

ORDINANCE 36-2014

ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
By: Randie Johnson

**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 1671
STARLITE DRIVE, TRACT 4A (STARLITE
DEVELOPMENT), CONTAINING 3.539 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 1671 Starlite Drive located on the west side of Owensboro, Daviess County, Kentucky more particularly described as follows:

Beginning at a point in the east right of way line of Starlite Drive, said point being in the current city limit line; thence following the current city limit line and the east right of way line of Starlite Drive N 12°05'43" W, 360.99 feet to a point in the south right of way line of a private drive, said point being in the current city limit line; thence following the current city limit line and the south line of the private drive N 77°54'17" E, 427.01 feet to a point in the west line of Moonlite BAR-B-Q Inn, Inc. (D.B. 399, Pg. 532); thence following the west line of Moonlite BAR-B-Q Inn, Inc. and the current city limit line S 12°05'43" E, 360.99 feet to a point being the northeast corner to Tract 4-B (P.B. 43, Pg. 162); thence leaving the current city limit line and following the new city limit line and the north line of Tract 4-B, S 77°54'17" W, 427.01 feet to the point of beginning containing 3.539 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 property division and consolidation plat prepared by HRG, PLLC recorded in Plat Book 43, at Page 162 in the office of the Daviess County Court Clerk. Bearings and distances were not verified with a field survey.

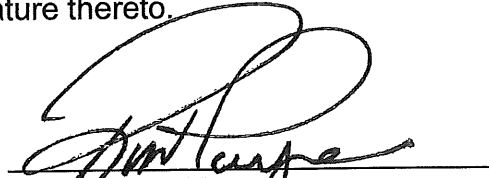
SECTION 3. That the territory annexed herein is a Commercial Lot Zoned P-1, as illustrated by the zoning map attached hereto and incorporated by reference herein.

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 18th day
of November, 2014.

PUBLICLY READ AND APPROVED ON SECOND READING, this the 2nd day
of December, 2014.

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

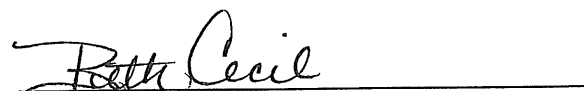

Ron Payne, Mayor

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 36-2014, duly adopted by the
Owensboro Board of Commissioners on December 2, 2014, the original of which is on
file in the Office of the City Clerk, this the 2nd day of December, 2014.


Beth Cecil, City Clerk

Consent

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

Item No.

TITLE
REQUEST ANNEXATION FOR 1671 STARLITE DRIVE – TRACT 4A (STARLITE DEVELOPMENT)

MEETING OF CITY COMMISSION ON (State the meeting date <i>November 18, 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 1671 STARLITE DRIVE – TRACT 4A (STARLITE DEVELOPMENT)</i></p> <p><i>TOTALS = 3.539 ACRES</i></p> <p><i>1671 STARLITE DRIVE – TRACT 4A IS A COMMERCIAL LOT THAT IS ZONED B-4</i></p> <p><i>THERE WILL BE NO SURETY BOND FOR PUBLIC IMPROVEMENTS, PUBLIC SIDEWALK WILL BE INSTALLED IN THE RIGHT OF WAY OF STARLITE DRIVE PER THE APPROVED PLAN FOR 1671 STARLITE DRIVE</i></p> <p><i>3PP, LLC OWNER OF 1671 STARLITE DRIVE – TRACT 4A OF THE STARLITE DEVELOPMENT HAS SUBMITTED A SIGNED ANNEXATION REQUEST FORM.</i></p> <p><i>A FINAL DEVELOPMENT PLAN HAS BEEN APPROVED BY OMPC & THE CITY OF OWENSBORO FOR THIS PROPERTY FOR THE CONSTRUCTION OF A TRACTOR SUPPLY STORE.</i></p> <p><i>THERE IS NO ANNEXATION INCENTIVE AGREEMENT FOR THIS PROPERTY</i></p>	
Check if continued on next page	

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

ATTACHMENTS (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	JOSEPH G. SCHEPERS	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

November 6, 2014

To: Bill Parrish
City Manager

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

Re: Annexation Request for 1671 Starlite Drive – Tract 4-A (Starlite Development).

Attached is the information necessary to initiate annexation for 1671 Starlite Drive – Tract 4-A (Starlite Development). (See attached).

No surety bonds were posted for public improvements. However, public sidewalk will be installed in the right of way of Starlite Drive per the approved plan for 1671 Starlite Drive.

A Final Development has been approved for 1671 Starlite Drive for 3PP Owensboro Starlite, LLC a Tractor Supply Company Development.

3PP Owensboro Starlite, LLC has submitted a signed annexation request form for 1671 Starlite Drive but does not have an Annexation Incentive Agreement.

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:

1671 Starlite Drive, Tract 4-A

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

(SEE ATTACHED DESCRIPTION)

B. SOURCE OF TITLE: D.B. 939, Pgs. 321-324

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

Zone B-4

4. ACREAGE FEES: N/A

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

3PP Owensboro Starlite, LLC

302 W. 3rd Street, Suite 800

Cincinnati, OH 45202

6. PHONE NO: 513-544-6992

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 1671 Starlite 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

2nd day of OCTOBER, 20 14.

Witness:

Laura E. Drake

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

Christopher J. Canarie

CHRISTOPHER J. CANARIE
MANAGER, OWENSBORO STARLITE, LLC

ZCP

FOR FINANCE DEPARTMENT USE ONLY:

Annexation Fee

Amount: N/A

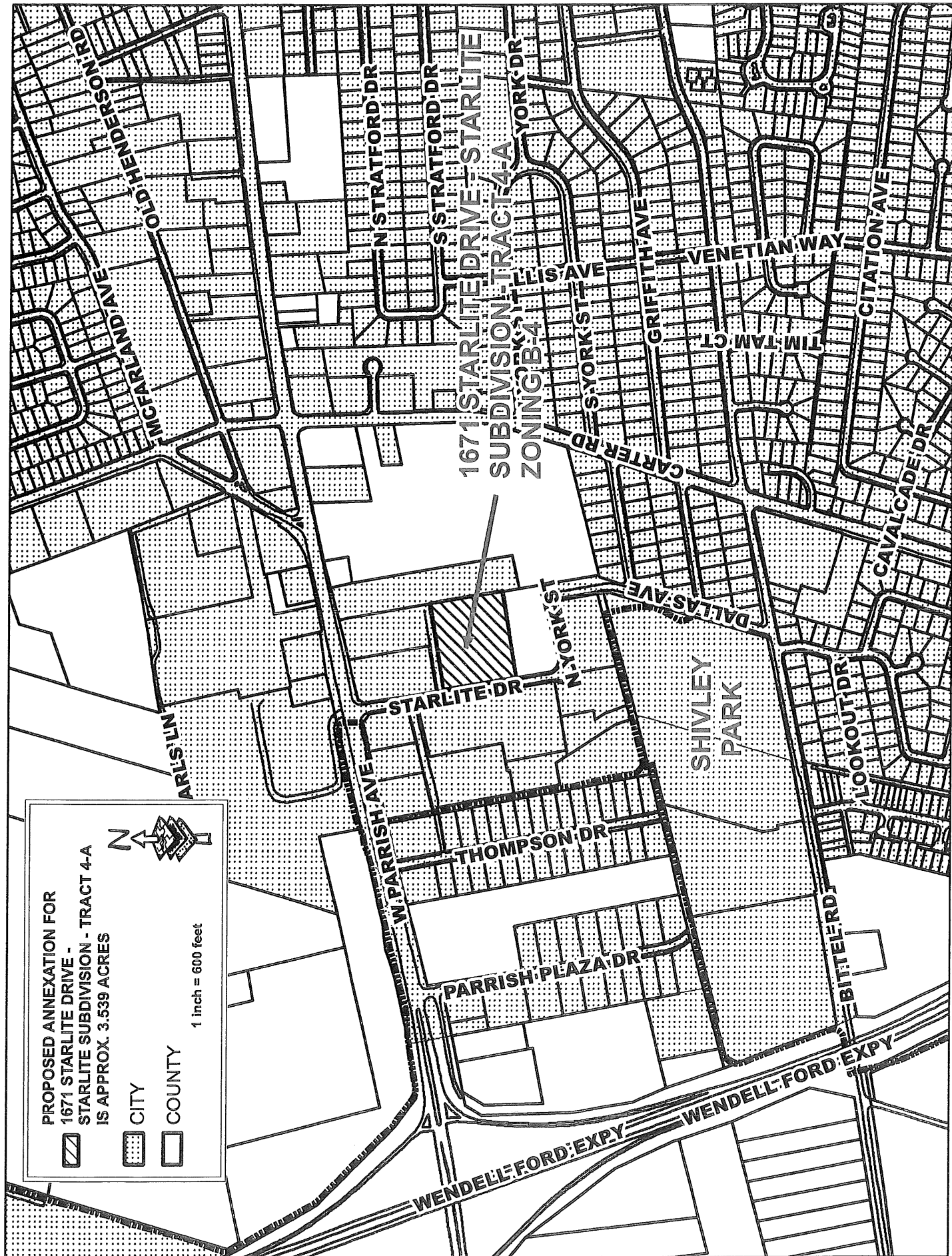
Acreage Fee

Amount: N/A

Received by Finance Department

Date: _____

Initialed By: _____



July 18, 2014

RUTH STEELE REED

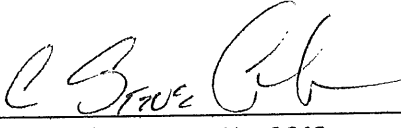
**Description of 3.539± Acres, known as Tract 4-A,
located at 1671 Starlite Drive, Owensboro, Daviess County, Kentucky**

Beginning at a "T" pin corner (found bent) in the east right of way of Starlite Drive, also corner to Moonlite Bar-B-Q Inn, Inc. (D.B.. 618 at Pg. 61; P.B.. 21 at Pg. 291); thence with the line of Moonlite North 77 degrees 54 minutes 17 seconds East 427.01 feet to a mag nail corner (set this survey) in the line of Moonlite Bar-B-Q Inn, Inc. (D.B. 399 at Pg. 532); thence with the line of Moonlite South 12 degrees 05 minutes 43 seconds East (passing a 1/2-inch iron pipe set with a 18-inch long pipe with cap no. 2643 typical at 5.00 feet) in all 360.99 feet to a 1/2-inch iron pipe corner (set this survey) to Robert Steele Revocable Trust (D.B.. 926 at Pg. 559) and Ruth Steele Reed's 2.022± acre lot, known as Tract 4-B (D.B.. 710 at Pg. 691 and P.B. 43 at Pg. 126); thence South 77 degrees 54 minutes 17 seconds West 427.01 feet to a 1/2-inch iron pipe corner (set this survey) in the east right of way of Starlite Drive; thence with said east right of way North 12 degrees 05 minutes 43 seconds West 360.99 feet to the point of beginning containing 3.539± acres as per survey HRG, PLLC.

This description prepared from a field survey performed June 2014 and is subject to all legal easements and rights of way including but not limited to those shown on the survey plat.

Said survey plat being approved by the Owensboro Metropolitan Planning Commission July 17, 2014 and being recorded in the Daviess County Court Clerk's office in Plat Book 43 at Page 126.

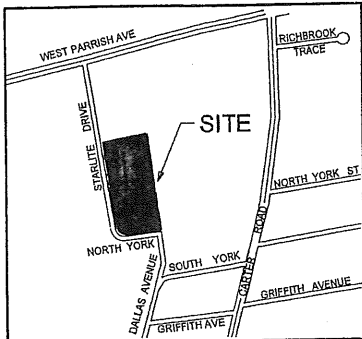
Description prepared by


C. Steve Gilmore, PLS No. 2643

Date

7-30-14





OWENSBORO METRO PLANNING COMMISSION

APPROVED *Day 1.11/14*
DIRECTOR
DATE *7/12/14*

OWNER'S CERTIFICATION

WE THE UNDERSIGNED OWNERS OF THE REAL ESTATE SHOWN AND DESCRIBED HEREON, DO HEREBY CERTIFY THAT WE HAVE LAID-OFF, PLATTED AND SUBDIVIDED AND DO HEREBY LAY-OFF, PLAT AND SUBDIVIDE SAID REAL ESTATE IN ACCORDANCE WITH THE WITHIN PLAT. ALL STREETS, ALLEYS (AND OTHER LANDS INTENDED FOR PUBLIC USE) SHOWN AND NOT HERETOFORE DEDICATED ARE HEREBY DEDICATED TO THE PUBLIC.

SIGNED *Ruth Steele Reed*

EVANSVILLE GOODWILL INDUSTRIES, INC.
DB 748 PG.486
P.B. 21 PG.291

MOONLITE BAR-B-Q INN INC.
DB 616 PG.81
P.B. 21 PG.291

VICINITY MAP

IRON PIN FOUND (BENT)



3.539 ± ACRES

TRACT 4-A

NEW DIVISION LINE

2.022 ± ACRES

TRACT 4-B

NOTES:

- 1.) THIS PROPERTY IS SUBJECT TO ALL LEGAL EASEMENTS, RIGHTS OF WAY, AND BUILDING SETBACK LINES INCLUDING BUT NOT LIMITED TO ANY SHOWN HEREON.
- CMPC REQUIRED NOTES:
- A) THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA PER F.I.R.M. NO. 21059C0118D, EFFECTIVE DATE APRIL 19, 2009.
- B) PUBLIC UTILITY EASEMENT ARE FOR THE JOINT USE OF POWER, TELEPHONE, GAS, SANITARY SEWER, STORM SEWER, CABLE TELEVISION, WATER.
- C) 4' SIDEWALK SHALL BE CONSTRUCTED ALONG STARLITE DRIVE AND NORTH YORK STREET.

MOONLITE BAR-B-Q INN INC.
DB 399 PG.532

OSBORNE HEIRS C/O LUCILLE O. TONG
DB 138 PG.458

ELECTRICAL EASEMENTS APPROVAL

Steve Anderson 6-27-14
CMU ELECTRIC REPRESENTATIVE DATE

TELEPHONE EASEMENTS APPROVAL

Dennis Whitcomb 7-2-14
AT&T REPRESENTATIVE DATE

NATURAL GAS EASEMENTS APPROVAL

Tom Beckmann 6-27-14
AT&T ENERGY REPRESENTATIVE DATE

RECORD SOURCE:
ROBERT STEELE REVOCABLE TRUST
D.B. 926 PG. 659
RUTH STEELE REED
D.B. 710, PG. 691
P.B. 24 PG. 135
P.B. 28 PG. 408

PROFESSIONAL SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON WAS PERFORMED UNDER MY DIRECTION BY METHOD OF RANDOM TRAVERSE. THE UNADJUSTED MATHEMATICAL ERROR OF CLOSURE RATIO OF THE TRAVERSE IS 1:50,304 AND MEETS THE SPECIFICATIONS OF AN URBAN SURVEY. THE BEARINGS AND DISTANCES SHOWN HEREON ARE NOT BASED ON AN ADJUSTED TRAVERSE. THE BASIS OF THE BEARINGS WAS TAKEN ALONG THE SOUTH R/W LINE OF NORTH YORK AS PER P.B. 28 PG. 408.

C. Steve Gilmore 9-30-14
C. STEVE GILMORE, PLS NO. 2643 DATE

OWENSBORO METRO PLANNING COMMISSION

APPROVED *R. R. Reed*
DIRECTOR
DATE *7/12/14*

WATER SUPPLY CERTIFICATION

BASED UPON CONDITIONS AT THE TIME OF THE PRELIMINARY SUBDIVISION PLAT I HEREBY CERTIFY THAT IN MY PROFESSIONAL OPINION THE PROPOSED WATER SUPPLY SYSTEM AND ALL PROPOSED FIRE HYDRANTS SHOWN ON THIS PLAT CAN PROVIDE A MINIMUM FIRE FLOW OF 500 GALLONS AND CAN SUPPORT THIS FLOW FOR A PERIOD OF NOT LESS THAN TWO (2) HOURS PLUS CONSUMPTION AT THE MAXIMUM DAILY RATE UNDER NORMAL SYSTEM OPERATING CONDITIONS, BEING SUBJECT TO ACTUAL VARIATIONS WITHIN THE SYSTEM CONDITIONS; THIS CERTIFICATION ASSUMES NORMAL WATER SUPPLY SYSTEM OPERATING CONDITIONS.

JAMES R. RINEY, PE, PS.
KENTUCKY PROFESSIONAL ENGINEER NO. 11,402

FINAL PLAT - TRACTS 4-A AND 4-B RUTH STEELE REED

SURVEY AND DIVISION
COMPLIES WITH 201 KAR 18:150
LOCATED AT 1671 STARLITE DRIVE
OWENSBORO
DAVIESS COUNTY, KENTUCKY
JUNE 6, 2014 SCALE 1"=50'

PREPARED BY:
HRG PLLC
SURVEYING & ENGINEERING
LAND DEVELOPMENT CONSULTANTS
416 WEST THIRD STREET
OWENSBORO, KENTUCKY 42301
(270)683-7558 FAX (270)683-5277
GRAPHIC SCALE
0 60 120

DATE *Bk43 Pg169* © 2014 HRG, PLLC

City of Owensboro Kentucky

P.O. BOX 10003
OWENSBORO, KENTUCKY 42302

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

ANNEXATION DESCRIPTION

A parcel of land being known as 1671 Starlite Drive located on the west side of Owensboro, Daviess County, Kentucky more particularly described as follows:

Beginning at a point in the east right of way line of Starlite Drive, said point being in the current city limit line; thence following the current city limit line and the east right of way line of Starlite Drive N 12°05'43" W, 360.99 feet to a point in the south right of way line of a private drive, said point being in the current city limit line; thence following the current city limit line and the south line of the private drive N 77°54'17" E, 427.01 feet to a point in the west line of Moonlite BAR-B-Q Inn, Inc. (D.B. 399, Pg. 532); thence following the west line of Moonlite BAR-B-Q Inn, Inc. and the current city limit line S 12°05'43" E, 360.99 feet to a point being the northeast corner to Tract 4-B (P.B. 43, Pg. 162); thence leaving the current city limit line and following the new city limit line and the north line of Tract 4-B, S 77°54'17" W, 427.01 feet to the point of beginning containing 3.539 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 property division and consolidation plat prepared by HRG, PLLC recorded in Plat Book 43, at Page 162 in the office of the Daviess County Court Clerk. Bearings and distances were not verified with a field survey.


Kevin M. Simmons, PLS 3635

11/05/14
Date



ANNEXATION PLAT SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE BEARINGS AND DISTANCES SHOWN
HEREON HAVE BEEN TAKEN FROM A PROPERTY DIVISION & CONSOLIDATION
PLAT PREPARED BY H.R.G. PLLC RECORDED IN PLAT BOOK 43,
PAGE 162. THIS PLAT HAS BEEN PREPARED FOR ANNEXATION
PURPOSES ONLY. BEARINGS AND DISTANCES SHOWN HAVE NOT
BEEN VERIFIED IN THE FIELD.

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

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

PROPOSED ANNEXATION FOR
1671 STARLITE DRIVE - TRACT 4-A
IS APPROX. 3.539 ACRES



1 inch = 200 feet

1671 STARLITE DRIVE - STARLITE
SUBDIVISION - TRACT 4-A
ZONING B-4

CARTER RD
S YORK ST
DALLAS AVE
N YORK ST
STARLITE
P.O.B.

LINE TABLE		
LINE	BEARING	LENGTH
L1	N 12° 05' 43" W	360.99'
L2	N 77° 54' 17" E	427.01'
L3	S 12° 05' 43" E	360.99'
L4	S 77° 54' 17" W	427.01'

