

ORDINANCE NO. **BG2023 - 28**

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 2
(ADMINISTRATION) AND CHAPTER 11
(FINANCE, TAXATION AND ECONOMIC
DEVELOPMENT) OF THE CITY OF BOWLING
GREEN CODE OF ORDINANCES

WHEREAS, staff has reviewed Chapter 2 (Administration) of the City of Bowling Green Code of Ordinances and is recommending various administrative changes; and,

WHEREAS, Chapter 11 (Finance, Taxation and Economic Development) of the City of Bowling Green Code of Ordinances includes Subchapter 11-10 related to the Development Area for the Inter-Modal Commerce and Distribution Center and Industrial Park (Kentucky Transpark) and included in the subchapter was language stating once the 2016 bond issue for the original Transpark area was paid in full, the subchapter would be repealed and the development area shall cease, and the bonds have been paid in full; and,

WHEREAS, these amendments are in the best interest of the City.

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

1. Chapter 2 (Administration) of the City of Bowling Green Code of Ordinance is hereby amended as follows:

...

2-4.01 Departments, Divisions, Offices Established; Enumerated.

The following named departments, divisions and offices are hereby established for the administration of the affairs of the City:

...

i. Department of Neighborhood and Community Services.

1. Neighborhood and Community Services Director.

(Ordinance No. BG2023 - 28)

2. Neighborhood Services Division.
3. Housing Division.
4. Building and Inspection Division.
5. Code Compliance and Animal Protection Division.
6. International Communities Liaison Division.
7. Downtown Development Division.

...

2-7 DEPARTMENT OF INFORMATION TECHNOLOGY.

The [~~Chief Information Officer~~] Information Technology Director shall be in charge of the Department of Information Technology subject to the supervision of the City Manager. The [~~Chief Information Officer~~] Information Technology Director shall be responsible for daily operations, supervising of staff and recommending the City's technology plans to the City Manager. The Department operations include technical operation and support of the City's information systems and internal and external websites, including the local area and wide area networks, remote communications, indoor and outdoor wireless networks, hardware installation and maintenance, system and application software installation and support, help desk support, security maintenance, backup systems, Geographic Information System (GIS) and disaster recovery procedures.

2-8 DEPARTMENT OF HUMAN RESOURCES AND RISK MANAGEMENT.

2-8.01 Human Resources and Risk Management Director.

The Human Resources and Risk Management Director shall be in charge of the Department of Human Resources and Risk Management subject to the supervision of the City Manager. The Human Resources and Risk Management Director shall be responsible for the general supervision of the functions and activities of the Department, including administration of the City's personnel merit system. [He] The Director shall carry out those duties and responsibilities assigned to [his] the office

(Ordinance No. BG2023 - 28)

by ordinance, municipal order and administrative order. Chapter 17 (Personnel Policies) of the Code of Ordinances further enumerates the duties and responsibilities of the Human Resources and Risk Management Director [~~with regard to Personnel Policies~~].

...

2-9 DEPARTMENT OF LAW.

...

2-9.02 Qualifications; Duties.

...

c. The City Attorney shall:

...

7. Retain counsel and negotiate hourly rates with approval from the City Manager when a need occurs for the services of an attorney not associated with the City's Law Department, such as a need for specialized legal services o[f]r when a conflict of interest develops with the City's Law Department; and,

...

2-10 DEPARTMENT OF PUBLIC WORKS.

...

2-10.02 Planning and Design Division.

a. The Division of Planning and Design shall be responsible for the preparation of plans, specifications and estimates for the superintending of the construction of public improvements thereof, and surveying and engineering work incidental thereto. The staff of the Division shall advise the City Manager and other City officials on engineering problems and public works of the City. The City Engineer shall be responsible for this Division.

b. The Division of Planning and Design shall be responsible for providing engineering

(Ordinance No. BG2023 - 28)

and surveying services for the City and to other boards and commissions created by the Board of Commissioners as needed, except the Bowling Green Municipal Utilities Board.

...

~~[g. The Division shall be responsible for maintaining the mapping data for Bowling Green's Geographic Information System (GIS) and providing assistance to other City departments and officials. Division staff shall serve as the liaison with non-City agencies for GIS-related activities.]~~

2-10.03 Operations Division.

The Operations Division shall be charged with the care, cleaning, safety, drainage and maintenance of the streets, curbs, alleys, sidewalks, traffic controls, signage and public ways of the City. The Operations Division Manager shall be responsible for this Division.

...

2-10.05 Facilities Management Division.

The Facilities Management Division shall be responsible for City-wide facilities management ~~[for building]~~ and ~~[plant]~~ maintenance ~~[as assigned by the City Manager]~~. Future facilities construction, planning and acceptance shall be overseen by the Facilities Manager.

2-10.06 Environmental Compliance Division.

a. The Environmental Compliance Division shall be responsible for administering the Stormwater Program for the City. The staff of the Division shall inspect and enforce development within the City with regard to stormwater ordinances and regulations. The Environmental Manager shall be responsible for this Division.

b. This Division shall also be responsible for the state-certified management of the City's three closed landfills located at Glen Lily Road, Old Louisville Road and Butler County, including groundwater and surface sampling to ensure environmental protection and regulatory compliance.

...

(Ordinance No. BG2023 - 28)

2-13 DEPARTMENT OF NEIGHBORHOOD AND COMMUNITY SERVICES.

2-13.01 Neighborhood and Community Services Director.

a. The Director of the Department of Neighborhood and Community Services shall supervise the activities of the Department subject to the supervision of the City Manager, which include the administration of City ordinances relating to health, property maintenance, housing, and construction of buildings and electricity. The Department shall perform those additional functions in the general realm of community and economic development as may be from time to time directed by the City Manager.

b. The ~~[Director shall be designated as the City's]~~ Grants Manager ~~[and shall assume the role of]~~ serves as the compliance officer for all City grants, including all pass-through grants to local agencies. The ~~[Director]~~ Grants Manager shall also be responsible for planning, programming and administering:

1. The Community Development Block Grant program as authorized by the U.S. Department of Housing and Community Development (HUD) Act of 1974 (Public Law 93-383, 42 USC 5301 et. seq.); and,

2. Any other grants or community development programs as may be determined in the best interest of the City.

2-13.02 Neighborhood Services Division.

The Neighborhood Services Coordinator shall coordinate the City's role in delivering City services and information to ~~[citizens]~~ residents and neighborhoods, by acting as liaison between the neighborhood groups, ~~[citizens]~~ residents and all the City departments. The Division shall also process requests and complaints filed by ~~[citizens through the office of City Central]~~ residents and forward them to the proper City department for execution.

...

(Ordinance No. BG2023 - 28)

2-13.05 Code Compliance and Animal Protection Division.

The Code Compliance and Animal Protection Division shall provide enforcement related to the protection of the public health, safety and welfare in all existing buildings and premises, including the enforcement of property maintenance [~~and zoning regulations,~~] and animal protection. These activities include but are not limited to ordering substandard structure repair or demolition, weed mowing, and trash or inoperative vehicle removal, and ensuring compliance with Chapter 5 (Animals).

2-13.06 International Communities Liaison Division.

The International Communities Liaison Division serves to coordinate the City's role in communicating and working effectively with the diverse international communities represented in Bowling Green, and to serve as an advocate for LEP (Limited English Proficient) persons who may seek City services.

2-13.07 Downtown Development Division.

The Downtown Development Division promotes the City's vision for a thriving downtown. The Division develops resources required to revitalize and encourage a vibrant downtown, while promoting the downtown area as a destination for locals and visitors.

...

2-14 DEPARTMENT OF PARKS AND RECREATION.

2-14.01 Parks and Recreation Director.

a. The Director of Parks and Recreation shall be in charge of the Parks and Recreation Department subject to the supervision of the City Manager. The Director shall be responsible for the proper administration, operation and maintenance of all the City's parks, playgrounds, golf courses, swimming pools, cemeteries and all of its other recreational facilities. [He] The Director shall also be responsible for the development of the Comprehensive Recreation Plan and all other duties as assigned to the Department by ordinance and State law.

(Ordinance No. BG2023 - 28)

...

2-14.02 Parks Maintenance Division.

The Maintenance Division shall be responsible for the maintenance of parks grounds, equipment, buildings and special facilities. This Division shall oversee construction projects related to the Parks and Recreation Department, and manage the playground replacement program. ~~[This Division shall also be charged with the care, improvements and maintenance of the City owned and/or operated cemeteries.]~~

...

2-14.04 Recreation Division.

The Recreation Division shall provide a variety of programs and special events through aquatics, ~~[special populations]~~ adaptive recreation, community recreation centers, public relations and marketing programs.

2-14.05 Sports and Wellness Division.

The Sports and Wellness Division shall provide organized year-round youth and adult sports programs, and promote healthy lifestyles through management of the fitness center. ~~[This Division also manages the playground replacement program].~~

...

2-14.07 Cemetery Administration Division.

The Cemetery Administrat~~or~~ion shall be responsible for the administrative operations of the City cemeteries and shall enforce all City ordinances and State laws relating to cemeteries and burial. This Division shall also be in charge of the care, improvements and maintenance of the City owned and/or operated cemeteries.

...

2-19 ~~[CITIZENS']~~ ACCESS TO ~~[THE]~~ PUBLIC RECORDS OF THE CITY.

(Ordinance No. BG2023 - 28)

2-19.01 Official Custodian; Office Hours.

a. The Office of City Clerk is the official custodian of the City of Bowling Green public records. The City of Bowling Green hereby adheres to the provisions of the Kentucky Open Records Act as provided in KRS 61.870 to 61.884 and KRS 61.991.

b. The regular office hours [~~and work days~~] of the City are from [~~7:30~~]8:00 a.m. to 4:[3]00 p.m., Monday through Friday, excluding legal holidays.

2-19.02 Request for Records Inspection.

a. Any [~~person~~] resident of the Commonwealth as defined and pursuant to the Open Records Act shall have the right to inspect public records provided that person submits a written request or completes a [~~public records inspection~~] request to inspect public records application describing the records to be inspected. [~~Applications~~] Written requests may be delivered by hand, mail, e-mail or facsimile to the appropriate City office. [~~The mailing address for any City department is P.O. Box 430, Bowling Green, Kentucky 42102-0430~~].

b. All records relating to the Police Department shall be requested and obtained from the Records Division of the Police Department located at 911 Kentucky Street, Bowling Green, Kentucky 42101 or by e-mail at bgpdrecords@bgky.org.

c. All building permits, inspections and related records may be requested and obtained from the Neighborhood and Community Services Department, Building Division, [~~of the Neighborhood and Community Services Department~~] located at 701 E Main Avenue, Bowling Green, Kentucky 42101 or by e-mail at cityclerkopenrecords@bgky.org.

d. All records related to business licenses may be requested and obtained from the Department of Finance, License Division, located at the City Hall Annex, 1017 College Street, Bowling Green, Kentucky 42101 or by e-mail at cityclerkopenrecords@bgky.org.

e. All other records shall be requested and obtained from the Office of City Clerk located

(Ordinance No. BG2023 - 28)

at City Hall, 1001 College Street, Bowling Green, Kentucky 42101 or by e-mail at
cityclerkopenrecords@bgky.org.

...

2. Chapter 11 (Finance, Taxation and Economic Development) of the City of Bowling Green Code of Ordinance is hereby amended as follows:

...

~~[11-10 DEVELOPMENT AREA INTER-MODAL COMMERCE AND
DISTRIBUTION CENTER AND INDUSTRIAL PARK (KENTUCKY TRANSPARK).]~~

~~[11-10.01 Preamble.]~~

~~[a. The City of Bowling Green and the County of Warren, Kentucky, in cooperation with various other local governments, have for several years engaged in the study and analysis of the feasibility of the establishment of an Inter-Modal Commerce and Distribution Center and Industrial Park, referred to as the Kentucky Transpark, (the "Project") to serve the City of Bowling Green, the County of Warren and the economic area of the City and County, which project would provide and carry out the following public purposes: (i) the enhancement of economic development and economic growth within the Bowling Green-Warren County area, (ii) inducement of business and industrial expansion compatible with Bowling Green and Warren County, and (iii) the enhancement of the tax base of the Bowling Green-Warren County area and creation of employment opportunities for the citizens of Bowling Green and Warren County;]~~

~~[b. In order to finance the Project, the County of Warren has heretofore caused to be created the Inter-Modal Transportation Authority, Inc. (ITA), a nonprofit, non-stock corporation which is a corporation created pursuant to KRS Chapter 58 (the "Corporation");]~~

~~[c. KRS 65.680 to 65.699, inclusive, (the "Kentucky Increment Financing Act") authorize cities of the second class, such as the City of Bowling Green, and the County of Warren to create~~

(Ordinance No. BG2023 - 28)

~~"development areas" and to enter into contracts and grant agreements as set out in the Kentucky Increment Financing Act for the release of incremental revenues created in such development areas to the Corporation, being a nonprofit corporation established pursuant to KRS Chapter 58. The Corporation constitutes an "agency" within the meaning of the Kentucky Increment Financing Act and is legally qualified to accept tax increments derived from additional tax revenues generated within the development area, including ad valorem taxes generated within the development area, and to utilize such tax increments for public purposes, including for the financing of the Project. The City of Bowling Green has determined that it will, as a taxing district within the meaning of the Kentucky Increment Financing Act, create a Development Area within the corporate limits of the City of Bowling Green and designate the Corporation as its Agency to receive tax increments from such Development Area following the establishment of the Development Area so that such tax increments may be utilized by the Corporation for, with other funds if required, the amortization of obligations issued by Warren County, Kentucky for the benefit of the Inter-Modal Commerce and Distribution Center and Industrial Park (Kentucky Transpark) in order to finance the construction, acquisition and installation of the infrastructure of the Project; and,]~~

~~[d. For the foregoing reasons, it is now deemed appropriate and necessary by the City of Bowling Green to (i) create a Development Area pursuant to the Kentucky Increment Financing Act, and (ii) contract with the Corporation and other necessary parties as the designated Agency under the Kentucky Increment Financing Act to release eighty percent (80%) of all ad valorem tax revenues derived within the Development Area over and above the amount of revenues received or that would have been received by the City of Bowling Green from such tax sources from the Development Area in the last year prior to the establishment of the Development Area, such tax increments to be used by the Corporation to amortize and pay the obligations issued for the financing of the Project, including infrastructure costs.]~~

(Ordinance No. BG2023 - 28)

~~[11-10.02 Approval of Public Project; Implementation of Project.]~~

~~[A public project consisting of the economic and infrastructure development of the Inter-Modal Commerce and Distribution Center and Industrial Park (the "Project") is hereby officially approved, adopted and confirmed. The Project is a public project within the meaning of KRS Chapter 58 and it has previously been found and determined that the Project is necessary and will perform essential governmental functions.]~~

~~[11-10.03 Creation of Development Area.]~~

~~[a. Pursuant to KRS 65.680 through 65.699, inclusive, (the "Kentucky Increment Financing Act"), a Development Area is hereby officially designated and created by the City of Bowling Green which shall be known as the Inter-Modal Commerce and Distribution Center and Industrial Park Development Area (Kentucky Transpark) which shall encompass the geographic area described below:]~~

~~[PARCEL #1:]~~

~~[A certain parcel of land at the intersection of U.S. 68/KY 80 (Glasgow Road) and U.S. 31-W (Louisville Road) in Warren County, Kentucky and being included in the city limits of Bowling Green, Kentucky and more particularly described as follows:]~~

~~[The following description was prepared by Robert S. Evans, PLS #3320, B.G. Public Works Field Engineering, from deeds and plats of record in the Warren County Court Clerk's Office, and from tax maps and records in the Warren County PVA office. Record sources: Deeds 823/792, 832/488, 832/482, 832/485, 832/475, 836/608, 850/110, 211/275, Plat Book 30, Page 19 and Minor Plat Book, 12 Page 200.]~~

~~[Beginning at a point in the existing City limits, said point being in the east right-of-way of U.S. 31-W; thence crossing U.S. HWY 68 North 58 degrees 20 minutes 41 seconds East, 249.44 feet to a point in the east right-of-way of U.S. 31-W and the north right-of-way of U.S. HWY 68/KY 80;~~

(Ordinance No. BG2023 - 28)

~~thence with a curve in the said right-of-way having a radius of 120.00 feet, a delta angle of 97 degrees 55 minutes 03 seconds, a chord bearing of South 04 degrees 57 minutes 31 seconds West, 181.02 feet; thence continuing with said right-of-way South 40 degrees 00 minutes 29 seconds East, 261.10 feet to a point; thence South 41 degrees 10 minutes 22 seconds East, 179.94 feet to a point; thence South 46 degrees 18 minutes 27 seconds East, 188.92 feet to a point; thence South 47 degrees 21 minutes 01 seconds East, 455.83 feet to a point in the east right-of-way of U.S. HWY 68/KY 80 and a corner to Jared Madison (Deed Book 733, Page 270) and Bowling Green Area Economic Development Authority property (Deed Book 823, Page 792); thence with the line of Madison North 42 degrees 39 minutes 58 seconds East, 170.32' feet to a point; thence with Madison rear line North 46 degrees 57 minutes 11 seconds West, 199.81 feet to a point; thence with the rear line of Icy Dean Clubb (Deed Book 519, Page 762) and then James and Denise Clubb (Deed Book 519, Page 760) North 46 degrees 04 minutes 47 seconds West, 389.97' feet to a point; thence North 44 degrees 45 minutes 30 seconds East, 229.10 feet to a point; thence North 42 degrees 32 minutes 32 seconds West, 81.89 feet to point; thence with the line of James and Carolyn Miller (Deed Book 422, Page 381) North 40 degrees 26 minutes 49 seconds West, 147.53 feet to a point; thence with the line of Dixieland Subdivision (Plat Book 2, Page 174) for three calls, North 58 degrees 09 minutes 19 seconds East, 705.51 feet, thence North 56 degrees 23 minutes 38 seconds East, 386.92 feet; thence North 33 degrees 43 minutes 54 seconds West, 346.44 feet to a point in the south right-of-way of U.S. 31W; thence with said right-of-way North 55 degrees 44 minutes 16 seconds East, 40.00 feet to a point in the line of South Central Kentucky Development Authority (Deed Book 850, Page 110); thence continuing with said right-of-way North 56 degrees 18 minutes 01 seconds East, 177.62 feet to a point; thence North 33 degrees 39 minutes 08 seconds West, 49.80 feet to a point; thence north 56 degrees 12 minutes 37 seconds East, 506.62 feet to a point in the line of South Central Kentucky Development Authority (Deed Book 832, Page 488), (Plat Book 30, Page 19); thence with said right-of-way North 56 degrees 24 minutes 07~~

(Ordinance No. BG2023 - 28)

~~seconds East, 817.14 feet to a point; thence North 56 degrees 41 minutes 38 seconds East, 135.81 feet to a point; thence with said right of way North 56 degrees 37 minutes 58 seconds East, 546.93 feet to a point; thence continuing with the right of way in a northeast direction 1,437.63 feet to a point in the G.D. and Nancy Grimes property (Deed Book 648, Page 614 and Minor Plat Book 16, Page 63); thence with the Grimes line in a southeast direction 1,047.43 feet to a point common with David and Shirley Herrington (Deed Book 619, Page 521); thence with the line of Herrington South 26 degrees 16 minutes 20 seconds West, 1,153.11 feet to a point common to lot 3 (Plat Book 30, Page 19); thence South 26 degrees 16 minutes 20 seconds West, 1,405.01 feet to a point common to Murray and Geneva Crabtree property (Deed Book 296, Page 480); thence North 66 degrees 55 minutes 14 seconds West, 1,358.03 feet to a point common to Bowling Green Area Economic Development Authority property (Deed Book 823, Page 792) and Crabtree; thence South 10 degrees 33 minutes 50 seconds West, 582.75 feet to a point; thence South 45 degrees 40 minutes 31 seconds West, 290.81 feet to a point; thence South 45 degrees 40 minutes 31 seconds West, 784.29 feet to a point common to Ray and Luey Stracener (Deed Book 473, Page 505); thence with Stracener for three calls North 47 degrees 33 minutes 16 seconds West, 221.80 feet to a point; thence South 42 degrees 45 minutes 29 seconds West, 206.52 feet; thence North 52 degrees 18 minutes 47 seconds West, 301.60 feet to a point common to Billy and Melissa Grider (Deed Book 781, Page 517); thence North 47 degrees 11 minutes 23 seconds West, 100.90 feet to a point; thence South 42 degrees 40 minutes 36 seconds West, 169.83 feet to a point in the east right of way of U.S. HWY 68/ KY 80; thence with said right of way South 47 degrees 21 minutes 11 seconds East, 768.34 feet to a point; thence crossing U.S. HWY 68/KY 80 South 42 degrees 38 minutes 51 seconds West, 70.00 feet to a point in the west right of way of U.S. HWY 68/KY 80; thence continuing with said right of way North 47 degrees 21 minutes 09 seconds West, 1,290.06 feet; thence North 46 degrees 18 minutes 27 seconds West, 188.92 feet; thence North 41 degrees 10 minutes 2 seconds West, 179.94 feet; thence North 38 degrees 01 minutes 46 seconds West,~~

(Ordinance No. BG2023 - 28)

~~75.90 feet; thence North 37 degrees 13 minutes 51 seconds West, 88.61 feet; thence North 39 degrees 09 minutes 52 seconds West, 73.96 feet; thence North 41 degrees 51 minutes 53 seconds West, 54.92 feet; thence North 41 degrees 51 minutes 53 seconds West, 42.93 feet; thence North 63 degrees 31 minutes 21 seconds West, 43.32 feet; thence North 69 degrees 06 minutes 50 seconds West, 59.40 feet to the point of beginning. Containing 180.41 acres more or less.]~~

~~[PARCEL #2:]~~

~~[A certain parcel of land at the intersection of U.S. 68/KY 80 (Glasgow Road) and Hayes-Martin Road in Warren County, Kentucky and being adjacent to the city limits of Bowling Green, Kentucky and more particularly described as follows:]~~

~~[The following description was prepared by Robert S. Evans, PLS #3320, B.G. Public Works Field Engineering, from deeds and plats of record in the Warren County Court Clerk's Office, and from tax maps and records in the Warren County PVA office. Record sources Deeds: 841/127, 841/123, 841/165, 841/831, 850/351, 841/827, 753/139, 462/816, 465/620 and 619/521, Minor Plat Book 13/198 and 14/139.]~~

~~[Beginning at a point in the north right of way of the CSX Railroad (formerly L&N Railroad) said point is also in the existing city limits of Bowling Green, Kentucky; thence crossing the railroad in a southwest direction approximately 90.0 feet to a point in the south right of way of the railroad and the north right of way of Kelly Road; thence with the right of way of Kelly Road South 69 degrees 45 minutes East, 1,377.42 feet to a point; thence South 76 degrees 45 minutes East, 859.98 feet to a point a corner to the Stahl property (Deed Book 462, Page 816); thence continuing with the right of way of Kelly Road 1,406 feet +/- to a point in the north right of way of Kelly Road, said point common to Helen Stahl (Deed Book 462, Page 816) and Donnie Haydon (Deed Book 459, Page 625); thence with Haydon in a northeast direction 1,128 feet +/- to a point common with Herrington (Deed Book 369, Page 137); thence with Herrington in a westerly direction 169 feet +/- to a point; thence in~~

(Ordinance No. BG2023 - 28)

~~a northeast direction 1,405 feet +/- to a point in the south right-of-way of the CSX Railroad; thence with the railroad in a northeast direction 3,376 feet +/- to a point in the west right-of-way of the Sunnyside-Gott Road; thence with said right-of-way in a northeast direction 66 feet +/- to a point in the north right-of-way of the railroad also a corner to Danny Duvall (Deed Book 506, Page 756); thence with the railroad and Duvall in a southwest direction 1,265 feet +/- to a point in the north right-of-way and corner to the South Central Kentucky Development Authority property (Deed Book 842, Page 453); thence with South Central Kentucky Development Authority in a northeast direction 1,564 feet +/- to a point in the south right-of-way of U.S. HWY 68/KY 80 (Glasgow Road); thence with said right-of-way in an easterly direction 837 feet +/- to a point in said right-of-way; thence crossing said highway in a northerly direction 70 feet +/- to a point in the north right-of-way of U.S. HWY 68/KY 80 also being in the west right-of-way of Mizpah Road; thence with the right-of-way of Mizpah Road and the Hale property (Deed Book 465, Page 620) in a northeast direction 2,255 feet +/- to a point; thence with said right-of-way in a northwest direction 1,481 feet +/- to a point in said right-of-way and a corner with Herrington (Deed Book 619, Page 521); thence with said right-of-way and passing the Mabel Herrington property (Deed Book 512, Page 414) in a northeast direction 1,255 feet +\ to a point in said right-of-way and a corner common to Clyde Spinks (Deed Book 470, Page 339); thence with Spinks in a northwest direction 1,663 feet +\ to a point common with Spinks and South Central Kentucky Regional Development Authority property (Deed Book 837, Page 820 and Deed Book 832, Page 482); thence with said line in a southwest direction 2,895 feet +\ to a point common to Murray and Geneva Crabtree (Deed Book 296, Page 480) and William and Geneva Penick (Deed Book 556, Page 546); thence with the Penick line in a southeast direction 272 feet +\ to a point; thence in a southwest direction 1,361 feet +\ to a point in the north right-of-way of U.S. HWY 68/KY 80 (Glasgow Road) and common to Philip and Deborah Wheeler (Deed Book 594, Page 88); thence with said right-of-way in a westerly direction 1,337 feet +/- to a point, a corner common to the Duvall~~

(Ordinance No. BG2023 - 28)

~~property (Deed Book 781, Page 389) and the South Central Kentucky Development Authority (Deed Book 841, Page 831); thence leaving said right-of-way and with the Duvall line North 21 degrees 04 minutes East, 1,625.21 feet to a pointing the Crabtree line (Deed Book 357, Page 251); thence with the Crabtree line South 80 degrees 25 minutes 217.13 feet to a point; thence South 33 minutes 43 seconds West, 1,599.45 feet to a point in the north right-of-way of U.S. HWY 68/KY 80 (Glasgow Road); thence with said right-of-way in a northwest direction 341 feet +/- to a point; thence crossing said highway in a southwest direction 70.00 feet to a point in the right-of-way of Scotty's Way and U.S. HWY 68/KY 80; thence with the right-of-way of U.S. HWY 68/KY 80 South 47 degrees 21 minutes 09 seconds East, 285.64 feet to a point; thence South 54 degrees 32 minutes 12 seconds East, 187.97 feet to a point; thence South 63 degrees 51 minutes 53 seconds East, 187.22 feet to a point in the right-of-way of U.S. HWY 68/KY 80 and Hayes Martin Road, also a corner to Scotty Industrial Park Plat book 27 Page 12; thence with the right-of-way of the Hayes Martin Road South 10 degrees 52 minutes 08 seconds West, 2,005.73 feet to a point; thence South 27 degrees 21 minutes 24 seconds West, 297.81 feet to a point the approximate end of Hayes Martin Road right-of-way; thence continuing with Scotty Industrial Park South 64 degrees 20 minutes 50 seconds East, 12.38 feet to a point; thence South 26 degrees 37 minutes 20 seconds West, 865.20 feet to a point in the north right-of-way of the CSX Railroad; thence with the railroad right-of-way South 76 degrees 09 minutes 02 seconds West, 991.55 feet to the point of beginning. Containing 672.20 acres more or less.]~~

~~[b. Pursuant to the Kentucky Increment Financing Act, the City of Bowling Green hereby designates the Corporation as the "Agency" under such Act to receive tax increments derived from the Development Area and to apply such tax increments to amortize the infrastructure and other obligations to be issued by Warren County, Kentucky to develop the Project.]~~

~~[c. There is hereby assigned to the Corporation eighty percent (80%) of the incremental ad valorem taxes derived and to be derived within the Development Area. The incremental taxes shall be~~

(Ordinance No. BG2023 - 28)

~~deemed to be the "increments" as defined in the Kentucky Increment Financing Act and shall be that amount of ad valorem tax receipts received by the City of Bowling Green from the Development Area in each year beginning calendar year 2004 over the amount of such ad valorem tax revenues received or that would have been received by the City of Bowling Green from the Development Area in calendar year 2003, being the last year prior to the establishment by the City of Bowling Green of the Development Area. The City of Bowling Green shall at a later date enter into appropriate contracts with the Corporation and other necessary parties for the release and payment of such tax increments to the Corporation, subject to the terms negotiated at that time. It is hereby determined and declared that the increments hereby assigned to the Corporation as the City's Agency, pursuant to the Kentucky Increment Financing Act, represent increments expected to be derived by the City of Bowling Green as a direct and proximate result of the undertaking of the Project. All tax increments hereby assigned to the Corporation and to be contracted to the Corporation by the City of Bowling Green shall be used solely and only for the purposes of the Project and in the Development Area and shall be used solely for the amortization of the bonds issued by the County of Warren for the financing of the Project. Once the bond issue is paid in full, this Subchapter shall automatically be repealed and the Development Area shall cease.]~~

11-1[4]0 TAX INCREMENT FINANCING DEVELOPMENT AREA – WKU
GATEWAY TO DOWNTOWN BOWLING GREEN.

11-1[4]0.01 Preamble.

11-1[4]0.02 Approval of Public Project; Implementation of Project.

11-1[4]0.03 Creation of WKU Gateway to Downtown Bowling Green Tax Increment
Financing (TIF) Development Area.

11-1[4]0.04 Calculation and Distribution of Tax Increment Financing Revenue Related to
Growth of Existing Businesses or Jobs that Relocate Into the TIF Development Area.

(Ordinance No. BG2023 - 28)

11-1[2]1 ENERGY PROJECT ASSESSMENT DISTRICT.

11-1[2]1.01 Preamble.

11-1[2]1.02 Definitions.

11-1[2]1.03 Adoption of EPAD Program and Designation of EPAD Program Area.

11-1[2]1.04 Operation of the EPAD Program.

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

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

5. This Ordinance is adopted pursuant to KRS 83A.060 in that it was introduced on September 19, 2023, and given final reading on October 17, 2023 and said Ordinance shall be in full force and effect upon signature, recordation and publication in summary pursuant to KRS Chapter 424.

ADOPTED: October 17, 2023

APPROVED: 
Mayor, Chairman of Board of Commissioners

ATTEST: 
City Clerk

SPONSORED BY: Jeffery B. Meisel, City Manager