

City of Henderson, Kentucky
Board of Commissioners Meeting
Tuesday, September 27, 2016
Revision #1

Municipal Center
Third Floor Assembly Room
222 First Street
5:30 P.M.

AGENDA

1. Invocation: Father Rich Martindale, St. Paul's Episcopal Church
2. Roll Call:
3. Recognition of Visitors:
4. Appearance of Citizens:
5. Proclamations:
6. Presentations:
7. Public Hearings:
8. Consent Agenda:

Minutes: September 13, 2016 Regular Meeting
September 20, 2016 Special Called Work Session

Resolutions:

9. Ordinances & Resolutions:

Second Readings: Ordinance Regarding Annexation, Properties Located on US Hwy
41-A

Ordinance Relating to Mobile Food Units

First Readings: Ordinance Relating to Merchants' Use of Sidewalk in Central
Business District

Ordinance Amending Budget and Appropriation Ordinance

Please mute or turn off all cell phones for the duration of this meeting.

Resolutions:

~~**Resolution Exempting Certain City Owned Vehicles from Being Identified with City Branding Insignia or City Seal**~~

10. Municipal Orders:

Municipal Order Declaring Vehicles as Surplus Property and Sale at Auction

11. Bids & Contracts:

Municipal Order Awarding Bid for Vendor to Receive, Sort and Market Materials That Can Be Recycled ~~—“WALK-ON”~~

Municipal Order Approving Recycling Through September 30, 2017 for Commercial Businesses That Were Served by Henderson Recycling for \$5.00 per Month for Material Handling Fee

Resolution Approving Purchase by City of Real Estate from Grace Point **Baptist** Church, Inc.

Municipal Order Accepting Agreement between H Properties, LLC and the City

12. Unfinished Business:

13. City Manager's Report:

14. Commissioner's Reports:

15. Appointments:

16. Executive Session:

17. Miscellaneous:

18. Adjournment

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Please mute or turn off all cell phones for the duration of this meeting.

City Commission Memorandum
16-204

September 23, 2016

TO: Mayor Steve Austin and the Board of Commissioners
FROM: Russell R. Sights, City Manager 
SUBJECT: Consent Agenda

The Consent Agenda for the meeting of September 27, 2016, contains the following:

Minutes: September 13, 2016 Regular Meeting
September 20, 2016 Special Called Work Session

Resolutions:

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A Regular *Meeting on* September 13, 2016

A regular meeting of the Board of Commissioners of the City of Henderson, Kentucky, was held on Tuesday, September 13, 2016, at 5:30 p.m., prevailing time, in the third floor Assembly Room located in the Municipal Center Building at 222 First Street, Henderson, Kentucky.

INVOCATION was given by Mr. Charles Cameron, Zion Baptist Church Member, followed by Mr. Bob Skaggs and members of Henderson American Legion leading recitation of the Pledge of Allegiance to our American Flag.

There were present Mayor Steve Austin presiding:

PRESENT:

Commissioner Jan Hite
 Commissioner Jesse Johnston, IV
 Commissioner Robert M. (Robby) Mills
 Commissioner X R. Royster, III

ALSO PRESENT:

Mr. Russell R. Sights, City Manager
 Mrs. Dawn Kelsey, City Attorney
 Ms. Maree Collins, City Clerk
 Mr. William L. Newman, Jr. Assistant City Manager
 Mrs. Donna Stinnett, Public Information Officer
 Mr. Robert Gunter, Finance Director
 Mr. Owen Reeves, Gas System Director
 Mr. Tom Williams, HWU General Manager
 Mr. John Stroud, Code Inspector
 Mrs. Theresa Richey, Development Liaison
 Mr. Brian Bishop, City-County Planning Executive Director
 Mr. Jimmy Blair, Colonial Assisted Living
 Ms. Jessica Beaven, Colonial Assisted Living
 Mr. Jim Hanley, Henderson American Legion
 Mr. Bob Skaggs, Henderson American Legion
 Mr. Sappy Gastenveld, Henderson American Legion
 Mr. Bob G. Royster, Henderson American Legion
 Mr. Bob Bean, Henderson American Legion
 Mr. Donald E. Banks, Henderson American Legion
 Mr. George Combs, Henderson American Legion
 Mr. Aubrey Williams, Jr., Henderson American Legion
 Mr. Ed Scheiver, Henderson American Legion
 Mr. Jim Bolderjack, Henderson American Legion
 Mr. Ken Christopher, Henderson County War Memorial Foundation
 Mr. Mac Neel, Henderson County War Memorial Foundation
 Mrs. Sarah Stewart, Downtown Henderson Partnership
 Ms. Missy Vanderpool, Audubon Board of Realtors
 Ms. Patti Bugg, Audubon Board of Realtors
 Ms. Christie Alves Moore, Audubon Board of Realtors
 Mr. Allen Bennett, City-County Airport Manager
 Mr. Chris Hopgood, City-County Airport Board Attorney
 Mr. Tom Davis, City Commissioner Candidate
 Mr. Dwayne Buchanan
 Mr. Rick Kellen
 Mr. Ron Jenkins
 Ms. Brittany Ross, SurfKy Reporter
 Ms. Laura Acchiardo, *the Gleaner*
 Mr. Mike Richardson, Police Reserve Officer

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A Regular Meeting on September 13, 2016

PROCLAMATION: “National Assisted Living Week”

MR. JIMMY BLAIR, and MS. JESSICA BEAVEN, Colonial Assisted Living were in attendance to accept the proclamation. Mr. Blair announced that they would be opening a new facility on Adams Lane soon.

PROCLAMATION: “American Legion Day”

MR. JIM HANLEY along with Henderson American Legion members Mr. Bob Skaggs, Mr. Sappy Gastenveld, Mr. Bob G. Royster, Mr. Bob Bean, Mr. Donald E. Banks, Mr. George Combs, Mr. Aubrey Williams, Jr., Mr. Ed Scheiver, and Mr. Jim Bolderjack, attended to accept the proclamation. Mayor Austin thanked them all for their service.

PRESENTATION: Parklet Placemaking Project

MRS. SARAH STEWART, Downtown Henderson Partnership Assistant Director, presented a proposal for a Community Development/Placemaking Project to be located on an eight foot strip of private land adjacent to a parking lot in the 200 block of Second Street creating a small Parklet area with picnic tables, a bench, and planters. The Henderson Audubon Board of Realtors brought the project to DHP and grant funds are being sought through the National Association of Realtors Placemaking Micro Grant Program. Ms. Stewart asked that the City work with DHP and other local entities to develop new strategies that best fit our downtown community development to strategically shape the physical and social character of our community spaces.

PRESENTATION: Borax Drive Economic Development Plan Update

WILLIAM L. NEWMAN, JR., Assistant City Manager, presented four proposed plans that have been produced by EACOM, the consulting engineering firm, as part of the Master Plan for the City owned property located off Borax Drive. Industries along Ohio Drive as well as local utilities have been contacted for input on the development of this property. All of the buildings that are proposed can be altered and/or moved to accommodate the needs of all sizes of industries that might be interested in the facility. It is anticipated that the written draft report will be completed for review in November with the final report expected in December after all feedback has been incorporated. Mr. Newman reported that approximately \$500,000.00 of Riverfront Development grant funds will remain after the planning stage to begin the next phase of the project.

MAYOR AUSTIN indicated that this project is very important because Henderson currently has no industrial site ready for a company to move into. The property was purchased with Riverfront Development grant funds that allow any monies received from the sale of lots to be put directly back into the project to help fund infrastructure.

APPEARANCE OF CITIZEN:

MR. KEN CHRISTOPHER, Henderson County War Memorial Foundation, presented the artist’s model of the Admiral Husband Edward Kimmel statue and requested Board approval for placement of the statue at the Four Flags Memorial near the water feature on the riverfront and requested the release of the City’s appropriated contribution at this time so that the project can proceed to meet the planned December completion and unveiling date.

MOTION by Commissioner Robert M. Mills, seconded by Commissioner Jan Hite, to approve the proposed location and release of the appropriated contribution for the statue project.

CITY OF HENDERSON – RECORD BOOK

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The vote was called. On roll call, the vote stood:

Commissioner Mills ----- Aye:
 Commissioner Johnston --- Aye:
 Commissioner Hite ----- Aye:
 Commissioner Royster ---- Aye:
 Mayor Austin ----- Aye:

APPEARANCE OF CITIZEN:

MR. RICK KELLEN, 1712 Kimsey Lane, addressed the Board of Commissioners indicating that he had purchased various tracts of land over a number of years in the Kimsey Lane/Klutey Park Plaza area and that part of this property is in the county and part in the city. The parcel in question was annexed as a portion of a large annexation in the early 1960's and this particular tract of land had been split with the construction of US Highway 41. Mr. Keenan feels that he would be better served with all of his property in the county and requested consideration for de-annexation of his property.

MAYOR AUSTIN indicated that the Board would take the request under advisement and have staff and the city attorney research the legal ramifications of removing property that is currently in the city.

APPROVAL OF CONSENT AGENDA:

MAYOR AUSTIN asked the City Clerk to read the Consent Agenda.

Minutes: August 23, 2016, Regular Meeting

Resolutions: 51-16: Resolution Authorizing Acceptance of Grant in the Amount of \$1,084,881.00 from the United states department of Transportation, Federal Aviation Administration for Runway Extension project to the Henderson City-County Airport; and Authorizing and Directing Mayor to Execute any Necessary Documents on Behalf of the City of Henderson

52-16: Resolution Authorizing Participation in Kentucky pride Litter Abatement Grant Program

Motion by Commissioner X R. Royster, seconded by Commissioner Robert M. Mills, to approve the items on the Consent Agenda as presented.

The vote was called. On roll call, the vote stood:

Commissioner Mills ----- Aye:
 Commissioner Johnston --- Aye:
 Commissioner Hite ----- Aye:
 Commissioner Royster ---- Aye:
 Mayor Austin ----- Aye:

WHEREUPON, Mayor Austin declared the consent agenda items approved.

/s/ Steve Austin
 Steve Austin, Mayor
 September 13, 2016

ATTEST:
 Maree Collins, City Clerk _____

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A Regular Meeting on September 13, 2016

ORDINANCE NO. 28-16: SECOND READ

ORDINANCE PROVIDING FOR THE LEVY AND COLLECTION OF AD VALOREM TAXES

AN ORDINANCE OF THE CITY OF HENDERSON, KENTUCKY PROVIDING FOR THE LEVY AND COLLECTION OF AD VALOREM TAXES FOR THE FISCAL YEAR BEGINNING JULY 1, 2016, AND PROVIDING FOR THE TIME OF PAYMENT FOR SUCH TAXES, PENALTY, INTEREST AND DISCOUNT

MOTION by Commissioner Robert M. Mills, seconded by Commissioner Jan Hite, that the ordinance be adopted.

The vote was called. On roll call, the vote stood:

Commissioner Mills ----- Aye:
Commissioner Johnston --- Aye:
Commissioner Hite ----- Aye:
Commissioner Royster ---- Aye:
Mayor Austin ----- Aye:

WHEREUPON, Mayor Austin declared the ordinance adopted, affixed his signature and the date thereto and ordered that the same be recorded.

/s/ Steve Austin
Steve Austin, Mayor
September 13, 2016

ATTEST:

Maree Collins, City Clerk _____

ORDINANCE NO. 29-16: FIRST READ

DAWN KELSEY, City Attorney, indicated that this friendly annexation was a part of the Henderson Water Utility Sewer Extension Project in the US41A/Finley Addition area.

BRIAN BISHOP, Henderson City-County Planning Executive Director, indicated that Planning and Code Enforcement staff reviewed each parcel to determine the best zone classification based upon current and most recent uses. Due to the number of parcels and the number of classifications involved the project was broken into seven sections relating to the proposed zone classifications for the parcels.

ORDINANCE NO. 29-16: ORDINANCE REGARDING ANNEXATION

AN ORDINANCE ANNEXING CERTAIN UNINCORPORATED TERRITORY TO THE CITY OF HENDERSON, KENTUCKY, BEING LOCATED ON US HIGHWAY 41-A IN HENDERSON COUNTY, CONTAINING SECTION #1, PARCELS #46C-15, #46-97, #46-98, AND #46-99; SECTION #2, PARCEL #46-100; SECTION #3, PARCEL #46-100.1; SECTION #4-A, PARCELS #46B-15 AND #46B-60; SECTION #4-B, PARCELS #46B-54 AND #46B-78; SECTION #5, PARCEL #46-131; SECTION #6, PARCELS #46F-1 THRU 46F-6 AND PARCELS #46F-8 THRU #46F-30; AND SECTION #7, PARCEL #46-134

MOTION by Commissioner X R. Royster, seconded by Commissioner Jesse Johnston, that the ordinance be adopted.

The vote was called. On roll call, the vote stood:

Commissioner Mills ----- Aye:
Commissioner Johnston --- Aye:
Commissioner Hite ----- Aye:
Commissioner Royster ---- Aye:
Mayor Austin ----- Aye:

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WHEREUPON, Mayor Austin declared the ordinance adopted on its first reading and ordered that it be presented for a second reading at a meeting of the Board of Commissioners.

ORDINANCE NO. 30-16: FIRST READ

RUSSELL R. SIGHTS, City Manager, indicated that the proposed ordinance reflects recommendations that were made in meetings with downtown merchants as far as space that can be used, no annual fees, and no annual renewal. A draft of the ordinance was forwarded to Downtown Henderson Partnership members for review.

ORDINANCE NO. 30-16: ORDINANCE RELATING TO MERCHANTS USE OF SIDEWALK IN CENTRAL BUSINESS DISTRICT

ORDINANCE ESTABLISHING SECTION 20-11, *SALE OF MERCHANDISE ON SIDEWALK IN CENTRAL BUSINESS DISTRICT*, OF ARTICLE I, *IN GENERAL OF CHAPTER 20, STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES*, OF THE CODE OF ORDINANCES OF THE CITY OF HENDERSON PERMITTED TO BUSINESSES LOCATED IN THE CENTRAL BUSINESS DISTRICT

MOTION by Commissioner Jan Hite, seconded by Commissioner Robert M. Mills, that the ordinance be adopted.

COMMISSIONER ROYSTER took issue with the verbiage in #3 under Section 20.11 regarding who should be responsible for providing visible notice to the public of the existence of a defect or hazardous condition in the sidewalk and the timeframe of that notice. Discussion was held on the intent that the merchant was responsible to notify the city of the defect or hazardous condition and also notify the public until the city could either repair or mark the area.

COMMISSIONER HITE suggested that the verbiage relating to the space for the merchant's use be changed from three feet from the building to leaving a minimum of four and one-half feet of unobstructed usable sidewalk, not including pavers, for pedestrian use thereby allowing merchants with more sidewalk more space for merchandise.

Consensus was reached to table the ordinance so that it could be redrafted with the requested changes.

MOTION by Commissioner Jan Hite, seconded by Commissioner Jesse Johnston, that the ordinance be TABLED.

The vote was called. On roll call, the vote stood:

Commissioner Mills ----- Aye:
 Commissioner Johnston --- Aye:
 Commissioner Hite ----- Aye:
 Commissioner Royster ---- Aye:
 Mayor Austin ----- Aye:

WHEREUPON, Mayor Austin declared the ordinance tabled for review and revision by staff.

ORDINANCE NO. 31-16: FIRST READ

RUSSELL R. SIGHTS, City Manager, indicated that this subject was first broached as a result of a newspaper article. Subsequently a discussion was held with the person that was originally considering this type business and a work session was conducted to discuss possible options.

CITY OF HENDERSON – RECORD BOOK

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DAWN KELSEY, City Attorney, reported that the ordinance was drafted as a result of that work session and the determination to permit three city owned locations-The Depot Parking Lot; Atkinson Park near the Sand Volleyball Court; and the East End Park on Letcher Street. The ordinance includes days and times that vary by location due to other events and lack of lighting in those areas. Vendors on private property would continue to operate under Section 4.33 of the Zoning Ordinance and not be subject to this permitting process.

ORDINANCE NO. 31-16: ORDINANCE RELATING TO MOBILE FOOD UNITS
ORDINANCE ESTABLISHING ARTICLE IV, *MOBILE FOOD UNITS*, SECTIONS 17-63 THRU 17-71, OF CHAPTER 17, *PARKS AND RECREATION*, OF THE CODE OF ORDINANCES OF THE CITY OF HENDERSON

MOTION by Commissioner X R. Royster, seconded by Commissioner Robert M. Mills, that the ordinance be adopted.

COMMISSIONER HITE expressed her pleasure with the start of this program and hopes to see the need for the addition of other areas and/or times in the near future.

The vote was called. On roll call, the vote stood:

Commissioner Mills ----- Aye:
Commissioner Johnston --- Aye:
Commissioner Hite ----- Aye:
Commissioner Royster ---- Aye:
Mayor Austin ----- Aye:

WHEREUPON, Mayor Austin declared the ordinance adopted on its first reading and ordered that it be presented for a second reading at a meeting of the Board of Commissioners.

RESOLUTION 53-16:

OWEN REEVES, Gas System Director, explained that the Public Energy Authority of Kentucky has been working with Morgan Stanley Capital Group, Inc. on this long-term \$750,000,000.00 to \$1,100,000,000.00 prepaid natural gas purchase and sale agreement project for some time. PEAK will issue Gas Supply Revenue Bonds to fund the project and be responsible for the repayment of those bonds. A Debt Service Reserve Financial Guaranty Insurance Policy and its Commodity Swap Reserve Financial Guaranty Insurance Policy are included in the project. The total dollar amount will depend on the number of participating entities and the cost of gas at the time of issue. He went on to explain that this project is unique to other prepaid agreements that PEAK has been involved with in the past in that if the net discount of \$0.20 is not met it won't issue. The agreement also has a reset period every five years providing for an opportunity for re-pricing for increased economic returns.

RESOLUTION 53-16:

RESOLUTION OF THE CITY OF HENDERSON, KENTUCKY (“CITY”) AUTHORIZING THE EXECUTION OF A GAS SUPPLY CONTRACT (“CONTRACT”) WITH THE PUBLIC ENERGY AUTHORITY OF KENTUCKY (“PEAK”) FOR THE PURCHASE OF NATURAL GAS FROM PEAK; ACKNOWLEDGING THAT PEAK WILL ISSUE ITS GAS SUPPLY REVENUE BONDS TO FUND THE PURCHASE OF A SUPPLY OF NATURAL GAS FROM MORGAN STANLEY CAPITAL GROUP, INC. (“MSCG”), WHICH GAS WILL BE USED TO MAKE DELIVERIES UNDER THE CONTRACT; AND FOR OTHER PURPOSES

MOTION by Commissioner X R. Royster, seconded by Commissioner Jan Hite, to adopt the resolution authorizing the execution of a Gas Supply Contract with the Public Energy

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A Regular Meeting on September 13, 2016

Authority of Kentucky for the purchase of natural gas and acknowledging that PEAK will issue Gas Supply Revenue Bonds to fund the purchase from Morgan Stanley Capital Group, Inc.

The vote was called. On roll call, the vote stood:

Commissioner Mills ----- Aye:
 Commissioner Johnston --- Aye:
 Commissioner Hite ----- Aye:
 Commissioner Royster --- Aye:
 Mayor Austin ----- Aye:

WHEREUPON, Mayor Austin declared the resolution adopted, affixed his signature and the date thereto, and ordered that the same be recorded.

/s/ Steve Austin
 Steve Austin, Mayor
 September 13, 2016

ATTEST:

Maree Collins, City Clerk _____

CITY MANAGER’S REPORT:

Planning Commission Rezoning Recommendation: #1059, 800 Wolf Hills Boulevard
 (a/k/a Player’s Club Golf Course Clubhouse Area, 5.688 acres)

RUSSELL R. SIGHTS, City Manager, reported that the Planning Commission has acted upon the request for rezoning of this property after conducting a public hearing at their August 2, 2016 meeting and producing findings of fact at their September 6, 2016 meeting. This Zoning Map Amendment shall be final and the property officially rezoned from Agricultural (AG)-Golf Course Restricted Use to General Business (GB) with a narrative development plan for 5.688 acres on Wednesday, September 28, 2016 unless an aggrieved party or the Board of Commissioners files written notice with the Planning Commission within the allotted twenty-one day time period to have the Board of Commissioners make the final decision. The deadline for filing written notice is Tuesday, September 27, 2016.

RUSSELL R. SIGHTS, City Manager, further reported that items on the regularly scheduled Tuesday, September 20th, 2016 work session include a tour of the new Municipal Service Center; a demonstration of the new Municipal Center Drive-thru window vacuum system; and review and discussion of how best to incorporate the new branding ideas into city signage including the out-of-town pool car. Consensus was to meet at the new Municipal Service Center at 5:30 p.m. to begin the tour of the facility and then proceed back to the Municipal Center to continue the meeting.

COMMISSIONER’S REPORT:

COMMISSIONER JOHNSTON reported that he had been approached by a business owner in the Central Business District regarding parking issues in the downtown area and asked about the possibility of issuing parking permits to employees and business owners.

MAYOR AUSTIN replied that the Downtown Henderson Partnership could be contacted to assist with that request ; however the parking regulations were enacted for the very purpose of preventing employees and owners from parking in front of the businesses so that customers have parking. There had been a major issue with employees parking in front of other businesses causing problems for customers. He then indicated that he would have Mr. Sights contact DHP to have them look at the issue.

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A Regular Meeting on September 13, 2016

APPOINTMENT: Henderson-Henderson County Human Rights Commission:
Ms. Ann Cabell – Term To Expire June 30, 2019

Motion by Commissioner Robert M. Mills, seconded by Commissioner Jan Hite, upon recommendation of Mayor Steve Austin, to appoint Ms. Ann Cabell to a three year term on the Henderson-Henderson County Human Rights Commission replacing Ms. Darlene Ware. Said term to expire June 30, 2019.

The vote was called. On roll call, the vote stood:

Commissioner Mills ----- Aye:
Commissioner Johnston --- Aye:
Commissioner Hite ----- Aye:
Commissioner Royster ---- Aye:
Mayor Austin ----- Aye:

MEETING ADJOURN:

MOTION by Commissioner Robert M. Mills, seconded by Commissioner X R. Royster, to adjourn the meeting.

The vote was called. On roll call, the vote stood:

Commissioner Mills ----- Aye:
Commissioner Johnston --- Aye:
Commissioner Hite ----- Aye:
Commissioner Royster ---- Aye:
Mayor Austin ----- Aye:

WITHOUT OBJECTION, Mayor Austin declared the Meeting adjourned at approximately 7:35 p.m.

ATTEST:

Steve Austin, Mayor
September 27, 2016

Maree Collins, City Clerk

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A Called Work Session *Meeting on* September 20, 2016

A Called Work Session of the Board of Commissioners of the City of Henderson, Kentucky, was held on Tuesday, September 20, 2016, at 5:30 p.m. at the Municipal Services Center, 1449 Corporate Court, and in the Finance area and the third floor Assembly Room of the Municipal Center, 222 First Street, Henderson, Kentucky.

There were present Mayor Steve Austin, presiding

PRESENT:

Commissioner X R. Royster, III
 Commissioner Robert M. (Robby) Mills
 Commissioner Jesse Johnston, IV
 Commissioner Jan Hite

CITY STAFF MEMBERS included Russell R. Sights, City Manager; William L. “Buzzy” Newman, Jr., Assistant City Manager; Dawn Kelsey, City Attorney; Maree Collins, City Clerk; Donna Stinnett, Public Information Officer; Robert Gunter, Finance Director; Brian Williams, Public Works Director; Dylan Ward, Public Works Engineer; Jason Barasone, Project Architect, Hafer; Kay Mulligan, Treasury Supervisor; Marianne Murrell, Account Representative; and Mike Richardson, Police Reserve Officer

ALSO PRESENT: Laura Acchiardo, *The Gleaner*

THE FOLLOWING AGENDA ITEMS WERE DISCUSSED:

1. Tour of Municipal Service Center, 1449 Corporate Court
 - ✓ William L. Newman, Jr. introduced Jason Barasone, Project Architect, Hafer, and Dylan Ward, Public Works Engineer to guide the tour of the facility.
2. Recess To Travel and Reconvene at Municipal Center, 222 First Street
3. Demonstration of Municipal Center Drive-Thru Window Vacuum System
 - ✓ Robert Gunter, Finance Director; Kay Mulligan, Treasury Supervisor; and, Marianne Murrell, Account Representative began with a demonstration of the new drive-thru window vacuum system and then presented a picture PowerPoint detailing the project from beginning to completion.
4. Discussion of Rebranding Signage
 - ✓ Mayor Austin asked Public Information Officer Donna Stinnett to present samples of the colors and verbiage of the branding for the five existing welcome/park entrance signs-two large and three small. Cost estimates to refurbish the existing signage with new vinyl wraps is approximately \$16,000.00. Also distributed were samples of signage for city vehicles which would cost approximately \$250.00 per vehicle installed. Consensus was to use a green background for the entrance signage with white lettering stating ‘Welcome to the City of Henderson, Discover your nature’ and green lettering for the new insignia for the vehicles which will cover both front and back doors of four door vehicles and include ‘Service is our Nature’ in black script lettering on the rear quarter panel of the vehicle. The larger entrance sign at the twin bridges will include the word Kentucky.

NO FORMAL ACTION WAS TAKEN BY THE BOARD OF COMMISSIONERS.

MEETING ADJOURNMENT: Motion by Commissioner X R. Royster, seconded by Commissioner Jan Hite that the meeting adjourn.

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A Called Work Session *Meeting on* September 20, 2016

The vote was called. On roll call, the vote stood:

- Commissioner Mills ----- Aye:
- Commissioner Johnston ----- Aye:
- Commissioner Hite ----- Aye:
- Commissioner Royster ----- Aye:
- Mayor Austin ----- Aye:

MAYOR AUSTIN declared the Called Work Session adjourned at approximately 7:00 p.m.

ATTEST:

Maree Collins, City Clerk

Steve Austin, Mayor
September 27, 2016, 2016

City Commission Memorandum
16-205

September 23, 2016

TO: Mayor Steve Austin and the Board of Commissioners
FROM: Russell R. Sights, City Manager 
SUBJECT: Annexation and Zoning of Properties – US Hwy 41-A

An item for the agenda of Tuesday, September 27, 2016, is final reading of an ordinance annexing properties located in Henderson County on US Hwy 41-A.

The total area for the proposed annexation is approximately 40.859 acres in size. For purposes of simplification, the properties have been separated into seven sections, and it is recommended the properties be zoned as follows:

Section #1, City Medium Density Residential from County Two Family Residential;
Section #2, City Highway Commercial from County Light Industrial;
Section #3, City Heavy Industrial from County Light Industrial;
Section #4-A, City Heavy Industrial from County Light Industrial;
Section #4-B, City Heavy Industrial from County Highway Commercial;
Section #5, City Heavy Industrial from County Light Industrial;
Section #6, City Medium Density Residential from County Two Family Residential; and
Section #7, City Residential Mobile Home from County Two Family Residential.

Forty-one parcels have requested this “friendly” annexation.

The Henderson-Henderson County Planning Commission, at its meeting of September 6, 2016, recommended approval of the zoning as presented. Staff concurs in this recommendation and annexation of properties.

Your approval of the attached ordinance is requested.

c: Brian Bishop
Doug Boom
Tom Williams
Owen Reeves
Robert Gunter



Planning the Future

Henderson City-County Planning Commission
1990 Barret Ct. Suite C
Henderson, KY 42420

Brian Bishop, Executive Director, AICP
bbishop@hendersonplanning.org
270-831-1289

September 7, 2016

Mayor Steve Austin
City Commissioners
Henderson Municipal Center
Henderson, KY 42420

ATTN: Russell Sights, City Manager

Please be advised on Tuesday, September 6, 2016 the Henderson City-County Planning Commission held a Public Hearing to consider the following:

REZONING #1060 Assignment of Zoning Classification – Following action of the Henderson City Commission to begin annexation proceedings, the Planning Commission will hold a public hearing, in order to assign zoning classifications for the properties located on US Hwy 41-A for annexation.

Section #1: consists of Parcel #46C-15; #46-97; #46-98; and #46-99 currently zoned County Two Family Residential District (R-2), and the proposed zone for these parcels for annexation is City Medium Density Residential District (R-2).

Section #2: consists of Parcel #46-100 and is currently zoned County Light Industrial District (M-1), and the proposed zone for annexation is City Highway Commercial (HC).

Section #3: consists of Parcel #46-100.1, currently zoned County Light Industrial District (M-1), and the proposed zone for annexation is City Heavy Industrial District (M-2).

Section #4-A: consists of Parcel #46B-15 & #46B-60 are currently zoned County Light Industrial District (M-1), and the proposed zone for annexation is City Heavy Industrial District (M-2).

Section #4-B: consists of Parcels #46B-54 & #46B-78, currently zoned County Highway Commercial, and the proposed zone for annexation is City Heavy Industrial District M-2;

Section #5: consists of Parcel #46-131, currently zoned County Light Industrial District (M-1), and the proposed zone for annexation is City Heavy Industrial District (M-2).

Section #6: consists of Parcels #46F-1, #46F-2, #46F-3, #46F-4, #46F-5, #46F-6, #46F-8, #46F-9, #46F-10, #46F-11, #46F-12, #46F-13, #46F-14, #46F-15, #46F-16, #46F-17, #46F-18, #46F-19, #46F-20, #46F-21, #46F-22, #46F-23, #46F-24, #46F-25, #46F-26, #46F-27, #46F-28, #46F-29, and #46F-30, currently zoned County Two Family Residential District (R-2), and the proposed zone for annexation is City Medium Density Residential District (R-2).

Section #7: consists of Parcel #46-134, currently zoned County Two Family Residential District (R-2), and the proposed zone for annexation is City Residential Mobile Home District (R-MH).

PLANNING COMMISSION RECOMMENDATION- MOTION WAS MADE BY DAVID WILLIAMS, SECONDED BY DAVID DIXON TO RECOMMEND TO THE CITY COMMISSION REZONING #1060, SECTION 1, CONSISTING OF PARCELS 46C-15, 46-97, 46-98 AND 46-99 FROM COUNTY TWO FAMILY RESIDENTIAL (R-2) TO CITY MEDIUM DENSITY RESIDENTIAL (R-2). THIS REZONING IS APPROPRIATE SINCE THE PARCELS ARE BEING ANNEXED INTO THE CITY AND THE CITY'S ZONING CLOSELY MATCHES THAT OF THE COUNTY.

**ALL IN FAVOR: AYE
OPPOSED: NONE**

PLANNING COMMISSION RECOMMENDATION -MOTION WAS MADE BY DAVID DIXON, SECONDED BY KEVIN RICHARD TO RECOMMEND TO THE CITY COMMISSION REZONING #1060, SECTION 2, CONSISTING OF PARCEL 46-100 FROM COUNTY LIGHT INDUSTRIAL (M-1) TO CITY HIGHWAY COMMERCIAL (H-C). THE REQUEST IS IN AGREEMENT WITH THE COMPREHENSIVE PLAN AND MAJOR CHANGES TO ECONOMIC, PHYSICAL AND SOCIAL NATURE OF THE AREA HAVE OCCURRED AND, THIS PROPERTY HAS HISTORICALLY BEEN USED FOR COMMERCIAL USES AND THE PROPOSED ZONING IS MORE APPROPRIATE.

**ALL IN FAVOR: AYE
OPPOSED: NONE**

PLANNING COMMISSION RECOMMENDATION -MOTION WAS MADE BY RODNEY THOMAS, SECONDED BY DAVID WILLIAMS TO RECOMMEND TO THE CITY COMMISSION REZONING #1060, SECTION 3, CONSISTING OF PARCEL 46-100.1 FROM COUNTY LIGHT INDUSTRIAL (M-1) TO CITY HEAVY INDUSTRIAL (M-2). THE INFRASTRUCTURE UPGRAGES ALONG HWY 41 A HAVE SUBSTANTIALLY CHANGED THE PHYSICAL AND SOCIAL NATURE OF THE AREA TO FACILITATE THIS REZONING APPLICATION.

ALL IN FAVOR: AYE

OPPOSED: NONE

PLANNING COMMISSION RECOMMENDATION -MOTION WAS MADE BY DAVID DIXON, SECONDED BY DAVID WILLIAMS TO RECOMMEND TO THE CITY COMMISSION REZONING #1060, SECTION 4A, CONSISTING OF PARCELS 46B-15 AND 46B-60 FROM COUNTY LIGHT INDUSTRIAL (M-1) TO CITY HEAVY INDUSTRIAL (M-2). THE CURRENT USE OF THE PROPERTY IS MORE AKIN TO HEAVY INDUSTRIAL.

ALL IN FAVOR: AYE

OPPOSED: NONE

PLANNING COMMISSION RECOMMENDATION -MOTION WAS MADE BY DAVID DIXON, SECONDED BY DICKIE JOHNSON TO RECOMMEND TO THE CITY COMMISSION REZONING #1060, SECTION 4B, CONSISTING OF PARCELS 46B-54 AND 46B-78 FROM COUNTY HIGHWAY COMMERCIAL (H-C) TO CITY HEAVY INDUSTRIAL (M-2). THE AREA HAS EXPERIENCED A MAJOR IN CHANGE IN THAT SANITARY SEWER FACILITIES ARE NOW ACCESSABLE. PREVIOUSLY, THIS AREA WAS SERVICED BY INDIVIDUAL SEPTIC SYSTEMS; THE INFRASTRUCTURE UPGRADES ALONG HWY 41A HAVE SUBSTANTIALLY CHANGED THE PHYSICAL AND SOCIAL NATURE OF THE AREA TO FACILITATE THIS ZONING APPLICATION; THIS PROPERTY HAS BEEN HISTORICALLY USED FOR COMMERCIAL USES AND THE PROPOSED ZONING IS MORE APPROPRIATE.

ALL IN FAVOR: AYE

OPPOSED: NONE

PLANNING COMMISSION RECOMMENDATION -**MOTION WAS MADE BY KEVIN RICHARD, SECONDED BY BOBBIE JARRETT TO RECOMMEND TO THE CITY COMMISSION REZONING #1060, SECTION 5, CONSISTING OF PARCEL 46-131 FROM COUNTY LIGHT INDUSTRIAL (M-1) TO CITY HEAVY INDUSTRIAL (M-2). THIS REQUEST GUIDES INDUSTRIAL GROWTH TO EXISTING INDUSTRIAL AREAS AND ASSURES THEY ARE COMPATIBLE WITH SURROUNDING AREAS.**

ALL IN FAVOR: AYE

OPPOSED: NONE

PLANNING COMMISSION RECOMMENDATION -**MOTION WAS MADE BY DAVID WILLIAMS, SECONDED BY RODNEY THOMAS TO RECOMMEND TO THE CITY COMMISSION REZONING #1060, SECTION 6, CONSISTING OF PARCELS 46F-1 THROUGH 46F-30 MINUS 46F-7 FROM COUNTY TWO FAMILY RESIDENTIAL (R-2) TO CITY MEDIUM DENSITY RESIDENTIAL (R-2). BEING THAT IS THE CURRENT USE OF THE PROPERTY AND RECOMMENDING THIS ZONING IS APPROPRIATE TO THE COMPREHENSIVE PLAN.**

ALL IN FAVOR: AYE

OPPOSED: NONE

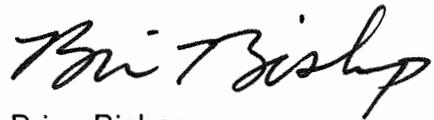
PLANNING COMMISSION RECOMMENDATION -**MOTION WAS MADE BY KEVIN RICHARD, SECONDED BY DICKIE JOHNSON TO RECOMMEND TO THE CITY COMMISSION REZONING #1060, SECTION 7, CONSISTING OF PARCEL 46-134 FROM COUNTY TWO FAMILY RESIDENTIAL (R-2) TO CITY RESIDENTIAL MOBILE HOME (R-MH); BEING THIS IS MORE APPROPRIATE TO THE CURRENT USAGE AND HISTORICAL NATURE OF THIS PARCEL.**

ALL IN FAVOR: AYE

OPPOSED: NONE

Attached is a copy of the transcript of the public hearing, and documents related to the annexation.

Respectfully submitted,

A handwritten signature in black ink that reads "Brian Bishop". The signature is written in a cursive, flowing style.

Brian Bishop
Executive Director, AICP
Henderson City-County Planning Commission

BB/tgc
Cc: Dawn Kelsey

**REZONING #1060
ANNEXATION**

Steve Austin, Mayor

Commissioners:

Jan M. Hite

Jesse L. Johnston IV

Robert M. Mills

X Robert Royster, III



The City of Henderson

P.O. Box 716
Henderson, Kentucky 42419-0716

Russell R. Sights, City Manager
William L. Newman, Jr., Assistant City Manager
Dawn S. Kelsey, City Attorney
Maree Collins, City Clerk
Donna Stinnett, Public Information Officer



August 10, 2016

Mr. Brian Bishop, Executive Director
Henderson-Henderson County Planning Commission
1990 Barrett Court, Suite C
Henderson, KY 42420

Dear Mr. Bishop:

As you know, the City has approved sewer service outside the City limits for certain properties located in the Finley Addition and would now like to proceed with the annexation of these properties. All of the included properties shown on the attached plat have signed a "Consent to Annexation" form, along with the required "Restrictive Covenant Not to Oppose Annexation," as specified in Chapter 23-98(e) of the City Code of Ordinances.

At its meeting on August 9, 2016, the Board of Commissioners directed that the request be forwarded to the Planning Commission for the assignment of a zoning classification for the properties into the corporate limits of the City. Consequently, please proceed with bringing the matter before the Planning Commission for formal action at your earliest convenience.

Thank you for your cooperation and assistance.

Very truly yours,

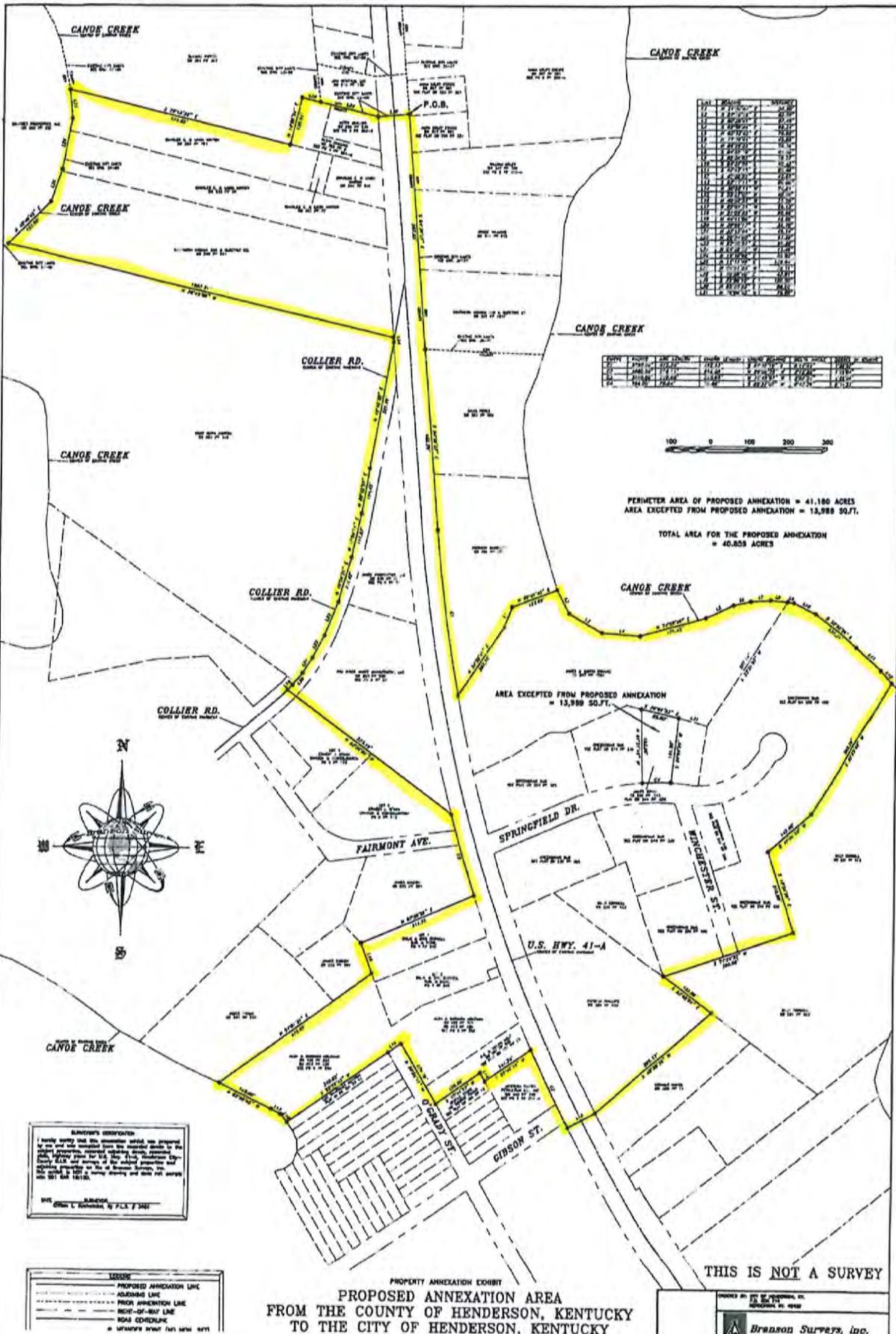
A handwritten signature in black ink that reads "Russell R. Sights".

Russell R. Sights
City Manager

Attachment

c: William L. Newman, Jr. Doug Boom





Lot No.	Area (Acres)	Owner
1	0.15	John Smith
2	0.20	John Smith
3	0.10	John Smith
4	0.15	John Smith
5	0.25	John Smith
6	0.18	John Smith
7	0.12	John Smith
8	0.22	John Smith
9	0.16	John Smith
10	0.20	John Smith
11	0.14	John Smith
12	0.18	John Smith
13	0.12	John Smith
14	0.22	John Smith
15	0.16	John Smith
16	0.20	John Smith
17	0.14	John Smith
18	0.18	John Smith
19	0.12	John Smith
20	0.22	John Smith
21	0.16	John Smith
22	0.20	John Smith
23	0.14	John Smith
24	0.18	John Smith
25	0.12	John Smith
26	0.22	John Smith
27	0.16	John Smith
28	0.20	John Smith
29	0.14	John Smith
30	0.18	John Smith
31	0.12	John Smith
32	0.22	John Smith
33	0.16	John Smith
34	0.20	John Smith
35	0.14	John Smith
36	0.18	John Smith
37	0.12	John Smith
38	0.22	John Smith
39	0.16	John Smith
40	0.20	John Smith

Lot No.	Area (Acres)	Owner
41	0.15	John Smith
42	0.20	John Smith
43	0.10	John Smith
44	0.15	John Smith
45	0.25	John Smith
46	0.18	John Smith
47	0.12	John Smith
48	0.22	John Smith
49	0.16	John Smith
50	0.20	John Smith
51	0.14	John Smith
52	0.18	John Smith
53	0.12	John Smith
54	0.22	John Smith
55	0.16	John Smith
56	0.20	John Smith
57	0.14	John Smith
58	0.18	John Smith
59	0.12	John Smith
60	0.22	John Smith
61	0.16	John Smith
62	0.20	John Smith
63	0.14	John Smith
64	0.18	John Smith
65	0.12	John Smith
66	0.22	John Smith
67	0.16	John Smith
68	0.20	John Smith
69	0.14	John Smith
70	0.18	John Smith
71	0.12	John Smith
72	0.22	John Smith
73	0.16	John Smith
74	0.20	John Smith
75	0.14	John Smith
76	0.18	John Smith
77	0.12	John Smith
78	0.22	John Smith
79	0.16	John Smith
80	0.20	John Smith

PERIMETER AREA OF PROPOSED ANNEXATION = 41,180 ACRES
 AREA EXCEPTED FROM PROPOSED ANNEXATION = 13,989 SQ.FT.
 TOTAL AREA FOR THE PROPOSED ANNEXATION = 40,829 ACRES

AREA EXCEPTED FROM PROPOSED ANNEXATION = 13,989 SQ.FT.

BRANSON'S OBSERVATION
 I hereby certify that this annexation exhibit was prepared by me and was prepared from the original records in the City of Henderson, Kentucky, and that the same are correct and true to the best of my knowledge and belief, and that I am a duly qualified and licensed surveyor in the State of Kentucky.
 BRANSON
 JOHN L. BRANSON, JR., P.L.S. # 2442

LEGEND
 - - - - - PROPOSED ANNEXATION LINE
 - - - - - ADJOINING LINE
 - - - - - FROM ANNEXATION LINE
 - - - - - RIGHT-OF-WAY LINE
 - - - - - ROAD CENTERLINE
 * * * * * UNAPPROVED RIGHT-OF-WAY LINE

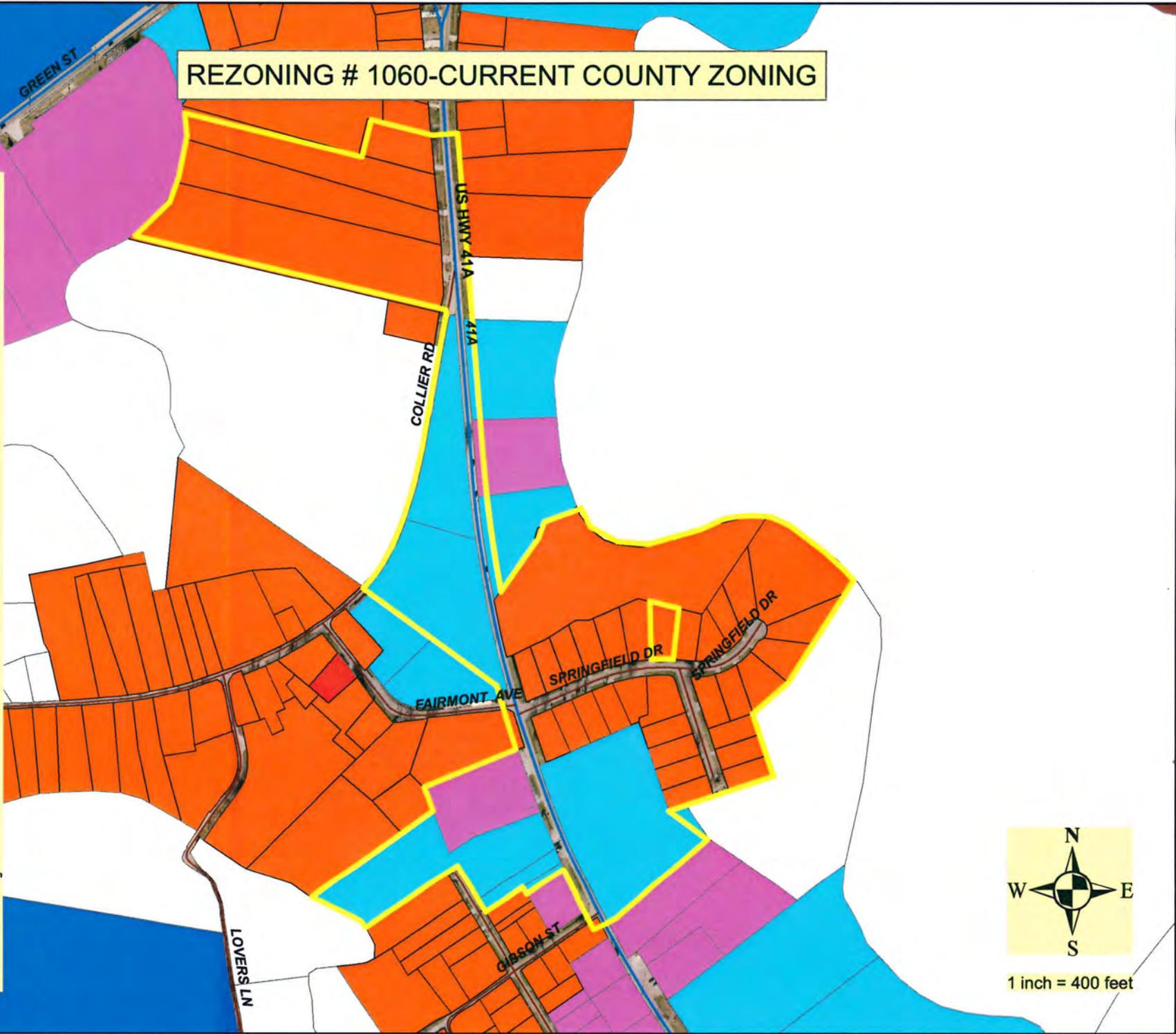
PROPERTY ANNEXATION EXHIBIT
PROPOSED ANNEXATION AREA FROM THE COUNTY OF HENDERSON, KENTUCKY TO THE CITY OF HENDERSON, KENTUCKY

THIS IS NOT A SURVEY

PREPARED BY: JOHN L. BRANSON, JR., P.L.S. # 2442
 BRANSON SURVEYS, INC.
 HENDERSON, KY 40424

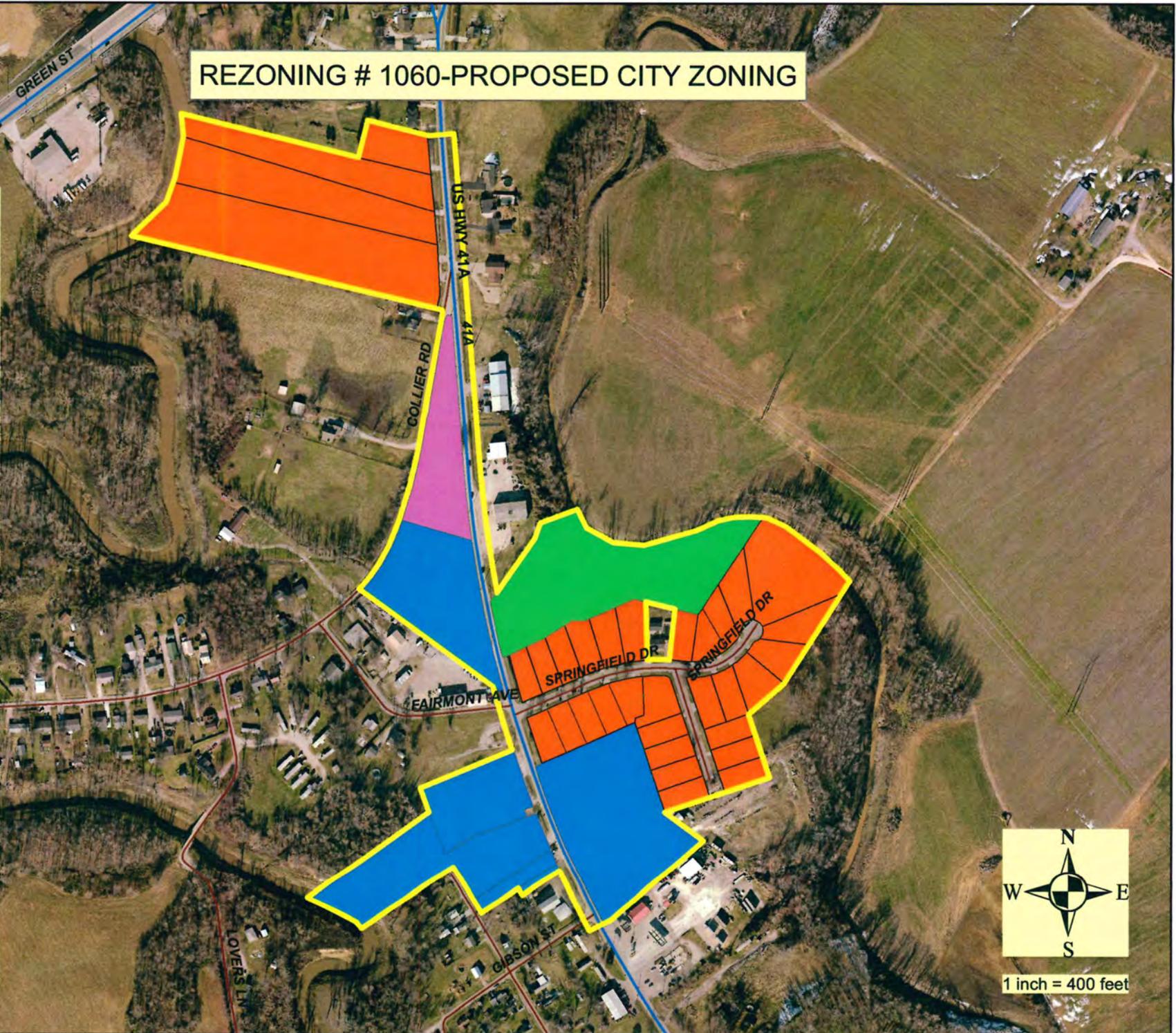
REZONING # 1060-CURRENT COUNTY ZONING

- Legend**
- 41A ANNEX
 - Cad Renderer
 - REZONING BOUND
 - Zoning (Parcels)
 - City
 - RF-4
 - RF-3
 - RF-2
 - RF-1
 - HIP
 - GDZ
 - ARD
 - ACD
 - AG
 - R-1
 - R-2
 - R-3
 - R-4
 - R-5
 - R-MH
 - R-PUD
 - R-O
 - CBD
 - GB
 - NB
 - HC
 - M-1
 - M-2
 - Corydon
 - R-S
 - R-M
 - R-MH
 - GB
 - IND
 - County
 - AG
 - R-1
 - R-2
 - R-3
 - R-MH
 - R-PUD
 - C-1
 - C-2
 - HC
 - P-1
 - M-1
 - M-2
 - SM
 - Road Centerlines_Henderson
 - Other
 - Route Type
 - CITY
 - CNTY
 - KY
 - PKWY
 - PRIV
 - US



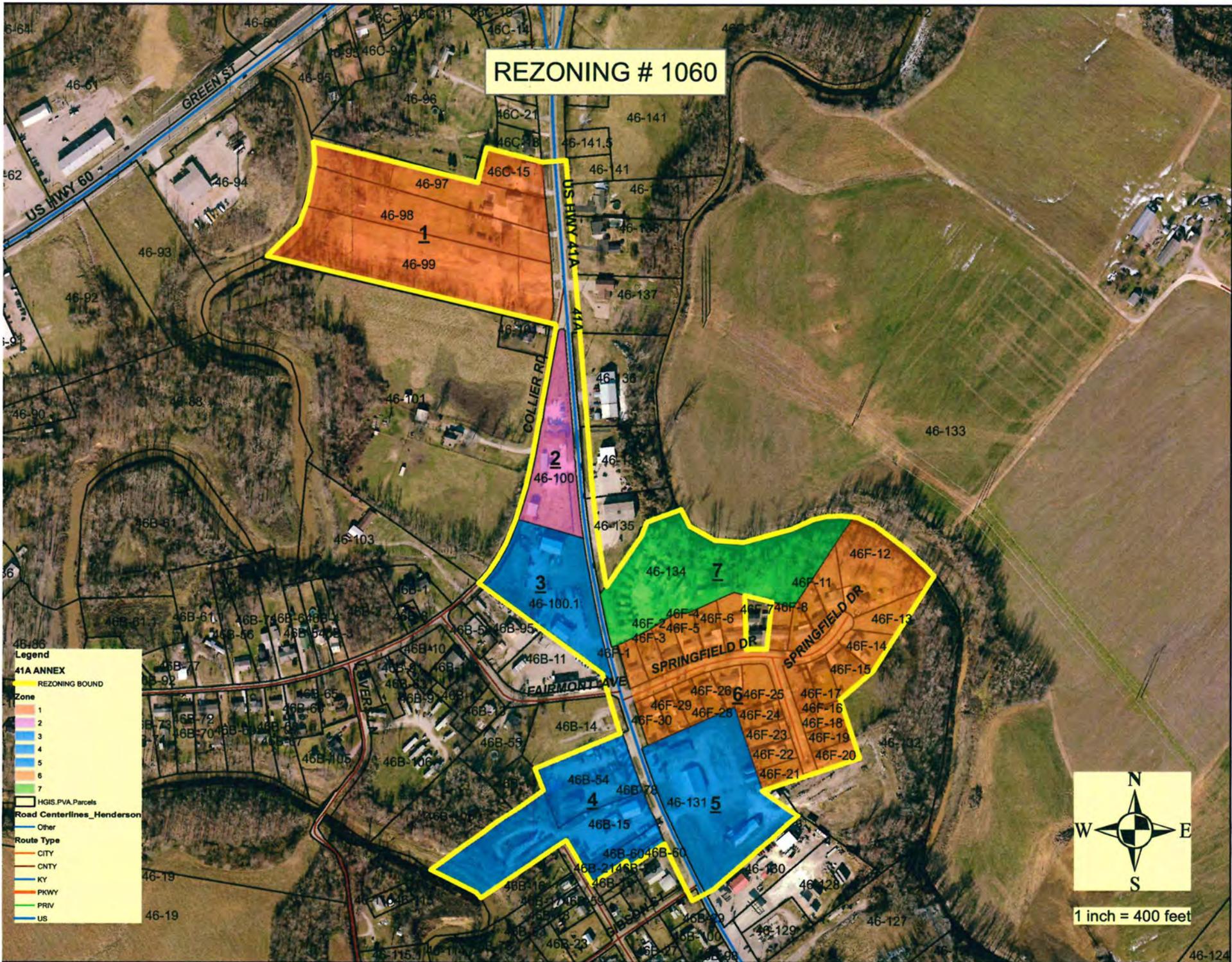
REZONING # 1060-PROPOSED CITY ZONING

- Legend**
- 41A ANNEX**
 Cad Renderer
 REZONING BOUND
- City**
- RF-4
 - RF-3
 - RF-2
 - RF-1
 - HIP
 - GDZ
 - ARD
 - ACD
 - AG
 - R-1
 - R-2
 - R-3
 - R-4
 - R-5
 - R-MH
 - R-PUD
 - R-O
 - CBD
 - GB
 - NB
 - HC
 - M-1
 - M-2
- Corydon**
- R-S
 - R-M
 - R-MH
 - GB
 - IND
- County**
- AG
 - R-1
 - R-2
 - R-3
 - R-MH
 - R-PUD
 - C-1
 - C-2
 - HC
 - P-1
 - M-1
 - M-2
 - SM
- Road Centerlines_Henderson**
- Other
- Route Type**
- CITY
 - CNTY
 - KY
 - PKWY
 - PRIV
 - US



1 inch = 400 feet

REZONING # 1060



DESCRIPTION

PROPOSED ANNEXATION AREA
HWY 41-A

HENDERSON COUNTY, KENTUCKY

A certain tract of parcel located approximately 1,000 feet south of U.S. Hwy. 60 along U.S. Hwy 41-A in Henderson County, Kentucky, and being more specifically described as follows:

All bearings stated hereon are referred to Kentucky State Plane South Zone (NAD 83).

Beginning at a corner to the existing limits of the City of Henderson, Kentucky as described in Annexation Ordinance No. 03-08, being in the west line of Annexation Ordinance No. 30-77 and being located in the east right-of-way line of U.S. Hwy 41-A, thence with said right-of-way line and with the existing city limits Ordinance No. 30-77, SOUTH 04 DEGREES 39 MINUTES 27 SECONDS EAST, a distance of 587.63 feet to a point in said right-of-way and being the southwest corner of said ordinance;

Thence leaving the said existing limits of the City of Henderson, Kentucky and continuing with said right-of-way the following two (2) calls:

- 1) SOUTH 04 DEGREES 39 MINUTES 27 SECONDS EAST, a distance of 452.28 feet to a point in said right-of-way
- 2) With a curve to the left, having an arc length of 415.34 feet, having a radius of 3780.00 feet, a chord bearing of SOUTH 07 DEGREES 48 MINUTES 19 SECONDS EAST, and a chord length of 415.13 feet to a point in said right-of-way and being a corner of the James & Karyn Franks property recorded in Deed Book 567 Page 1061 in the Henderson County Court Clerk's Office in Henderson, Kentucky;

Thence leaving said right-of-way and with said Franks property the following three (3) calls:

- 1) NORTH 34 DEGREES 39 MINUTES 42 SECONDS EAST, a distance of 207.20 feet to a point at a corner of said Franks property;
- 2) NORTH 21 DEGREES 00 MINUTES 42 SECONDS EAST, a distance of 54.20 feet to a point at a corner of said Franks property;
- 3) NORTH 69 DEGREES 41 MINUTES 42 SECONDS EAST, a distance of 123.00 feet to a point at a corner of said Franks property and being in the center of Canoe Creek;

Thence continuing with said Franks property and with the center of said creek the following eight (8) calls:

- 1) SOUTH 27 DEGREES 18 MINUTES 15 SECONDS EAST, a distance of 65.29 feet to a point;
- 2) SOUTH 60 DEGREES 38 MINUTES 41 SECONDS EAST, a distance of 97.49 feet to a point;
- 3) SOUTH 85 DEGREES 58 MINUTES 44 SECONDS EAST, a distance of 98.24 feet to a point;
- 4) NORTH 74 DEGREES 29 MINUTES 46 SECONDS EAST, a distance of 171.45 feet to a point;
- 5) NORTH 65 DEGREES 33 MINUTES 43 SECONDS EAST, a distance of 76.92 feet to a point;
- 6) NORTH 77 DEGREES 36 MINUTES 41 SECONDS EAST, a distance of 45.88 feet to a point;
- 7) NORTH 86 DEGREES 26 MINUTES 32 SECONDS EAST, a distance of 50.36 feet to a point;
- 8) SOUTH 84 DEGREES 59 MINUTES 10 SECONDS EAST, a distance of 44.45 feet to a point in the center of said creek and being the northeast corner of the Greenbriar Subdivision, a plat of which is recorded in Deed Book 258 Page 498;

Thence continuing with the center of Canoe Creek and with said Greenbriar Subdivision the following five (5) calls:

- 1) SOUTH 82 DEGREES 34 MINUTES 07 SECONDS EAST, a distance of 16.27 feet to a point;
- 2) SOUTH 64 DEGREES 37 MINUTES 09 SECONDS EAST, a distance of 62.43 feet to a point;
- 3) SOUTH 52 DEGREES 52 MINUTES 29 SECONDS EAST, a distance of 137.31 feet to a point;
- 4) SOUTH 47 DEGREES 47 MINUTES 15 SECONDS EAST, a distance of 85.48 feet to a point;
- 5) SOUTH 42 DEGREES 00 MINUTES 52 SECONDS EAST, a distance of 42.62 feet to a point in the center of said creek and being the southeast corner of said Greenbriar Subdivision;

Thence leaving said creek and continuing with said Greenbriar Subdivision the following four (4) calls:

- 1) SOUTH 32 DEGREES 25 MINUTES 43 SECONDS WEST, a distance of 385.26 feet to a point at a corner of said subdivision;
- 2) SOUTH 49 DEGREES 00 MINUTES 10 SECONDS WEST, a distance of 147.40 feet to a point at a corner of said subdivision;

- 3) SOUTH 18 DEGREES 34 MINUTES 20 SECONDS EAST, a distance of 210.00 feet to a point at a corner of said subdivision;
- 4) SOUTH 71 DEGREES 28 MINUTES 32 SECONDS WEST, a distance of 350.00 feet to a point at a corner of said subdivision and being in the line of the Patricia Phillips property recorded in Deed Book 204 Page 450;

Thence with said Phillips property the following two (2) calls:

- 1) SOUTH 53 DEGREES 45 MINUTES 01 SECONDS EAST, a distance of 152.08 feet to a point at a corner of said Phillips property;
- 2) SOUTH 48 DEGREES 38 MINUTES 26 SECONDS WEST, a distance of 385.17 feet to a point at a corner of said Phillips property and being in the east right-of-way line of U.S. Hwy. 41-A;

Thence leaving said Phillips property and crossing the existing right-of-way of U.S. Hwy 41-A, SOUTH 62 DEGREES 17 MINUTES 11 SECONDS WEST, a distance of 80.00 feet to a point in the west right-of-way line of said hwy.;

Thence with the west right-of-way line of U.S. Hwy 41-A, with a curve to the right, having an arc length of 216.11 feet, having a radius of 3860.00 feet, a chord bearing of NORTH 26 DEGREES 06 MINUTES 35 SECONDS WEST, and a chord length of 216.08 feet to a point in said right-of-way line and being the southeast corner of the D.E. & Lillian Hout property recorded in Deed Book 485 Page 650, a plat of which is recorded in Deed Book 101 Page 12;

Thence with said Hout property the following three calls:

- 1) SOUTH 55 DEGREES 40 MINUTES 18 SECONDS WEST, a distance of 141.74 feet to a point at a corner of said Hout property;
- 2) NORTH 30 DEGREES 55 MINUTES 11 SECONDS WEST, a distance of 24.81 feet to a point to a point at a corner of said Hout property;
- 3) SOUTH 55 DEGREES 44 MINUTES 17 SECONDS WEST, a distance of 139.96 feet to a point at the southwest corner of said Hout property and being in the east right-of-way line of O'Grady St;

Thence with the right-of-way line of said O'Grady St. the following two (2) calls:

- 1) NORTH 30 DEGREES 55 MINUTES 11 SECONDS WEST, a distance of 174.79 feet to a point at the northeast corner of said right-of-way;
- 2) SOUTH 55 DEGREES 27 MINUTES 00 SECONDS WEST, a distance of 40.08 feet to a point at the northwest corner of said right-of-way and being a corner of the Alan Holeman property recorded in Deed Book 413 Page 136, a plat of which is recorded in Plat Book 9 Page 256;

Thence with said Holeman property, SOUTH 55 DEGREES 28 MINUTES 43 SECONDS WEST, a distance of 310.62 feet to a point at a corner of said Holeman property and being located in the center of Canoe Creek;

Thence continuing with said Holeman property and with the center of said creek the following two (2) calls:

- 1) NORTH 40 DEGREES 06 MINUTES 57 SECONDS WEST, a distance of 25.05 feet to a point;
- 2) NORTH 62 DEGREES 07 MINUTES 21 SECONDS WEST, a distance of 28.13 feet to a point at a corner of the Alan Holeman property recorded in Deed Book 499 Page 351 and being in the center of said creek;

Thence with said Holeman property and with the center of said creek, NORTH 63 DEGREES 50 MINUTES 45 SECONDS WEST, a distance of 145.00 feet to a point at a corner of said Holeman property and being in the center of said creek;

Thence leaving said creek and continuing with said Holeman property, NORTH 54 DEGREES 01 MINUTES 31 SECONDS EAST, a distance of 473.66 feet to a point at a corner of Holeman property and being in the line of Lot 1 Billie & Eric Corbell Subdivision and Consolidation, a plat of which is recorded in Plat Book 7 Page 249;

Thence with said Lot 1 the following two (2) calls:

- 1) NORTH 21 DEGREES 02 MINUTES 32 SECONDS WEST, a distance of 80.66 feet to a point at a corner of said Lot 1;
- 2) NORTH 67 DEGREES 30 MINUTES 59 SECONDS EAST, a distance of 314.20 feet to a point in the west right-of-way line of U.S. Hwy 41-A;

Thence with a curve to the right, having an arc length of 210.98 feet, having a radius of 3860.00 feet, a chord bearing of NORTH 16 DEGREES 49 MINUTES 07 SECONDS WEST, and a chord length of 210.95 feet to a point in said right-of-way and being in the south line of the Pea Ridge Waste Management, LLC property recorded in Deed Book 593 Page 950, a plat of which is recorded in Plat Book 6 Page 51;

Thence leaving said right-of-way and with the south line of said LLC property, NORTH 53 DEGREES 58 MINUTES 01 SECONDS WEST, a distance of 523.19 feet to a point in the center of the existing pavement of Collier Road;

Thence with the center of the existing pavement of Collier Road the following nine (9) calls:

- 1) NORTH 44 DEGREES 41 MINUTES 00 SECONDS EAST, a distance of 18.06 feet to a point in the center of said pavement;

- 2) NORTH 39 DEGREES 59 MINUTES 17 SECONDS EAST, a distance of 38.70 feet to a point in the center of said pavement;
- 3) NORTH 33 DEGREES 13 MINUTES 54 SECONDS EAST, a distance of 45.14 feet to a point in the center of said pavement;
- 4) NORTH, 28 DEGREES 34 MINUTES 00 SECONDS EAST, a distance of 63.36 feet to a point in the center of said pavement;
- 5) NORTH 22 DEGREES 00 MINUTES 21 SECONDS EAST, a distance of 90.35 feet to a point in the center of said pavement;
- 6) NORTH 16 DEGREES 26 MINUTES 31 SECONDS EAST, a distance of 116.67 feet to a point in the center of said pavement;
- 7) NORTH 12 DEGREES 56 MINUTES 11 SECONDS EAST, a distance of 111.87 feet to a point in the center of said pavement;
- 8) NORTH 09 DEGREES 42 MINUTES 57 SECONDS EAST, a distance of 114.45 feet to a point in the center of said pavement;
- 9) NORTH 10 DEGREES 16 MINUTES 32 SECONDS EAST, a distance of 321.29 feet to a point in the center of said pavement and being in the west right-of-way line of U.S. Hwy 41-A;

Thence leaving said Collier Road and with the west right-of-way line of said hwy., NORTH 04 DEGREES 39 MINUTES 27 SECONDS WEST, a distance of 11.46 feet to a point in said right-of-way and being in the south line of the Southern Indiana Gas & Electric Co. property recorded in Deed Book 590 Page 654;

Thence with the south line of said Southern Indian property, NORTH 76 DEGREES 45 MINUTES 09 SECONDS WEST, a distance of 1007.31 feet to a point in the center of Canoe Creek, being in the line of the existing limits of the City of Henderson, Kentucky as described in Annexation Ordinance No. 22-89 and being in the line of the Coudret Properties, Inc. property recorded in Deed Book 558 Page 332;

Thence with the center of said creek, said existing limits of the City of Henderson, Kentucky and said Coudret property the following four (4) calls:

- 1) NORTH 45 DEGREES 40 MINUTES 42 SECONDS EAST, a distance of 152.00 feet to a point;
- 2) NORTH 19 DEGREES 10 MINUTES 02 SECONDS EAST, a distance of 85.93 feet to a point;
- 3) NORTH 11 DEGREES 11 MINUTES 49 SECONDS EAST, a distance of 129.64 feet to a point;
- 4) NORTH 04 DEGREES 51 MINUTES 30 SECONDS WEST, a distance of 72.11 feet to a point in the center of Canoe Creek and being a corner

of the Charles E. & Linda Minton property recorded in Deed Book 355 Page 701;

Thence leaving said creek, said existing limits to the City of Henderson, Kentucky and said Coudret property and with the north line of said Minton property, SOUTH 76 DEGREES 16 MINUTES 36 SECONDS EAST, a distance of 574.85 feet to a point in the north line of said Minton property and being located at the southwest corner of the Betty Mullins property recorded in Deed Book 365 Page 8, a plat of which is recorded in Plat Book 4 Page 384-B;

Thence leaving said Minton property and with said Mullins property the following two (2) calls:

- 1) NORTH 14 DEGREES 06 MINUTES 34 SECONDS EAST, a distance of 120.55 feet to a point at the northwest corner of said Mullins property;
- 2) SOUTH 75 DEGREES 58 MINUTES 10 SECONDS EAST, a distance of 47.81 feet to a point at the southwest corner to the existing limits of the City of Henderson, Kentucky as described in Annexation Ordinance No. 03-08;

Thence with said existing city limits line SOUTH 75 DEGREES 58 MINUTES 10 SECONDS EAST, a distance of 150.00 feet to a point at a corner of said existing city limits line and being in the west right-of-way line of U.S. Hwy 41-A;

Thence continuing with said existing city limits line and crossing the existing right-of-way of said hwy., NORTH 85 DEGREES 20 MINUTES 33 SECONDS EAST, a distance of 80.00 feet to the point of beginning and containing 41.180 acres more or less. This description was prepared from a PROPERTY ANNEXATION EXHIBIT prepared by Clifton L. Krahwinkel, Ky. P.L.S. #3685 of Branson Surveys, inc. on August 1, 2016.

There is to be excepted from this description the James Ervin property recorded in Deed Book 556 Page 315, being Lot 7 of the Greenbriar Subdivision, a plat of which is recorded in Deed Book 244 Page 336 and which is more particularly described as follows:

Commencing at the northeast corner of the Greenbriar Subdivision, a plat of which is recorded in Deed Book 258 Page 498 in the Henderson County Court Clerk's Office in Henderson, Kentucky, said northeast corner being located in the center of Canoe Creek, thence with the north line of said subdivision, SOUTH 33 DEGREES 31 MINUTES 07 SECONDS WEST, a distance of 370.14 feet to the northeast corner of the Greenbriar Subdivision, a plat of which is recorded in Deed Book 244 Page 336; Thence with the north line of said Subdivision, NORTH 76 DEGREES 06 MINUTES 53 SECONDS WEST, a distance of 75.00 feet to the northeast corner of the James Ervin property recorded in Deed Book 556 Page 315, being Lot 7 of the Greenbriar Subdivision, a plat of which is recorded in Deed Book 244 Page 336, this being the true Point Of Beginning of this description;

Thence with the east line of said Ervin property, SOUTH 06 DEGREES 09 MINUTES 20 SECONDS WEST, a distance of 161.50 feet to the southeast corner of said Ervin property and being located in the north right-of-way line of Springfield Drive; thence with said right-of-way, with a curve to the left, having an arc length of 70.04 feet, having a radius of 598.00 feet, a chord bearing of SOUTH 89 DEGREES 37 MINUTES 02 SECONDS WEST, and a chord length of 70.00 feet to a point in said right-of-way and being the southwest corner of said Ervin property; thence leaving said right-of-way and with the west line of said Ervin property, NORTH 01 DEGREES 31 MINUTES 46 SECONDS WEST, a distance of 183.90 feet to the northwest corner of said Ervin property; thence with the north line of said Ervin property, SOUTH 76 DEGREES 06 MINUTES 53 SECONDS EAST, a distance of 95.00 feet to the point of beginning and containing 13,989 sq.ft. more or less. This description was prepared from a PROPERTY ANNEXATION EXHIBIT prepared by Clifton L. Krahwinkel, Ky. P.L.S. #3685 of Branson Surveys, inc. on August 1, 2016.



STAFF REPORT - REZONING #1060 ANNEXATION

DATE: 09/06/16

GENERAL INFORMATION		
Applicant:	City of Henderson	<u>Infrastructure</u>
Site Location:	515-540 Hwy 41 A	Water: 10"
PID#	#46C-15, 46-97, 46-98, 46-99 (Section #1)	Sewer: 8"
Applicant's Request:	City Residential 2	Flood and Drainage: Small portion near Canoe Creek
City/County limits:	County	
Current Zoning:	County Two Family Residential (R-2)	
Proposed Zoning:	City Medium Density Residential (R-2)	
Size (in acres):	8.54 Acres	

ZONING DISTRICT INFORMATION		
	<u>Current (County R-2)</u>	<u>Proposed District (City R-2)</u>
Min. Lot Size	10,000 sq. ft.	5,000 sq. ft.
Min. Lot Width	60 ft.	60 ft.
Front Setback	20 ft.	20 ft.
Side Setback	8 ft.	6 ft.
Rear Setback	20 ft.	20 ft.
Building Height:	30 ft.	30 ft.

SURROUNDING ZONING, LAND USE AND REQUIRED BUFFERS		
<u>Adjacent Zoning / Adjacent Land Uses</u>	<u>Setbacks for Adjacent Zoning</u>	<u>Buffer required if rezoned</u>
North: R-2 (County)	Front: 20 ft. Side: 8 ft. Rear: 10 ft.	N/A
South: Ag (County)	Front: 25 ft. Side: 10 ft. Rear: 25 ft.	N/A
East: Ag (City)	Front: 25 ft. Side: 15 ft. Rear: 25 ft.	N/A
West: H-C (City)	Front: 30 ft. Side: 20 ft. Rear: 10 ft.	N/A

PROPOSAL

The applicant proposes annexation of 8.54 acres from the County of Henderson to the City of Henderson. The current zoning is Residential-2 (County) and the proposed zoning is Residential-2 (City). It is the role of the Planning Commission to assign the new zoning classification based on current use, likely use, and potential growth patterns of the subject property and surrounding properties.

SECTION #1

STAFF REPORT - REZONING #1060 ANNEXATION

ZONING

The existing County Residential-2 (R-2) allows several permitted uses. Such permitted uses include single family residential units, duplexes, and townhouses. Conditional Uses are any use allowed in R-1, and manufactured homes.

The proposed City Residential-2 (R-2) allows several permitted uses. Such permitted uses include single family residential units, duplexes, and townhouses. Conditional Uses are any use allowed in R-1, multifamily dwellings (up to 8 units).

FUTURE LAND USE

Future Land Use:

The future land use map depicts this area developing as Medium Density Residential. The Future Land Use element of the Comprehensive Plan is consistent with the proposed zoning of Residential-2 (R-2).

Comprehensive Plan Goals and Objectives:

- Encourage innovative, safe, and sustainable design for new development and/or infrastructure. (Land Use Objective F)
- Anticipate future community needs by encouraging environmentally sustainable uses of natural resources. (Protecting Natural Systems D).
- Encourage reinvestment in declining neighborhoods with increased services, amenities and safety. (Healthy Neighborhoods Objective D)
- Develop facilities that make the most efficient use of the land, are designed for the convenience, health, safety, and pleasure of the intended users, and represent positive examples of design, energy use and concern for people and the environment. (Healthy Neighborhoods Objective G)

STAFF FINDINGS ON COMPREHENSIVE PLAN

Staff finds this request is in agreement with the Comprehensive Plan for the following reasons:

- The request meets the Balancing Land Use goal by encouraging innovative and safe infrastructure.
- This request meets the need of the Community by encouraging environmentally sustainable uses of natural resources.
- The request will encourage reinvestment in declining neighborhoods with increased services that are designed to improve the health of the citizens who live in the area.

SECTION #1



STAFF REPORT - REZONING #1060 ANNEXATION

IN THE ABSENCE OF FINDINGS THAT THE PROJECT IS IN AGREEMENT WITH THE COMPREHENSIVE PLAN.

Staff finds that major changes have occurred to alter the basic character of the area to support this request:

- The area has experienced a major in change in that the availability of sanitary sewer facilities are now available. Previously, this area was serviced by individual septic systems.
- The infrastructure upgrades along Hwy 41 A. have substantially changed the physical and social nature of the area to facilitate this rezoning application.

STAFF RECOMMENDATION

Staff recommends approval. This request is in agreement with the Comprehensive Plan, and major changes to the economic, physical and social nature of the area have occurred as described above to satisfy the required findings of KRS 100.213/Section 7.05

Reminder: When making a motion for or against a map amendment, please provide clear findings in support of the proposed motion utilizing either the Comprehensive Plan/Future Land Use, or clear findings in support of Factors 1 or 2 (or both) of KRS 100.213/Section 7.05.

Date Advertised: 08/23/2016

Date Posted: 08/23/2016

SECTION #1

Section 1 (Co. R-2 to Ci. R-2)

(1 of 2)



Site Facing West



Site Facing East



Site Facing South



Site Facing North

Rez. # 1060



Site Facing South



Site Facing East



Site Facing West



Site Facing North



STAFF REPORT - REZONING #1060 ANNEXATION

DATE: 09/06/16

GENERAL INFORMATION		
Applicant:	City of Henderson	<u>Infrastructure</u>
Site Location:	600 Hwy 41 A	Water: 8 & 10"
PID#	#46-100 (Section #2)	Sewer: 8"
Applicant's Request:	City Highway Commercial	Flood and Drainage: Small portion near Canoe Creek
City/County limits:	County	
Current Zoning:	County Light Industrial (M-1)	
Proposed Zoning:	City Highway Commercial (H-C)	
Size (in acres):	1.1 Acres	

ZONING DISTRICT INFORMATION		
	<u>Current (County M-1)</u>	<u>Proposed District (City H-C)</u>
Min. Lot Size	N/A	N/A
Min. Lot Width	N/A	50 ft.
Front Setback	50 ft.	30 ft.
Side Setback	25 ft.	10 ft.
Rear Setback	25 ft.	20 ft.
Building Height:	30 ft.	30 ft.

SURROUNDING ZONING, LAND USE AND REQUIRED BUFFERS		
<u>Adjacent Zoning / Adjacent Land Uses</u>	<u>Setbacks for Adjacent Zoning</u>	<u>Buffer required if rezoned</u>
North: R-2 (County)	Front: 20 ft. Side: 8 ft. Rear: 10 ft.	N/A
South: M-1 (County)	Front: 50 ft. Side: 25 ft. Rear: 25 ft.	N/A
East: H-C (County)	Front: 30 ft. Side: 20 ft. Rear: 10 ft.	N/A
West: Ag (County)	Front: 25 ft. Side: 10 ft. Rear: 25 ft.	N/A

PROPOSAL

The applicant proposes annexation of 1.1 acres from the County of Henderson to the City of Henderson. The current zoning is Light Industrial (County) and the proposed zoning is Highway Commercial (City). It is the role of the Planning Commission to assign the new zoning classification based on current use, likely use, and potential growth patterns of the subject property and surrounding properties.

SECTION #2



STAFF REPORT - REZONING #1060 ANNEXATION

ZONING

The existing **Light Industrial (M-1)** allows numerous permitted uses. Such permitted uses include plastic molding, print & publishing, recycling collection facilities, and machine shops. Conditional Uses are animal kennels, child care centers, junkyards, and medical institutions.

The proposed **Highway Commercial (HC)** zoning district, allows a wide range of commercial development located generally are mainly oriented to vehicular traffic. Permitted uses allowed include any permitted use in the General Business District. Uses include greenhouses, drive-in eating establishments, farm equipment display and service, mobile home sales, motels, truck stops, building supply, and package liquor are also allowed. Any unlisted commercial use is allowed as a conditional use, per an application to the County Board of Zoning Adjustment from the developer. The Highway Commercial District allows outdoor storage.

FUTURE LAND USE

Future Land Use:

The future land use map depicts this area developing as **Medium Density Residential**. The Future Land Use element of the Comprehensive Plan is **NOT** consistent with the proposed zoning of Highway Commercial (H-C)

Comprehensive Plan Goals and Objectives:

- Guide development to existing centralized areas served by adequate infrastructure to avoid decentralized and scattered development. (Balancing Land Use Objective B)
- Encourage innovative, safe, and sustainable design for new development and/or infrastructure. (Land Use Objective F)
- Promote aesthetically pleasing commercial development with appropriate access, signage and landscaping while discouraging strip commercial development. (Land Use Objective H)
- Promote the continued operation and expansion of commercial facilities. (Growing the Economy Objective A)

STAFF FINDINGS ON COMPREHENSIVE PLAN

Staff finds this request is in agreement with the Comprehensive Plan for the following reasons:

- N/A

STAFF REPORT - REZONING #1060 ANNEXATION

IN THE ABSENCE OF FINDINGS THAT THE PROJECT IS IN AGREEMENT WITH THE COMPREHENSIVE PLAN.

Staff finds that major changes have occurred to alter the basic character of the area to support this request:

- The area has experienced a major in change in that sanitary sewer facilities are now accessible. Previously, this area was serviced by individual septic systems.
- The infrastructure upgrades along Hwy 41 A. have substantially changed the physical and social nature of the area to facilitate this rezoning application.
- This property has been historically used for commercial uses and the proposed zoning is more appropriate.

STAFF RECOMMENDATION

Staff recommends approval. This request is in agreement with the Comprehensive Plan, and major changes to the economic, physical and social nature of the area have occurred as described above to satisfy the required findings of KRS 100.213/Section 7.05

Reminder: When making a motion for or against a map amendment, please provide clear findings in support of the proposed motion utilizing either the Comprehensive Plan/Future Land Use, or clear findings in support of Factors 1 or 2 (or both) of KRS 100.213/Section 7.05.

Date Advertised: 08/23/2016

Date Posted: 08/23/2016

Section 2 (Co. M-1 to Ci. HC)



Site Facing West



Site Facing East



Site Facing North



Site Facing South



STAFF REPORT - REZONING #1060 ANNEXATION

DATE: 09/06/16

GENERAL INFORMATION		
Applicant:	City of Henderson	<u>Infrastructure</u>
Site Location:	608 Hwy 41 A	Water: 10"
PID#	#46-100.1 (Section 3)	Sewer: 8"
Applicant's Request:	City Heavy Industrial	Flood and Drainage: N/A
City/County limits:	County	
Current Zoning:	County Light Industrial (M-1)	
Proposed Zoning:	City Heavy Industrial (M-2)	
Size (in acres):	2.32 Acres	

ZONING DISTRICT INFORMATION		
	<u>Current (County M-1)</u>	<u>Proposed District (City M-2)</u>
Min. Lot Size	N/A	N/A
Min. Lot Width	N/A	50 ft.
Front Setback	50 ft.	100 ft.
Side Setback	25 ft.	50 ft. (IF ADJACENT TO RESIDENTIAL)
Rear Setback	25 ft.	N/A
Building Height:	30 ft.	100 ft.

SURROUNDING ZONING, LAND USE AND REQUIRED BUFFERS		
<u>Adjacent Zoning / Adjacent Land Uses</u>	<u>Setbacks for Adjacent Zoning</u>	<u>Buffer required if rezoned</u>
North: M-1 (County)	Front: 50 ft. Side: 25 ft. Rear: 25 ft.	N/A
South: M-1 (County)	Front: 50 ft. Side: 25 ft. Rear: 25 ft.	N/A
East: R-2 (County)	Front: 20 ft. Side: 8 ft. Rear: 20 ft.	N/A
West: Ag (County)	Front: 25 ft. Side: 10 ft. Rear: 25 ft.	N/A

PROPOSAL

The applicant proposes annexation of 2.32 acres from the County of Henderson to the City of Henderson. The current zoning is Light Industrial (County) and the proposed zoning is Heavy Industrial (City). It is the role of the Planning Commission to assign the new zoning classification based on current use, likely use, and potential growth patterns of the subject property and surrounding properties.



STAFF REPORT - REZONING #1060 ANNEXATION

ZONING

The existing **Light Industrial (M-1)** allows numerous permitted uses. Such permitted uses include plastic molding, print & publishing, recycling collection facilities, and machine shops. Conditional Uses are animal kennels, child care centers, junkyards, and medical institutions.

The proposed **Heavy Industrial (M-2)** zoning district is to provide for the development in desirable areas of the city, based upon the comprehensive plan, of those heavy commercial and industrial establishments which may create some nuisance and which are not properly associated with or compatible with any of the development proposed for the other land use districts.

FUTURE LAND USE

Future Land Use:

The future land use map depicts this area developing as Medium Density Residential. The Future Land Use element of the Comprehensive Plan is **NOT** consistent with the proposed zoning of Highway Commercial (H-C)

Comprehensive Plan Goals and Objectives:

- Guide development to existing centralized areas served by adequate infrastructure to avoid decentralized and scattered development. (Balancing Land Use Objective B)
- Encourage innovative, safe, and sustainable design for new development and/or infrastructure. (Land Use Objective F)
- Promote aesthetically pleasing commercial development with appropriate access, signage and landscaping while discouraging strip commercial development. (Land Use Objective H)
- Promote the continued operation and expansion of commercial facilities. (Growing the Economy Objective A)

STAFF FINDINGS ON COMPREHENSIVE PLAN

Staff finds this request is in agreement with the Comprehensive Plan for the following reasons:

- N/A



STAFF REPORT - REZONING #1060 ANNEXATION

IN THE ABSENCE OF FINDINGS THAT THE PROJECT IS IN AGREEMENT WITH THE COMPREHENSIVE PLAN.

Staff finds that major changes have occurred to alter the basic character of the area to support this request:

- The area has experienced a major in change in that sanitary sewer facilities are now accessible. Previously, this area was serviced by individual septic systems.
- The infrastructure upgrades along Hwy 41 A. have substantially changed the physical and social nature of the area to facilitate this rezoning application.
- This property has been historically used for commercial uses and the proposed zoning is more appropriate.

STAFF RECOMMENDATION

Staff recommends approval. This request is in agreement with the Comprehensive Plan, and major changes to the economic, physical and social nature of the area have occurred as described above to satisfy the required findings of KRS 100.213/Section 7.05

Reminder: When making a motion for or against a map amendment, please provide clear findings in support of the proposed motion utilizing either the Comprehensive Plan/Future Land Use, or clear findings in support of Factors 1 or 2 (or both) of KRS 100.213/Section 7.05.

Date Advertised: 08/23/2016

Date Posted: 08/23/2016

SECTION 3 (Co. M-1 to Ci. M-2)



Site Facing West



Site Facing East



Site Facing South



Site Facing North

Rez. # 1060



STAFF REPORT - REZONING #1060 ANNEXATION

DATE: 09/06/16

GENERAL INFORMATION		
Applicant:	City of Henderson	<u>Infrastructure</u>
Site Location:	660-670 Hwy 41 A	Water: 10"
PID#	#46B-15, 46B-60, (Section 4-A)	Sewer: 8"
Applicant's Request:	City Heavy Industrial	Flood and Drainage: N/A
City/County limits:	County	
Current Zoning:	County Light Industrial (M-1)	
Proposed Zoning:	City Heavy Industrial (M-2)	
Size (in acres):	3.27 Acres	

ZONING DISTRICT INFORMATION		
	<u>Current (County M-1)</u>	<u>Proposed District (City M-2)</u>
Min. Lot Size	N/A	N/A
Min. Lot Width	N/A	N/A.
Front Setback	50 ft.	100 ft.
Side Setback	25 ft.	50 ft. (IF ADJACENT TO RESIDENTIAL)
Rear Setback	25 ft.	N/A
Building Height:	30 ft.	100 ft.

SURROUNDING ZONING, LAND USE AND REQUIRED BUFFERS		
<u>Adjacent Zoning / Adjacent Land Uses</u>	<u>Setbacks for Adjacent Zoning</u>	<u>Buffer required if rezoned</u>
North: H-C (County)	Front: 30 ft. Side: 10 ft. Rear: 20 ft.	N/A
South: : R-2 (County)	Front: 20 ft. Side: 10 ft. Rear: 20 ft.	N/A
East: M-1 (County)	Front: 50 ft. Side: 25 ft. Rear: 25 ft.	N/A
West: AG (County)	Front: 25 ft. Side: 10 ft. Rear: 25 ft.	N/A

PROPOSAL

The applicant proposes annexation of 3.27 acres from the County of Henderson to the City of Henderson. The current zoning is Light Industrial (County) and the proposed zoning is Heavy Industrial (City). It is the role of the Planning Commission to assign the new zoning classification based on current use, likely use, and potential growth patterns of the subject property and surrounding properties.

STAFF REPORT - REZONING #1060 ANNEXATION

ZONING

The existing **Light Industrial (M-1)** allows numerous permitted uses. Such permitted uses include plastic molding, print & publishing, recycling collection facilities, and machine shops. Conditional Uses are animal kennels, child care centers, junkyards, and medical institutions.

The proposed **Heavy Industrial (M-2)** zoning district is to provide for the development in desirable areas of the city, based upon the comprehensive plan, of those heavy commercial and industrial establishments which may create some nuisance and which are not properly associated with or compatible with any of the development proposed for the other land use districts.

FUTURE LAND USE

Future Land Use:

The future land use map depicts this area developing as Medium Density Residential. The Future Land Use element of the Comprehensive Plan is **NOT** consistent with the proposed zoning of Highway Commercial (H-C)

Comprehensive Plan Goals and Objectives:

- Guide development to existing centralized areas served by adequate infrastructure to avoid decentralized and scattered development. (Balancing Land Use Objective B)
- Encourage innovative, safe, and sustainable design for new development and/or infrastructure. (Land Use Objective F)
- Promote aesthetically pleasing commercial development with appropriate access, signage and landscaping while discouraging strip commercial development. (Land Use Objective H)
- Promote the continued operation and expansion of commercial facilities. (Growing the Economy Objective A)

STAFF FINDINGS ON COMPREHENSIVE PLAN

Staff finds this request is in agreement with the Comprehensive Plan for the following reasons:

- N/A

STAFF REPORT - REZONING #1060 ANNEXATION

IN THE ABSENCE OF FINDINGS THAT THE PROJECT IS IN AGREEMENT WITH THE COMPREHENSIVE PLAN.

Staff finds that major changes have occurred to alter the basic character of the area to support this request:

- The area has experienced a major in change in that sanitary sewer facilities are now accessible. Previously, this area was serviced by individual septic systems.
- The infrastructure upgrades along Hwy 41 A. have substantially changed the physical and social nature of the area to facilitate this rezoning application.
- This property has been historically used for commercial uses and the proposed zoning is more appropriate.

STAFF RECOMMENDATION

Staff recommends approval. This request is in agreement with the Comprehensive Plan, and major changes to the economic, physical and social nature of the area have occurred as described above to satisfy the required findings of KRS 100.213/Section 7.05

Reminder: When making a motion for or against a map amendment, please provide clear findings in support of the proposed motion utilizing either the Comprehensive Plan/Future Land Use, or clear findings in support of Factors 1 or 2 (or both) of KRS 100.213/Section 7.05.

Date Advertised: 08/23/2016

Date Posted: 08/23/2016

Section 4A (Co. M-1 to Ci. M-2)



Site Facing West



Site Facing South



Site Facing East



Site Facing North

Rez. #1060



STAFF REPORT - REZONING #1060 ANNEXATION

DATE: 09/06/16

GENERAL INFORMATION		
Applicant:	City of Henderson	<u>Infrastructure</u>
Site Location:	660-670 Hwy 41 A	Water: 10"
PID#	#46B-54, 46B-78 (Section 4-B)	Sewer: 8"
Applicant's Request:	City Heavy Industrial	Flood and Drainage: N/A
City/County limits:	County	
Current Zoning:	County Highway Commercial (H-C)	
Proposed Zoning:	City Heavy Industrial (M-2)	
Size (in acres):	1.49 Acres	

ZONING DISTRICT INFORMATION		
	<u>Current (County M-1)</u>	<u>Proposed District (City M-2)</u>
Min. Lot Size	N/A	N/A
Min. Lot Width	N/A	N/A.
Front Setback	30 ft.	100 ft.
Side Setback	10 ft.	50 ft. (IF ADJACENT TO RESIDENTIAL)
Rear Setback	20 ft.	N/A
Building Height:	30 ft.	100 ft.

SURROUNDING ZONING, LAND USE AND REQUIRED BUFFERS		
<u>Adjacent Zoning / Adjacent Land Uses</u>	<u>Setbacks for Adjacent Zoning</u>	<u>Buffer required if rezoned</u>
North: R-2 (County)	Front: 20 ft. Side: 8 ft. Rear: 20 ft.	N/A
South: M-1 (County)	Front: 50 ft. Side: 25 ft. Rear: 25 ft.	N/A
East: M-1 (County)	Front: 50 ft. Side: 25 ft. Rear: 25 ft.	N/A
West: R-2 (County)	Front: 20 ft. Side: 8 ft. Rear: 20 ft.	N/A

PROPOSAL

The applicant proposes annexation of 1.49 acres from the County of Henderson to the City of Henderson. The current zoning is Highway Commercial (County) and the proposed zoning is Heavy Industrial (City). It is the role of the Planning Commission to assign the new zoning classification based on current use, likely use, and potential growth patterns of the subject property and surrounding properties.

STAFF REPORT - REZONING #1060 ANNEXATION

ZONING

The existing **Light Industrial (M-1)** allows numerous permitted uses. Such permitted uses include plastic molding, print & publishing, recycling collection facilities, and machine shops. Conditional Uses are animal kennels, child care centers, junkyards, and medical institutions.

The proposed **Heavy Industrial (M-2)** zoning district is to provide for the development in desirable areas of the city, based upon the comprehensive plan, of those heavy commercial and industrial establishments which may create some nuisance and which are not properly associated with or compatible with any of the development proposed for the other land use districts.

FUTURE LAND USE

Future Land Use:

The future land use map depicts this area developing as Medium Density Residential. The Future Land Use element of the Comprehensive Plan is **NOT** consistent with the proposed zoning of Highway Commercial (H-C)

Comprehensive Plan Goals and Objectives:

- Guide development to existing centralized areas served by adequate infrastructure to avoid decentralized and scattered development. (Balancing Land Use Objective B)
- Encourage innovative, safe, and sustainable design for new development and/or infrastructure. (Land Use Objective F)
- Promote aesthetically pleasing commercial development with appropriate access, signage and landscaping while discouraging strip commercial development. (Land Use Objective H)
- Promote the continued operation and expansion of commercial facilities. (Growing the Economy Objective A)

STAFF FINDINGS ON COMPREHENSIVE PLAN

Staff finds this request is in agreement with the Comprehensive Plan for the following reasons:

- N/A



STAFF REPORT - REZONING #1060 ANNEXATION

IN THE ABSENCE OF FINDINGS THAT THE PROJECT IS IN AGREEMENT WITH THE COMPREHENSIVE PLAN.

Staff finds that major changes have occurred to alter the basic character of the area to support this request:

- The area has experienced a major in change in that sanitary sewer facilities are now accessible. Previously, this area was serviced by individual septic systems.
- The infrastructure upgrades along Hwy 41 A. have substantially changed the physical and social nature of the area to facilitate this rezoning application.
- This property has been historically used for commercial uses and the proposed zoning is more appropriate.

STAFF RECOMMENDATION

Staff recommends approval. This request is in agreement with the Comprehensive Plan, and major changes to the economic, physical and social nature of the area have occurred as described above to satisfy the required findings of KRS 100.213/Section 7.05

Reminder: When making a motion for or against a map amendment, please provide clear findings in support of the proposed motion utilizing either the Comprehensive Plan/Future Land Use, or clear findings in support of Factors 1 or 2 (or both) of KRS 100.213/Section 7.05.

Date Advertised: 08/23/2016

Date Posted: 08/23/2016

Section 4B (Co. HC to Ci. M2)



Site Facing West



Site Facing South



Site Facing East



Site Facing North

Rez. #1060



STAFF REPORT - REZONING #1060 ANNEXATION

DATE: 09/06/16

GENERAL INFORMATION		
Applicant:	City of Henderson	<u>Infrastructure</u>
Site Location:	3649 Hwy 41 A	Water: 10"
PID#	#46-131 (Section 5)	Sewer: 8"
Applicant's Request:	City Heavy Industrial	Flood and Drainage: N/A
City/County limits:	County	
Current Zoning:	County Light Industrial (M-1)	
Proposed Zoning:	City Heavy Industrial (M-2)	
Size (in acres):	4.2 Acres	

ZONING DISTRICT INFORMATION		
	<u>Current (County M-1)</u>	<u>Proposed District (City M-2)</u>
Min. Lot Size	N/A	N/A
Min. Lot Width	N/A	N/A.
Front Setback	50 ft.	100 ft.
Side Setback	25 ft.	50 ft. (IF ADJACENT TO RESIDENTIAL)
Rear Setback	25 ft.	N/A
Building Height:	30 ft.	100 ft.

SURROUNDING ZONING, LAND USE AND REQUIRED BUFFERS		
<u>Adjacent Zoning / Adjacent Land Uses</u>	<u>Setbacks for Adjacent Zoning</u>	<u>Buffer required if rezoned</u>
North: R-2 (County)	Front: 20 ft. Side: 8 ft. Rear: 20 ft.	N/A
South: H-C (County)	Front: 30 ft. Side: 10 ft. Rear: 20 ft.	N/A
East: R-2 (County)	Front: 20 ft. Side: 8 ft. Rear: 20 ft.	N/A
West: R-2 (County)	Front: 30 ft. Side: 10 ft. Rear: 20 ft.	N/A

PROPOSAL

The applicant proposes annexation of 4.2 acres from the County of Henderson to the City of Henderson. The current zoning is Light Industrial (County) and the proposed zoning is Heavy Industrial (City). It is the role of the Planning Commission to assign the new zoning classification based on current use, likely use, and potential growth patterns of the subject property and surrounding properties.

STAFF REPORT - REZONING #1060 ANNEXATION

ZONING

The existing **Light Industrial (M-1)** allows numerous permitted uses. Such permitted uses include plastic molding, print & publishing, recycling collection facilities, and machine shops. Conditional Uses are animal kennels, child care centers, junkyards, and medical institutions.

The proposed **Heavy Industrial (M-2)** zoning district is to provide for the development in desirable areas of the city, based upon the comprehensive plan, of those heavy commercial and industrial establishments which may create some nuisance and which are not properly associated with or compatible with any of the development proposed for the other land use districts.

FUTURE LAND USE

Future Land Use:

The future land use map depicts this area developing as Medium Density Residential. The Future Land Use element of the Comprehensive Plan IS consistent with the proposed zoning of Highway Commercial (H-C)

Comprehensive Plan Goals and Objectives:

- Guide development to existing centralized areas served by adequate infrastructure to avoid decentralized and scattered development. (Balancing Land Use Objective B)
- Encourage innovative, safe, and sustainable design for new development and/or infrastructure. Balancing (Land Use Objective F)
- Guide industrial growth to existing industrial areas and ensure they are compatible with the surrounding uses and are served by adequate public facilities and services. (Balancing Land Use Objective I)
- Promote the continued operation and expansion of commercial facilities. (Growing the Economy Objective A)

STAFF FINDINGS ON COMPREHENSIVE PLAN

Staff finds this request is in agreement with the Comprehensive Plan for the following reasons:

- The request meets the Balancing Land Use goal by encouraging innovative and safe infrastructure.
- This request meets the need of the Community by encouraging environmentally sustainable uses of natural resources.
- This request guides industrial growth to existing industrial areas and ensure they are compatible with surrounding uses.
- This request promotes the continued operation and expansion of existing facilities.



STAFF REPORT - REZONING #1060 ANNEXATION

IN THE ABSENCE OF FINDINGS THAT THE PROJECT IS IN AGREEMENT WITH THE COMPREHENSIVE PLAN.

Staff finds that major changes have occurred to alter the basic character of the area to support this request:

- The area has experienced a major in change in that sanitary sewer facilities are now accessible. Previously, this area was serviced by individual septic systems.
- The infrastructure upgrades along Hwy 41 A. have substantially changed the physical and social nature of the area to facilitate this rezoning application.
- This property has been historically used for industrial uses and the proposed zoning is more appropriate.

STAFF RECOMMENDATION

Staff recommends approval. This request is in agreement with the Comprehensive Plan, and major changes to the economic, physical and social nature of the area have occurred as described above to satisfy the required findings of KRS 100.213/Section 7.05

Reminder: When making a motion for or against a map amendment, please provide clear findings in support of the proposed motion utilizing either the Comprehensive Plan/Future Land Use, or clear findings in support of Factors 1 or 2 (or both) of KRS 100.213/Section 7.05.

Date Advertised: 08/23/2016

Date Posted: 08/23/2016

SECTION 5 (Co. M-1 to Ci. M-2)



Site Facing East



Site Facing West



Site Facing North



Site Facing South

Rez. # 1060



STAFF REPORT - REZONING #1060 ANNEXATION

DATE: 09/06/16

GENERAL INFORMATION		
Applicant:	City of Henderson	<u>Infrastructure</u>
Site Location:	1933-1999 Springfield (minus 1963) & 601-622 Winchester Street	Water: 10"
PID#	#46F-1 through 46F-30 minus 46F-7 (Section #6)	Sewer: 8"
Applicant's Request:	City Residential 2	Flood and Drainage: Portion near Canoe Creek
City/County limits:	County	
Current Zoning:	County Two Family Residential (R-2)	
Proposed Zoning:	City Medium Density Residential (R-2)	
Size (in acres):	9.34 Acres	

ZONING DISTRICT INFORMATION		
	<u>Current (County R-2)</u>	<u>Proposed District (City R-2)</u>
Min. Lot Size	10,000 sq. ft.	5,000 sq. ft.
Min. Lot Width	60 ft.	60 ft.
Front Setback	20 ft.	20 ft.
Side Setback	8 ft.	6 ft.
Rear Setback	20 ft.	20 ft.
Building Height:	30 ft.	30 ft.

SURROUNDING ZONING, LAND USE AND REQUIRED BUFFERS		
<u>Adjacent Zoning / Adjacent Land Uses</u>	<u>Setbacks for Adjacent Zoning</u>	<u>Buffer required if rezoned</u>
North: R-2 (County)	Front: 20 ft. Side: 8 ft. Rear: 20 ft.	N/A
South: H-C (County)	Front: 30 ft. Side: 10 ft. Rear: 20 ft.	N/A
East: Ag (County)	Front: 25 ft. Side: 10 ft. Rear: 25 ft.	N/A
West: H-C (County)	Front: 30 ft. Side: 10 ft. Rear: 20 ft.	N/A

PROPOSAL

The applicant proposes annexation of 9.34 acres from the County of Henderson to the City of Henderson. The current zoning is Residential-2 (County) and the proposed zoning is Residential-2 (City). It is the role of the Planning Commission to assign the new zoning classification based on current use, likely use, and potential growth patterns of the subject property and surrounding properties.

STAFF REPORT - REZONING #1060 ANNEXATION

ZONING

The existing County Residential-2 (R-2) allows several permitted uses. Such permitted uses include single family residential units, duplexes, and townhouses. Conditional Uses are any use allowed in R-1, and manufactured homes.

The proposed City Residential-2 (R-2) allows several permitted uses. Such permitted uses include single family residential units, duplexes, and townhouses. Conditional Uses are any use allowed in R-1, multifamily dwellings (up to 8 units).

FUTURE LAND USE

Future Land Use:

The future land use map depicts this area developing as Medium Density Residential. The Future Land Use element of the Comprehensive Plan IS consistent with the proposed zoning of Residential-2 (R-2).

Comprehensive Plan Goals and Objectives:

- Encourage innovative, safe, and sustainable design for new development and/or infrastructure. (Land Use Objective F)
- Anticipate future community needs by encouraging environmentally sustainable uses of natural resources. (Protecting Natural Systems D).
- Encourage reinvestment in declining neighborhoods with increased services, amenities and safety. (Healthy Neighborhoods Objective D)
- Develop facilities that make the most efficient use of the land, are designed for the convenience, health, safety, and pleasure of the intended users, and represent positive examples of design, energy use and concern for people and the environment. (Healthy Neighborhoods Objective G)

STAFF FINDINGS ON COMPREHENSIVE PLAN

Staff finds this request is in agreement with the Comprehensive Plan for the following reasons:

- The request meets the Balancing Land Use goal by encouraging innovative and safe infrastructure.
- This request meets the need of the Community by encouraging environmentally sustainable uses of natural resources.
- The request will encourage reinvestment in declining neighborhoods with increased services that are designed to improve the health of the citizens who live in the area.



STAFF REPORT - REZONING #1060 ANNEXATION

IN THE ABSENCE OF FINDINGS THAT THE PROJECT IS IN AGREEMENT WITH THE COMPREHENSIVE PLAN.

Staff finds that major changes have occurred to alter the basic character of the area to support this request:

- The area has experienced a major in change in that the availability of sanitary sewer facilities are now available. Previously, this area was serviced by individual septic systems.
- The infrastructure upgrades along Hwy 41 A. have substantially changed the physical and social nature of the area to facilitate this rezoning application.

STAFF RECOMMENDATION

Staff recommends approval. This request is in agreement with the Comprehensive Plan, and major changes to the economic, physical and social nature of the area have occurred as described above to satisfy the required findings of KRS 100.213/Section 7.05

Reminder: When making a motion for or against a map amendment, please provide clear findings in support of the proposed motion utilizing either the Comprehensive Plan/Future Land Use, or clear findings in support of Factors 1 or 2 (or both) of KRS 100.213/Section 7.05.

Date Advertised: 08/23/2016

Date Posted: 08/23/2016



Site facing East



Site facing West



Site Facing South



Site facing North



Site Facing South



Site Facing North



Site Facing East



Site Facing West



STAFF REPORT - REZONING #1060 ANNEXATION

DATE: 09/06/16

GENERAL INFORMATION		
Applicant:	City of Henderson	<u>Infrastructure</u>
Site Location:	625 Hwy 41 A	Water: 10"
PID#	#46-134 (Section #7)	Sewer: 8"
Applicant's Request:	City Residential Mobile Home	Flood and Drainage: Portion near Canoe Creek
City/County limits:	County	
Current Zoning:	County Two Family Residential (R-2)	
Proposed Zoning:	City Residential Mobile Home (R-MH)	
Size (in acres):	4.34 Acres	

ZONING DISTRICT INFORMATION		
	<u>Current (County R-2)</u>	<u>Proposed District (City R-MH)</u>
Min. Lot Size	10,000 sq. ft.	5 acres
Min. Lot Width	60 ft.	40 ft. for MH, 100ft. for any other use
Front Setback	20 ft.	20 ft. (within a MH park)
Side Setback	8 ft.	10 ft. (within a MH park)
Rear Setback	20 ft.	20 ft. (within a MH park)
Building Height:	30 ft.	30 ft.

SURROUNDING ZONING, LAND USE AND REQUIRED BUFFERS		
<u>Adjacent Zoning / Adjacent Land Uses</u>	<u>Setbacks for Adjacent Zoning</u>	<u>Buffer required if rezoned</u>
North: Ag (County)	Front: 25 ft. Side: 10 ft. Rear: 25 ft.	N/A
South: R-2 (County)	Front: 20 ft. Side: 8 ft. Rear: 20 ft.	N/A
East: Ag (County)	Front: 25 ft. Side: 10 ft. Rear: 25 ft.	N/A
West: M-1 (County)	Front: 50 ft. Side: 25 ft. Rear: 25 ft.	N/A

PROPOSAL

The applicant proposes annexation of 4.34 acres from the County of Henderson to the City of Henderson. The current zoning is Residential-2 (County) and the proposed zoning is Residential Mobile Home R-MH (City). It is the role of the Planning Commission to assign the new zoning classification based on current use, likely use, and potential growth patterns of the subject property and surrounding properties.



STAFF REPORT - REZONING #1060 ANNEXATION

ZONING

The existing County Residential-2 (R-2) allows several permitted uses. Such permitted uses include single family residential units, duplexes, and townhouses. Conditional Uses are any use allowed in R-1, and manufactured homes.

The proposed City Residential-Mobile Home (R-MH) These districts are composed of areas containing manufactured home dwelling sites arranged on a large tract and designed to accommodate manufactured homes for more or less permanent duration, as well as other compatible uses which provide related services. Permitted uses are Class A, B manufactured homes (No Class C or D will be permitted), single-family dwelling is permitted when used by a park manager or park maintenance personnel; it must meet minimum yard requirements of the R-1 district, and residential care facilities.

FUTURE LAND USE

Future Land Use:

The future land use map depicts this area developing as High Density Residential. The Future Land Use element of the Comprehensive Plan IS consistent with the proposed zoning of Residential Mobile Home (R-MH).

Comprehensive Plan Goals and Objectives:

- Encourage innovative, safe, and sustainable design for new development and/or infrastructure. (Land Use Objective F)
- Anticipate future community needs by encouraging environmentally sustainable uses of natural resources. (Protecting Natural Systems D).
- Encourage reinvestment in declining neighborhoods with increased services, amenities and safety. (Healthy Neighborhoods Objective D)
- Develop facilities that make the most efficient use of the land, are designed for the convenience, health, safety, and pleasure of the intended users, and represent positive examples of design, energy use and concern for people and the environment. (Healthy Neighborhoods Objective G)

STAFF FINDINGS ON COMPREHENSIVE PLAN

Staff finds this request is in agreement with the Comprehensive Plan for the following reasons:

- The request meets the Balancing Land Use goal by encouraging innovative and safe infrastructure.
- This request meets the need of the Community by encouraging environmentally sustainable uses of natural resources.
- The request will encourage reinvestment in declining neighborhoods with increased services that are designed to improve the health of the citizens who live in the area.



STAFF REPORT - REZONING #1060 ANNEXATION

IN THE ABSENCE OF FINDINGS THAT THE PROJECT IS IN AGREEMENT WITH THE COMPREHENSIVE PLAN.

Staff finds that major changes have occurred to alter the basic character of the area to support this request:

- The area has experienced a major in change in that the availability of sanitary sewer facilities are now available. Previously, this area was serviced by individual septic systems.
- The infrastructure upgrades along Hwy 41 A. have substantially changed the physical and social nature of the area to facilitate this rezoning application.

STAFF RECOMMENDATION

Staff recommends approval. This request is in agreement with the Comprehensive Plan, and major changes to the economic, physical and social nature of the area have occurred as described above to satisfy the required findings of KRS 100.213/Section 7.05

Reminder: When making a motion for or against a map amendment, please provide clear findings in support of the proposed motion utilizing either the Comprehensive Plan/Future Land Use, or clear findings in support of Factors 1 or 2 (or both) of KRS 100.213/Section 7.05.

Date Advertised: 08/23/2016

Date Posted: 08/23/2016

SECTION 7 (Co. R-2 to Ci. R-MH)



Site Facing East



Site Facing West



Site facing North



Site Facing South

Henderson City-County
Planning Commission
September 6, 2016

The Henderson City-County Planning Commission held their regular meeting September 6, 2016 at 6:00 p.m., at the Henderson Municipal Center, 222 First Street, 3rd floor assembly room. Members present: Chairman Herb McKee, Vice-Chair David Williams, Bobbie Jarrett, Dickie Johnson, Gary Gibson, Rodney Thomas, David Dixon, Kevin Richard, Kevin Herron, Herb Pritchett, Gray Hodge and Attorney Tommy Joe Fridy. Mac Arnold was absent.

Staff present: Director Brian Bishop, Assistant Director Claudia Wayne, Theresa Curtis, Heather Lauderdale and Chris Raymer.

(The following minutes were transcribed from an audio tape recording of the meeting on September 6, 2016. The audio tape recording is on file at the Planning Commission office and will be retained for a reasonable time.)

MEETING BEGAN AT 6:00PM

Chairman McKee: Next on the agenda **Rezoning #1060 Assignment of Zoning Classification**. Mr. Bishop, are you going to lead that conversation?

Brian Bishop: Yes sir.

Chairman McKee: Please proceed.

Brian Bishop: The following action is before the Planning Commission because the City of Henderson has requested that we assign zoning to

41 (forty-one) parcels that are going to be annexed from the County of Henderson to the City of Henderson.

You'll notice on the map that the area highlighted in yellow are the properties we will be discussing tonight. We have done this a little different than we have in the past as far as rezoning and the reason why is because with 41 (forty-one) parcels it's hard to distinguish which ones we're referring to at any given time. So what we have done is we have broken the 41 (forty-one) parcels down into sections of seven (7) of like zoning.

For example, what I mean by that is, if you look at Section 1 which is going to be parcel numbers 46C-15, 46-97,46-98 and 46-99 which is the portion on the Northern part of the map, those will be going from County R-2 to City R-2. What we have done, specifically to make it more digestible is to break these down in sections so we can talk about each section individually. I would request that you vote that way as we go down the list, if you don't mind.

John Stroud and I have met, we have gone out and reviewed the uses of the property as they are currently being used. We feel the proposed uses are the most appropriate uses that can be given during this process. I know this is a little different, do you guys have any questions before we really start digging into this? I know it's kind of weird and we have never had to do it this way.

Kevin Richard: Brian just one question for clarity on the map. It looks like in Section 6 there is one lot that is not going to be annexed?

Brian Bishop: That is correct. That one lot the property owner was not able to be contacted so therefore there was no annexation agreed to.

Kevin Richard: I just wanted to make sure that box denoted on that map.

Brian Bishop: It is. These properties were all part of the Hwy 41 A, Finley Addition sewer project so each property owner has agreed to be annexed. Are there any questions from anyone else?

David Williams: So you want us to, when the motion is made you want us to refer to each section, is that what you said?

Brian Bishop: Correct. There is a Staff Report for each section in your packet.

Chairman McKee: Any other questions for staff?

Brian Bishop: Ok. With that, I will get started with **Section 1**, which consists of parcels 46C-15, 46-97, 46-98 and 46-99. These parcels are currently zoned County-Residential 2, the property zone is proposed to be City-R2 which is Medium Density Residential. If you would, notice the orange portion of the map and, we have correlated the color on the map to the color they will be on the zoning map to try to make them more understandable. Do you have any questions for Section 1?

David Dixon: So the uses correspond?

Brian Bishop: They are, they are very similar. If I remember the City Zoning Ordinance correctly, you can have a little more density as far as number of units, that's the main difference. Also, I'm sorry Commissioner Dixon, let me retract that for one second. The County Zoning Ordinance in R-2 allows you to have manufactured housing where the City does not.

David Williams: Will there be any non-conforming uses?

Brian Bishop: Not in that section.

David Williams: Do you want the motion now?

Brian Bishop: If you would, go ahead and proceed with Section 1.

Chairman McKee: The chair will entertain a motion.

Kevin Richard: Mr. Chairman, do we need to ask if anyone would like to speak for or against each of these?

Chairman McKee: Do we need to?

Brian Bishop: I would, for each section.

Chairman McKee: Is there anyone who would like to speak about this rezoning? Excuse me?

Attorney Tommy Joe Fridy: Assignment of a zoning classification for the property as a result of annexation, we're making a recommendation to the City.

Chairman McKee: A recommendation to the City and, assignment of zoning classification as a result of annexation. I hope I don't have to repeat that every time. Is there anyone that would like to speak for or against? Hearing none, the chair will entertain a motion.

MOTION WAS MADE BY DAVID WILLIAMS, SECONDED BY DAVID DIXON TO RECOMMEND TO THE CITY COMMISSION REZONING #1060, SECTION 1, CONSISTING OF PARCELS 46C-15, 46-97, 46-98 AND 46-99 FROM COUNTY TWO FAMILY RESIDENTIAL (R-2) TO CITY MEDIUM DENSITY RESIDENTIAL (R-2). THIS REZONING IS APPROPRIATE SINCE THE PARCELS ARE BEING ANNEXED INTO THE CITY AND THE CITY'S ZONING CLOSELY MATCHES THAT OF THE COUNTY.

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: So mote it be, Section 2.

Brian Bishop: Yes sir. Section 2 consists of parcel 46-100. The property is currently zoned County Light Industrial (M-1) and the proposed zoning is City Highway Commercial (H-C). This is the property in purple and, is currently being used as an office building. Mr. Stroud and I felt that this more appropriate for the current use. This structure has been used for several things, it's been an office building, a veterinarian's office and, from our observation it's never been used as anything that is consistent with Light Industrial zoning. So staff recommends a zoning of City Highway Commercial (H-C).

Chairman McKee: Questions for staff?

David Williams: Mr. Chairman.

Chairman McKee: Yes sir.

David Williams: Do you not foresee, since this is on an arterial street that there might be a manufacture that would like this in the future?

Brian Bishop: That is a valid question however, I believe the parcels odd shape and small area would limit it to its current use. Most likely, if that were to happen, it would be consolidated into a larger tract and, at that point, we would consolidate and rezone.

David Williams: Ok.

Chairman McKee: Further questions for staff?

Herb Pritchett: Mr. Chairman.

Chairman McKee: Yes sir.

Herb Pritchett: I appraised this some years ago and, I think it was an adult daycare center or something. Is that use no longer there?

Brian Bishop: I believe it is not. I would like to defer to Mr. Stroud on that if he would answer that question.

Chairman McKee: Mr. Stroud, do you still live in the City of Henderson? Do you swear the statements you are about to make are the truths to the best of your knowledge?

John Stroud: Absolutely.

Chairman McKee: Please proceed.

John Stroud: Offices and, they do offer some Res-Care. It's Res-Care is who it is. Light Industrial, I'm not sure how it got in there in the county. I know the veterinarian's office I believe was a Conditional Use in Light Industrial and Res-Care just kind of fell in after it. But mostly offices with some daycare, adult daycare; well, a type of daycare.

Herb Pritchett: And with the use to which it is now being put, it would be a permitted use, it would be permitted?

John Stroud: It would be a permitted use in Highway Commercial, yes.

Herb Pritchett: Thank you sir.

Chairman McKee: Further questions for Mr. Stroud? Thank you sir, any other questions? Would anyone like to speak for or against this proposed zoning designation for annexation into the City? Seeing none, the chair will entertain a motion.

MOTION WAS MADE BY DAVID DIXON, SECONDED BY KEVIN RICHARD TO RECOMMEND TO THE CITY COMMISSION REZONING #1060, SECTION 2, CONSISTING OF PARCEL 46-100 FROM COUNTY LIGHT INDUSTRIAL (M-1) TO CITY HIGHWAY COMMERCIAL (H-C). THE REQUEST IS IN AGREEMENT WITH THE COMPREHENSIVE PLAN AND MAJOR CHANGES TO ECONOMIC, PHYSICAL AND SOCIAL NATURE OF THE AREA HAVE OCCURRED AND, THIS PROPERTY HAS HISTORICALLY BEEN USED FOR COMMERCIAL USES AND THE PROPOSED ZONING IS MORE APPROPRIATE.

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: **Section 3.**

Brian Bishop: Section 3 consists of parcel 46-100.1, the property is currently zoned County Light Industrial (M-1) and the proposed zone for annexation is City Heavy Industrial (M-2). This is the property you will see labeled #3. This property has a lot of industrial use. You will see some metal fabrication, you will see some concrete piping if I'm not mistaken if you look at the pictures. Mr. Stroud and I felt this is the best use of the property and it's also the City's most intense use so, they should be allowed to do any use they have and likely some others in the near future.

Chairman McKee: Questions for staff?

David Williams: This is Heavy Industrial. What is the green going to be, Section #7?

Brian Bishop: The green will be Residential Mobile Home district.

David Williams: Is there any screening or anything along those lines between these two (2) zones.

Brian Bishop: Not there Commissioner Williams because it is separated by Hwy 41 A and, this is all existing.

David Williams: Ok.

Chairman McKee: Any further comments or questions for staff?

David Williams: Mr. Bishop did you say that the parcel is currently being used as Heavy Industrial?

Brian Bishop: It is.

Chairman McKee: Any further comments or questions for staff?

Hearing none, would anyone like to speak for or against this proposed zoning designation for annexation into the City? Hearing none, the chair will entertain a motion.

MOTION WAS MADE BY RODNEY THOMAS, SECONDED BY DAVID WILLIAMS TO RECOMMEND TO THE CITY COMMISSION REZONING #1060, SECTION 3, CONSISTING OF PARCEL 46-100.1 FROM COUNTY LIGHT INDUSTRIAL (M-1) TO CITY HEAVY INDUSTRIAL (M-2). THE INFRASTRUCTURE UPGRAGES ALONG HWY 41 A HAVE SUBSTANTIALLY CHANGED THE PHYSICAL AND SOCIAL NATURE OF THE AREA TO FACILITATE THIS REZONING APPLICATION.

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: **Section 4A.**

Brian Bishop: Section 4A consists of parcels 46B-15 and 46B-60. The parcels are currently zoned County Light Industrial (M-1) and the proposed zone for annexation is City Heavy Industrial (M-2). Staff feels that this is again, the most appropriate use for this parcel because the current use is Heavy Industrial in nature.

Chairman McKee: Questions of staff?

David Williams: Would you read the parcels again please, it's not clear on my map.

Brian Bishop: That would be parcel 46B-15 and 46B-60. Commissioner Williams, if you look at the second page of your packet, we have each section with the parcel id numbers, just to make it a little easier to distinguish.

Chairman McKee: Further questions of staff?

David Williams: Brian, again, the current use of the land is Heavy Industrial?

Brian Bishop: Yes sir.

Chairman McKee: Further questions for staff? Would anyone like to speak for or against this rezoning for annexation for to the City? Hearing none, the chair will entertain a motion.

MOTION WAS MADE BY DAVID DIXON, SECONDED BY DAVID WILLIAMS TO RECOMMEND TO THE CITY COMMISSION REZONING #1060, SECTION 4A, CONSISTING OF PARCELS 46B-15 AND 46B-60 FROM COUNTY LIGHT INDUSTRIAL (M-1) TO CITY HEAVY INDUSTRIAL (M-2). THE CURRENT USE OF THE PROPERTY IS MORE AKIN TO HEAVY INDUSTRIAL.

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: **Section 4B.**

Brian Bishop: Section 4B consists of parcels 46B-54 and 46B-78 and the property is currently zoned County Highway Commercial (H-C) and the proposed zone for annexation is City Heavy Industrial (M-2). This property is also currently being used for Heavy Industrial use.

Chairman McKee: Questions for staff?

David Williams: Brian is it your opinion that all of these parcels we're referring are going to be requested to zone Heavy Industrial, that's their current use and even though the Comprehensive Plan may not have anticipated this use that is the use that is going in and the Comprehensive Plan would be in error at this point?

Brian Bishop: That is correct.

David Williams: And that a more appropriate use is Heavy Industrial?

Brian Bishop: Yes sir.

Chairman McKee: Further questions for staff? Would anyone like to speak for or against Section 4B? Hearing none, the chair will entertain a motion.

MOTION WAS MADE BY DAVID DIXON, SECONDED BY DICKIE JOHNSON TO RECOMMEND TO THE CITY COMMISSION REZONING #1060, SECTION 4B, CONSISTING OF PARCELS 46B-54 AND 46B-78 FROM COUNTY HIGHWAY COMMERCIAL (H-C) TO CITY HEAVY INDUSTRIAL (M-2). THE AREA HAS EXPERIENCED A MAJOR IN CHANGE

IN THAT SANITARY SEWER FACILITIES ARE NOW ACCESSABLE. PREVIOUSLY, THIS AREA WAS SERVICED BY INDIVIDUAL SEPTIC SYSTEMS; THE INFRASTRUCTURE UPGRADES ALONG HWY 41A HAVE SUBSTANTIALLY CHANGED THE PHYSICAL AND SOCIAL NATURE OF THE AREA TO FACILITATE THIS ZONING APPLICATION; THIS PROPERTY HAS BEEN HISTORICALLY USED FOR COMMERCIAL USES AND THE PROPOSED ZONING IS MORE APPROPRIATE.

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: **Section 5.**

Brian Bishop: We're in the home stretch. Section 5 consists of parcel 46-131, the property is currently zoned County Light Industrial (M-1) and the proposed zone for annexation is City Heavy Industrial (M-2). This property has been used for industrial uses in the past, you may remember this as the property that housed lots of heavy industrial equipment for sale and is currently being used by a construction company. Staff feels this is the most appropriate zone for this property.

Chairman McKee: Questions for staff? No questions for staff? Would anyone like to speak for or against this re-designation? Hearing none the chair will entertain a motion.

MOTION WAS MADE BY KEVIN RICHARD, SECONDED BY BOBBIE JARRETT TO RECOMMEND TO THE CITY COMMISSION REZONING #1060, SECTION 5, CONSISTING OF PARCEL 46-131 FROM COUNTY LIGHT INDUSTRIAL (M-1) TO CITY HEAVY INDUSTRIAL (M-2). THIS REQUEST GUIDES INDUSTRIAL GROWTH TO EXISTING INDUSTRIAL

AREAS AND ASSURES THEY ARE COMPATIBLE WITH SURROUNDING AREAS.

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: **Section 6.**

Brian Bishop: Section 6 consists of parcels 46F-1 thru 46F-30 minus 46F-7, that is the parcel in which the city did not receive the signed annexation agreement. Staff recommends a change from County Two Family Residential (R-2) to City Medium Density Residential (R-2) and, these properties are all one (1) family residences so staff feels this is the most appropriate use for the property.

Chairman McKee: Questions for staff? Comments? Would anyone like to speak for or against this re-designation? Seeing and hearing none the chair will entertain a motion.

MOTION WAS MADE BY DAVID WILLIAMS, SECONDED BY RODNEY THOMAS TO RECOMMEND TO THE CITY COMMISSION REZONING #1060, SECTION 6, CONSISTING OF PARCELS 46F-1 THROUGH 46F-30 MINUS 46F-7 FROM COUNTY TWO FAMILY RESIDENTIAL (R-2) TO CITY MEDIUM DENSITY RESIDENTIAL (R-2). BEING THAT IS THE CURRENT USE OF THE PROPERTY AND RECOMMENDING THIS ZONING IS APPROPRIATE TO THE COMPREHENSIVE PLAN.

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: **Section 7.**

Brian Bishop: Last one. Section 7 consists of parcel 46-134. The property is currently zoned County Two Family Residential (R-2) and the proposed zone for annexation is City Residential Mobile Home (R-MH). If you will notice on the map, the area in green is Section 7 and this has historically been and currently used as a manufactured home park so, staff feels this is the most appropriate zoning for this property.

Chairman McKee: Questions for staff?

Kevin Richard: So Mr. Bishop, if we did rezone this as a City R-2 that would be a non-conforming parcel?

Brian Bishop: Yes sir.

David Williams: Mr. Bishop, how do you see this particular parcel developing over time? Do you think it will go manufacturing as other parcels in this area?

Brian Bishop: That's a very good question. To do so, that property would have to be purchased and consolidated with the adjacent property. If that were to happen, it would be a fairly large project that the Planning Commission would see a rezoning, consolidation and most likely a site plan for approval.

David Williams: How long has this been a mobile home park?

Brian Bishop: Numerous decades.

David Williams: So it's been an accepted use by the neighbors and you don't see any problems with it being a non-conforming use?

Brian Bishop: I can say this as the former County Codes Administrator, I never received complaints from the adjacent property owners. That's the best that I can speak to.

David Williams: I have no further questions.

Chairman McKee: Further questions for staff? Would anyone like to speak for or against this re-designation for annexation? Seeing and hearing none, the chair will entertain a motion.

MOTION WAS MADE BY KEVIN RICHARD, SECONDED BY DICKIE JOHNSON TO RECOMMEND TO THE CITY COMMISSION REZONING #1060, SECTION 7, CONSISTING OF PARCEL 46-134 FROM COUNTY TWO FAMILY RESIDENTIAL (R-2) TO CITY RESIDENTIAL MOBILE HOME (R-MH); BEING THIS IS MORE APPROPRIATE TO THE CURRENT USAGE AND HISTORICAL NATURE OF THIS PARCEL.

ALL IN FAVOR: AYE

OPPOSED: NONE

ORDINANCE REGARDING ANNEXATION

SUMMARY: AN ORDINANCE ANNEXING CERTAIN UNINCORPORATED TERRITORY TO THE CITY OF HENDERSON, KENTUCKY, BEING LOCATED ON US HIGHWAY 41-A, IN HENDERSON COUNTY, CONTAINING SECTION #1, PARCELS #46-C-15, #46-97, #46-98, AND #46-99; SECTION #2, PARCEL #46-100; SECTION #3, PARCEL #46-100.1; SECTION #4-A, PARCELS #46-B-15 AND #46B-60; SECTION #4-B, PARCELS #46B-54 AND #46B-78; SECTION #5, PARCEL #46-131; SECTION #6, PARCELS #46F-1 THRU 46F-6 AND PARCELS #46F-8 THRU #46F-30; AND SECTION #7, PARCEL #46-134

WHEREAS, pursuant to the provisions of KRS 81A.412, the City of Henderson, Kentucky, desires to annex within the corporate limits of the City of Henderson that certain unincorporated area, which is located on US Highway 41-A in Henderson County, and which is hereinafter described; and

WHEREAS, the real property to be annexed meets all of the requirements of KRS 81A.410; and

WHEREAS, the owners of record of the land to be annexed have given prior consents in writing to the annexation and have waived the waiting period therefor, copies of which consents and waiver are attached hereto, cumulatively marked Exhibit "A," and incorporated herein by reference.

NOW, THEREFORE, BE IT ORDAINED by the City of Henderson, Kentucky, as follows:

1. That the real property located on US Highway 41-A in Henderson County, containing Section #1, Parcel #46-C-15, #46-97, #46-98, and #46-99; Section #2, Parcel #46-100; Section #3, Parcel #46-100.1; Section #4-A, Parcels #46-B-15 and #46B-60; Section #4-B, #46B-54 and #46B-78 (consent #46B-54 includes description of #46B-78 but not the parcel #); Section #5, Parcel #46-131; Section #6, Parcels #46F-1 thru #46F-6 and Parcels #46F-8 thru #46F-30; and Section #7, Parcel #46-134; as described in Exhibit "A-1", and as shown on the plat attached hereto marked Exhibit "B", which exhibits are incorporated herein by reference, be and said real property is hereby annexed to and made a part of the City of Henderson, Kentucky.

2. The zoning classification of said property shall be Section #1 from COUNTY TWO FAMILY RESIDENTIAL DISTRICT (R-2) to CITY MEDIUM DENSITY RESIDENTIAL DISTRICT (R-2), Section #2 from COUNTY LIGHT INDUSTRIAL DISTRICT (M-1) to CITY HIGHWAY COMMERCIAL (HC); Section #3 from COUNTY LIGHT INDUSTRIAL DISTRICT (M-1) to CITY HEAVY INDUSTRIAL DISTRICT (M-2); Section 4-A from COUNTY LIGHT

INDUSTRIAL DISTRICT (M-1) to CITY HEAVY INDUSTRIAL DISTRICT (M-2); Section #4-B from COUNTY HIGHWAY COMMERCIAL to CITY HEAVY INDUSTRIAL DISTRICT (M-2); Section #5 from COUNTY LIGHT INDUSTRIAL DISTRICT (M-1) to CITY HEAVY INDUSTRIAL DISTRICT (M-2); Section #6 from COUNTY TWO FAMILY RESIDENTIAL DISTRICT (R-2) to CITY MEDIUM DENSITY RESIDENTIAL DISTRICT (R-2), and Section #7 from COUNTY TWO FAMILY RESIDENTIAL DISTRICT (R-2) to CITY RESIDENTIAL MOBILE HOME DISTRICT (R-MH) pursuant to the recommendation of the Henderson City-County Planning Commission by letter dated September 7, 2016, a copy of which letter, with attachments, is attached hereto and incorporated herein by reference marked Exhibit "C".

All ordinances or parts of ordinances in conflict herewith are hereby repealed and superseded to the extent of such conflict.

This ordinance shall become effective upon its legal adoption.

On the first reading of this ordinance, it was moved by Commissioner X R. Royster, seconded by Commissioner Jesse Johnston, that the ordinance be adopted on its first reading.

On roll call the vote stood:

Commissioner Mills:	<u>AYE</u>	Commissioner Royster:	<u>AYE</u>
Commissioner Johnston:	<u>AYE</u>	Mayor Austin:	<u>AYE</u>
Commissioner Hite:	<u>AYE</u>		

WHEREUPON, Mayor Davis declared the ordinance adopted on first reading and ordered that it be presented for second reading at a meeting of the Board of Commissioners.

On second reading of the ordinance, it was moved by Commissioner _____, seconded by Commissioner _____, that the ordinance be adopted.

WHEREUPON, the vote was called. On roll call the vote stood:

Commissioner Mills:	_____	Commissioner Royster:	_____
Commissioner Johnston:	_____	Mayor Austin:	_____
Commissioner Hite:	_____		

WHEREUPON, Mayor Austin declared the ordinance adopted, affixed his signature and the date and ordered it be recorded.

Steve Austin, Mayor

Date: _____

ATTEST:

Maree Collins, City Clerk

**APPROVED AS TO FORM AND
LEGALITY THIS 9 DAY OF
SEPTEMBER, 2016.**

By: _____



Dawn S. Kelsey
City Attorney

City of Henderson, Kentucky
CONSENT TO ANNEXATION

Jerome D. Carpenter is the owner of certain real property located at 1986 Springfield Drive, Henderson, KY 42420 in the County of Henderson, Kentucky and containing approximately 0.26 acres and designated as PVA Parcel 46F-28 which property is more particularly described on Exhibit "A" attached hereto; and as said OWNER does hereby consent in writing to the annexation into the City of Henderson of said property as described in said Exhibit. Also OWNER does hereby waive all notice requirements with respect to such annexation, including, but not limited to the notices otherwise required by KRS 81A.420 (1), KRS 81A.425, and the sixty (60) day waiting period provided for in KRS 81A.420 (2); and OWNER further certifies that it is the sole owner of the property to be annexed as described in the attached Exhibit.

SIGNED this 14th day of June, 2016, ~~by the duly authorized~~
representative of _____

~~COMPANY NAME~~

By: Jerome D. Carpenter
~~Representative~~

STATE OF KENTUCKY

COUNTY OF HENDERSON ... SCT.

THE foregoing Consent to Annexation was signed and acknowledged before me, a notary public, by Jerome D. Carpenter of 1986 Springfield Dr. Henderson, Ky, this 14 day of June, 2016.

My Commission expires 02-04-2018.

Patricia A. Brown
Notary Public Notary ID 503018

(Seal)

Exhibit A

1986 Springfield Drive
PVA ID # 46F-28

Being all of Lot # 28, Greenbrier Subdivision, Springfield Drive, a final plat of which is recorded in Deed Book 236 at page 395, in the Henderson County Court Clerk's Office, to which map or plat reference is hereby made for a more particular description of the property. Being also the property conveyed to Jerome D. Carpenter, by deed dated 28 August 2012 and recorded in Deed Book 591 at page 575 in said Clerk's office.

City of Henderson, Kentucky

CONSENT TO ANNEXATION

Brian G. Hart is the owner of certain real property located at 1980 Springfield Drive, Henderson, KY 42420 in the County of Henderson, Kentucky and containing approximately 0.26 acres and designated as PVA Parcel 46F-27 which property is more particularly described on Exhibit "A" attached hereto; and as said OWNER does hereby consent in writing to the annexation into the City of Henderson of said property as described in said Exhibit. Also OWNER does hereby waive all notice requirements with respect to such annexation, including, but not limited to the notices otherwise required by KRS 81A.420 (1), KRS 81A.425, and the sixty (60) day waiting period provided for in KRS 81A.420 (2); and OWNER further certifies that it is the sole owner of the property to be annexed as described in the attached Exhibit.

SIGNED this 17th day of June, 2016, by the duly authorized

~~representative of~~ _____
COMPANY NAME

By: 
Representative

STATE OF KENTUCKY

COUNTY OF HENDERSON ... SCT.

THE foregoing Consent to Annexation was signed and acknowledged before me, a notary public, by Brian G. Hart of 1980 Springfield Drive, Henderson, KY 42420 this 17 th day of June, 2016.

My Commission expires 02-04-2018


Notary Public

(Seal)

Exhibit A

1980 Springfield Drive
PVA ID # 46F-27

Being all of Lot # 27, Greenbrier Subdivision, Springfield Drive, a final plat of which is recorded in Deed Book 258 at page 498, in the Henderson County Court Clerk's Office, to which map or plat reference is hereby made for a more particular description of the property.

City of Henderson, Kentucky
CONSENT TO ANNEXATION

Aaron G. Bugg & Kristin D. Littrell is the owner of certain real property located at 1974 Springfield Drive, Henderson, KY 42420 in the County of Henderson, Kentucky and containing approximately 0.26 acres and designated as PVA Parcel 46F-26 which property is more particularly described on Exhibit "A" attached hereto; and as said OWNER does hereby consent in writing to the annexation into the City of Henderson of said property as described in said Exhibit. Also OWNER does hereby waive all notice requirements with respect to such annexation, including, but not limited to the notices otherwise required by KRS 81A.420 (1), KRS 81A.425, and the sixty (60) day waiting period provided for in KRS 81A.420 (2); and OWNER further certifies that it is the sole owner of the property to be annexed as described in the attached Exhibit.

SIGNED this 9th day of June, 2016, ~~by the duly authorized representative of~~ _____
~~COMPANY NAME~~

Aaron G. Bugg Kristin Littrell Bugg by Aaron Bugg POA
By: [Signature] KBugg by POA
~~Representative~~

STATE OF KENTUCKY
COUNTY OF HENDERSON ... SCT.

THE foregoing Consent to Annexation was signed and acknowledged before me, a notary public, by Kristin Littrell Bugg by Aaron G. Bugg POA Aaron G. Bugg of Henderson, Ky. 42420, this 9th day of June, 2016.

My Commission expires 02-04 2018

Patricia A. Brown
Notary Public Notary ID 503018

(Seal)

Exhibit A

1974 Springfield Drive
PVA ID # 46F-26

Being all of Lot # 26 and a portion of Lot # 25, Greenbrier Subdivision, Springfield Drive, a final plat of which is recorded in Deed Book 244 at page 336, in the Henderson County Court Clerk's Office, to which map or plat reference is hereby made for a more particular description of the property, being also the subject of a plat recorded in Plat Book 10 at Page 36A. Being also the property conveyed to Aaron G. Bugg and Kristin D. Litterell, by deed dated 8 October 2004, and recorded in Deed Book 534 at page 591 in said Clerk's office. And also being the property conveyed to Aaron G. Bugg and Kristin D. Littrell, by deed dated 17 November 2014 and recorded in Deed Book 607 at page 128 in said Clerk's office.

City of Henderson, Kentucky
CONSENT TO ANNEXATION

James S. & Julie Coffman are the owners of certain real property located at 608 Winchester Road, Henderson, KY 42420 in the County of Henderson, Kentucky and containing approximately 0.24 acres and designated as PVA Parcel 46F-24 which property is more particularly described on Exhibit "A" attached hereto; and as said OWNER does hereby consent in writing to the annexation into the City of Henderson of said property as described in said Exhibit. Also OWNER does hereby waive all notice requirements with respect to such annexation, including, but not limited to the notices otherwise required by KRS 81A.420 (1), KRS 81A.425, and the sixty (60) day waiting period provided for in KRS 81A.420 (2); and OWNER further certifies that it is the sole owner of the property to be annexed as described in the attached Exhibit.

SIGNED this 5th day of May, 2016, by the duly authorized representative of _____
COMPANY NAME

x James S. Coffman
By: Julie B. Coffman
Representative

STATE OF KENTUCKY

COUNTY OF HENDERSON ... SCT.

THE foregoing Consent to Annexation was signed and acknowledged before me, a notary public, by James S. & Julie Coffman of 608 Winchester Road, Henderson, Ky, this 5th day of May, 2016.

My Commission expires 02-04-2018

Patricia A. Brown
Notary Public

(Seal)

Exhibit A

608 Winchester Road
PVA ID # 46F-24

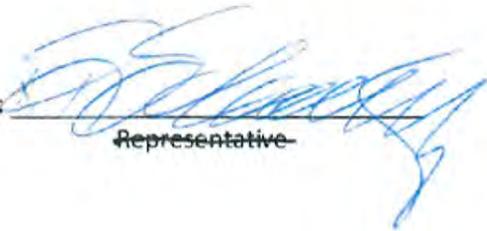
Being all of Lot # 24, Greenbrier Subdivision, Winchester Road, a final plat of which is recorded in Deed Book 258 at page 498, in the Henderson County Court Clerk's Office, to which map or plat reference is hereby made for a more particular description of the property.

Being also the property conveyed to James S. Coffman and Julie A. Coffman, husband and wife, by deed dated 9 November 1995 and recorded in Deed Book 454 at page 791 in said Clerk's office.

City of Henderson, Kentucky
CONSENT TO ANNEXATION

Robert Adam Schwartz is the owner of certain real property located at
614 Winchester Road, Henderson, KY 42420 in the County of Henderson, Kentucky and
containing approximately 0.24 acres and designated as PVA Parcel 46F-23 which property
is more particularly described on Exhibit "A" attached hereto; and as said OWNER does hereby consent in
writing to the annexation into the City of Henderson of said property as described in said Exhibit. Also
OWNER does hereby waive all notice requirements with respect to such annexation, including, but not
limited to the notices otherwise required by KRS 81A.420 (1), KRS 81A.425, and the sixty (60) day waiting
period provided for in KRS 81A.420 (2); and OWNER further certifies that it is the sole owner of the
property to be annexed as described in the attached Exhibit.

SIGNED this 5th day of May, 2016, ~~by the duly authorized~~
representative of _____
~~COMPANY NAME~~

By: 
~~Representative~~

STATE OF KENTUCKY

COUNTY OF HENDERSON ... SCT.

THE foregoing Consent to Annexation was signed and acknowledged before me, a notary public,
by Robert Adam Schwartz of 614 Winchester Rd, Henderson Ky, this 5th day
of May, 2016.

My Commission expires 02-04-2018.

Patricia A Brown
Notary Public Notary ID 503018

(Seal)

Exhibit A

614 Winchester Road
PVA ID # 46F-23

Being all of Lot # 23, Greenbrier Subdivision, Winchester Road, a final plat of which is recorded in Deed Book 258 at page 498, in the Henderson County Court Clerk's Office, to which map or plat reference is hereby made for a more particular description of the property.

Being also the property conveyed to Robert Adam Schwartz, unmarried, by deed dated 24 September 2015 and recorded in Deed Book 612 at page 870 in said Clerk's office.

City of Henderson, Kentucky
CONSENT TO ANNEXATION

Matthew M. O'Malley is the owner of certain real property located at 620 & 626 Winchester Road, Henderson, KY 42420 in the County of Henderson, Kentucky and containing approximately 0.24 acres and designated as PVA Parcel 46F-22 & 46F-21 which property is more particularly described on Exhibit "A" attached hereto; and as said OWNER does hereby consent in writing to the annexation into the City of Henderson of said property as described in said Exhibit. Also OWNER does hereby waive all notice requirements with respect to such annexation, including, but not limited to the notices otherwise required by KRS 81A.420 (1), KRS 81A.425, and the sixty (60) day waiting period provided for in KRS 81A.420 (2); and OWNER further certifies that it is the sole owner of the property to be annexed as described in the attached Exhibit.

SIGNED this 23rd day of March, 2016, by ~~the duly authorized~~ representative of _____
COMPANY NAME

By: Matthew O'Malley
Representative

STATE OF KENTUCKY

COUNTY OF HENDERSON ... SCT.

THE foregoing Consent to Annexation was signed and acknowledged before me, a notary public, by Matthew M. O'Malley of 620 Winchester Road, Henderson, KY 42420, this 23rd day of March, 2016.

My Commission expires 02-04-2018.

Patricia Q. Brown
Notary Public Notary ID 503018

(Seal)

Exhibit A

620 Winchester Road
PVA ID # 46F-22

Being all of Lot # 22, Greenbrier Subdivision, Winchester Road, a final plat of which is recorded in Deed Book 258 at page 498, in the Henderson County Court Clerk's Office, to which map or plat reference is hereby made for a more particular description of the property.

City of Henderson, Kentucky
CONSENT TO ANNEXATION

Richard Blake Frederick is the owner of certain real property located at 613 Winchester Road, Henderson, KY 42420 in the County of Henderson, Kentucky and containing approximately 0.26 acres and designated as PVA Parcel 46F-19 which property is more particularly described on Exhibit "A" attached hereto; and as said OWNER does hereby consent in writing to the annexation into the City of Henderson of said property as described in said Exhibit. Also OWNER does hereby waive all notice requirements with respect to such annexation, including, but not limited to the notices otherwise required by KRS 81A.420 (1), KRS 81A.425, and the sixty (60) day waiting period provided for in KRS 81A.420 (2); and OWNER further certifies that it is the sole owner of the property to be annexed as described in the attached Exhibit.

SIGNED this 24th day of February, 2016, by ~~the duly authorized~~ representative of _____
~~COMPANY NAME~~

By: Richard B. Frederick
~~Representative~~

STATE OF KENTUCKY

COUNTY OF HENDERSON ... SCT.

THE foregoing Consent to Annexation was signed and acknowledged before me, a notary public, by Richard B. Frederick of 613 Winchester Rd. Henderson Ky 42420, this 24th day of February, 2016.

My Commission expires 02-04-2018.

Patricia A. Brown
Notary Public Notary ID 503018

(Seal)

Exhibit A

613 Winchester Road
PVA ID # 46F-19

Being all of Lot # 19, Greenbrier Subdivision, Winchester Road, a final plat of which is recorded in Deed Book 258 at page 498, in the Henderson County Court Clerk's Office, to which map or plat reference is hereby made for a more particular description of the property. Being also the property conveyed to Richard Blake Frederick, by deed dated 7 March 2013 and recorded in Deed Book 595 at page 290 in said Clerk's office.

City of Henderson, Kentucky
CONSENT TO ANNEXATION

Lisa K Morris (OWNER), with offices at 607 Winchester Rd Henderson, Ky
Kentucky, 42420, is the owner of certain real property located at 607 Winchester Rd Henderson, Ky
in the County of Henderson, Kentucky and containing approximately _____ acres and designated as
PVA Parcel 46 F-18 which property is more particularly described on Exhibit "A" attached hereto;
and as said OWNER does hereby consent in writing to the annexation into the City of Henderson of said
property as described in said Exhibit. Also OWNER does hereby waive all notice requirements with
respect to such annexation, including, but not limited to the notices otherwise required by KRS
81A.420(1), KRS 81A.425, and the sixty (60) day waiting period provided for in KRS 81A.420(2); and
OWNER further certifies that it is the sole owner of the property to be annexed as described in the
attached Exhibit.

SIGNED this 2/9/16 day of _____, 2016, by the ~~duly~~ authorized
~~representative of~~ _____
COMPANY NAME

By: Lisa K Morris
Representative

STATE OF KENTUCKY

COUNTY OF HENDERSON ... SCT.

THE foregoing Consent to Annexation was signed and acknowledged before me, a notary public,
by Lisa K. Morris of 607 Winchester Road, Henderson, Ky, this 9th day
of February, 2016.

My Commission expires 02-04-2018

Patricia A. Brown
Notary Public Notary ID 503018

(Seal)

Exhibit A

607 Winchester Road
PVA ID # 46F-18

Being all of Lot # 18, Greenbrier Subdivision, Winchester Drive, a final plat of which is recorded in Deed Book 258 at page 498, in the Henderson County Court Clerk's Office, to which map or plat reference is hereby made for a more particular description of the property. Being also the property conveyed to Lisa K. Morris, by deed dated 11 March 2013 and recorded in Deed Book 595 at page 234 in said Clerk's office.

City of Henderson, Kentucky
CONSENT TO ANNEXATION

Heather L. Townsend is the owner of certain real property located at 1962 Springfield Drive, Henderson, KY 42420 in the County of Henderson, Kentucky and containing approximately 0.36 acres and designated as PVA Parcel 46F-15 which property is more particularly described on Exhibit "A" attached hereto; and as said OWNER does hereby consent in writing to the annexation into the City of Henderson of said property as described in said Exhibit. Also OWNER does hereby waive all notice requirements with respect to such annexation, including, but not limited to the notices otherwise required by KRS 81A.420 (1), KRS 81A.425, and the sixty (60) day waiting period provided for in KRS 81A.420 (2); and OWNER further certifies that it is the sole owner of the property to be annexed as described in the attached Exhibit.

SIGNED this 6th day of May, 2016, by the duly authorized representative of _____
COMPANY NAME

By: [Signature]
Representative

STATE OF KENTUCKY

COUNTY OF HENDERSON ... SCT.

THE foregoing Consent to Annexation was signed and acknowledged before me, a notary public, by Heather Townsend of 1962 Springfield Drive, Henderson, Ky, this 6th day of May, 2016.

My Commission expires 02-04-2018.

[Signature]
Notary Public
Notary ID# 52518

(Seal)

Exhibit A

1962 Springfield Drive
PVA ID # 46F-15

Being all of Lot # 15, Greenbrier Subdivision, Springfield Drive, a final plat of which is recorded in Deed Book 258 at page 498, in the Henderson County Court Clerk's Office, to which map or plat reference is hereby made for a more particular description of the property.

Being also the property conveyed to Heather L. Townsend, by deed dated 23 May 2013 and recorded in Deed Book 596 at page 579 in said Clerk's office.

City of Henderson, Kentucky
CONSENT TO ANNEXATION

Patricia Girtten is the owner of certain real property located at 1951 Springfield Drive, Henderson, KY 42420 in the County of Henderson, Kentucky and containing approximately 0.26 acres and designated as PVA Parcel 46F-9 which property is more particularly described on Exhibit "A" attached hereto; and as said OWNER does hereby consent in writing to the annexation into the City of Henderson of said property as described in said Exhibit. Also OWNER does hereby waive all notice requirements with respect to such annexation, including, but not limited to the notices otherwise required by KRS 81A.420 (1), KRS 81A.425, and the sixty (60) day waiting period provided for in KRS 81A.420 (2); and OWNER further certifies that it is the sole owner of the property to be annexed as described in the attached Exhibit.

SIGNED this 28th day of March, 2016, by the ~~duly authorized~~ representative of _____
~~COMPANY NAME~~

By: Patricia Girtten
~~Representative~~

STATE OF KENTUCKY

COUNTY OF HENDERSON ... SCT.

THE foregoing Consent to Annexation was signed and acknowledged before me, a notary public, by Patricia Girtten of 1951 Springfield Drive, Henderson, Ky, this 28th day of March, 2016.

My Commission expires 02-04-2018.

Patricia A Brown
Notary Public

(Seal)

Exhibit A

1951 Springfield Drive
PVA ID # 46F-9

Beginning at original rear corner between Lots 8 and 9 (shown as 2" pipe on plat); thence southerly with original side line 74.22 feet; thence back to rear line of Lot 8, N 4° 45' W, 75.9 feet to an iron pin; thence S 81° 27' E, 10 feet to the point of beginning, and being a portion of Lot No 8 of Greenbriar Subdivision as shown by plat recorded in Deed Book 244, page 336, in the Henderson County Court Clerk's Office, to which map or plat reference is hereby made for a more particular description of the property. Being also the property conveyed to Patricia Girtten, by deed dated 30 March 1973 and recorded in Deed Book 266 at page 509 in said Clerk's office.

City of Henderson, Kentucky
CONSENT TO ANNEXATION

Chastity D. Hobbs is the owner of certain real property located at 1981 Springfield Drive, Henderson, KY 42420 in the County of Henderson, Kentucky and containing approximately 0.27 acres and designated as PVA Parcel 46F-4 which property is more particularly described on Exhibit "A" attached hereto; and as said OWNER does hereby consent in writing to the annexation into the City of Henderson of said property as described in said Exhibit. Also OWNER does hereby waive all notice requirements with respect to such annexation, including, but not limited to the notices otherwise required by KRS 81A.420 (1), KRS 81A.425, and the sixty (60) day waiting period provided for in KRS 81A.420 (2); and OWNER further certifies that it is the sole owner of the property to be annexed as described in the attached Exhibit.

SIGNED this 1st day of June, 2016, ~~by the duly authorized~~
representative of Chastity D. Hobbs
COMPANY NAME

By: _____
~~Representative~~

STATE OF KENTUCKY

COUNTY OF HENDERSON... SCT.

THE foregoing Consent to Annexation was signed and acknowledged before me, a notary public,
by Julie Day of Oklahoma, this 1 day
of June, 2016

My Commission expires 11/06/2019

Julie Day
Notary Public



Exhibit A

1981 Springfield Drive
PVA ID # 46F-4

Being all of Lot # 4, Greenbrier Subdivision, Springfield Drive, a final plat of which is recorded in Deed Book 236 at page 395, in the Henderson County Court Clerk's Office, to which map or plat reference is hereby made for a more particular description of the property. Being also the property conveyed to Chastity D. Hobbs, unmarried, by deed dated 14 April 2000 and recorded in Deed Book 494 at page 518 in said Clerk's office.

City of Henderson, Kentucky
CONSENT TO ANNEXATION

Donald E Shelton, Sr. & Jeanie M. Shelton is the owner of certain real property located at 1987 Springfield Drive, Henderson, KY 42420 in the County of Henderson, Kentucky and containing approximately 0.26 acres and designated as PVA Parcel 45F-3 which property is more particularly described on Exhibit "A" attached hereto; and as said OWNER does hereby consent in writing to the annexation into the City of Henderson of said property as described in said Exhibit. Also OWNER does hereby waive all notice requirements with respect to such annexation, including, but not limited to the notices otherwise required by KRS 81A.420 (1), KRS 81A.425, and the sixty (60) day waiting period provided for in KRS 81A.420 (2); and OWNER further certifies that it is the sole owner of the property to be annexed as described in the attached Exhibit.

SIGNED this 26th day of May, 2016, ~~by the duly authorized representative of~~ _____
COMPANY NAME

By: Jeanie Shelton
Donald E Shelton Sr.
-Representative-

STATE OF KENTUCKY

COUNTY OF HENDERSON ... SCT.

THE foregoing Consent to Annexation was signed and acknowledged before me, a notary public, by Donald E Shelton, Jeanie M. Shelton of 1987 Springfield Drive Henderson Ky, this 26th day of May, 2016.

My Commission expires 02-04-2018.

Patricia A. Brun
Notary Public
Notary ID 503018

(Seal)

Exhibit A

1987 Springfield Drive
PVA ID # 46F-3

Being all of Lot # 3, Greenbrier Subdivision, Springfield Drive, a final plat of which is recorded in Deed Book 236 at page 395, in the Henderson County Court Clerk's Office, to which map or plat reference is hereby made for a more particular description of the property. Being also the property conveyed to Donald E. Shelton, Sr., and Jeanie M. Shelton, by deed dated 8 October 2010 and recorded in Deed Book 578 at page 366 in said Clerk's office.

City of Henderson, Kentucky
CONSENT TO ANNEXATION

Joe Middleton, Jr. & Betty J. Middleton is the owner of certain real property located at 1993 Springfield Drive, Henderson, KY 42420 in the County of Henderson, Kentucky and containing approximately 0.25 acres and designated as PVA Parcel 46F-2 which property is more particularly described on Exhibit "A" attached hereto; and as said OWNER does hereby consent in writing to the annexation into the City of Henderson of said property as described in said Exhibit. Also OWNER does hereby waive all notice requirements with respect to such annexation, including, but not limited to the notices otherwise required by KRS 81A.420 (1), KRS 81A.425, and the sixty (60) day waiting period provided for in KRS 81A.420 (2); and OWNER further certifies that it is the sole owner of the property to be annexed as described in the attached Exhibit.

SIGNED this 11th day of February, 2016, by the ~~duly~~ authorized representative of _____

~~COMPANY NAME~~

Betty J. Middleton
By: Joe Middleton, Jr.
Representative

STATE OF KENTUCKY

COUNTY OF HENDERSON ... SCT.

THE foregoing Consent to Annexation was signed and acknowledged before me, a notary public, by Joe Middleton, Jr. & Betty J. Middleton of 1993 Springfield Drive, Henderson Ky 42420, this 11th day of February, 2016.

My Commission expires 02-04-18.

Patricia A. Brown
Notary Public

(Seal)

Exhibit A

1993 Springfield Drive
PVA ID # 46F-2

Being all of Lot # 2, Greenbrier Subdivision, Springfield Drive, a final plat of which is recorded in Deed Book 258 at page 498, in the Henderson County Court Clerk's Office, to which map or plat reference is hereby made for a more particular description of the property. Being also the property conveyed to Joe N. Middleton Jr., and Betty Jane Middleton, by deed dated 28 April 1969 and recorded in Deed Book 242 at page 72 in said Clerk's office.

City of Henderson, Kentucky
CONSENT TO ANNEXATION

Lisa Thompson Meyer is the owner of certain real property located at 1999 Springfield Drive, Henderson, KY 42420 in the County of Henderson, Kentucky and containing approximately 0.25 acres and designated as PVA Parcel 46F-1 which property is more particularly described on Exhibit "A" attached hereto; and as said OWNER does hereby consent in writing to the annexation into the City of Henderson of said property as described in said Exhibit. Also OWNER does hereby waive all notice requirements with respect to such annexation, including, but not limited to the notices otherwise required by KRS 81A.420 (1), KRS 81A.425, and the sixty (60) day waiting period provided for in KRS 81A.420 (2); and OWNER further certifies that it is the sole owner of the property to be annexed as described in the attached Exhibit.

SIGNED this 02 day of June, 2016, by the duly authorized representative of _____
~~COMPANY NAME~~

By Lisa Thompson Meyer
Representative

STATE OF KENTUCKY
COUNTY OF HENDERSON ... SCT.

THE foregoing Consent to Annexation was signed and acknowledged before me, a notary public, by Lisa Thompson Meyer of Henderson Ky 42420, this 02 day of June, 2016.

My Commission expires 02-04-2018.

Patricia O. Brown
Notary Public Notary ID 503014

(Seal)

Exhibit A

1999 Springfield Drive
PVA ID # 46F-1

Being all of Lot # 1, Greenbrier Subdivision, Springfield Drive, a final plat of which is recorded in Deed Book 236 at page 395, in the Henderson County Court Clerk's Office, to which map or plat reference is hereby made for a more particular description of the property. Being also the property conveyed to Chastity D. Hobbs, unmarried, by deed dated 3 June 2014 and recorded in Deed Book 603 at page 958 in said Clerk's office.

City of Henderson, Kentucky
CONSENT TO ANNEXATION

Corbell-Bryant, Inc. are the owners of certain real property located at
619 Winchester Road, Henderson, KY 42420 in the County of Henderson, Kentucky and
containing approximately 0.24 acres and designated as PVA Parcel 46F-20 which property
is more particularly described on Exhibit "A" attached hereto; and as said OWNER does hereby consent in
writing to the annexation into the City of Henderson of said property as described in said Exhibit. Also
OWNER does hereby waive all notice requirements with respect to such annexation, including, but not
limited to the notices otherwise required by KRS 81A.420 (1), KRS 81A.425, and the sixty (60) day waiting
period provided for in KRS 81A.420 (2); and OWNER further certifies that it is the sole owner of the
property to be annexed as described in the attached Exhibit.

SIGNED this 23 day of Feb, 2016, by the duly authorized
representative of Corbell & Bryant ✓.
COMPANY NAME

By: David P Phillips ✓
Representative

STATE OF KENTUCKY

COUNTY OF HENDERSON ... SCT.

THE foregoing Consent to Annexation was signed and acknowledged before me, a notary public,
by DAVID P PHILLIPS of EVANSVILLE, IN, this 23 day
of FEB, 2016.

My Commission expires 10/25/17.

James Mullin
Notary Public

(Seal)

Exhibit A

619 Winchester Road
PVA ID # 46F-20

Being all of Lot # 20, Greenbrier Subdivision, Winchester Road, a final plat of which is recorded in Deed Book 258 at page 498, in the Henderson County Court Clerk's Office, to which map or plat reference is hereby made for a more particular description of the property.

City of Henderson, Kentucky
CONSENT TO ANNEXATION

Corbell-Bryant, Inc. are the owners of certain real property located at
604 Winchester Road, Henderson, KY 42420 in the County of Henderson, Kentucky and
containing approximately 0.35 acres and designated as PVA Parcel 46F-25 which property
is more particularly described on Exhibit "A" attached hereto; and as said OWNER does hereby consent in
writing to the annexation into the City of Henderson of said property as described in said Exhibit. Also
OWNER does hereby waive all notice requirements with respect to such annexation, including, but not
limited to the notices otherwise required by KRS 81A.420 (1), KRS 81A.425, and the sixty (60) day waiting
period provided for in KRS 81A.420 (2); and OWNER further certifies that it is the sole owner of the
property to be annexed as described in the attached Exhibit.

SIGNED this 23 day of Feb, 2016, by the duly authorized
representative of Corbell & Bryant
COMPANY NAME

By: Patricia C. Phillips
Representative

STATE OF KENTUCKY

COUNTY OF HENDERSON ... SCT.

THE foregoing Consent to Annexation was signed and acknowledged before me, a notary public,
by PATRICIA PHILLIPS of EVANSVILLE IN, this 23 day
of FEB, 2016.

My Commission expires 10/25/17.

Jana Miller
Notary Public

(Seal)

Exhibit A

604 Winchester Road
PVA ID # 46F-25

Being all of Lot # 25, Greenbrier Subdivision, Winchester Road, a final plat of which is recorded in Plat Book 10 at Page 36A, in the Henderson County Court Clerk's Office, to which map or plat reference is hereby made for a more particular description of the property.

City of Henderson, Kentucky
CONSENT TO ANNEXATION

Corbell-Bryant, Inc. are the owners of certain real property located at
1954 Springfield Drive, Henderson, KY 42420 in the County of Henderson, Kentucky and
containing approximately 0.40 acres and designated as PVA Parcel 46F-13 which property
is more particularly described on Exhibit "A" attached hereto; and as said OWNER does hereby consent in
writing to the annexation into the City of Henderson of said property as described in said Exhibit. Also
OWNER does hereby waive all notice requirements with respect to such annexation, including, but not
limited to the notices otherwise required by KRS 81A.420 (1), KRS 81A.425, and the sixty (60) day waiting
period provided for in KRS 81A.420 (2); and OWNER further certifies that it is the sole owner of the
property to be annexed as described in the attached Exhibit.

SIGNED this 23 day of Feb, 2016, by the duly authorized
representative of Corbell & Bryant
COMPANY NAME

By: Patricia Phillips
Representative

STATE OF KENTUCKY

COUNTY OF HENDERSON ... SCT.

THE foregoing Consent to Annexation was signed and acknowledged before me, a notary public,
by PATRICIA PHILLIPS of EVANSVILLE, IN, this 23 day
of FEB, 2016.

My Commission expires 10/25/17.

Jessica Miller
Notary Public

(Seal)

Exhibit A

1954 Springfield Drive
PVA ID # 46F-13

Being all of Lot # 13, Greenbrier Subdivision, Springfield Drive, a final plat of which is recorded in Deed Book 258 at page 498, in the Henderson County Court Clerk's Office, to which map or plat reference is hereby made for a more particular description of the property.

City of Henderson, Kentucky
CONSENT TO ANNEXATION

Patricia Corbell Phillips (OWNER) is the owner of certain real property located at 3649 US Hwy 41 A, Henderson, KY 42420 in the County of Henderson, Kentucky and containing approximately 2.9 acres and designated as PVA Parcel 46-131 which property is more particularly described on Exhibit "A" attached hereto; and as said OWNER does hereby consent in writing to the annexation into the City of Henderson of said property as described in said Exhibit. Also OWNER does hereby waive all notice requirements with respect to such annexation, including, but not limited to the notices otherwise required by KRS 81A.420 (1), KRS 81A.425, and the sixty (60) day waiting period provided for in KRS 81A.420 (2); and OWNER further certifies that it is the sole owner of the property to be annexed as described in the attached Exhibit.

SIGNED this 23 day of Feb, 2016, by the duly authorized representative of Corbell & Bryant
COMPANY NAME

By: Patricia C. Phillips
Representative

STATE OF KENTUCKY

COUNTY OF HENDERSON ... SCT.

THE foregoing Consent to Annexation was signed and acknowledged before me, a notary public, by PATRICIA PHILLIPS of EVANSVILLE, IN, this 23 day of FEB, 2016.

My Commission expires 10/25/17

James Muller
Notary Public

(Seal)

Exhibit A

3649 US Highway 41 A

PVA ID # 46-131

Beginning at a point in the northeasterly right of way line of U.S. highway 41A, corner to the Kasey Brothers property, and running thence with the line of Kasey Brothers S 60 E 546.2 feet to an iron pin, corner with H.E. Ferrill, thence with Ferrill's line S 42-45 W 315.4 feet to an iron pin in the Northeasterly right of way line of said highway, corner with Ferrill, and thence with the curve of said highway in a northwesterly direction 571 feet to the beginning, containing 1.95 acres, more or less. Being also the property conveyed to Patricia Corbell Phillips, by deed dated 12 January 1962 and recorded in Deed Book 204 at page 450 in Henderson County Court Clerk's office.

City of Henderson, Kentucky
CONSENT TO ANNEXATION

Gladys L. Cox is the owner of certain real property located at 1956 Springfield Drive, Henderson, KY 42420 in the County of Henderson, Kentucky and containing approximately 0.34 acres and designated as PVA Parcel 46F-14 which property is more particularly described on Exhibit "A" attached hereto; and as said OWNER does hereby consent in writing to the annexation into the City of Henderson of said property as described in said Exhibit. Also OWNER does hereby waive all notice requirements with respect to such annexation, including, but not limited to the notices otherwise required by KRS 81A.420 (1), KRS 81A.425, and the sixty (60) day waiting period provided for in KRS 81A.420 (2); and OWNER further certifies that it is the sole owner of the property to be annexed as described in the attached Exhibit.

SIGNED this 4th day of MAY, 2016, by the ~~duly authorized~~ representative of _____
COMPANY NAME

BY: Richard W. Cox (POA)
Son - Representative for Gladys L. Cox

STATE OF KENTUCKY

COUNTY OF HENDERSON .. SCT.

THE foregoing Consent to Annexation was signed and acknowledged before me, a notary public, by Richard W. Cox for Gladys L. Cox of 1956 Springfield Drive, Henderson Ky, this 4th day of May, 2016.

My Commission expires 02-04-2018.

Patricia A. Brown
Notary Public ID 503018

{Seal}

Exhibit A

1956 Springfield Drive

PVA ID # 46F-14

Being all of Lot # 14, Greenbrier Subdivision, Springfield Drive, a final plat of which is recorded in Deed Book 258 at page 498, in the Henderson County Court Clerk's Office, to which map or plat reference is hereby made for a more particular description of the property.

Being also the property conveyed to Richard W. Cox and his wife, Gladys L. Cox, by deed dated 1 August 1975 and recorded in Deed Book 279 at page 469 in said Clerk's office.

City of Henderson, Kentucky
CONSENT TO ANNEXATION

Alan E. & Barbara Holeman (OWNER) is the owner of certain real property located at 664 US Hwy 41 A, Henderson, KY 42420 in the County of Henderson, Kentucky and containing approximately 2.79 acres and designated as PVA Parcel 46B-15 which property is more particularly described on Exhibit "A" attached hereto; and as said OWNER does hereby consent in writing to the annexation into the City of Henderson of said property as described in said Exhibit. Also OWNER does hereby waive all notice requirements with respect to such annexation, including, but not limited to the notices otherwise required by KRS 81A.420 (1), KRS 81A.425, and the sixty (60) day waiting period provided for in KRS 81A.420 (2); and OWNER further certifies that it is the sole owner of the property to be annexed as described in the attached Exhibit.

SIGNED this 8th day of June, 2016, by the duly authorized representative of Barbara S. Holeman & Alan E. Holeman
COMPANY NAME Barbara S. Holeman
By: Alan E. Holeman
Representative

STATE OF KENTUCKY

COUNTY OF HENDERSON ... SCT.

THE foregoing Consent to Annexation was signed and acknowledged before me, a notary public, by Alan E. Holeman & Barbara S. Holeman of Henderson, Ky 42420, this 8th day of June, 2016.

My Commission expires 02-04-2018.

Patricia A. Brown
Notary Public

(Seal)

Exhibit A

664 Highway 41A
PVA ID # **46B-15**

A parcel of land in Henderson County, Kentucky, located on US 41A south of Henderson to-wit:

Beginning at a point with Joe Blalock, Lohman and Johnson Drilling Company and O'Grady Street as shown on the plat in the Henderson Tax Commissioner's Office and running from said point with Lohman and Johnson in a southwesterly direction approximately 300 feet to a point with Lohman and Johnson and a creek; thence in a northwesterly direction with said creek as it meanders approximately 145 feet to a point with said creek and Lige Coffman; thence in a northeasterly direction approximately 300 feet to a point with Blalock and Coffman; thence in a southeasterly direction with Blalock to the point of beginning and containing one (1) acre, more or less.

Being also the property conveyed to Alan E. Holeman and Barbara S. Holeman, by deed dated 20 July 2000 and recorded in Deed Book 499 at page 351 in said Clerk's office.

City of Henderson, Kentucky
CONSENT TO ANNEXATION

Elva L. Shockley is the owner of certain real property located at 1975 Springfield Drive, Henderson, KY 42420 in the County of Henderson, Kentucky and containing approximately 0.27 acres and designated as PVA Parcel 46F-5 which property is more particularly described on Exhibit "A" attached hereto; and as said OWNER does hereby consent in writing to the annexation into the City of Henderson of said property as described in said Exhibit. Also OWNER does hereby waive all notice requirements with respect to such annexation, including, but not limited to the notices otherwise required by KRS 81A.420 (1), KRS 81A.425, and the sixty (60) day waiting period provided for in KRS 81A.420 (2); and OWNER further certifies that it is the sole owner of the property to be annexed as described in the attached Exhibit.

SIGNED this 21st day of June, 2016, ~~by the duly authorized~~
representative of _____
~~COMPANY NAME~~

By: X Elva L Shockley
~~Representative~~

STATE OF KENTUCKY

COUNTY OF HENDERSON ... SCT.

THE foregoing Consent to Annexation was signed and acknowledged before me, a notary public, 42420
by Elva L. Shockley of 1975 Springfield Drive Henderson, KY, this 21st day
of June, 2016.

My Commission expires 4/21/2016.

Kathleen Andrews
Notary Public
Notary # 555551

(Seal)

Exhibit A

1975 Springfield Drive
PVA ID # 46F-5

Being all of Lot # 5, Greenbrier Subdivision, Springfield Drive, a final plat of which is recorded in Deed Book 244 at page 336, in the Henderson County Court Clerk's Office, to which map or plat reference is hereby made for a more particular description of the property. Being also the property conveyed to Richard R. Shockley, and wife, Elva L. Shockley, by deed dated 29 October 1999 and recorded in Deed Book 490 at page 317 in said Clerk's office.

City of Henderson, Kentucky

CONSENT TO ANNEXATION

Jason S. and Christy Dawn Lynn is the owner of certain real property located at 1939 Springfield Drive, Henderson, KY 42420 in the County of Henderson, Kentucky and containing approximately 0.26 acres and designated as PVA Parcel 46F-11 which property is more particularly described on Exhibit "A" attached hereto; and as said OWNER does hereby consent in writing to the annexation into the City of Henderson of said property as described in said Exhibit. Also OWNER does hereby waive all notice requirements with respect to such annexation, including, but not limited to the notices otherwise required by KRS 81A.420 (1), KRS 81A.425, and the sixty (60) day waiting period provided for in KRS 81A.420 (2); and OWNER further certifies that it is the sole owner of the property to be annexed as described in the attached Exhibit.

SIGNED this 12th day of July, 2016, by the duly authorized representative of _____

COMPANY NAME

By: X Jason S. Lynn
X Christy Dawn Lynn
Representative

STATE OF KENTUCKY

COUNTY OF HENDERSON ... SCT.

THE foregoing Consent to Annexation was signed and acknowledged before me, a notary public, by Jason S. & Christy Dawn Lynn of 1939 Springfield Dr. Henderson Ky, this 12th day of July, 2016.

My Commission expires 02-04-2018

Patricia A. Brown
Notary Public Notary ID 502018

(Seal)

Exhibit A

1939 Springfield Drive
PVA ID # 46F-11

Being all of Lot # 11, Greenbrier Subdivision, Springfield Drive, a final plat of which is recorded in Deed Book 258 at page 498, in the Henderson County Court Clerk's Office, to which map or plat reference is hereby made for a more particular description of the property. Being also the property conveyed to Jason Stephen Lynn and wife, Christy Dawn Lynn, by deed dated 25 March 2013 and recorded in Deed Book 595 at page 445 in said Clerk's office.

City of Henderson, Kentucky
CONSENT TO ANNEXATION

Billie J. and Eric Corbell (OWNER) is the owner of certain real property located at 660 US Hwy 41 A, Henderson, KY 42420 in the County of Henderson, Kentucky and containing approximately 1.48 acres and designated as PVA Parcel 46B-54 which property is more particularly described on Exhibit "A" attached hereto; and as said OWNER does hereby consent in writing to the annexation into the City of Henderson of said property as described in said Exhibit. Also OWNER does hereby waive all notice requirements with respect to such annexation, including, but not limited to the notices otherwise required by KRS 81A.420 (1), KRS 81A.425, and the sixty (60) day waiting period provided for in KRS 81A.420 (2); and OWNER further certifies that it is the sole owner of the property to be annexed as described in the attached Exhibit.

SIGNED this 13th day of July, 2016, by ~~the duly authorized~~
~~representative of~~ _____
COMPANY NAME

By: [Signature] by P.O.A.
Representative
[Signature]

STATE OF KENTUCKY

COUNTY OF HENDERSON ... SCT.

THE foregoing Consent to Annexation was signed and acknowledged before me, a notary public, by Eric Corbell POA for Billie J Corbell
Eric Corbell of Henderson Ky 42420, this 13th day of July, 2016.

My Commission expires 02-04-2019.

Patricia A. Brown
Notary Public Notary ID 503018

(Seal)

Exhibit A

660 Highway 41A
PVA ID # 46B-45

The following described real property, improvements and appurtenances, located in Henderson County, Kentucky, to-wit:

The following described real estate located in Henderson County, Kentucky, to-wit:

Lying on the south side of U. S. Highway 41-A and beginning at a stake on the northeast corner of that certain one-acre lot conveyed to Grantor by James R. Head, et al, recorded as set out below; thence in a northwesterly direction along the southerly right-of-way of U. S. Highway 41-A a distance of 25 feet; thence at a right angle in a southwesterly direction a distance of 30 feet to a stake; thence at a right angle in a southeasterly direction a distance of 25 feet to the southerly line of said one acre lot; thence at a right angle in a northeasterly direction along the southerly line of said one-acre lot a distance of 30 feet to the place of beginning.

Being also the property conveyed to B.J. Corbell, by deed dated 30 August 2002 and recorded in Deed Book 516 at page 162 in said Clerk's office, and as conveyed to Eric E. Corbell, by deed dated 26 March 1993 and recorded in Deed Book 516 at page 73.

And, the following described real estate located in Henderson County, Kentucky, to-wit:

Said lot fronts 208 feet 8-1/4 inches, more or less, on the south side of Federal Highway No. 41, and runs back that width 208 feet, 8-1/4 inches, and sufficiently far to make said lot one acre square. A post marks the eastern corner of the lot in the right-of-way of said Highway 41, and said lot runs in a westerly direction with the right-of-way of said Highway 41, from said post 208 feet 8-1/4 inches, more or less.

Being also the property conveyed to B.J. Corbell and Eric E. Corbell, by deed dated 8 January 1990 and recorded in Deed Book 403 at page 3 in said Clerk's office.

City of Henderson, Kentucky
CONSENT TO ANNEXATION

Image Properties, LLC (OWNER) is the owner of certain real property located at 600 US Hwy 41 A, Henderson, KY 42420 in the County of Henderson, Kentucky and containing approximately 1.11 acres and designated as PVA Parcel 46-100 which property is more particularly described on Exhibit "A" attached hereto; and as said OWNER does hereby consent in writing to the annexation into the City of Henderson of said property as described in said Exhibit. Also OWNER does hereby waive all notice requirements with respect to such annexation, including, but not limited to the notices otherwise required by KRS 81A.420 (1), KRS 81A.425, and the sixty (60) day waiting period provided for in KRS 81A.420 (2); and OWNER further certifies that it is the sole owner of the property to be annexed as described in the attached Exhibit.

SIGNED this 5 day of July, 2016, by the duly authorized representative of Image Properties, LLC
COMPANY NAME

By: [Signature]
Representative

STATE OF KENTUCKY

COUNTY OF HENDERSON ... SCT.

THE foregoing Consent to Annexation was signed and acknowledged before me, a notary public, by Jim ESTES of Image Properties, LLC, this 5th day of July, 2016.

My Commission expires 10/18/19.

[Signature]
Notary Public

(Seal)

Exhibit A

600 Highway 41A

PVA ID # 46-100

Being Lot 2 of Dietz Minor Subdivision, a plat of which is recorded in Plat Book 6 at page 51, Henderson County Clerk's Office, and to which plat reference is hereby made for a more particular description of the property.

Being also the property conveyed to Midatlantic Limited Properties, by deed dated 19 March 2003 and recorded in Deed Book 521 at page 303 in said Clerk's office.

City of Henderson, Kentucky
CONSENT TO ANNEXATION

TKO Properties, LLC is the owner of certain real property located at 1945 Springfield Drive, Henderson, KY 42420 in the County of Henderson, Kentucky and containing approximately 0.26 acres and designated as PVA Parcel 46F-10 which property is more particularly described on Exhibit "A" attached hereto; and as said OWNER does hereby consent in writing to the annexation into the City of Henderson of said property as described in said Exhibit. Also OWNER does hereby waive all notice requirements with respect to such annexation, including, but not limited to the notices otherwise required by KRS 81A.420 (1), KRS 81A.425, and the sixty (60) day waiting period provided for in KRS 81A.420 (2); and OWNER further certifies that it is the sole owner of the property to be annexed as described in the attached Exhibit.

SIGNED this 11th day of July, 2016, by the duly authorized representative of TKO Properties, LLC.
COMPANY NAME

By: P.W. Owsley
Representative

STATE OF KENTUCKY

COUNTY OF HENDERSON ... SCT.

THE foregoing Consent to Annexation was signed and acknowledged before me, a notary public, by P.W. Owsley, TKO Properties LLC of Henderson, Ky, this 11th day of July, 2016.

My Commission expires 02-04-2018.

Patricia A. Brown
Notary Public Notary ID 503018

(Seal)

Exhibit A

1945 Springfield Drive
PVA ID # 46F-10

Being all of Lot # 10, Greenbrier Subdivision, Springfield Drive, a final plat of which is recorded in Deed Book 258 at page 498, in the Henderson County Court Clerk's Office, to which map or plat reference is hereby made for a more particular description of the property. Being also the property conveyed to TKO Properties, LLC, by deed dated 24 April 2014 and recorded in Deed Book 603 at page 252 in said Clerk's office.

City of Henderson, Kentucky
CONSENT TO ANNEXATION

Bobby & Jonna L. Langston is the owner of certain real property located at 1933 Springfield Drive, Henderson, KY 42420 in the County of Henderson, Kentucky and containing approximately 1.60 acres and designated as PVA Parcel 46F-12 which property is more particularly described on Exhibit "A" attached hereto; and as said OWNER does hereby consent in writing to the annexation into the City of Henderson of said property as described in said Exhibit. Also OWNER does hereby waive all notice requirements with respect to such annexation, including, but not limited to the notices otherwise required by KRS 81A.420 (1), KRS 81A.425, and the sixty (60) day waiting period provided for in KRS 81A.420 (2); and OWNER further certifies that it is the sole owner of the property to be annexed as described in the attached Exhibit.

SIGNED this 29th day of June, 2016, by the duly authorized representative of _____
COMPANY NAME

By: [Signature]
Jonna L. Langston
Representative

STATE OF KENTUCKY

COUNTY OF HENDERSON ... SCT.

THE foregoing Consent to Annexation was signed and acknowledged before me, a notary public, by Bobby & Jonna L. Langston of 1933 Springfield Drive Henderson, Ky, this 29th day of June, 2016.

My Commission expires 02-04-2018.

[Signature]
Notary Public Notary ID# 523018

(Seal)

Exhibit A

1933 Springfield Drive
PVA ID # 46F-12

Being all of Lot # 12, Greenbrier Subdivision, Springfield Drive, a final plat of which is recorded in Deed Book 258 at page 498, in the Henderson County Court Clerk's Office, to which map or plat reference is hereby made for a more particular description of the property. Being also the property conveyed to Bobby Langston and Jonna L. Langston, husband and wife, by deed dated July 1999 and recorded in Deed Book 487 at page 418 in said Clerk's office.

City of Henderson, Kentucky
CONSENT TO ANNEXATION

David Wade Miller is the owner of certain real property located at 1968 Springfield Drive, Henderson, KY 42420 in the County of Henderson, Kentucky and containing approximately 0.28 acres and designated as PVA Parcel 46F-16 which property is more particularly described on Exhibit "A" attached hereto; and as said OWNER does hereby consent in writing to the annexation into the City of Henderson of said property as described in said Exhibit. Also OWNER does hereby waive all notice requirements with respect to such annexation, including, but not limited to the notices otherwise required by KRS 81A.420 (1), KRS 81A.425, and the sixty (60) day waiting period provided for in KRS 81A.420 (2); and OWNER further certifies that it is the sole owner of the property to be annexed as described in the attached Exhibit.

SIGNED this 15th day of July, 2016, by ~~the duly authorized~~ representative of _____
COMPANY NAME

By:  _____
Representative

STATE OF KENTUCKY
COUNTY OF HENDERSON ... SCT.

THE foregoing Consent to Annexation was signed and acknowledged before me, a notary public, by David Wade Miller of Henderson, Ky, this 15th day of July, 2016.

My Commission expires 02-04-2018

Patricia A. Brown
Notary Public
Notary ID 503018

(Seal)

Exhibit A

1968 Springfield Drive

PVA ID # 46F-16

Being all of Lot # 16, Greenbrier Subdivision, Springfield Drive, a final plat of which is recorded in Deed Book 258 at page 498, in the Henderson County Court Clerk's Office, to which map or plat reference is hereby made for a more particular description of the property. Being also the property conveyed to David Wade Miller, by deed dated 15 April 2009 and recorded in Deed Book 568 at page 685 in said Clerk's office.

City of Henderson, Kentucky
CONSENT TO ANNEXATION

Derna Jean Gilles and Lorante Simeon are the owners of certain real property located at 601 Winchester Road, Henderson, KY 42420 in the County of Henderson, Kentucky and containing approximately 0.28 acres and designated as PVA Parcel 46F-17 which property is more particularly described on Exhibit "A" attached hereto; and as said OWNER does hereby consent in writing to the annexation into the City of Henderson of said property as described in said Exhibit. Also OWNER does hereby waive all notice requirements with respect to such annexation, including, but not limited to the notices otherwise required by KRS 81A.420 (1), KRS 81A.425, and the sixty (60) day waiting period provided for in KRS 81A.420 (2); and OWNER further certifies that it is the sole owner of the property to be annexed as described in the attached Exhibit.

SIGNED this 25th day of April, 2016, by the duly authorized ~~representative of~~ _____
~~-COMPANY NAME-~~

By: Derna Jean Gilles
Representative

STATE OF KENTUCKY

COUNTY OF HENDERSON ... SCT.

THE foregoing Consent to Annexation was signed and acknowledged before me, a notary public, by Derna Jean Gilles of 601 Winchester Road, Ky 42420, this 25th day of April, 2016.

My Commission expires 02-04-2019

Patricia A. Brown
Notary Public

(Seal)

Exhibit A

601 Winchester Road
PVA ID # 46F-17

Being all of Lot # 17, Greenbrier Subdivision, Winchester Road, a final plat of which is recorded in Deed Book 258 at page 498, in the Henderson County Court Clerk's Office, to which map or plat reference is hereby made for a more particular description of the property.

Being also the property conveyed to Derna Jean Gilles and Lorante Simeon, by deed dated December 2006 and recorded in Deed Book 553 at page 98 in said Clerk's office.

City of Henderson, Kentucky
CONSENT TO ANNEXATION

Stinson Group LLC
~~Pea Ridge Waste Management LLC~~ (OWNER) is the owner of certain real property located at 608 US Hwy 41 A, Henderson, KY 42420 in the County of Henderson, Kentucky and containing approximately 2.32 acres and designated as PVA Parcel 46-100.1 which property is more particularly described on Exhibit "A" attached hereto; and as said OWNER does hereby consent in writing to the annexation into the City of Henderson of said property as described in said Exhibit. Also OWNER does hereby waive all notice requirements with respect to such annexation, including, but not limited to the notices otherwise required by KRS 81A.420 (1), KRS 81A.425, and the sixty (60) day waiting period provided for in KRS 81A.420 (2); and OWNER further certifies that it is the sole owner of the property to be annexed as described in the attached Exhibit.

SIGNED this 27th day of May, 2016, by the duly authorized representative of Stinson Group LLC
COMPANY NAME

By: Matthew Stinson partner
Representative

STATE OF KENTUCKY

COUNTY OF HENDERSON ... SCT.

THE foregoing Consent to Annexation was signed and acknowledged before me, a notary public, by Matthew Stinson of Stinson Group LLC, this 27 day of May, 2016.

My Commission expires 02-04-2018

Patricia A. Brown
Notary Public

(Seal)

Exhibit A

608 Highway 41A
PVA ID # 46-100.1

A parcel of land in Henderson County, Kentucky, located on US 41A south of Henderson, and being a portion of the former Hampton Kasey property:

BEGINNING at an iron pin set in the west right-of-way line of said U. S. Highway 41-A, said iron pin being located 35 feet west of the centerline of the existing pavement of said U. S. Highway 41-A, being the south-east corner of the Carl & Emma Lou Dietz property as recorded in Deed Book 233, page 228, in the Henderson County Court Clerk's Office, and being in an offset in said right-of-way line; thence with said offset, north 52 degrees 59 minutes 30 seconds west, a distance of 15.19 feet to an iron pin found at the northeast corner of the Michael Chambers property as recorded in Deed Book 293, page 488; thence with said Chambers property, north 52 degrees 59 minutes 30 seconds west, a distance of 488.59 feet to an iron pin set in the east right-of-way line of said South Collier Street, being located 25 feet east of the centerline of the existing pavement of said street, and being in a curve to the left in said right-of-way line; thence with said right-of-way line; running parallel with and 25 feet east of said centerline, around said curve in a counterclockwise direction having a delta angle of 22 degrees 12 minutes 45 seconds, an arc distance of 208.36 feet, a radius of 537.46 feet and a chord of north 32 degrees 52 minutes 09 seconds east, a distance of 207 .06 feet to an iron pin set in said right-of-way line and being the end of said curve; thence continuing with said right-of-way line, running parallel with and 25 feet east of said centerline, north 21 degrees 47 minutes 16 seconds east, a distance of 12.27 feet to the beginning of another curve to the left; parallel with 25 feet east of said centerline, around said second curve in a counterclockwise direction having a delta angle of 01 degrees 49 minutes 52 seconds, an arc distance of 45.09 feet, a radius of 1411.03 feet, and a chord of north 21 degrees 30 minutes 26 seconds east, a distance of 45.09 feet to an iron pin set in said right-of-way line and being a corner to Lot 1 of this division; thence with said Lot 1, south 73 degrees 32 minutes 08 seconds east, a distance of 186.32 feet to an iron pin set in the west right-of-way line of said U.S. Highway 41-A, said iron pin being located 35 feet west of the centerline of the existing payment and being in a curve to the left in said right-of-way line; thence around said curve in a counterclockwise direction having, a delta angle of 07 degrees 06 minutes 38 seconds, an arc distance of 486.43 feet, a radius of 3919.64 feet, and a chord of south 10 degrees 41 minutes 14 seconds east, a distance of 486.12 feet to the point of beginning containing 101,236 square feet or 2.3241 acres and being subject to all legal written and unwritten easements and rights of way. This description was prepared from a physical survey conducted by Dennis E. Branson, KY RLS #2532 on January 8, 1991.

Being Lot 2 of Dietz Minor Subdivision, a plat of which Subdivision, duly approved by Henderson City-County Planning Commission, is of record in Plat Book 6 at page 51, Henderson County Clerk's Office. See also Zoning Variance of record in Deed Book 412, at page 51, said Clerk's Office.

Being also the property conveyed to Pea Ridge Waste Management, LLC, by deed dated 6 December 2012 and recorded in Deed Book 593 at page 950 in said Clerk's office.

City of Henderson, Kentucky
CONSENT TO ANNEXATION

D.E. and Lillian F. Hout (OWNER) is the owner of certain real property located at 670 US Hwy 41 A, Henderson, KY 42420 in the County of Henderson, Kentucky and containing approximately 0.40 acres and designated as PVA Parcel 46B-60 which property is more particularly described on Exhibit "A" attached hereto; and as said OWNER does hereby consent in writing to the annexation into the City of Henderson of said property as described in said Exhibit. Also OWNER does hereby waive all notice requirements with respect to such annexation, including, but not limited to the notices otherwise required by KRS 81A.420 (1), KRS 81A.425, and the sixty (60) day waiting period provided for in KRS 81A.420 (2); and OWNER further certifies that it is the sole owner of the property to be annexed as described in the attached Exhibit.

SIGNED this 13 day of April, 2016, by ~~the duly authorized~~
~~representative of~~ D E Hout & Lillian F Hout.
~~COMPANY NAME~~

By: Lillian Hout - D E Hout
~~Representative~~

STATE OF KENTUCKY

COUNTY OF HENDERSON ... SCT.

THE foregoing Consent to Annexation was signed and acknowledged before me, a notary public, by DE & Lillian F Hout of Henderson, Ky, this 13 day of April, 2016.

My Commission expires 2/19/20

Jo Laene Shellen
Notary Public

(Seal)

Exhibit A

670 Hwy 41A South
PVA ID # 46B-60

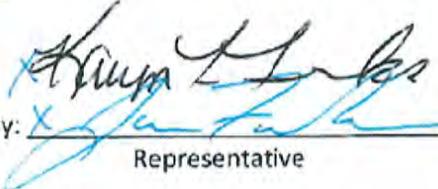
Being Lots Nos. 7, 8, 9, 83 & 84 of the Finley Addition to the City of Henderson, shown by plat thereof recorded in Deed Book 101, at Page 12, in the Henderson County Court Clerk's Office, to which map or plat reference is hereby made for a more particular description of the property. Lots 7, 8 and 9 front 25 feet each, on the southwest side of Highway 41-A and extend back said width 140 feet, more or less; and Lots. Nos. 83 and 84 front 25 feet each, on the northeast side of O'Grady Street and extend back said width 140 feet and adjoin Lots Nos. 7 and 8 in the rear.

Being also the property conveyed to D.E. Hout and Lillian F. Hout, husband and wife, by deed dated 5 November 1997 and recorded in Deed Book 485 at page 650 in said Clerk's office.

City of Henderson, Kentucky
CONSENT TO ANNEXATION

James E. and Karyn F. Franks (OWNER) is the owner of certain real property located at 625 US Hwy 41 A, Henderson, KY 42420 in the County of Henderson, Kentucky and containing approximately 4.34 acres and designated as PVA Parcel 46-134 which property is more particularly described on Exhibit "A" attached hereto; and as said OWNER does hereby consent in writing to the annexation into the City of Henderson of said property as described in said Exhibit. Also OWNER does hereby waive all notice requirements with respect to such annexation, including, but not limited to the notices otherwise required by KRS 81A.420 (1), KRS 81A.425, and the sixty (60) day waiting period provided for in KRS 81A.420 (2); and OWNER further certifies that it is the sole owner of the property to be annexed as described in the attached Exhibit.

SIGNED this 12th day of May, 2016, by the duly authorized representative of _____
~~COMPANY NAME~~

By: 
Representative

STATE OF KENTUCKY

COUNTY OF HENDERSON ... SCT.

THE foregoing Consent to Annexation was signed and acknowledged before me, a notary public, by James E. & Karyn F. Franks of 826 Larnont Lane, Hend. Ky 42420, this 12th day of May, 2016.

My Commission expires 02-04-2018.


Notary Public Notary ID 503018

(Sea)

Exhibit A

625 Highway 41A
PVA ID # 46-134

A parcel of land in Henderson County, Kentucky, located on US 41A south of Henderson, and being a portion of the former Hampton Kasey property:

BEGINNING at an iron pin on the east R/W line of US 41A, being 40 feet from the center line, and 758 feet south of line of Edward Utley; thence with line of Kasey remainder tract N 28-26' E 207.2 feet, N 14-27' W 54.2 feet, and N 63-28' E 123 feet to a point in the center of creek; thence with the center of Canoe Creek downstream S 19-15' E 79 feet and S 84-45' E 52.8 feet to a point in the center of said creek at line of Ella Swope; thence with line of Ella Swope S 25-31' W 370 feet to an iron pin in north side of lane at north line of Greenbriar Subdivision; thence with north side of lane S 58-10' W 99 feet to the line of US 41A; thence northerly with the line of US 41A with a 1 degree-30 minute curve to the right for 187 feet to the point of beginning and containing 1.57 acres, and being Lot #4 of plat of four lots made by Branson Survey and Engineering on February 2, 1968.

A parcel of land in Henderson County, Kentucky, located on US 41A south of Henderson, and further described as follows:

BEGINNING on the east side of US 41A at the northwest corner of Roy Corbell 18.59 acre tract, 40.00 feet from the center of same; thence with US 41A northerly 16.6 feet to a corner to Lot #4 1.57 acre lot; thence with Lot #4 and the north line of original 23.00 acre tract as deeded to Ella Swope as follows: N 58 degrees 13' E, 99.00 feet and N 25 degrees 34' E, 370.00 feet to the center of Canoe Creek; thence with creek, S 84 degrees 56' E, 178.2 feet, N 62 degrees 34' E, 228.36 feet and S 79 degrees 30' E, 114.11 feet to a corner of Roy Corbell 18.59 acre tract; thence with Corbell Tract as follows: S 28 degrees 11' W, 326.00 feet, N 81 degrees 27' W, 209.00 feet, S 60 degrees 37' W 170.00 feet, S 84 degrees 43' W, 41.00 feet, S 51 degrees 39' W, 109.00 feet and S 58 degrees 13' W, 112.00 feet to the point of beginning and contains 2.77 acres.

Being also the property conveyed to James E. Franks and his wife, Karyn F. Franks, by deed dated 1 December 2006 and recorded in Deed Book 567 at page 1061 in said Clerk's office.

City of Henderson, Kentucky
CONSENT TO ANNEXATION

Tommy A. and Michelle Hale is the owner of certain real property located at 1992 Springfield Drive, Henderson, KY 42420 in the County of Henderson, Kentucky and containing approximately 0.26 acres and designated as PVA Parcel 46F-29 which property is more particularly described on Exhibit "A" attached hereto; and as said OWNER does hereby consent in writing to the annexation into the City of Henderson of said property as described in said Exhibit. Also OWNER does hereby waive all notice requirements with respect to such annexation, including, but not limited to the notices otherwise required by KRS 81A.420 (1), KRS 81A.425, and the sixty (60) day waiting period provided for in KRS 81A.420 (2); and OWNER further certifies that it is the sole owner of the property to be annexed as described in the attached Exhibit.

SIGNED this 26th day of March, 2016, by the duly authorized representative of _____
COMPANY NAME

By: Tommy A. Hale
Representative

STATE OF KENTUCKY

COUNTY OF HENDERSON ... SCT.

THE foregoing Consent to Annexation was signed and acknowledged before me, a notary public, by Tommy A. Hale of _____, this 26th day of April, 2016.

My Commission expires 02-04-2018

Patricia A. Brown
Notary Public Notary ID 503018

(Seal)

Exhibit A

1992 Springfield Drive
PVA ID # 46F-29

Being all of Lot # 29, Greenbrier Subdivision, Springfield Drive, a final plat of which is recorded in Deed Book 258 at page 498, in the Henderson County Court Clerk's Office, to which map or plat reference is hereby made for a more particular description of the property.

Being also the property conveyed to Tommy A. Hale and Michelle Hale, husband and wife, by deed dated 31 August 2006 and recorded in Deed Book 551 at page 317 in said Clerk's office.

City of Henderson, Kentucky

CONSENT TO ANNEXATION

Otha Ray Brown & Wanda Brown is the owner of certain real property located at 1998 Springfield Drive, Henderson, KY 42420 in the County of Henderson, Kentucky and containing approximately 0.26 acres and designated as PVA Parcel 46F-30 which property is more particularly described on Exhibit "A" attached hereto; and as said OWNER does hereby consent in writing to the annexation into the City of Henderson of said property as described in said Exhibit. Also OWNER does hereby waive all notice requirements with respect to such annexation, including, but not limited to the notices otherwise required by KRS 81A.420 (1), KRS 81A.425, and the sixty (60) day waiting period provided for in KRS 81A.420 (2); and OWNER further certifies that it is the sole owner of the property to be annexed as described in the attached Exhibit.

SIGNED this 15th day of February, 2016, by the duly authorized-

~~representative of~~ _____

COMPANY NAME

Wanda J Brown

By: Otha Ray Brown
~~Representative~~

STATE OF KENTUCKY

COUNTY OF HENDERSON ... SCT.

THE foregoing Consent to Annexation was signed and acknowledged before me, a notary public, by Wanda Jean Brown Otha Ray Brown of 1998 Springfield Drive Henderson Ky 42420, this 15th day of February, 2016.

My Commission expires 02-04-2018

Patricia A. Brown

Notary Public

(Seal)

Exhibit A

1998 Springfield Drive

PVA ID # 46F-30

Being all of Lot # 30, Greenbrier Subdivision, Springfield Drive, a final plat of which is recorded in Deed Book 258 at page 498, in the Henderson County Court Clerk's Office, to which map or plat reference is hereby made for a more particular description of the property. Being also the property conveyed Otha Ray Brown and Wanda Jean Brown, by deed dated 5 December 1972 and recorded in Deed Book 262 at page 556 in said Clerk's office.

City of Henderson, Kentucky

CONSENT TO ANNEXATION

Randy D. Waddell & Karen R. Waddell is the owner of certain real property located at 1969 Springfield Drive, Henderson, KY 42420 in the County of Henderson, Kentucky and containing approximately 0.27 acres and designated as PVA Parcel 46F-6 which property is more particularly described on Exhibit "A" attached hereto; and as said OWNER does hereby consent in writing to the annexation into the City of Henderson of said property as described in said Exhibit. Also OWNER does hereby waive all notice requirements with respect to such annexation, including, but not limited to the notices otherwise required by KRS 81A.420 (1), KRS 81A.425, and the sixty (60) day waiting period provided for in KRS 81A.420 (2); and OWNER further certifies that it is the sole owner of the property to be annexed as described in the attached Exhibit.

SIGNED this 29th day of April, 2016, by the ~~duly~~ authorized representative of _____
COMPANY NAME

By: Randy D. Waddell Karen Waddell
Representative

STATE OF KENTUCKY

COUNTY OF HENDERSON ... SCT.

THE foregoing Consent to Annexation was signed and acknowledged before me, a notary public, by Randy D. Waddell ^{Karen Waddell} of 1969 Springfield Dr., Henderson, this 29th day of April, 2016.

My Commission expires 02-04-2018

Patricia A. Brown
Notary Public

(Seal)

Exhibit A

1969 Springfield Drive
PVA ID # 46F-6

Being all of Lot # 6, Greenbrier Subdivision, Springfield Drive, a final plat of which is recorded in Deed Book 258 at page 498, in the Henderson County Court Clerk's Office, to which map or plat reference is hereby made for a more particular description of the property.

Being also the property conveyed to Randy D. Waddell and Karen R. Waddell, husband and wife, by deed dated 28 April 1992 and recorded in Deed Book 422 at page 69 in said Clerk's office.

City of Henderson, Kentucky

CONSENT TO ANNEXATION

Donald Lee Mullins is the owner of certain real property located at 515 US Hwy 41 A, Henderson, KY 42420 in the County of Henderson, Kentucky and containing approximately 0.26 acres and designated as PVA Parcel 46C-15 which property is more particularly described on Exhibit "A" attached hereto; and as said OWNER does hereby consent in writing to the annexation into the City of Henderson of said property as described in said Exhibit. Also OWNER does hereby waive all notice requirements with respect to such annexation, including, but not limited to the notices otherwise required by KRS 81A.420 (1), KRS 81A.425, and the sixty (60) day waiting period provided for in KRS 81A.420 (2); and OWNER further certifies that it is the sole owner of the property to be annexed as described in the attached Exhibit.

SIGNED this 14th day of July, 2016, by the ~~duly authorized~~ representative of _____
COMPANY NAME →

By: Donald Lee Mullins
Representative

STATE OF KENTUCKY

COUNTY OF HENDERSON ... SCT.

THE foregoing Consent to Annexation was signed and acknowledged before me, a notary public, by Donald Lee Mullins of Henderson, Ky, this 14th day of July, 2016.

My Commission expires 02-04-2018.

Patricia A. Brown
Notary Public Notary ID 503018

(Seal)

Exhibit A

515 Highway 41A
PVA ID # 46C-15

The following described real property, improvements and appurtenances, located in Henderson County, Kentucky, to-wit:

Beginning in the West line of U.S. 41 and the north line of Baskett Avenue, south of Henderson, Kentucky, and being 42.35 feet N 11-46 West of the north East corner of Charly Minton; thence with north line of Baskett Ave., N 81 49 West 150 feet to an iron pin; being a corner to Mrs. Miley Baskett remainder tract; thence with remainder tract N 8 – 11 W 80 feet, S 81 – 49 E 122.4 feet to the West line of U.S. 41-A; then with U.S. 41-A S 11 – 46 E 84.7 feet to the point of beginning, according to survey of R.E. Branson made on March 4, 1966.

Being also the property conveyed to Malcolm Raymond Mullins and Betty June Mullins, by deed dated 20 July 1966 and recorded in Deed Book 226 at page 236 in said Clerk's office. Said Betty June Mullins died testate on 11 April 2013 and bequeathed the above described real estate to Donald Mullins, by will recorded in Will Book 42 at page 265.

City of Henderson, Kentucky
CONSENT TO ANNEXATION

Charles E. Minton, II, and Linda Minton is the owner of certain real property located at 535 US Hwy 41 A, Henderson, KY 42420 in the County of Henderson, Kentucky and containing approximately 1.90 acres and designated as PVA Parcel 46-98 which property is more particularly described on Exhibit "A" attached hereto; and as said OWNER does hereby consent in writing to the annexation into the City of Henderson of said property as described in said Exhibit. Also OWNER does hereby waive all notice requirements with respect to such annexation, including, but not limited to the notices otherwise required by KRS 81A.420 (1), KRS 81A.425, and the sixty (60) day waiting period provided for in KRS 81A.420 (2); and OWNER further certifies that it is the sole owner of the property to be annexed as described in the attached Exhibit.

SIGNED this 11th day of July, 2016, by ~~the duly authorized~~
~~representative of~~ _____

COMPANY NAME

Linda D. Minton
By Charles E. Minton II
Representative

STATE OF KENTUCKY

COUNTY OF HENDERSON ... SCT.

THE foregoing Consent to Annexation was signed and acknowledged before me, a notary public, by Charles E. Minton II & Linda Minton of Henderson, Ky, this 11th day of July, 2016.

My Commission expires 02-04-2018.

Patricia A. Brown
Notary Public
Notary ID 503018

(Seal)

Exhibit A

535 Highway 41A
PVA ID # 46-98

The following described real property, improvements and appurtenances, located in Henderson County, Kentucky, to-wit:

Beginning at an iron stake in the west right-of-way line of U. S. Highway No. 41-A, 40 feet from the centerline of same, corner with Miley Baskett, runs S 8-30 E 100 feet with said right-of-way line to an iron stake, corner with Forrest Tapp in the west right-of-way of said Highway; thence N 81-15 W 910 feet to a stake on the south side of Canoe Creek, corner with Forrest Tapp and Mrs. M. C. Osburn Heirs; thence N 21 W 112 feet to a point in the center of Canoe Creek, corner with the Mrs. M. C. Osburn Heirs and Miley Baskett; thence with Miley Baskett S 81-15 E 930 feet to the point of beginning, containing 1.9 acres, according to survey of W.W. Poole, registered engineer, February 22, 1955.

Being also the property conveyed to Charles E. Minton, II, and Linda D. Minton, husband and wife, by deed dated 25 June 2004 and recorded in Deed Book 532 at page 39 in said Clerk's office.

City of Henderson, Kentucky

CONSENT TO ANNEXATION

Charles E. Minton, II, and Linda Minton is the owner of certain real property located at 533 US Hwy 41 A, Henderson, KY 42420 in the County of Henderson, Kentucky and containing approximately 1.885 acres and designated as PVA Parcel 46-97 which property is more particularly described on Exhibit "A" attached hereto; and as said OWNER does hereby consent in writing to the annexation into the City of Henderson of said property as described in said Exhibit. Also OWNER does hereby waive all notice requirements with respect to such annexation, including, but not limited to the notices otherwise required by KRS 81A.420(1), KRS 81A.425, and the sixty (60) day waiting period provided for in KRS 81A.420(2); and OWNER further certifies that it is the sole owner of the property to be annexed as described in the attached Exhibit.

SIGNED this 11th day of July, 2016, by ~~the duly authorized-~~
~~representative of~~ Charles E. Minton & Linda D. Minton
COMPANY NAME

~~By:~~ _____
~~Representative~~

STATE OF KENTUCKY
COUNTY OF HENDERSON ... SCT.

THE foregoing Consent to Annexation was signed and acknowledged before me, a notary public, by Charles E. Minton & Linda D. Minton of Henderson Kentucky, this 11th day of July, 2016.

My Commission expires 02-04-2018.

Patricia A. Brown
Notary Public

(Seal)

Exhibit A

533 Highway 41A
PVA ID # 46-97

The following described lot located on the west side of U.S. Highway 41 near intersection of said Highway with U.S. Highway 60 and one mile south of Henderson, Kentucky, to-wit:

Beginning at an iron stake, corner with Charlie Minton lot in the west right of way line of U.S. Highway 41, and 100 feet northwest from Russell Wilson's corner, runs with said right of way line: N 11° 45' W 106 feet to an iron stake, corner with Miley Baskett; thence with Miley Baskett as follows: N 81° 50' W 132.2 feet to a stake; and S 8° 11' W 100 feet to a stake; corner with Miley Baskett in Charlie Minton's line; thence with said Minton: S 81° 50' E 167. 9 feet to the place of beginning containing 0.34 acres, according to survey of W. W. Poole, Registered Engineer, Corydon, Kentucky, R.F.D. 1.

Being also the property conveyed to Charles E. Minton, II, and wife, Linda D. Minton, by deed dated 6 March 1984 and recorded in Deed Book 344 at page 618 in said Clerk's office.

City of Henderson, Kentucky
CONSENT TO ANNEXATION

Steven Thomas is the owner of certain real property located at 1957 Springfield Drive, Henderson, KY 42420 in the County of Henderson, Kentucky and containing approximately 0.26 acres and designated as PVA Parcel 46F-8 which property is more particularly described on Exhibit "A" attached hereto; and as said OWNER does hereby consent in writing to the annexation into the City of Henderson of said property as described in said Exhibit. Also OWNER does hereby waive all notice requirements with respect to such annexation, including, but not limited to the notices otherwise required by KRS 81A.420 (1), KRS 81A.425, and the sixty (60) day waiting period provided for in KRS 81A.420 (2); and OWNER further certifies that it is the sole owner of the property to be annexed as described in the attached Exhibit.

SIGNED this 26th day of July, 2016, by the ~~duly~~ authorized representative of _____
-COMPANY NAME-

By: Steven Thomas
Representative

STATE OF KENTUCKY

COUNTY OF HENDERSON ... SCT.

THE foregoing Consent to Annexation was signed and acknowledged before me, a notary public, by Steven Thomas of 1957 Springfield Drive Henderson, Ky, this 26th day of July, 2016.

My Commission expires 02-04-2018.

Patricia A. Brown
Notary Public Notary ID 503018

(Seal)

Exhibit A

1957 Springfield Drive

PVA ID # 46F-8

The following described real estate located in Henderson County, Kentucky, to-wit:

Tract 1: Being all of Lot #8, in Greenbriar Subdivision, Springfield Drive, a plat of which is recorded in Deed Book 244, at page 336, in the Henderson County Court Clerk's office, to which map or plat reference is hereby made for a more particular description of the property hereby conveyed.

LESS the following described tract which was conveyed to Elmer H. Girten and his wife, Patricia Ann Girten, by deed dated June 30, 1973, and recorded in Deed Book 266, page 509, in the Henderson County Clerk's Office, to wit:

Beginning at original rear corner between lots 8 and 9 (shown as 2" pipe on plat), thence southerly with original side line 74.22 feet, thence back to rear line of lot 8, N 4° 45' W, 75.9 feet to an iron pin; thence S 81° 27' E, 10 feet to the point of beginning, and being a portion of Lot 8 of Greenbriar Subdivision as shown by plat recorded in Deed Book 244, page 336, in the Henderson County Court Clerk's Office.

Tract 2: Beginning at original front corner between Lots 8 and 9, located 25 feet from center of Springfield Drive and 70 feet east of Lot 7; thence back to Springfield Drive, S 4° 45' E, 75 feet to an iron pin; thence westerly 10 feet to the point of beginning, and being a portion of Lot No. 9, of Greenbriar Subdivision as shown by plat recorded in Deed Book 258, page 498, in the Henderson County Court Clerk's Office..

Being also the property conveyed to Steven Thomas, by deed dated 9 July 2010 and recorded in Deed Book 576 at page 970 in said Clerk's office.

CONSENT TO ANNEXATION

Southern Indiana Gas & Electric Co., (Vectren) ,One Vectren Square, Evansville, Indiana 47708 is the owner of certain real property located at 540 HWY 41-A in Henderson County, which property is more particularly described in Exhibit "A-1" attached hereto; and as said owner does hereby consent in writing to the annexation into the City of Henderson, Kentucky of said property as described in said Exhibit. Also, Vectren does hereby waive all notice requirements with respect to such annexation, including, but not limited to the notices otherwise required by KRS 81A.420(1), KRS 81A.425, and the sixty (60) day waiting period provided for in KRS 81A.420(2); and Vectren, states that it is the sole owner of the property to be annexed as described in the attached Exhibit.

SIGNED this 4th day of August, 2016.

Southern Indiana Gas & Electric Co. (Vectren)

By: P. Jason Stephenson

INDIANA
STATE OF ~~KENTUCKY~~
VANDERBURGH
COUNTY OF ~~HENDERSON~~ SCT.

THE foregoing CONSENT TO ANNEXATION was signed and acknowledged before me, a Notary Public, by P. Jason Stephenson, representing Southern Indiana Gas & Electric Co., (Vectren) this 4th day of August, 2016.

My commission expires July 4, 2022.

Mary Etta Smith
Notary Public

(Seal)
MARY ETTA SMITH
NOTARY PUBLIC
SEAL
VANDERBURGH COUNTY, STATE OF INDIANA
MY COMM. EXP. JULY 4, 2022

Property Description

A certain tract or parcel of land in Henderson County, Kentucky, on the West side of the Henderson and Morganfield road (also known as U.S. Highway 41-A), about two miles from the City of Henderson at the time of the survey, and bounded as follows:

Beginning at a stake, corner to Selle & Frederick on the West side of the Corydon & Henderson Gravel road; thence with said side of said road N 6-1/2 E 12 poles and 18 links to a stake; thence N 81-3/4 W 55 poles and 10 links to a stake in the middle of Canoe Creek two small ash pointers; thence with said Creek S 17-1/2 W 12 poles and 20 links to a stake in the middle of creek and corner to Selle & Frederick; thence with their line 81-3/4 poles and 13 links to the beginning, containing 4 and 46/100 acres.

DESCRIPTION
PROPOSED ANNEXATION AREA
HWY 41-A
HENDERSON COUNTY, KENTUCKY



Clifton L. Krahwinkel 9-9-16

A certain tract of parcel located approximately 1,000 feet south of U.S. Hwy. 60 along U.S. Hwy 41-A in Henderson County, Kentucky, and being more specifically described as follows:

All bearings stated hereon are referred to Kentucky State Plane South Zone (NAD 83).

Beginning at a corner to the existing limits of the City of Henderson, Kentucky as described in Annexation Ordinance No. 03-08, being in the west line of Annexation Ordinance No. 30-77 and being located in the east right-of-way line of U.S. Hwy 41-A, thence with said right-of-way line and with the existing city limits Ordinance No. 30-77, SOUTH 04 DEGREES 39 MINUTES 27 SECONDS EAST, a distance of 587.63 feet to a point in said right-of-way and being the southwest corner of said ordinance;

Thence leaving the said existing limits of the City of Henderson, Kentucky and continuing with said right-of-way the following two (2) calls:

- 1) SOUTH 04 DEGREES 39 MINUTES 27 SECONDS EAST, a distance of 452.28 feet to a point in said right-of-way
- 2) With a curve to the left, having an arc length of 415.34 feet, having a radius of 3780.00 feet, a chord bearing of SOUTH 07 DEGREES 48 MINUTES 19 SECONDS EAST, and a chord length of 415.13 feet to a point in said right-of-way and being a corner of the James & Karyn Franks property recorded in Deed Book 567 Page 1061 in the Henderson County Court Clerk's Office in Henderson, Kentucky;

Thence leaving said right-of-way and with said Franks property the following three (3) calls:

- 1) NORTH 34 DEGREES 39 MINUTES 42 SECONDS EAST, a distance of 207.20 feet to a point at a corner of said Franks property;
- 2) NORTH 21 DEGREES 00 MINUTES 42 SECONDS EAST, a distance of 54.20 feet to a point at a corner of said Franks property;
- 3) NORTH 69 DEGREES 41 MINUTES 42 SECONDS EAST, a distance of 123.00 feet to a point at a corner of said Franks property and being in the center of Canoe Creek;

Thence continuing with said Franks property and with the center of said creek the following eight (8) calls:

- 1) SOUTH 27 DEGREES 18 MINUTES 15 SECONDS EAST, a distance of 65.29 feet to a point;
- 2) SOUTH 60 DEGREES 38 MINUTES 41 SECONDS EAST, a distance of 97.49 feet to a point;
- 3) SOUTH 85 DEGREES 58 MINUTES 44 SECONDS EAST, a distance of 98.24 feet to a point;
- 4) NORTH 74 DEGREES 29 MINUTES 46 SECONDS EAST, a distance of 171.45 feet to a point;
- 5) NORTH 65 DEGREES 33 MINUTES 43 SECONDS EAST, a distance of 76.92 feet to a point;
- 6) NORTH 77 DEGREES 36 MINUTES 41 SECONDS EAST, a distance of 45.88 feet to a point;
- 7) NORTH 86 DEGREES 26 MINUTES 32 SECONDS EAST, a distance of 50.36 feet to a point;
- 8) SOUTH 84 DEGREES 59 MINUTES 10 SECONDS EAST, a distance of 44.45 feet to a point in the center of said creek and being the northeast corner of the Greenbriar Subdivision, a plat of which is recorded in Deed Book 258 Page 498;

Thence continuing with the center of Canoe Creek and with said Greenbriar Subdivision the following five (5) calls:

- 1) SOUTH 82 DEGREES 34 MINUTES 07 SECONDS EAST, a distance of 16.27 feet to a point;
- 2) SOUTH 64 DEGREES 37 MINUTES 09 SECONDS EAST, a distance of 62.43 feet to a point;
- 3) SOUTH 52 DEGREES 52 MINUTES 29 SECONDS EAST, a distance of 137.31 feet to a point;
- 4) SOUTH 47 DEGREES 47 MINUTES 15 SECONDS EAST, a distance of 85.48 feet to a point;
- 5) SOUTH 42 DEGREES 00 MINUTES 52 SECONDS EAST, a distance of 42.62 feet to a point in the center of said creek and being the southeast corner of said Greenbriar Subdivision;

Thence leaving said creek and continuing with said Greenbriar Subdivision the following four (4) calls:

- 1) SOUTH 32 DEGREES 25 MINUTES 43 SECONDS WEST, a distance of 385.26 feet to a point at a corner of said subdivision;
- 2) SOUTH 49 DEGREES 00 MINUTES 10 SECONDS WEST, a distance of 147.40 feet to a point at a corner of said subdivision;

- 3) SOUTH 18 DEGREES 34 MINUTES 20 SECONDS EAST, a distance of 210.00 feet to a point at a corner of said subdivision;
- 4) SOUTH 71 DEGREES 28 MINUTES 32 SECONDS WEST, a distance of 350.00 feet to a point at a corner of said subdivision and being in the line of the Patricia Phillips property recorded in Deed Book 204 Page 450;

Thence with said Phillips property the following two (2) calls:

- 1) SOUTH 53 DEGREES 45 MINUTES 01 SECONDS EAST, a distance of 152.08 feet to a point at a corner of said Phillips property;
- 2) SOUTH 48 DEGREES 38 MINUTES 26 SECONDS WEST, a distance of 385.17 feet to a point at a corner of said Phillips property and being in the east right-of-way line of U.S. Hwy. 41-A;

Thence leaving said Phillips property and crossing the existing right-of-way of U.S. Hwy 41-A, SOUTH 62 DEGREES 17 MINUTES 11 SECONDS WEST, a distance of 80.00 feet to a point in the west right-of-way line of said hwy.;

Thence with the west right-of-way line of U.S. Hwy 41-A, with a curve to the right, having an arc length of 216.11 feet, having a radius of 3860.00 feet, a chord bearing of NORTH 26 DEGREES 06 MINUTES 35 SECONDS WEST, and a chord length of 216.08 feet to a point in said right-of-way line and being the southeast corner of the D.E. & Lillian Hout property recorded in Deed Book 485 Page 650, a plat of which is recorded in Deed Book 101 Page 12;

Thence with said Hout property the following three calls:

- 1) SOUTH 55 DEGREES 40 MINUTES 18 SECONDS WEST, a distance of 141.74 feet to a point at a corner of said Hout property;
- 2) NORTH 30 DEGREES 55 MINUTES 11 SECONDS WEST, a distance of 24.81 feet to a point to a point at a corner of said Hout property;
- 3) SOUTH 55 DEGREES 44 MINUTES 17 SECONDS WEST, a distance of 139.96 feet to a point at the southwest corner of said Hout property and being in the east right-of-way line of O'Grady St;

Thence with the right-of-way line of said O'Grady St. the following two (2) calls:

- 1) NORTH 30 DEGREES 55 MINUTES 11 SECONDS WEST, a distance of 174.79 feet to a point at the northeast corner of said right-of-way;
- 2) SOUTH 55 DEGREES 27 MINUTES 00 SECONDS WEST, a distance of 40.08 feet to a point at the northwest corner of said right-of-way and being a corner of the Alan Holeman property recorded in Deed Book 413 Page 136, a plat of which is recorded in Plat Book 9 Page 256;

Thence with said Holeman property, SOUTH 55 DEGREES 28 MINUTES 43 SECONDS WEST, a distance of 310.62 feet to a point at a corner of said Holeman property and being located in the center of Canoe Creek;

Thence continuing with said Holeman property and with the center of said creek the following two (2) calls:

- 1) NORTH 40 DEGREES 06 MINUTES 57 SECONDS WEST, a distance of 25.05 feet to a point;
- 2) NORTH 62 DEGREES 07 MINUTES 21 SECONDS WEST, a distance of 28.13 feet to a point at a corner of the Alan Holeman property recorded in Deed Book 499 Page 351 and being in the center of said creek;

Thence with said Holeman property and with the center of said creek, NORTH 63 DEGREES 50 MINUTES 45 SECONDS WEST, a distance of 145.00 feet to a point at a corner of said Holeman property and being in the center of said creek;

Thence leaving said creek and continuing with said Holeman property, NORTH 54 DEGREES 01 MINUTES 31 SECONDS EAST, a distance of 473.66 feet to a point at a corner of Holeman property and being in the line of Lot 1 Billie & Eric Corbell Subdivision and Consolidation, a plat of which is recorded in Plat Book 7 Page 249;

Thence with said Lot 1 the following two (2) calls:

- 1) NORTH 21 DEGREES 02 MINUTES 32 SECONDS WEST, a distance of 80.66 feet to a point at a corner of said Lot 1;
- 2) NORTH 67 DEGREES 30 MINUTES 59 SECONDS EAST, a distance of 314.20 feet to a point in the west right-of-way line of U.S. Hwy 41-A;

Thence with a curve to the right, having an arc length of 210.98 feet, having a radius of 3860.00 feet, a chord bearing of NORTH 16 DEGREES 49 MINUTES 07 SECONDS WEST, and a chord length of 210.95 feet to a point in said right-of-way and being in the south line of the Pea Ridge Waste Management, LLC property recorded in Deed Book 593 Page 950, a plat of which is recorded in Plat Book 6 Page 51;

Thence leaving said right-of-way and with the south line of said LLC property, NORTH 53 DEGREES 58 MINUTES 01 SECONDS WEST, a distance of 523.19 feet to a point in the center of the existing pavement of Collier Road;

Thence with the center of the existing pavement of Collier Road the following nine (9) calls:

- 1) NORTH 44 DEGREES 41 MINUTES 00 SECONDS EAST, a distance of 18.06 feet to a point in the center of said pavement;

- 2) NORTH 39 DEGREES 59 MINUTES 17 SECONDS EAST, a distance of 38.70 feet to a point in the center of said pavement;
- 3) NORTH 33 DEGREES 13 MINUTES 54 SECONDS EAST, a distance of 45.14 feet to a point in the center of said pavement;
- 4) NORTH, 28 DEGREES 34 MINUTES 00 SECONDS EAST, a distance of 63.36 feet to a point in the center of said pavement;
- 5) NORTH 22 DEGREES 00 MINUTES 21 SECONDS EAST, a distance of 90.35 feet to a point in the center of said pavement;
- 6) NORTH 16 DEGREES 26 MINUTES 31 SECONDS EAST, a distance of 116.67 feet to a point in the center of said pavement;
- 7) NORTH 12 DEGREES 56 MINUTES 11 SECONDS EAST, a distance of 111.87 feet to a point in the center of said pavement;
- 8) NORTH 09 DEGREES 42 MINUTES 57 SECONDS EAST, a distance of 114.45 feet to a point in the center of said pavement;
- 9) NORTH 10 DEGREES 16 MINUTES 32 SECONDS EAST, a distance of 321.29 feet to a point in the center of said pavement and being in the west right-of-way line of U.S. Hwy 41-A;

Thence leaving said Collier Road and with the west right-of-way line of said hwy., NORTH 04 DEGREES 39 MINUTES 27 SECONDS WEST, a distance of 11.46 feet to a point in said right-of-way and being in the south line of the Southern Indiana Gas & Electric Co. property recorded in Deed Book 590 Page 654;

Thence with the south line of said Southern Indian property, NORTH 76 DEGREES 45 MINUTES 09 SECONDS WEST, a distance of 1007.31 feet to a point in the center of Canoe Creek, being in the line of the existing limits of the City of Henderson, Kentucky as described in Annexation Ordinance No. 22-89 and being in the line of the Coudret Properties, Inc. property recorded in Deed Book 558 Page 332;

Thence with the center of said creek, said existing limits of the City of Henderson, Kentucky and said Coudret property the following four (4) calls:

- 1) NORTH 45 DEGREES 40 MINUTES 42 SECONDS EAST, a distance of 152.00 feet to a point;
- 2) NORTH 19 DEGREES 10 MINUTES 02 SECONDS EAST, a distance of 85.93 feet to a point;
- 3) NORTH 11 DEGREES 11 MINUTES 49 SECONDS EAST, a distance of 129.64 feet to a point;
- 4) NORTH 04 DEGREES 51 MINUTES 30 SECONDS WEST, a distance of 72.11 feet to a point in the center of Canoe Creek and being a corner

of the Charles E. & Linda Minton property recorded in Deed Book 355 Page 701;

Thence leaving said creek, said existing limits to the City of Henderson, Kentucky and said Coudret property and with the north line of said Minton property, SOUTH 76 DEGREES 16 MINUTES 36 SECONDS EAST, a distance of 574.85 feet to a point in the north line of said Minton property and being located at the southwest corner of the Betty Mullins property recorded in Deed Book 365 Page 8, a plat of which is recorded in Plat Book 4 Page 384-B;

Thence leaving said Minton property and with said Mullins property the following two (2) calls:

- 1) NORTH 14 DEGREES 06 MINUTES 34 SECONDS EAST, a distance of 120.55 feet to a point at the northwest corner of said Mullins property;
- 2) SOUTH 75 DEGREES 58 MINUTES 10 SECONDS EAST, a distance of 47.81 feet to a point at the southwest corner to the existing limits of the City of Henderson, Kentucky as described in Annexation Ordinance No. 03-08;

Thence with said existing city limits line SOUTH 75 DEGREES 58 MINUTES 10 SECONDS EAST, a distance of 150.00 feet to a point at a corner of said existing city limits line and being in the west right-of-way line of U.S. Hwy 41-A;

Thence continuing with said existing city limits line and crossing the existing right-of-way of said hwy., NORTH 85 DEGREES 20 MINUTES 33 SECONDS EAST, a distance of 80.00 feet to the point of beginning and containing 41.180 acres more or less. This description was prepared from a PROPERTY ANNEXATION EXHIBIT prepared by Clifton L. Krahwinkel, Ky. P.L.S. #3685 of Branson Surveys, inc. on August 1, 2016.

There is to be excepted from this description the James Ervin property recorded in Deed Book 556 Page 315, being Lot 7 of the Greenbriar Subdivision, a plat of which is recorded in Deed Book 244 Page 336 and which is more particularly described as follows:

Commencing at the northeast corner of the Greenbriar Subdivision, a plat of which is recorded in Deed Book 258 Page 498 in the Henderson County Court Clerk's Office in Henderson, Kentucky, said northeast corner being located in the center of Canoe Creek, thence with the north line of said subdivision, SOUTH 33 DEGREES 31 MINUTES 07 SECONDS WEST, a distance of 370.14 feet to the northeast corner of the Greenbriar Subdivision, a plat of which is recorded in Deed Book 244 Page 336; Thence with the north line of said Subdivision, NORTH 76 DEGREES 06 MINUTES 53 SECONDS WEST, a distance of 75.00 feet to the northeast corner of the James Ervin property recorded in Deed Book 556 Page 315, being Lot 7 of the Greenbriar Subdivision, a plat of which is recorded in Deed Book 244 Page 336, this being the true Point Of Beginning of this description;

Thence with the east line of said Ervin property, SOUTH 06 DEGREES 09 MINUTES 20 SECONDS WEST, a distance of 161.50 feet to the southeast corner of said Ervin property and being located in the north right-of-way line of Springfield Drive; thence with said right-of-way, with a curve to the left, having an arc length of 70.04 feet, having a radius of 598.00 feet, a chord bearing of SOUTH 89 DEGREES 37 MINUTES 02 SECONDS WEST, and a chord length of 70.00 feet to a point in said right-of-way and being the southwest corner of said Ervin property; thence leaving said right-of-way and with the west line of said Ervin property, NORTH 01 DEGREES 31 MINUTES 46 SECONDS WEST, a distance of 183.90 feet to the northwest corner of said Ervin property; thence with the north line of said Ervin property, SOUTH 76 DEGREES 06 MINUTES 53 SECONDS EAST, a distance of 95.00 feet to the point of beginning and containing 13,989 sq.ft. more or less. This description was prepared from a PROPERTY ANNEXATION EXHIBIT prepared by Clifton L. Krahwinkel, Ky. P.L.S. #3685 of Branson Surveys, inc. on August 1, 2016.



Planning the Future

Henderson City-County Planning Commission
1990 Barret Ct. Suite C
Henderson, KY 42420

Brian Bishop, Executive Director, AICP
bbishop@hendersonplanning.org
270-831-1289

September 7, 2016

Mayor Steve Austin
City Commissioners
Henderson Municipal Center
Henderson, KY 42420

ATTN: Russell Sights, City Manager

Please be advised on Tuesday, September 6, 2016 the Henderson City-County Planning Commission held a Public Hearing to consider the following:

REZONING #1060 Assignment of Zoning Classification – Following action of the Henderson City Commission to begin annexation proceedings, the Planning Commission will hold a public hearing, in order to assign zoning classifications for the properties located on US Hwy 41-A for annexation.

Section #1: consists of Parcel #46C-15; #46-97; #46-98; and #46-99 currently zoned County Two Family Residential District (R-2), and the proposed zone for these parcels for annexation is City Medium Density Residential District (R-2).

Section #2: consists of Parcel #46-100 and is currently zoned County Light Industrial District (M-1), and the proposed zone for annexation is City Highway Commercial (HC).

Section #3: consists of Parcel #46-100.1, currently zoned County Light Industrial District (M-1), and the proposed zone for annexation is City Heavy Industrial District (M-2).

Section #4-A: consists of Parcel #46B-15 & #46B-60 are currently zoned County Light Industrial District (M-1), and the proposed zone for annexation is City Heavy Industrial District (M-2).

Section #4-B: consists of Parcels #46B-54 & #46B-78, currently zoned County Highway Commercial, and the proposed zone for annexation is City Heavy Industrial District M-2;

Section #5: consists of Parcel #46-131, currently zoned County Light Industrial District (M-1), and the proposed zone for annexation is City Heavy Industrial District (M-2).

Section #6: consists of Parcels #46F-1, #46F-2, #46F-3, #46F-4, #46F-5, #46F-6, #46F-8, #46F-9, #46F-10, #46F-11, #46F-12, #46F-13, #46F-14, #46F-15, #46F-16, #46F-17, #46F-18, #46F-19, #46F-20, #46F-21, #46F-22, #46F-23, #46F-24, #46F-25, #46F-26, #46F-27, #46F-28, #46F-29, and #46F-30, currently zoned County Two Family Residential District (R-2), and the proposed zone for annexation is City Medium Density Residential District (R-2).

Section #7: consists of Parcel #46-134, currently zoned County Two Family Residential District (R-2), and the proposed zone for annexation is City Residential Mobile Home District (R-MH).

PLANNING COMMISSION RECOMMENDATION- ***MOTION WAS MADE BY DAVID WILLIAMS, SECONDED BY DAVID DIXON TO RECOMMEND TO THE CITY COMMISSION REZONING #1060, SECTION 1, CONSISTING OF PARCELS 46C-15, 46-97, 46-98 AND 46-99 FROM COUNTY TWO FAMILY RESIDENTIAL (R-2) TO CITY MEDIUM DENSITY RESIDENTIAL (R-2). THIS REZONING IS APPROPRIATE SINCE THE PARCELS ARE BEING ANNEXED INTO THE CITY AND THE CITY'S ZONING CLOSELY MATCHES THAT OF THE COUNTY.***

***ALL IN FAVOR: AYE
OPPOSED: NONE***

PLANNING COMMISSION RECOMMENDATION - ***MOTION WAS MADE BY DAVID DIXON, SECONDED BY KEVIN RICHARD TO RECOMMEND TO THE CITY COMMISSION REZONING #1060, SECTION 2, CONSISTING OF PARCEL 46-100 FROM COUNTY LIGHT INDUSTRIAL (M-1) TO CITY HIGHWAY COMMERCIAL (H-C). THE REQUEST IS IN AGREEMENT WITH THE COMPREHENSIVE PLAN AND MAJOR CHANGES TO ECONOMIC, PHYSICAL AND SOCIAL NATURE OF THE AREA HAVE OCCURRED AND, THIS PROPERTY HAS HISTORICALLY BEEN USED FOR COMMERCIAL USES AND THE PROPOSED ZONING IS MORE APPROPRIATE.***

***ALL IN FAVOR: AYE
OPPOSED: NONE***

PLANNING COMMISSION RECOMMENDATION -MOTION WAS MADE BY RODNEY THOMAS, SECONDED BY DAVID WILLIAMS TO RECOMMEND TO THE CITY COMMISSION REZONING #1060, SECTION 3, CONSISTING OF PARCEL 46-100.1 FROM COUNTY LIGHT INDUSTRIAL (M-1) TO CITY HEAVY INDUSTRIAL (M-2). THE INFRASTRUCTURE UPGRAGES ALONG HWY 41 A HAVE SUBSTANTIALLY CHANGED THE PHYSICAL AND SOCIAL NATURE OF THE AREA TO FACILITATE THIS REZONING APPLICATION.

ALL IN FAVOR: AYE

OPPOSED: NONE

PLANNING COMMISSION RECOMMENDATION -MOTION WAS MADE BY DAVID DIXON, SECONDED BY DAVID WILLIAMS TO RECOMMEND TO THE CITY COMMISSION REZONING #1060, SECTION 4A, CONSISTING OF PARCELS 46B-15 AND 46B-60 FROM COUNTY LIGHT INDUSTRIAL (M-1) TO CITY HEAVY INDUSTRIAL (M-2). THE CURRENT USE OF THE PROPERTY IS MORE AKIN TO HEAVY INDUSTRIAL.

ALL IN FAVOR: AYE

OPPOSED: NONE

PLANNING COMMISSION RECOMMENDATION -MOTION WAS MADE BY DAVID DIXON, SECONDED BY DICKIE JOHNSON TO RECOMMEND TO THE CITY COMMISSION REZONING #1060, SECTION 4B, CONSISTING OF PARCELS 46B-54 AND 46B-78 FROM COUNTY HIGHWAY COMMERCIAL (H-C) TO CITY HEAVY INDUSTRIAL (M-2). THE AREA HAS EXPERIENCED A MAJOR IN CHANGE IN THAT SANITARY SEWER FACILITIES ARE NOW ACCESSABLE. PREVIOUSLY, THIS AREA WAS SERVICED BY INDIVIDUAL SEPTIC SYSTEMS; THE INFRASTRUCTURE UPGRADES ALONG HWY 41A HAVE SUBSTANTIALLY CHANGED THE PHYSICAL AND SOCIAL NATURE OF THE AREA TO FACILITATE THIS ZONING APPLICATION; THIS PROPERTY HAS BEEN HISTORICALLY USED FOR COMMERCIAL USES AND THE PROPOSED ZONING IS MORE APPROPRIATE.

ALL IN FAVOR: AYE
OPPOSED: NONE

PLANNING COMMISSION RECOMMENDATION -**MOTION WAS MADE BY KEVIN RICHARD, SECONDED BY BOBBIE JARRETT TO RECOMMEND TO THE CITY COMMISSION REZONING #1060, SECTION 5, CONSISTING OF PARCEL 46-131 FROM COUNTY LIGHT INDUSTRIAL (M-1) TO CITY HEAVY INDUSTRIAL (M-2). THIS REQUEST GUIDES INDUSTRIAL GROWTH TO EXISTING INDUSTRIAL AREAS AND ASSURES THEY ARE COMPATIBLE WITH SURROUNDING AREAS.**

ALL IN FAVOR: AYE
OPPOSED: NONE

PLANNING COMMISSION RECOMMENDATION -**MOTION WAS MADE BY DAVID WILLIAMS, SECONDED BY RODNEY THOMAS TO RECOMMEND TO THE CITY COMMISSION REZONING #1060, SECTION 6, CONSISTING OF PARCELS 46F-1 THROUGH 46F-30 MINUS 46F-7 FROM COUNTY TWO FAMILY RESIDENTIAL (R-2) TO CITY MEDIUM DENISITY RESIDENTIAL (R-2). BEING THAT IS THE CURRENT USE OF THE PROPERTY AND RECOMMENDING THIS ZONING IS APPROPRIATE TO THE COMPREHENSIVE PLAN.**

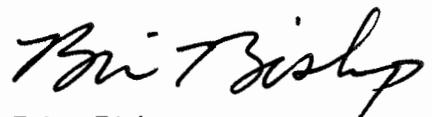
ALL IN FAVOR: AYE
OPPOSED: NONE

PLANNING COMMISSION RECOMMENDATION -**MOTION WAS MADE BY KEVIN RICHARD, SECONDED BY DICKIE JOHNSON TO RECOMMEND TO THE CITY COMMISSION REZONING #1060, SECTION 7, CONSISTING OF PARCEL 46-134 FROM COUNTY TWO FAMILY RESIDENTIAL (R-2) TO CITY RESIDENTIAL MOBILE HOME (R-MH); BEING THIS IS MORE APPROPRIATE TO THE CURRENT USAGE AND HISTORICAL NATURE OF THIS PARCEL.**

ALL IN FAVOR: AYE
OPPOSED: NONE

Attached is a copy of the transcript of the public hearing, and documents related to the annexation.

Respectfully submitted,

A handwritten signature in black ink that reads "Brian Bishop". The signature is written in a cursive, flowing style.

Brian Bishop
Executive Director, AICP
Henderson City-County Planning Commission

BB/tgc
Cc: Dawn Kelsey

City Commission Memorandum
16-207

September 23, 2016

TO: Mayor Steve Austin and the Board of Commissioners

FROM: Russell R. Sights, City Manager *RS*

SUBJECT: Establishing Article IV, *Mobile Food Units*, Sections 17-63 Through 17-71, of Chapter 17, *Parks and Recreation*, of the Code of Ordinances of the City of Henderson

An item for the agenda of Tuesday, September 27, 2016, is final reading of an ordinance regulating food trucks.

The proposed food truck ordinance is being presented to you based upon direction from the Board of Commissioners at the March 15, 2016 work session. The attached Legal Department Memorandum details the locations and times that Licensed Food Truck Vendors may operate on City properties.

Your approval of the attached ordinance is requested.

c: Dawn Kelsey

LEGAL DEPARTMENT

MEMORANDUM 16-07

To: Russell Sights, City Manager
Buzzy Newman, Asst. City Manager
Trace Stevens, Parks Director

From: Dawn S. Kelsey, City Attorney 

Dated: September 7, 2016

Subject: Mobile Food Truck Ordinance

Pursuant to direction from the Board of Commissioners at the Work Session, John Stroud, Acting Code Administrator and Theresa Ritchey, Development Liaison, and myself drafted the Food Truck Ordinance. The Food Truck Ordinance only requires a license if the Food Truck Operator is going to use the designated City of Henderson facilities. If the Food Truck Vendor is going to use private property exclusively, he/she will not be required to get a Food Truck License. However, they will have to comply with the Temporary Sales requirements under Appendix A Zoning Ordinance Section 4.33 of the City of Henderson Code of Ordinances.

The locations and times of Licensed Food Truck Vendors may operate on City properties are below:

- 1) Henderson Depot Welcome Center (located adjacent to Water Street): Mobile Food Units may use the designated mobile food unit parking spots in the Henderson County Depot on Monday, Wednesday, Thursday, Fridays, Saturday and Sunday from 11:00 a.m. to 7:00 p.m.
- 2) East End Park – Helm Street in the designated mobile food unit parking spots with the Food Truck conducting business towards the East End and not toward the street during the hours of 11:00 a.m. to dusk.
- 3) Atkinson Park in the gravel parking loop next to the sand volleyball courts on any day of the week from 11:00 a.m. to dusk.

Trace Stevens and Kyle Hittner, Executive Director of the Henderson County Tourism Commission have both approved the locations and the times.

Mobile Food Unit Vendors may not park in the above referenced areas during any permitted special events in those areas unless authorized by the holder of the special event permit.

A Mobile Food Unit Vendor shall have in full force and in effect an approved \$300,000 combined single limit insurance policy from an insurance company with an A rating on each licensed vehicle. It must name the City of Henderson as an additional named insured.

Annual Permit fee is fifty dollars (\$50) and each additional unit is twenty-five dollars (\$25).

cc: Mayor Steve Austin

ORDINANCE RELATING TO MOBILE FOOD UNITS

SUMMARY: ORDINANCE ESTABLISHING ARTICLE IV, *MOBILE FOOD UNITS*, SECTIONS 17-63 THRU 17-71, OF CHAPTER 17, *PARKS AND RECREATION*, OF THE CODE OF ORDINANCES OF THE CITY OF HENDERSON

BE IT ORDAINED, by the City of Henderson that due to the popularity of the mobile food truck industry it has become necessary to establish Article IV, *Mobile Food Units*, Sections 17-63 thru 17-71, of Chapter 17, *Parks and Recreation*, of the City's Code of Ordinances as follows:

Article IV. Mobile Food Units:

17-63 Definitions.

(a) *Mobile Food Unit:* Food establishment which is on wheels, mobile and which is self propelled as a licensed vehicle including the sale of both prepared and pre-packaged foods (examples are a food truck and ice cream truck).

(b) *Mobile Food Unit Vendor:* An itinerant merchant who conducts business from a mobile food unit.

17-64 Mobile Food Vending License

A. Mobile Food Unit Vendor who operates on City of Henderson property shall be subject to the licensing and regulatory requirements under Chapter 4 of the Henderson Code of Ordinances and all other applicable ordinances, including zoning ordinances. Mobile Food Unit Vendors who do not operate on City of Henderson property, but operate as Temporary Sales under Appendix A Zoning Ordinance Section 4.33 of the City of Henderson Code of Ordinances are not required to obtain a Mobile Food Vending License, but will have to comply with the requirements with the applicable sections of the Zoning Ordinance.

B. The licensing of the vendor shall be on a per unit (food truck/vehicle) basis with each different Mobile Food Unit Vendor requiring a separate license for each Mobile Food Unit. All applications for licenses shall be accompanied with the required certificate of insurance, proof of health department approval, and required fee of fifty dollars (\$50.00). Any person operating more than one (1) mobile food unit shall pay an additional twenty-five dollars (\$25.00) fee for each additional unit. This fee will not be prorated and will be in effect for the same period of time as the license for the primary mobile food unit.

C. Mobile Food Vending License:

(1) Licenses are valid for 12 months unless otherwise invalidated,

revoked or terminated prior to the end of the 12 month term. Mobile Food Unit Vendors must reapply (including payment of all applicable fees) each year.

(2) It shall be unlawful for any person to intentionally provide false information or to intentionally omit requested information on an application for any license pertaining to Mobile Food Unit Vendors.

(3) As a condition of issuance of any license, the Mobile Food Unit Vendor agrees to indemnify, hold harmless, and defend the City of Henderson and its officials, officers, employees, representatives, and agents against liability and/or loss arising from activities connected with and/or undertaken pursuant to the license. The City of Henderson shall not be liable for any business loss, property loss, or other damage that may result from use of the license, or suspension or revocation of the license, or the discontinuance of the practice of permitting such activity, and no such vendor shall maintain any claim or action against the City of Henderson and/or its officials, officers, employees, or agents on account of any suspension or revocation or discontinuance.

(4) Any license issued to a Mobile Food Unit Vendor shall be valid for the time period specified thereon. Re-application shall be required upon expiration of said license if the person wishes to continue such activity.

(5) Every Mobile Food Unit Vendor to whom a license is issued shall, at all times while engaged in that business, have the applicable license in his or her possession, prominently displayed for public viewing, and shall produce the same at the request of any City of Henderson official or at the request of any individual to whom the vendor is exhibiting his or her food or attempting to sell same.

(6) Each Mobile Food Unit Vendor must obtain all necessary licenses and permissions and comply with all requirements imposed by the health department and/or other regulatory agencies.

D. Nothing contained in this section shall relieve a Mobile Food Unit Vendor from obtaining its applicable merchant license(s) and any other permits required by state agencies or the local health department.

17-65 Permitted Area and Times

A. Properly Licensed Mobile Food Units may park on the following City property areas during the designated times:

- 1) Henderson Depot Welcome Center (located adjacent to Water Street): Mobile Food Units may use the designated mobile food unit parking spots in the Henderson County Depot on Monday, Wednesday, Thursday, Fridays, Saturday and Sunday from 11:00 a.m. to 7:00 p.m.
- 2) East End Park – Helm Street in the designated mobile food unit parking spots with the Food Truck conducting business towards the East End Park and not toward the street during the hours of 11:00 a.m. to dusk.

- 3) Atkinson Park in the gravel parking loop next to the sand volleyball courts on any day of the week from 11:00 a.m. to dusk.

B. Mobile Food Unit Vendors may not park in the above referenced areas during any permitted special events in those areas unless authorized by the holder of the special event permit. [See Sec. 17-66 (g)]

C. Mobile Food Units may also be allowed on private property in the City of Henderson if they comply with Appendix A Zoning Ordinance Section 4.33 of the City of Henderson Code of Ordinances.

17-66 Regulation of Mobile Food Unit Vendors

All Mobile Food Unit Vendors must comply with the following:

- (a) The requirements of all applicable ordinances and regulations.
- (b) Shall at all times operate in a manner that ensures the safety of patrons, pedestrians and the public.
- (c) Shall not park or operate in a manner which prohibits others from parking in otherwise available spaces or areas.
- (d) Shall obtain any necessary permits and comply with the requirements of any applicable rules and regulations of the health department.
- (e) Shall not locate or operate within fifteen (15) feet of any driveway or other main entrance to a building without the express written permission of the affected property owner or her or his authorized agent.
- (f) Shall provide, in a prominent location, trash and recycling container(s) sufficient in size to collect all waste and recyclables generated by customers and staff of the vendor. All trash and debris related to the operation shall be collected by the vendor throughout the duration of their vending and deposited in their own trash or recycling container(s) and removed from the site by the vendor. Such waste shall not be placed in public trash receptacles. The vendor shall be responsible for any litter or debris located within a ten (10) feet radius of their unit, including sidewalks in the immediate vicinity.
- (g) Shall not, during any City of Henderson recognized special event, locate, operate or vend inside the event footprint without the express written permission of the event organizer.
- (h) Shall only use lighting which is permanently or semi-permanently affixed to its unit and which does not cause any glare that could be considered a public hazard, nuisance or distraction to vehicular movement, neighboring business operations or residential uses. No flashing or strobe lighting shall be permitted.
- (i) Shall not use any electrical outlet located within the public right-of-way or on public property, unless specifically authorized by the City of Henderson or, if required, the utility company. A vendor shall not create any tripping or other hazard related to its use of electricity.

(j) Shall not block access to or use of, any public bench or any public utility pole or set up any chairs or tables on the public right-of-way.

(k) Shall not in any manner damage public property or the public right-of-way. Examples, include, but are not necessarily limited to, using stakes, rods or any method of support that is required to be drilled, driven or otherwise fixed in asphalt pavement, curbs, sidewalks or buildings. The vendor shall be solely responsible for any such damage.

(l) Shall not locate or operate within an area closed or not accessible due to an emergency.

(m) Must comply with all state and federal sales tax.

17-67. Insurance

A Mobile Food Unit Vendor operating under this chapter shall have in full force and in effect an approved liability insurance policy. It must name the City of Henderson as an additional named insured. A \$300,000 combined single limit insurance policy from an insurance company with an A rating is the minimum amount of insurance to be carried on each licensed vehicle.

17-68. Receipts.

A Mobile Food Unit Vendor shall, on request by the customer, render to the customer, a receipt for the amount charged, either by a mechanically printed receipt or by a specially prepared receipt on which shall be the name of the license holder of the Mobile Food Vending Unit, all charges, and the date of transaction.

17-69 Clean and Safe Conditions

(a) Every Mobile Food Unit shall ensure that the interior, including the windows, shall be maintained in a clean and safe condition, free of grease, dirt, debris, or other trash.

(b) The exterior of the vehicle shall also be maintained in a clean, undamaged condition and present a favorable appearance, including:

- (1) The body of the vehicle;
- (2) The paint;
- (3) All glass;
- (4) Hubcaps (if installed);
- (5) Head and tail lights; and
- (6) Grill and bumpers.

(c) No person shall smoke within a Mobile Food Unit.

17-70 Records; Reports

(a) Every Mobile Food Unit Vendor shall keep accurate records of receipts

from operations, and other expenses, capital expenditures, and other such operating information as may be required to comply with reporting income and expenses under the applicable provisions of the City of Henderson Code of Ordinance. Every Mobile Food Unit Vendor shall maintain the records containing such information and other dates required by this chapter at a place readily accessible for examination by the City Manager or his or her designee.

(b) All accidents arising from or in connection with the operation of Mobile Food Unit Vendor which result in death or injury to any person, or in damage to any vehicle, or to any property in an amount exceeding the sum of three hundred dollars (\$300.00) shall be reported by the license holder or driver within five (5) days from the time of occurrence to the Chief of Police or his or her designee.

17-71 Penalty

(a) Any person convicted of violating any provision of this article of the Code shall be subject to a fine of not less than two hundred fifty dollars (\$250.00), nor more than five hundred dollars (\$500.00). Each day a violation occurs shall constitute a separate offense, and;

(b) In addition to a fine imposed under this subsection, the City Manager or his or her designee is authorized to suspend or revoke a Mobile Food Unit Vendor license after a finding that such licensee has violated any applicable provision of the Henderson Code of Ordinance or regulations promulgated pursuant to this Ordinance, violation of any federal, state, or local law which would constitute grounds for denial of a license, or refusal to cooperate with reasonable requests made by a Police Officer, employee of the City of Henderson, or an official investigating complaints or conducting periodic random inspections.

All ordinances or parts of ordinances in conflict herewith are hereby repealed and superseded to the extent of such conflict.

This ordinance shall become effective upon its legal adoption.

On first reading of the foregoing ordinance, it was moved by Commissioner X R. Royster, seconded by Commissioner Robert M. Mills, that the ordinance be adopted on its first reading. On roll call the vote stood:

Commissioner Mills:	<u>AYE</u>	Commissioner Royster:	<u>AYE</u>
Commissioner Johnston:	<u>AYE</u>	Mayor Austin:	<u>AYE</u>
Commissioner Hite:	<u>AYE</u>		

WHEREUPON, Mayor Austin declared the ordinance adopted on first reading and ordered that it be presented for second reading at a meeting of the Board of Commissioners.

On second reading of the ordinance, it was moved by Commissioner _____, seconded by Commissioner _____, that the ordinance be adopted.

WHEREUPON, the vote was called. On roll call the vote stood:

Commissioner Mills: _____ Commissioner Royster: _____
Commissioner Johnston: _____ Mayor Austin: _____
Commissioner Hite: _____

WHEREUPON, Mayor Austin declared the ordinance adopted, affixed his signature and the date and ordered that it be recorded.

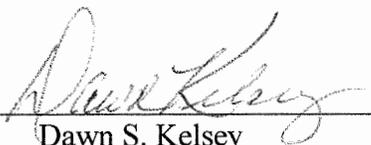
Steve Austin, Mayor

ATTEST:

Date: _____

Maree Collins, City Clerk

**APPROVED AS TO FORM AND
LEGALITY THIS 9 DAY OF
SEPTEMBER, 2016.**

By: 
Dawn S. Kelsey
City Attorney

City Commission Memorandum
16-206

September 23, 2016

TO: Mayor Steve Austin and the Board of Commissioners

FROM: Russell R. Sights, City Manager *RS*

SUBJECT: Regulating Sale of Merchandise on Sidewalk in the Central Business District

An item for the agenda of Tuesday, September 27, 2016, is first reading of an ordinance regulating the sale of merchandise on sidewalks in the Central Business District.

This ordinance, presented for first reading at the September 13, 2016 meeting where it was tabled after discussion, has been redrafted to reflect ADA sidewalk accessibility requirements and notification of defects or hazardous conditions.

Your approval of the attached ordinance is requested.

c: Dawn Kelsey
Downtown Henderson Partnership

ORDINANCE NO. _____

ORDINANCE RELATING TO MERCHANTS USE OF
SIDEWALK IN CENTRAL BUSINESS DISTRICT

SUMMARY: ORDINANCE ESTABLISHING SECTION 20-11, *SALE OF MERCHANDISE ON SIDEWALK IN CENTRAL BUSINESS DISTRICT*, OF ARTICLE I, *IN GENERAL* OF CHAPTER 20, *STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES*, OF THE CODE OF ORDINANCES OF THE CITY OF HENDERSON PERMITTED TO BUSINESSES LOCATED IN THE CENTRAL BUSINESS DISTRICT

BE IT ORDAINED, by the City of Henderson that Section 20-11, *Sale of Merchandise on Sidewalk in Central Business District*, of Article I, *In General*, of Chapter 20, *Streets Sidewalks, and Other Public Sidewalks*, of the City's Code of Ordinances pertaining to certain permitted businesses within the Central Business District is hereby established as follows:

Section: 20-11- Sale of merchandise on sidewalk in the Central Business District.

- (a) Any merchant who regularly engages in the retail sales of merchandise in the Central Business District shall have the right to display and sell merchandise regularly sold by such merchant on any city sidewalk which adjoins the place of business of such merchant without the necessity of procuring a permit which is otherwise required pursuant to section 20-1. Provided, however, such activities shall not extend into any adjoining street or thoroughfare.
- (b) Notwithstanding the foregoing authorization, any merchant who displays and sells merchandise on city sidewalks in the Central Business District shall comply with the following regulations:
- (1)The display and sale of merchandise on any city sidewalk shall only take place during the business hours of the merchant, and all merchandise, including any display apparatus, and any equipment or other related apparatus, together with any trash and debris, shall be removed from the city sidewalk immediately upon the close of business.
 - (2)The display and sale of merchandise on any city sidewalk shall be done in an orderly and reasonable manner, next to the business, and must leave a minimum of four and one-half (4-1/2) feet of un-obstructed sidewalk (pavers next to the curb are not to be counted as part of the measurement of unobstructed sidewalk) and shall at no time obstruct the public's reasonable access upon and across any city sidewalk or right-of-way, nor shall it in any manner be adverse to any necessary emergency or safety access.
 - (3)Any merchant who displays and sells merchandise on any city sidewalk shall regularly inspect the city sidewalk which adjoins the place of business of the merchant for defects or hazardous conditions, and, should any defect or hazardous condition be found, the merchant shall immediately notify the City Manager and the Public Works Department. Merchants

shall refrain from displaying or selling merchandise on any city sidewalk during inclement weather.

(4)The business, at its sole expense, shall maintain comprehensive general liability insurance, protecting against all claims for personal injury, death or property damage occurring upon, in or about the premises resulting from the use of occupancy thereof, with a minimum of \$1,000,000 (one million dollars) in coverage and limits acceptable to the city. The city must be named in this policy as an additional insured entity. The merchant shall also indemnify the city and save it harmless from any claim or cause of action which may be asserted by any person against the city by reason of the merchant's use and operation upon the city sidewalk, or by reason of the merchant's violation of any provision as set forth herein. Before a merchant displays any merchandise on city sidewalks, they must produce their insurance to the City Manager for his/her approval and sign the city's indemnification form

All ordinances or parts of ordinances in conflict herewith are hereby repealed and superseded to the extent of such conflict.

This ordinance shall become effective upon its legal adoption.

On first reading of the foregoing ordinance, it was moved by Commissioner _____, seconded by Commissioner _____, that the ordinance be adopted on its first reading. On roll call the vote stood:

Commissioner Mills:	_____	Commissioner Royster:	_____
Commissioner Johnston:	_____	Mayor Austin:	_____
Commissioner Hite:	_____		

WHEREUPON, Mayor Austin declared the ordinance adopted on first reading and ordered that it be presented for second reading at a meeting of the Board of Commissioners.

On second reading of the ordinance, it was moved by Commissioner _____, seconded by Commissioner _____, that the ordinance be adopted.

WHEREUPON, the vote was called. On roll call the vote stood:

Commissioner Mills:	_____	Commissioner Royster:	_____
Commissioner Johnston:	_____	Mayor Austin:	_____
Commissioner Hite:	_____		

WHEREUPON, Mayor Austin declared the ordinance adopted, affixed his signature and the date and ordered that it be recorded.

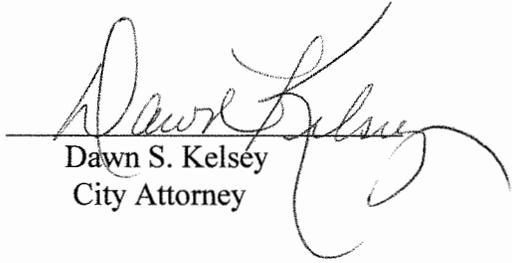
Steve Austin, Mayor

ATTEST:

Date: _____

Maree Collins, City Clerk

**APPROVED AS TO FORM AND
LEGALITY THIS 21 DAY OF
SEPTEMBER, 2016.**

By: 
Dawn S. Kelsey
City Attorney

**City Commission Memorandum
16-211**

September 23, 2016

TO: Mayor Steve Austin and the Board of Commissioners
FROM: Russell R. Sights, City Manager 
SUBJECT: Amendment of 2017 Appropriation Ordinance

An item for consideration at the meeting of Tuesday, September 27, 2016, is first reading of an ordinance amending the Fiscal 2017 Budget and Appropriation ordinance for the fiscal year ending June 30, 2017.

Finance Department Memorandum 16-60, enclosed, reviews the changes in detail. A summary of the General Fund changes are as follows:

<u>Appropriation</u>	<u>Increase/(Decrease)</u>	<u>Revised</u>
General Fund:	\$ 471,000	\$ 32,401,000
Fire Department		
High-Visibility Clothing	\$ 13,000	
Mobile Communication Devices	\$ 5,000	
Public Works Department/Municipal Facilities Division		
Items for New Municipal Services Center	\$ 227,000	
Special Projects		
Replace Signage throughout City	\$ 20,000	
Transfers		
Transfer to PWI		
3 rd and Martin Luther King, Jr Streets Paving	\$ 67,000	
Transfer to Construction		
Green River Road Sidewalks	\$ 68,000	
Transfer to 911		
Furniture Purchase 911 Main & Backup Dispatch	\$ 71,000	

Your approval of the attached ordinance is requested.

c: Robert Gunter

**FINANCE DEPARTMENT MEMORANDUM
16-60 (Revised)**

September 22, 2016

TO: Russell Sights, City Manager
FROM: Robert Gunter, Finance Director
SUBJECT: Budget Amendments

The following are the requested budget amendments. The revised budget ordinance is attached.

General Fund – Fire Department: Additional appropriation in the amount of \$13,000 for high-visibility clothing that was ordered in the prior year but will not be delivered until this fiscal year. Proceeds will come from the \$745,000 general fund surplus generated in fiscal 2016.

	<u>Current Budget</u>	<u>Proposed Budget</u>
10-20-232-4207 Clothing Supplies	\$90,900	\$103,900

General Fund – Fire Department: Additional appropriation in the amount of \$5,000 for mobile communication devices that were placed in the fire department's front line vehicles. These were ordered in the prior year but not delivered until this fiscal year. Proceeds will come from general fund surplus generated in fiscal 2016.

	<u>Current Budget</u>	<u>Proposed Budget</u>
10-20-232-4401 Telephone	\$12,500	\$17,500

General Fund – Public Works Department/Municipal Facilities Division: There is a need for an additional appropriation in the amount of \$227,000 for supplies, furnishing, equipment, phone system, and other items for the new Municipal Service Center. Proceeds will come from general fund surplus.

	<u>Current Budget</u>	<u>Proposed Budget</u>
10-45-014-4200-001 MSC Supplies	\$ 0	\$ 45,300
10-45-014-4300-001 MSC Repair/Maint.	\$ 0	\$ 17,000
10-45-014-4600-001 MSC Capital	\$ 0	\$164,700

General Fund – Special Projects: Additional appropriation in the amount of \$20,000 to replace the signage at the various locations and entrances throughout city. Proceeds will come from general fund surplus generated in fiscal 2016.

	<u>Current Budget</u>	<u>Proposed Budget</u>
10-90-298-4495 Special Projects	\$709,000	\$729,000

General Fund – Transfers to PWI Fund: Additional appropriations in the amount of \$67,000 for the paving of 3rd and Martin Luther King, Jr streets. These were budgeted and started in fiscal 2016 but were not completed until this fiscal year. Proceeds will come from general fund surplus.

	<u>Current Budget</u>	<u>Proposed Budget</u>
10-90-599-4701 Transfer to PWI Fund	\$1,109,000	\$1,176,000

General Fund – Transfers to Construction Fund: Additional appropriation in the amount of \$68,000 for Green River Road sidewalks. The total cost of the project will be nearly \$243,000. The City will receive \$117,000 in state funds. This will leave \$126,000 for the City to cover. There is already \$58,000 in the budget for the City’s match. Proceeds will come from general fund surplus.

	<u>Current Budget</u>	<u>Proposed Budget</u>
10-90-599-4707 Transfer to Construction	\$420,000	\$488,000

General Fund – Transfers to 911 Fund: Appropriations in the amount of \$71,000 for furniture for the 911 main and backup dispatch centers. The total cost for both centers will be \$94,000. The City will be responsible for 75% with the County paying 25%. Proceeds will come from general fund surplus.

	<u>Current Budget</u>	<u>Proposed Budget</u>
10-90-599-4714 Transfer to 911 Fund	\$967,000	\$1,038,000

Gas Fund: There is a need for an additional appropriation in the amount of \$73,000 for supplies, furnishing, equipment, phone system, and other items for the new Municipal Service Center. Proceeds will come from the gas fund reserves.

	<u>Current Budget</u>	<u>Proposed Budget</u>
20-25-772-7602 Office furniture	\$ 0	\$50,000
20-25-772-7602 Instruments & Apparatus	\$16,500	\$39,500

PWI Fund: - Street Overlay/Sidewalks: Additional appropriations in the amount of \$67,000 for the paving of 3rd and Martin Luther King, Jr streets. These were budgeted and started in fiscal 2016 but were not completed until this fiscal year. As shown above, funding will come from the General Fund.

	<u>Current Budget</u>	<u>Proposed Budget</u>
50-45-342-4317 Street Overlay/Sidewalks	\$440,000	\$507,000

Construction Fund – Streets/Sidewalks: Additional appropriation in the amount of \$68,000 for Green River Road sidewalks. The total cost of the project will be nearly \$243,000. The City will receive \$117,000 in state funds. This will leave \$126,000 for the City to cover. There is already \$58,000 in the budget for the City’s match. As shown above, funding will come from the General Fund.

	<u>Current Budget</u>	<u>Proposed Budget</u>
51-90-298-4612 Streets/Sidewalks	\$592,500	\$660,500

911 Fund: Appropriations in the amount of \$94,000 for furniture for the 911 main and backup dispatch centers. The City will be responsible for 75% with the County paying 25%. Funding will come from the General Fund and Henderson County.

		<u>Current Budget</u>	<u>Proposed Budget</u>
58-3764	County Contribution	\$322,000	\$ 345,000
58-3851	Transfer from General	\$967,000	\$1,038,000
58-40-018-4602	Office Furniture	\$ 0	\$ 94,000

When the fiscal 2017 budget was adopted, it included the projection that fiscal 2016 would end with a surplus of \$50,000. The actual surplus was over \$745,000. If approved, this will increase the general fund's budget by \$471,000 to a revised total of \$32,401,000 and leave \$274,000 of the 2016 surplus in reserves.

The prior year finished on a positive note. Revenue came in \$452,700 better than projected. Of that number, taxes came in \$156,575 over projections with insurance premium taxes \$116,550 over and payroll taxes \$71,224 better than expected.

Another contributor to the revenue was the interest/market value adjustment which ended the year \$190,720 better than projected.

Expenses came in \$242,664 lower than projected. The largest variance was in transfers to other funds which came in \$472,000 lower with transfers to the PWI Fund \$324,000 better than expected. Much of that was due to the overlay contractor's June invoice not being paid until July. Due to a delay in the delivery of buses, the transfers to the HART Fund were \$136,000 below expectations. The one item that was not expected during the preparation of the budget was the \$236,602 payment to the various taxing entities for the housing payment in lieu of tax.

The general fund ended fiscal 2016 with a fund balance of \$11,527,103.



Robert Gunter

Attachments

**Public Works Memorandum
16-11**

Date: September 16, 2016
TO: Robert Gunter, Director of Finance
FROM: Brian Williams, Public Works Director *BW*
SUBJECT: Furnishings and Accessories for Municipal Services Center in
Public Works and Combined Areas

Office Furnishings/Conference Room	\$60,000.00
Copy Machine	\$ 3,500.00
Employee Breakroom	\$ 9,200.00
Employee Lockers	\$ 7,000.00
2 Computers, laptop & color printer	\$ 5,600.00
Exercise Room	\$10,000.00
Training Room/Video System	\$22,000.00
Storage Area Shelving	\$ 4,000.00
Phone System	\$60,000.00
Time and Attendance Clock (4 stations)	\$ 6,000.00
Safety Cameras	\$17,000.00
Used Electric Fork Truck	\$16,000.00
Used Scissor Lift	<u>\$ 6,500.00</u>
	\$226,800.00

Robert J. Gunter

From: Dylan H. Ward
Sent: Wednesday, September 21, 2016 3:34 PM
To: Robert J. Gunter
Subject: HMSC Office Furniture

Robert,

Based on the list Buzzy gave me I have come up with a budget number/estimate for the HMG furnishings at the new building.

The breakdown is:

Pipe Storage Rack = \$23,000.00
Office Furnishings = \$50,000.00

Thanks,
Dylan

ORDINANCE NO. _____

ORDINANCE AMENDING BUDGET AND APPROPRIATION ORDINANCE

SUMMARY: AN ORDINANCE AMENDING BUDGET AND APPROPRIATION ORDINANCE FOR THE FISCAL YEAR COMMENCING JULY 1, 2016 AND ENDING JUNE 30, 2017 FOR THE CITY OF HENDERSON, KENTUCKY

WHEREAS, on June 18, 2016, the City of Henderson adopted its annual budget and appropriation ordinance for the fiscal year commencing July 1, 2016 and ending June 30, 2017, being Ordinance No. 21-16, and,

WHEREAS, the City Manager recommends that the following additional amendments be adopted.

NOW, THEREFORE, BE IT ORDAINED by the City of Henderson, Kentucky, that Ordinance No. 21-16 is amended as follows:

1. The budget submitted to the Board of Commissioners by the City Manager for fiscal year 2016 - 2017 is hereby amended as follows:

GENERAL FUND

ADMINISTRATION	\$ 2,672,330	\$ 2,672,330
FINANCE	2,349,210	2,349,210
FIRE	6,941,750	6,959,750
PARKS & RECREATION	1,891,470	1,891,470
POLICE	7,031,420	7,031,420
PUBLIC WORKS	2,567,760	2,794,760
INFORMATION TECHNOLOGY	1,099,510	1,099,510
TRANSFERS/AGENCIES	7,376,550	7,602,550
TOTAL	\$ 31,930,000	\$ 32,401,000

2. There is hereby appropriated from the General and Special Fund Accounts of the City of Henderson and allocated to the various Funds of the City the following amounts:

GENERAL FUND

GENERAL FUND EXPENDITURE TOTAL	\$ 26,720,000	\$ 26,985,000
TRANSFER TO PWI	1,109,000	1,176,000
TRANSFER TO MASS TRANSIT	684,000	684,000
TRANSFER TO CONSTRUCTION FUND	420,000	488,000
TRANSFER TO EMERGENCY COMM.	967,000	1,038,000
TRANSFER TO POLICE/FIRE PENSION	404,000	404,000
TRANSFER TO CIVIL SERVICE PENSION	179,000	179,000
TRANSFER TO CEMETERY	204,000	204,000
TRANSFER TO BOND FUND	1,243,000	1,243,000
TOTAL GENERAL FUND	<u>\$ 31,930,000</u>	<u>\$ 32,401,000</u>
NATURAL GAS FUND	\$ 16,540,000	\$ 16,613,000
HEALTH REIMBURSEMENT ARRANGE.	\$ 420,000	
CIVIL SERVICE PENSION FUND	\$ 185,000	
POLICE & FIRE PENSION FUND	\$ 404,000	
CEMETERY FUND	\$ 405,000	
HEALTH INSURANCE FUND	\$ 7,543,000	
BOND FUND	\$ 4,308,000	
PUBLIC WAY IMPROVEMENT FUND	\$ 1,765,000	\$ 1,832,000
CONSTRUCTION FUND	\$ 9,124,000	\$ 9,192,000
FLOOD MITIGATION FUND	\$ 861,000	
HART OPERATING FUND	\$ 1,649,000	
SANITATION FUND	\$ 3,262,000	
EMERGENCY COMMUNICATIONS FUND	\$ 1,839,000	\$ 1,933,000
COMMUNITY DEVELOPMENT FUND	\$ 510,000	
POLICE INVESTIGATION FUND	\$ 20,000	
TRI-COUNTY RECYCLING	\$ 20,000	

3. This Ordinance shall be effective as of July 1, 2016.

This ordinance of amendment shall become effective upon its legal adoption.

On first reading of the foregoing ordinance, it was moved by Commissioner _____ seconded by Commissioner _____, that the ordinance be adopted on its first reading.

On roll call the vote stood:

Commissioner Mills: _____ Commissioner Royster: _____
Commissioner Johnston: _____ Mayor Austin: _____
Commissioner Hite: _____

WHEREUPON, Mayor Austin declared the ordinance adopted on first reading and ordered that it be presented for second reading at a regular meeting of the Board of Commissioners.

On second reading of the foregoing ordinance, it was moved by Commissioner _____ seconded by Commissioner _____, that the ordinance be adopted.

WHEREUPON, the vote was called, on roll call the vote stood:

Commissioner Mills: _____ Commissioner Royster: _____
Commissioner Johnston: _____ Mayor Austin: _____
Commissioner Hite: _____

WHEREUPON, Mayor Austin declared the ordinance adopted, affixed his signature and the date and ordered it be recorded.

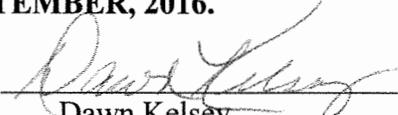
Steve C Austin, Mayor

Date

ATTEST:

Maree Collins, City Clerk

**APPROVED AS TO FORM AND
LEGALITY THIS 22 DAY OF
SEPTEMBER, 2016.**

By: 
Dawn Kelsey
City Attorney

City Commission Memorandum
16-216

September 27, 2016

TO: Mayor Steve Austin and the Board of Commissioners
FROM: Russell R. Sights, City Manager *RS/ld*
SUBJECT: Declaring Vehicles as Surplus Property and Sale at Auction

The accompanying municipal order declares two vehicles as surplus property and authorizes the sale of said vehicles. Further, the municipal order authorizes the Finance Director to execute all necessary documents on behalf of the City to effectuate the sale of the property at a public auction being held on October 26, 2016 in Henderson.

Your approval of the attached municipal order is requested.

c: Dawn Kelsey
Robert Gunter
Penny Hahn

FINANCE DEPARTMENT MEMORANDUM
16-61

September 20, 2016

TO: Russell Sights, City Manager
FROM: Robert Gunter, Finance Director
SUBJECT: Request to Sell Items at Auction

This memo is to request authorization to sell the following items, at a public auction.

Unit 121-002 which is a 1999 Ford Taurus that is in poor condition and is no longer reliable. This vehicle was replaced with a 2017 Ford Fusion that was delivered September 9th.

Unit 121-003 which is a 2001 Chevrolet Malibu that is in poor condition. This vehicle was replaced with a like model: 2001 Chevrolet Malibu from HART. Although it is of the same year and model, the HART vehicle has fewer miles and is in better condition.

Please let me know if you have questions or need more information.



Robert Gunter

Cc: Dawn Kelsey, City Attorney

MUNICIPAL ORDER _____

MUNICIPAL ORDER AUTHORIZING SALE OF TWO CITY VEHICLES
AS SURPLUS PROPERTY AT AUCTION; AND AUTHORIZING
FINANCE DIRECTOR OR HIS DESIGNEE TO EXECUTE
DOCUMENTS NECESSARY TO COMPLETE SALE

WHEREAS, the City of Henderson is the owner of two vehicles being Unit 121-002 and Unit 121-003, which are no longer needed and properties constitutes as surplus property under 45A.425(1) and;

WHEREAS, pursuant to KRS 45A.425(3), the City Manager recommends selling this surplus property at a public auction to be held on October 26, 2016 at 10:00 a.m. prevailing time, at 1100 North Adams Street, Henderson, Kentucky 42420; and

NOW, THEREFORE, BE IT RESOLVED by the City of Henderson, Kentucky, that the recommendation of the City Manager is accepted, and two City vehicles being Unit 121-002 and Unit 121-003, are designated as surplus property and will be sold at auction to be held on October 26, 2016 at 10:00 a.m. prevailing time, at 1100 North Adams Street, Henderson, Kentucky 42420, and the Finance Director or his designee is authorized and directed to execute any and all documents on behalf of the City which are necessary to effectuate the aforesaid sale at the public auction.

On motion of Commissioner _____, seconded by Commissioner _____, that the foregoing Order be adopted, the vote was called. On roll call the vote stood:

Commissioner Mills: _____	Commissioner Royster: _____
Commissioner Johnston: _____	Mayor Austin: _____
Commissioner Hite: _____	

INTRODUCED, PUBLICLY READ AND FINALLY APPROVED ON ONE READING and Mayor Austin, affixed his signature and the date thereto and ordered that the same be recorded.

ATTEST:

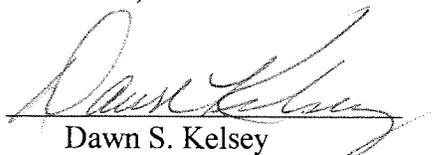
Steve Austin, Mayor

Date: _____

Maree Collins, City Clerk

**APPROVED AS TO FORM AND
LEGALITY THIS 27 DAY OF
SEPTEMBER, 2016.**

By:


Dawn S. Kelsey
City Attorney

**City Commission Memorandum
16-213 Revised**

September 27, 2016

TO: Mayor Steve Austin and the Board of Commissioners
FROM: Russell R. Sights, City Manager *RS/ld*
SUBJECT: Award of Bid for Receiving, Sorting and Marketing Recyclable Materials

The accompanying municipal order authorizes the award of a contract for the receiving, sorting and marketing of recyclable materials to Tri-State Resource Recovery, Evansville, in the amount of \$70.00 per ton.

Bid packages were sent to five vendors, with only one vendor submitting a bid. This vendor holds the current contract which expires October 1, 2016, and recommendation of their bid is made accordingly. As a side note, the bid is the same amount that is currently being charged.

The contract term is through September 30, 2017, with an option to extend for an additional one-year period under the same terms and conditions.

Adequate funds are budgeted and available for this purpose. Your approval of the attached municipal order is requested.

c: Buzzy Newman
Penny Hahn

Interdepartmental Memorandum

September 27, 2016

TO: Russell R. Sights, City Manager

FROM: William L. Newman, Jr., Assistant City Manager

WLN/2016

SUBJECT: Materials to be Recycled Contract Bid Award

Attached is the bid tabulation sheet for the receipt, sorting, and marketing of the curbside collection of materials that can be recycled. Only one bid was received which is from the company currently providing this service.

Based upon the bid tab results, it is recommended that the bid be awarded to Enterprise Zone & Training Center, Corp., (Tri-State Resource Recovery).

The initial contract period will be for one (1) year with a one-year renewal term and will coincide with the contract for curbside pickup.

cc: Brian Williams, Public Works Director
Sam Lingerfelt, Sanitation Superintendent

City of Henderson, Kentucky
Invitation to Bid

Bid Reference No. 16-30

SPECIAL CONDITIONS

Scope of Work

The City is soliciting bids for the receipt, sorting and marketing of materials that can be recycled. Average monthly tonnage quantity is estimated at 56 tons.

The City currently contracts with a vendor to perform curbside pickup of materials that can be recycled. Firms interested in bidding this work may request the pickup schedule from the City's curbside vendor. Material delivery to the bidder's site shall coincide with the curbside vendor's pickup schedule for the City of Henderson.

The City's curbside recycling vendor is Advanced Disposal of Evansville Indiana. A contact name and number is as follows: Scott Bradshaw at (812) 868-1100.

Terms and Conditions

The initial term of this agreement will be one (1) year beginning on October 1, 2016 and expiring on September 30, 2017 with a one-year renewal term that can be exercised for contract services if both parties are in agreement. Either party may cancel the contract upon sixty (60) days written notice to the other party.

The City's current curbside collection vendor is located in Vanderburgh County, Indiana. If there is a cost associated with the curbside vendor for the transportation of the materials to be recycled to the bidder's site, bidder shall include that cost as a bid item. Costs associated with delivery of materials that can be recycled shall be communicated with the curbside vendor.

Bid Award

The intent of this bid is either the payment to OR the cost to the City of Henderson. Bid form is either/or. Bid will be awarded to the respective bidder that results in the least cost to the City.

All questions shall be directed to William L. "Buzzy" Newman, Jr., Assistant City Manager at (270) 831-1200.

- End of Section -

MUNICIPAL ORDER _____

MUNICIPAL ORDER AUTHORIZING AWARD OF BID FOR CURBSIDE
RECYCLING SERVICES TO ENTERPRISE ZONE & TRAINING CENTER, CORP.,
(TRI-STATE RESOURCE RECOVERY OF EVANSVILLE, INDIANA)

WHEREAS, the City of Henderson has issued invitations to bid for curbside recycling services; and

WHEREAS, one bid was submitted to the City pursuant to said invitations, and were publicly opened on September 27, 2016, with Enterprise Zone & Training Center, Corp., (Tri-State Resource Recovery), of Evansville, Indiana, submitting the bid of \$70.00 per ton as cost to the City of Henderson for materials to be recycled.

NOW, THEREFORE, BE IT RESOLVED by the City of Henderson, Kentucky, that award is hereby made to Enterprise Zone & Training Center, Corp., (Tri-State Resource Recovery), 1511 Harriet Street, Evansville 47710, for the contract to provide curbside recycling services for a term of one (1) year with a one-year renewal term, in strict accordance with its bid as submitted pursuant to Bid Reference 16-30.

On motion of Commissioner _____, seconded by Commissioner _____, that the foregoing Resolution be adopted, the vote was called. On roll call the vote stood:

Commissioner Mills: _____	Commissioner Royster: _____
Commissioner Johnston: _____	Mayor Austin: _____
Commissioner Hite: _____	

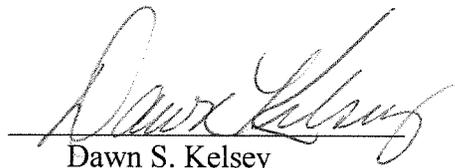
INTRODUCED, PUBLICLY READ AND FINALLY APPROVED ON ONE READING and Mayor Austin, affixed his signature and the date thereto and ordered that the same be recorded.

ATTEST:

Steve Austin, Mayor
Date: _____

Maree Collins, City Clerk

**APPROVED AS TO FORM AND
LEGALITY THIS 27 DAY OF
SEPTEMBER, 2016.**

By: 
Dawn S. Kelsey
City Attorney

City Commission Memorandum
16-208

September 23, 2016

TO: Mayor Steve Austin and the Board of Commissioners

FROM: Russell R. Sights, City Manager 

SUBJECT: Approval of Recycling for Commercial Businesses
Through September 30, 2017

The accompanying municipal order approves recycling through September 30, 2017 for commercial businesses that were served by Henderson Recycling for \$5.00 per month for material handling fee.

Henderson Recycling has not made other arrangements with commercial customers to continue recycling pickup. Advanced Disposal currently has the contract for the City's residential curbside recycling, and is agreeable to pick up commercial recycling in the 96 gallon curbside containers for the cost of \$5.00 per month through September 30, 2017.

Your approval of the attached municipal order is requested.

MUNICIPAL ORDER _____

MUNICIPAL ORDER APPROVING RECYCLING THROUGH SEPTEMBER 30, 2017 FOR COMMERCIAL BUSINESSES THAT WERE SERVED BY HENDERSON RECYCLING FOR \$5.00 PER MONTH FOR MATERIAL HANDLING FEE

WHEREAS, Henderson Recycling is currently idling its sorting operation and commercial pick up of 96 gallon containers and large roll off containers; and

WHEREAS, recycling is beneficial to the City of Henderson because it keeps recyclable materials out of the landfill; and

WHEREAS, Advanced Disposal which currently has the contract for the City's residential curbside recycling is agreeable to pick up commercial recycling in the 96 gallon curbside containers for the cost of \$5.00 per month through September 30, 2017; and

WHEREAS, Henderson Recycling has not made other arrangements with commercial customers to continue recycling pickup.

NOW, THEREFORE, BE IT ORDERED, by the City of Henderson, Kentucky, that the current commercial customers of Henderson Recycling with 96 gallon Henderson Recycling containers be offered to continue recycling services through September 30, 2017 with a \$5.00 per month recycling fee added to their utility bill.

On motion of Commissioner _____, seconded by Commissioner _____, that the foregoing Order be approved, the vote was called.

On roll call the vote stood:

Commissioner Mills: _____ Commissioner Royster: _____
Commissioner Johnston: _____ Mayor Austin: _____
Commissioner Hite: _____

INTRODUCED, PUBLICLY READ AND FINALLY APPROVED ON ONE READING and Mayor Austin, affixed his signature and the date thereto and ordered that the same be recorded.

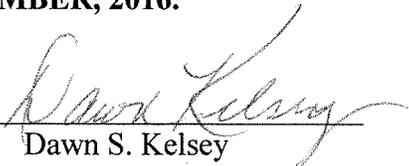
Steve Austin, Mayor

Date: _____

ATTEST:

Maree Collins, City Clerk

APPROVED AS TO FORM AND
LEGALITY THIS 8 DAY OF
SEPTEMBER, 2016.

By: 
Dawn S. Kelsey
City Attorney

City Commission Memorandum
16-214

September 23, 2016

TO: Mayor Steve Austin and the Board of Commissioners

FROM: Russell R. Sights, City Manager 

SUBJECT: Purchase of Property from Grace Point Baptist Church, Inc.
f/k/a Immanuel Baptist Temple

The accompanying resolution approves the purchase of real property from Grace Point Baptist Church, Inc. f/k/a Immanuel Baptist Temple, for a future fire station. The purchase consists of six (6) tracts of property located in Henderson.

As referenced in the attached Interdepartmental Memorandum from the Assistant City Manager, the referenced parcels of land will be used for the future replacement of Fire Stations #1 and #2.

Fire Chief Scott Foreman will be available at the meeting to answer any questions you might have. Your approval of the attached resolution is requested.

c: Buzzy Newman
Scott Foreman

Interdepartmental Memorandum

September 21, 2016

TO: Russell Sights, City Manager

FROM: William L. Newman, Jr., Assistant City Manager

SUBJECT: Immanuel Baptist Temple (IBT) *WLN/jc*

Pursuant to the efforts to negotiate the purchase of the IBT Church and associated properties and subject to the lease agreement for the Answer Center property, it is Chief Scott Foreman's and my recommendation to acquire the referenced parcels of land for the future replacement of Fire Stations #1 and # 2.

A proposal has been received from our environmental consultant to perform the Phase 1 Assessment of the property. We request approval to begin that process to comply with the terms of the agreement. The cost of this work is estimated not to exceed \$4,000. If it is determined that further investigation is required, further approval will be requested.

Chief Foreman will be available to answer questions by the Board of Commissioners.

RESOLUTION NO. _____

RESOLUTION APPROVING PURCHASE BY CITY OF REAL ESTATE FROM GRACE POINT CHURCH, INC. f/k/a IMMANUEL BAPTIST TEMPLE FOR PROPERTY LOCATED AT , 111 NORTH ADAMS STREET, 0000 FIRST STREET, 521 FIRST STREET, 510 FIRST STREET, 516 SECOND STREET AND 540 SECOND STREET , FOR THE SUM OF \$625,000,00 AND A FIVE (5) YEAR LEASE ON PROPERTY LOCATED AT 510 SECOND STREET; TO BE USED FOR THE FUTURE FIRE STATION AND AUTHORIZING EXECUTION OF CONTRACT AND OTHER DOCUMENTS

WHEREAS, the City of Henderson is in need of real property for a future fire station; and

WHEREAS, the City has negotiated with Grace Point Church, Inc f/k/a Immanuel Baptist Temple for the purchase and sale of a certain properties located at 111 North Adams Street; 0000 First Street, 521 First Street, 510 Second Street, 516 Second Street, and 540 Second Street, Henderson, KY, for the purchase price of \$625,000.00, and a five (5) year lease on the property located at 510 Second Street, for such purpose, and the terms and conditions of the purchase and sale of the property are set forth in a Purchase and Sale Contract, a copy of which is attached hereto as Exhibit "A";

NOW, THEREFORE, BE IT RESOLVED by the City of Henderson, Kentucky, that the purchase by the City of the real estate from Grace Point Church, Inc. f/k/a Immanuel Baptist Temples, for the purchase price of \$625,000.00, and a five (5) year lease for property located at 510 Second Street, as described in the attached Purchase and Sale Contract is hereby approved, and the Mayor is authorized to execute the Purchase and Sale Contract on behalf of the City; and the Mayor and the City Manager are authorized to take all other action and execute such other documents as may be necessary to effectuate the purchase of the aforesaid property.

On motion of Commissioner _____, seconded by Commissioner _____, that the foregoing Resolution be adopted, the vote was called. On roll call the vote stood:

Commissioner Mills: _____ Commissioner Royster: _____
Commissioner Johnston: _____ Mayor Austin: _____
Commissioner Hite: _____

WHEREUPON, Mayor Austin declared the Resolution adopted, affixed his signature and the date thereto and ordered that the same be recorded.

ATTEST:

Steve Austin, Mayor
Date: _____

Maree Collins, City Clerk

**APPROVED AS TO FORM AND
LEGALITY THIS 21 DAY OF
SEPTEMBER, 2016.**

By: 
Dawn S. Kelsey
City Attorney

SALES AND PURCHASE CONTRACT

DATED: _____, 2016

THIS CONTRACT made and entered into between **GRACE POINT CHURCH, INC. f/k/a IMMANUEL BAPTIST TEMPLE**, a Kentucky Corporation, of 540 Second Street, Henderson, Kentucky, **SELLER**, and the **CITY OF HENDERSON**, of 222 1st Street, Henderson, Kentucky 42420, **BUYER**.

1. Seller agrees to sell and Buyer agrees to buy all of Seller's real property located at 111 N Adams Street; 0000 First Street; 521 First Street; 510 Second Street; 516 Second Street; and 540 Second Street, Henderson Kentucky and which are PVA parcel #'s 2-6-2-1; 2-6-2-3; 2-6-2-6; 2-6-2-8; 2-6-2-16 and 2-6-2-17, as highlighted on the attached Exhibit A, and which are described as follows:

Tract 1 (parcel 2-6-2-1) address - 540 Second Street, consisting of the following two tracts:

(1) A tract of land lying between Adams and Ingram Streets and between First and Second Streets, in the city of Henderson, Kentucky; which is more particularly described as follows:

Beginning at a point which is formed by the intersection of the West line of Adams Street and the South line of Second Street in said City, said point also being the Northeast corner of Lot 18 in the plat of Wyatt Ingram's heirs recorded July 5, 1958, in the office of the Henderson County Court Clerk's office; thence North 68 degrees and 12 minutes West along the South line of Second Street and the North line of Lots 18 and 17 of said Ingram plat for a distance of 212.0 feet, thence South 21 degrees and 28 minutes West for a distance of 205.50 feet to the North line of a 12 foot alley, thence South 68 degrees and 48 minutes East along the North line of said alley for a distance of 212.0 feet to a point on the West line of Adams Street, thence North 21 degrees and 30 minutes East along the West line of Adams Street for a distance of 203.26 feet to the place of beginning, according to survey of Elmo Douglas Dockery, P.E. July 30, 1962.

(2) A certain house and lot of ground situated in the city of Henderson, Kentucky, which is bounded as follows:

Beginning at a stone in the line of Adams Street 165 feet from the Southern corner of lot No. 23 on Adams Street running thence at right angles to Adams Street N. 70 ¼ W. 201 feet to a stake; thence S. 19 ¾ W. 61 ½ feet to a stake; thence S. 70 ¼ E. 201 feet to a stake in the line of Adams Street; thence with the line of Adams Street N. 21 ¼ E. 62 ½ feet to the beginning. Being part of lot No. 19 in the division of Wyatt Ingram heirs.

Being a portion of the same property conveyed to Immanuel Baptist Temple, Inc., by deed from Immanuel Baptist Temple, by and through its Trustees, Robert E. Todd, Coleman J. Rideout, James M. Perkins, L. J. Davidson, and L. Allen Rhoads, dated May 13, 1966, of record in Deed Book 225, page 309 in the Henderson County Court Clerk's Office.

Tract 2 (parcel # 2-6-2-3) address – 111 N Adams Street:

A certain house and lot of ground situated in the City of Henderson, Kentucky, on the west side of Adams Street, between First and Second Streets, beginning at a stake in the line of Adams Street at the S. E. corner of Hopgood lot; thence N 176 feet to a stake on said Hopgood's line; thence S about 50 feet to a stake at the corner of George Delker's heirs' lot; thence at right angles 176 feet to a stake in the line of Adams Street; thence N 50-1/2 feet to the beginning.

Being the same property conveyed to Immanuel Baptist Temple, a Kentucky corporation, by deed from Frances Lithgoe and her husband, Thomas J. Lithgoe, Jane Currie, unmarried, Sue Hillenbrand and her husband, Ray Hillenbrand, and Nina Jones and her husband, Robert F. Jones, dated June 3, 1985, of record in Deed Book 356, page 680 in the Henderson County Court Clerk's Office.

Tract 3 (parcel # 2-6-2-6) address – First Street:

Beginning at a stake in the north line of First Street 142 feet 3 inches from the northwest corner of Adams and First Streets, corner to Ploch; running thence at right angles in a northerly direction 90 feet; thence at right angles in a westerly direction 35 feet 7 inches to a stake in the line of Griffin (now Marstall); thence south along the line of Griffin (now Marstall); to the line of First Street; thence east along the line of First Street to the beginning.

Being the same property conveyed to Immanuel Baptist Temple, a Kentucky corporation, by deed from Rebecca Lynn Roark and her husband, Frankie Wayne Roark, dated April 24, 1987, of record in Deed Book 377, page 13 in the Henderson County Court Clerk's Office.

Tract 4 (parcel # 2-6-2-8) address – 521 First Street, consisting of the following three tracts:

Tract 1: A certain lot or parcel of ground with the improvements thereon, known as 509-13 (also including 515 First) First Street, located on the North side of First Street, between Ingram and Adams Streets, in the city and county of Henderson, state of Kentucky to-wit:

Beginning at a stake in the line of First Street and corner to the Henry Baldauf lot; thence westward with line of said street 61-1/2 feet to a stake in the line of the division fence with E. C. Ward; thence at right angles with said street, and with the line of said division street 140 feet to a stake; thence at right angles in an easterly direction 21-1/2 feet to a stake; thence at right angles and in a northeasterly direction 51-1/2 feet to a 16 foot alley; thence at right angles 40 feet with a line of said alley to a stake in the line of the Baldauf lot; thence at right angles and with a line of what was the Baldauf property, 191-1/2 feet to the beginning.

Tract 2: A certain lot of ground with improvements thereon, known as 519 First Street, fronting 61 feet on the North side of First Street, between Ingram and Adams Streets, and extending back at right angles, 210 feet, more or less, to an alley.

Tract 3: A tract of lot of land located in the City of Henderson, Henderson County, Kentucky, and being known as House No. 521 First Street, between Ingram and Adams Streets, to-wit:

Beginning in the North line of First Street 195.3 feet East of Ingram Street and a corner to Margaret Mitchell; thence with Mitchell, North 28 degrees 01 minutes East 200 feet to an alley; thence with alley, South 62 degrees 15 minutes East 7 feet to a corner to Baptist Church lot; thence with Church lot, South 28 degrees 01 minutes West 52.5 feet; thence South 62 degrees 15 minutes East 25 feet to a corner to Lura Wood; thence with Wood and Elizabeth Liles, South 28 degrees 01 minutes East 147.5 feet to the North line of First Street, thence with First Street, North 62 degrees 15 minutes West 32 feet to the point of beginning.

Being the same property conveyed to Immanuel Baptist Temple, Inc., by deed from Scott Baas and wife, Roxy M. Baas, dated March 25, 2002, of record in Deed Book 512, page 787 in the Henderson County Court Clerk's Office.

Tract 5 (parcel # 2-6-2-16) address – 510 Second Street:

A certain house and lot of ground situated at 510 Second Street in the City of Henderson, Kentucky, fronting 53 feet on the south side of Second Street between Ingram and Adams Streets and running back the same width to an alley, being adjacent to and between the lots of Mrs. Peter Manion and J. H. Fleming Heirs Property.

Being the same property conveyed to Immanuel Baptist Temple, Inc., by deed from Maynard V. Glunt and his wife, Emma Gene Glunt, Joanne Marshall, widow, Frank L. Delker, Jr., widower, Dorothy Crafton, widow, Audrey Freels, widow, Bettye Sights Mann and her husband Edward F. Mann, and Carol Sights Walker and her husband Otis A. Walker, dated October 4, 1995, of record in Deed Book 453, page 501 in the Henderson County Court Clerk's Office.

Tract 6 (parcel # 2-6-2-17) address – 516 Second Street:

A certain lot of ground in the City of Henderson, Kentucky, fronting 50 feet on Second Street and running back 208 ½ feet, more or less, lying on the south side of said Second cross street and being between Ingram and Adams Streets.

Being the same property conveyed to Immanuel Baptist Temple, Inc., by deed from Maynard V. Glunt and his wife, Emma Gene Glunt, dated October 4, 1995, of record in Deed Book 453, page 507 in the Henderson County Court Clerk's Office.

2. INCLUDED IN THE SALE: The Real Estate shall include the land, together with all improvements thereon, all appurtenant rights, privileges, easements, fixtures and all of the following items if they are now located on the Real Estate and used in connection therewith; electrical; plumbing; heating and air conditioning equipment; bathroom fixtures; awnings; curtain/drapery rods; window/door screens; storm windows/doors; shrubbery/landscaping; affixed mirrors/floor covering; wall-to-wall/stair carpeting; television aerials/rotor operating boxes; garage door openers/opening devices; and utility/storage buildings or sheds; the

ventilation system in the carpentry workshop; and any other items as are listed below or on a rider attached hereto, except the Seller may remove fixtures from the Church Sanctuary Building (original structure used as the church sanctuary) prior to the Closing. However, the Seller agrees that it will not remove any fixtures in the Church Sanctuary Building that will leave the building unsecured and/or vulnerable to the environment (weather or animals) entering the Church Sanctuary Building (i.e. it will not remove Plexiglas covering over stain glass windows nor will it remove any exterior doors to the Church Sanctuary Building.) Seller understands and agrees not to remove any items from any other part of the property without express written permission of the Buyer.

3. PRICE AND TERMS: The purchase price shall be SIX HUNDRED TWENTY FIVE THOUSAND DOLLARS (\$625,000.00) and is payable in cash or certified funds at closing.

4. PAYMENT OF PURCHASE PRICE:

Seller's Expenses:

- (i) Realtor's commission

Buyer's Expenses:

- (i) Cost of preparation of deed
- (ii) Recording of deed and mortgage
- (iii) Transfer tax
- (iv) Cost of survey, if required
- (v) Title Opinion
- (vi) Inspections, including Phase I & Phase II
Environmental inspections
- (vii) All other costs

5. DEFAULT BY BUYER: If Buyer fails to perform the agreements of this Contract within the time set forth herein, Seller shall be entitled to all remedies available in law or in equity for Buyer's breach hereof.

6. DEFAULT BY SELLER: If Seller fails to perform any of the agreements of this Contract the Buyer may bring suit against Seller for damages resulting from the breach of Contract and/or for specific performance. Buyer's remedies are cumulative and not exclusive of one another, and all other remedies shall be available in either law or equity to Buyer for Seller's breach hereof.

7. RISK OF LOSS: Any future loss and/or damage to the property between the date of this offer and the date of closing shall be at SELLER'S sole risk and expense.

8. CLOSING: This transaction shall close on or before December 30, 2016.

9. MINERAL RIGHTS/OTHER RIGHTS: Mineral rights pass with no warranty of title.

10. PROPERTY TAXES: Both parties to this transaction are tax exempt and as a result no real property taxes have been or will be assessed against them.

11. POSSESSION: Possession shall be given at closing. As part of the consideration for this agreement, Buyer agrees to execute a triple net lease in favor of Seller's tenant, Green Valley Baptist Association, Inc., successor to The Answer Center, Inc., so the current tenant may remain in actual possession of the property located at 510 Second Street up to 5 years from the date of closing. Tenant must maintain insurance, including fire, property, casualty and comprehensive general liability, taxes if any, and utilities to the satisfaction of the Buyer, and shall include Buyer as insured on any and all policies of insurance purchased. Seller states that under paragraph 10 of its current lease with the Answer Center, Inc. dated June 29, 2000, that it has given the Answer Center, Inc. the right of first refusal, and that Green Valley Baptist Association, Inc., as successor to The Answer Center has declined to exercise its right of first refusal.

12. TITLE: At closing, except for the alley south of the sanctuary and educational building Seller shall convey to Buyer by deed of general warranty unencumbered, marketable title to the property with the usual covenants such as any national title company will insure, free and clear of all liens and encumbrances except easements and restrictions of record as to the use and improvements of the property. Seller warrants specifically the said alley. Should title to the property appear defective Seller shall have 14 days after receipt of notice from Buyer of such defect or defects within which to remedy same at the cost to the Seller. If such defect cannot be remedied, Seller shall pay all title examination costs and any earnest money shall be returned to Buyer.

Title is to be taken in the name of the City of Henderson, and the address shown in the deed is **222 1st Street, Henderson, Kentucky 42420.**

13. INSPECTION PERIOD FOR DEFECTS AND ENVIRONMENTAL CONDITIONS: Buyer shall have the right for a period of forty (40) days after the date of Contract acceptance (the "Inspection Period") to obtain inspections of the Real Estate from qualified inspectors or contractors selected by Buyer, of which said inspections shall be at Buyer's cost. Buyer shall be responsible for any damage to real estate or personal property caused by Buyer or Buyer's inspectors. If the inspections disclose any defects in the Real Estate, Buyer shall notify Seller in writing of the defects and provide a copy of the inspection report prior to expiration of the Inspection Period. The right to inspect shall include the right to conduct a Phase I environmental site assessment of the property pursuant to a scope as determined by the Buyer, and, in the event of discovery of a recognized environmental condition, a Phase II environmental investigation. In the event Buyer elects to conduct a Phase II investigation, the Inspection Period and closing date shall be extended by thirty (30) days.

14. RIGHT TO CANCEL: If Seller is unwilling or unable to repair any defect or to provide other assurances, Buyer shall have the right, at Buyer's sole option, to cancel this

Contract, in which event the earnest money shall be returned to Buyer and the parties shall be released from all further obligations under this Contract.

15. CONTINGENCY FOR WOOD DESTROYING INSECTS OR ORGANISMS:

This Contract is contingent upon the inspection of the subject Real Estate within 40 days of the date of this agreement, by a licensed pest control company to determine if there is any visible active wood destroying insect or organism infestation or visible existing structural damages from wood destroying insect or organism in the improvements. The results of the inspection shall be in writing. Written notice shall be given to Seller and Buyer prior to date of closing as to whether the report is satisfactory. Should repairs and/or damages resulting from termites or wood destroying organisms, be required, Seller shall pay for all treatment and repairs or, if Seller refuses, then Buyer may, at its option, elect to terminate this Contract and receive the full refund of the earnest money or proceed to Closing and take the Real Estate without regard to the termite inspection.

16. OTHER PROVISIONS AND/OR CONTINGENCIES:

a. Seller agrees to keep the utilities on in all of the buildings and to keep the temperature in the buildings at least fifty degrees (50°) at all times prior to the date of closing.

b. The undersigned swear to and acknowledge having full authority on behalf of their respective governing bodies to execute this document and bind them to the terms of this agreement.

17. SUCCESSORS AND ASSIGNS: This Contract shall be binding upon, and inure to the benefit of each of the parties hereto, and their respective heirs, successors and assigns.

18. ASSIGNMENT: Neither party hereto may assign their rights under this Contract without the prior written consent of the other party.

19. GOVERNING LAW: This Contract and the interpretation thereof shall be governed by the laws of the Commonwealth of Kentucky.

20. AUTHORITY: Any person executing and delivering this Contract on behalf of their respective parties hereto represent and warrant that they are duly authorized and fully empowered to execute and deliver this Contract on behalf of their respective parties hereto, and that all necessary action for the execution of this Contract has been taken and done.

21. ENTIRE AGREEMENT: This Contract contains and constitutes the entire agreement of the parties regarding the subject matter hereof, and there are no other agreements, written or oral, between the parties affecting the subject matter hereof. No amendment of this Contract or modification thereof shall be effective unless the same is made in writing and signed by all of the parties hereto.

22. **ACKNOWLEDGMENT:** The parties to this Contract have read its entire contents and acknowledge receipt of a copy.

IN TESTIMONY WHEREOF the parties hereto have hereunto set their hands, in counterparts, on the date first above written.

WITNESS the hands of the parties this ___ day of _____, 2016.

SELLER:

GRACE POINT CHURCH, INC.

By 
Larry Pendergraft, President

BUYER:

CITY OF HENDERSON

By _____
Steve Austin, Mayor

City Commission Memorandum
16-217
Walk-on

September 27, 2016

TO: Mayor Steve Austin and the Board of Commissioners

FROM: Russell R. Sights, City Manager *RS/ld*

SUBJECT: H Properties, LLC Agreement to Share Expense of Putting in Road

The accompanying municipal order authorizes the execution of an agreement with H Properties, LLC to share in the expense of putting a road in front of Lot #65 in Braxton Park Subdivision.

H Properties, LLC recent submitted a building permit application for Lot #65 of the Braxton Park Subdivision. In reviewing the application, it was discovered that the measurement of road through Ordinance #28-06 was incorrect and the road stopped before Lot #65, and therefore Lot #65 should not have become a lot of record since it had no road frontage. H Properties, LLC is agreeable to share in the expense of putting a road in front of Lot #65 in order for the building permit to be issued. If the expenses for building the road (including curb and gutter) exceed \$13,000.00, H Properties, LLC's portion of the expenses will be limited to \$6,000.00.

The attached Interdepartmental Memorandum from the Assistant City Manager details the order of events, and the attached Agreement details the proposed transaction between H Properties, LLC and the City. The Planning Director will be available at the meeting to answer any questions you might have.

Your approval of the attached municipal order is requested.

c: Buzzy Newman
Dawn Kelsey
Brian Bishop

Interdepartmental Memorandum

September 19, 2016

TO: Russell R. Sights, City Manager

FROM: William L. Newman, Jr., Assistant City Manager *WLN/jc*

SUBJECT: Lot # 65, Braxton Park Subdivision

Mr. John Hodge and his son David purchased Lot # 65 in the Braxton Park Subdivision and made application for a building permit for the referenced site. However, upon review by the Codes Department, the public street has not been installed although the water and sewer lines have been. Upon researching the Planning Commission records, the public improvements were accepted by the Planning Commission at its meeting on November 7, 2006. The bond report shows acceptance on the same date and is attached. The first reading of the Board of Commissioners was on November 28, 2006 and second reading on December 12, 2006.

Staff discussed the issue at length and determined the following:

- A building permit cannot be issued without the public street improvements being completed.
- Mr. Hodge purchased a legal lot of record and acknowledges that the street improvements were not available. He requested a private drive be installed to connect to the existing road which is not permissible under our current Code of Ordinances and Public Improvement spec.
- The street improvement is approximately 80 linear feet short of the total 1,040 linear feet of street that was accepted by the Planning Commission on November 7, 2006.

Possible options:

- Amend the existing ordinance to reflect the correct distance of Braxton Park Drive and require Mr. Hodge to install the new street improvements.

- Have the City enter into an agreement with Mr. Hodge to split 50/50 the actual costs for the City to construct the last 80 linear feet of roadway. The total cost is approximately \$13,000 to complete the section of road, including excavation, stone, sub drains, curbs, asphalt base and surface. (This does not include the new sidewalk.)

Based upon the facts around this issue, staff recommends splitting the cost with Mr. Hodge on the extension of new street by 80 linear feet.

**HENDERSON CITY-COUNTY PLANNING COMMISSION
BOND INSPECTION REPORT**

CITY COUNTY

ATTENTION: _____

REQUESTED BY: Claudia Waynes

DATE REQUESTED Nov 7th, 2006

SUBDIVISION / ADD: Braxton Park

DEVELOPER / OWNER ABBA

ORG. DATE OF BOND 11-12-04

FOR MEETING OF Nov 7, 2006

SECTION / LOT #: Section 2

BOND HOLDER Independence Bank

EXP. DATE OF BOND 11-12-06

	ORIGINAL	CURRENT	REDUCE TO (NOT LESS THAN 25%)
STREETS:	<u>344,828</u>	<u>137,930.00</u>	_____
SIDEWALKS:	_____	_____	_____
WATER / SEWERS:	_____	_____	_____
DEMOLITION:	_____	_____	_____
SCREENING:	_____	_____	_____

RECOMMENDED ACTION

CALL THE BOND
SUB. REG. REF. (Sec. 4.1 b2)

ACCEPTANCE

RELEASE

REDUCE

EXTEND FOR: _____
SUB. REG. REF. (Sec. 4.1 b2)

COMMENTS:

INSPECTED BY: [Signature]

11.07.06
DATE

MUNICIPAL ORDER _____

MUNICIPAL ORDER ACCEPTING AGREEMENT BETWEEN H PROPERTIES, LLC AND THE CITY OF HENDERSON, AND AUTHORIZING MAYOR TO EXECUTE THE AGREEMENT ON THE CITY'S BEHALF

WHEREAS, on December 12, 2006, the Board of Commissioners, through Ordinance #28-06, accepted 1,040 Lineal Feet of asphalt streets with 2' curb and gutter for Braxton Park Drive and with that acceptance Lot#65 of the Braxton Park Subdivision became a designated lot of record; and

WHEREAS, subsequently, the property in Braxton Park Subdivision including Lot #65 was purchased by H Properties, LLC; and

WHEREAS, a building permit application was submitted for Lot#65 of the Braxton Park Subdivision; and

WHEREAS, in reviewing the building permit application, it was discovered that the measurement of road through Ordinance #28-06 was incorrect and the road stopped before Lot #65, and therefore Lot #65 should not have become a lot of record since it had no road frontage; and

WHEREAS, a building permit cannot be issued to a lot with no road frontage; and

WHEREAS, H Properties, LLC relied upon the lot of record in purchasing the property and is agreeable to share in the expense of putting the road in front of Lot#65.

NOW, THEREFORE, BE IT ORDERED, the City of Henderson agrees to put in eighty-one (81) feet of road, including curb and gutter, in front of Lot#65 of Braxton Park and H Properties, LLC agrees to pay to the City of Henderson one-half of the expenses for putting in this portion of the road. If the expenses for building the road (including curb and gutter) exceed \$13,000, H Properties LLC's portion of the expenses will be limited to \$6,500. H Properties, LLC understands and agrees that it is responsible for payment for all other public improvements, including sidewalks, necessary for Lot#65 of Braxton Park.

On motion of Commissioner _____, seconded by Commissioner _____, that the foregoing Resolution be adopted, the vote was called. On roll call the vote stood:

Commissioner Mills: _____
Commissioner Johnston: _____
Commissioner Hite: _____

Commissioner Royster: _____
Mayor Austin: _____

**INTRODUCED, PUBLICLY READ AND FINALLY APPROVED ON ONE
READING, this the _____ day of September, 2016.**

ATTEST:

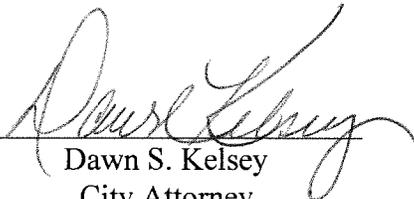
Steve Austin, Mayor

Date: _____

Maree Collins, City Clerk

**APPROVED AS TO FORM AND
LEGALITY THIS 27 DAY OF
SEPTEMBER, 2016.**

By: _____


Dawn S. Kelsey
City Attorney

AGREEMENT BETWEEN CITY OF HENDERSON

AND H PROPERTIES, LLC

THIS AGREEMENT is made and entered into this the 21st day of September 2016, by and between the City of Henderson and H Properties, LLC.

WHEREAS, on December 12, 2006, the Board of Commissioners, through Ordinance #28-06, accepted 1,040 Lineal Feet of asphalt streets with 2' curb and gutter for Braxton Park Drive and with that acceptance Lot #65 of the Braxton Park Subdivision became a designated lot of record, and

WHEREAS, subsequently, the property in Braxton Park Subdivision including Lot #65 was purchased by H Properties, LLC; and

WHEREAS, a building permit application was submitted for Lot #65 of the Braxton Park Subdivision; and

WHEREAS, in reviewing the building permit application, it was discovered that the measurement of road through Ordinance #28-06 was incorrect and the road stopped before Lot #65, and therefore Lot #65 should not have become a lot of record since it had no road frontage; and

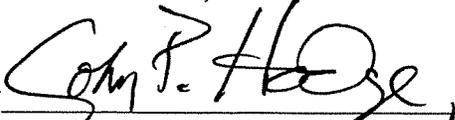
WHEREAS, a building permit cannot be issued to a lot with no road frontage; and

WHEREAS, H Properties, LLC relied upon the lot of record in purchasing the property and is agreeable to share in the expense of putting the road in front of Lot #65.

NOW THEREFORE, the City of Henderson agrees to put in eighty-one (81) feet of road, including curb and gutter, in front of Lot #65 of Braxton Park and H Properties, LLC agrees to pay to the City of Henderson one-half of the expenses for putting in this portion of the road. If the expenses for building the road (including curb and gutter) exceed \$13,000, H Properties LLC's portion of the expenses will be limited to \$6,500.

H Properties, LLC understands and agrees that it is responsible for payment for all other public improvements, including sidewalks, necessary for Lot #65 of Braxton Park.

H PROPERTIES, LLC

By 
John P. Hodge, Manager

CITY OF HENDERSON

By _____
Steve Austin, Mayor

ATTEST

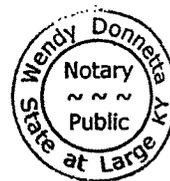
Maree Collins, City Clerk

STATE OF KENTUCKY
COUNTY OF HENDERSON ... SCT.

THE foregoing Agreement was signed and acknowledged before me, a notary public, by John P. Hodge, Manager of H Properties, LLC, this 27th day of September, 2016.

Wendy D Donnell
Notary Public
ID Number _____

My commission expires: 11/19/17



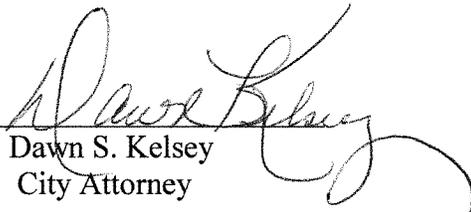
STATE OF KENTUCKY
COUNTY OF HENDERSON ... SCT.

THE foregoing Agreement was signed and acknowledged before me, a notary public, by Steve Austin, Mayor, of the City of Henderson, this _____ day of September, 2016.

Notary Public
ID Number _____

My commission expires: _____

**APPROVED AS TO FORM AND
LEGALITY THIS 21 DAY OF
SEPTEMBER, 2016.**

By: 
Dawn S. Kelsey
City Attorney

UPCOMING
BOARD APPOINTMENTS

<u>BOARD</u>	<u>EXPIRATION DATE</u>	<u>TERM</u>
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BOARD OF APPEALS (Housing & Building)

	<u>Current Term Expires</u>	<u>Term</u>
Gray Hodge	06/22/2016	4-Year