

ORDINANCE 21-2026

AN ORDINANCE CLOSING AN ALLEY RIGHT-OF-WAY BETWEEN WEST 18TH STREET AND WEST 19TH STREET BEHIND 1801-1819 FREDERICA STREET IN THE CITY OF OWENSBORO, KENTUCKY.

WHEREAS, Ryan McDaniel (Petitioner) has petitioned the City of Owensboro pursuant to KRS 82.405(2) to close an alley right-of-way located between West 18th Street and West 19th Street behind 1801-1819 Frederica Street, Owensboro, Kentucky, a plat of which is attached hereto and incorporated by reference as Exhibit A; and

WHEREAS, adjoining and abutting property owners, Mid Fred, LLC and 1819 Frederica, LLC 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, a copy of which is attached and incorporated by reference as Exhibit B; and

WHEREAS, the Petitioner understands and agrees to retain public utility easements over the alley; 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, Ryan McDaniel, 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. Written notice of the proposed closing was given to all property owners in or abutting the right-of-way being closed.
3. That Ryan McDaniel, the Petitioner, and Mid Fred, LLC and 1819 Frederica, LLC are the only property owners abutting and adjoining the public alley right-of-way located between West 18th Street and West 19th Street behind 1801-1819 Frederica 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 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):

Beginning at a calculated point in the south right-of-way line of West 18th Street, said right-of-way being 60.00 feet in width, said calculated point being the northeast corner of the Mid Fred LLC property as recorded in Deed Book 1110 at Page 897 and shown on plat in Deed Book 81 at Page 556 in the Office of the Daviess County Clerk and also being the northwest corner of a 15-foot alley; Thence leaving the northeast corner of said Mid Fred LLC property with the south right-of-way line of West 18th Street North 86 Degrees 37 Minutes 30 Seconds East, a distance of 15.00 feet to a calculated point being the northwest corner of another said Mid Fred LLC property as recorded in Deed Book 1129 at Page 501 and shown on plat in Deed Book 81 at Page 556 in said clerk's office, said calculated point also being in the east line of said alley; Thence leaving the south right-of-way line of said West 18th Street with the west line of said Mid Fred LLC property South 03 Degrees 22 Minutes 56 Seconds East, a distance of 150.15 feet to a calculated point, said point being the southwest corner of said Mid Fred LLC property and being in the north line of another 15-foot wide alley; Thence leaving the southwest corner of said Mid Fred LLC property with the north line of said alley North 86 Degrees 25 Minutes 16 Seconds East, a distance of 29.21 feet to a calculated point in said Mid Fred LLC property; Thence leaving the south line of said Mid Fred LLC property and severing said 15-foot alley South 03 Degrees 19 Minutes 42 Seconds East, a distance of 15.00 feet to a calculated point being in the north line of another Mid Fred LLC property as recorded in Deed Book 1110 at Page 893 in said clerk's office and also being in the south line of said 15-foot alley; Thence with the north line of said Mid Fred LLC property with the south line of said alley way South 86 Degrees 25 Minutes 16 Seconds West, a distance of 29.19 feet to a calculated point being the northwest corner of said Mid Fred LLC property and being in the east line of a 15-foot alley; Thence leaving said northwest corner with the east line of said alley South 03 Degrees 22 Minutes 56 Seconds East, a distance of 137.72 feet to a calculated point in the north right-of-way line of West 19th Street, said right-of-way being 50.00 feet in width; Thence leaving said east line of said alley with the north right-of-way line of West 19th Street South 86 Degrees 40 Minutes 22 Seconds West, a distance of 15.00 feet to a calculated point, said point being the southeast corner of the 1819 Fredrica LLC property as recorded in Deed Book 1060 at Page 275 and shown in Plat Book 8 at Page 61 in said clerk's office and also being in the west line of said 15-foot alley; Thence leaving said north right-of-way line with the east line of said 1819 Frederica LLC property North 03 Degrees 22 Minutes 56 Seconds West, a distance of 100.26 feet to a calculated point, said point being the southeast corner of said Mid Fred LLC property; Thence leaving the southeast corner of said Mid Fred LLC property with the west line of said alley North 03 Degrees 22 Minutes 56 Seconds West, a distance of 202.60 feet to the point of beginning and containing 0.114 acres or 4,981 Sq. Ft. 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 6th day of October, 2026.

PUBLICLY READ AND FINALLY APPROVED ON SECOND READING, this 20th day of October, 2026.

Thomas H. Watson, Mayor

ATTEST:

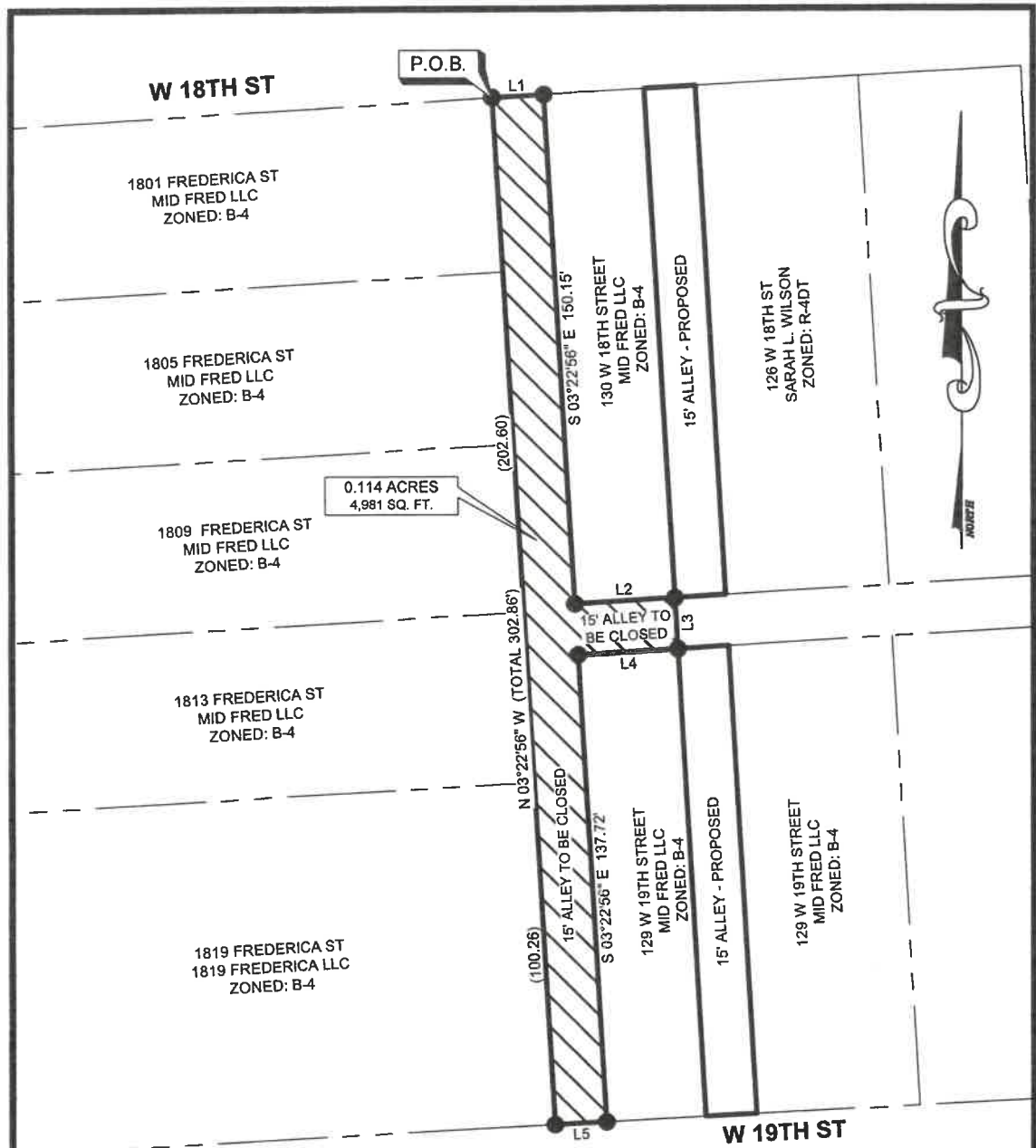
Beth Davis, City Clerk

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 21-2026 duly adopted by the Board of Commissioners of the City of Owensboro, Kentucky, on the 20th day of October, 2026, the original of which is on file in the Office of the City Clerk, on this the 20th day of October, 2026.

Beth Davis, City Clerk

EXHIBIT “A”



CLIENT
MID FRED, LLC
2960 FAIRVIEW DRIVE
OWENSBORO, KY 42303

PURPOSE:
TO SHOW AND DESCRIBE
THE PROPOSED ALLEY CLOSING.

NOTES:
EXHIBIT USED FOR ALLEY CLOSURE ONLY.
BOUNDARY SHOWN FROM DAVIESS COUNTY
PVA LINES.

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

PREPARED BY:

[Signature]
MARK A. PHELPS, KY. P.L.S. NO. 4420

8-27-26
DATE

LINE	BEARING	DISTANCE
L1	N 86°37'30" E	15.00'
L2	N 86°25'16" E	29.21'
L3	S 03°19'42" E	15.00'
L4	S 86°25'16" W	29.19'
L5	S 86°40'22" W	15.00'



EXHIBIT 'A'
PROPOSED ALLEY CLOSING
CITY OF OWENSBORO
DAVIESS COUNTY, KENTUCKY
DATE: 08-27-2026



1535 FREDERICA STREET • P.O. BOX 21382
OWENSBORO, KENTUCKY 42304
270-685-2811

EXHIBIT “B”

CITY OF OWENSBORO

COMMISSION MEETING DATE: 10/6/2026

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

TITLE: PROPOSED CLOSING OF ALLEY RIGHT OF WAY BETWEEN WEST 18TH STREET & WEST 19TH STREET BEHIND PROPERTIES FROM 1801 TO 1819 FREDERICA STREET TO BE REPLACED WITH A NEW PROPOSED ALLEY RIGHT OF WAY SECTION

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 Ryan McDaniel with Mid Fred, LLC, for consideration to close a right of way between W. 18th Street and W. 19th Street behind 1801-1819 Frederica Street, alley right of way being 15 feet in width and more particularly described below:

Proposed alley right of way closing:

Beginning at a calculated point in the south right-of-way line of West 18th Street, said right-of-way being 60.00 feet in width, said calculated point being the northeast corner of the Mid Fred LLC property as recorded in Deed Book 1110 at Page 897 and shown on plat in Deed Book 81 at Page 556 in the Office of the Daviess County Clerk and also being the northwest corner of a 15-foot alley; Thence leaving the northeast corner of said Mid Fred LLC property with the south right-of-way line of West 18th Street North 86 Degrees 37 Minutes 30 Seconds East, a distance of 15.00 feet to a calculated point being the northwest corner of another said Mid Fred LLC property as recorded in Deed Book 1129 at Page 501 and shown on plat in Deed Book 81 at Page 556 in said clerk's office, said calculated point also being in the east line of said alley; Thence leaving the south right-of-way line of said West 18th Street with the west line of said Mid Fred LLC property South 03 Degrees 22 Minutes 56 Seconds East, a distance of 150.15 feet to a calculated point, said point being the southwest corner of said Mid Fred LLC property and being in the north line of another 15-foot wide alley; Thence leaving the southwest corner of said Mid Fred LLC property with the north line of said alley North 86 Degrees 25 Minutes 16 Seconds East, a distance of 29.21 feet to a calculated point in said Mid Fred LLC property; Thence leaving the south line of said Mid Fred LLC property and severing said 15-foot alley South 03 Degrees 19 Minutes 42 Seconds East, a distance of 15.00 feet to a calculated point being in the north line of another Mid Fred LLC property as recorded in Deed Book 1110 at Page 893 in said clerk's office and also being in the south line of said 15-foot alley; Thence with the north line of said Mid Fred LLC property with the south line of said alley way South 86 Degrees 25 Minutes 16 Seconds West, a distance of 29.19 feet to a calculated point being the northwest corner of said Mid Fred LLC property and being in the east line of a 15-foot alley; Thence leaving said northwest corner with the east line of said alley South 03 Degrees 22 Minutes 56 Seconds East, a distance of 137.72 feet to a calculated point in the north right-of-way line of West 19th Street, said right-of-way being 50.00 feet in width; Thence leaving said east line of said alley with the north right-of-way line of West 19th Street South 86 Degrees 40 Minutes 22 Seconds West, a distance of 15.00 feet to a calculated, said point being the southeast corner of the 1819 Fredrica LLC property as recorded in Deed Book 1060 at Page 275 and shown in Plat Book 8 at Page 61 in said clerk's office and also being in the west line of said 15-foot alley; Thence

leaving said north right-of-way line with the east line of said 1819 Frederica LLC property North 03 Degrees 22 Minutes 56 Seconds West, a distance of 100.26 feet to a calculated point, said point being the southeast corner of said Mid Fred LLC property; Thence leaving the southeast corner of said Mid Fred LLC property with the west line of said alley North 03 Degrees 22 Minutes 56 Seconds West, a distance of 202.60 feet to the point of beginning and containing 0.114 acres or 4,981 Sq. Ft. Ryan McDaniel representing Mid Fred LLC, owner of properties at 130 West 18th Street, 129 West 19th Street, 1801 Frederica Street, 1805 Frederica Street, 1809 Frederica Street, and 1813 Frederica Street has signed and submitted a Request for Closure Form and Consent of Abutting Property Owner Form for the proposed closing. Matthew Hayden representing 1819 Frederica LLC, owner of property at 1819 Frederica Street that abuts the proposed 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 right of way understanding that an easement over the proposed alley right of way to be closed with be created, new proposed alley right of way will be granted through a minor subdivision plat and public utility easements will be granted through a future development plan and amended minor subdivision plat to be reviewed and approved by each utility company. Easement over the existing alley right of way proposed to be closed will be retained by the ordinance for closure and remain in effect until future utility realignment and easements are approved by each utility company.

The minor subdivision plat establishing the new proposed alley right of way has been filed with and approved by the Owensboro Metropolitan Planning Commission prior to the alley closing ordinance being presented to the City Commission.

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: Public alley extends from 18th street to 19th street and approximately 30 foot along existing mid block back yard alley (closure exhibit attached) _____ 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) Ryan McDaniel

DATE: 8-27-26

ADDRESS: 1407 GRIFFITH AVE.

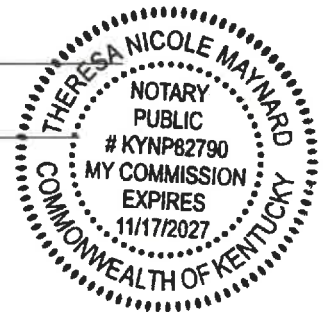
STATE OF KENTUCKY)

COUNTY OF DAVIESS)

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

Ryan McDaniel, on this the 27 day of August, 2026.

Theresa Nicole Maynard
Notary Public, State of Kentucky at Large
My commission expires: 11-17-2027



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

I (We), Mid Fred, LLC

do Solemnly swear and affirm that I am (we are) the fee simple owner (s) of real property located at and known as 130 West 18th, 129 West 19th, 1801, 1805, 1809, 1813 Frederica, 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:

Public alley extends from 18th street to 19th street and approximately 30 foot along existing mid block back yard alley (closure exhibit attached)

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.

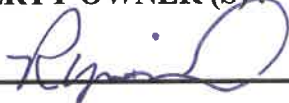
I further understand and acknowledge that if other fee simple owner (s) of property in or abutting the public right-of-way proposed to be closed does (do) not approve of the proposed

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 27 Day of August, 2026

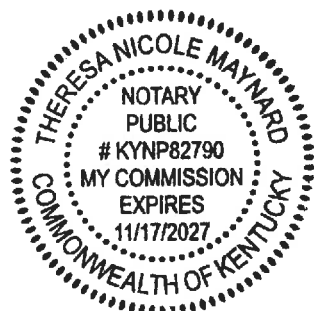
PROPERTY OWNER (S) :



STATE OF KENTUCKY)

COUNTY OF DAVIESS)

The foregoing instrument was signed and acknowledged before me by Ryan McDaniel
On this the 27 day of August, 2026.




NOTARY PUBLIC, State at Large
My Commission expires: 11-17-2027

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

I (We), 1819 Frederica, LLC ,

do Solemnly swear and affirm that I am (we are) the fee simple owner (s) of real property located at and known as 1819 Frederica 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:

Public alley extends from 18th street to 19th street and approximately 30 foot along existing mid block back yard alley (closure exhibit attached)

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 27th Day of

August, 2026

PROPERTY OWNER (S) :



STATE OF KENTUCKY)

)

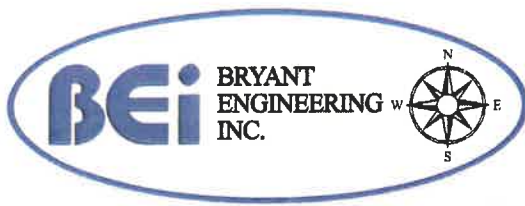
COUNTY OF DAVIESS)

The foregoing instrument was signed and acknowledged before me by

Matthew R. Hayden
On this the 27th day of August, 2026.



Jennifer M. Jones
NOTARY PUBLIC, State at Large
My Commission expires: 11/16/2027



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

REZONING DESCRIPTION
0.114 ACRES
ALLEY CLOSURE BETWEEN WEST 18TH STREET AND W 19TH STREET

Beginning at a calculated point in the south right-of-way line of West 18th Street, said right-of-way being 60.00 feet in width, said calculated point being the northeast corner of the Mid Fred LLC property as recorded in Deed Book 1110 at Page 897 and shown on plat in Deed Book 81 at Page 556 in the Office of the Daviess County Clerk and also being the northwest corner of a 15-foot alley; Thence leaving the northeast corner of said Mid Fred LLC property with the south right-of-way line of West 18th Street North 86 Degrees 37 Minutes 30 Seconds East, a distance of 15.00 feet to a calculated point being the northwest corner of another said Mid Fred LLC property as recorded in Deed Book 1129 at Page 501 and shown on plat in Deed Book 81 at Page 556 in said clerk's office, said calculated point also being in the east line of said alley; Thence leaving the south right-of-way line of said West 18th Street with the west line of said Mid Fred LLC property South 03 Degrees 22 Minutes 56 Seconds East, a distance of 150.15 feet to a calculated point, said point being the southwest corner of said Mid Fred LLC property and being in the north line of another 15-foot wide alley; Thence leaving the southwest corner of said Mid Fred LLC property with the north line of said alley North 86 Degrees 25 Minutes 16 Seconds East, a distance of 29.21 feet to a calculated point in said Mid Fred LLC property; Thence leaving the south line of said Mid Fred LLC property and severing said 15-foot alley South 03 Degrees 19 Minutes 42 Seconds East, a distance of 15.00 feet to a calculated point being in the north line of another Mid Fred LLC property as recorded in Deed Book 1110 at Page 893 in said clerk's office and also being in the south line of said 15-foot alley; Thence with the north line of said Mid Fred LLC property with the south line of said alley way South 86 Degrees 25 Minutes 16 Seconds West, a distance of 29.19 feet to a calculated point being the northwest corner of said Mid Fred LLC property and being in the east line of a 15-foot alley; Thence leaving said northwest corner with the east line of said alley South 03 Degrees 22 Minutes 56 Seconds East, a distance of 137.72 feet to a calculated point in the north right-of-way line of West 19th Street, said right-of-way being 50.00 feet in width; Thence leaving said east line of said alley with the north right-of-way line of West 19th Street South 86 Degrees 40 Minutes 22 Seconds West, a distance of 15.00 feet to a calculated, said point being the southeast corner of the 1819 Fredrica LLC property as recorded in Deed Book 1060 at Page 275 and shown in Plat Book 8 at Page 61 in said clerk's office and also being in the west line of said 15-foot alley; Thence leaving said north right-of-way line with the east line of said 1819 Fredrica LLC property North 03 Degrees 22 Minutes 56 Seconds West, a distance of 100.26 feet to a calculated point, said point being the southeast corner of said Mid Fred LLC property; Thence leaving the southeast corner of said Mid Fred LLC property with the west line of said alley North 03 Degrees 22 Minutes 56 Seconds West, a distance of 202.60 feet to the point of beginning and containing 0.114 acres or 4,981 Sq. Ft. 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

8-27-26

Date

