

ORDINANCE 11-2024

**AN ORDINANCE CLOSING AN ALLEY RIGHT-OF-WAY
LOCATED BETWEEN 102 WEST 23RD STREET AND 119
WEST 24TH STREET IN THE CITY OF OWENSBORO,
KENTUCKY.**

WHEREAS, Matthew's Table, Inc. (Petitioner) has petitioned the City of Owensboro pursuant to KRS 82.405(2) to close an alley right-of-way located between 102 West 23rd Street and 119 West 24th Street, Owensboro, Kentucky, a plat of which is attached hereto and incorporated by reference as Exhibit A; and

WHEREAS, other than the Petitioner, Matthew's Table, Inc., 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, the Petitioner understands and agrees to retain public utility easements in favor of Owensboro Municipal Utilities, Atmos Energy Corporation, AT&T and Spectrum Cable within the alley to be closed as shown on Exhibit A; 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, Matthew's Table, Inc., 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. That Matthew's Table, Inc., the Petitioner herein, is the only property owner abutting and adjoining the public alley right-of-way located between 102 West 23rd Street and 119 West 24th Street sought to be closed, therefore, no further consent is required.
3. 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 being 15 feet in width, located between 102 W. 23rd Street and 119 W. 24th Street in Owensboro, Kentucky more particularly described as follows:

Beginning at a calculated point in the west right-of-way line of Allen Street, said point being the southeast corner of 102 W. 23rd Street and Matthews Table, Inc. (D.B. 1053, Pg. 580); thence following the west right-of-way line of Allen Street S 03°02'50" E, 15.20 feet to a calculated point, said point being the northeast corner of 119 W. 24th Street and

Matthews Table, Inc. (D.B. 1053, Pg. 580); thence following the north line of 119 W. 24th Street and Matthews Table, Inc. S 86°45'01" W, 313.56 feet to a calculated point in the east right-of-way line of an alley being 15 feet in width; thence following the east right-of-way line of said alley N 03°14'18" W, 14.85 feet to a calculated point being the southwest corner of 102 W. 23rd Street; thence following the south line of 102 W. 23rd Street and Matthews Table, Inc. N 86°41'13" E, 313.61 feet to the point of beginning containing 0.108 acres as shown on the attached Exhibit A.

Section 3. That the Petitioner shall dedicate by deed of easement or plat public utility easements in favor of Owensboro Municipal Utilities, Atmos Energy Corporation, AT&T and Spectrum Cable within the alley to be closed.

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 2nd day of July, 2024.

PUBLICLY READ AND FINALLY APPROVED ON SECOND READING, this 16th day of July, 2024.

Thomas H. Watson, Mayor

ATTEST:

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 11-2024 duly adopted by the Board of Commissioners of the City of Owensboro, Kentucky, on the 16th day of July, 2024, the original of which is on file in the Office of the City Clerk, on this the 16th day of July, 2024.

Beth Davis, City Clerk

EXHIBIT “A”

CITY OF OWENSBORO

COMMISSION MEETING DATE: 7/2/2024

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

TITLE: PROPOSED CLOSING OF ALLEY RIGHT OF WAY BETWEEN 102 W. 23RD STREET AND 119 W. 24TH STREET

Ordinance Prepared by: ☒ **City Staff** ☐ **Other Preparer** ☒ **Attachments:** Request for Closure of Public Right of Way Form, Alley Description and Exhibit Plat

Summary & Background: A request has been received from Roger Chilton with Matthew's Table, Inc., for consideration to close an east/west running alley right of way between 102 W. 23rd Street and 119 W. 24th Street, being 15 foot wide and described below:

The proposed alley right of way is described as;

Beginning at a calculated point in the west right-of-way line of Allen Street, said point being the southeast corner of 102 W. 23rd Street and Matthews Table, Inc. (D.B. 1053, Pg. 580); thence following the west right-of-way line of Allen Street S 03°02'50" E, 15.20 feet to a calculated point, said point being the northeast corner of 119 W. 24th Street and Matthews Table, Inc. (D.B. 1053, Pg. 580); thence following the north line of 119 W. 24th Street and Matthews Table, Inc. S 86°45'01" W, 313.56 feet to a calculated point in the east right-of-way line of an alley being 15 feet in width; thence following the east right-of-way line of said alley N 03°14'18" W, 14.85 feet to a calculated point being the southwest corner of 102 W. 23rd Street; thence following the south line of 102 W. 23rd Street and Matthews Table, Inc. N 86°41'13" E, 313.61 feet to the point of beginning containing 0.108 acres as shown on the attached exhibit "A".

Roger Chilton representative with Matthew's Table, Inc., owner of property at both 102 W. 23rd Street and 119 W. 24th Street has signed and submitted a Request for Closure Form for the proposed closing. Matthew's Table is the only abutting property to the proposed alley 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 alley rights of way. A public utility easement was requested and will be retained on the right of way area proposed to be closed by OMU Electric, Atmos, AT&T and Spectrum for their facilities within the proposed closed alley right of way between 102 W. 23rd Street and 119 W. 24th Street

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:

The rear of 100 West 23RD St + 119 West 24TH St between Allen St
and Frederick St.

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: Ry Chilton

(PRINTED NAME) Roger Chilton

DATE: 5/7/24

ADDRESS: 4655 Thurston Arment Road

STATE OF KENTUCKY)

COUNTY OF DAVIESS)

The foregoing instrument was duly signed and acknowledged before me in my said County and State by

Roger Chilton, on this the 7 day of May, 2024.



Morgan E. Williams

Notary Public, State of Kentucky at Large

My commission expires: 9.22.2025

EXHIBIT "A"

NOT AT BOUNDARY SURVEY
NOT FOR TRANSFER OF REAL PROPERTY

MATTHEWS TABLE, INC.
D.B. 1053, PG. 580
(102 W. 23TH STREET)

N 86°41'13" E 313.61'
0.108 ACRES
S 86°45'01" W 313.56'

MATTHEWS TABLE, INC.
D.B. 1053, PG. 580
P.B. 47, PG. 183

(119 W. 24TH STREET)



15' ALLEY

N 03°14'18" W

14.85'

ALLEY R/W TO BE CLOSED

S 03°02'50" E

15.20'

ALLEN STREET



CITY OF OWENSBORO

ENGINEERING DEPARTMENT

P.O. BOX 10003

OWENSBORO, KY 42302

PHONE: 270-687-8641

FAX: 270-687-8579

EXHIBIT "A"

PROPOSED ALLEY CLOSING
BETWEEN 102 W. 23RD STREET &
119 W. 24TH STREET
OWENSBORO, KENTUCKY

SURVEYOR'S CERTIFICATION

Kevin M. Simmons
KEVIN M. SIMMONS, PLS 3635
DATE 3-6-19-24





City of Owensboro Kentucky

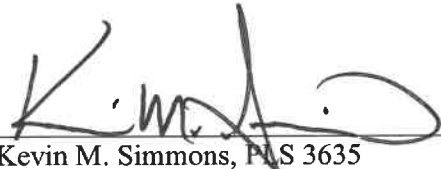
P.O. BOX 10003
OWENSBORO, KENTUCKY 42302

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

ALLEY CLOSING DESCRIPTION

An alley right-of-way being 15 feet in width, located between 102 W. 23rd Street and 119 W. 24th Street in Owensboro, Kentucky more particularly described as follows:

Beginning at a calculated point in the west right-of-way line of Allen Street, said point being the southeast corner of 102 W. 23rd Street and Matthews Table, Inc. (D.B. 1053, Pg. 580); thence following the west right-of-way line of Allen Street S 03°02'50" E, 15.20 feet to a calculated point, said point being the northeast corner of 119 W. 24th Street and Matthews Table, Inc. (D.B. 1053, Pg. 580); thence following the north line of 119 W. 24th Street and Matthews Table, Inc. S 86°45'01" W, 313.56 feet to a calculated point in the east right-of-way line of an alley being 15 feet in width; thence following the east right-of-way line of said alley N 03°14'18" W, 14.85 feet to a calculated point being the southwest corner of 102 W. 23rd Street; thence following the south line of 102 W. 23rd Street and Matthews Table, Inc. N 86°41'13" E, 313.61 feet to the point of beginning containing 0.108 acres as shown on the attached exhibit "A".


Kevin M. Simmons, PLS 3635 6-19-24 Date

