

ORDINANCE NO. BG2018 – 19

ORDINANCE ANNEXING PROPERTY BY CONSENT

ORDINANCE ANNEXING 22.58 ACRES OF PROPERTY LOCATED ON LOVERS LANE PRESENTLY OWNED BY BUHR-ROCK DEVELOPMENT, INC., WITH SAID TERRITORY BEING CONTIGUOUS TO EXISTING CITY LIMITS, APPROVING THE ADDITION OF THIS LOCATION TO THE TARGET ANNEXATION AREA MAP AND FURTHER APPROVING AN ASSOCIATED ECONOMIC DEVELOPMENT ANNEXATION INCENTIVE AGREEMENT

WHEREAS, pursuant to KRS 81A.412, the City of Bowling Green may annex any area which meets the requirements for annexation if the owner of record of the land to be annexed gives prior consent in writing; and,

WHEREAS, Buhr-Rock Development, Inc. has requested and consented in writing to the annexation of 22.58 acres of property located on Lovers Lane, southwest from the intersection of Cemetery Road; and,

WHEREAS, the City of Bowling Green hereby declares it desirable to annex the property as described in the attachments to this Ordinance; and,

WHEREAS, the proposed property to be annexed is adjacent or contiguous to the City, and the property is urban in character and suitable for development for urban purposes without unreasonable delay; and,

WHEREAS, in Municipal Order No. 2012-183, the Board of Commissioners approved the City of Bowling Green Economic Development Annexation Incentive Policy in order to encourage voluntary annexation of vacant or partially developed property adjacent to the City limits, particularly in areas likely to result in job creation; and,

WHEREAS, the policy was amended in Municipal Order No. 2014-95 to allow for additional time in which to begin the refund policy among other amendments; and,

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WHEREAS, the Annexation Incentive Policy targeted five (5) specific areas adjacent to the current City limits; and,

WHEREAS, the property being proposed for annexation in this Ordinance is close to, but not included in the original annexation target areas; and,

WHEREAS, the Annexation Incentive Policy authorizes the Board of Commissioners to add other target areas at its discretion and it is in the best interests of the City to add the property proposed to be annexed to the Target Annexation Area map; and,

WHEREAS, pursuant to the Annexation Incentive Policy, the property owner consenting to annexation may receive a rebate of City property taxes paid on the annexed property for a period not to exceed five (5) years to aid in covering development costs with the rebate period to begin no later than ten (10) years from the date of the annexation; and,

WHEREAS, Buhr-Rock Development, Inc. has requested the rebate of the City property taxes which requires the execution of an agreement between Buhr-Rock Development, Inc. and the City; and,

WHEREAS, it is in the best interest of the City to approve this consensual annexation of property located on Lovers Lane pursuant to the Annexation Incentive Policy and the agreement setting out the annexation incentives.

NOW, THEREFORE, BE IT ORDAINED by the City of Bowling Green, Kentucky pursuant to KRS 81A.412 as follows:

1. The property presently owned by Buhr-Rock Development, Inc. located on Lovers Lane, which is identified on the attached map and further described in the attachments to this Ordinance containing approximately 22.58 acres, all of which is contiguous to existing city limits, shall be and is hereby annexed into the City of Bowling Green, Kentucky by consent of the owner, and the boundaries of the City are hereby extended so as to include and incorporate all of this real estate into the City of Bowling Green.

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2. A copy of this Ordinance shall be forwarded to the Public Works Department, Planning and Design Division and it is hereby authorized and directed to make the necessary changes to the territorial limits of the City in Chapter One of the City of Bowling Green Code of Ordinances to reflect this annexation.

3. The Board of Commissioners, pursuant to the Annexation Incentive Policy, hereby approves the addition of this property as an annexation target area.

4. The Annexation Incentive Agreement between Buhr-Rock Development, Inc. and the City for the total acreage of 22.58, a copy of which is attached to and made a part of this Ordinance, is hereby approved.

5. The Mayor and all other appropriate City officers and officials are authorized and directed to execute this Agreement and any and all other documents necessary to carry out this transaction and to complete this annexation, and the City Manager is to act for and in the name of the City throughout the administration and performance thereof.

6. The provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provision shall for any reason be declared invalid, such declaration of invalidity shall not affect the validity of the remainder of this Ordinance.

7. All prior Municipal Orders or Ordinances or parts of any Municipal Order or Ordinance in conflict herewith are hereby repealed.

8. This Ordinance is adopted pursuant to KRS 83A.060 in that it was introduced on March 28, 2018, and given final reading on April 17, 2018, and said Ordinance shall be in full force and effect upon signature, recordation and publication in summary pursuant to KRS Chapter 424.

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ADOPTED: April 17, 2018

APPROVED: Brian Wilber
Mayor, Chairman of Board of Commissioners

ATTEST: Ashley Jackson
Acting City Clerk

SPONSORED BY: Katie Schaller-Ward, Interim City Manager, 03/26/2018, 3:30 p.m.