

ORDINANCE 17-2024

**AN ORDINANCE CLOSING AN ALLEY RIGHT-OF-WAY
BEHIND 1220 CENTER STREET RUNNING FROM EAST
PARRISH AVENUE TO EAST 14TH STREET IN THE CITY
OF OWENSBORO, KENTUCKY.**

WHEREAS, Christ Community of Owensboro, Inc. (Petitioner) has petitioned the City of Owensboro pursuant to KRS 82.405(2) to close an alley right-of-way located behind 1220 Center Street running from East Parrish Avenue to East 14th Street, a plat of which is attached hereto and incorporated by reference as Exhibit A; and

WHEREAS, adjoining and abutting property owners, Larry G. Cambron, Owensboro Health Regional Hospital, William Sippel and Elizabeth Sippel, South Central Conference Association of Seventh Day Adventists Inc., John Shepler and Ronald Osborne 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, public utility easements will be retained in favor of Owensboro Municipal Utilities 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, Christ Community of Owensboro, 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 Christ Community of Owensboro, Inc., the Petitioner, and Larry G. Cambron, Owensboro Health Regional Hospital, William Sippel and Elizabeth Sippel, South Central Conference Association of Seventh Day Adventists Inc., John Shepler and Ronald Osborne are the only property owners abutting and adjoining the public alley right-of-way located behind 1220 Center Street running from East Parrish Avenue to East 14th Street sought to be closed, and have given written, notarized consents to the closure, copies of which are attached hereto.
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 approximately 10 feet in width, located between Center Street and Pearl Street in Owensboro, Kentucky more particularly described as follows:

Beginning at a calculated point in the south right-of-way line of East Parrish Avenue, said point being the northeast corner of Larry G. Cambron (D.B. 534, Pg. 780); thence following the south right-of-way line of East Parrish Avenue N 85°49'17" E, 9.63 feet to a calculated point, said point also being the northwest corner of Owensboro Health

Regional Hospital (D.B. 817, Pg. 319); thence following the east right-of-way line of said alley S 03°13'29" E, 558.02 feet to a calculated point in the north right-of-way line of East 14th Street, said point also being the southwest corner of Christ Community Church (D.B. 850, Pg. 153);thence following the north right-of-way line of East 14th Street S 86°21'41" W, 9.63 feet to a calculated point, said point being the southeast corner of John Shepler (D.B. 746, Pg. 584); thence following the west right-of-way line of said alley N 03°13'29" W, 557.93 feet to the point of beginning containing 0.123 acres as shown on the attached Exhibit A.

Section 3. That the Petitioner and adjoining property owners shall dedicate by deed of easement or plat public utility easements in favor of Owensboro Municipal Utilities 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 5th day of November, 2024.

PUBLICLY READ AND FINALLY APPROVED ON SECOND READING, this 19th 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 17-2024 duly adopted by the Board of Commissioners of the City of Owensboro, Kentucky, on the 19th day of November, 2024, the original of which is on file in the Office of the City Clerk, on this the 19th day of November, 2024.

Beth Davis, City Clerk

EXHIBIT "A"

CITY OF OWENSBORO

COMMISSION MEETING DATE: 10/1/2024

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

TITLE: PROPOSED CLOSING OF ALLEY RIGHT OF WAY BEHIND 1220 CENTER STREET. A NORTH/SOUTH RUNNING ALLEY FROM E. PARRISH AVENUE AND E. 14TH STREET BETWEEN CENTER STREET AND PEARL 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 Kurt Hoffman with Christ Community Church, for consideration to close a section of alley right of way behind 1220 Center Street, being 10 foot wide and described below:

The proposed alley right of way is described as beginning at a calculated point in the south right-of-way line of East Parrish Avenue, said point being the northeast corner of Larry G. Cambron (D.B. 534, Pg. 780); thence following the south right-of-way line of East Parrish Avenue N 85°49'17" E, 9.63 feet to a calculated point, said point also being the northwest corner of Owensboro Health Regional Hospital (D.B. 817, Pg. 319); thence following the east right-of-way line of said alley S 03°13'29" E, 558.02 feet to a calculated point in the north right-of-way line of East 14th Street, said point also being the southwest corner of Christ Community Church (D.B. 850, Pg. 153); thence following the north right-of-way line of East 14th Street S 86°21'41" W, 9.63 feet to a calculated point, said point being the southeast corner of John Shepler (D.B. 746, Pg. 584); thence following the west right-of-way line of said alley N 03°13'29" W, 557.93 feet to the point of beginning containing 0.123 acres

[Kurt Hoffman](#), Executive Pastor with Christ Community Church, owner of property at 1220 Center Street, 1215 Pearl Street, 1219 Pearl Street, and 1309 Pearl Street has signed and submitted a Request for Closure Form and Consent of Abutting Property Owner Form for the proposed closing. [Larry Cambron](#), owns property at 806 E. Parrish Avenue that abuts the proposed alley to be closed and has signed and returned a Consent of Abutting Property Owner Form for the proposed closing. [Owensboro Health Regional Hospital](#), owner of property 1207 Pearl Street and 812 E. Parrish Avenue that abuts the proposed alley right of way to be closed has signed and returned a Consent of Abutting Property Owner Form. [William & Elizabeth Sippel](#), own property at 1211 Pearl Avenue that abuts the proposed alley to be closed and has signed and returned a Consent of Abutting Property Owner Form for the proposed closing. [James Hickerson](#) with Immanuel S.D.A.C. representing the owner South Central Conference Association of Seventh-Day Adventists property at 1301 Pearl Avenue that abuts the proposed alley to be closed and has signed and returned a Consent of Abutting Property Owner Form for the proposed closing. [John Shepler](#), owns property at 1325 Pearl Avenue that abuts the proposed alley to be closed and has signed and returned a Consent of Abutting Property Owner Form for the proposed closing. [Ronald Osborne](#), owns property at 1212 Center Street that abuts the proposed alley to be closed and 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. A public utility easement was requested and will be retained on the right of way area proposed to be closed by OMU Electric and Water and AT&T for their facilities within the proposed closed alley right of way behind 1220 Center Street. A north/south running alley from E. Parrish Avenue and E. 14th Street between Center Street and Pearl Street

Mark Pfeifer, City Attorney - DRAFTED THE ORDINANCE FOR CLOSURE

EXHIBIT "A"

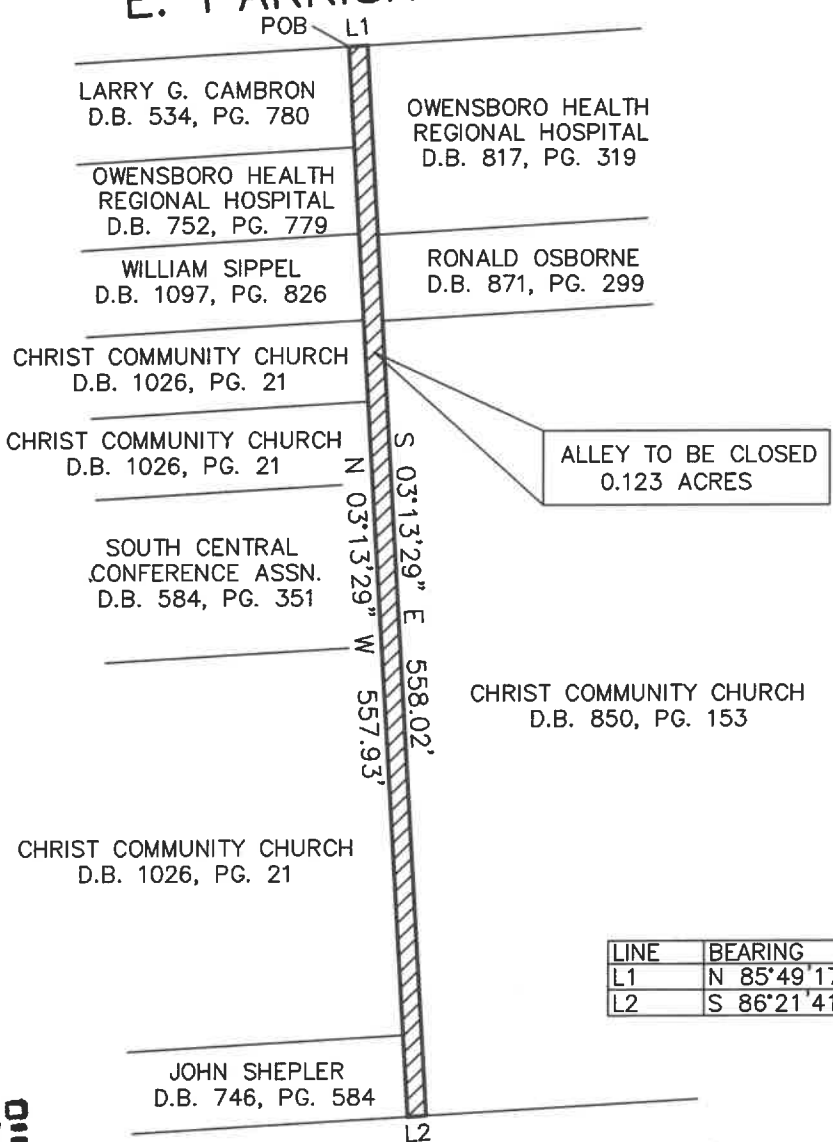
NOT AT BOUNDARY SURVEY
NOT FOR TRANSFER OF REAL PROPERTY

E. PARRISH AVE.



PEARL STREET

CENTER STREET




ALLEY TO BE CLOSED
0.123 ACRES

LINE	BEARING	DISTANCE
L1	N 85°49'17" E	9.63'
L2	S 86°21'41" W	9.63'

STATE of KENTUCKY
KEVIN M. SIMMONS
3635
LICENSED
PROFESSIONAL
LAND SURVEYOR

E. 14TH STREET



 **CITY OF OWENSBORO**
ENGINEERING DEPARTMENT
P.O. BOX 10003
OWENSBORO, KY 42302
PHONE: 270-687-8641 FAX: 270-687-8579

SURVEYOR'S CERTIFICATION


KEVIN M. SIMMONS, PLS 3635 DATE 09-20-24

EXHIBIT "A"
PROPOSED ALLEY CLOSING
BETWEEN CENTER STREET &
PEARL STREET
OWENSBORO, KENTUCKY



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 approximately 10 feet in width, located between Center Steet and Pearl Street in Owensboro, Kentucky more particularly described as follows:

Beginning at a calculated point in the south right-of-way line of East Parrish Avenue, said point being the northeast corner of Larry G. Cambron (D.B. 534, Pg. 780); thence following the south right-of-way line of East Parrish Avenue N $85^{\circ}49'17''$ E, 9.63 feet to a calculated point, said point also being the northwest corner of Owensboro Health Regional Hospital (D.B. 817, Pg. 319); thence following the east right-of-way line of said alley S $03^{\circ}13'29''$ E, 558.02 feet to a calculated point in the north right-of-way line of East 14th Street, said point also being the southwest corner of Christ Community Church (D.B. 850, Pg. 153); thence following the north right-of-way line of East 14th Street S $86^{\circ}21'41''$ W, 9.63 feet to a calculated point, said point being the southeast corner of John Shepler (D.B. 746, Pg. 584); thence following the west right-of-way line of said alley N $03^{\circ}13'29''$ W, 557.93 feet to the point of beginning containing 0.123 acres as shown on the attached exhibit "A".

 9-20-24
Kevin M. Simmons, PLS 3635 Date



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: 10' alley located between Center and Pearl St; connecting E. 14th Street and E. Parrish Ave.

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: 

(PRINTED NAME) Kurt A. Hoffman

DATE: 5-2-24

ADDRESS: 1215, 1219, 1309 Pearl Street + 1220 Center Street

STATE OF KENTUCKY)

COUNTY OF DAVIESS)

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

Kurt Allen Hoffman, on this the 2nd day of May, 2024.

Spinger Lynn Northern

Notary Public, State of Kentucky at Large

My commission expires: 1/21/26

JD KYNP43646

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

I (We), LARRY G CAMBRON

do Solemnly swear and affirm that I am (we are) the fee simple owner (s) of real property located at and known as 808 East Parish Ave. Owensboro KY

,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 on East Side of Property

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 4, 2024

PROPERTY OWNER (S) :
Larry G. Cameron

STATE OF KENTUCKY)
)
COUNTY OF DAVIESS)

The foregoing instrument was signed and acknowledged before me by Larry G. Cameron
On this the 29 day of 4, 2024.

James Cameron #KYNP 8529
NOTARY PUBLIC, State at Large
My Commission expires: 3-9-27

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

Owensboro Health, Inc. (OHI) d.b.a. Owensboro Health Regional Hospital does solemnly swear and affirm that it is the fee simple owner of real property located at 1207 Pearl Street, Owensboro, KY 42303 (parcel #002-04-13-019-00-000) and 812 Parrish Avenue East, Owensboro, KY 42303 (parcel #002-04-13-001-00-00) which properties abut 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 a residential alleyway east of Pearl Street, west of Center Street, south of East Parrish Avenue, Owensboro, Kentucky.

OHI as fee simple owner of said properties in or abutting the portion of public right-of-way to proposed to be closed, does knowingly, voluntarily, and expressly waive its right to written notice of the proposed closing otherwise required by **KRS 82.405 (2) (b)**, and hereby consents to, and joins in the request for, the closure of said public right-of-way as proposed herein. OHI further understands that it is not required to consent to the closure of the public right-of-way and may object to same. However, OHI expressly waives any and all rights to object to the proposed closure.

OHI further understands and acknowledges, that upon the enactment and publication of an ordinance by the Owensboro Board of Commissioners closing subject right-of-way, unless otherwise agreed, OHI as abutting landowner, will receive by operation of law as its own property, that portion of the right-of-way abutting its property up to the center line of said right-of-way.

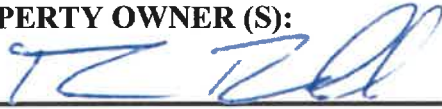
OHI further understands and acknowledges that if other fee simple owner (s) of property in or abutting the public right-of-way proposed to be closed does (do) not approve of the proposed

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)**.

OHI further understands and acknowledges 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 2nd Day of April, 2024

PROPERTY OWNER (S):



Russ Ranallo, CFO

STATE OF KENTUCKY x)

)

COUNTY OF DAVIESS x)

The foregoing instrument was signed and acknowledged before me by Russ Ranallo

On this the 2nd day of April, 2024.

Amy Kern

NOTARY PUBLIC, State at Large
My Commission expires: 5/11/2025 KYNP29348

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

I (We), Immanuel S.D.A.C. ,

do Solemnly swear and affirm that I am (we are) the fee simple owner (s) of real property located at and known as 1301 Pearl 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 behind church property

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 1 Day of November, 2023

PROPERTY OWNER (S) :

James Hickerson

STATE OF KENTUCKY)

COUNTY OF DAVIESS)

The foregoing instrument was signed and acknowledged before me by JAMES MCKINLEY HICKERSON
On this the 1st day of November, 2023.

Betha Murphy #KYNP43618
NOTARY PUBLIC, State at Large
My Commission expires: 03-12-2026

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

I (We), RONALD L. OSBORNE

do Solemnly swear and affirm that I am (we are) the fee simple owner (s) of real property located at and known as 1212 CENTER ST. OWENSBORO, KY. 42303, 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:

The alleyway adjacent to the west end (rear) of my property.
The alleyway is in between Pearl & Center St. and connects Parrish and 14th Sts. (Running north & south)

I (We), as fee simple owner (s) of property in or abutting the portion of public right-of-way 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 21ST Day of February, 2024

PROPERTY OWNER (S) :

RONALD LOUIS OSHORNE

Ronald Osborne

STATE OF KENTUCKY)

COUNTY OF DAVIESS)

The foregoing instrument was signed and acknowledged before me by

Ronald Louis Osborne

On this the 21ST day of February, 2024.

Beata Murphy KY NP 43618

NOTARY PUBLIC, State at Large

My Commission expires: 3-12-2026

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

I (We), John C. Shepler

do Solemnly swear and affirm that I am (we are) the fee simple owner (s) of real property located at and known as 1325 Pearl St

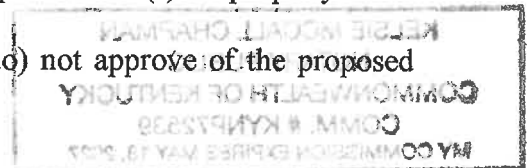
, part or all of which property abuts a part or all of public right-of-way that the City of Owensboro, Kentucky, proposes to abandon and close in conformity with **KRS 82.405**, which right-of-way is more particularly described as follows:

The alley in the rear of property
* Property lines are located in this alley

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 5th Day of December, 2023

PROPERTY OWNER (S) :

John C. Steph

STATE OF KENTUCKY)

COUNTY OF DAVIESS)

The foregoing instrument was signed and acknowledged before me by

On this the 5th day of December, 2023.

Kelsie McCall Chapman

NOTARY PUBLIC, State at Large
My Commission expires: May 19, 2027

**KELSIE MCCALL CHAPMAN
NOTARY PUBLIC
COMMONWEALTH OF KENTUCKY
COMM. # KYNP72539
MY COMMISSION EXPIRES MAY 18, 2027**

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

I (We), William & Elizabeth Sippel,

do Solemnly swear and affirm that I am (we are) the fee simple owner (s) of real property located at and known as 1211 Pearl 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 behind property

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 17th Day of October, 2024

PROPERTY OWNER (S) :




STATE OF KENTUCKY)

COUNTY OF DAVIESS)

The foregoing instrument was signed and acknowledged before me by Kirsten Mikel Brown
On this the 17th day of October, 2024.

KIRSTEN MIKEL BROWN
NOTARY PUBLIC
STATE AT LARGE
KENTUCKY
ID. # KYNP87638
MY COMMISSION EXPIRES 5/18/2028



NOTARY PUBLIC, State at Large
My Commission expires: 5/18/2028