

**ORDINANCE 9-2020**

**AN ORDINANCE CLOSING A PORTION OF THE SOUTH RIGHT-OF-WAY OF WEST FIFTH STREET ON THE NORTH SIDE OF THE PROPERTY LOCATED AT 1008 WEST FIFTH STREET, OWENSBORO, KENTUCKY AND CONTAINING 0.022 ACRES, AT THE REQUEST OF VISHA, LLC.**

**WHEREAS**, VISHA, LLC has petitioned the City of Owensboro, pursuant to KRS 82.405(2) for the closing of a 0.022-acre portion of the right-of-way located on the south side of West Fifth Street and on the north side of the property located at 1008 West Fifth Street, Owensboro, Kentucky, attached hereto and incorporated herein by reference as Exhibit A; and

**WHEREAS**, other than the Petitioner, VISHA, LLC, there are no adjoining and/or abutting property owners, and no further consent is required to be granted for closure of the portion of the right-of-way; and

**WHEREAS**, pursuant to KRS 82.405(2), the Board of Commissioners of the City of Owensboro, Kentucky, makes the following findings:

1. That the Petitioner, VISHA, LLC is the only owner abutting the public right-of-way sought to be closed and has consented to the closing, a copy of the Applicant's Request for Closure of Public Right-of-Way is attached hereto.

2. That the closing of the public right-of-way to be abandoned herein would be in the best interest of the residents of the City of Owensboro, Kentucky, and will not create a hardship on any of the adjoining property owners or any person with any interest therein.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF OWENSBORO,  
KENTUCKY, AS FOLLOWS:**

**Section 1.** That the findings of fact recited hereinabove are hereby adopted, affirmed and incorporated by reference herein.

**Section 2.** Pursuant to the provisions of KRS 82.405(2), the City of Owensboro does hereby abandon and close a 0.022-acre portion of the right-of-way located on the south side of West Fifth Street and on the north side of the property located at 1008 West Fifth Street, Owensboro, Kentucky as more particularly described:

Beginning at a calculated point being in the south right-of-way line of West Fifth Street, said south right-of-way varies in width from its centerline and being the northeast corner of a 20-foot alley; thence severing the right-of-way of West Fifth Street North  $03^{\circ}17'35''$  West, 15.56 feet to a calculated point; thence continuing to sever said right-of-way North  $86^{\circ}51'30''$  East, 62.82 feet to a calculated point being in the North line of the Visha, LLC property, as recorded in Plat Book 49, page 90 in the Office of the Daviess County Clerk; thence with said North line of said property South  $03^{\circ}14'30''$  East, 15.56 feet to a calculated point; thence continuing with said North line South  $86^{\circ}51'30''$  West, 62.81 feet to the point of beginning and containing 0.022 acres or 977 square feet.

**Section 3.** All easements as shown on the aforesaid Plat will be retained on the property closed by this ordinance and of the property owner.

**Section 4.** A copy of this Ordinance shall be recorded in the Office of the Daviess County Court Clerk.

**Section 5.** That all ordinances or parts of ordinances in conflict herewith, are to the extent of such conflict, hereby repealed.

**INTRODUCED AND PUBLICLY READ ON FIRST READING**, this 21st day of July, 2020.

**PUBLICLY READ AND FINALLY APPROVED ON SECOND READING**, this 4th day of August, 2020.

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Thomas H. Watson, Mayor

ATTEST:

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Beth Cecil, City Clerk

#### **CERTIFICATION**

I, Beth Cecil, City Clerk of the City of Owensboro, Kentucky, do hereby certify that the foregoing is a true and correct copy of Ordinance 9-2020 duly adopted by the Board of Commissioners of the City of Owensboro, Kentucky, on the 4<sup>th</sup> day of August, 2020, the original of which is on file in the Office of the City Clerk, on this the 4th day of August, 2020.

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Beth Cecil, City Clerk