

**ORDINANCE 3-2015**

**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 3108-  
3110 FAIRVIEW DRIVE, CONTAINING 4.50 ACRES,  
MORE OR LESS.**

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

**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 tract of land located at 3108-3110 Fairview Drive on the east side of Owensboro, Daviess County, Kentucky more particularly described as follows:

Beginning at a point in the east right of way line of Fairview Drive, said point being the southwest corner of Lot 1 of Professional Park at Woodlands Plaza; thence following the south line of Lot 1 and the new city limit line S 71°19'05" E, 575.29 feet to a point being in the west line of FMU, LLC; thence following the west line of FMU, LLC and the new city limit line S 18°38'06" W, 255.32 feet to a point; thence continuing with the west line of FMU, LLC and the new city limit line S 18°13'47" W, 124.30 feet to a point being the northeast corner of Woodlands Plaza II, LLC, said point being in the current city limit line; thence following the north line of Woodlands Plaza II and the current city limit line N 71°20'25" W, 392.32 feet to a point being the southeast corner to Koger Properties, LLC; thence following the east line of Koger Properties, LLC and the new city limit line N 18°14'27" E, 121.43 feet to a point; thence following the new city limit line and the north line of Koger N 71°45'33" W, 181.00 feet to a point in the east right of way line of Fairview Drive; thence following the east right of way line of Fairview Drive and the current city limit line N 18°11'20" E, 259.75 feet to the point of beginning containing 4.50 acres as shown on an Annexation Plat prepared by BEI Engineering, dated 02-10-2015.

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 description and annexation plat prepared by BEI Engineering dated February 10, 2015. Bearings and distances were not verified with a field survey.

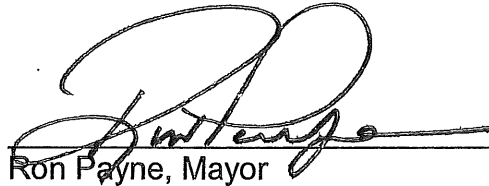
**Section 3.** That the territory annexed herein is General Business, Zoned B-4, as illustrated by the zoning maps attached hereto and incorporated by reference herein.

**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 17<sup>th</sup> day  
of February, 2015.

**PUBLICLY READ AND APPROVED ON SECOND READING**, this the 3<sup>rd</sup> day of  
March, 2015.

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 3-2015, duly adopted by the  
Owensboro Board of Commissioners on March 3, 2015, the original of which is on file in  
the Office of the City Clerk, this the 3<sup>rd</sup> day of March, 2015.



Beth Cecil, City Clerk

Consent

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

Item No.

<b>TITLE</b>
REQUEST ANNEXATION FOR KOGER PROPERTIES, LLC (3108-3110 FAIRVIEW DRIVE)

<b>MEETING OF CITY COMMISSION ON</b> (State the meeting date February 17, 2015)
<b>BUDGET</b> (State any budget consequences): N/A

<b>SUMMARY AND BACKGROUND</b> (Continue on additional sheet, if necessary):
<i>THE PROPOSED ANNEXATION FOR KOGER PROPERTIES, LLC (3108-3110 FAIRVIEW DRIVE) TOTALS =4.50 ACRES</i>
<i>KOGER PROPERTIES, LLC (3108-3110 FAIRVIEW DRIVE) ARE ZONED B-4</i>
<i>THERE WILL BE NO SURETY BOND FOR PUBLIC IMPROVEMENTS, RELATED TO THIS ANNEXATION. HOWEVER, PUBLIC IMPROVEMENTS INSTALLED WILL BE REIMBURSED THROUGH AN ANNEXATION AGREEMENT BETWEEN THE CITY OF OWENSBORO &amp; MIKE KOGER OF KOGER PROPERTIES, LLC</i>
<i>MIKE KOGER WITH KOGER PROPERTIES, LLC, CURRENT OWNER OF THE PROPERITES PROPOSED TO BE ANNEXED HAS SUBMITTED A SIGNED ANNEXATION REQUEST FORM.</i>
<i>MIKE KOGER IS THE APPARENT LOW BIDDER FOR THE CONTRACT TO CONSTRUCT AN OFFICE BUILDING FOR THE STATE OF KENTUCKY TO HOUSE THE WORK FORCE INVESTMENT OFFICES. AS A REQUIREMENT OF THIS CONTRACT THE PROPERTY IS TO BE IN THE CITY OF OWENSBORO.</i>
<i>THERE WILL BE AN ANNEXATION INCENTIVE AGREEMENT FOR THESE PROPERTY</i>
Check if continued on next page <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"/>
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

**Consent**

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(3108-3110 FAIRVIEW DRIVE)

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ANNEXATION. HOWEVER, PUBLIC IMPROVEMENTS INSTALLED WILL BE  
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FORM.*

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AN OFFICE BUILDING FOR THE STATE OF KENTUCKY TO HOUSE THE WORK FORCE  
INVESTMENT OFFICES. AS A REQUIREMENT OF THIS CONTRACT THE PROPERTY IS  
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Check if continued on next page

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MICHAEL HAMILTON	JOSEPH G. SCHEPERS	ED RAY	BILL PARRISH

# CITY OF OWENSBORO

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

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

3110 & 3108 Fairview Drive

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

Provided

**B. SOURCE OF TITLE:** DB 711, Pg 956

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

B-4, Map Provided

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

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

Kroger Properties, LLC / 3110 Fairview Drive /

Owensboro, KY 42303

**6. PHONE NO:** 270-929-0451



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

February 11, 2015

**To:** Bill Parrish  
City Manager

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

**Re:** Annexation Request for Koger Properties, LLC – 3108-3110 Fairview Drive.

Attached is the information necessary to initiate annexation for Koger Properties, LLC – 3108-3110 Fairview Drive. (See attached).

No surety bonds will be posted for public improvements, related to this annexation. However, public improvements installed will be reimbursed through an annexation agreement between the City of Owensboro & Mike Koger of Koger Properties, LLC.

Mike Koger is the apparent low bidder for the contract to construct an office building for the State of Kentucky to house the Work Force Investment Offices. As a requirement of this contract the property is to be in the City of Owensboro.

Mike Koger with Koger Properties, LLC current owner of the properties proposed to be annexed have submitted a signed annexation request form. There will be an Annexation Incentive Agreement for these properties.

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

## CONSENT AND WAIVER OF STATUTORY RIGHTS

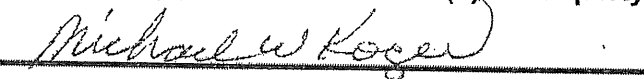
I (We) solemnly swear and affirm that I am (we are) the fee simple record owner(s) of property located at 3108 & 3110 Fairview Dr in Daviess County, Kentucky. I (We) hereby request, and consent to, annexation of the property more particularly described hereinabove. I (We) further acknowledge and agree, 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

11 day of February, 20 15

Witness:



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



## 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  
3108-3110 FAIRVIEW DRIVE-  
IS APPROX. 4.50 ACRES



1 inch = 400 feet

KENERGY  
CORPORATION

GREEN RIVER DR

WOODLANDS PLAZA  
DEVELOPMENT

HIGHWAY 54

RALPH AVE

3108 - 3110 FAIRVIEW DRIVE-  
ZONING B-4

HORSE FORK  
SOCCER COMPLEX

BROOKSIDE CT

SILVER CREEK LOOP  
BROOKS  
SUBDIVISION

KOOKS PKY

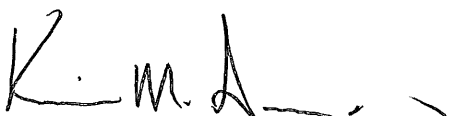
## ANNEXATION DESCRIPTION

### 3108-3110 FAIRVIEW DRIVE: 4.50 ACRES

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Kevin M. Simmons, PLS 3635  
Date 2/12/15



PROPOSED ANNEXATION FOR  
3108-3110 FAIRVIEW DRIVE-  
IS APPROX. 4.50 ACRES



CITY



COUNTY

1 inch = 200 feet



KENERGY  
CORPORATION

GREEN RIVER DR

WOODLANDS PLAZA  
DEVELOPMENT

PROFESSIONAL PARK DR

P.O.B.

L2

L1

L7

L6

L3

L4

L5

3108 - 3110 FAIRVIEW DRIVE-  
ZONING B-4

LINE TABLE		
LINE	BEARING	LENGTH
L1	N 18° 11' 20" E	259.75
L2	S 71° 19' 05" E	575.29'
L3	S 18° 38' 06" W	255.32'
L4	S 18° 13' 47" W	124.30'
L5	N 71° 20' 25" W	392.32'
L6	N 18° 14' 27" E	121.43'
L7	N 71° 45' 33" W	181.00'

ANNEXATION PLAT  
SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE BEARINGS AND DISTANCES SHOWN  
HEREON HAVE BEEN TAKEN FROM A PROPERTY DESCRIPTION AND  
ANNEXATION PLAT PREPARED BY BRYANT ENGINEERING, INC. DATED  
FEBRUARY 10, 2015. 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  
2/12/15  
DATE

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