

DATE October 9, 2018

**ORDINANCE 18-2018**

ALISON LUNDERGAN GRIMES  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
By: Handi H. Adkins

**AN ORDINANCE ANNEXING TO THE CITY OF  
OWENSBORO CERTAIN UNINCORPORATED  
TERRITORY IN DAVIESS COUNTY ADJOINING  
THE PRESENT BOUNDARY LINE OF THE CITY,  
FORMERLY USED AS AN ANIMAL SHELTER AND  
BEING PROPERTY LOCATED AT 2935 HIGHWAY  
54, CONTAINING 0.844 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 Daviess County adjoining the  
present boundary line of the City of Owensboro, and formerly referred to as the Animal  
Shelter, 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.

**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 Daviess County, Commonwealth of Kentucky, formerly 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 east side of Owensboro, Daviess County, Kentucky more particularly described as follows:

Beginning at a point in the current city limit line, said point being in the north right of way line of HWY 54; thence following the north right of way line of HWY 54 and the current city limit line N 64°01'04" W, 119.93 feet to a point, said point being the southeast corner to the Daviess County School District; thence following the east line of the Daviess County School District and the new city limit line N 27°31'53" E, 318.14 feet to a point being a corner to Gateway Land LLC (3190 Hayden Road), said point also being in the current city limit line; thence following the south line of Gateway Land, LLC and the current city limit line S 64°01'04" E, 111.33 feet to a point being the northwest corner to Gateway Land, LLC (2945 HWY 54); thence following the west line of Gateway Land, LLC and the new city limit line S 25°58'56" W, 318.03 feet to the point of beginning containing 0.844 Acres as shown on a plat of record found in Plat Book 44, at Page 129.

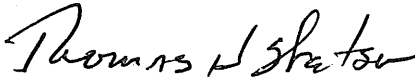
This description was prepared for annexation purposes by Kevin M. Simmons, PLS 3635 with the City of Owensboro. Bearings and distances described herein were taken from a plat of record found in Plat Book 44, at Page 129. Bearings and distances were not verified with a field survey.

**Section 3.** That the territory annexed herein is currently zoned as General Business B-4 as illustrated by the zoning map 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 September, 2018.

PUBLICLY READ AND APPROVED ON SECOND READING, this the 2nd day  
of October, 2018.

  
\_\_\_\_\_  
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 18-2018, duly adopted by the  
Owensboro Board of Commissioners on October 2, 2018, the original of which is on file  
in the Office of the City Clerk, this the 2<sup>nd</sup> day of October, 2018.

  
\_\_\_\_\_  
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

July 26, 2018

**To:** Nate Pagan  
City Manager

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

**Re:** Annexation Request for Gateway Commons – 2935 KY HWY 54 (Additional Property – Tract V).

Attached is the information necessary to initiate annexation for Gateway Commons – 2935 KY HWY 54 (Additional Property – Tract V). (See attached). Gateway Land, LLC owner of said property has submitted a signed annexation request forms for 2935 KY HWY 54.

Tract V has been consolidated & incorporated into the 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 will be 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 will be 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  
Steve Lynn**

Consent

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

Item No.

<b>TITLE</b>
REQUEST ANNEXATION FOR GATEWAY COMMONS 2935 KY HIGHWAY 54 (ADDITIONAL PROPERTY – TRACT V)

<b>MEETING OF CITY COMMISSION ON</b> (State the meeting date <i>August 7, 2018</i> )
<b>BUDGET</b> (State any budget consequences): <i>N/A</i>

<b>SUMMARY AND BACKGROUND</b> (Continue on additional sheet, if necessary):
<i>THE PROPOSED ANNEXATION FOR GATEWAYS COMMONS (ADDITIONAL PROPERTY –2935 KY HWY 54- TRACT V) TOTALS = 0.844 ACRES</i>
<i>GATEWAYS COMMONS PROPERTY – 2935 BL. KY HIGHWAY 54 - TRACT V IS ZONED B-4</i>
<i>TRACT V HAS BEEN CONSOLIDATED &amp; INCORPORATED INTO THE 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>
<i>GATEWAY LAND, LLC, OWNER OF TRACT V FUTURE GATEWAY COMMONS DEVELOPMENT PROPERTY HAS SUBMITTED A SIGNED ANNEXATION REQUEST FORM.</i>
<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>
<i>THERE WILL BE AN ANNEXATION INCENTIVE AGREEMENT FOR THIS PROPERTY AS PART OF THE GATEWAY COMMONS DEVELOPMENT</i>
Check if continued on next page <input type="checkbox"/> <input type="checkbox"/>

<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 <input type="checkbox"/> <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	STEVE LYNN <i>SL</i>	NATE PAGAN

# CITY OF OWENSBORO

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

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

2935 HWY 54

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

See Attached

**B. SOURCE OF TITLE:**

2935 HWY 54 - DEED BK 922 PG522

\_\_\_\_\_

\_\_\_\_\_

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

B-4

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

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

Gateway Land, LLC, Matt Hayden

2960 Fairview Drive Owensboro, KY 42303

**6. PHONE NO:** 270-689-1733

## CONSENT AND WAIVER OF STATUTORY RIGHTS

I (We) solemnly swear and affirm that I am (we are) the fee simple record owner(s) of properties located at 2935 HWY 54 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

27<sup>th</sup> day of August, 20 18.

Witness: Beth Cecil - Beth Cecil  
Sign & Print Name

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

Ed Ray  
Signature

Ed Ray, Co.  
Print Name

Gateway Land, LLC

## FOR FINANCE DEPARTMENT USE ONLY:

Annexation Fee

Amount: N/A

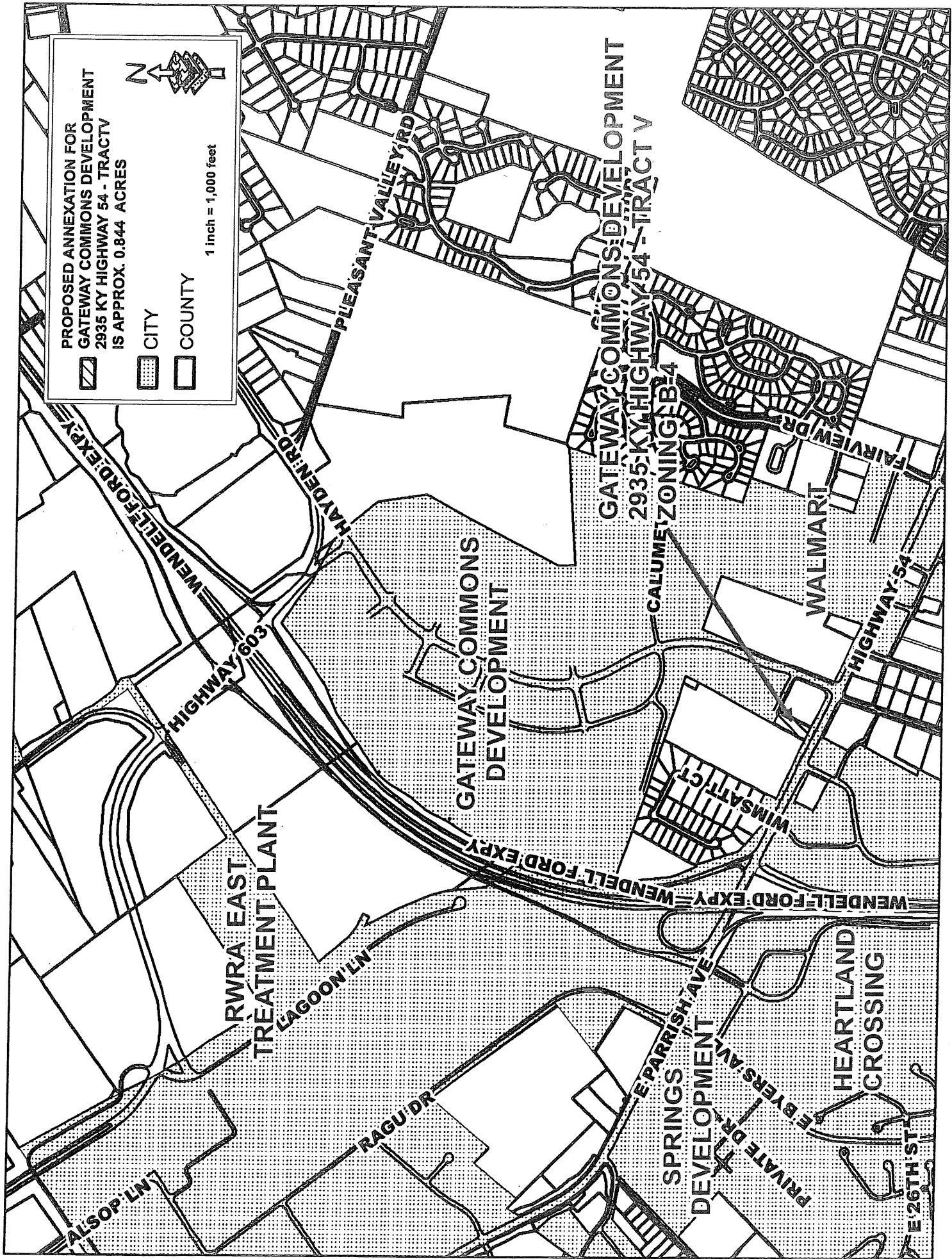
Acreage Fee

Amount: N/A

Received by Finance Department

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

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



PROPOSED ANNEXATION FOR  
GATEWAY COMMONS DEVELOPMENT  
2935 KY HIGHWAY 54 - TRACT V  
IS APPROX. 0.844 ACRES



1 inch = 1,000 feet

GATEWAY COMMONS  
DEVELOPMENT

GATEWAY COMMONS DEVELOPMENT  
2935 KY HIGHWAY 54 - TRACT V

CALUMET ZONING B-4

WALMART

HEARTLAND  
CROSSING

SPRINGS  
DEVELOPMENT

RWRA EAST  
TREATMENT PLANT

HIGHWAY 603

HIGHWAY 54

RAGU DR

E PARRISH AVE

PRIVATE DR

E 26TH ST

ALSOP LN

LAGOON LN

HAYDEN RD

PLEASANT VALLEY RD

FAIRVIEW DR

WIMSATT CT

WENDELL FORD EXPY

WENDELL FORD EXPY



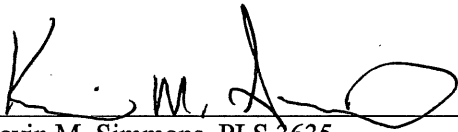
## ANNEXATION DESCRIPTION

### **2935 HWY 54: 0.844 ACRES**

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

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 7-23-18  
Kevin M. Simmons, PLS 3635 Date



PROPOSED ANNEXATION FOR  
 GATEWAY COMMONS DEVELOPMENT  
 2935 KY HIGHWAY 54 - TRACT V  
 IS APPROX. 0.844 ACRES



1 inch = 200 feet

**LINE TABLE**

LINE	BEARING	LENGTH
L1	N 64° 01' 04" W	119.93'
L2	N 27° 31' 53" E	318.14'
L3	S 64° 01' 04" E	111.33'
L4	S 25° 58' 56" W	318.03'

**GATEWAY  
COMMONS**

**GATEWAY COMMONS DEVELOPMENT  
2935 KY HIGHWAY 54 - TRACT V  
ZONING B-4**

**HIGHWAY 54**

**PRIVATE DRIVE**

**ALLEN PARK DR W**

**HAYDEN RD**

L3

L4

L2

L1 \*

**P.O.B.**

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

**ANNEXATION PLAT  
SURVEYOR'S CERTIFICATION**

I HEREBY CERTIFY THAT THE BEARINGS AND DISTANCES SHOWN  
 HEREON HAVE BEEN TAKEN FROM A PLAT OF RECORD IN PLAT  
 BOOK 44, AT PAGE 129. 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 7-23-18