

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC JOINT APPLICATION OF)
SOUTHEAST DAVIESS COUNTY WATER)
DISTRICT AND WEST DAVIESS COUNTY) CASE NO. 2020-00287
WATER DISTRICT FOR AN ORDER)
APPROVING THEIR MERGER)
AGREEMENT)

NOTICE OF FILING AND NAME CHANGE

Daviess County Water District (“Daviess District”), successor to the Southeast Daviess County Water District (“Southeast District”) and the West Daviess County Water District (“West District”) by way of merger and name change, hereby provides notice that it is filing herewith Executive Order #08-2020 signed by the Daviess County Judge/Executive on December 3, 2020, which approved the annexation of territory and the name change.

Ordering Paragraph 3 of the attached Executive Order ordered all land encompassed within the current territorial boundaries of West District to be annexed and made part of Southeast District upon the Closing of the Merger, and also ordered the name of Southeast District to be changed to “Daviess County Water District,” effective with the Closing of the Merger. The Closing of the Merger was January 1, 2021.

Dated: April 14, 2021

Respectfully submitted,



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*Counsel for Daviess County Water
District*

CERTIFICATE OF SERVICE

In accordance with 807 KAR 5:001 Section 8(7) and the Commission's March 16, 2020 and March 24, 2020 Orders in Case No. 2020-00085, this is to certify that the Daviess County Water District's electronic filing was transmitted to the Commission on April 14, 2021; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; and that a physical copy of the filing will be submitted to the Commission once the State of Emergency has ceased.


Damon R. Talley

DAVISS COUNTY
COMMONWEALTH OF KENTUCKY

EXECUTIVE ORDER # 08-2020

IN THE MATTER OF:

PETITION OF SOUTHEAST DAVIESS COUNTY WATER
DISTRICT TO ANNEX CERTAIN TERRITORY IN DAVIESS
COUNTY, KENTUCKY PURSUANT TO KRS 74.110

ORDER ANNEXING TERRITORY AND CHANGING NAME OF
MERGED WATER DISTRICT TO DAVIESS COUNTY WATER DISTRICT

WHEREAS, this matter is before the Daviess County Judge/Executive upon the petition of the Southeast Daviess County Water District (the "Southeast District") seeking to enlarge its territorial limits by annexing all the land encompassed within the current territorial boundary of the West Daviess County Water District (the "West District") and to change the name of the Southeast District to the "Daviess County Water District" upon the closing of the proposed merger. The petition was filed with the Daviess County Judge/Executive on October 21, 2020;

WHEREAS, the Daviess County Judge/Executive, by Executive Order entered on October 22, 2020, scheduled this matter for a public hearing on the question of whether it is reasonable for Southeast District to annex all the land encompassed within the current territorial boundary of the West District;

WHEREAS, reasonable notice of the public hearing has been given by publishing a Notice of Public Hearing in the October 29, 2020 and November 19, 2020 editions of the *Messenger-Inquirer* as required by KRS 74.110(2) and (3) and KRS Chapter 424;

WHEREAS, the West District is the only utility providing potable water service to the area sought to be annexed by the Southeast District;

WHEREAS, on August 18, 2020, the Southeast District and the West District entered into a Merger Agreement (the “Merger Agreement”) whereby the West District will merge with and into the Southeast District (the “Merger”). The Southeast District will be the surviving water district. In conjunction with the proposed Merger, the Southeast District desires to change its name to the “Daviness County Water District;”

WHEREAS, one of the closing requirements set forth in Section 6.5 of the Merger Agreement is that the Southeast District must obtain an Order from the Daviness County Judge/Executive expanding the territorial boundaries of the Southeast District to include all the land encompassed within the current territorial boundary of the West District. The current legal description of the Southeast District is attached hereto and incorporated herein by reference as **Exhibit 1**. The current legal description of the West District is attached hereto and incorporated herein by

reference as **Exhibit 2**. A map showing the combined territories of Southeast District and West District is attached hereto and incorporated herein by reference as **Exhibit 3**;

WHEREAS, a document containing the complete legal description of the combined territorial boundaries of the Southeast District and the West District is attached hereto and incorporated herein by reference as **Exhibit 4**;

WHEREAS, the Daviess County Judge/Executive conducted a public hearing, pursuant to KRS 74.110(3), on December 3, 2020 at 5:00 pm C.S.T.; and

WHEREAS, no written objections or exceptions to the proposed annexation have been received by the Daviess County Judge/Executive.

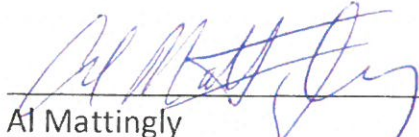
NOW, THEREFORE, it is hereby ORDERED as follows:

1. It is the finding of the Daviess County Judge/Executive that it will be in the best interests of the public health, safety, and general welfare of the inhabitants of the West District if this annexation is granted.
2. The Southeast District and the West District cannot merge into a single, consolidated water district, nor can the Southeast District provide water service to the inhabitants of the West District, unless this annexation is granted. Consolidation of these water districts will achieve economies of scale and will enable the combined system to be managed, operated, and

maintained in a more cost-effective manner as contemplated by the Merger Agreement. Therefore, it is the finding of the Daviess County Judge/Executive that the proposed annexation is reasonably necessary.

3. The petition of the Southeast District is granted, and all land encompassed within the current territorial boundaries of the West District may be and is hereby annexed to and made a part of the Southeast District upon the Closing of the Merger, which is scheduled for January 1, 2021. The name of the Southeast District shall be changed to "Daviess County Water District," effective with the Closing of the Merger.
4. Upon the Closing of the Merger, the Daviess County Water District's territorial boundaries shall be as depicted on the map which is attached hereto and incorporated herein by reference as **Exhibit 3**. Furthermore, the legal description of the Daviess County Water District's territorial boundaries shall include the legal description contained in **Exhibit 4**, which is attached hereto and incorporated herein by reference. Nothing in this Order is intended to modify the existing boundaries between the territories of the Districts and the territory of Owensboro Municipal Utilities.

Signed this 3 day of December 2020.



Al Mattingly
Daviess County Judge/Executive

Attest:



Jennifer Warren
Daviess County Fiscal Court Clerk

I, duly appointed Daviess County Fiscal Court Clerk Jennifer Warren, do hereby certify that the above Executive Order 08-2020 was executed by Judge/Executive Al Mattingly on the 3rd day of December 2020. Furthermore, said order may be found within the Daviess County Fiscal Court, located at 212 Saint Ann Street, Rm 202.

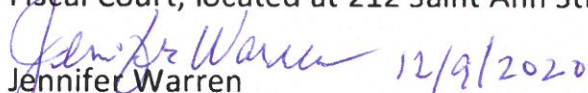

Jennifer Warren
Daviess County Fiscal Court Clerk

EXHIBIT 1

TERRITORIAL BOUNDARY DESCRIPTION

SOUTHEAST DAVIESS COUNTY WATER DISTRICT

Beginning at a point in the Owensboro City Limit line adjacent to the southern boundary of the General Electric Tube Plant, such point being 600 feet east of the centerline of the Old Hartford Road, and proceeding as follows:

1. In a southwardly direction along a line parallel to and 600 feet east of the Old Hartford Road a distance of 5600 feet, more or less, to a point in the centerline of Johnson Road; thence,
2. Continuing on Johnson Road in an eastwardly direction a distance of 1420 feet, more or less, to a point in the centerline of Johnson Road; thence,
3. Southeastwardly along the northeast boundary of Hillcrest Park, this being the Alco Barnes property, a distance of 810 feet, more or less, to a corner; thence,
4. Southwardly along the east boundary of Hillcrest Park area a distance of 1850 feet, more or less, to a point in the centerline of the Old Hartford Road; thence,
5. Southeastwardly a distance of 600 feet, more or less, to a point west of Old Hartford Road; thence,
6. Southwardly along a line parallel to and 600 feet west of the Old Hartford Road a distance of 10,400 feet, more or less, to a point in the centerline of the North Fork Panther Creek; thence,
7. Proceeding downstream along the centerline of the North Fork Panther creek a distance of 8000 feet, more or less, to the confluence of the South Fork Panther Creek and the North Fork Panther Creek; thence,
8. Upstream along the centerline of the South Fork Panther Creek realigned, 35,000 feet, more or less, to a point in the centerline of a road, said point being approximately 3600 feet southwest from the centerline of Highway 231; thence,
9. Proceeding across said road along the centerline of South Fork Panther Creek a distance of 2000 feet; thence,
10. Leaving said creek and proceeding in a northeastwardly direction 1500 feet, more or less, to a point in the centerline of Highway 231, said point being at the intersection of a road crossing and approximately 1000 feet northeast of the South Fork Panther Creek; thence,

11. Continuing in a northeastwardly direction a distance of 7000 feet to a point 2000 feet northwest of Sweepstakes Branch and 4600 feet southeast of the centerline of Highway 142; thence,
12. Proceeding in a northeastwardly direction parallel to and 4600 feet from Highway 142, a distance of 10,000 feet to a point in the centerline of Miller's Mill Road; thence,
13. Proceeding in a northerly direction a distance of 8000 feet to a point 4500 feet southwest of Highway 142, said point being at a 90-degree turn in a county road; thence,
14. Northeastwardly parallel to and 4500 feet east of Highway 142 a distance of 6100 feet to a point in the centerline of North Fork Panther Creek straightened; thence,
15. Northwestwardly 2500 feet to a point which is the intersection of the Illinois Central Railroad and Highway 54; thence, proceeding in the same northwest-wardly direction 2100 feet to a point which is 600 feet east of Winkler Road; thence,
16. Proceeding in a northeastwardly direction parallel to and 600 feet east of Winkler Road a distance of 2100 feet to the centerline of King Road; thence,
17. Westwardly on a line parallel to and 600 feet north of Pleasant Grove Road a distance of 2700 feet to a point 600 feet east of King Road; thence,
18. Northwardly along a line parallel to and 600 feet east of King Road a distance of 5800 feet to the centerline of Pleasant Valley Road and proceeding across said road 600 feet to a point; thence,
19. Proceeding westwardly parallel to and 600 feet north of Pleasant Valley Road a distance of 900 feet, more or less, to a point 600 feet east of the centerline of Dee Acre Road; thence,
20. Northwardly parallel to and 600 feet east of Dee Acre Road a distance of 5000 feet to a point in the centerline of South Hampton Road extended; thence,
21. Northwardly a distance of 5700 feet to a point 600 feet east of the intersection of Highways 142 and 144; thence,
22. Westwardly along a line parallel to and 600 feet north of Highway 144 a distance of 4200 feet to a point 600 feet east of Jones Road; thence,

23. Northwardly along a line parallel to and 600 feet east of Jones Road a distance of 6000 feet to a point 600 feet north of Wright's Landing Road; thence,
24. Westwardly along a line parallel to and 600 feet north of Wright's Landing Road to a point in the east right-of-way of the Louisville and Nashville Railway, a distance of 14,700 feet; thence,
25. Southwardly along the east right-of-way of the Louisville and Nashville Railway a distance of 13,100 feet, more or less, to the centerline of Highway 144, thence eastwardly to the intersection of the centerlines of Highway 144 and Reid Road, thence southwardly along the centerline of Reid Road to a point 600 feet east of the right-of-way of the Louisville and Nashville Railway; thence,
26. Southwestwardly along a line parallel to and 600 feet east of the east right-of-way of the Louisville and Nashville Railway a distance of 9000 feet, more or less, to a point, said point being 600 feet west of the centerline of the Pleasant Valley Road; thence,
27. Southwardly parallel to and 600 feet west of Pleasant Valley Road a distance of 5000 feet to a point in the centerline of Daniel Lane extended; thence,
28. Southwestwardly along a line of Daniel Lane extended and crossing Highway 54, a distance of 6000 feet to a point 1300 feet south of the Owensboro City Limits; thence,
29. Southwardly 3800 feet, more or less, to a point in the City Limits line and Southeast of the General Electric plant; said point being the southeast corner of the City Limits line east of the General Electric Tube Plant; thence,
30. Westwardly along the City Limits line a distance of 2100 feet, more or less, to the point of beginning.

EXHIBIT 2

TERRITORIAL BOUNDARY DESCRIPTION

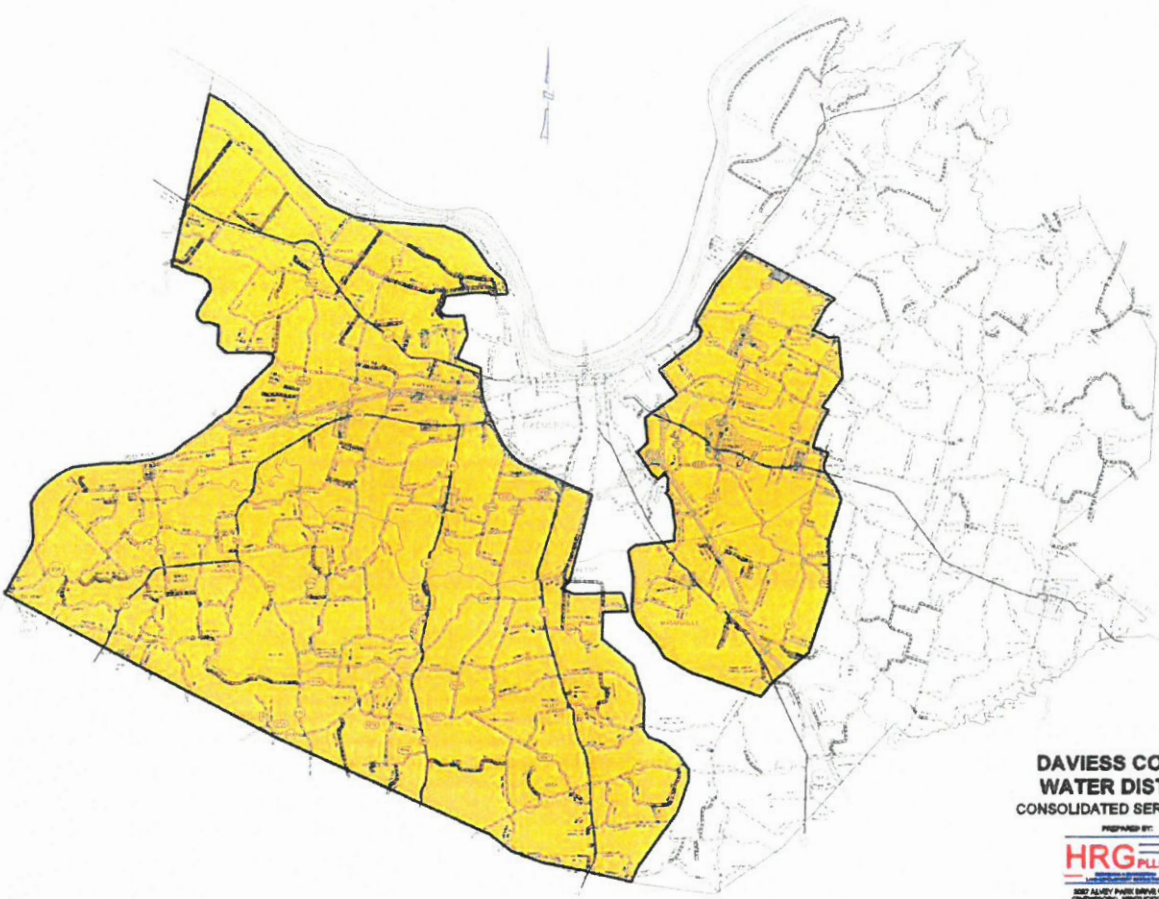
WEST DAVIESS COUNTY WATER DISTRICT

Beginning at a point approximately 1800 feet due east of the intersection of River Road and the Griffith Road, said point being the water mark on the bank of the Ohio River;

1. Thence along the water line of the Ohio River with the flow of the river to the Henderson County-Daviess County boundary;
2. Thence south and west with the Daviess County boundary to a point near Delaware, Kentucky, and being the intersection of the Henderson, Daviess and McLean County boundaries;
3. Thence with the Daviess-McLean County boundary to a point 2000 feet east of the intersection of U.S. Highway 431 and the Daviess-McLean County boundary;
4. Thence northwardly and parallel to U.S. Highway 431 and 2000 feet to its east to a point 2000 feet east of the intersection of U.S. Highway 431 and the L&N Railroad at Browns Valley;
5. Thence north and parallel to the L&N Railroad and 2000 feet east of the eastern boundary of said railroad to the center of the proposed Owensboro Belt-Line;
6. Thence westwardly following the center of the proposed Owensboro Belt-Line to a point 1000 feet north of the center of the intersection of the proposed Owensboro Belt-Line and U. S. Highway 60 West;
7. Thence parallel to and 1000 feet due north of U. S. Highway 60 westwardly to a point 200 feet east of that road known as Overstreet Road;
8. Thence parallel with Overstreet Road and 200 feet to its east to the intersection of Medley Road and Overstreet Road;
9. Thence parallel to Medley Road and 200 feet to its northeast to the intersection of Medley Road and Willett Road;
10. Thence parallel to Willett Road and 200 feet to its east to a point 500 feet south of the Griffith Road and 200 feet west of Willett Road;

11. Thence parallel to Griffith Road and 500 feet to its south and in an eastwardly direction to a point 500 feet west of the intersection of Griffith Road and River Road;
12. Thence east approximately 2300 feet to the point of beginning.

EXHIBIT 3



**DAVIESS COUNTY
WATER DISTRICT
CONSOLIDATED SERVICE AREA**

PREPARED BY:
HRG PLLC
A DIVISION OF
HRG GROUP, INC.
1000 ALABAMA AVENUE, SUITE 1000
COLUMBIA, MISSISSIPPI 39201
601.725.1200 FAX 601.725.1277
www.hrg.com
© 2009 HRG, PLLC

EXHIBIT 4

COMBINED TERRITORIAL BOUNDARY DESCRIPTION

DAVIESS COUNTY WATER DISTRICT

A. Former Southeast Daviess County Water District Territorial Boundary Description

Beginning at a point in the Owensboro City Limit line adjacent to the southern boundary of the General Electric Tube Plant, such point being 600 feet east of the centerline of the Old Hartford Road, and proceeding as follows:

1. In a southwardly direction along a line parallel to and 600 feet east of the Old Hartford Road a distance of 5600 feet, more or less, to a point in the centerline of Johnson Road; thence,
2. Continuing on Johnson Road in an eastwardly direction a distance of 1420 feet, more or less, to a point in the centerline of Johnson Road; thence,
3. Southeastwardly along the northeast boundary of Hillcrest Park, this being the Alco Barnes property, a distance of 810 feet, more or less, to a corner; thence,
4. Southwardly along the east boundary of Hillcrest Park area a distance of 1850 feet, more or less, to a point in the centerline of the Old Hartford Road; thence,
5. Southeastwardly a distance of 600 feet, more or less, to a point west of Old Hartford Road; thence,
6. Southwardly along a line parallel to and 600 feet west of the Old Hartford Road a distance of 10,400 feet, more or less, to a point in the centerline of the North Fork Panther Creek; thence,
7. Proceeding downstream along the centerline of the North Fork Panther creek a distance of 8000 feet, more or less, to the confluence of the South Fork Panther Creek and the North Fork Panther Creek; thence,
8. Upstream along the centerline of the South Fork Panther Creek realigned, 35,000 feet, more or less, to a point in the centerline of a road, said point being approximately 3600 feet southwest from the centerline of Highway 231; thence,
9. Proceeding across said road along the centerline of South Fork Panther Creek a distance of 2000 feet; thence,
10. Leaving said creek and proceeding in a northeastwardly direction 1500 feet, more or less, to a point in the centerline of Highway 231, said point being at the intersection of a road crossing and

approximately 1000 feet northeast of the South Fork Panther Creek;
thence,

11. Continuing in a northeastwardly direction a distance of 7000 feet to a point 2000 feet northwest of Sweepstakes Branch and 4600 feet southeast of the centerline of Highway 142; thence,
12. Proceeding in a northeastwardly direction parallel to and 4600 feet from Highway 142, a distance of 10,000 feet to a point in the centerline of Miller's Mill Road; thence,
13. Proceeding in a northerly direction a distance of 8000 feet to a point 4500 feet southwest of Highway 142, said point being at a 90-degree turn in a county road; thence,
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16. Proceeding in a northeastwardly direction parallel to and 600 feet east of Winkler Road a distance of 2100 feet to the centerline of King Road; thence,
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20. Northwardly parallel to and 600 feet east of Dee Acre Road a distance of 5000 feet to a point in the centerline of South Hampton Road extended; thence,
21. Northwardly a distance of 5700 feet to a point 600 feet east of the intersection of Highways 142 and 144; thence,
22. Westwardly along a line parallel to and 600 feet north of Highway 144 a distance of 4200 feet to a point 600 feet east of Jones Road; thence,

23. Northwardly along a line parallel to and 600 feet east of Jones Road a distance of 6000 feet to a point 600 feet north of Wright's Landing Road; thence,
24. Westwardly along a line parallel to and 600 feet north of Wright's Landing Road to a point in the east right-of-way of the Louisville and Nashville Railway, a distance of 14,700 feet; thence,
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26. Southwestwardly along a line parallel to and 600 feet east of the east right-of-way of the Louisville and Nashville Railway a distance of 9000 feet, more or less, to a point, said point being 600 feet west of the centerline of the Pleasant Valley Road; thence,
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29. Southwardly 3800 feet, more or less, to a point in the City Limits line and Southeast of the General Electric plant; said point being the southeast corner of the City Limits line east of the General Electric Tube Plant; thence,
30. Westwardly along the City Limits line a distance of 2100 feet, more or less, to the point of beginning.

**B. Former West Daviess County Water District
Territorial Boundary Description**

Beginning at a point approximately 1800 feet due east of the intersection of River Road and the Griffith Road, said point being the water mark on the bank of the Ohio River;

1. Thence along the water line of the Ohio River with the flow of the river to the Henderson County-Daviess County boundary;
2. Thence south and west with the Daviess County boundary to a point near Delaware, Kentucky, and being the intersection of the Henderson, Daviess and McLean County boundaries;

3. Thence with the Daviess-McLean County boundary to a point 2000 feet east of the intersection of U.S. Highway 431 and the Daviess-McLean County boundary;
4. Thence northwardly and parallel to U.S. Highway 431 and 2000 feet to its east to a point 2000 feet east of the intersection of U.S. Highway 431 and the L&N Railroad at Browns Valley;
5. Thence north and parallel to the L&N Railroad and 2000 feet east of the eastern boundary of said railroad to the center of the proposed Owensboro Belt-Line;
6. Thence westwardly following the center of the proposed Owensboro Belt-Line to a point 1000 feet north of the center of the intersection of the proposed Owensboro Belt-Line and U. S. Highway 60 West;
7. Thence parallel to and 1000 feet due north of U. S. Highway 60 westwardly to a point 200 feet east of that road known as Overstreet Road;
8. Thence parallel with Overstreet Road and 200 feet to its east to the intersection of Medley Road and Overstreet Road;
9. Thence parallel to Medley Road and 200 feet to its northeast to the intersection of Medley Road and Willett Road;
10. Thence parallel to Willett Road and 200 feet to its east to a point 500 feet south of the Griffith Road and 200 feet west of Willett Road;
11. Thence parallel to Griffith Road and 500 feet to its south and in an eastwardly direction to a point 500 feet west of the intersection of Griffith Road and River Road;
12. Thence east approximately 2300 feet to the point of beginning.