

ORDINANCE 20-2024

AN ORDINANCE CLOSING ALLEY RIGHTS-OF-WAY BETWEEN 165 EWING ROAD AND 2519 PARDON AVENUE AND BETWEEN 183 EWING ROAD AND 2518 PARDON AVENUE IN THE CITY OF OWENSBORO, KENTUCKY.

WHEREAS, Christopher T. Phelps and Marta Phelps (Petitioners) have petitioned the City of Owensboro pursuant to KRS 82.405(2) to close alley rights-of-way located between 165 Ewing Road and 2519 Pardon Avenue and between 183 Ewing Road and 2518 Pardon Avenue, Owensboro, Kentucky, a plat of which is attached hereto and incorporated by reference as Exhibit A; and

WHEREAS, adjoining and abutting property owners, Christopher T. Phelps, Marta Phelps, Beverly J. Cooney, Connie M. Scalf and Charles Glenn Hall have given written and notarized consents to the closing of said alley rights-of-way as evidenced in the *Consents of Abutting Property Owner to Closure of Public Right-of-Way* heretofore filed, a copy of which is attached and incorporated by reference as Exhibit B; and

WHEREAS, pursuant to KRS 82.405(2), the Board of Commissioners of the City of Owensboro, Kentucky, makes the following findings:

1. That the Petitioners, Christopher T. Phelps and Marta Phelps, have given written, notarized consent to the closing and abandonment 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 rights-of-way being closed.

3. That Christopher T. Phelps and Marta Phelps, the Petitioners, and Beverly J. Cooney, Connie M. Scalf and Charles Glenn Hall are the only property owners abutting and adjoining the public alley rights-of-way located between 165 Ewing Road and 2519 Pardon Avenue and between 183 Ewing Road and 2518 Pardon Avenue 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 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 rights-of-way be, and are hereby ordered to be officially closed and abandoned pursuant to the provisions of KRS 82.405(2):

1. Beginning at calculated point at the intersection of the north right-of-way line of Pardon Avenue and the east right-of-way line of a 10-foot wide alley running north and south, said right-of-way for Pardon Avenue is 40 feet in width, said point also being the southwest corner of the Beverly J. Cooney and Connie M. Scalf property as recorded in Deed Book 952 at Page 916 and shown on Deed Book 62 at Page 276 in the Office of the Daviess County Clerk; thence running with said north right-of-way line North 86 Degrees 22 Minutes 00 Seconds West, a distance of 10.01 feet to a calculated point in the east line of the Christopher T. and Marta Phelps property as recorded in Deed Book 1097 at Page 529 and shown in Plat Book 43 at Page 37 in said clerk's office; thence with the east line of said Christopher T. and Marta Phelps property and the west right-of-way of said 10-foot wide alley North 00 Degrees 30 Minutes 51 Seconds East, a distance of

135.82 feet to a calculated point in the south right-of-way line of another 10-foot wide alley running east and west; thence with the south right-of-way line of said 10-foot wide alley South 86 Degrees 22 Minutes 00 Seconds East, a distance of 18.30 feet to a calculated point in the north line of said Beverly J. Cooney and Connie M. Scalf property and in the east line of the 10-foot alley way running north and south; thence with the west line of said Beverly J. Cooney and Connie M. Scalf property and the east right-of-way line of said 10-foot wide alley for the next two (2) calls:

1. South 45 Degrees 30 Minutes 51 Seconds West, a distance of 11.70 feet to a calculated point;
2. South 00 Degrees 30 Minutes 51 Seconds West, a distance of 127.10 feet to the point of

beginning and containing 0.032 acres and 1,394 square feet. This description is to be used for an Alley Closure ONLY and is NOT to be used for the transfer of real property.

2. Beginning at calculated point at the intersection of the south right-of-way line of Pardon Avenue and the east right-of-way line of a 10-foot wide alley running north and south, said right-of-way for Pardon Avenue is 40 feet in width, said point also being the northwest corner of the Charles Glenn Hall property as recorded in Deed Book 670 at Page 327 and shown on Deed Book 62 at Page 276 in the Office of the Daviess County Clerk; thence running with the west line of said Charles Glenn Hall property and the east right-of-way line of said 10-wide alley for the next two (2) calls:

1. South 00 Degrees 30 Minutes 51 Seconds West, a distance of 117.00 feet to a calculated point;
2. South 44 Degrees 00 Minutes 17 Seconds East, a distance of 12.00 feet to a calculated point in

the north right-of-way line of another 10-foot wide alley running east and west; thence with the north right-of-way line of said 10-foot wide alley North 82 Degrees 12 Minutes 47 Seconds West, a distance of 18.56 feet to a calculated point in the east line of the Christopher T. and Marta Phelps property as recorded in Deed Book 1097 at Page 529 and shown in Plat Book 43 at Page 37 in said clerk's office; thence with the east line of said Christopher T. and Marta Phelps property North 00 Degrees 30 Minutes 51 Seconds East, a distance of 123.75 feet to a calculated point in the south right-of-way line of Pardon Avenue; thence with the south right-of-way line of Pardon Avenue South 86 Degrees 22 Minutes 00 Seconds East, a distance of 10.01 feet to the point of beginning and containing 0.032 acres and 1,273 square feet. This description is to be used for an Alley Closure ONLY and is NOT to be used for the transfer of real property.

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

Section 4. That all ordinances or parts of ordinances in conflict herewith, are to the extent of such conflict, hereby repealed.

INTRODUCED AND PUBLICLY READ ON FIRST READING, this 3rd day of
December, 2024.

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

Beth Davis, City Clerk

EXHIBIT “A”

CITY OF OWENSBORO

COMMISSION MEETING DATE: 12/3/2024

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

TITLE: PROPOSED CLOSING OF TWO ALLEY RIGHTS OF WAY SECTIONS BETWEEN 165 EWING ROAD AND 2519 PARDON AVENUE AND BETWEEN 183 EWING ROAD AND 2518 PARDON 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 the Christopher T. & Marta Phelps, for consideration to close two sections of alley right of way adjacent to 165 & 183 Ewing Road, alley rights of way being two 10 foot wide north/south running alleys along the east property line of 165 & 183 Ewing Road more particularly described below:

Proposed alley right of way section behind 165 Ewing Road:

Beginning at calculated point at the intersection of the north right-of-way line of Pardon Avenue and the east right-of-way line of a 10-foot wide alley running north and south, said right-of-way for Pardon Avenue is 40 feet in width, said point also being the southwest corner of the Beverly J. Cooney and Connie M. Scalf property as recorded in Deed Book 952 at Page 916 and shown on Deed Book 62 at Page 276 in the Office of the Daviess County Clerk; thence running with said north right-of-way line North 86 Degrees 22 Minutes 00 Seconds West, a distance of 10.01 feet to a calculated point in the east line of the Christopher T. and Marta Phelps property as recorded in Deed Book 1097 at Page 529 and shown in Plat Book 43 at Page 37 in said clerk's office; thence with the east line of said Christopher T. and Marta Phelps property and the west right-of-way of said 10-foot wide alley North 00 Degrees 30 Minutes 51 Seconds East, a distance of 135.82 feet to a calculated point in the south right-of-way line of another 10-foot wide alley running east and west; thence with the south right-of-way line of said 10-foot wide alley South 86 Degrees 22 Minutes 00 Seconds East, a distance of 18.30 feet to a calculated point in the north line of said Beverly J. Cooney and Connie M. Scalf property and in the east line of the 10-foot alley way running north and south; thence with the west line of said Beverly J. Cooney and Connie M. Scalf property and the east right-of-way line of said 10-foot wide alley for the next two (2) calls:

1. South 45 Degrees 30 Minutes 51 Seconds West, a distance of 11.70 feet to a calculated point;
2. South 00 Degrees 30 Minutes 51 Seconds West, a distance of 127.10 feet to the point of beginning and containing 0.032 acres and 1,394 Square Feet.

Proposed alley right of way section behind 183 Ewing Road:

Beginning at calculated point at the intersection of the south right-of-way line of Pardon Avenue and the east right-of-way line of a 10-foot wide alley running north and south, said right-of-way for Pardon Avenue is 40 feet in width, said point also being the northwest corner of the Charles Glenn Hall property as recorded in Deed Book 670 at Page 327 and shown on Deed Book 62 at Page 276 in the

Office of the Daviess County Clerk; thence running with the west line of said Charles Glenn Hall property and the east right-of-way line of said 10-wide alley for the next two (2) calls:

1. South 00 Degrees 30 Minutes 51 Seconds West, a distance of 117.00 feet to a calculated point;
2. South 44 Degrees 00 Minutes 17 Seconds East, a distance of 12.00 feet to a calculated point in the north right-of-way line of another 10-foot wide alley running east and west; thence with the north right-of-way line of said 10-foot wide alley North 82 Degrees 12 Minutes 47 Seconds West, a distance of 18.56 feet to a calculated point in the east line of the Christopher T. and Marta Phelps property as recorded in Deed Book 1097 at Page 529 and shown in Plat Book 43 at Page 37 in said clerk's office; thence with the east line of said Christopher T. and Marta Phelps property North 00 Degrees 30 Minutes 51 Seconds East, a distance of 123.75 feet to a calculated point in the south right-of-way line of Pardon Avenue; thence with the south right-of-way line of Pardon Avenue South 86 Degrees 22 Minutes 00 Seconds East, a distance of 10.01 feet to the point of beginning and containing 0.029 acres and 1,273 Square Feet.

Christopher T. & Marta Phelps, owners of properties at 165 & 183 Ewing Road have signed and submitted a Request for Closure Form and Consent of Abutting Property Owner Form for the proposed closings. Charles G. Hall, owns property at 2518 Pardon Avenue that abuts the proposed south section of alley right of way to be closed and has returned a Consent of Abutting Property Owner Form for the proposed closing. Beverly J. Cooney & Connie M. Scalf, owners of property at 2519 Pardon Avenue that abuts the proposed north section of alley right of way to be closed and has 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. No easements were requested to be retained

Mark Pfeifer, City Attorney - DRAFTED THE ORDINANCE FOR CLOSURE

REQUEST FOR CLOSURE OF PUBLIC RIGHT-OF-WAY

CITY ENGINEER:

The undersigned hereby requests that the right-of-way described below be closed and that the City Engineer's office make inquiry of all necessary City departments and utilities to determine if there are any reasons why the right-of-way located at: the west end of Pardon Avenue, the southern portion of a 10-foot wide alley separating 183 Ewing Road and 2518 Pardon Avenue and the northern portion of a 10-foot wide alley separating 165 Ewing Road and 2519 Pardon Avenue 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) _____

DATE: _____

ADDRESS: _____

CHRIS PHELPS Marta Phelps

11-12-24

STATE OF KENTUCKY)

COUNTY OF DAVIESS)

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

Chris Phelps & Marta Phelps, on this the 12th day of November, 2024.



Notary Public, State of Kentucky at Large

My commission expires: 8/31/28

KYNP 13438

131 EWING ROAD
AARON T. SUMNER
D.B. 930, PG. 830
P.B. 43, PG. 37

165 EWING ROAD
CHRISTOPHER T. & MARTA PHELPS
D.B. 1097, PG. 529
P.B. 43, PG. 37

0.032 ACRE
1,394 SQ. FT.

2519 PARDON AVENUE
BEVERLY J. COONEY
CONNIE M. SCALF
D.B. 952, PG. 916
D.B. 62, PG. 276 (PLAT)

183 EWING ROAD
CHRISTOPHER T. & MARTA PHELPS
D.B. 1097, PG. 529
P.B. 43, PG. 37

0.029 ACRE
1,273 SQ. FT.

2518 PARDON AVENUE
CHARLES GLENN HALL
D.B. 670, PG. 327
D.B. 62, PG. 276 (PLAT)



CLIENT
CHRISTOPHER T. PHELPS
4903 STATE ROUTE 279 S
OWENSBORO, KY 42301

PURPOSE:
TO SHOW AND DESCRIBE
THE PROPOSED ALLEY CLOSING.



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

PREPARED BY:

Mark A. Phelps
MARK A. PHELPS, KY. P.L.S. NO. 4420

10-16-24
DATE

EXHIBIT 'A'

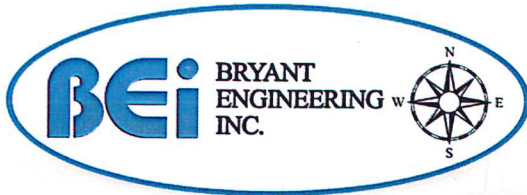
PROPOSED ALLEY CLOSING

CITY OF OWENSBORO
DAVIESS COUNTY, KENTUCKY
SCALE: 1"=40' / DATE: 10-08-2024



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

10' WIDE ALLEY CLOSURE DESCRIPTION
0.032 ACRES
1,394 SQ. FT

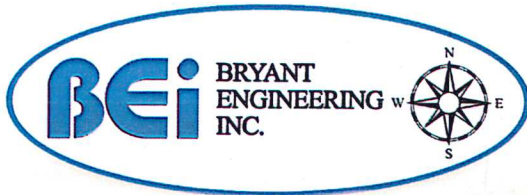
Beginning at calculated point at the intersection of the north right-of-way line of Pardon Avenue and the east right-of-way line of a 10-foot wide alley running north and south, said right-of-way for Pardon Avenue is 40 feet in width, said point also being the southwest corner of the Beverly J. Cooney and Connie M. Scalf property as recorded in Deed Book 952 at Page 916 and shown on Deed Book 62 at Page 276 in the Office of the Daviess County Clerk; thence running with said north right-of-way line North 86 Degrees 22 Minutes 00 Seconds West, a distance of 10.01 feet to a calculated point in the east line of the Christopher T. and Marta Phelps property as recorded in Deed Book 1097 at Page 529 and shown in Plat Book 43 at Page 37 in said clerk's office; thence with the east line of said Christopher T. and Marta Phelps property and the west right-of-way of said 10-foot wide alley North 00 Degrees 30 Minutes 51 Seconds East, a distance of 135.82 feet to a calculated point in the south right-of-way line of another 10-foot wide alley running east and west; thence with the south right-of-way line of said 10-foot wide alley South 86 Degrees 22 Minutes 00 Seconds East, a distance of 18.30 feet to a calculated point in the north line of said Beverly J. Cooney and Connie M. Scalf property and in the east line of the 10-foot alley way running north and south; thence with the west line of said Beverly J. Cooney and Connie M. Scalf property and the east right-of-way line of said 10-foot wide alley for the next two (2) calls:

1. South 45 Degrees 30 Minutes 51 Seconds West, a distance of 11.70 feet to a calculated point;
2. South 00 Degrees 30 Minutes 51 Seconds West, a distance of 127.10 feet to the point of beginning and containing 0.032 acres and 1,394 Square Feet. This description is to be used for an Alley Closure ONLY and is NOT to be used for the transfer of real property.


Mark A. Phelps, KY PLS No. 4420 10-16-24 Date



F:\Data\2024\24-6913\03_Survey\Descriptions\Alley Closure 0.032 Acres



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

10' WIDE ALLEY CLOSURE DESCRIPTION
0.029 ACRES
1,273 SQ. FT

Beginning at calculated point at the intersection of the south right-of-way line of Pardon Avenue and the east right-of-way line of a 10-foot wide alley running north and south, said right-of-way for Pardon Avenue is 40 feet in width, said point also being the northwest corner of the Charles Glenn Hall property as recorded in Deed Book 670 at Page 327 and shown on Deed Book 62 at Page 276 in the Office of the Daviess County Clerk; thence running with the east right-of-way line of said 10-wide alley for the next two (2) calls:

1. South 00 Degrees 30 Minutes 51 Seconds West, a distance of 117.00 feet to a calculated point;
2. South 44 Degrees 00 Minutes 17 Seconds East, a distance of 12.00 feet to a calculated point in the north right-of-way line of another 10-foot wide alley running east and west; thence with the north right-of-way line of said 10-foot wide alley North 82 Degrees 12 Minutes 47 Seconds West, a distance of 18.56 feet to a calculated point in the east line of the Christopher T. and Marta Phelps property as recorded in Deed Book 1097 at Page 529 and shown in Plat Book 43 at Page 37 in said clerk's office; thence with the east line of said Christopher T. and Marta Phelps property North 00 Degrees 30 Minutes 51 Seconds East, a distance of 123.75 feet to a calculated point in the south right-of-way line of Pardon Avenue; thence with the south right-of-way line of Pardon Avenue South 86 Degrees 22 Minutes 00 Seconds East, a distance of 10.01 feet to the point of beginning and containing 0.029 acres and 1,273 Square Feet. This description is to be used for an Alley Closure ONLY and is NOT to be used for the transfer of real property.


Mark A. Phelps, KY PLS No. 4420 10-16-24
Date



EXHIBIT “B”

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

I (We), Beverly J. Cooney and Connie M. Scalf

, do Solemnly swear and affirm that I am (we are) the fee simple owner (s) of real property located at and known as 2519 Pardon Avenue

, 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 northern portion of a 10-foot wide alley separating 165 Ewing Road and 2519 Pardon Avenue

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 12th Day of November, 2024

PROPERTY OWNER (S) :

Beverly Cooney
Connie Scalf

STATE OF KENTUCKY)

COUNTY OF DAVIESS)

The foregoing instrument was signed and acknowledged before me by Beverly Cooney & Connie Scalf
On this the 12th day of November, 2024.

Glen R. Reardon

NOTARY PUBLIC, State at Large

My Commission expires: 8/21/28

KYNP13438

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

I (We), Charles Glenn Hall, do Solemnly swear and affirm that I am (we are) the fee simple owner (s) of real property located at and known as 2518 Pardon Avenue, 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 west end of Pardon Avenue, the southern portion of a 10-foot wide alley separating 183 Ewing Road and 2518 Pardon Avenue

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.

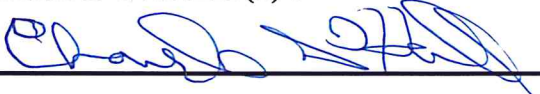
I further understand and acknowledge that if other fee simple owner (s) of property in or abutting the public right-of-way proposed to be closed does (do) not approve of the proposed

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 12th Day of November, 2024


PROPERTY OWNER (S) :



STATE OF KENTUCKY)

COUNTY OF DAVIESS)

The foregoing instrument was signed and acknowledged before me by Charles G. Hall
On this the 12th day of November, 2024.


NOTARY PUBLIC, State at Large
My Commission expires: 8/21/28
KYNP13438

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

I (We), Christopher T. and Marta Phelps ,

do Solemnly swear and affirm that I am (we are) the fee simple owner (s) of real property located at and known as 165 Ewing Road

,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 northern portion of a 10-foot wide alley separating 165 Ewing Road and 2519 Pardon Avenue

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)**.

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In testimony whereof, witness my (our) signature (s) on this 12th Day of November, 2024

PROPERTY OWNER (S) :

STATE OF KENTUCKY)

COUNTY OF DAVIESS)

The foregoing instrument was signed and acknowledged before me by Chris Phelps & Marta Phelps
On this the 12th day of November, 2024.


NOTARY PUBLIC, State at Large
My Commission expires: 8/21/28
KYNP13438

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

I (We), Christopher T. and Marta Phelps ,

do Solemnly swear and affirm that I am (we are) the fee simple owner (s) of real property located at and known as 183 Ewing Road

,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 west end of Pardon Avenue, the southern portion of a 10-foot wide alley separating 183 Ewing Road and 2518 Pardon Avenue

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.

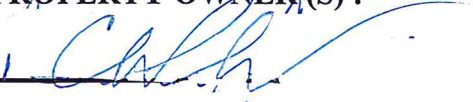

I further understand and acknowledge that if other fee simple owner (s) of property in or abutting the public right-of-way proposed to be closed does (do) not approve of the proposed

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 12th Day of November, 2024

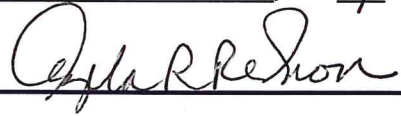
PROPERTY OWNER(S) :

STATE OF KENTUCKY)

COUNTY OF DAVIESS)

The foregoing instrument was signed and acknowledged before me by Chris Phelps & Marta Phelps
On this the 12th day of November, 2024.


NOTARY PUBLIC, State at Large
My Commission expires: 8/21/28
KYNP 13438