

ORDINANCE 26-2023

AN ORDINANCE CLOSING A PORTION OF GRACIAN STREET, FOUST AVENUE AND A SECTION OF AN ALLEY RIGHT-OF-WAY ADJACENT TO 719 FOUST AVENUE IN THE CITY OF OWENSBORO, KENTUCKY.

WHEREAS, Local Property Holdings, LLC (Petitioner) has petitioned the City of Owensboro pursuant to KRS 82.405(2) to close a portion of Gracian Street, Foust Avenue and a section of an alley right-of-way adjacent to 719 Foust Avenue, Owensboro, Kentucky, plat of which is attached hereto and incorporated by reference as Exhibit A; and

WHEREAS, other than the Petitioner, Local Property Holdings, LLC, there are no other adjoining and/or abutting property owners, and no further consent is required to be granted for the requested closure; 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, Local Property Holdings, LLC, has given written, notarized consent to the closing and abandonment of the public rights-of-way described

hereinabove, a copy of Applicant's *Request for Closure of Public Right-of-Way* is attached hereto.

2. That the closing of the public rights-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 rights-of-way be, and are hereby ordered to be officially closed and abandoned pursuant to the provisions of KRS 82.405(2):

2,264 S.F. - 0.052 ACRE GRACIAN STREET CLOSING DESCRIPTION:

Beginning at a calculated point at the intersection of the south right-of-way line of West 7th Street and the west right-of-way line of Gracian Street, said calculated point also being the northeast corner of the Local Property Holdings, LLC property as recorded in Deed Book 1044, Page 391 in the Office of the Daviess County Clerk; thence severing said Gracian Street with the south right-of-way line of West 7th Street, South 77 Degrees 29 Minutes 42 Seconds East 31.18 Feet to a calculated point in the south right-of-way line of West 7th Street, said calculated point also being in the north line of the Local Property Holdings, LLC property as recorded in Deed Book 1038, Page 286 in said Clerk's Office; thence leaving the south right-of-way line of West 7th Street with said north line of the Local Property Holdings, LLC property as recorded in Deed Book 1038, Page 286, South 3 Degrees 37 Minutes 21 Seconds East 71.15 Feet to a calculated point in said north line of the Local Property Holdings, LLC property as recorded in Deed Book 1038, Page 286 and being at the southeast corner of Gracian Street; thence severing Gracian Street with said north line of the Local Property Holdings, LLC property as recorded in Deed Book 1038, Page 286, South 85 Degrees 59 Minutes 43 Seconds West 29.96 Feet to a calculated point in said north line of the Local Property Holdings, LLC property as recorded in Deed Book 1038, Page 286, said calculated point also being the southwest

corner of Gracian Street and the southeast corner of the Local Property Holdings, LLC property recorded in Deed Book 1044, Page 391; thence leaving said southwest corner of Gracian Street with the east line of the Local Property Holdings property recorded in Deed Book 1044, Page 391, North 3 Degrees 37 Minutes 21 Seconds West 80.01 Feet to the point of beginning and containing 2,264 square feet or 0.052 acres.

4,002 S.F. - 0.092 ACRE FOUST AVENUE CLOSING DESCRIPTION:

Beginning at a calculated point at the intersection of the south right-of-way line of West 7th Street and the east right-of-way line of Foust Avenue, said calculated point also being the northwest corner of the Local Property Holdings, LLC property as recorded in Deed Book 1040, Page 681 in the Office of the Daviess County Clerk; thence leaving said south right-of-way line with the west line of said Local Property Holdings, LLC property as recorded in Deed Book 1040, Page 681, South 3 Degrees 15 Minutes 41 Seconds East 80.01 Feet to a calculated point at the southwest corner of said Local Property Holdings, LLC property as recorded in Deed Book 1040, Page 681, said calculated point also being at the southeast corner of Foust Avenue and being in the north line of the Local Property Holdings, LLC property as recorded in Deed Book 1038, Page 286 in said Clerk's Office; thence severing said Foust Avenue with the north line of said Local Property Holdings, LLC property as recorded in Deed Book 1038, Page 286, South 85 Degrees 59 Minutes 43 Seconds West 50.02 Feet to a calculated point at the southwest corner of Foust Avenue and being in the east line of the Local Property Holdings, LLC property as recorded in Deed Book 1041, Page 780 in said Clerk's Office; thence with the east line of said Local Property Holdings, LLC property as recorded in Deed Book 1041, Page 780, North 3 Degrees 15 Minutes 58 Seconds West 80.01 Feet to a calculated point at the northeast corner of said Local Property Holdings, LLC property as recorded in Deed Book 1041, Page 780, said calculated point also being at the intersection of the south right-of-way line of West 7th Street and the west right-of-way line of Foust Avenue; thence severing said Foust Avenue with the south right-of-way line of West 7th Street North 85 Degrees 59 Minutes 43 Seconds East 50.03 to the point of beginning and containing 4,002 square feet or 0.092 acres.

773 S.F. - 0.018 ACRE ALLEY CLOSING DESCRIPTION:

Beginning at a calculated point at the intersection of the east line of a 10-foot Alley and the south right-of-way line of West 7th Street, said calculated point also being at the northwest corner of the Local Property Holdings, LLC property as recorded in Deed Book 1044, Page 391 in the Office of the Daviess County Clerk; thence with the west line of said Local Property Holdings, LLC property as recorded in Deed Book 1044, Page 391, South 3 Degrees 08 Minutes 49 Seconds East 80.02 Feet to the southwest corner of said Local Property Holdings, LLC property as recorded in Deed Book 1044, Page 391, said calculated point also being in the north line of the Local Property Holdings, LLC property as recorded in Deed Book 1038, Page 286 in said Clerk's Office; thence severing said 10-foot Alley with the north line of said Local Property Holdings, LLC property as recorded in Deed Book 1038, Page 286, South 85 Degrees 59 Minutes 43 Seconds West 9.60 Feet

to a calculated point in the north line of said Local Property Holdings, LLC property as recorded in Deed Book 1038, Page 286, said calculated point also being at the southeast corner of the Local Property Holdings, LLC property as recorded in Deed Book 1040, Page 681 in said clerk's office; thence with the east line of said Local Property Holdings, LLC property as recorded in Deed Book 1040, Page 681, North 3 Degrees 13 Minutes 53 Seconds West 80.02 Feet to a calculated point at the northeast corner of said Local Property Holdings, LLC property as recorded in Deed Book 1040, Page 681, said calculated point also being in the south right-of-way line of West 7th Street; thence severing said 10-foot Alley with the south right-of-way line of West 7th Street, North 85 Degrees 59 Minutes 43 Seconds East 9.71 Feet to the point of beginning and containing 773 square feet or 0.018 acres.

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 7th day of November, 2023.

PUBLICLY READ AND FINALLY APPROVED ON SECOND READING, this 21st day of November, 2023.

Thomas H. Watson, Mayor

ATTEST:

Beth Davis, City Clerk

EXHIBIT A

CITY OF OWENSBORO

COMMISSION MEETING DATE: 11/7/2023

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

TITLE: PROPOSED CLOSING OF A PORTION OF GRACIAN STREET, FOUST AVENUE, AND A SECTION OF ALLEY RIGHT OF WAY ASSOCIATED WITH AND ADJACENT TO 719 FOUST AVENUE

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, Alley Description and Exhibit Plat

Summary & Background: A request has been received from Jason Baker with Local Property Holdings, LLC, for consideration to close a section of Gracian Street, Foust Avenue, and a section of alley right of way adjacent to 719 Foust Avenue as described below:

GRACIAN STREET CLOSING DESCRIPTION:

Beginning at a calculated point at the intersection of the south right-of-way line of West 7th Street and the west right-of-way line of Gracian Street, said calculated point also being the northeast corner of the Local Property Holdings, LLC property as recorded in Deed Book 1044, Page 391 in the Office of the Daviess County Clerk; thence severing said Gracian Street with the south right-of-way line of West 7th Street, South 77 Degrees 29 Minutes 42 Seconds East 31.18 Feet to a calculated point in the south right-of-way line of West 7th Street, said calculated point also being in the north line of the Local Property Holdings, LLC property as recorded in Deed Book 1038, Page 286 in said Clerk's Office; thence leaving the south right-of-way line of West 7th Street with said north line of the Local Property Holdings, LLC property as recorded in Deed Book 1038, Page 286, South 3 Degrees 37 Minutes 21 Seconds East 71.15 Feet to a calculated point in said north line of the Local Property Holdings, LLC property as recorded in Deed Book 1038, Page 286 and being at the southeast corner of Gracian Street; thence severing Gracian Street with said north line of the Local Property Holdings, LLC property as recorded in Deed Book 1038, Page 286, South 85 Degrees 59 Minutes 43 Seconds West 29.96 Feet to a calculated point in said north line of the Local Property Holdings, LLC property as recorded in Deed Book 1038, Page 286, said calculated point also being the southwest corner of Gracian Street and the southeast corner of the Local Property Holdings, LLC property recorded in Deed Book 1044, Page 391; thence leaving said southwest corner of Gracian Street with the east line of the Local Property Holdings property recorded in Deed Book 1044, Page 391, North 3 Degrees 37 Minutes 21 Seconds West 80.01 Feet to the point of beginning and containing 2,264 square feet or 0.052 acres.

FOUST AVENUE CLOSING DESCRIPTION:

Beginning at a calculated point at the intersection of the south right-of-way line of West 7th Street and the east right-of-way line of Foust Avenue, said calculated point also being the northwest corner of the Local Property Holdings, LLC property as recorded in Deed Book 1040, Page 681 in the Office of the Daviess County Clerk; thence leaving said south right-of-way line with the west line of said Local Property Holdings, LLC property as recorded in Deed Book 1040, Page 681, South 3 Degrees 15 Minutes 41 Seconds East 80.01 Feet to a calculated point at the southwest corner of said Local Property Holdings, LLC property as recorded in Deed Book 1040, Page 681, said calculated point also being at the southeast corner of Foust Avenue and being in the north line of the Local Property Holdings, LLC property as recorded in Deed Book 1038, Page 286 in said Clerk's Office; thence severing said Foust Avenue with the north line of said Local Property Holdings, LLC property as recorded in Deed Book 1038, Page 286, South 85 Degrees 59 Minutes 43 Seconds West 50.02 Feet to a calculated point at the southwest corner of Foust Avenue and being in the east line of the Local Property Holdings, LLC property as recorded in Deed Book 1041, Page 780 in said Clerk's Office; thence with the east line of said Local Property Holdings, LLC property as recorded in Deed Book 1041, Page 780, North 3 Degrees 15 Minutes 58 Seconds West 80.01 Feet to a calculated point at the northeast corner of said Local Property Holdings, LLC property as recorded in Deed Book 1041, Page 780, said calculated point also being at the intersection of the south right-of-way line of West 7th Street and the west right-of-way line of Foust Avenue; thence severing said Foust Avenue with the south right-of-way line of West 7th Street North 85 Degrees 59 Minutes 43 Seconds East 50.03 to the point of beginning and containing 4,002 square feet or 0.092 acres.

ALLEY CLOSING DESCRIPTION:

Beginning at a calculated point at the intersection of the east line of a 10-foot Alley and the south right-of-way line of West 7th Street, said calculated point also being at the northwest corner of the Local Property Holdings, LLC property as recorded in Deed Book 1044, Page 391 in the Office of the Daviess County Clerk; thence with the west line of said Local Property Holdings, LLC property as recorded in Deed Book 1044, Page 391, South 3 Degrees 08 Minutes 49 Seconds East 80.02 Feet to the southwest corner of said Local Property Holdings, LLC property as recorded in Deed Book 1044, Page 391, said calculated point also being in the north line of the Local Property Holdings, LLC property as recorded in Deed Book 1038, Page 286 in said Clerk's Office; thence severing said 10-foot Alley with the north line of said Local Property Holdings, LLC property as recorded in Deed Book 1038, Page 286, South 85 Degrees 59 Minutes 43 Seconds West 9.60 Feet to a calculated point in the north line of said Local Property Holdings, LLC property as recorded in Deed Book 1038, Page 286, said calculated point also being at the southeast corner of the Local Property Holdings, LLC property as recorded in Deed Book 1040, Page 681 in said clerk's office; thence with the east line of said Local Property Holdings, LLC property as recorded in Deed Book 1040, Page 681, North 3 Degrees 13 Minutes 53 Seconds West 80.02 Feet to a calculated point at the northeast corner of said Local Property Holdings, LLC property as recorded in Deed Book 1040, Page 681, said calculated point also being in the south right-of-way line of West 7th Street; thence severing said 10-foot Alley with the south right-of-way line of West 7th Street, North 85 Degrees 59 Minutes 43 Seconds East 9.71 Feet to the point of beginning and containing 773 square feet or 0.018 acres.

Local Property Holdings, LLC, owner of property at 719 Foust Avenue has signed and submitted a Request for Closure Form and Consent of Abutting Property Owner Form for the proposed closing. Local Property Holdings, LLC, is also the owner of all the other abutting properties at 1708 W. 7th Street, 711 Foust Avenue, and 1802 W. 7th Street that abuts the proposed rights of way to be closed.

The request has been forwarded to all City departments and City Utilities. No objections were noted to the closing of the public street and alley rights of way. A public utility easement was requested and will be retained on the right of way area of Gracian Street and Foust Avenue proposed to be closed by OMU Electric and Water and Regional Water Resource Agency for their facilities within the proposed closed street rights of way adjacent to 719 Foust Avenue.

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 at:


711 FOUST, AND GRACIAN 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: JAMES J. BAKER

(PRINTED NAME) 

DATE: 9/15/23

ADDRESS: 1535 FREDERICA ST OWENSBORO 42301

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

I (We), Local Property holdings LLC Local Property
, do Solemnly swear and affirm that I am (we are) the fee simple owner (s) of real property
located at and known as 1708 West 7th street, 719 Foust Ave, 711 Foust Ave, , & 1802 West
7th

,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:

See attached legal descriptions. Portion of Gracian Street, Portion of Foust Ave, and
remaining paper alley between 711 Foust and 1708 West 7th 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 29 Day of August, 2023

PROPERTY OWNER (S) :

James J. Baker

STATE OF KENTUCKY)

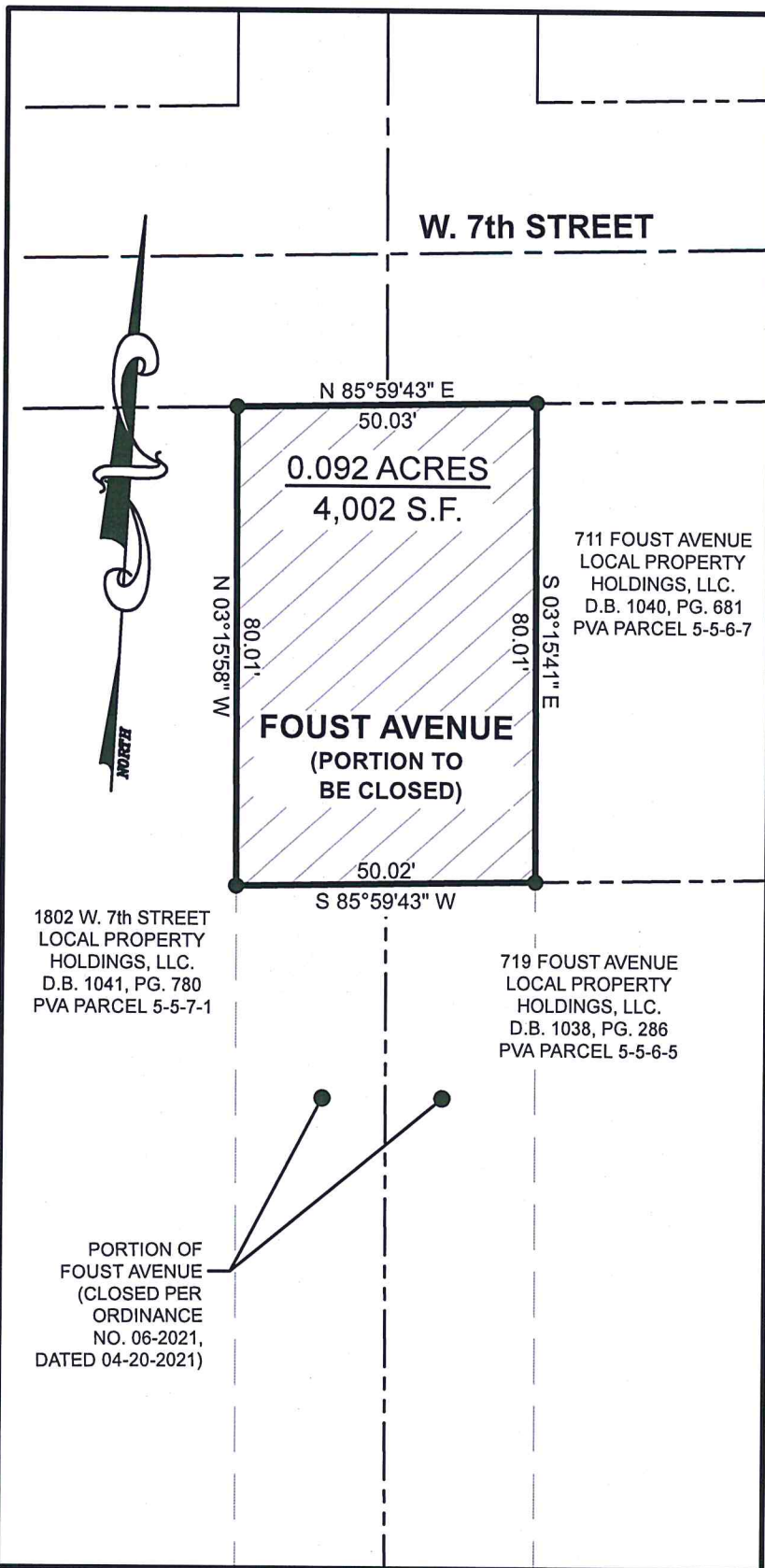
COUNTY OF DAVIESS)

The foregoing instrument was signed and acknowledged before me by *James J. Baker*
On this the *29th* day of *August*, 2023.

Brigitte R. Cook

NOTARY PUBLIC, State at Large
My Commission expires: *January 11, 2025*





DESCRIPTION FOR CLOSING:

BEGINNING AT A CALCULATED POINT AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF WEST 7TH STREET AND THE EAST RIGHT-OF-WAY LINE OF FOUST AVENUE, SAID CALCULATED POINT ALSO BEING THE NORTHWEST CORNER OF THE LOCAL PROPERTY HOLDINGS, LLC PROPERTY AS RECORDED IN DEED BOOK 1040, PAGE 681 IN THE OFFICE OF THE DAVIESS COUNTY CLERK; THENCE LEAVING SAID SOUTH RIGHT-OF-WAY LINE WITH THE WEST LINE OF SAID LOCAL PROPERTY HOLDINGS, LLC PROPERTY AS RECORDED IN DEED BOOK 1040, PAGE 681, SOUTH 3 DEGREES 15 MINUTES 41 SECONDS EAST 80.01 FEET TO A CALCULATED POINT AT THE SOUTHWEST CORNER OF SAID LOCAL PROPERTY HOLDINGS, LLC PROPERTY AS RECORDED IN DEED BOOK 1040, PAGE 681, SAID CALCULATED POINT ALSO BEING AT THE SOUTHEAST CORNER OF FOUST AVENUE AND BEING IN THE NORTH LINE OF THE LOCAL PROPERTY HOLDINGS, LLC PROPERTY AS RECORDED IN DEED BOOK 1038, PAGE 286 IN SAID CLERK'S OFFICE; THENCE SEVERING SAID FOUST AVENUE WITH THE NORTH LINE OF SAID LOCAL PROPERTY HOLDINGS, LLC PROPERTY AS RECORDED IN DEED BOOK 1038, PAGE 286, SOUTH 85 DEGREES 59 MINUTES 43 SECONDS WEST 50.02 FEET TO A CALCULATED POINT AT THE SOUTHWEST CORNER OF FOUST AVENUE AND BEING IN THE EAST LINE OF THE LOCAL PROPERTY HOLDINGS, LLC PROPERTY AS RECORDED IN DEED BOOK 1041, PAGE 780 IN SAID CLERK'S OFFICE; THENCE WITH THE EAST LINE OF SAID PROPERTY HOLDINGS, LLC PROPERTY AS RECORDED IN DEED BOOK 1041, PAGE 780, NORTH 3 DEGREES 15 MINUTES 58 SECONDS WEST 80.01 FEET TO A CALCULATED POINT AT THE NORTHEAST CORNER OF SAID LOCAL PROPERTY HOLDINGS, LLC PROPERTY AS RECORDED IN DEED BOOK 1041, PAGE 780, SAID CALCULATED POINT ALSO BEING AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF WEST 7TH STREET AND THE WEST RIGHT-OF-WAY LINE OF FOUST AVENUE; THENCE SEVERING SAID FOUST AVENUE WITH THE SOUTH RIGHT-OF-WAY LINE OF WEST 7TH STREET NORTH 85 DEGREES 59 MINUTES 43 SECONDS EAST 50.03 TO THE POINT OF BEGINNING AND CONTAINING 4,002 SQUARE FEET OR 0.092 ACRES.

1802 W. 7th STREET
LOCAL PROPERTY HOLDINGS, LLC.
D.B. 1041, PG. 780
PVA PARCEL 5-5-7-1

719 FOUST AVENUE
LOCAL PROPERTY HOLDINGS, LLC.
D.B. 1038, PG. 286
PVA PARCEL 5-5-6-5

PORTION OF FOUST AVENUE
(CLOSED PER ORDINANCE
NO. 06-2021,
DATED 04-20-2021)

CLIENT

LOCAL PROPERTY HOLDINGS, LLC.
1535 FREDERICA STREET
OWENSBORO, KY 42301

PURPOSE:

TO SHOW AND DESCRIBE THE PROPOSED STREET CLOSING.

SURVEYOR'S NOTES:

THE PROPERTY AND DESCRIPTION SHOWN HEREON DOES NOT CONSTITUTE A BOUNDARY SURVEY AND SHALL NOT BE USED FOR THE TRANSFER OF REAL PROPERTY.

COMPLIES WITH 201 KAR18:150 SECTION 13.
NOT A BOUNDARY SURVEY.
NOT FOR TRANSFER OF REAL PROPERTY.

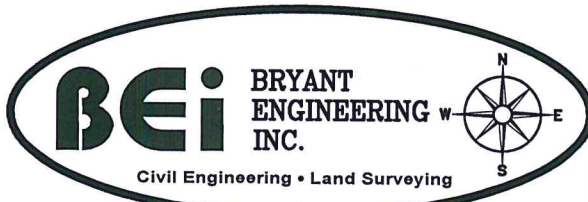
SCALE: 1"=30' / DATE: 08-11-2023

PREPARED BY:

Jarret Hamilton
JARRET E. HAMILTON, KY PLS NO. 4405

10/23/23
DATE

EXHIBIT "A"
PROPOSED STREET CLOSING



1535 FREDERICA STREET ~ P.O. BOX 21382
OWENSBORO, KENTUCKY 42304

270-685-2811



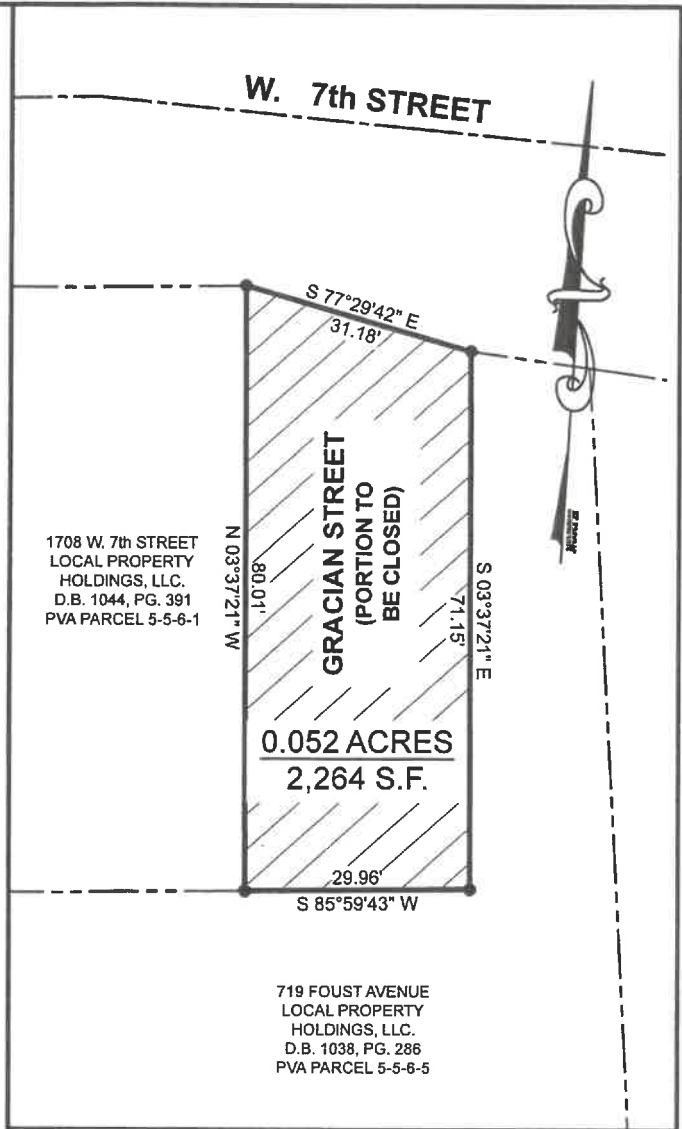
1535 Frederica Street
Owensboro, KY 42301
P.O. Box 21382
www.bryant-eng.com
Phone: (270) 685-2811
Fax: (270) 683-4991

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SCALE: 1"=20' / DATE: 08-28-2023

PREPARED BY:

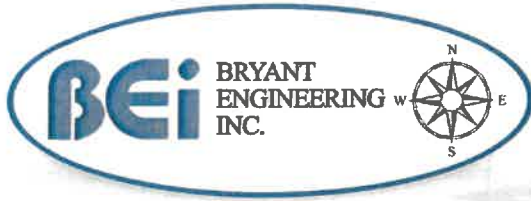
Jarret Hamilton 8/29/23
JARRET E. HAMILTON, KY PLS NO. 4405 DATE

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PROPOSED STREET CLOSING



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OWENSBORO, KENTUCKY 42304

270-685-2811



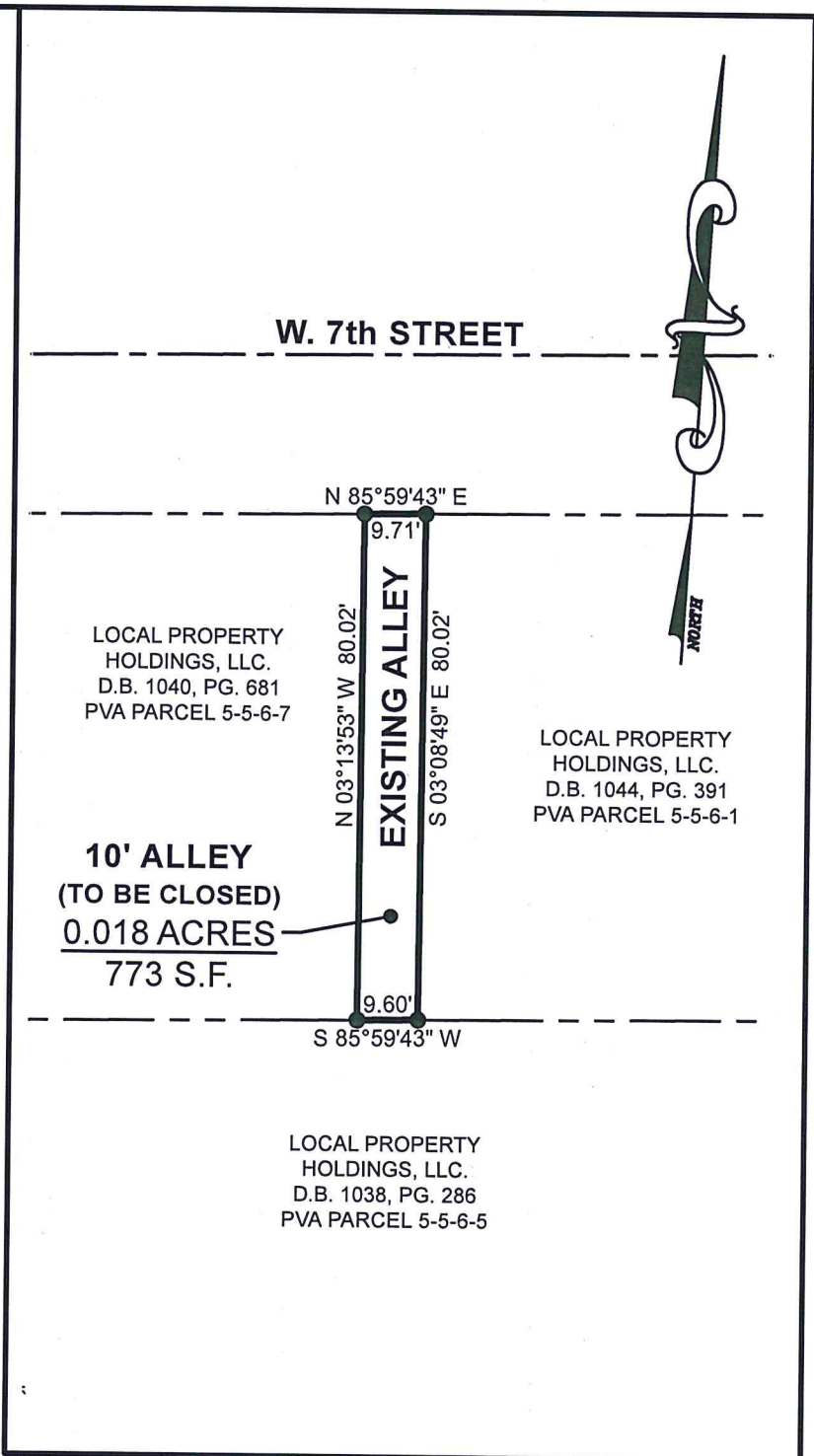
1535 Frederica Street
Owensboro, KY 42301
P.O. Box 21382
www.bryant-eng.com
Phone: (270) 685-2811
Fax: (270) 683-4991

4,002 S.F. - 0.092 ACRE FOUST AVENUE CLOSING DESCRIPTION:

BEGINNING AT A CALCULATED POINT AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF WEST 7TH STREET AND THE EAST RIGHT-OF-WAY LINE OF FOUST AVENUE, SAID CALCULATED POINT ALSO BEING THE NORTHWEST CORNER OF THE LOCAL PROPERTY HOLDINGS, LLC PROPERTY AS RECORDED IN DEED BOOK 1040, PAGE 681 IN THE OFFICE OF THE DAVIESS COUNTY CLERK; THENCE LEAVING SAID SOUTH RIGHT-OF-WAY LINE WITH THE WEST LINE OF SAID LOCAL PROPERTY HOLDINGS, LLC PROPERTY AS RECORDED IN DEED BOOK 1040, PAGE 681, SOUTH 3 DEGREES 15 MINUTES 41 SECONDS EAST 80.01 FEET TO A CALCULATED POINT AT THE SOUTHWEST CORNER OF SAID LOCAL PROPERTY HOLDINGS, LLC PROPERTY AS RECORDED IN DEED BOOK 1040, PAGE 681, SAID CALCULATED POINT ALSO BEING AT THE SOUTHEAST CORNER OF FOUST AVENUE AND BEING IN THE NORTH LINE OF THE LOCAL PROPERTY HOLDINGS, LLC PROPERTY AS RECORDED IN DEED BOOK 1038, PAGE 286 IN SAID CLERK'S OFFICE; THENCE SEVERING SAID FOUST AVENUE WITH THE NORTH LINE OF SAID LOCAL PROPERTY HOLDINGS, LLC PROPERTY AS RECORDED IN DEED BOOK 1038, PAGE 286, SOUTH 85 DEGREES 59 MINUTES 43 SECONDS WEST 50.02 FEET TO A CALCULATED POINT AT THE SOUTHWEST CORNER OF FOUST AVENUE AND BEING IN THE EAST LINE OF THE LOCAL PROPERTY HOLDINGS, LLC PROPERTY AS RECORDED IN DEED BOOK 1041, PAGE 780 IN SAID CLERK'S OFFICE; THENCE WITH THE EAST LINE OF SAID PROPERTY HOLDINGS, LLC PROPERTY AS RECORDED IN DEED BOOK 1041, PAGE 780, NORTH 3 DEGREES 15 MINUTES 58 SECONDS WEST 80.01 FEET TO A CALCULATED POINT AT THE NORTHEAST CORNER OF SAID LOCAL PROPERTY HOLDINGS, LLC PROPERTY AS RECORDED IN DEED BOOK 1041, PAGE 780, SAID CALCULATED POINT ALSO BEING AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF WEST 7TH STREET AND THE WEST RIGHT-OF-WAY LINE OF FOUST AVENUE; THENCE SEVERING SAID FOUST AVENUE WITH THE SOUTH RIGHT-OF-WAY LINE OF WEST 7TH STREET NORTH 85 DEGREES 59 MINUTES 43 SECONDS EAST 50.03 TO THE POINT OF BEGINNING AND CONTAINING 4,002 SQUARE FEET OR 0.092 ACRES.

DESCRIPTION FOR CLOSING:

BEGINNING AT A CALCULATED POINT AT THE INTERSECTION OF THE EAST LINE OF A 10-FOOT ALLEY AND THE SOUTH RIGHT-OF-WAY LINE OF WEST 7TH STREET, SAID CALCULATED POINT ALSO BEING AT THE NORTHWEST CORNER OF THE LOCAL PROPERTY HOLDINGS, LLC PROPERTY AS RECORDED IN DEED BOOK 1044, PAGE 391 IN THE OFFICE OF THE DAVIESS COUNTY CLERK; THENCE WITH THE WEST LINE OF SAID LOCAL PROPERTY HOLDINGS, LLC PROPERTY AS RECORDED IN DEED BOOK 1044, PAGE 391, SOUTH 3 DEGREES 08 MINUTES 49 SECONDS EAST 80.02 FEET TO THE SOUTHWEST CORNER OF SAID LOCAL PROPERTY HOLDINGS, LLC PROPERTY AS RECORDED IN DEED BOOK 1044, PAGE 391, SAID CALCULATED POINT ALSO BEING IN THE NORTH LINE OF THE LOCAL PROPERTY HOLDINGS, LLC PROPERTY AS RECORDED IN DEED BOOK 1038, PAGE 286 IN SAID CLERK'S OFFICE; THENCE SEVERING SAID 10-FOOT ALLEY WITH THE NORTH LINE OF SAID LOCAL PROPERTY HOLDINGS, LLC PROPERTY AS RECORDED IN DEED BOOK 1038, PAGE 286, SOUTH 85 DEGREES 59 MINUTES 43 SECONDS WEST 9.60 FEET TO A CALCULATED POINT IN THE NORTH LINE OF SAID LOCAL PROPERTY HOLDINGS, LLC PROPERTY AS RECORDED IN DEED BOOK 1038, PAGE 286, SAID CALCULATED POINT ALSO BEING AT THE SOUTHEAST CORNER OF THE LOCAL PROPERTY HOLDINGS, LLC PROPERTY AS RECORDED IN DEED BOOK 1040, PAGE 681 IN SAID CLERK'S OFFICE; THENCE WITH THE EAST LINE OF SAID LOCAL PROPERTY HOLDINGS, LLC PROPERTY AS RECORDED IN DEED BOOK 1040, PAGE 681, NORTH 3 DEGREES 13 MINUTES 53 SECONDS WEST 80.02 FEET TO A CALCULATED POINT AT THE NORTHEAST CORNER OF SAID LOCAL PROPERTY HOLDINGS, LLC PROPERTY AS RECORDED IN DEED BOOK 1040, PAGE 681, SAID CALCULATED POINT ALSO BEING IN THE SOUTH RIGHT-OF-WAY LINE OF WEST 7TH STREET; THENCE SEVERING SAID 10-FOOT ALLEY WITH THE SOUTH RIGHT-OF-WAY LINE OF WEST 7TH STREET, NORTH 85 DEGREES 59 MINUTES 43 SECONDS EAST 9.71 FEET TO THE POINT OF BEGINNING AND CONTAINING 773 SQUARE FEET OR 0.018 ACRES.



CLIENT

LOCAL PROPERTY HOLDINGS, LLC.
1535 FREDERICA STREET
OWENSBORO, KY 42301

PURPOSE:

TO SHOW AND DESCRIBE THE PROPOSED ALLEY CLOSING.

SURVEYOR'S NOTES:

THE PROPERTY AND DESCRIPTION SHOWN HEREON DOES NOT CONSTITUTE A BOUNDARY SURVEY AND SHALL NOT BE USED FOR THE TRANSFER OF REAL PROPERTY.

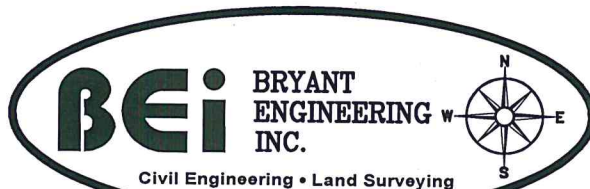
COMPLIES WITH 201 KAR18:150 SECTION 13.
NOT A BOUNDARY SURVEY.
NOT FOR TRANSFER OF REAL PROPERTY.

SCALE: 1"=30' / DATE: 08-29-2023

PREPARED BY:

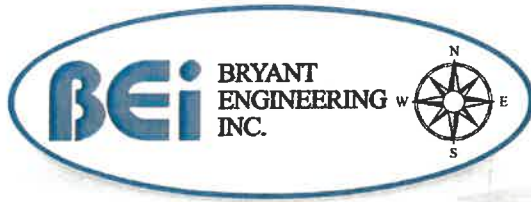
Arret Hamilton 10/23/23
JARRET E. HAMILTON, KY PLS NO. 4405 DATE

EXHIBIT "A"
PROPOSED STREET CLOSING



1535 FREDERICA STREET ~ P.O. BOX 21382
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773 S.F. - 0.018 ACRE ALLEY CLOSING DESCRIPTION:

BEGINNING AT A CALCULATED POINT AT THE INTERSECTION OF THE EAST LINE OF A 10-FOOT ALLEY AND THE SOUTH RIGHT-OF-WAY LINE OF WEST 7TH STREET, SAID CALCULATED POINT ALSO BEING AT THE NORTHWEST CORNER OF THE LOCAL PROPERTY HOLDINGS, LLC PROPERTY AS RECORDED IN DEED BOOK 1044, PAGE 391 IN THE OFFICE OF THE DAVIESS COUNTY CLERK; THENCE WITH THE WEST LINE OF SAID LOCAL PROPERTY HOLDINGS, LLC PROPERTY AS RECORDED IN DEED BOOK 1044, PAGE 391, SOUTH 3 DEGREES 08 MINUTES 49 SECONDS EAST 80.02 FEET TO THE SOUTHWEST CORNER OF SAID LOCAL PROPERTY HOLDINGS, LLC PROPERTY AS RECORDED IN DEED BOOK 1044, PAGE 391, SAID CALCULATED POINT ALSO BEING IN THE NORTH LINE OF THE LOCAL PROPERTY HOLDINGS, LLC PROPERTY AS RECORDED IN DEED BOOK 1038, PAGE 286 IN SAID CLERK'S OFFICE; THENCE SEVERING SAID 10-FOOT ALLEY WITH THE NORTH LINE OF SAID LOCAL PROPERTY HOLDINGS, LLC PROPERTY AS RECORDED IN DEED BOOK 1038, PAGE 286, SOUTH 85 DEGREES 59 MINUTES 43 SECONDS WEST 9.60 FEET TO A CALCULATED POINT IN THE NORTH LINE OF SAID LOCAL PROPERTY HOLDINGS, LLC PROPERTY AS RECORDED IN DEED BOOK 1038, PAGE 286, SAID CALCULATED POINT ALSO BEING AT THE SOUTHEAST CORNER OF THE LOCAL PROPERTY HOLDINGS, LLC PROPERTY AS RECORDED IN DEED BOOK 1040, PAGE 681 IN SAID CLERK'S OFFICE; THENCE WITH THE EAST LINE OF SAID LOCAL PROPERTY HOLDINGS, LLC PROPERTY AS RECORDED IN DEED BOOK 1040, PAGE 681, NORTH 3 DEGREES 13 MINUTES 53 SECONDS WEST 80.02 FEET TO A CALCULATED POINT AT THE NORTHEAST CORNER OF SAID LOCAL PROPERTY HOLDINGS, LLC PROPERTY AS RECORDED IN DEED BOOK 1040, PAGE 681, SAID CALCULATED POINT ALSO BEING IN THE SOUTH RIGHT-OF-WAY LINE OF WEST 7TH STREET; THENCE SEVERING SAID 10-FOOT ALLEY WITH THE SOUTH RIGHT-OF-WAY LINE OF WEST 7TH STREET, NORTH 85 DEGREES 59 MINUTES 43 SECONDS EAST 9.71 FEET TO THE POINT OF BEGINNING AND CONTAINING 773 SQUARE FEET OR 0.018 ACRES.