

ORDINANCE 14-2015

ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
By - Kandice Robinson

**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 3280
VISTA POINT & ADJACENT STREET RIGHT OF
WAY, CONTAINING 2.25 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 containing 2.254 acres located on Vista Point on the east side of Owensboro, Kentucky to be annexed into the City of Owensboro more particularly described as follows:

Beginning at a point being the southeast corner of the right of way of Vista Point, said point being in the west line of Penn Properties, LLC and also being in the current city limit line; thence following the current city limit line and the west line of Penn Properties S 22°14'39" W, 253.21 feet to a point in the north line of Green River Electric Corp.; thence leaving the current city limit line and following the new city limit line and the north line of Green River Electric Corp. S 83°59'10" W, 313.70 feet to a point being the southeast corner of Villa Point properties, LLC; thence following the new city limit line N 18°31'22" E, 407.29 feet to a point being the southwest corner of Villa Point, Inc., said point also being in the current city limit line; thence following the current city limit line and the north line of Villa Point, Inc. S 71°30'54" E, 223.28 feet to a point in the west right of way line of Vista Point; thence following the right of way line of Vista Point and the current city limit line S 21°58'26" W, 24.97 feet to a point; thence S 71°47'07" E, 80.03 feet to the point of beginning containing 2.254 Acres as shown on an annexation plat prepared by Bryant Engineering, Inc. dated 5-19-2015.

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 an annexation plat prepared by Bryant Engineering Inc. dated 5-19-2015. Bearings and distances were not verified with a field survey.

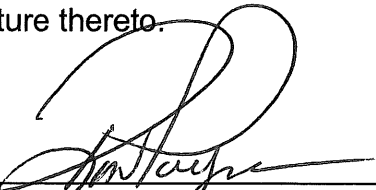
Section 3. That the territory annexed herein is zoned Highway Business Center, B-3, as illustrated by the zoning maps attached hereto and incorporated by reference herein.

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

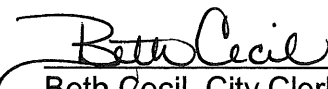
ATTEST:



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 14-2015, 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

May 26, 2015

To: Bill Parrish
City Manager

From: Kevin Collignon, P.E.
City Engineer

Re: Annexation Request for Penn Properties, LLC – 3280 Vista Point & Adjacent Street Right of Way.

Attached is the information necessary to initiate annexation for Penn Properties, LLC – 3280 Vista Point & Adjacent Street Right of Way. (See attached).

No surety bonds will be posted for public improvements, related to this annexation. However, public improvements are expected to be installed with future site development.

Penn Properties, LLC current owner of the property proposed to be annexed has submitted a signed annexation request form. Also, attached is a letter from Daviess County Fiscal Court concerning jurisdictional ownership of this section of Vista Point Right of Way. Daviess County Fiscal Court has never accepted this right of way.

There will not be an Annexation Incentive Agreement for this property annexation.

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

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

Item No.

TITLE
REQUEST ANNEXATION FOR PENN PROPERTIES, LLC (3280 VISTA POINT & ADJACENT STREET 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 PENN PROPERTIES, LLC (3280 VISTA POINT & ADJACENT STREET RIGHT OF WAY)</i></p> <p>TOTALS = 2.25 ACRES</p> <p><i>PENN PROPERTIES, LLC (3280 VISTA POINT & ADJACENT STREET RIGHT OF WAY) ARE ZONED B-3</i></p> <p><i>THERE WILL BE NO SURETY BOND FOR PUBLIC IMPROVEMENTS, RELATED TO THIS ANNEXATION. HOWEVER, PUBLIC IMPROVEMENTS ARE EXTENDED TO BE INSTALLED WITH FUTURE SITE DEVELOPMENT.</i></p> <p><i>PENN PROPERTIES, LLC, CURRENT OWNER OF THE PROPERTIES PROPOSED TO BE ANNEXED HAS SUBMITTED A SIGNED ANNEXATION REQUEST FORM. ALSO, ATTACHED IS A LETTER FROM DAVIESS COUNTY FISCAL COURT CONCERNING JURISDICTIONAL OWNERSHIP OF THIS SECTION OF VISTA POINT RIGHT OF WAY. DAVIESS COUNTY FISCAL COURT HAS NEVER ACCEPTED THIS RIGHT OF WAY.</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><input type="checkbox"/></td> </tr> </table>	Check if continued on next page	<input type="checkbox"/>
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	KEVIN COLLIGNON	ED RAY	BILL PARRISH

CITY OF OWENSBORO

----ANNEXATION REQUEST FORM----

1. LOCATION OF PROPERTY TO BE ANNEXED:

3280 Vista Point

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

(SEE ATTACHED DESCRIPTION)

B. SOURCE OF TITLE: DB 947, Pg 677

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

B-3

4. ACREAGE FEES: N/A

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

Penn Properties, LLC

PO Box 968

Owensboro, KY 42302

6. PHONE NO: 270-929-6865


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 3280 Vista Point 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

20 day of May, 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: _____



Daviess County Fiscal Court

COUNTY JUDGE/EXECUTIVE
Al Mattingly

COUNTY ATTORNEY
Claud Porter

Daviess County Courthouse
P.O. Box 1716
Owensboro, Kentucky 42302-1716
Telephone: (270) 685-8424
Fax: (270) 685-8169
www.daviessky.org

COUNTY COMMISSIONERS
Charlie Castlen - Central Division
Jim Lamberi - Eastern Division
George Wathen - Western Division

April 10, 2015

Brian Howard, Director
Owensboro Metropolitan Planning Commission
200 East Third Street
Owensboro, KY 42303

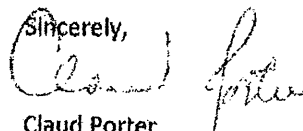
RE: Public right of way (near Vista Point)

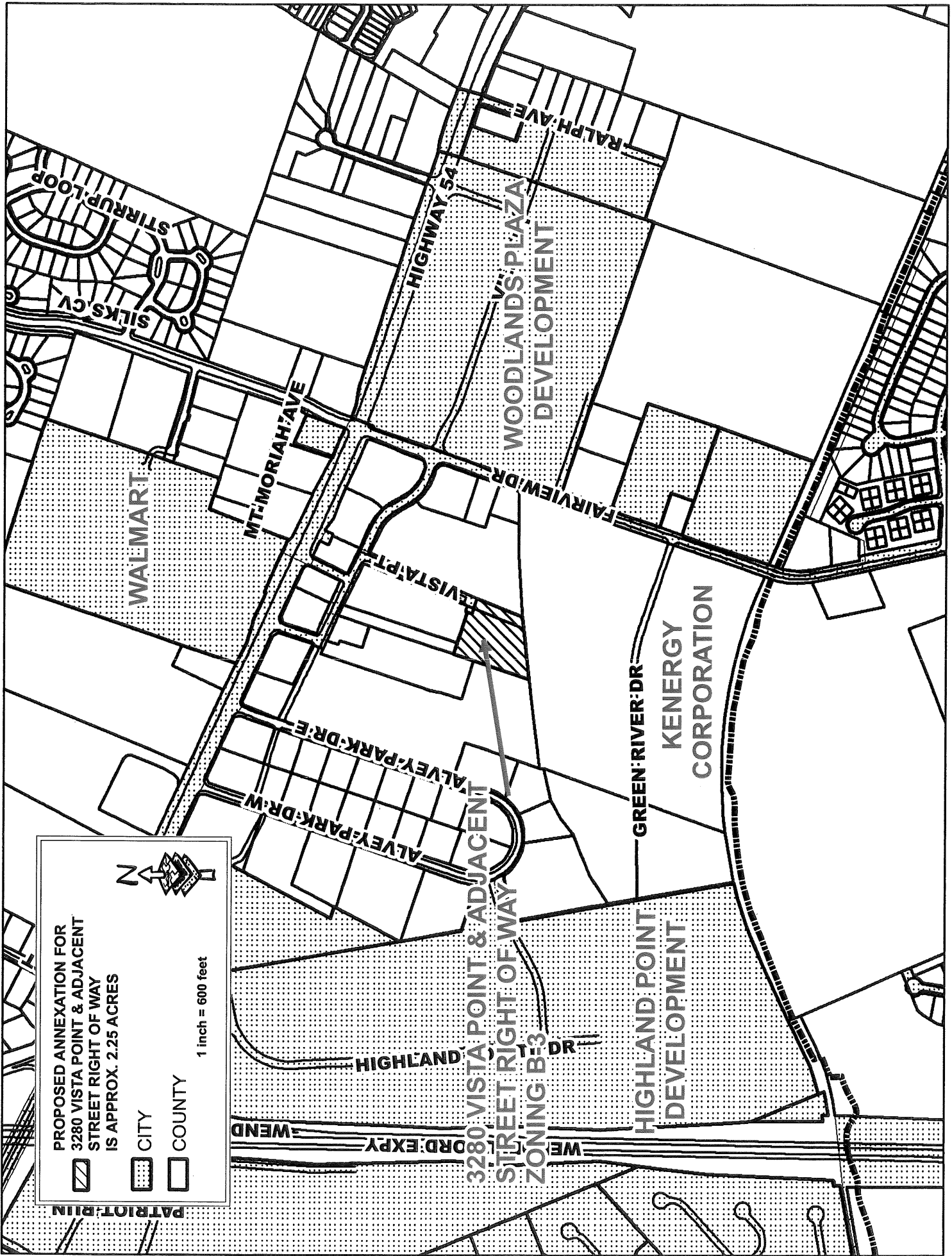
Dear Brian:

Greg Hamilton at HRG, PLLC asked me to write the Commission about a fifty (50) ft. right of way adjoining Vista Point off Highway 54.

This public right of way is not a county road; it is not listed in our county road index. KRS 178, discontinuance of county roads, does not apply to this right of way because it is not a county maintained road.

Although it is a dedicated public right of way, but not a county road, Daviess Fiscal Court cannot and has no interest in whether the current owner eliminates the right of way.

Sincerely,

Claud Porter
Daviess County Attorney

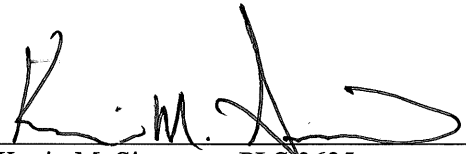


ANNEXATION DESCRIPTION

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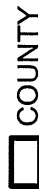
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Kevin M. Simmons, PLS 3635 5/26/15 Date



PROPOSED ANNEXATION FOR
3280 VISTA POINT & ADJACENT
STREET RIGHT OF WAY
IS APPROX. 2.25 ACRES



1 inch = 100 feet

3280 VISTA POINT & ADJACENT
STREET RIGHT OF WAY
ZONING B-3

LINE TABLE		
LINE	BEARING	LENGTH
L1	S 22° 14' 39" W	253.21'
L2	S 83° 59' 10" W	313.70'
L3	N 18° 31' 22" E	407.29'
L4	S 71° 30' 54" E	223.28'
L5	S 21° 58' 26" W	24.97'
L6	S 71° 47' 07" E	80.03'

P.O.B.

3280 VILLA POINT
DON MOORE AUTOMOTIVE

KENERGY
CORPORATION

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

ANNEXATION PLAT
SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE BEARINGS AND DISTANCES SHOWN
HEREON HAVE BEEN TAKEN FROM AN ANNEXATION PLAT PREPARED BY
BRYANT ENGINEERING, INC. DATED MAY 19, 2015. THIS PLAT HAS
BEEN PREPARED FOR ANNEXATION PURPOSES ONLY. BEARINGS
AND DISTANCES SHOWN HAVE NOT BEEN VERIFIED IN THE FIELD.

Kevin M. Simmons
5/27/15
DATE
KEVIN M. SIMMONS, P.L.S. 3635