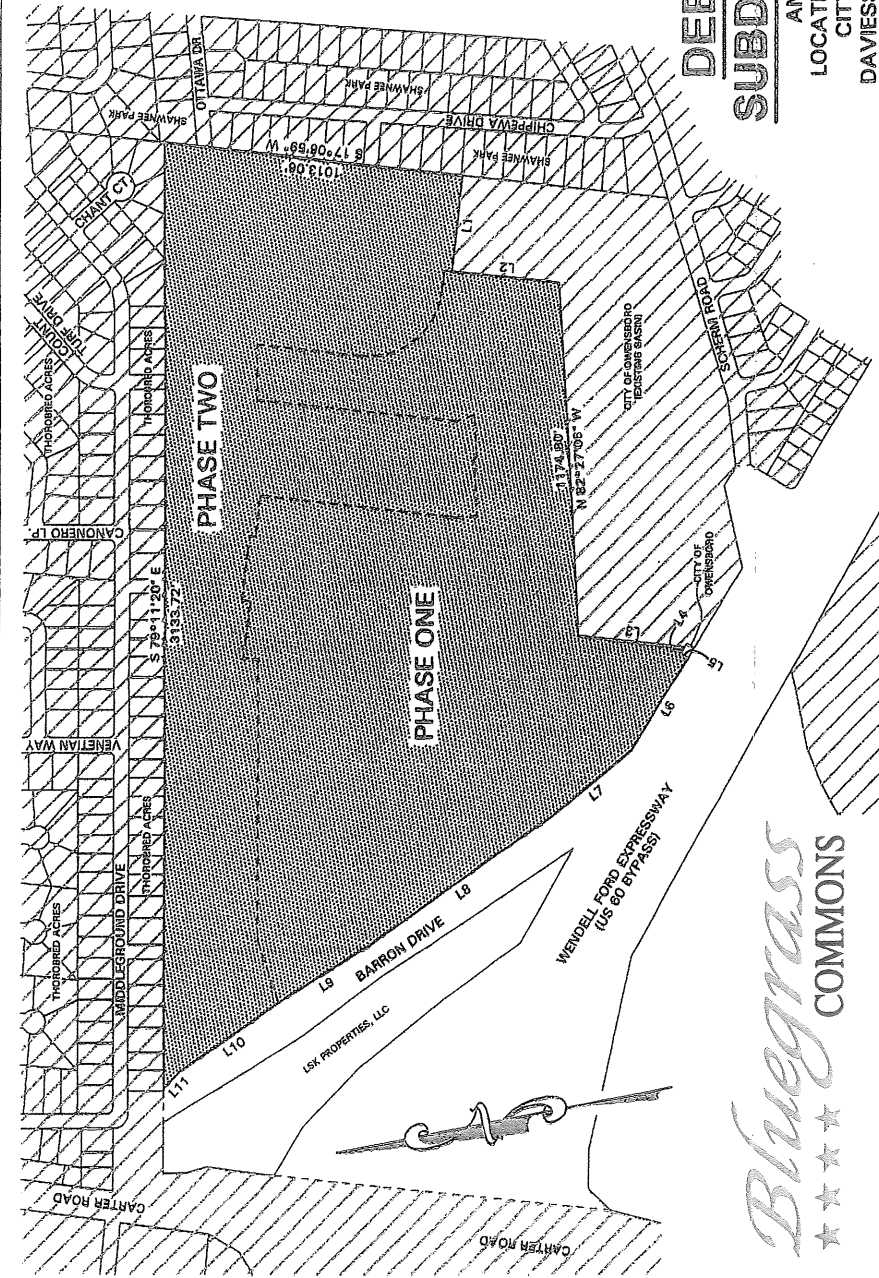
Initialed By: \_\_\_\_\_

# PROPERTY DESCRIPTION

Beginning at a calculated point being in the east right-of-way line of Barron Drive, said east right-of-way line varies in width from its centerline and being in the south line of Lot 527 of Thorobred Acres, Plats of which are recorded in Deed Book 382, at Page 373, Deed Book 401, at Page 187, Deed Book 412, at Page 183, and Deed Book 420, at Page 548 all in the office of the Daviess County Clerk; thence with the south line of said Thorobred Acres South 79 degrees 11 minutes 20 seconds East, a distance of 3,133.72 feet to a calculated point in the west line of The Thompson Company Shawnee Park Addition, Plats of which are recorded in Deed Book 286, at Page 555 and Deed Book 299, at Page 532 in said clerk's office; thence with said west line South 17 degrees 06 minutes 59 seconds West, a distance of 1,013.06 feet to a calculated point being the northeast of the City of Owensboro property, as recorded in Deed Book 857, at Page 13 in said clerk's office; thence with the north line of said City of Owensboro property for the following three (3) cells:

1. North 72 degrees 52 minutes 33 seconds West, a distance of 320.33 feet to a calculated point;
2. South 17 degrees 07 minutes 57 seconds West, a distance of 366.46 feet to a calculated point;
3. North 82 degrees 27 minutes 06 seconds West, a distance of 1,174.30 feet to a calculated point being the northwest corner of the City of Owensboro property, as recorded in Deed Book 857, at Page 13 in said clerk's office; thence with the west line of said City of Owensboro property South 17 degrees 12 minutes 06 seconds West, a distance of 359.38 feet to a calculated point being in the north line of said City of Owensboro property, as recorded in Deed Book 334, at Page 80; thence with said north line North 47 degrees 47 minutes 15 seconds West, a distance of 25.91 feet to a calculated point being the northwest corner of said City of Owensboro property; thence with the west line of said City of Owensboro property South 42 degrees 02 minutes 46 seconds West, a distance of 30.09 feet to a calculated point being in said east right-of-way line; thence with said east right-of-way line for the following six (6) calls:

1. North 47 degrees 46 minutes 15 seconds West, a distance of 359.71 feet to a calculated point;
2. North 27 degrees 49 minutes 33 seconds West, a distance of 357.38 feet to a calculated point;
3. North 23 degrees 17 minutes 39 seconds West, a distance of 750.07 feet to a calculated point;
4. North 20 degrees 53 minutes 37 seconds West, a distance of 350.14 feet to a calculated point;
5. North 23 degrees 14 minutes 47 seconds West, a distance of 400.03 feet to a calculated point;
6. North 33 degrees 47 minutes 07 seconds West, a distance of 77.45 feet to the point of beginning and containing 81,700 acres. This description was prepared to be used for an annexation ONLY and is NOT to be used for the transfer of real property.



VICINITY MAP

## LINE TABLE

LINE	BEARING	LENGTH
L1	N 72°52'33" W	320.33'
L2	S 17°07'57" W	366.46'
L3	S 17°12'06" W	359.38'
L4	N 47°47'16" W	26.91'
L5	S 42°02'46" W	30.09'
L6	N 47°48'16" W	359.71'
L7	N 27°49'33" W	357.38'
L8	N 23°17'39" W	750.07'
L9	N 20°53'37" W	350.14'
L10	N 23°14'47" W	400.03'
L11	N 33°47'07" W	77.45'

## DEER VALLEY SUBDIVISION, LLC

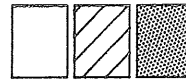
ANNEXATION PLAT  
LOCATED ON BARRON DRIVE  
CITY OF OWENSBORO  
DAVISS COUNTY, KENTUCKY  
SCALE: 1" = 500' - DATE: 09-27-2017

### LEGEND

IN COUNTY

IN CITY

TO BE ANNEXED



### 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 JULY 18, 2017.

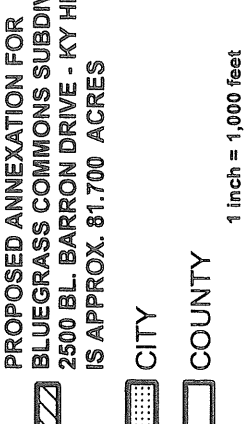
J. WILLIAM WEIKEL, JR., KY P.L.S. NO. 2813 DATE 09/28/2017



1555 FREDERICA STREET - P.O. BOX 21382  
OWENSBORO, KENTUCKY 42304

270-885-2811





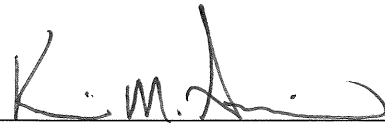
## ANNEXATION DESCRIPTION

### **Bluegrass Commons Subdivision: 81.700 ACRES**

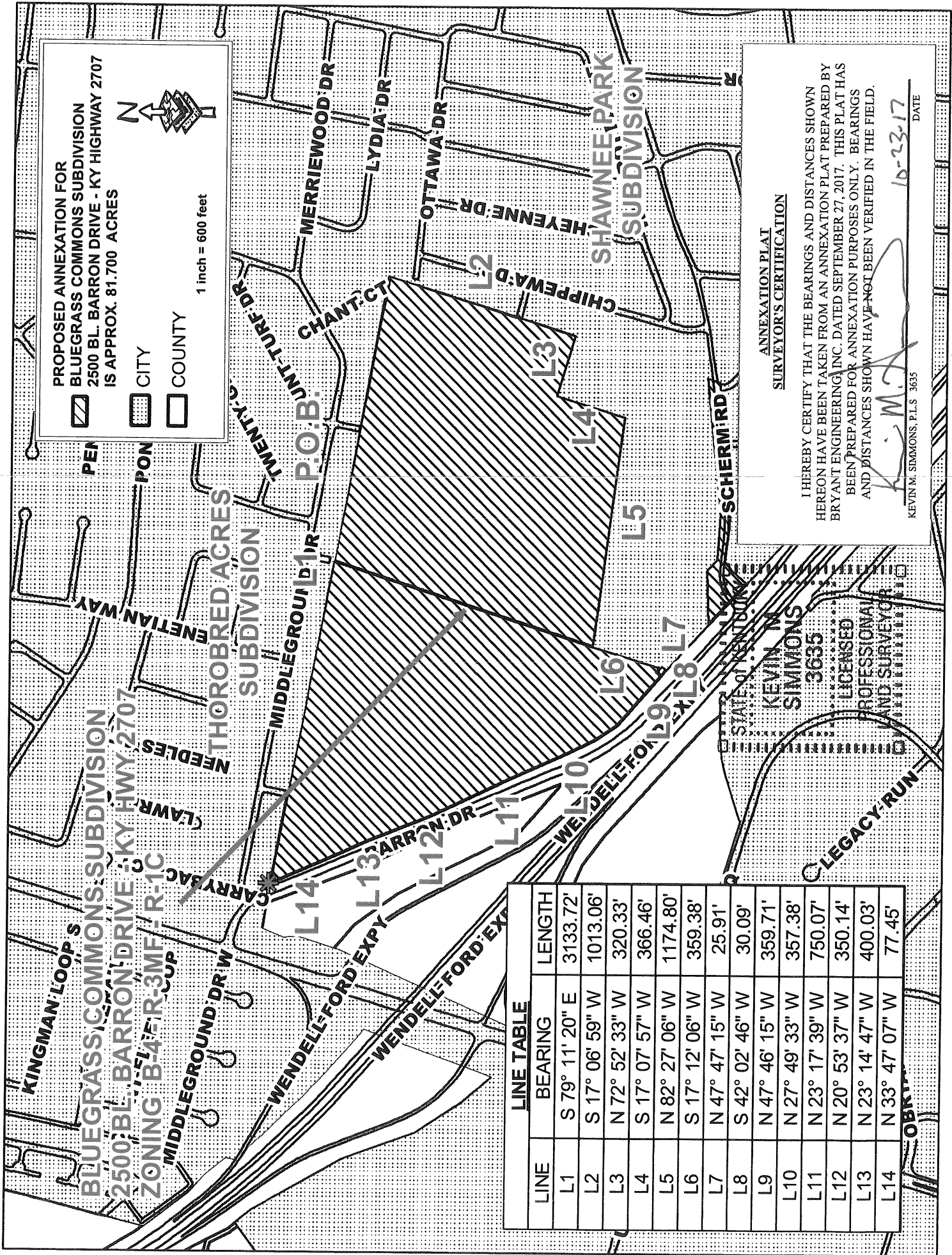
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This description was prepared for annexation purposes by Kevin M. Simmons, PLS 3635 with the City of Owensboro. Bearings and distances described herein were taken from an annexation plat prepared by BEI, Inc. dated 9-27-2017. Bearings and distances were not verified with a field survey.

  
Kevin M. Simmons, PLS 3635  
10-23-17  
Date





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 SEPTEMBER 27, 2017. THIS PLAT HAS  
 BEEN PREPARED FOR ANNEXATION PURPOSES ONLY. BEARINGS  
 AND DISTANCES SHOWN HAVE NOT BEEN VERIFIED IN THE FIELD.

10-23-17  
 DATE

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