

ORDINANCE 2-2015

ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
By: *Handie Allison*

**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
HARBOR HILLS AREA PROPERTIES (TRACTS I, II,
& III), CONTAINING 3.250 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:

TRACT 1: 2.661 ACRES

A tract of land off the north side of Valley Hill Drive located on the west side of Owensboro, Daviess County, Kentucky more particularly described as follows:

Beginning at a point at in the current city limit line, said point having a Kentucky South State Plane Coordinate N: 2173748.70, E: 1228004.60; thence following the current city limit line N 06°38'48" W, 110.21 feet to a point; thence with the current city limit line N 06°38'48" W, 106.63 feet to a point in the south line of the Nicholas P. Hayden Trust (D.B. 841, Pg. 14); thence following the current city limit line and the south line of Hayden as follows: S 61°25'27" E, 99.52 feet to a point; thence S 87°24'31" E, 200.13 feet to a point; thence S 58°14'58" E, 79.46 feet to a point; thence N 83°47'47" E, 205.92 feet to a point; thence S 08°11'49" E, 124.39 feet to a point; thence S 59°56'48" E, 253.24 feet to a point in the north line of Sara Jane McNulty (D.B. 912, Pg. 698); thence leaving the current city limit line and following the north line of McNulty and the new city limit line N 81°49'43" W, 779.34 feet to the point of beginning containing 2.661 Acres as shown on an annexation plat prepared by the City Engineer's Office.

TRACT 2: 0.455 ACRES

A tract of land off the south end of Buck Trail located on the west 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 east line of the Nicholas P. Hayden Trust (D.B. 841, Pg. 14), having Kentucky South State Plane Coordinates N: 2173859.41, E: 1229973.35; thence following the east line of Hayden and the current city limit line N 02°36'59" E, 192.29 feet to a point in the north right of way line of Buck Trail; thence following the current city limit line and crossing the end of the Buck Trail right of way S 39°16'34" E, 50.00 feet to a point in the south right of way line of Buck Trail; thence following the south right of way line of Buck Trail and the current city limit line N 50°43'26" E, 32.47 feet to a point, said point being northwest corner of Lot 61, Section III, Unit 2 of Doe Ridge Subdivision; thence following the current city limit line and the

lines of Lot 61, S 39°16'34" E, 76.17 feet to a point; thence S 89°13'36" E, 21.15 feet to a point being the northwest corner to common area/detention basin "A" of Doe Ridge Subdivision; thence following the west line of the common area and the current city limit line S 00°37'15" W, 115.45 feet to a point; thence leaving the current city limit line and following the new city limit line N 89°40'39" W, 133.69 feet to the point of beginning containing 0.455 Acres as shown on an annexation plat prepared by the City Engineer's Office.

TRACT 3: 0.134 ACRES

A tract of land off the south end of Buck Trail located on the west side of Owensboro, Daviess County, Kentucky more particularly described as follows:

Beginning at a point in the south line of the Nicholas P. Hayden Trust (D.B. 841, Pg. 14), said point being in the current city limit line having Kentucky State Plane Coordinates N: 2173713.53, E: 1229793.22; thence following the south line of Hayden and the current city limit line N 65°14'37" E, 195.13 feet to a point in the line of Brekk Properties, LLC; thence leaving the current city limit line and following the new city limit line and line of Brekk Properties, LLC S 02°36'59" W, 67.23 feet to a point; thence continuing with the new city limit line and the line of Brekk S 85°13'18" W, 174.73 feet to the point of beginning containing 0.134 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 description and annexation plat prepared by Simmons Surveying dated December 4, 2014. Bearings and distances were not verified with a field survey.

Section 3. That the territory annexed herein is Urban Agriculture, Zoned A-U, as illustrated by the zoning maps attached hereto and incorporated by reference herein.

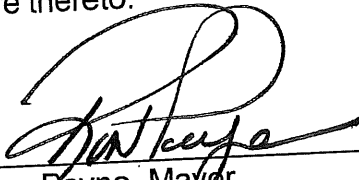
Section 4. Any dedicated streets, alleys, or easements constituting any portion of the property to be annexed are hereby accepted by the City of Owensboro pursuant to KRS 82.400.

INTRODUCED AND PUBLICLY READ ON FIRST READING, this the 20th day of January, 2015.

PUBLICLY READ AND APPROVED ON SECOND READING, this the 3rd day of


February, 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 2-2015, duly adopted by the Owensboro Board of Commissioners on February 3, 2015, the original of which is on file in the Office of the City Clerk, this the 3rd day of February, 2015.



Beth Cecil, City Clerk



City of Owensboro Kentucky



Engineering Department
Phone (270) 687-8641
Fax (270) 687-8579

101 E. 4th Street
P.O. Box 10003
Owensboro, Ky 42302-9003

January 15, 2015

To: Bill Parrish
City Manager

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

Re: Annexation Request for Harbor Hills Area Properties - Tracts I-III –
(BREKK Properties, LLC & Sara Jane McNulty).

Attached is the information necessary to initiate annexation for Harbor Hills Area Properties - Tracts I-III – (BREKK Properties, LLC & Sara Jane McNulty). (See attached).

No surety bonds will be posted for public improvements, related to this annexation since no public improvements are to be constructed.

A Property Division & Consolidation Plan including the proposed annexed properties for Brett G. & Julie A. Stallings, Thomas E. Hayden II Trust, Nicholas P. Hayden Trust, BREKK Properties, LLC, & Sara Jane McNulty has been submitted to OMPC and is under review.

BREKK Properties, LLC & Sara Jane McNulty current owners of the properties proposed to be annexed have submitted a signed annexation request form. There is no 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

COVER SHEET

TITLE

REQUEST ANNEXATION FOR HARBOR HILLS AREA PROPERTIES – (BREKK PROPERTIES, LLC & SARA JANE McNULTY PROPERTIES)

MEETING OF CITY COMMISSION ON (State the meeting date January 20, 2015

BUDGET (State any budget consequences): N/A

SUMMARY AND BACKGROUND (Continue on additional sheet, if necessary):

THE PROPOSED ANNEXATION FOR HARBOR HILLS AREA PROPERTIES (BREKK PROPERTIES, LLC & SARA JANE McNULTY PROPERTY)

TRACT I = 2.661 ACRES

TRACT II = 0.455 ACRES

TRACT III = 0.134 ACRES

TOTALS = **3.250 ACRES**

HARBOR HILLS AREA PROPERTIES – TRACTS I-III ARE ZONED A-U

THERE WILL BE NO SURETY BOND FOR PUBLIC IMPROVEMENTS, RELATED TO THIS ANNEXATION SINCE NO PUBLIC IMPROVEMENTS ARE TO BE CONSTRUCTED

BREKK PROPERTIES, LLC & SARA JANE McNULTY CURRENT OWNERS OF THE PROPERTIES PROPOSED TO BE ANNEXED HAVE SUBMITTED A SIGNED ANNEXATION REQUEST FORM.

A PROPERTY DIVISION & CONSOLIDATION PLAN INCLUDING THE PROPOSED ANNEXED PROPERTIES FOR BRETT G. & JULIE A. STALLINGS, THOMAS E. HAYDEN II TRUST, NICHOLAS P. HAYDEN TRUST, BREKK PROPERTIES, LLC, & SARA JANE McNULTY HAS BEEN SUBMITTED TO OMPC AND IS UNDER REVIEW.

THERE IS NO ANNEXATION INCENTIVE AGREEMENT FOR THESE PROPERTY

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 |

CITY OF OWENSBORO

----ANNEXATION REQUEST FORM----

1. LOCATION OF PROPERTY TO BE ANNEXED:

Land off of Valley Hill Dr. and Buck Trail

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

See attached (3 descriptions)

B. SOURCE OF TITLE:

Sara Jane McNulty (D.B. 912, Pg 698)

BREKK Properties, LLC (D.B. 913, Pg 126)

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

AU

4. ACREAGE FEES: _____

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

BREKK Properties, LLC, 1774 River Rd, Owensboro, KY 42301

Sara Jane McNulty, P.O. Box 746, Owensboro, KY 42302

6. PHONE NO: (270) 993-7287

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 Valley Hill Dr. & Buck Trail 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

4th day of December, 20 14.

Witness:

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

Joan Ann McNulty

Bradley J. Winsatt

Bradley J. Winsatt

Manager of BREKK Properties, LLC

FOR FINANCE DEPARTMENT USE ONLY:

Annexation Fee

Amount: N/A

Acreage Fee

Amount: N/A

Received by Finance Department

Date: _____

Initialed By: _____

ANNEXATION DESCRIPTION

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Kevin M. Simmons, PLS 3635 1/14/15
Date



**ANNEXATION PLAT
SURVEYOR'S CERTIFICATION**

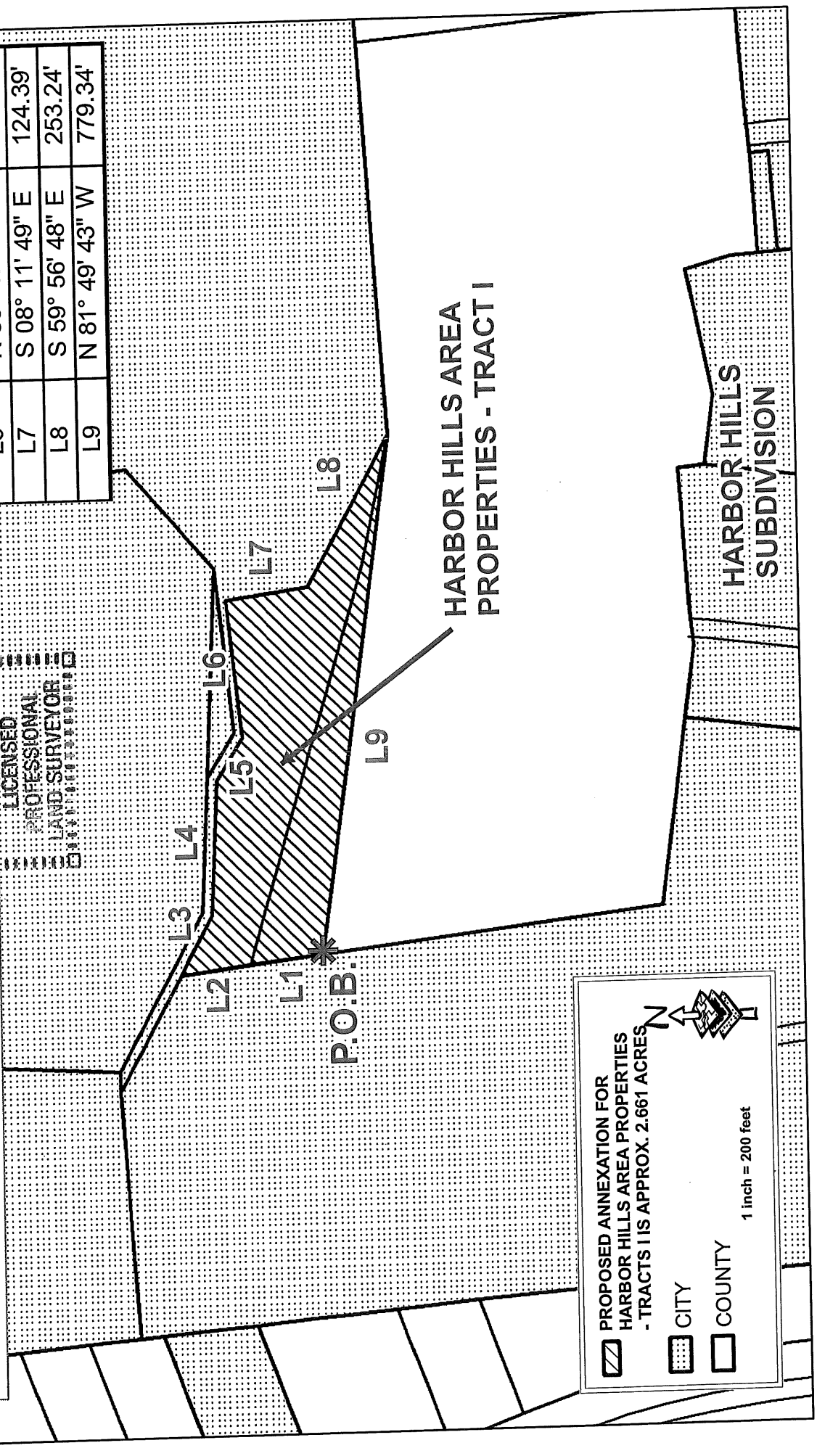
I HEREBY CERTIFY THAT THE BEARINGS AND DISTANCES SHOWN
HEREON HAVE BEEN TAKEN FROM A PROPERTY DESCRIPTION AND
ANNEXATION PLAT PREPARED BY SIMMONS SURVEYING DATED
DECEMBER 4, 2014. THIS PLAT HAS BEEN PREPARED FOR ANNEXATION
PURPOSES ONLY. BEARINGS AND DISTANCES SHOWN HAVE NOT
BEEN VERIFIED IN THE FIELD.

K. M. A.
KEVIN M. SIMMONS, P.L.S. 3635

3/06/15
DATE

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

| LINE TABLE | | |
|------------|-----------------|---------|
| LINE | BEARING | LENGTH |
| L1 | N 06° 38' 48" W | 110.21' |
| L2 | N 06° 38' 48" W | 106.63' |
| L3 | S 61° 25' 27" E | 99.52' |
| L4 | S 87° 24' 31" E | 200.13' |
| L5 | S 58° 14' 58" E | 79.46' |
| L6 | N 83° 47' 47" E | 205.92' |
| L7 | S 08° 11' 49" E | 124.39' |
| L8 | S 59° 56' 48" E | 253.24' |
| L9 | N 81° 49' 43" W | 779.34' |



☒ PROPOSED ANNEXATION FOR
HARBOR HILLS AREA PROPERTIES
- TRACTS I IS APPROX. 2.661 ACRES

☒ CITY
☐ COUNTY

1 inch = 200 feet

**ANNEXATION PLAT
SURVEYOR'S CERTIFICATION**

I HEREBY CERTIFY THAT THE BEARINGS AND DISTANCES SHOWN
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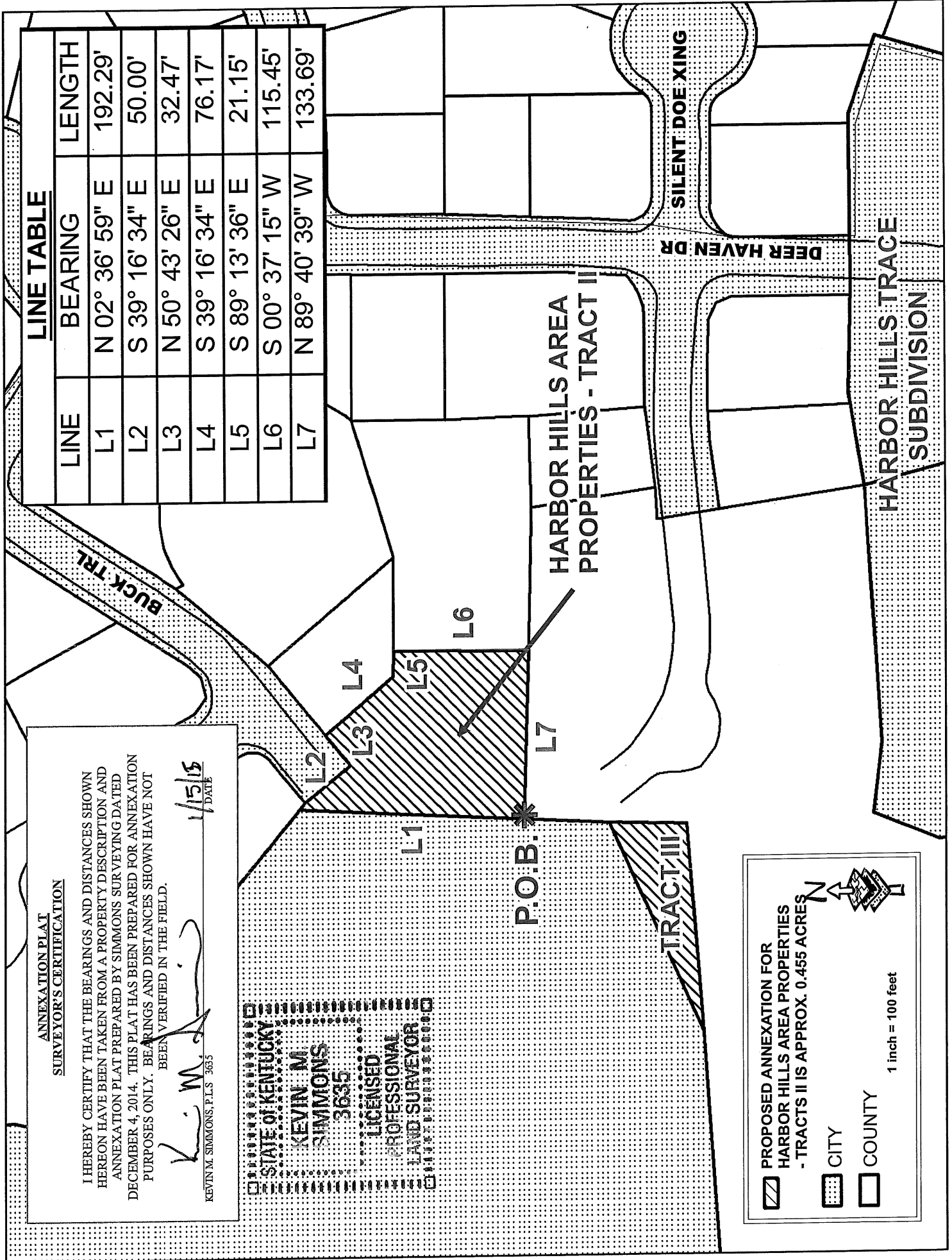
Kevin M. Simmons

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

1/15/15
DATE

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

| LINE TABLE | | |
|------------|-----------------|---------|
| LINE | BEARING | LENGTH |
| L1 | N 02° 36' 59" E | 192.29' |
| L2 | S 39° 16' 34" E | 50.00' |
| L3 | N 50° 43' 26" E | 32.47' |
| L4 | S 39° 16' 34" E | 76.17' |
| L5 | S 89° 13' 36" E | 21.15' |
| L6 | S 00° 37' 15" W | 115.45' |
| L7 | N 89° 40' 39" W | 133.69' |



☒ PROPOSED ANNEXATION FOR
HARBOR HILLS AREA PROPERTIES
- TRACTS II IS APPROX. 0.455 ACRES

☐ CITY

☐ COUNTY

1 inch = 100 feet



**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 SIMMONS SURVEYING DATED
DECEMBER 4, 2014. THIS PLAT HAS BEEN PREPARED FOR ANNEXATION
PURPOSES ONLY. BEARINGS AND DISTANCES SHOWN HAVE NOT
BEEN VERIFIED IN THE FIELD.

K. M. Simmons
KEVIN M. SIMMONS, P.L.S. 3635
DATE 3/26/15

STATE OF KENTUCKY
KEVIN M. SIMMONS
3635
LICENSED
PROFESSIONAL
SURVEYOR

LINE TABLE

| LINE | BEARING | LENGTH |
|------|-----------------|---------|
| L1 | N 65° 14' 37" E | 195.13' |
| L2 | S 02° 36' 59" W | 67.23' |
| L3 | S 85° 13' 18" W | 174.73' |

*
P.O.B.

☒ PROPOSED ANNEXATION FOR
HARBOR HILLS AREA PROPERTIES
- TRACTS III IS APPROX. 0.134 ACRES

☐ CITY

☐ COUNTY

1 inch = 100 feet

