ORDINANCE 23-2026

AN ORDINANCE CLOSING THE STREET RIGHT-OF-WAY OF OLD HENDERSON ROAD LOCATED BETWEEN CARTER ROAD AND MCFARLAND AVENUE ADJACENT TO 1366 CARTER ROAD, 2715 W. PARRISH AVENUE AND 2737 W. PARRISH AVENUE IN THE CITY OF OWENSBORO, KENTUCKY.

WHEREAS, Rajesal LLC (Petitioner) has petitioned the City of Owensboro pursuant to KRS 82.405(2) to close the street right-of-way of Old Henderson Road located between Carter Road and McFarland Avenue adjacent to 1366 Carter Road, 2715 W. Parrish Avenue and 2737 W. Parrish Avenue, Owensboro, Kentucky, a plat of which is attached hereto and incorporated by reference as Exhibit A; and

WHEREAS, adjoining and abutting property owner, Rajesal Properties LLC, has given written and notarized consent to the closing of said right-of way as evidenced in the *Consent of Abutting Property Owner to Closure of Public Right-of-Way* heretofore filed, a copy of which is attached and incorporated by reference in Exhibit A; and

WHEREAS, the Petitioner understands and agrees to retain public utility easements over the right-of-way to be closed as shown on Exhibit A. Furthermore, any and all existing storm sewer facilities in and along the right-of-way closure shall remain open and functioning at all times. Any changes to the storm system will require the approval of the City Engineer's office upon review of an engineered development plan; 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, Rajesal LLC, has given written, notarized consent to the closing and abandonment of the public 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 Rajesal LLC, the Petitioner herein, and Rajesal Properties LLC, are the only property owners abutting and adjoining the public right-of-way of Old Henderson Road located between Carter Road and McFarland Avenue adjacent to 1366 Carter Road, 2715 W. Parrish Avenue and 2737 W. Parrish 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 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):

The proposed street right of way closure varies in width and begins at a 1" iron pipe found in the intersection of the east right-of-way line of McFarland Avenue and the south right-of-way line of Old Henderson Road, said point being the northwest corner of Rajesal Properties, LLC (D.B. 1087, Pg. 532); thence following the east right-of-way line of Old Henderson Road N 27°24'13" E, 129.30 feet to a ¾" rebar found with cap stamped PLS 1874 in the intersection of the east right-of-way line of McFarland Avenue and the north right-of-way line of Old Henderson Road, said point being the southwest corner of Rajesal, LLC (D.B. 942, Pg. 21); thence following the north right-of-way line of Old Henderson Road and the south lines of Rajesal as follows: S 51°05'38" E, 35.60 feet to a ¾" rebar found with cap stamped PLS 1874; thence N 70°19'21" E, 193.81 feet to a 5/8" rebar set with cap stamped PLS 3635; thence crossing the right-of-way of Old Henderson Road S 19°17'53" E, 41.13 feet to a 5/8" rebar set with cap stamped PLS 3635 in the intersection of the west right-of-way line of Carter Road and the south right-of-way line of Old Henderson Road, said point being the northeast corner of Rajesal Properties, LLC; thence following the south right-of-way line of Old Henderson Road and the north lines of Rajesal as follows: S 70°21'45" W, 244.07 feet to calculated point being N 38°20'52" E, 5.00 feet from a magnail found with washer stamped PLS 4405; thence S 55°23'58" W, 64.90 feet to the point of beginning containing 0.278 acres as shown on Exhibit 'A' prepared by the City of Owensboro Engineer's Office.

Section 3. That the Petitioner shall dedicate by deed of easement or plat public utility easements within the right-of-way 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 3rd day of November, 2026.

PUBLICLY READ AND FINALLY APPROVED ON SECOND READING, this 17th day of November, 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 23-2026 duly adopted by the Board of Commissioners of the City of Owensboro, Kentucky, on the 17th day of November, 2026, the original of which is on file in the Office of the City Clerk, on this the 17th day of November, 2026.

_____

Beth Davis, City Clerk

EXHIBIT “A”

CITY OF OWENSBORO

COMMISSION MEETING DATE: 8/18/2026

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

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TITLE: PROPOSED CLOSING A PORTION OF STREET RIGHT OF WAY BEING OLD HENDERSON ROAD BETWEEN CARTER ROAD & MCCFARLAND AVENUE ADJACENT TO 1366 CARTER ROAD, 2715 W. PARRISH AVE., AND 2737 W. PARRISH AVE.

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 Rajesal LLC, for consideration to close street right of way adjacent to 1366 Carter Road, 2715 W. Parrish Ave., and 2737 W. Parrish Ave., varying in width and described below:

The proposed street right of way closure varies in width and begins at a 1" iron pipe found in the intersection of the east right-of-way line of McFarland Avenue and the south right-of-way line of Old Henderson Road, said point being the northwest corner of Rajesal Properties, LLC (D.B. 1087, Pg. 532); thence following the east right-of-way line of Old Henderson Road N 27°24'13" E, 129.30 feet to a ¾" rebar found with cap stamped PLS 1874 in the intersection of the east right-of-way line of McFarland Avenue and the north right-of-way line of Old Henderson Road, said point being the southwest corner of Rajesal, LLC (D.B. 942, Pg. 21); thence following the north right-of-way line of Old Henderson Road and the south lines of Rajesal as follows: S 51°05'38" E, 35.60 feet to a ¾" rebar found with cap stamped PLS 1874; thence N 70°19'21" E, 193.81 feet to a 5/8" rebar set with cap stamped PLS 3635; thence crossing the right-of-way of Old Henderson Road S 19°17'53" E, 41.13 feet to a 5/8" rebar set with cap stamped PLS 3635 in the intersection of the west right-of-way line of Carter Road and the south right-of-way line of Old Henderson Road, said point being the northeast corner of Rajesal Properties, LLC; thence following the south right-of-way line of Old Henderson Road and the north lines of Rajesal as follows: S 70°21'45" W, 244.07 feet to calculated point being N 38°20'52" E, 5.00 feet from a magnail found with washer stamped PLS 4405; thence S 55°23'58" W, 64.90 feet to the point of beginning containing 0.278 acres as shown on exhibit 'A' prepared by the City of Owensboro Engineer's Office.

Maheshkumas Patel, Rajesal, LLC, owner of property at 1366 Carter Road, has signed and submitted a Request for Closure Form and Consent of Abutting Property Owner form to initiate the proposed closing. Maheshkumas Patel, also with Rajesal Properties LLC, owner of both 2715 W. Parrish Avenue and 2737 W. Parrish Avenue, has also signed and submitted Consent of Abutting Property Owners forms.

The request has been forwarded to all City departments and City Utilities. No objections were noted to the closing of this portion of public street right of way. However, a public utility easement was requested and will need to be retained over the entire former street right of way. Any and all existing storm sewer facilities in and along the right of way proposed to be closed shall remain open and functioning at all times. Any changes to the storm system will require the approval of the City Engineers Office upon review of an engineered development plan.

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:

Old Henderson Road between Carter Road & McFarland Avenue adjacent to 1366 Carter Road, 2715 W. Parrish Avenue, and 2737 W. Parrish 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) Maheshkumar Patel.

DATE: ~~09-03-26~~ 10/16/26

ADDRESS: 2308 Stone Valley Cv.
Owensboro, KY-42303

STATE OF KENTUCKY)

)

COUNTY OF DAVIESS)

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

Maheshkumar Patel, on this the 16th day of October, 2026.

Kimberly A Tews

Notary Public, State of Kentucky at Large

My commission expires: 1/3/30

ID # KYNP42340

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

I(We), Rajesal LLC ,

do Solemnly swear and affirm that I am (we are) the fee simple owner (s) of real property located at and known as 1366 Carter 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:

Old Henderson Road between Carter Road & McFarland Avenue adjacent to 1366 Carter Road, 2715 W. Parrish Avenue, and 2737 W. Parrish 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 16th Day of ~~September~~ October ,2026

PROPERTY OWNER (S) :

Signature

Maheshkumar Patel

Printed Name

STATE OF KENTUCKY)
)
COUNTY OF DAVIESS)

The foregoing instrument was signed and acknowledged before me by Maheshkumar Patel
On this the 16th **day of** October **, 2026.**

Kimberly A. Tigrin

NOTARY PUBLIC, State at Large
My Commission expires: 1/3/30
ID # KYNP42340

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

I(We), Rajesal Properties LLC ,

do Solemnly swear and affirm that I am (we are) the fee simple owner (s) of real property located at and known as 2715 W. Parrish Avenue & 2737 W. Parrish 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:

Old Henderson Road between Carter Road & McFarland Avenue adjacent to 1366 Carter Road, 2715 W. Parrish Avenue, and 2737 W. Parrish 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 16th Day of ~~September~~ October ,2026

PROPERTY OWNER (S) :

signature

Maheshkumar Patel

Print Name as Executor for Kantilal Patel. Estate.

STATE OF KENTUCKY)
)
COUNTY OF DAVIESS)

The foregoing instrument was signed and acknowledged before me by Maheshkumar Patel as Executor of Estate of Kantilal Patel
On this the 16th **day of** October **, 202**6**.**

Kimberly A. Tigue

NOTARY PUBLIC, State at Large
My Commission expires: 1/3/30
ID# KYNP42340

City of Owensboro
Kentucky

P.O. BOX 10003
OWENSBORO, KENTUCKY 42302

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

LEGAL DESCRIPTION

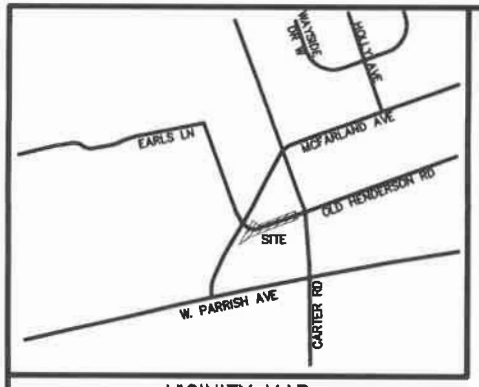
A portion of the right-of-way of Old Henderson Road to be closed containing 0.278 acres located between Carter Road and McFarland Avenue on the west side of Owensboro, Kentucky more particularly described as follows:

Beginning at a 1" iron pipe found in the intersection of the east right-of-way line of McFarland Avenue and the south right-of-way line of Old Henderson Road, said point being the northwest corner of Rajesal Properties, LLC (D.B. 1087, Pg. 532); thence following the east right-of-way line of Old Henderson Road N 27°24'13" E, 129.30 feet to a ¾" rebar found with cap stamped PLS 1874 in the intersection of the east right-of-way line of McFarland Avenue and the north right-of-way line of Old Henderson Road, said point being the southwest corner of Rajesal, LLC (D.B. 942, Pg. 21); thence following the north right-of-way line of Old Henderson Road and the south lines of Rajesal as follows: S 51°05'38" E, 35.60 feet to a ¾" rebar found with cap stamped PLS 1874; thence N 70°19'21" E, 193.81 feet to a 5/8" rebar set with cap stamped PLS 3635; thence crossing the right-of-way of Old Henderson Road S 19°17'53" E, 41.13 feet to a 5/8" rebar set with cap stamped PLS 3635 in the intersection of the west right-of-way line of Carter Road and the south right-of-way line of Old Henderson Road, said point being the northeast corner of Rajesal Properties, LLC; thence following the south right-of-way line of Old Henderson Road and the north lines of Rajesal as follows: S 70°21'45" W, 244.07 feet to calculated point being N 38°20'52" E, 5.00 feet from a magnail found with washer stamped PLS 4405; thence S 55°23'58" W, 64.90 feet to the point of beginning containing 0.278 acres as shown on exhibit 'A' prepared by the City of Owensboro Engineer's Office.

K. M. Simmons 2-19-24

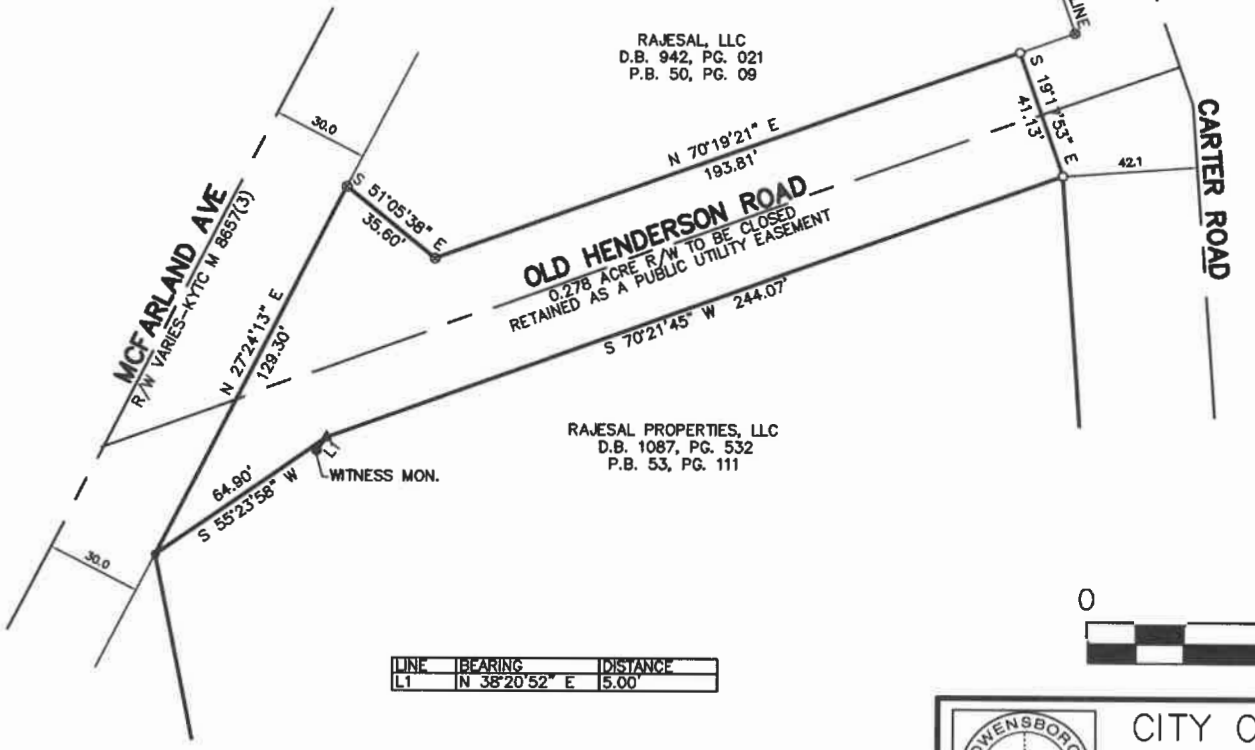
Kevin M. Simmons, PLS 3635 Date

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



VICINITY MAP





LINE	BEARING	DISTANCE
L1	N 38°20'52" E	5.00'

0 60 120

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

EXHIBIT 'A'

RIGHT-OF-WAY CLOSURE
OLD HENDERSON ROAD
BETWEEN CARTER ROAD AND McFARLAND AVE
OWENSBORO, KENTUCKY