

## ORDINANCE 03-2022

### AN ORDINANCE CLOSING THE ALLEY RIGHT-OF-WAY LOCATED NORTH OF EAST 20<sup>TH</sup> STREET AND BEHIND 1924, 1926 AND 1928 TRIPLETT STREET IN THE CITY OF OWENSBORO, KENTUCKY.

**WHEREAS**, the City of Owensboro pursuant to KRS 82.405(2) desires to close the alley right-of-way located north of East 20<sup>th</sup> Street and behind 1924, 1926 and 1928 Triplett Street, Owensboro, Kentucky, plat of which is attached hereto and incorporated by reference as Exhibit “A”; and

**WHEREAS**, adjoining and abutting property owners, City of Owensboro, Owensboro Warehouse Leasing, LLC, People Placer, LLC, and Burmese Muslim Islamic Center, Inc., have given their written notarized consents to the closing of said alley right-of-way as evidenced in the *Consent of Abutting Property Owner(s) to Closure of Public Right-of-Way* heretofore filed, copies of which are attached and incorporated by reference as Exhibit “B”; 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, the City of Owensboro, has given written, notarized consent to the closing and abandonment of the public alley right-of-way described hereinabove, a copy of Applicant's *Request for Closure of Public Right-of-Way* is attached hereto.
2. Written notice of the proposed closing was given to all property owners in or abutting the right-of-way being closed.

3. That the City of Owensboro, the Petitioner herein, Owensboro Warehouse Leasing, LLC, People Placer, LLC, and Burmese Muslim Islamic Center, Inc. are the only property owners abutting and adjoining the portion of the public alley right-of-way located north of East 20<sup>th</sup> Street and behind 1924, 1926 and 1928 Triplett Street sought to be closed, and have given written, notarized consent to the closure, copies of which are attached hereto.
4. That the closing of the public alley 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.** The hereinafter described public right-of-way be, and is hereby ordered to be officially closed and abandoned pursuant to the provisions of KRS 82.405(2):

An alley right of way to be closed located on East 20<sup>th</sup> Street, west of Triplett Street on the east side of Owensboro, Kentucky more particularly described as follows:

Unless stated otherwise, a monument referred to herein as an "Iron Pin Set" is a 5/8 inch rebar, 18 inches in length with an orange cap stamped "Kevin Simmons, PLS 3635".

Beginning at a ¾" Rebar found with cap stamped "PLS 1874" in the north right of way line of East 20<sup>th</sup> Street, said point being 130.33 feet from the west right of way line of Triplett Street; thence following the north right of way line of East 20<sup>th</sup> Street, running 25.00 feet from and parallel with the centerline of said road S 86°42'30" W, 15.03 feet to a 1" iron pipe found in the north right of way line of East 20<sup>th</sup> Street, said point being the southeast

corner to the City of Owensboro (D.B. 1017, Pg. 574); thence following the east line of the City of Owensboro N 03°37'57" W, 120.83 feet to a P-K nail found; thence S 87°45'29" W, 9.71 feet to a ½" iron pipe found; thence N 03°11'45" W, 7.53 feet to a ¾" rebar found, said point being the southeast corner to Owensboro Warehouse Leasing, LLC (D.B. 1037, Pg. 722); thence following the east line of Owensboro Warehouse Leasing, LLC N 03°43'40" W, 87.36 feet to a ½" iron pipe found in the south line of People Placer, LLC. (D.B. 977, Pg. 057); thence following the south line of People Placer, LLC N 86°37'02" E, 13.56 feet to a calculated point, said point being the northwest corner of the Burmese Muslim Islamic Center, Inc. (D.B. 1052, Pg. 535); thence following the west line of the Burmese Muslim Islamic Center, Inc. S 03°43'40" E, 57.91 feet to a calculated point being the northwest corner of the City of Owensboro (D.B. 1017, Pg. 574); thence following the west lines of the City of Owensboro as follows: S 03°46'11" E, 21.93 feet to a ½" Iron Pipe found; thence N 86°39'45" E, 11.11 feet to a P-K Nail found; thence S 03°40'01" E, 26.93 feet to a ¾" Iron Pipe found, said point being the northwest corner of the City of Owensboro (D.B. 978, Pg. 083); thence following the west line of the City of Owensboro S 03°37'32" E, 109.16 feet to the point of beginning containing 0.075 Acre (3,274.77 Square Feet) according to a field survey performed by Kevin M. Simmons, PLS with the City of Owensboro Engineering Department.

**Section 3.** A copy of this Ordinance shall be recorded in the Office of the Daviess County Court Clerk.

**Section 4.** 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 15th day of February, 2022.

**PUBLICLY READ AND FINALLY APPROVED ON SECOND READING**, this 1st day of March, 2022.

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Thomas H. Watson, Mayor

ATTEST:

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Beth Davis, City Clerk

## CERTIFICATION

I, Beth Davis, City Clerk of the City of Owensboro, Kentucky, do hereby certify that the foregoing is a true and correct copy of Ordinance 03-2022 duly adopted by the Board of Commissioners of the City of Owensboro, Kentucky, on the 1st day of March, 2022, the original of which is on file in the Office of the City Clerk, on this the 1st day of March, 2022.

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Beth Davis, City Clerk

## EXHIBIT “A”

PEOPLE PLACER, LLC  
D.B. 977, PG. 057

OWENSBORO WAREHOUSE LEASING, LLC  
D.B. 1037, PG. 722

BURMESE MUSLIM ISLAMIC CENTER, INC  
D.B. 1052, PG. 535

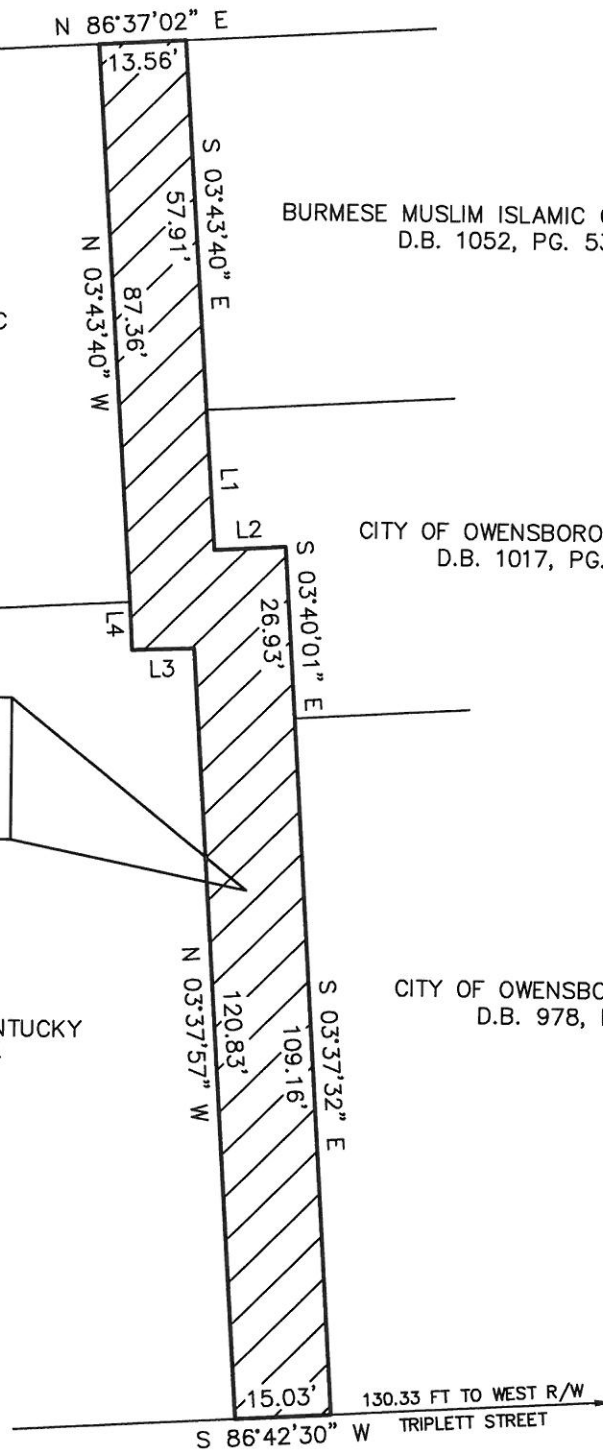
CITY OF OWENSBORO, KENTUCKY  
D.B. 1017, PG. 574

CITY OF OWENSBORO, KENTUCKY  
D.B. 978, PG. 083

CITY OF OWENSBORO, KENTUCKY  
D.B. 1017, PG. 574

ALLEY R/W TO BE CLOSED  
AREA: 3,274.77 SQ. FT.  
(0.075 ACRE)

LINE	BEARING	DISTANCE
L1	S 03°46'11" E	21.93'
L2	N 86°39'45" E	11.11'
L3	S 87°45'29" W	9.71'
L4	N 03°11'45" W	7.53'



E. 20TH STREET

'EXHIBIT A'  
CITY OF OWENSBORO  
ALLEY R/W CLOSURE  
ON EAST 20TH STREET  
OWENSBORO, KENTUCKY



## City of Owensboro Kentucky

P.O. BOX 10003  
OWENSBORO, KENTUCKY 42302

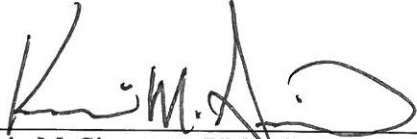
Engineering Department  
270-687-8641  
270-687-8579 (fax)

### LEGAL DESCRIPTION

An alley right of way to be closed located on East 20<sup>th</sup> Street, west of Triplett Street on the east side of Owensboro, Kentucky more particularly described as follows:

Unless stated otherwise, a monument referred to herein as an "Iron Pin Set" is a 5/8 inch rebar, 18 inches in length with an orange cap stamped "Kevin Simmons, PLS 3635".

Beginning at a 3/4" Rebar found with cap stamped "PLS 1874" in the north right of way line of East 20<sup>th</sup> Street, said point being 130.33 feet from the west right of way line of Triplett Street; thence following the north right of way line of East 20<sup>th</sup> Street, running 25.00 feet from and parallel with the centerline of said road S 86°42'30" W, 15.03 feet to a 1" iron pipe found in the north right of way line of East 20<sup>th</sup> Street, said point being the southeast corner to the City of Owensboro (D.B. 1017, Pg. 574); thence following the east line of the City of Owensboro N 03°37'57" W, 120.83 feet to a P-K nail found; thence S 87°45'29" W, 9.71 feet to a 1/2" iron pipe found; thence N 03°11'45" W, 7.53 feet to a 3/4" rebar found, said point being the southeast corner to Owensboro Warehouse Leasing, LLC. (D.B. 1037, Pg. 722); thence following the east line of Owensboro Warehouse Leasing, LLC. N 03°43'40" W, 87.36 feet to a 1/2" iron pipe found in the south line of People Placer, LLC. (D.B. 977, Pg. 057); thence following the south line of People Placer, LLC N 86°37'02" E, 13.56 feet to an calculated point, said point being the northwest corner of the Burmese Muslim Islamic Center, Inc. (D.B. 1052, Pg. 535); thence following the west line of the Burmese Muslim Islamic Center, Inc. S 03°43'40" E, 57.91 feet to a calculated point being the northwest corner of the City of Owensboro (D.B. 1017, Pg. 574); thence following the west lines of the City of Owensboro as follows: S 03°46'11" E, 21.93 feet to a 1/2" Iron Pipe found; thence N 86°39'45" E, 11.11 feet to a P-K Nail found; thence S 03°40'01" E, 26.93 feet to a 3/4" Iron Pipe found, said point being the northwest corner of the City of Owensboro (D.B. 978, Pg. 083); thence following the west line of the City of Owensboro S 03°37'32" E, 109.16 feet to the point of beginning containing 0.075 Acre (3,274.77 Square Feet) according to a field survey performed by Kevin M. Simmons, PLS with the City of Owensboro Engineering Department.

  
Kevin M. Simmons, PLS 3635      9-28-21  
Date



## EXHIBIT “B”



**CITY OF OWENSBORO**

**COMMISSION MEETING DATE: 2/15/2022**

**AGENDA REQUEST AND SUMMARY SUBMITTED BY: City Engineering Department  
– Michael Hamilton**

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**TITLE: PROPOSED CLOSING OF ALLEY RIGHT OF WAY NORTH OF EAST 20<sup>TH</sup> STREET ALONG THE REAR PROPERTY LINE OF 1924, 1926, AND 1928 TRIPLETT STREET**

**Ordinance Prepared by:** ☒ **City Staff** ☐ **Other Preparer** ☒ **Attachments:** Request for Closure of Public Right of Way Form, Consent of Abutting Property Owner to Closure of Public Right of Way Forms, Ordinance for Closure, Street right of way Description and Exhibit Plat

**Summary & Background:**

A request has been received from The City of Owensboro for consideration to close alley right of way behind 1924, 1926, and 1928 Triplett Street, being 15 foot wide and described below:

The proposed alley right of way being a north/south running 15 feet wide alley section from the north right of way line of East 20<sup>th</sup> Street to the south property line of 1900 Triplett Street. Commencing at the north right of way of E. 20<sup>th</sup> Street and being the southwest corner of the 1928 Triplett Street, thence northward along the east alley right-of-way approximately 109 feet to the southwest corner of 1926 Triplett Street, thence continuing north along the east right of way line of the alley 27 feet to a point in the west property line of 1926 Triplett Street, then west approximately 11 feet along the west property line of 1926 Triplett Street; thence northward along west property line 22 feet to the southwest corner of 1924 Triplett Street; thence northward approximately 58 feet to the northwest corner of 1924 Triplett also being the northeast corner of the alley right of way and in the south property line of 1900 Triplett Street; thence across the alley right of way approximately 14 feet to another point in the south property line of 1900 Triplett Street being the northwest corner of the alley right of way; thence south along the east property line of 1814 Triplett Street approximately 87 feet to the northeast corner of 1926 E. 20<sup>th</sup> Street, continuing south along the east property line of 1926 E. 20<sup>th</sup> Street, also being the west right of way line of said alley, another 8 feet then east 10 feet, thence south again for approximately 121 feet to the southeast corner of 1926 E. 20<sup>th</sup> Street also being a point in the north right of way of E. 20<sup>th</sup> Street; thence crossing the alley right of way east along the north right of way of E. 20<sup>th</sup> Street approximately 15 feet to close at the beginning being the southwest corner of 1928 Triplett Street, containing approximately 0.075 acres, more or less. (See attached legal description by Kevin Simmons, PLS 3635)

The City of Owensboro, owner of property at 1926 Triplett Street, 1928 Triplett Street, and 1926 East 20<sup>th</sup> Street has submitted a Request for Closure Form and Consent of Abutting Property Owner forms to initiate the proposed closing. Antonis Panayi, Owensboro Warehouse Leasing, LLC, owner of 1814 Triplett Street, an abutting property owner to the proposed closing has signed and submitted Consent of Abutting Property Owners form. Charlene Salpietra, People

Placer, LLC, owner of 1900 Triplett Street, an abutting property owner to the proposed closing has signed and submitted Consent of Abutting Property Owners form. Sa Deb, representing Burmese Muslim Islamic Center, Inc., owner of 1924 Triplett Street, an abutting property owner to the proposed closing has signed and submitted Consent of Abutting Property Owners form.

The request has been forwarded to all City Departments and City Utilities. No objections were noted to the closing of the public alley rights of way and no utility easements to be retained.

MARK PFEIFER, CITY ATTORNEY - DRAFTED THE ORDINANCE FOR CLOSURE

## REQUEST FOR CLOSURE OF PUBLIC RIGHT-OF-WAY

CITY ENGINEER:

The undersigned hereby requests that the right-of-way described below be closed and that the City Engineer's office make inquiry of all necessary City departments and utilities to determine if there are any reasons why the right-of-way located:

Along the rear property line of 1924, 1926, & 1928 Triplett Street from the north right of way of East 20<sup>th</sup> Street to south property line of 1900 Triplett Street

should not be closed.

I understand that if I do not own all the land abutting the right-of-way proposed to be closed, I will obtain the consent of all other adjoining landowners on the appropriate form provided by the City. I also agree to provide the City with the names and addresses of all abutting or otherwise affected landowners by the proposed closure.

Once the appropriate consent forms have been executed by all fee simple property owners abutting the right-of-way proposed to be closed, and have been filed with the City, I understand and agree that it shall be my responsibility to obtain and pay for the services of a licensed attorney to prepare the legal documents necessary to close public right-of-way in accordance with KRS 82.405, subject to the approval of the City Attorney.

SIGNED BY: Thomas H. Watson

(PRINTED NAME) Thomas H. Watson, Mayor

DATE: 7/9/2021

ADDRESS: 101 E. 4<sup>th</sup> Street, Owensboro Ky 42303

COUNTY OF DAVIESS )

Thomas H. Watson, Mayor, on this the 9<sup>th</sup> day of July, 2021.

Booth Cecile Davis #599130  
Notary Public, State of Kentucky at Large  
My commission expires: 5/6/2022

**CONSENT OF ABUTTING PROPERTY OWNER (S)  
TO CLOSURE OF PUBLIC RIGHT-OF-WAY**

I (We), City of Owensboro

do Solemnly swear and affirm that I am (we are) the fee simple owner (s) of real property located at and known as 1926 & 1928 Triplett Street and 1926 East 20<sup>th</sup> Street

,part or all of which property abuts a part or all of public right-of-way that the City of Owensboro, Kentucky, proposes to abandon and close in conformity with **KRS 82.405**, which right-of-way is more particularly described as follows:

Alley right of way 15 foot wide and approximately 210 ft. long being along the rear property line of 1924, 1926, & 1928 Triplett Street from the north right of way of East 20<sup>th</sup> Street to south property line of 1900 Triplett Street

I (We), as fee simple owner (s) of property in or abutting the portion of public right-of-way to proposed to be closed, do knowingly, voluntarily, and expressly waive my (our) right to written notice of the proposed closing otherwise required by **KRS 82.405 (2) (b)**, and hereby consent to, and join in the request for, the closure of said public right-of-way as proposed herein. I (We) further understand that I (we) are not required to consent to the closure of public right-of-way and may object to same. However, I (we) expressly waive any and all rights to object to the proposed closure.

I (We) further understand and acknowledge, that upon the enactment and publication of an ordinance by the Owensboro Board of Commissioners closing subject right-of-way, unless otherwise agreed, I (we) as abutting landowner (s), will receive by operation of law as my (our) own property, that portion of the right-of-way abutting my (our) property up to the center line of said right-of-way.

I further understand and acknowledge that if other fee simple owner (s) of property in or abutting the public right-of-way proposed to be closed does (do) not approve of the proposed closure, the City reserves the right to withdraw from consideration any ordinance, or dismiss any lawsuit prosecuted herein, unless any one or all of the fee simple owner (s) of property in or abutting the right-of-way proposed to be closed, agrees (agree) to indemnify and hold the city of Owensboro harmless from any and all damages assessed against it by virtue of the initiation of eminent domain proceedings pursuant to KRS 82.405 (3) and (4).

I (We) further understand and acknowledge that the City of Owensboro reserves the right to deny or qualify any request for closure of public right-of-way, if upon inquiry from all necessary City departments, utilities, and all abutting or affected property owners, it is determined that it is not in the best interest of the city to close public right-of-way or the retention of public or private utility easements or required to accommodate municipal services.

In testimony whereof, witness my (our) signature (s) on this 9<sup>th</sup> Day of July, 2021

PROPERTY OWNER (S):

Thomas H. Watson

Thomas H. Watson, Mayor

STATE OF KENTUCKY )

COUNTY OF DAVIESS )

The foregoing instrument was signed and acknowledged before me by Thomas H. Watson, Mayor  
On this the 9<sup>th</sup> day of July, 2021.

Beth Cecil Davis #597130

NOTARY PUBLIC, State at Large

My Commission expires: 5/6/2022

**CONSENT OF ABUTTING PROPERTY OWNER (S)  
TO CLOSURE OF PUBLIC RIGHT-OF-WAY**

I (We), Owensboro Warehouse Leasing, LLC

, do Solemnly swear and affirm that I am (we are) the fee simple owner (s) of real property located at and known as 1814 Triplett Street

,part or all of which property abuts a part or all of public right-of-way that the City of Owensboro, Kentucky, proposes to abandon and close in conformity with **KRS 82.405**, which right-of-way is more particularly described as follows:

Alley right of way 15 foot wide and approximately 210 ft. long being along the rear property line of 1924, 1926, & 1928 Triplett Street from the north right of way of East 20<sup>th</sup> Street to south property line of 1900 Triplett Street

I (We), as fee simple owner (s) of property in or abutting the portion of public right-of-way to proposed to be closed, do knowingly, voluntarily, and expressly waive my (our) right to written notice of the proposed closing otherwise required by **KRS 82.405 (2) (b)**, and hereby consent to, and join in the request for, the closure of said public right-of-way as proposed herein. I (We) further understand that I (we) are not required to consent to the closure of public right-of-way and may object to same. However, I (we) expressly waive any and all rights to object to the proposed closure.

I (We) further understand and acknowledge, that upon the enactment and publication of an ordinance by the Owensboro Board of Commissioners closing subject right-of-way, unless otherwise agreed, I (we) as abutting landowner (s), will receive by operation of law as my (our) own property, that portion of the right-of-way abutting my (our) property up to the center line of said right-of-way.

I further understand and acknowledge that if other fee simple owner (s) of property in or abutting the public right-of-way proposed to be closed does (do) not approve of the proposed closure, the City reserves the right to withdraw from consideration any ordinance, or dismiss any

lawsuit prosecuted herein, unless any one or all of the fee simple owner (s) of property in or abutting the right-of-way proposed to be closed, agrees (agree) to indemnify and hold the city of Owensboro harmless from any and all damages assessed against it by virtue of the initiation of eminent domain proceedings pursuant to **KRS 82.405 (3) and (4)**.

I (We) further understand and acknowledge that the City of Owensboro reserves the right to deny or qualify any request for closure of public right-of-way, if upon inquiry from all necessary City departments, utilities, and all abutting or affected property owners, it is determined that it is not in the best interest of the city to close public right-of-way or the retention of public or private utility easements or required to accommodate municipal services.

In testimony whereof, witness my (our) signature (s) on this 20<sup>th</sup> Day of July, 2021  
**PROPERTY OWNER (S) :**  
[Signature]

STATE OF KENTUCKY )

COUNTY OF DAVIESS )

The foregoing instrument was signed and acknowledged before me by  
Antonios Panayiotis  
On this the 20<sup>th</sup> day of July, 2021.

[Signature] KYNP32078  
NOTARY PUBLIC, State at Large  
My Commission expires: July 23<sup>rd</sup>, 2025



**CONSENT OF ABUTTING PROPERTY OWNER (S)  
TO CLOSURE OF PUBLIC RIGHT-OF-WAY**

I (We), People Placer, LLC

, do Solemnly swear and affirm that I am (we are) the fee simple owner (s) of real property located at and known as 1900 Triplett Street

, part or all of which property abuts a part or all of public right-of-way that the City of Owensboro, Kentucky, proposes to abandon and close in conformity with **KRS 82.405**, which right-of-way is more particularly described as follows:

Alley right of way 15 foot wide and approximately 210 ft. long being along the rear property line of 1924, 1926, & 1928 Triplett Street from the north right of way of East 20<sup>th</sup> Street to south property line of 1900 Triplett Street

I (We), as fee simple owner (s) of property in or abutting the portion of public right-of-way to proposed to be closed, do knowingly, voluntarily, and expressly waive my (our) right to written notice of the proposed closing otherwise required by **KRS 82.405 (2) (b)**, and hereby consent to, and join in the request for, the closure of said public right-of-way as proposed herein. I (We) further understand that I (we) are not required to consent to the closure of public right-of-way and may object to same. However, I (we) expressly waive any and all rights to object to the proposed closure.

I (We) further understand and acknowledge, that upon the enactment and publication of an ordinance by the Owensboro Board of Commissioners closing subject right-of-way, unless otherwise agreed, I (we) as abutting landowner (s), will receive by operation of law as my (our) own property, that portion of the right-of-way abutting my (our) property up to the center line of said right-of-way.

I further understand and acknowledge that if other fee simple owner (s) of property in or abutting the public right-of-way proposed to be closed does (do) not approve of the proposed closure, the City reserves the right to withdraw from consideration any ordinance, or dismiss any lawsuit prosecuted herein, unless any one or all of the fee simple owner (s) of property in or abutting the right-of-way proposed to be closed, agrees (agree) to indemnify and hold the city of Owensboro harmless from any and all damages assessed against it by virtue of the initiation of eminent domain proceedings pursuant to **KRS 82.405 (3) and (4)**.

I (We) further understand and acknowledge that the City of Owensboro reserves the right to deny or qualify any request for closure of public right-of-way, if upon inquiry from all necessary City departments, utilities, and all abutting or affected property owners, it is determined that it is not in the best interest of the city to close public right-of-way or the retention of public or private utility easements or required to accommodate municipal services.

In testimony whereof, witness my (our) signature (s) on this 8th Day of September, 2021

**PROPERTY OWNER (S) :**

People Placer LLC. by Charlene R. Salpietra (Agent)  
Charlene R. Salpietra

**STATE OF KENTUCKY**

**COUNTY OF DAVIESS**

The foregoing instrument was signed and acknowledged before me by Charlene Salpietra  
On this the 8th day of September, 2021.

Abbey M. Sheeton #K/NP3542  
**NOTARY PUBLIC, State at Large**  
My Commission expires: 08/26/2024

CONSENT OF ABUTTING PROPERTY OWNER (S)  
TO CLOSURE OF PUBLIC RIGHT-OF-WAY

I (We), Burmese Muslim Islamic Center, Inc.

, do Solemnly swear and affirm that I am (we are) the fee simple owner (s) of real property located at and known as 1924 Triplett Street, part or all of which property abuts a part or all of public right-of-way that the City of Owensboro, Kentucky, proposes to abandon and close in conformity with KRS 82.405, which right-of-way is more particularly described as follows:

Alley right of way 15 foot wide and approximately 210 ft. long being along the rear property line of 1924, 1926, & 1928 Triplett Street from the north right of way of East 20<sup>th</sup> Street to south property line of 1900 Triplett Street

I (We), as fee simple owner (s) of property in or abutting the portion of public right-of-way to proposed to be closed, do knowingly, voluntarily, and expressly waive my (our) right to written notice of the proposed closing otherwise required by KRS 82.405 (2) (b), and hereby consent to, and join in the request for, the closure of said public right-of-way as proposed herein. I (We) further understand that I (we) are not required to consent to the closure of public right-of-way and may object to same. However, I (we) expressly waive any and all rights to object to the proposed closure.

I (We) further understand and acknowledge, that upon the enactment and publication of an ordinance by the Owensboro Board of Commissioners closing subject right-of-way, unless otherwise agreed, I (we) as abutting landowner (s), will receive by operation of law as my (our) own property, that portion of the right-of-way abutting my (our) property up to the center line of said right-of-way.

I further understand and acknowledge that if other fee simple owner (s) of property in or abutting the public right-of-way proposed to be closed does (do) not approve of the proposed

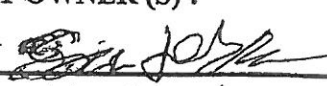
closure, the City reserves the right to withdraw from consideration any ordinance, or dismiss any lawsuit prosecuted herein, unless any one or all of the fee simple owner (s) of property in or abutting the right-of-way proposed to be closed, agrees (agree) to indemnify and hold the city of Owensboro harmless from any and all damages assessed against it by virtue of the initiation of eminent domain proceedings pursuant to KRS 82.405 (3) and (4).

I (We) further understand and acknowledge that the City of Owensboro reserves the right to deny or qualify any request for closure of public right-of-way, if upon inquiry from all necessary City departments, utilities, and all abutting or affected property owners, it is determined that it is not in the best interest of the city to close public right-of-way or the retention of public or private utility easements or required to accommodate municipal services.

In testimony whereof, witness my (our) signature (s) on this 24 Day of

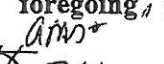
January, 2022


PROPERTY OWNER (S) :

 Sa Deb  
1924 ~~4th~~ Triplett St.

STATE OF KENTUCKY )

COUNTY OF DAVIESS )

The foregoing instrument was signed and acknowledged before me by  
 Sa Deb  
On this the 24 day of January, 2022

  
NOTARY PUBLIC, State at Large  
My Commission expires: 2/26/2024