

HERITAGE ENGINEERING, LLC

July 18, 2022

Planning and Design Services
Metro Government
444 South Fourth Street
Louisville, Kentucky 40202

Re: Justification Statement - Right-of-way Closure

Dear Staff:

On behalf of Nicklies Development we are submitting the attached Right-of-way Closure for a portion of the public right-of-way located adjacent to a proposed Office/Warehouse project at 6701 & 6707 Enterprise Drive.

The location of the requested closure is at the northeastern terminus of Enterprise Drive. Prior to the recent purchase by Pentagon Properties, the closure area was not maintained on a regular basis. It was common for the area to be used as an illegal dumping ground. While the maintenance has improved, it is still a common occurrence for the adjacent property owner to deal with items left within the right-of-way as an illegal dump location. Closing of the right-of-way and granting ownership of the land to the adjacent property owners will guarantee that the area will stay maintained.

Proposed development improvements within the area of the right-of-way closure will be for purposes of employee parking with minimal building encroachment into the closed right-of-way. Existing utilities can remain in place with the necessary easements being granted as required by the utility companies. A Category 3 Development Plan has been filed with Planning and Design Services - Case# 22-CAT3-0003, with final approval subject to closure of the right-of-way.

Enterprise Drive is classified as a local street. Adequate right-of-way will be provided to construct a new cul-de-sac turn around ensuring continued use by the public for other office/warehouse type businesses located along the roadway.

Adequate public facilities are already provided in the area with the applicant agreeing to grant necessary easements to utility companies for existing utility infrastructure located in the closure area:

- MSD has an existing public drainage system in the closure area, The applicant will dedicate to MSD the necessary easement to provide MSD access to the drainage structures.
- LG&E has existing overhead electric lines, power poles and gas line in the closure area. The applicant will dedicate to LG&E the necessary easements to provide the utility access to their facilities.

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- Louisville Water Company has an existing water main within the right-of-way closure area. The applicant will dedicate to Louisville Water Company the necessary easement to provide the utility access to their facilities.

The right-of-way closure is in compliance with the applicable goals and objectives of the Louisville Metro 2040 Comprehensive Plan.

Mobility Goal 1 Policies – Land Use and Development (page 59)

1. To promote healthy lifestyles and reduce congestion, new development and redevelopment should provide for the movement of pedestrians, bicyclist, and transit users, where appropriate by including:

Sidewalks is being provided along the revised street frontage.

Mobility Goal 2 Policies – Land Use and Development (page 67)

1. Ensure that those who propose new developments bear or share in rough proportionality the cost of transportation facilities and services made necessary by development.

Sufficient right-of-way is being provided for the reconstructed cul-de-sac allowing for new pavement, public sidewalks, and a verge planting area along the project frontage.

In conclusion, with the right-of-way closure request being fully reviewed by Metro Public Works, Planning and Design Services, and the related utilities and the applicant agreeing to provide the necessary easements, additional right-of-way necessary for the reconstruction of a cul-de-sac, the closure is justified. Additionally, closure of the right-of-way will transfer the cost of maintenance from Metro Louisville to the private sector resulting in less cost to the city and an increase to the tax base.

Thank you for your consideration; please advise us immediately if additional information is needed.

Sincerely,

John D. Campbell

Encl. Application
Street Closure Plat
Development Plan

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