

ORDINANCE 16-2024

AN ORDINANCE CLOSING PORTIONS OF THE ALLEY RIGHTS-OF-WAY BETWEEN 512 WEST 9TH STREET, 915 CEDAR STREET, 917 CEDAR STREET, 919 CEDAR STREET AND 924 LOCUST STREET IN THE CITY OF OWENSBORO, KENTUCKY.

WHEREAS, the City of Owensboro pursuant to KRS 82.405(2) desires to close portions of the alley rights-of-way located between 512 West 9th Street, 915 Cedar Street, 917 Cedar Street, 919 Cedar Street and 924 Locust Street, in Owensboro, Kentucky, a plat of which is attached hereto and incorporated by reference as Exhibit A; and

WHEREAS, adjoining and abutting property owners, City of Owensboro and Rozelyn Kelly Hernandez Camey and Heriberto Hernandez Camey, her husband, have given written and notarized consents to the closing of said alley right-of-way as evidenced in the *Consents of Abutting Property Owner to Closure of Public Right-of-Way* heretofore filed, copies of which are attached and incorporated by reference as Exhibit B; and

WHEREAS, the Petitioner understands and agrees to retain public utility easements in favor of Owensboro Municipal Utilities, Spectrum and AT&T 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, the City of Owensboro, has given written, notarized consent to the closing and abandonment of the portions of the public alley rights-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 portions of the rights-of-way being closed.
3. That the City of Owensboro, the Petitioner, and Rozelyn Kelly Hernandez Camey and Heriberto Hernandez Camey, her husband, are the only property owners abutting and adjoining the portions of the alley rights-of-way located between 512 West 9th Street, 915 Cedar Street, 917 Cedar Street, 919 Cedar Street and 924 Locust Street sought to be closed, and have given written, notarized consents to the closure, copies of which are attached hereto.
4. That the closing of the portions of the public alley 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 right-of-way be, and is hereby ordered to be officially closed and abandoned pursuant to the provisions of KRS 82.405(2):

A certain tract of land lying in the City of Owensboro, Kentucky and being more particularly described as follows:

Beginning at a calculated point, at the intersection of the north line of an alley and the east right-of-way line of Cedar Street, said calculated point also being at the southwest corner of the City of Owensboro property as recorded in Deed Book 487, Page 571 in the Office of the Daviess County Clerk; thence with the south line of said City of Owensboro

property for the following three (3) calls:

1. Thence North 86 Degrees 25 Minutes 27 Seconds East 134.63 Feet to a calculated point;
2. Thence South 03 Degrees 10 Minutes 45 Seconds East 23.85 Feet to a calculated point;
3. Thence North 86 Degrees 52 Minutes 20 Seconds East 143.79 Feet to a calculated point being at the intersection of the north line of an alley and the west right-of-way line of Locust Street; thence severing said alley, South 03 Degrees 09 Minutes 10 Seconds East 10.00 Feet to a calculated point at the intersection of the south line of an alley with the west right-of-way line of said Locust Street, said calculated point also being the northeast corner of the City of Owensboro property as recorded in Deed Book 1076, Page 199 in said Clerk's Office; thence with the north line of said Deed Book 1076, Page 199 property, South 86 Degrees 52 Minutes 20 Seconds West 143.80 Feet to a calculated point at the northwest corner of said Deed Book 1076, Page 199 property; thence with the west line of said Deed Book 1076, Page 199 property, South 03 Degrees 10 Minutes 45 Seconds East 54.99 Feet to a calculated point at the northwest corner of the Rozelyn Kelly Hernandez Camey and Heriberto Hernandez Camey property as recorded in Deed Book 987, Page 80 in said Clerk's Office; thence severing said alley, South 86 Degrees 41 Minutes 29 Seconds West 11.54 Feet to a calculated point in the east line of the City of Owensboro property as recorded in Deed Book 1101, Page 1 in said Clerk's Office; thence with the east line of said Deed Book 1101, Page 1 property, North 03 Degrees 18 Minutes 31 Seconds West 78.79 Feet to a calculated point at the northeast corner of the City of Owensboro property as recorded in Deed Book 1083, Page 536 in said Clerk's Office; thence with the north line of said Deed Book 1083, Page 536 property, South 86 Degrees 25 Minutes 27 Seconds West 122.88 Feet to a calculated point at the intersection of the south line of an alley and said east right-of-way line of Cedar Street; thence severing said alley, North 03 Degrees 18 Minutes 43 Seconds West 10.00 Feet to the point of beginning and containing 3,701 Square Feet or 0.085 Acres.

Section 3. That the Petitioner shall dedicate by deed of easement or plat public utility easements in favor of Owensboro Municipal Utilities, Spectrum and AT&T 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 15th day of

October, 2024.

PUBLICLY READ AND FINALLY APPROVED ON SECOND READING, this 5th
day of November, 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 16-2024 duly adopted by the Board of Commissioners of the City of Owensboro, Kentucky, on the 5th day of November, 2024, the original of which is on file in the Office of the City Clerk, on this the 5th day of November, 2024.

Beth Davis, City Clerk

EXHIBIT "A"

CITY OF OWENSBORO

COMMISSION MEETING DATE: 10/15/2024

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

TITLE: PROPOSED CLOSING OF PORTIONS OF ALLEY RIGHTS OF WAY BETWEEN 512 W 9TH STREET, 915 CEDAR STREET, 917 CEDAR STREET, 919 CEDAR STREET AND 924 LOCUST 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, Alley Description and Exhibit Plat

Summary & Background: A request has been received from the City of Owensboro, for consideration to close sections of alley right of way adjacent to 512 W. 9th Street, 915 Cedar Street, 917 Cedar Street, and 924 Locust Street, alley rights of ways being a 10 foot wide east/west running alley along the south property line of 512 W. 9th Street between 512 W. 9th Street and 915 Cedar Street & 924 Locust Street and a 12 foot wide north/south running alley between 915, 917 & 919 Cedar Street and 924 Locust Street more particularly described below:

Beginning at a calculated point, at the intersection of the north line of an alley and the east right-of-way line of Cedar Street, said calculated point also being at the southwest corner of the City of Owensboro property as recorded in Deed Book 487, Page 571 in the Office of the Daviess County Clerk; thence with the south line of said City of Owensboro property for the following three (3) calls:

1. Thence North 86 Degrees 25 Minutes 27 Seconds East 134.63 Feet to a calculated point;
2. Thence South 03 Degrees 10 Minutes 45 Seconds East 23.85 Feet to a calculated point;
3. Thence North 86 Degrees 52 Minutes 20 Seconds East 143.79 Feet to a calculated point being at the intersection of the north line of an alley and the west right-of-way line of Locust Street; thence severing said alley, South 03 Degrees 09 Minutes 10 Seconds East 10.00 Feet to a calculated point at the intersection of the south line of an alley with the west right-of-way line of said Locust Street, said calculated point also being the northeast corner of the City of Owensboro property as recorded in Deed Book 1076, Page 199 in said Clerk's Office; thence with the north line of said Deed Book 1076, Page 199 property, South 86 Degrees 52 Minutes 20 Seconds West 143.80 Feet to a calculated point at the northwest corner of said Deed Book 1076, Page 199 property; thence with the west line of said Deed Book 1076, Page 199 property, South 03 Degrees 10 Minutes 45 Seconds East 54.99 Feet to a calculated point at the northwest corner of the Rozelyn Kelly Hernandez Camey and Heriberto Hernandez Camey property as recorded in Deed Book 987, Page 80 in said Clerk's Office; thence severing said alley, South 86 Degrees 41 Minutes 29 Seconds West 11.54 Feet to a calculated point in the east line of the City of Owensboro property as recorded in Deed Book 1101, Page 1 in said Clerk's Office; thence with the east line of said Deed Book 1101, Page 1 property, North 03 Degrees 18 Minutes 31 Seconds West 78.79 Feet to a calculated point at the northeast corner of the City of Owensboro property as recorded in Deed Book 1083, Page 536 in said Clerk's Office; thence with the north line of said Deed Book 1083, Page 536 property, South 86 Degrees 25 Minutes 27 Seconds West 122.88 Feet to a calculated point at the intersection of the south line of an alley and said east right-of-way line of Cedar Street; thence severing said alley, North 03 Degrees 18 Minutes 43 Seconds West 10.00 Feet to the point of beginning and containing 3,701 Square Feet or 0.085 Acres.

The City of Owensboro, owner of properties at 512 W. 9th Street, 915 Cedar Street, 917 Cedar Street, 919 Cedar Street, & 924 Locust Street has signed and submitted a Request for Closure Form and Consent of Abutting Property Owner Form for the proposed closings. Rozelyn Kelly Hernandez Camey and Heriberto Hernandez Camey, own property at 928 Locust Street that abuts the proposed alley to be closed by a shared property corner has signed and returned a Consent of Abutting Property Owner Form for the proposed closing.

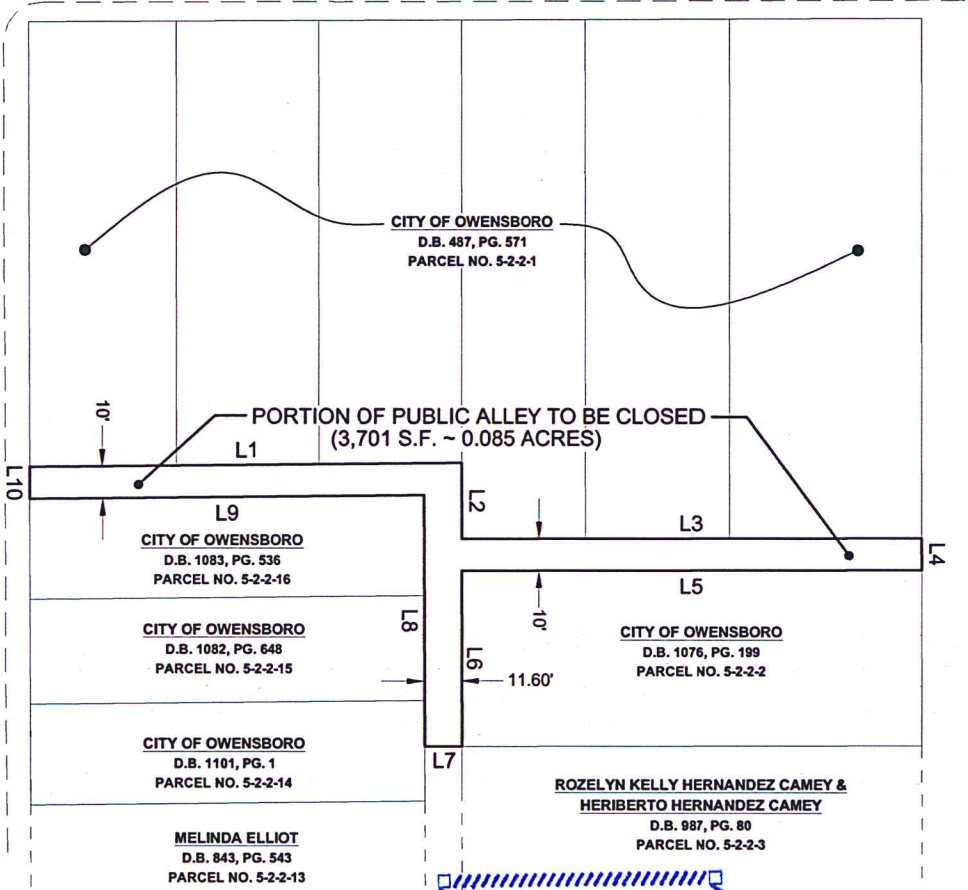
The request has been forwarded to all City departments and City Utilities. No objections were noted to the closing of the public alley rights of way. OMU, Spectrum, and AT&T have facilities in the rights of way, a public utility easement will need to be retained over the proposed right of way to be closed until such time as, if required a new easement/access path is agreed upon by future development plan and property plat.

Mark Pfeifer, City Attorney - DRAFTED THE ORDINANCE FOR CLOSURE

W. 9th STREET

CEDAR STREET

LOCUST STREET



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

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 86°25'27" E	134.63'
L2	S 03°10'45" E	23.85'
L3	N 86°52'20" E	143.79'
L4	S 03°09'10" E	10.00'
L5	S 86°52'20" W	143.80'
L6	S 03°10'45" E	54.99'
L7	S 86°41'29" W	11.54'
L8	N 03°18'31" W	78.79'
L9	S 86°25'27" W	122.88'
L10	N 03°18'43" W	10.00'

NOTES:

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

PURPOSE:

TO SHOW AND DESCRIBE THE PROPOSED ALLEY CLOSING.

CLIENT:

BRANDSTETTER CARROL INC.
C/O JAY QUILLEN
2360 CHAUVIN DRIVE
LEXINGTON, KY 40517

DESCRIPTION FOR CLOSING:

A CERTAIN TRACT OF LAND LYING IN THE CITY OF OWENSBORO, KENTUCKY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A CALCULATED POINT, AT THE INTERSECTION OF THE NORTH LINE OF AN ALLEY AND THE EAST RIGHT-OF-WAY LINE OF CEDAR STREET, SAID CALCULATED POINT ALSO BEING AT THE SOUTHWEST CORNER OF THE CITY OF OWENSBORO PROPERTY AS RECORDED IN DEEDBOOK 487, PAGE 571 IN THE OFFICE OF THE DAVIESS COUNTY CLERK; THENCE WITH THE SOUTH LINE OF SAID CITY OF OWENSBORO PROPERTY FOR THE FOLLOWING THREE (3) CALLS:

1. THENCE NORTH 86 DEGREES 25 MINUTES 27 SECONDS EAST 134.63 FEET TO A CALCULATED POINT;
2. THENCE SOUTH 03 DEGREES 10 MINUTES 45 SECONDS EAST 23.85 FEET TO A CALCULATED POINT;
3. THENCE NORTH 86 DEGREES 52 MINUTES 20 SECONDS EAST 143.79 FEET TO A CALCULATED POINT BEING AT THE INTERSECTION OF THE NORTH LINE OF AN ALLEY AND THE WEST RIGHT-OF-WAY LINE OF LOCUST STREET; THENCE SEVERING SAID ALLEY, SOUTH 03 DEGREES 09 MINUTES 10 SECONDS EAST 10.00 FEET TO A CALCULATED POINT AT THE INTERSECTION OF THE SOUTH LINE OF AN ALLEY WITH THE WEST RIGHT-OF-WAY LINE OF SAID LOCUST STREET, SAID CALCULATED POINT ALSO BEING THE NORTHEAST CORNER OF THE CITY OF OWENSBORO PROPERTY AS RECORDED IN DEED BOOK 1076, PAGE 199 IN SAID CLERK'S OFFICE; THENCE WITH THE NORTH LINE OF SAID DEED BOOK 1076, PAGE 199 PROPERTY, SOUTH 86 DEGREES 52 MINUTES 20 SECONDS WEST 143.80 FEET TO A CALCULATED POINT AT THE NORTHWEST CORNER OF SAID DEED BOOK 1076, PAGE 199 PROPERTY; THENCE WITH THE WEST LINE OF SAID DEED BOOK 1076, PAGE 199 PROPERTY, SOUTH 03 DEGREES 10 MINUTES 45 SECONDS EAST 54.99 FEET TO A CALCULATED POINT AT THE NORTHWEST CORNER OF THE ROZELYN KELLY HERNANDEZ CAMEY AND HERIBERTO HERNANDEZ CAMEY PROPERTY AS RECORDED IN DEED BOOK 987, PAGE 80 IN SAID CLERK'S OFFICE; THENCE SEVERING SAID ALLEY, SOUTH 86 DEGREES 41 MINUTES 29 SECONDS WEST 11.54 FEET TO A CALCULATED POINT IN THE EAST LINE OF THE CITY OF OWENSBORO PROPERTY AS RECORDED IN DEED BOOK 1101, PAGE 1 IN SAID CLERK'S OFFICE; THENCE WITH THE EAST LINE OF SAID DEED BOOK 1101, PAGE 1 PROPERTY, NORTH 03 DEGREES 18 MINUTES 31 SECONDS WEST 78.79 FEET TO A CALCULATED POINT AT THE NORTH-EAST CORNER OF THE CITY OF OWENSBORO PROPERTY AS RECORDED IN DEEDBOOK 1083, PAGE 536 IN SAID CLERK'S OFFICE; THENCE WITH THE NORTH LINE OF SAID DEED BOOK 1083, PAGE 536 PROPERTY, SOUTH 86 DEGREES 25 MINUTES 27 SECONDS WEST 122.88 FEET TO A CALCULATED POINT AT THE INTERSECTION OF THE SOUTH LINE OF AN ALLEY AND SAID EAST RIGHT-OF-WAY LINE OF CEDAR STREET; THENCE SEVERING SAID ALLEY, NORTH 03 DEGREES 18 MINUTES 43 SECONDS WEST 10.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 3,701 SQUARE FEET OR 0.085 ACRES.

EXHIBIT "A"

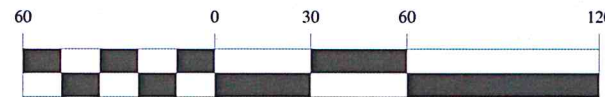
PROPOSED ALLEY CLOSING

PREPARED BY:

Jarret Hamilton 10/1/2024
JARRET E. HAMILTON, KY PLS NO. 4405 DATE

STATE of KENTUCKY
JARRET E. HAMILTON
4405
LICENSED PROFESSIONAL LAND SURVEYOR

GRAPHIC SCALE



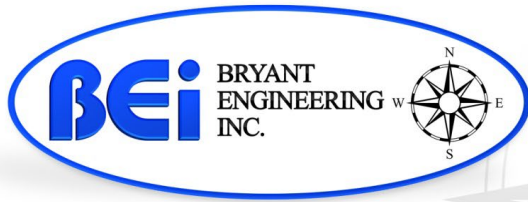
(IN FEET)
1 inch = 60 feet

10-01-2024



1535 FEDERICA 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

3,701 S.F. - 0.085 ACRE ALLEY CLOSING DESCRIPTION:

A CERTAIN TRACT OF LAND LYING IN THE CITY OF OWENSBORO, KENTUCKY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A CALCULATED POINT, AT THE INTERSECTION OF THE NORTH LINE OF AN ALLEY AND THE EAST RIGHT-OF-WAY LINE OF CEDAR STREET, SAID CALCULATED POINT ALSO BEING AT THE SOUTHWEST CORNER OF THE CITY OF OWENSBORO PROPERTY AS RECORDED IN DEED BOOK 487, PAGE 571 IN THE OFFICE OF THE DAVIESS COUNTY CLERK; THENCE WITH THE SOUTH LINE OF SAID CITY OF OWENSBORO PROPERTY FOR THE FOLLOWING THREE (3) CALLS:

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2. THENCE SOUTH 03 DEGREES 10 MINUTES 45 SECONDS EAST 23.85 FEET TO A CALCULATED POINT;
3. THENCE NORTH 86 DEGREES 52 MINUTES 20 SECONDS EAST 143.79 FEET TO A CALCULATED POINT BEING AT THE INTERSECTION OF THE NORTH LINE OF AN ALLEY AND THE WEST RIGHT-OF-WAY LINE OF LOCUST STREET; THENCE SEVERING SAID ALLEY, SOUTH 03 DEGREES 09 MINUTES 10 SECONDS EAST 10.00 FEET TO A CALCULATED POINT AT THE INTERSECTION OF THE SOUTH LINE OF AN ALLEY WITH THE WEST RIGHT-OF-WAY LINE OF SAID LOCUST STREET, SAID CALCULATED POINT ALSO BEING THE NORTHEAST CORNER OF THE CITY OF OWENSBORO PROPERTY AS RECORDED IN DEED BOOK 1076, PAGE 199 IN SAID CLERK'S OFFICE; THENCE WITH THE NORTH LINE OF SAID DEED BOOK 1076, PAGE 199 PROPERTY, SOUTH 86 DEGREES 52 MINUTES 20 SECONDS WEST 143.80 FEET TO A CALCULATED POINT AT THE NORTHWEST CORNER OF SAID DEED BOOK 1076, PAGE 199 PROPERTY; THENCE WITH THE WEST LINE OF SAID DEED BOOK 1076, PAGE 199 PROPERTY, SOUTH 03 DEGREES 10 MINUTES 45 SECONDS EAST 54.99 FEET TO A CALCULATED POINT AT THE NORTHWEST CORNER OF THE ROZELYN KELLY HERNANDEZ CAMEY AND HERIBERTO HERNANDEZ CAMEY PROPERTY AS RECORDED IN DEED BOOK 987, PAGE 80 IN SAID CLERK'S OFFICE; THENCE SEVERING SAID ALLEY, SOUTH 86 DEGREES 41 MINUTES 29 SECONDS WEST 11.54 FEET TO A CALCULATED POINT IN THE EAST LINE OF THE CITY OF OWENSBORO PROPERTY AS RECORDED IN DEED BOOK 1101, PAGE 1 IN SAID CLERK'S OFFICE; THENCE WITH THE EAST LINE OF SAID DEED BOOK 1101, PAGE 1 PROPERTY, NORTH 03 DEGREES 18 MINUTES 31 SECONDS WEST 78.79 FEET TO A CALCULATED POINT AT THE NORTHEAST CORNER OF THE CITY OF OWENSBORO PROPERTY AS RECORDED IN DEED BOOK 1083, PAGE 536 IN SAID CLERK'S OFFICE; THENCE WITH THE NORTH LINE OF SAID DEED BOOK 1083, PAGE 536 PROPERTY, SOUTH 86 DEGREES 25 MINUTES 27 SECONDS WEST 122.88 FEET TO A CALCULATED POINT AT THE INTERSECTION OF THE SOUTH LINE OF AN ALLEY AND SAID EAST RIGHT-OF-WAY LINE OF CEDAR STREET; THENCE SEVERING SAID ALLEY, NORTH 03 DEGREES 18 MINUTES 43 SECONDS WEST 10.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 3,701 SQUARE FEET OR 0.085 ACRES.

EXHIBIT "B"

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:

Along and at the rear of property at 512 W. 9th Street, 915 Cedar Street, 917 Cedar Street, & 924 Locust Street. See Attached Exhibit and Description
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

DATE:

6/7/24

ADDRESS:

STATE OF KENTUCKY)

COUNTY OF DAVIESS)

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

Thomas H. Watson, on this the 7th day of June, 2024.

Beth Davis

Notary Public, State of Kentucky at Large

My commission expires: _____



**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 512 W. 9th Street (PVA ID – 005-02-02-001-00-000), 915 Cedar Street (PVA ID – 005-02-02-016-00-000), 917 Cedar Street (PVA ID – 005-02-02-015-00-000), & 924 Locust Street (PVA ID – 005-02-02-002-00-000)

,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 Exhibit and Description

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 7th Day of June, 2024

PROPERTY OWNER (S) :

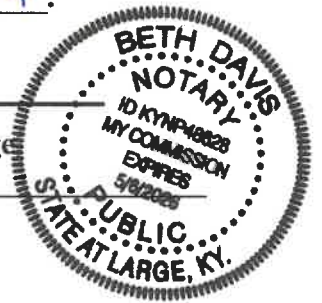
Thomas H. Watson
Thomas H. Watson

STATE OF KENTUCKY)
)
COUNTY OF DAVIESS)

The foregoing instrument was signed and acknowledged before me by Thomas H. Watson
On this the 7th day of June, 2024.

Beth Davis

NOTARY PUBLIC, State at Large
My Commission expires: _____



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

I (We), Rozelyn Kelly Hernandez Camey & Heriberto Hernandez Camey,
do Solemnly swear and affirm that I am (we are) the fee simple owner (s) of real property located
at and known as 928 Locust Street (PVA ID – 005-02-02-003-00-000)
,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 Exhibit and Description

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

