



City of Owensboro
Kentucky

P.O. BOX 10003
OWENSBORO, KENTUCKY 42302-9003

September 5, 1996

RECEIVED

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SECRETARY OF STATE
COMMONWEALTH OF KY

Hon. John Y. Brown, III
Office of Secretary of State
Commonwealth of Kentucky
Frankfort, KY 40601

Attention: Kandie Adkinson
Land Office

Gentlemen:

Re: Final annexation of
a portion of 4500 Frederica
Street and a portion of
Goetz Drive right-of-way;
and two strips of ground in
the 3200 block of Carter Road
and a portion of Carter Road
right-of-way

Enclosed herewith are the papers evidencing final annexation of a portion of 4500 Frederica Street and a portion of Goetz Drive right-of-way, containing 2.28 acres; and two strips of ground in the 3200 block of Carter Road and a portion of the Carter Road right-of-way, containing 17.64 acres, into the City of Owensboro, Kentucky, for recording in the office of the Secretary of State.

Thank you for your continued assistance and cooperation.

Sincerely,

Carol Blake
City Clerk

Enclosures

ORDINANCE NO. 40-96

AN ORDINANCE ANNEXING TO THE CITY OF OWENSBORO, KENTUCKY, CERTAIN UNINCORPORATED TERRITORY IN THE COUNTY OF DAVIESS ADJOINING THE PRESENT BOUNDARY LINE OF THE CITY, BEING A PORTION OF 4500 FREDERICA STREET AND A PORTION OF GOETZ DRIVE RIGHT-OF-WAY, CONTAINING 2.28 ACRES, MORE OR LESS.

WHEREAS, the Board of Commissioners for the City of Owensboro, Kentucky, make 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 and that it is by reason of population density, commercial, industrial, institutional or governmental use of land, or subdivision of land, urban in character and suitable for development for urban purposes without unreasonable delay.
- (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 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 owner of record of the territory to be annexed has previously consented in writing to the annexation proposed, and has 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 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:

PARCEL NO. 1

BEGINNING at a point being the most Northeast corner to 4500 Frederica Street, said point also being in the South margin of the U.S. 60 Bypass R/W; thence S 22 degrees 16 minutes 42 seconds E 32.42 feet to a point in the West margin of Frederica Street, said point being in the present city limit line; thence with the present city line N 89 degrees 40 minutes 34 seconds W 65.34 feet to a point; thence leaving the present city limit line N 00 degrees 19 minutes 7 seconds E 30 feet to a point; thence S 89 degrees 37 minutes 54 seconds E 52.88 feet to the point of beginning and containing 0.04 acres, more or less.

PARCEL NO. 2 AND A PORTION OF GOETZ DRIVE R/W

BEGINNING at a point being in the East margin of Goetz Drive and in South margin of Moseley Road; thence with the South margin of Moseley Road S 89 degrees 40 minutes 48 seconds E 154.82 feet to a point in the present city limit line; thence with present city limit line S 8 degrees 26 minutes 2 seconds W 143.86 feet to a point; thence S 86 degrees 2 minutes 58 seconds E 247.30 feet to a point; thence S 86 degrees 2 minutes 58 seconds E 46.17 feet to a point in the West margin of Frederica Street; thence with the West margin of Frederica Street S 7 degrees 25 minutes 48 seconds W 228.57 feet to a point being in the East margin of Goetz Drive; thence continuing with the West margin of Frederica Street and crossing Goetz Drive S 7 degrees 25 minutes 48 seconds W 60 feet to a point in the West margin of Goetz Drive and being the Northeast corner to 4600 Frederica Street; thence with the West margin of Goetz Drive in a Northwestwardly direction approximately 590.10 feet to a point being the Northwest corner to 4600 Frederica Street and the Northeast corner to 1018 Goetz Drive; thence in a Southeastwardly direction approximately 62.9 feet to the point of beginning and containing 2.24 acres, more or less.

Parcel No. 2 of 4500 Frederica Street - 1.42 acres, more or less.

A portion of Goetz Drive R/W - 0.82 acres, more or less.

SECTION 3. That the territory annexed herein is zoned B-4 General Business, 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 20th day of August, 1996.

PUBLICLY READ AND FINALLY APPROVED ON SECOND READING, this the 3rd day of September, 1996.


Mayor

ATTEST:


City Clerk

C E R T I F I C A T I O N

I, Carol Blake, City Clerk of the City of Owensboro, Kentucky, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 40-96, duly adopted by the Board of Commissioners of the City of Owensboro, Kentucky, on September 3, 1996, the original of which is on file in the office of the City Clerk.

This the 4th day of September, 1996.


City Clerk

ANNEXATION REQUESTED BY:

Ryan's Family Steak Houses, Inc.
405 Lancaster Avenue
Greer, South Carolina 29650

Phone No. 864-879-1000 (Ext. 2180)

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 4500 Frederica Street 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 12th day of AUGUST, 1996.

Witness: Benjamin H. Bridges David Sidon
Signature (s) of
Record Owner (s) of Property:
DAVID SIDON
REAL ESTATE MANAGER
KYONS FAMILY STEAK HOUSES, Inc

FOR FINANCE DEPARTMENT USE ONLY:

Annexation Fee
Acreage Fee
Received by Finance Department

Amount: _____
Amount: _____
Date: _____
Initialed By: _____



