

**ORDINANCE 2015-1670**

**AN ORDINANCE CLOSING A PORTION OF A PUBLIC WAY, TO-WIT: A PORTION OF OLIVE STREET, MURRAY, KY.**

WHEREAS, Murray State University has acquired certain real estate located around a portion of Olive Street; and

WHEREAS, Murray State University proposes to erect a new physics/engineering building located near the public way seeking to be closed by this ordinance.

WHEREAS, the City of Murray published the intent by the City to close a portion of Olive Street (see Exhibit "A" (legal description) and Exhibit "D" (plat) both attached hereto and incorporated by reference as if fully stated herein, which represents the legal description of the portion of Olive Street to be closed). Comments were received by the Public Safety Committee and a referral was made to the Murray City Council for appeal.

WHEREAS, the Murray City Council held the appeal for the closures with no parties objecting to the closure. The appeal was then denied.

WHEREAS, the City of Murray and residents of Murray will still have reasonable access to the public highways and road of the community.

WHEREAS, in accordance with KRS 82.405, all adjoining land owners have been properly identified, notified and have given written consent (see Exhibits "B" and "C" respectively attached hereto and incorporated by reference as if fully stated herein), to the propose closure of a portion of Olive Street as referenced in Exhibit "A".

WHEREAS, the following findings are established:

1. All adjoining property owners in or abutting the public way or portions thereof to be closed have been identified;
2. All adjoining property owners in or abutting the public way or portions thereof to be closed have been notified, in writing, of the proposed closing (see Exhibit "B").
3. All adjoining property owners in or abutting the public way or portions thereof to be closed have given their written notarized consent to the closing (Exhibit "C").

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MURRAY, KENTUCKY, AS FOLLOWS:**

Section 1. The City Council does, by the adoption of this Ordinance, declare closed that portion of a public way to-wit: A portion of Olive Street, which is more particularly described on the attached Exhibit "A" (legal description) and Exhibit "D" (plat) both made a part of this document by reference as if fully stated herein.

Nothing in this Ordinance hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing,

under any act or ordinance hereby repealed as cited in this Ordinance; nor shall any just or legal right or remedy of any character be lost impaired or affected by this Ordinance.

\_\_\_\_\_  
JACK D. ROSE, MAYOR

ATTEST:

\_\_\_\_\_  
JUNE BATTIS, CITY CLERK

Introduced by the City Council on \_\_\_\_\_.

Adopted by the City Council on \_\_\_\_\_.

Published in the Murray Ledger and Times on \_\_\_\_\_.

EXHIBIT "A"

PROPERTY DESCRIPTION

PORTION OF OLIVE STREET  
TO BE CLOSED

A 0.1147 acre (5,000.00 sq. ft.) tract of land as surveyed by Bacon Farmer Workman Engineering and Testing, Inc. in February 2015 and being a portion of Olive Street lying east of Broach Avenue, approximately 314.3' west of the centerline of North 16<sup>th</sup> Street and lying west of and adjacent to a previously closed portion of Olive Street as depicted on a Minor Subdivision Plat recorded in Plat Book 51, Page 41, Slide 4957, and being in the City Of Murray, Calloway County, Kentucky and being more particularly described as:

Beginning at the southeast corner of the herein described property said corner being an Existing #4 Rebar Iron Pin found on the south side of Olive Street (approximately 20' south of centerline) at the southwest corner of a previously closed portion of Olive Street (see Minor Plat in Plat Bk. 51, Pg. 41, Slide 4957) and bears North 87 degrees 14 minutes 23 seconds West 314.3' from the centerline of North 16<sup>th</sup> Street;

THENCE North 87 degrees 14 minutes 23 seconds West for a distance of 125.00 feet with the south side of Olive Street same being the north boundary of the Commonwealth of Kentucky for use & benefit Murray State University properties (D.B. 1034, Pg. 227 & D.B. 666, Pg. 469) to a point on the east side of Broach Avenue and being the southwest corner of the herein described portion of Olive Street;

THENCE North 02 degrees 45 minutes 37 seconds East for a distance of 40.00 feet with a new line and the new east end of Olive Street to a point;

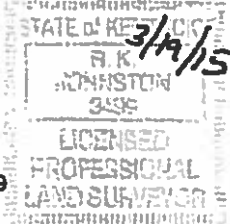
THENCE South 87 degrees 14 minutes 23 seconds East for a distance of 125.00 feet along the north side of Olive Street same being the south boundary of Commonwealth of Kentucky for use & benefit Murray State University property (D.B. 604, Pg. 568) to an Existing Iron Pin & Cap #4103 that bears North 87 degrees 14 minutes 23 seconds West 313.4' from the centerline of North 16<sup>th</sup> Street;

THENCE South 02 degrees 45 minutes 37 seconds West for a distance of 40.00 to the point of beginning.

The above described property is subject to covenants, easements, right-of-ways, conditions, and restrictions of record or in existence.

PREPARED BY:

*Richard K. Johnston*  
Richard K. Johnston P.L.S. #3499



See: Deed Book 47, Page 534

Date: March 19, 2015, 2015

Bacon Farmer Workman Engineering & Testing, Inc.  
1215 Diuguid Drive  
Murray, KY 42071  
(270) 753-7307

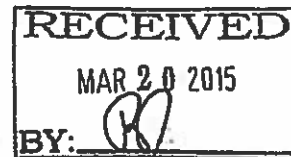


EXHIBIT "B"

104 N. 5th Street, Suite C  
P.O. Box 1236  
Murray, Kentucky 42071

**CITY OF MURRAY PLANNING & ENGINEERING**

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Phone 270-762-0300  
Fax 270-762-0331

January 29, 2015

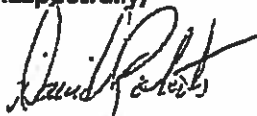
Thomas W. Denton, CPA  
Director for Property and Debt Management  
615 Gilbert Graves Drive  
Murray, KY 42071

Re: Additional portion of Olive Street Closure Between 16<sup>th</sup> Street and Broach Ave.

Murray State University has requested to close an additional portion of Olive Street. The closure is proposed to begin approximately 143 feet east of Broach Avenue, joining the previously closed section, and ending at the intersection of Broach Avenue and 16<sup>th</sup> Street. In accordance with KRS 82.405, the City of Murray must have written consent to the closure of a public right-of-way. Therefore, this letter shall serve as a written notice of the proposed closure and included with this letter is a consent form for your consideration and signature by the appropriate Murray State University official(s).

Please contact me should you have any questions.

Respectfully,



David Roberts  
Dir. of Planning/Engineering  
City of Murray, KY

Encl.

EXHIBIT "B"

**CITY OF MURRAY PLANNING & ENGINEERING**

104 N. 5th Street, Suite C  
P.O. Box 1236  
Murray, Kentucky 42071

Phone 270-762-0300  
Fax 270-762-0331

January 29, 2015

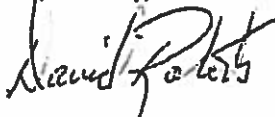
Sindin R. & Loretta Jobs  
301 North 12<sup>th</sup> Street  
Murray, KY 42071

Re: Additional portion of Olive Street Closure Between 16<sup>th</sup> Street and Broach Ave.

Murray State University has requested to close an additional portion of Olive Street. The closure is proposed to begin approximately 143 feet east of Broach Avenue, joining the previously closed section, and ending at the intersection of Broach Avenue and 16<sup>th</sup> Street. In accordance with KRS 82.405, the City of Murray must have written consent to the closure of a public right-of-way. Therefore, this letter shall serve as a written notice of the proposed closure and included with this letter is a consent form for your consideration and signature(s).

Please contact me should you have any questions.

Respectfully,



David Roberts  
Dir. of Planning/Engineering  
City of Murray, KY

Encl.

EXHIBIT "C"

Return to:

David Roberts  
Dir. of Planning/Engineering City of Murray  
104 N. 5<sup>th</sup> Street  
Murray, KY 42071

To Whom It May Concern:

As a property owner abutting the portion of Olive Street proposed for closure beginning approximately 143 feet east of Broach Ave, joining the previously closed section and ending at the intersection of Broach Ave and 16<sup>th</sup> Street, by our signature(s) I (we) do this day give consent to the proposed closing of Olive Street located within the city limits of Murray, KY.

Thomas W. Denton  
Name (title) Thomas W. Denton  
Director of Property & Debt Mgmt

2/24/15  
(Date)

STATE OF KENTUCKY Sct. COUNTY OF CALLOWAY

I, Sheila Bourland, a Notary Public in and for the County and State Aforesaid do hereby certify that the foregoing instrument of writing was produced to me in said County and the same duly acknowledged before me by Thomas W. Denton to be their act and deed; all of which is certified to the proper office for record.

Given under my hand this 24 day of February, <sup>2015</sup> ~~2014~~.

(SEAL)

My commission expires 2-15-2019

Sheila Bourland  
Notary Public

EXHIBIT "C"

Return to:

David Roberts  
Dir. of Planning/Engineering City of Murray  
104 N. 5<sup>th</sup> Street  
Murray, KY 42071

To Whom It May Concern:

As a property owner abutting the portion of Olive Street proposed for closure beginning approximately 143 feet east of Broach Ave, joining the previously closed section and ending at the intersection of Broach Ave and 16<sup>th</sup> Street, by our signature(s) I (we) do this day give consent to the proposed closing of Olive Street located within the city limits of Murray, KY.

Loretta Jobs  
Name (title)

04-16-2015  
(Date) 1:30 P.M.

STATE OF KENTUCKY Sct. COUNTY OF CALLOWAY

I, Candace Dowdy, a Notary Public in and for the County and State Aforesaid do hereby certify that the foregoing instrument of writing was produced to me in said County and the same duly acknowledged before me by Loretta Jobs to be their act and deed, all of which is certified to the proper office for record.

Given under my hand this 16<sup>th</sup> day of April, 2015.

(SEAL)

My commission expires

July 3, 2016

Notary  
ID # 469854

Candace Dowdy  
Notary Public

