

ORDINANCE NO. BG2017 - 20

ORDINANCE ANNEXING PROPERTY BY CONSENT

ORDINANCE ANNEXING A TOTAL OF APPROXIMATELY 101.57 ACRES OF PROPERTY LOCATED ON LOVERS LANE, WITH PROPERTY PRESENTLY OWNED BY CHANDLER RESIDENTIAL, LLC AND BOWLING GREEN-WARREN COUNTY COMMUNITY HOSPITAL CORPORATION D/B/A THE MEDICAL CENTER, WITH SAID TERRITORY BEING CONTIGUOUS TO EXISTING CITY LIMITS; 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, Chandler Residential, LLC, property owner for Lot #1 as seen on the attached map and further described herein, has requested and consented to the annexation of approximately 91.57 acres of property located on Lovers Lane approximately one (1) mile southeast of the intersection of Cemetery Road and Lovers Lane; and,

WHEREAS, Bowling Green-Warren County Community Hospital Corporation d/b/a The Medical Center, property owner of Lot #2 as seen on the attached map and further described herein, has requested and consented to the annexation of approximately 10.00 acres of property located on Lovers Lane approximately one (1) mile southeast of the intersection of Cemetery Road and Lovers Lane; and,

WHEREAS, the City of Bowling Green hereby declares it desirable to annex these properties for a total of 101.57 acres as described in the attachments to this Ordinance; and,

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

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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 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 included in the original annexation target areas; 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, Chandler Residential, LLC has requested the rebate of the City property taxes which requires the execution of an agreement between said owner and the City; and,

WHEREAS, it is in the best interest of the City to approve the consensual annexation of these properties 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 properties located on Lovers Lane, identified on the attached map and further described in the attachments to this Ordinance containing a total of approximately 101.57 acres presently owned by Chandler Residential, LLC and Bowling Green-Warren County Community Hospital Corporation d/b/a The Medical Center, all of which are contiguous to existing City limits, shall be and are hereby annexed into the City of Bowling Green, Kentucky by consent of the owners, and the boundaries of the

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City hereby extended so as to include and incorporate all of this real estate into the City of Bowling Green.

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 Annexation Incentive Agreement between Chandler Residential, LLC and the City, a copy of which is attached to and made a part of this Ordinance, is hereby approved.

4. The Mayor and all other appropriate City officers and officials are authorized and directed to execute the Annexation Incentive 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.

5. 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.

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

7. This Ordinance is adopted pursuant to KRS 83A.060 in that it was introduced on May 2, 2017, and given final reading on May 16, 2017, 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: May 16, 2017

APPROVED: Bruce Wickerson
Mayor, Chairman of Board of Commissioners

ATTEST: Kate Schaller Ward
City Clerk

SPONSORED BY: Kevin D. DeFebbo, City Manager, 04/24/2017, 10:00 a.m.