

RESOLUTION NO. _____, SERIES 2022

A RESOLUTION AUTHORIZING THE OFFICE OF THE JEFFERSON COUNTY ATTORNEY TO BRING A CONDEMNATION ACTION AGAINST THE OWNERS OF CERTAIN PROPERTY, PARCEL NO. THIRTY (30), IN JEFFERSON COUNTY IN CONNECTION WITH THE COOPER CHAPEL ROAD EXTENSION PROJECT.

SPONSORED BY: COUNCIL MEMBER ROBIN ENGEL

WHEREAS, the Louisville/Jefferson County Metro Government (“Metro”), pursuant to KRS 67C.101(3)(f) may acquire real property for public uses through the exercise of the power of eminent domain; and

WHEREAS, KRS 416.560(1) requires the legislative council of Metro (“Council”) to approve the exercise of the power of eminent domain prior to Metro’s instituting such proceedings; and

WHEREAS, Metro (as a successor to Jefferson County and the City of Louisville) has planned and designed the Cooper Chapel Road Extension Project (the “Project”) in conjunction with the Louisville/Jefferson County Metro Government Department of Public Works; and

WHEREAS, as a part of the Project, it is necessary to acquire property in fee simple (“Tract A”), a permanent easement (“Tract B”) and a temporary easement (“Tract C”), as more accurately described by Exhibit A (the “Condemned Property”) for the use and benefit of citizens of Metro; and

WHEREAS, Metro has not been able to acquire the Condemned Property for the Project from the owners of the Condemned Property through good faith negotiations; and

WHEREAS, KRS 416.550 authorizes Metro to exercise its right of eminent domain against a property when it cannot acquire the property by agreement with the owner thereof.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (“COUNCIL”) AS FOLLOWS:

SECTION I: That in order to complete the project, Metro needs to acquire the Condemned Property, as is more accurately described on attached Exhibit A and platted as on the plat map attached hereto as Exhibit B. Those with a potential interest in the Condemned Property who will be called upon in a condemnation action are attached as Exhibit C.

Since Metro cannot, by agreement of the owner of the Condemned Property, acquire the Condemned Property, then the office of the Jefferson County Attorney is authorized to institute condemnation proceedings pursuant to KRS 416.560, *et seq.* against the owner of the Condemned Property.

SECTION II: That the Council finds that the Condemned Property needs to be acquired for the public use of Metro.

SECTION III: That this Resolution shall become effective upon its passage and approval or otherwise becoming law.

Sonya Harward
Metro Council Clerk

David James
President of the Council

Greg Fischer
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By: _____

R-072-22 Parcel No. 30 (Emberton, Joseph and Joyce, et al.) Condemnation.docx (APS)

EXHIBIT A—CONDEMNED PROPERTY

**Parcel No. 30
Tract A**

Being a tract of land in Jefferson County, Kentucky along the proposed Cooper Chapel Road corridor, located approximately 250 feet southeast from the intersection of Patience Lane and Cooper Chapel Road., and more particularly described as follows:

Beginning at a point 50.00 feet right of proposed Cooper Chapel Road at Station 539+04.83, said point being in the west property line; thence with said property line North 24°36'31" East a distance of 223.86 feet to a point 170.00 feet left of proposed Cooper Chapel Road at Station 539+46.22; thence with the north proposed controlled access and right of way line South 76°02'43" East a distance of 49.31 feet to a point 170.00 feet left of Frontage Road A at Station 539+95.53; thence continuing with the proposed controlled access and right of way line South 13°57'17" West a distance of 120.00 feet to a point 50.00 feet left of proposed Cooper Chapel Road at Station 539+95.53; thence South 76°02'43" East a distance of 243.18 feet to a point 50.00 feet left of proposed Cooper Chapel Road at Station 542+38.71, said point being in the east property line; thence with said property line South 24°30'30" West a distance of 101.72 feet to a point 50.00 feet right of proposed Cooper Chapel Road at Station 542+20.08; thence with the south proposed controlled access and right of way line North 76°02'43" West a distance of 315.25 feet to a point 50.00 feet right of proposed Cooper Chapel Road at Station 539+04.83 and the POINT OF BEGINNING.

The above described parcel contains 0.890 acres (38,788 sq. ft.).

Parcel No. 30, Tract A, described above is required in fee simple.

**Parcel No. 30
Tract B**

Being a tract of land in Jefferson County, Kentucky fronting the south side of the proposed Cooper Chapel Road, located approximately 250 feet southeast from the intersection of Patience Lane and Cooper Chapel Road., and more particularly described as follows:

Beginning at a point 50.00 feet right of proposed Cooper Chapel Road at Station 539+04.83; thence with the south proposed controlled access and right of way line South 76°02'43" East a distance of 315.25 feet to a point 50.00 feet right of proposed Cooper Chapel Road at Station 542+20.08, said point being in the east property line; thence with said property line South 24°30'30" West a distance of 34.99 feet to a point 84.40 feet right of proposed Cooper Chapel Road at Station 542+13.67; thence with the permanent drainage easement North 76°46'57" West a distance of 316.10 feet to a point 88.46 feet right of proposed Cooper Chapel Road at Station 538+97.60, said point

being in the west property line; thence with said property line North 24°36'31" East a distance of 39.14 feet to a point 50.00 feet right of proposed Cooper Chapel Road at Station 539+04.83 and the POINT OF BEGINNING.

The above described parcel contains 0.264 acres (11,486 sq. ft.).

A permanent easement in and to the property described above and designated as Parcel No. 30 Tract B is required for the purposes of constructing and perpetually maintaining drainage features.

**Parcel No. 30
Tract C**

Being a tract of land in Jefferson County, Kentucky fronting the north side of the proposed Cooper Chapel Road, located approximately 340 feet northeast from the intersection of Patience Lane and Cooper Chapel Road., and more particularly described as follows:

Beginning at a point 50.00 feet left of proposed Cooper Chapel Road at Station 539+95.53; thence North 13°57'17" East a distance of 120.00 feet to a point 170.00 feet left of proposed Cooper Chapel Road at Station 539+95.53; thence South 76°02'43" East a distance of 29.47 feet to a point 170.00 feet left of proposed Cooper Chapel Road at Station 540+25.00; thence South 13°57'17" West a distance of 65.00 feet to a point 105.00 feet left of proposed Cooper Chapel Road at Station 540+25.00; thence South 39°10'32" East a distance of 50 feet to a point 75 feet left of proposed Cooper Chapel Road at Station 540+65.00; thence South 76°02'43" East a distance of 135.00 feet to a point 75.00 feet left of proposed Cooper Chapel Road at Station 542+00.00; thence South 80°20'04" East a distance of 44.11 feet to a point 78.30 feet left of proposed Cooper Chapel Road at Station 542+43.99; thence South 24°30'30" West a distance of 28.79 feet to a point 50.00 feet left of proposed Cooper Chapel Road at Station 542+38.71; thence North 76°02'43" West a distance of 243.18 feet to a point 50.00 feet left of proposed Cooper Chapel Road at Station 539+95.53 and the POINT OF BEGINNING.

The above described parcel contains 0.221 acres (9,608 sq. ft.).

A temporary easement in and to the property described above and designated as Parcel No. 30, Tract C is required for the purposes of constructing roadway slopes.

Being a portion of the property conveyed to Joseph Emberton, Jr. and Joyce C. Emberton, husband and wife, by deed dated August 28, 1995, of record in Deed Book 6633, Page 38, in the Office of the Clerk of Jefferson County, Kentucky.

EXHIBIT B—PLAT MAP

EXHIBIT C—INTERESTED PARTIES

1. Joseph Emberton, Jr., and Joyce C. Emberton, husband and wife