

ORDINANCE 32-2014

ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Kandice Adkins

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 2050 EAST PARRISH AVENUE (FORMER STATE RIGHT-OF-WAY), CONTAINING 0.396 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 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.

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 parcel of land being known as former state right of way to be consolidated with 2050 East Parrish Avenue 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 being the northwest corner to SMB Properties (D.B. 809, Pg. 93); thence leaving the current city limit line and following the new city limit line N 61°48'20" E, 71.01 feet to a point being 60 feet from the centerline of East Parrish Avenue; thence following the new city limit line and the south right of way line of East Parrish Avenue running 60 feet from and parallel with the centerline of said road as follows: S 28°11'40" E, 102.86 feet to a point; thence S 28°28'43" E, 85.00 feet to a point; thence S 30°09'05" E, 85.00 feet to a point; thence S 33°28'09" E, 87.57 feet to a point; thence S 54°19'10" W, 40.78 feet to a point being a corner to Edward Welsh (D.B. 503, Pg. 709), said point being in the current city limit line; thence following the current city limit line N 40°27'12" W, 41.51 feet to a point being the northeast corner to SMB Properties (D.B. 809, Pg. 93); thence following the current city limit line N 27°06'00" W, 160.11 feet to a point; thence N 43°14'00" W, 154.89 feet to a point; thence N 13°23'00" W, 15.61 feet to the point of beginning containing 0.396 acres as shown on an annexation plat prepared by the City Engineer's Office.

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 recorded deed found in D.B. 867, at Page 953 in the office of the Daviess County Court Clerk. Bearings and distances were not verified with a field survey.

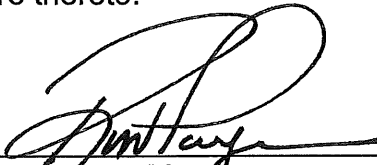
SECTION 3. That the territory annexed herein is a Commercial Lot Zoned P-1, as illustrated by the zoning map attached hereto and incorporated by reference herein.

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 21st day of October, 2014.

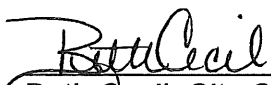
PUBLICLY READ AND APPROVED ON SECOND READING, this the 18th day of November, 2014.

WHEREUPON, after a vote of the Commission, Mayor Payne declared the Ordinance adopted and affixed his signature thereto.



Ron Payne, 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 32-2014, duly adopted by the Owensboro Board of Commissioners on November 18, 2014, the original of which is on file in the Office of the City Clerk, this the 18th day of November, 2014.



Beth Cecil, City Clerk

Consent

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

Item No.

TITLE
REQUEST ANNEXATION FOR 2050 EAST PARRISH AVENUE (FORMER STATE RIGHT OF WAY)

MEETING OF CITY COMMISSION ON (State the meeting date <i>October 21, 2014</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 2050 EAST PARRISH AVENUE (FORMER STATE RIGHT OF WAY)</i></p> <p><i>TOTALS = 0.396 ACRES</i></p> <p><i>2050 EAST PARRISH AVENUE IS A COMMERCIAL LOT THAT IS ZONED P-1</i></p> <p><i>THERE WILL BE NO SURETY BOND FOR PUBLIC IMPROVEMENTS, BECAUSE THERE ARE NO PUBLIC IMPROVEMENTS RELATED TO THIS SITE</i></p> <p><i>SMB PROPERTIES, LLC OWNER OF 2050 EAST PARRISH AVE. & THIS FORMER STATE RIGHT OF WAY HAS SUBMITTED A SIGNED ANNEXATION REQUEST FORM.</i></p> <p><i>A FINAL SUBDIVISION & CONSOLIDATION PLAT IS UNDER REVIEW BY OMPC FOR THIS PROPERTY ACQUISITION PENDING FIRST READING OF ANNEXATION ORDINANCE.</i></p> <p><i>SMB PROPERTIES, LLC HAS A PREVIOUS ANNEXATION AGREEMENT FOR THE DEVELOPMENT AT 2050 EAST PARRISH AVE. & 1901 & 1921 OLD LEITCHFIELD RD.</i></p> <p><i>NO ANNEXATION AGREEMENT FOR THIS PARTICULAR PROPERTY (FORMER STATE RIGHT OFWAY)</i></p>
Check if continued on next page <input type="checkbox"/>

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

ATTACHMENTS (12 copies for agenda packets)	Check if no attachments <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	JOSEPH G. SCHEPERS <i>JGS</i>	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

October 2, 2014

To: Bill Parrish
City Manager

From: Joseph G. Schepers, P.E., S.E.
City Engineer

Re: Annexation Request for 2050 East Parrish Ave. (Former State Right of Way).

Attached is the information necessary to initiate annexation for 2050 East Parrish Ave. (Former State Right of Way). (See attached).

No surety bonds will be posted for public improvements because there will be no public improvements related to this site.

A Final Subdivision & Consolidation Plat is under review by OMPC for this property acquisition pending first reading of the annexation ordinance.

SMB Properties, LLC has a previous Annexation Agreement for the development at 2050 East Parrish Ave. & 1901 & 1921 Old Leitchfield Rd. but no annexation 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 Ron Payne
City Commissioners
Steve Mitchell
Ed Ray**

CITY OF OWENSBORO

---ANNEXATION REQUEST FORM---

1. LOCATION OF PROPERTY TO BE ANNEXED:

Former State Right of Way adjacent to 2050 East Parrish Ave.

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

To be prepared by City Staff

B. SOURCE OF TITLE:

D.B. 897 PG. 953

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

P-1

4. ACREAGE FEES: N/A

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

SMB Properties LLC

2816 Veach Rd. Bldg 1, Owensboro, KY 42302

6. PHONE NO: 270-625-6533

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 Former State R/W Adjacent to 2050 E. Parrish Ave. 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 2nd day of October, 20 14.

Witness:

William L. Jackson

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

[Signature]

FOR FINANCE DEPARTMENT USE ONLY:

Annexation Fee

Amount: N/A

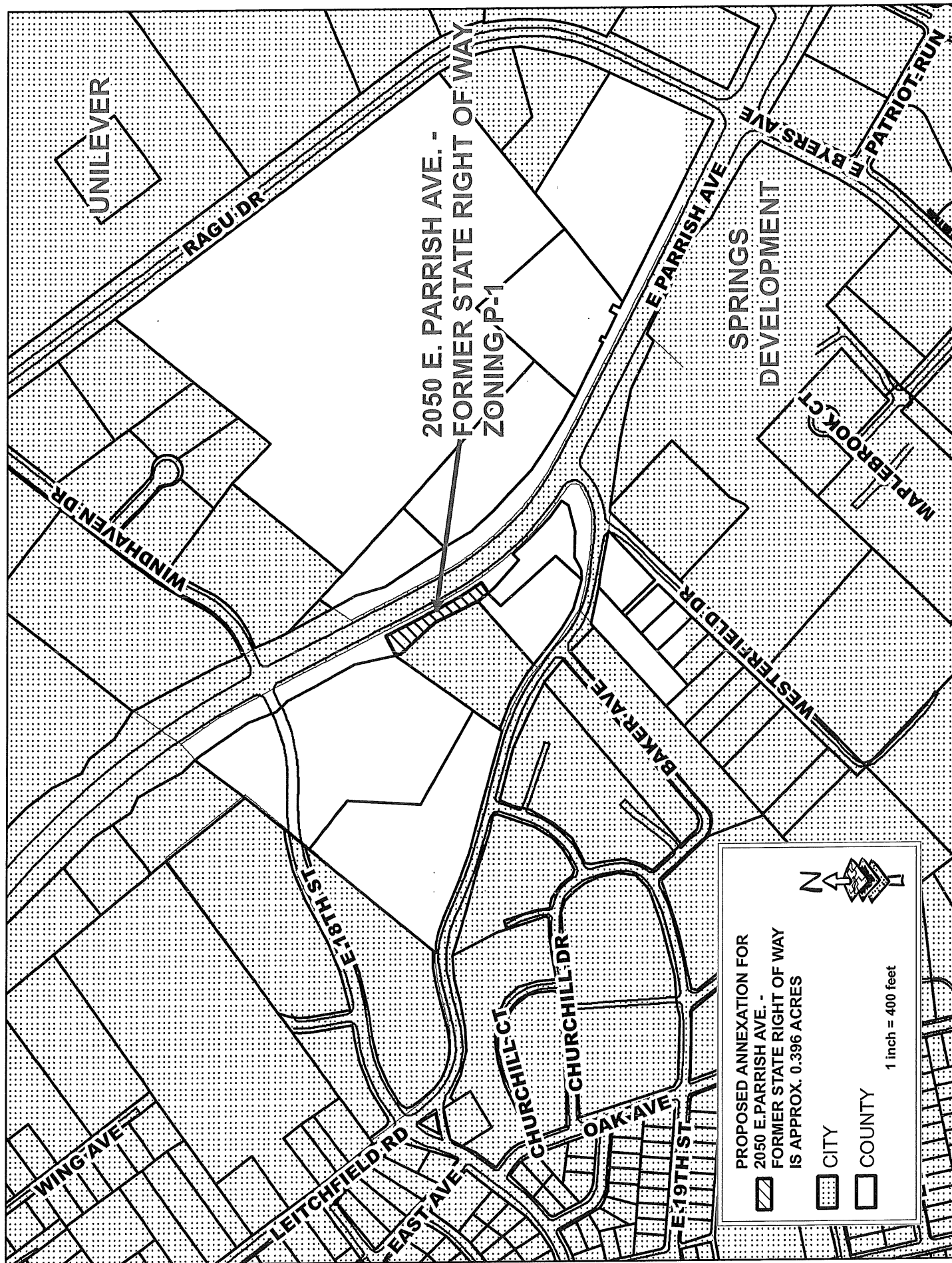
Acreage Fee

Amount: N/A

Received by Finance Department

Date: _____

Initialed By: _____



City of Owensboro
Kentucky

P.O. BOX 10003
OWENSBORO, KENTUCKY 42302

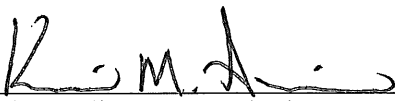
Engineering Department
270-687-8641
270-687-8579 (fax)

ANNEXATION DESCRIPTION

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Kevin M. Simmons, PLS 3635

Date



