

ORDINANCE 2019-1771

AN ORDINANCE OF THE CITY OF MURRAY, KENTUCKY ANNEXING A 20.01 ACRE TRACT OWNED BY CITY WEST, LLC, LOCATED ON THE EAST SIDE OF BRINN ROAD AND CONTIGUOUS TO THE PRESENT CITY LIMITS.

WHEREAS, the subject property of this ordinance is urban in character or suitable for development for urban purposes and no part of the area to be annexed is included within the boundary of another incorporated city, and the City has declared it desirable to annex the proposed unincorporated territory, and

WHEREAS, the owners of record of the subject property to be annexed have consented in writing to the proposed annexation in exchange for city utility services as shown by their consent dated JANUARY 23, 2019 (a copy is attached hereto and incorporated by reference as if fully stated herein and marked EXHIBIT "A"). Therefore, pursuant to KRS 81A.412, there is no requirement for a notification ordinance (KRS 81A.420(1)) or notice requirement (KRS 81A.425), or waiting period of 60 days (KRS 81A.420(2)) prior to enacting a final ordinance annexing the subject area; and

WHEREAS, this ordinance is authorized by KAR 81A.412.

NOW THEREFORE PURSUANT TO THE AUTHORITY IN CHAPTER 81A OF THE KENTUCKY REVISED STATUTES AND OTHER APPLICABLE LAW, BE IT ORDAINED BY THE LEGISLATIVE BODY OF THE CITY OF MURRAY, KENTUCKY:

1. The City of Murray has declared the following described property, by reason of present use and potential, to be urban in character and/or suitable for development for urban purposes without reasonable delay, therefore, the City find it desirable to annex the proposed unincorporated territory owned by City West, LLC, and said property is hereby annexed into the territorial limits of the City of Murray, pursuant to the provisions of KRS 81A.420 et seq.:

THE PROPERTY TO BE ANNEXED IS MORE FULLY DESCRIBED ON EXHIBIT "B" (LEGAL DESCRIPTION) and EXHIBIT "C" (PLAT), both attached hereto and incorporated by reference as if fully stated herein.

2. Upon final approval of this annexation, a zoning map reflecting the zoning designation of this property shall be attached and incorporated by reference as if fully stated herein.
3. This ordinance shall become effective on the date of its passage and publication in The Murray Ledger & Times as required by KRS Chapter 424.

Nothing in this Ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost impaired or affected by this Ordinance.

BOB ROGERS, MAYOR

ATTEST:

DANNETTA CLAYTON, CITY CLERK

First Reading _____, 2019.

Second Reading and Approval _____, 2019.

Published in the Murray Ledger and Times on _____, 2019

EXHIBIT "A"
Letter of Consent

City West, LLC
1105 State Route 121 N
Murray, KY 42071

January 23, 2019

City of Murray
500 Main Street
Murray, KY 42071

RE: Proposed Annexation
000 Brinn Road, Murray, KY
Parcel #: 041-0-0050
Of Record in Deed Book 1093, Page 594

To Whom It May Concern,

The aforementioned property is currently owned by City West, LLC and is subject to a Purchase Contract with The Journey Church Ministries, Inc dated January 22, 2018. Together, both parties of the contract desire to take the necessary steps to finalize the purchase. Accordingly, in order for the property to be utilized by the Buyer, they will need access to utilities including water, sewer, and natural gas as well as other city services. Based on our conversations, these utilities are available, with appropriate permits, engineering, extensions, and other appropriate steps.

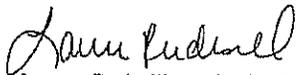
We hereby request the City of Murray to initiate the necessary steps to annex the aforementioned property into the City of Murray's corporate limits for the consideration of utilities and other city services. We hereby request the zoning for the property to be considered for the Agricultural Zoning District.

We look forward to working with you in this process and enjoying the mutual benefits of this project. Thank you for your consideration, if you have any questions, please do not hesitate to contact our agent, Ryan Stanger, at 270-293-1200.

With the Highest Regard,



Matthew C. Jennings, Managing Member
City West, LLC



Lauren Rudesill, Authorized Agent
The Journey Church Ministries, Inc.

RECEIVED JAN 23 2019

EXHIBIT "B"
Legal Description

Legal Description
Of the City West, LLC. Property
To be annexed into the City of Murray
Tract 1
Page 1 of 2



Being a tract of land in the County of Calloway, State of Kentucky, located approximately 2.1 miles north of the intersection of 12th Street and Main Street in the City of Murray, being adjacent to the city limits of City of Murray, being all of P.V.A. parcel # 041-0-0050, and being approximately 950 feet south of the intersection of Brinn Road Poor Farm Road and further described as follows:

Beginning at a ½ inch diameter rebar with cap (P.L.S. #3175) found approximately 30 feet east of the centerline of Brinn Road (60' Right of Way per adjoining surveys, no recorded Right of Way found), being the northwest corner of the Donald Demrow and Linda Demrow Property (Deed Book 217 Page 365) and the southwest corner of the herein described tract;

thence with the right of way of Brinn Road approximately 30 feet east of the centerline thereof North 01 degrees 47 minutes 09 seconds East a distance of 756.67 feet to a ½ inch diameter rebar with cap (P.L.S. #3837) found at the southwest corner of the N P Cavitt Property (Deed Book 104 Page 281);

thence with the south line of the Cavitt Property North 89 degrees 43 minutes 45 seconds East a distance of 1126.13 feet to a ½ inch diameter rebar with cap (P.L.S. #3837) found in the west line of the West Wind Rentals & City West, LLC Property (Deed Book 972 Page 514);

thence with the West Wind Rentals & City West, LLC Property South 01 degrees 57 minutes 33 seconds West a distance of 793.69 feet to a ½ inch diameter rebar with cap (P.L.S. #3837) found at a fence corner post, being the northeast corner of the New Life Christian Center Property (Deed Book 245 Page 421);

thence with the New Life Christian Center Property North 88 degrees 24 minutes 54 seconds West a distance of 672.78 feet to a ½ inch diameter rebar with cap (P.L.S. #3175) found at the northeast corner of the Donald Demrow and Linda Demrow Property (Deed Book 233 Page 288);

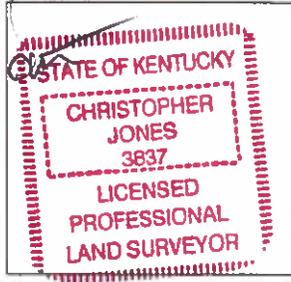
thence with the Demrow Property North 88 degrees 19 minutes 20 seconds West a distance of 250.19 feet to a ½ inch diameter rebar with cap (P.L.S. #3175) found at the northeast corner of the Donald Demrow and Linda Demrow Property (Deed Book 217 Page 365);

thence with the north line of the Demrow Property North 88 degrees 22 minutes 34 seconds West a distance of 200.03 feet to the point of beginning.

The above-described tract of land contains 20.01 Acres more or less as surveyed by Christopher B. Jones, PLS #3837 on December 2nd 2016.

Tract 1
Page 2 of 2

Being all of the property recorded to City West, LLC., 1105 State Route 121 North, Murray, KY 42071, in Deed Book 1093 Page 594 as recorded in the Calloway County Clerk's office, The above-described property may be subject to any previously conveyed easements, right of ways, or further encumbrances either recorded or unrecorded.



A handwritten signature in black ink, appearing to read "C.B. Jones", written over a horizontal line.

Christopher B. Jones, PLS #3837

2/19/2019
Date

EXHIBIT "C"
Plat

GRID NORTH (KY SPCS SOUTH ZONE NAD83)
CITY OF MURRAY

ANNEXATION MAP

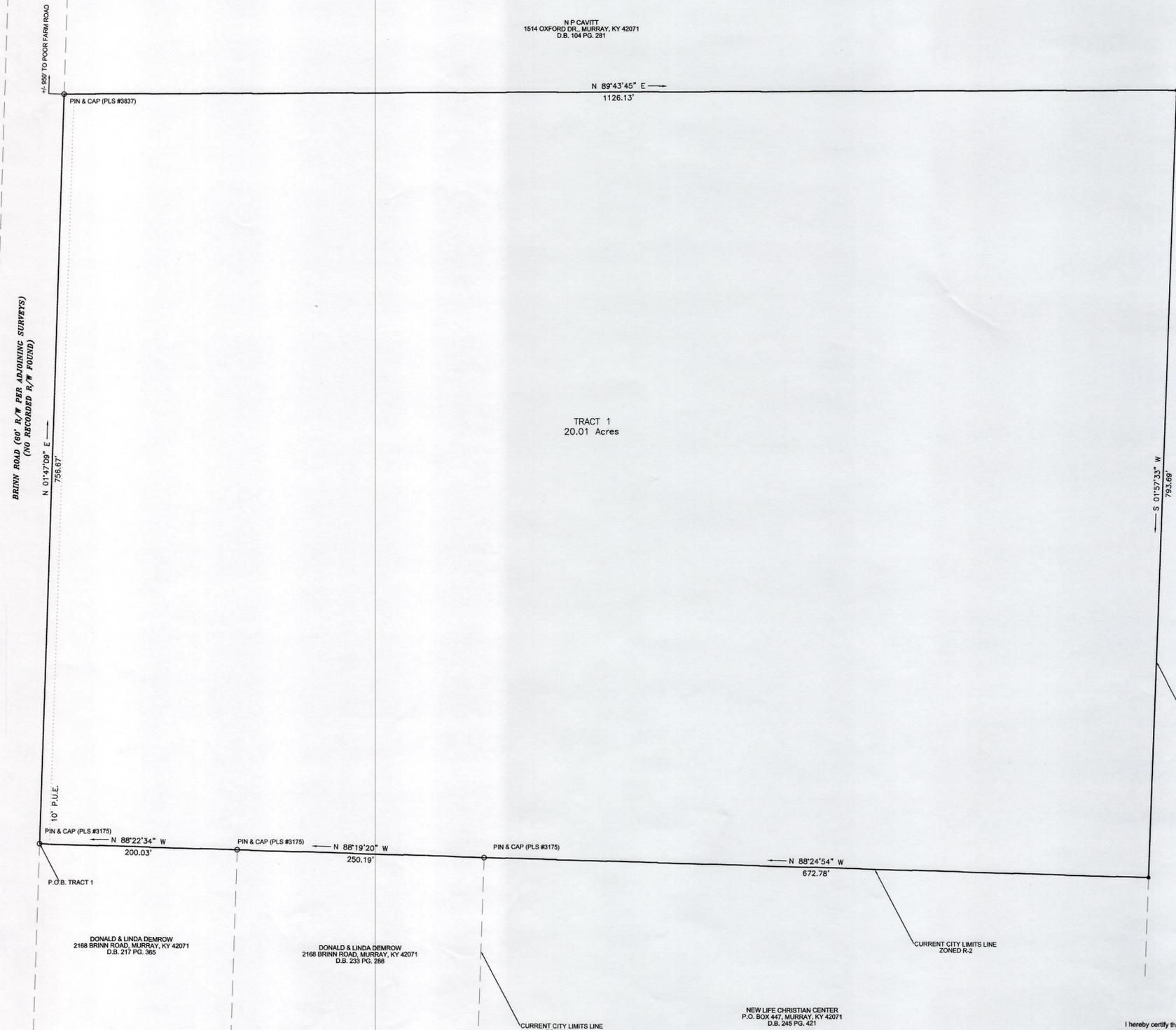
PROPERTY LOCATED +/- 950' SOUTH OF INTERSECTION OF BRINN ROAD AND POOR FARM ROAD

PROPERTY OF
CITY WEST, LLC
624 NORTH 4TH STREET
MURRAY, KY 42071

TOTAL AREA TRACT 1 = 20.01 Acres

TOTAL AREA TO BE ANNEXED = 20.01 Acres

N.P. CAVITT
1514 OXFORD DR., MURRAY, KY 42071
D.B. 104 PG. 281



TOMMY & REGINA MANIS
1087 POOR FARM ROAD, MURRAY, KY 42071
D.B. 224 PG. 351

IAN JAMES TWARDUS
2231 BRINN ROAD ROAD, MURRAY, KY 42071
D.B. 1178 PG. 380

MASON & KAREN COOK
2191 BRINN ROAD ROAD, MURRAY, KY 42071
D.B. 531 PG. 659

DONALD & LINDA DEMROW
2188 BRINN ROAD, MURRAY, KY 42071
D.B. 217 PG. 365

DONALD & LINDA DEMROW
2188 BRINN ROAD, MURRAY, KY 42071
D.B. 233 PG. 288

NEW LIFE CHRISTIAN CENTER
P.O. BOX 447, MURRAY, KY 42071
D.B. 245 PG. 421

WEST WIND RENTALS, 2048 FONTANA DRIVE, MURRAY, KY 42071
CITY WEST, LLC, 1108 STATE ROUTE 121 NORTH, MURRAY, KY 42071
D.B. 972 PG. 514

THE PROPERTY SHOWN AND IDENTIFIED HEREON DOES NOT LIE WITHIN A FLOOD ZONE BASED ON FLOOD HAZARD BOUNDARY MAP, COMMUNITY-PANEL NUMBER 21035C0114C, DATED SEPT. 26, 2010.

THE PROPERTY SHOWN AND IDENTIFIED HEREON DOES LIE WITHIN THE 4-MILE JURISDICTIONAL LIMIT OF THE CITY OF MURRAY SUBDIVISION REGULATIONS.

THE PROPERTY SHOWN HEREON MAY BE SUBJECT TO ALL PREVIOUSLY CONVEYED EASEMENTS AND RIGHT OF WAYS EITHER RECORDED OR UNRECORDED.

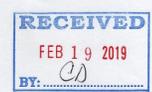
DEED REFERENCE:

(TRACT 1)
PROPERTY RECORDED TO CITY WEST, LLC
1105 STATE ROUTE 121 NORTH, MURRAY, KY 42071
BEING THE PROPERTY RECORDED IN DEED BOOK 1093 PAGE 594
IN THE CALLOWAY COUNTY CLERK'S OFFICE.

I hereby certify that the survey depicted by this plat was done by persons under my direct supervision by the method/methods indicated below:
 Real-Time Kinematic GPS Measurements
 Static GPS Observations
 Random Traverse with Side Shots
 GPS observations were made with Topcon Hiper Lite+ dual frequency receivers. The Relative Positional Accuracy of the survey shown hereon is 0.10" and was not adjusted. The survey as shown hereon is a RURAL survey and the accuracy and precision of said survey meets all the specifications of this class. GPS Measurements are based on NAD83 (Horizontal), NAVD88 (Vertical), and GEOID2012 (Geoid file). This plat represents a boundary survey and complies with 201 KAR 18:150.



Christopher B. Jones PLS #3837 Date 2/19/2019



○ MONUMENT FOUND AS NOTED
 ● 18" LONG #4 REBAR WITH SURVEY CAP STAMPED "C JONES PLS #3837 SET" (12/26/2018)
 0 60 120 180
 SCALE 1 INCH = 60 FEET

ANNEXATION PLAT				
FOR CITY WEST, LLC 624 NORTH 4TH STREET MURRAY, KY 42071				
DATE OF SURVEY 12/2/2016	DATE 1/22/2019	DRAWN BY CBJ	FILE	
REVISION DATE	SHEET 1 OF 1	CHECKED BY CBJ	JOB NO. 16061	
REVISION NOTES:				

270.293.7229
318 ERWIN ROAD, MURRAY, KENTUCKY