

ORDINANCE 13-2015

ALISON LUNDERGAN GRIMES
SECRETARY OF STATE

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 A SECTION OF WENDELL FORD EXPRESSWAY - BEING COMMONWEALTH OF KENTUCKY RIGHT OF WAY (US HIGHWAY 60), CONTAINING 38.41 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 portion of the Wendell Ford Expressway Right of Way containing 38.406 Acres located north of Kentucky Highway 54 on the east side of Owensboro, Kentucky to be annexed into the City of Owensboro more particularly described as follows:

Beginning at a calculated point in the intersection of the west right of way line of Wimsatt Court and the north right of way line of Kentucky Highway 54, said point being in the current city limit line and having a Kentucky South State Plane Coordinate N:2161445.5663, E:1259116.8619; thence following the north right of way line of Kentucky Highway 54 and the current city limit line as follows: N 63°32'54" W, 139.55 feet to a point; thence N 64°47'08" W, 120.58 feet to a point; thence N 63°22'42" W, 102.97 feet to a point; thence N 62°41'22" W, 126.78 feet to a point; thence N 62°51'58" W, 158.92 feet to a point; thence N 63°11'03" W, 191.84 feet to a point; thence N 62°33'26" W, 237.10 feet to a point; thence N 63°16'58" W, 196.27 feet to a point; thence N 62°17'22" W, 299.41 feet to a point in the intersection of the north right of way line of Kentucky Highway 54 and the west right of way of the Wendell Ford Expressway (Highway 60 Bypass), said point being in the current city limit line; thence following the west right of way line of the Wendell Ford Expressway (Highway 60 Bypass) and the current city limit line as follows: N 27°07'23" E, 777.34 feet to a point; thence N 31°12'19" E, 362.79 feet to a point; thence N 20°11'25" E, 156.38 feet to a point; thence N 09°30'19" E, 99.88 feet to a point; thence N 04°54'03" E, 146.04 feet to a point; thence N 06°12'31" W, 222.32 feet to a point; thence N 05°03'26" E, 237.69 feet to a point; thence N 11°51'35" W, 243.44 feet to a point; thence N 19°09'05" W, 199.82 feet to a point; thence N 25°34'51" W, 200.40 feet to a point; thence N 32°01'47" W, 199.92 feet to a point; thence N 36°47'30" W, 100.21 feet to a point; thence N 43°53'53" W, 246.62 feet to a point; thence N 35°36'13" W, 146.96 feet to a point in the current city limit line; thence following the current city limit line across the right of way of the Highway 60 Bypass N 54°51'04" E, 260.74 feet to a point in the east right of way line of the Highway 60 Bypass; thence leaving the current city limit line and following the new city limit line and the east right of way line of the Highway 60 Bypass as follows: S 39°57'36" E, 199.25 feet to a point; thence S 39°55'56" E, 88.87 feet to a point; thence following a circular curve to the left having a radius of 542.96 feet and being subtended by a chord having bearing and distance S 54°33'26" E, 274.18 feet to a point; thence S 20°49'04" W, 50.00 feet to a point; thence

N 64°40'56" W, 93.05 feet to a point; thence S 56°23'02" W, 15.69 feet to a point; thence S 25°48'23" E, 160.63 feet to a point; thence following a circular curve to the right having a radius of 2019.86 feet and being subtended by a chord having a bearing and distance S 21°04'24" E, 675.78 feet to a point; thence following a circular curve to the right having a radius of 2019.86 feet and being subtended by a chord having a bearing and distance S 07°27'13" E, 281.07 feet to a point in the west right of way line of the new Highway 60 Bypass Extension; thence following the new city limit line and crossing the right of way of the new Highway 60 Bypass Extension S 37°22'41" E, 428.64 feet to a point in the east right of way line of the Wendell Ford Expressway (Highway 60 Bypass Extension), said point being in the west line of the Gateway Commons (to be annexed in the future); thence following the west line of Gateway Commons and the east right of way line of the Wendell Ford Expressway and the new city limit line S 16°19'07" W, 6.75 feet to a point; thence S 16°19'07" W, 20.00 feet to a point; thence S 16°19'07" W, 422.99 feet to a point; thence S 16°19'07" W, 41.42 feet to a point; thence S 15°11'05" W, 198.40 feet to a point; thence S 01°39'19" W, 68.70 feet to a point; thence continuing with the new city limit line S 01°39'19" W, 20.97 feet to a point being in the existing right of way line of the Wendell Ford Expressway (Highway 60 Bypass); thence following the east right of way line of the Wendell Ford Expressway and the new city limit line as follows: S 01°43'01" W, 154.11 feet to a point; thence S 05°06'32" E, 339.77 feet to a point; thence S 19°12'01" E, 69.10 feet to a point; thence S 21°16'10" E, 188.16 feet to a point being a corner to the Owen D. Wimsatt Subdivision; thence following the west line of said subdivision, the east right of way line of the Wendell Ford Expressway (Highway 60 Bypass) and the new city limit line as follows: S 21°13'46" E, 390.48 feet to a point; thence S 41°55'34" E, 130.00 feet to a point; thence S 51°33'55" E, 185.84 feet to a point in the west right of way line of Wimsatt Court; thence following the west right of way line of Wimsatt Court and the new city limit line S 28°30'06" W, 19.75 feet to the point of beginning containing 38.406 acres as shown on an annexation plat prepared by the City Engineer's Office.

This description was prepared for annexation purposes only and is not to be used for the transfer of real property. Bearings and distances described herein were taken from record deed and plat source along with state and local GIS records. Bearings and distances were not verified with a field survey.

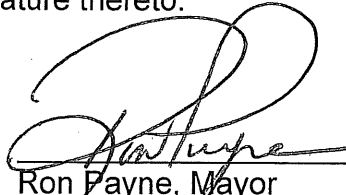
Section 3. That the territory annexed herein is zoned both Urban Agriculture and Single-Family Residential, A-U and R-1A, as illustrated by the zoning maps attached hereto and incorporated by reference herein.

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 2nd day of June, 2015.


PUBLICLY READ AND APPROVED ON SECOND READING, this the 16th day of June, 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 13-2015, duly adopted by the Owensboro Board of Commissioners on June 16, 2015, the original of which is on file in the Office of the City Clerk, this the 16th day of June, 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

April 28, 2015

To: Bill Parrish
City Manager

From: Kevin Collignon, P.E.
City Engineer *KC*

Re: Annexation Request for a Section of Wendell Ford Expressway (US Highway 60) being Commonwealth of Kentucky Right of Way.

Attached is the information necessary to initiate annexation for a Section of Wendell Ford Expressway (US Highway 60) existing Commonwealth of Kentucky Right of Way. (See attached).

The City of Owensboro is requesting this annexation to help in the development of a future Tax Infringement District consisting of the future annexation of the Gateways Commons Development.

Commonwealth of Kentucky, Department of Highways, District Two Director, Kevin McClearn has returned consent & agreement letter to the City of Owensboro as consent to this annexation as the property owner.

A signed Annexation Approval Letter from the Kentucky Transportation Department, 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

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

Item No.

TITLE
REQUEST ANNEXATION A SECTION OF WENDELL FORD EXPRESSWAY (US HIGHWAY 60) BEING COMMONWEALTH OF KENTUCKY RIGHT OF WAY

MEETING OF CITY COMMISSION ON (State the meeting date <i>June 2, 2015</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 THIS SECTION OF WENDELL FORD EXPRESSWAY (US HIGHWAY 60) RIGHT OF WAY</i></p> <p>TOTALS =38.41 ACRES</p> <p><i>THIS SECTION OF WENDELL FORD EXPRESSWAY CONSISTS OF BOTH A-U & R-1A ZONES</i></p> <p><i>THE CITY OF OWENSBORO IS REQUESTING THIS ANNEXATION TO HELP IN THE DEVELOPMENT OF A FUTURE TAX INFRINGEMENT DISTRICT CONSISTING OF THE FUTURE ANNEXATION OF THE GATEWAYS COMMONS DEVELOPMENT.</i></p> <p><i>COMMONWEALTH OF KENTUCKY, DEPARTMENT OF HIGHWAYS, DISTRICT TWO DIRECTOR, KEVIN MCCLEARN HAS RETURNED CONSENT & AGREEMENT LETTER TO THE CITY OF OWENSBORO AS CONSENT TO THIS ANNEXATION AS THE PROPERTY OWNER.</i></p> <p><i>THERE WILL BE NO ANNEXATION INCENTIVE AGREEMENT FOR THESE PROPERTY</i></p>		
<table border="1"> <tr> <td>Check if continued on next page</td> <td> </td> </tr> </table>	Check if continued on next page	
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 CONSENT LETTER, ANNEXATION 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	KEVIN L. COLLIGNON	ED RAY	BILL PARRISH



City of Owensboro Kentucky



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

1410 W. 5th Street
P.O. Box 10003
Owensboro, Ky 42302-9003

April 22, 2015

Mr. Kevin McClearn
Transportation Cabinet
Department of Highways, District Two
1840 North Main Street, P.O. Box 600
Madisonville, KY 42301-5003

Re: Request Kentucky Department of Highways consent for the annexation of a
Portion the Wendell Ford Expressway (US Highway 60)

Dear Mr. McClearn;

The City of Owensboro proposes to annex a portion of the current Wendell Ford Expressway (US Highway 60) right of way and a portion of the former Wendell Ford Expressway now Lagoon Lane. This annexation is in conjunction with a future annexation of a large 200 acres property development to the east of the annexation and part of a future Tax Infringement District in the City of Owensboro.

It is not the intent of the City of Owensboro to take over any maintenance responsibilities over the portion of State right of way to be annexed.

The City of Owensboro is requesting a letter giving the Kentucky Department of highway's consent for the annexation of the above mentioned portions of Wendell Ford Expressway (US Highway 60) right of way.

If there are any questions regarding this request, please do not hesitate to contact the City Engineer's office at 687-8641.

Sincerely,

Kevin Collignon
Owensboro, Acting City Engineer



TRANSPORTATION CABINET

Department of Highways District 2 Office
1840 North Main Street
Madisonville, KY 42431-5003
(270) 824-7080

Steven L. Beshear
Governor

Michael W. Hancock, P.E.
Secretary

May 5, 2015

Kevin Collignon, P.E.
City Engineer, Owensboro
1410 W. 5th St.
PO Box 10003
Owensboro, KY 42302

Dear Mr. Collignon,

I am receipt of your April 22, 2015 letter to me stating that the City would like to annex a portion of the Wendell Ford Expressway (US 60). The area to be annexed was submitted via an email to me from you on April 24, 2015.

Based upon the email depiction of the area covered, the Kentucky Transportation Cabinet, District 2 Office does not have any concern, and thereby gives their consent regarding the annexation of this area.

Should you require any further information, please advise.

Sincerely,

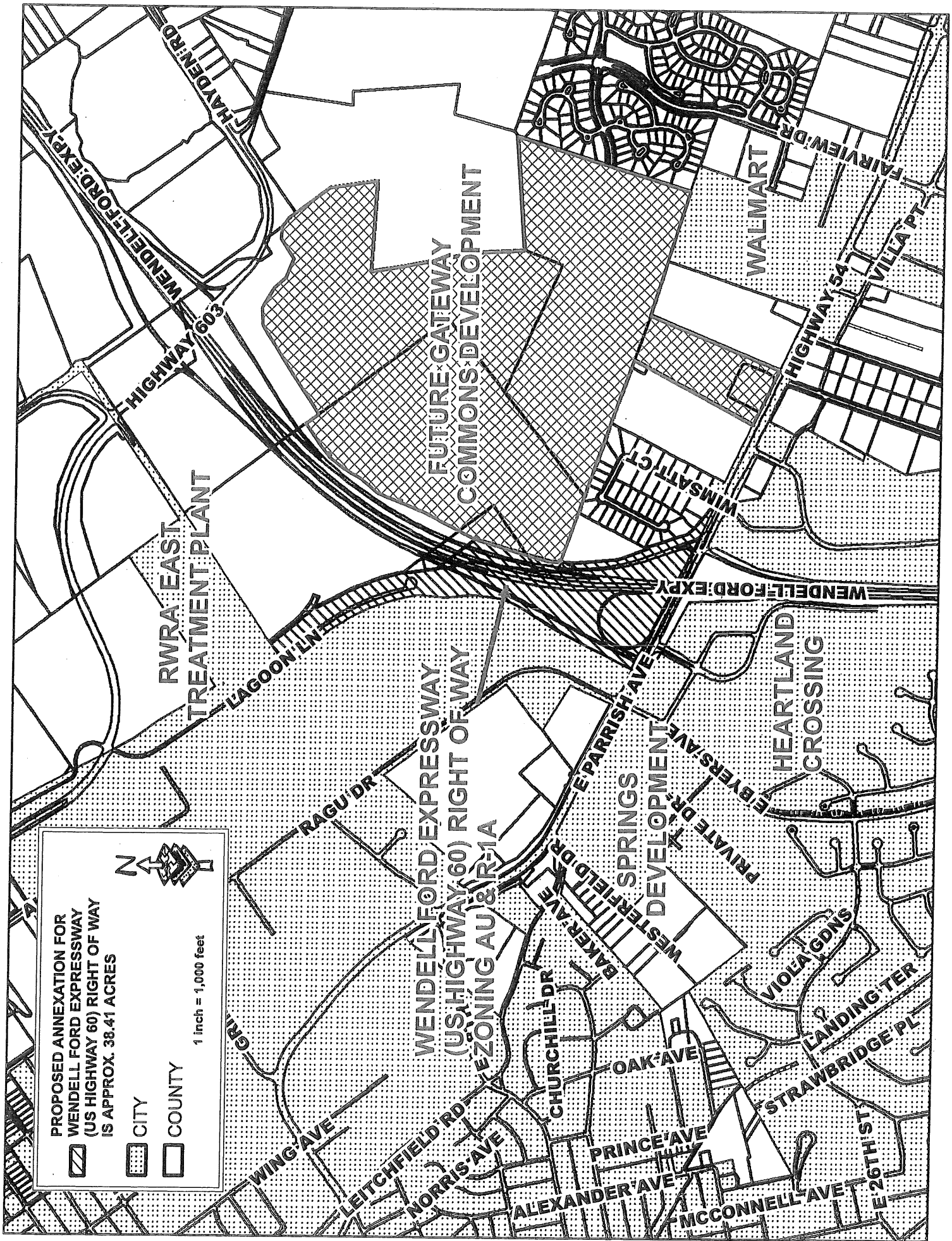
A handwritten signature in cursive script, reading "J. Kevin McClearn".

J. Kevin McClearn, P.E.
Chief District Engineer
District 2

Cc: John Rudd, P.E., TEBM for Project Development
Nick Hall, Planning Section Supervisor
Jason Ward, P.E., TEBM for Project and Delivery Branch II



An Equal Opportunity Employer M/F/D



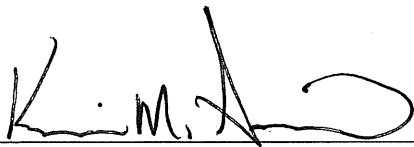
ANNEXATION DESCRIPTION

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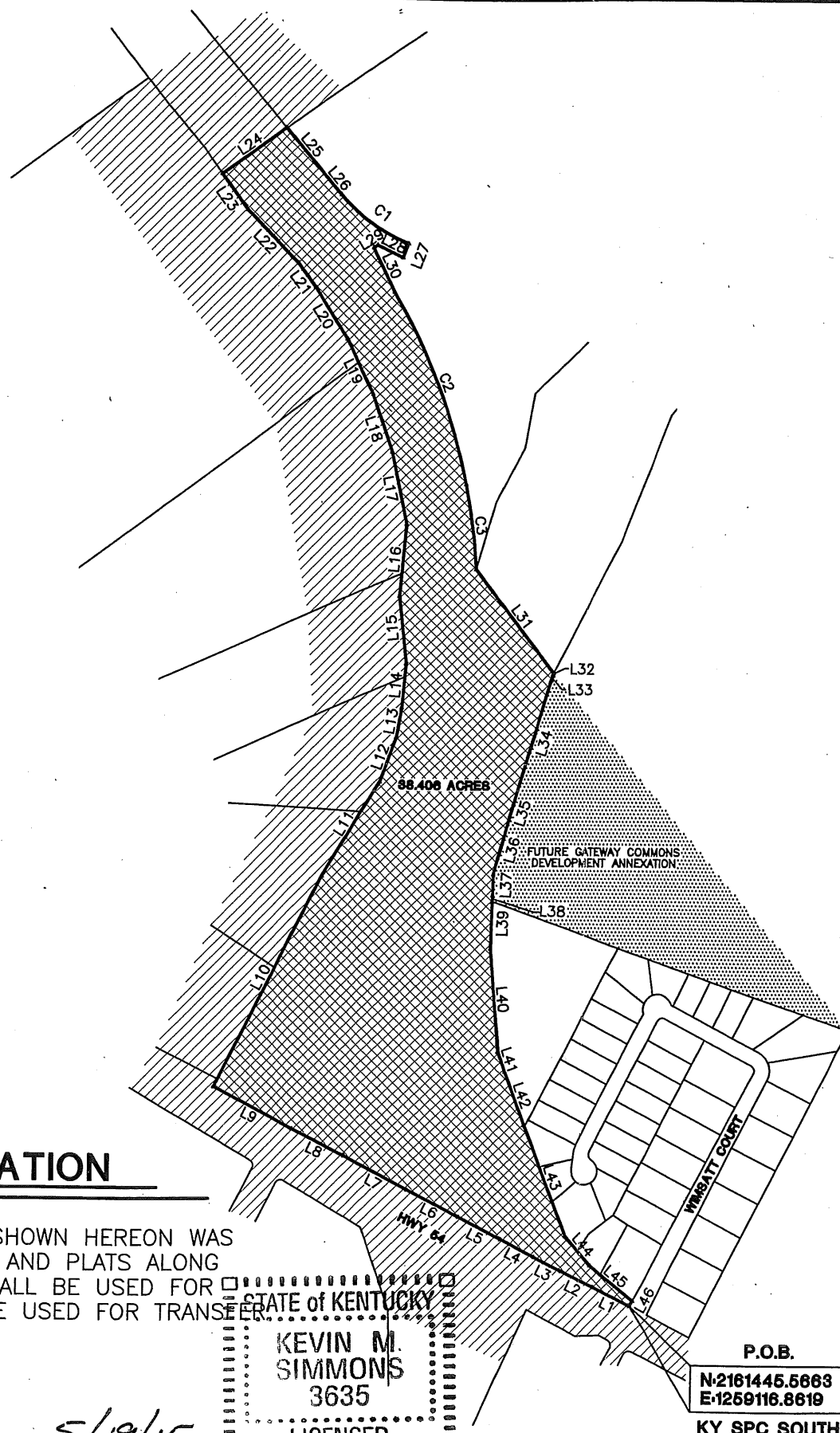
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Kevin M. Simmons, PLS 3635





5/9/15
STATE of KENTUCKY
KEVIN M.
Date SIMMONS
3635
LICENSED
PROFESSIONAL
LAND SURVEYOR



VICINITY MAP
NOT TO SCALE



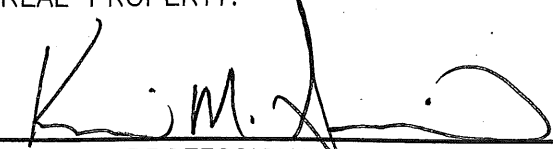
CURVE	RADIUS	CHORD LENGTH	CHORD BEARING
C1	542.96'	274.18'	S 54°33'26" E
C2	2019.86'	675.78'	S 21°04'24" E
C3	2019.86'	281.07'	S 07°27'13" E

-  TO BE ANNEXED
-  IN CITY
-  IN COUNTY
-  FUTURE ANNEXATION

LINE	BEARING	DISTANCE
L1	N 63°32'54" W	139.55'
L2	N 64°47'08" W	120.58'
L3	N 63°22'42" W	102.97'
L4	N 62°41'22" W	126.78'
L5	N 62°51'58" W	158.92'
L6	N 63°11'03" W	191.84'
L7	N 62°33'26" W	237.10'
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L33	S 16°19'07" W	20.00'
L34	S 16°19'07" W	422.99'
L35	S 16°19'07" W	41.42'
L36	S 15°11'05" W	198.40'
L37	S 01°39'19" W	68.70'
L38	S 01°39'19" W	20.97'
L39	S 01°43'01" W	154.11'
L40	S 05°06'32" E	339.77'
L41	S 19°12'01" E	69.10'
L42	S 21°16'10" E	188.16'
L43	S 21°13'46" E	390.48'
L44	S 41°55'34" E	130.00'
L45	S 51°33'55" E	185.84'
L46	S 28°30'06" W	19.75'

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE PARCEL OF LAND SHOWN HEREON WAS PLOTTED BASED ON DATA FROM RECORD DEEDS AND PLATS ALONG WITH STATE AND LOCAL GIS DATA. THIS PLAT SHALL BE USED FOR ANNEXATION PURPOSES ONLY AND IS NOT TO BE USED FOR TRANSFER OF REAL PROPERTY.


LICENSED PROFESSIONAL LAND SURVEYOR No. 3635 DATE 5/19/15

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

P.O.B.
N-2161445.5863
E-1259116.8619
KY SPC SOUTH



CITY OF OWENSBORO

ENGINEERING DEPARTMENT
1410 WEST FIFTH STREET
OWENSBORO, KY 42302

PHONE: 270-687-8641

FAX: 270-687-8327

ANNEXATION PLAT
WENDELL FORD EXPRESSWAY
(U.S. HWY 60)
RIGHT WAY