

RESOLUTION NO. 085, SERIES 2016

A RESOLUTION AUTHORIZING THE OFFICE OF THE JEFFERSON COUNTY ATTORNEY TO BRING A CONDEMNATION ACTION AGAINST THE OWNER OF CERTAIN PROPERTY IN JEFFERSON COUNTY IN CONNECTION WITH THE CULVERT REPAIR PROJECT ON BROAD RUN ROAD (PARCEL NO. 3).

SPONSORED BY: COUNCILMAN BENSON

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 successor to Jefferson County and the City of Louisville) has planned and designed the Culvert Repair Project on Broad Run Road in conjunction with the Louisville/Jefferson County Metro Government Department of Public Works.

AND WHEREAS, as a part of Culvert Repair Project on Broad Run Road, it is necessary to acquire a permanent easement and two temporary easements to repair the drainage culvert on Broad Run Road for the use and benefit of the citizens of Metro; and

WHEREAS, Metro has not been able to acquire the easements necessary for the Culvert Repair Project on Broad Run Road for Parcel No. 3 described in Exhibit A attached hereto ("Condemned Property") from the owner 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 COUNCIL AS FOLLOWS:

Section I: That in order to complete the Culvert Repair Project on Broad Run Road, Metro Government needs to acquire the Condemned Property, as described on attached

Exhibit A and platted as Parcel No. 3 on the plat map attached hereto as Exhibit B. The property is a portion of the property acquired by Amy G. Smith, a married woman, by a deed dated April 17, 2012, of record in Deed Book 9876, Page 633; in the Office of the Clerk of Jefferson County, Kentucky.


James A. Smith may have an interest in the Condemned Property as the husband of Amy G. Smith, owner of the Condemned Property as set out above.

Mortgage Electronic Registration Systems. Inc. (MERS), as mortgagee, and USAA Federal Savings Bank, as Lender, may have an interest in the Condemned Property by virtue of a mortgage dated April 17, 2012, of record in Mortgage Book 12812, Page 667 in the Office of the Clerk of Jefferson County, Kentucky.

Since Metro cannot, by agreement with 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.

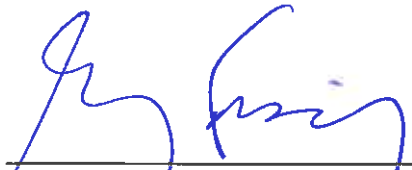
Section III: That this Resolution shall become effective upon its passage and approval.



H. Stephen Ott
Metro Council Clerk



David Yates
President of the Council



Greg Fischer
Mayor

Approved _____
Date 9/14/2016

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By: Sarah J. Martin

Broad Run Resolution CM Bensen 8-22-16

EXHIBIT A

Parcel 3, Tract A

Being a tract of land lying in Jefferson County along Broad Run Road approximately 0.99 miles southeast of the intersection of Broad Run Road and Seatonville Road, and more particularly described as follows:

Beginning at a point in the existing and proposed right of way line of Broad Run Road and the proposed permanent easement line, said point being 30.65 feet right of Broad Run Road at Station 11+50.00; thence with said existing and proposed right of way line North 2°33'46" East a distance of 39.34 feet to a point 30.89 feet right of Broad Run Road at Station 11+90.00, said point being in the proposed permanent easement line; thence with said proposed permanent easement line South 86°53'50" East a distance of 24.11 feet to a point 55.00 feet right of Broad Run Road at Station 11+90.00; thence continuing with the proposed permanent easement line South 44°20'19" East a distance of 27.39 feet to a point 75.00 feet right of Broad Run Road at Station 11+70.00; thence continuing with the proposed permanent easement line South 6°01'51" West a distance of 19.92 feet to a point 73.56 feet right of Broad Run Road at Station 11+50.00; thence continuing with the proposed permanent easement line North 88°07'15" West a distance of 42.90 feet to the point of beginning.

The above described parcel contains 1518 sq. ft. of permanent easement for the purposes of constructing and perpetually maintaining drainage.

Parcel 3, Tract B

Being a tract of land lying in Jefferson County along Broad Run Road approximately 1.00 miles southeast of the intersection of Broad Run Road and Seatonville Road, and more particularly described as follows:

Beginning at a point in the existing and proposed right of way line of Broad Run Road and the north property line of Lee D. Richardson & Brenda J. Richardson, said point being 30.75 feet right of Broad Run Road at Station 11+13.93; thence North 1°39'28" East a distance of 33.29 feet to a point 30.62 feet right of Broad Run Road at Station 11+47.22; thence North 2°33'46" East a distance of 2.78 feet to a point 30.65 feet right of Broad Run Road at Station 11+50.00; thence South 88°07'15" East a distance of 34.35 feet to a point 65.00 feet right of Broad Run Road at Station 11+50.00; thence South 1°52'45" West a distance of 36.73 feet to a point 65.00 feet right of Broad Run Road at Station 11+13.27; thence North 87°01'12" West a distance of 34.26 feet to the point of beginning.

The above described parcel contains 1250 sq. ft. of temporary easement for the purposes of constructing slopes and building removal. Said easement terminates and reverts upon completion of same.

Parcel 3, Tract B1

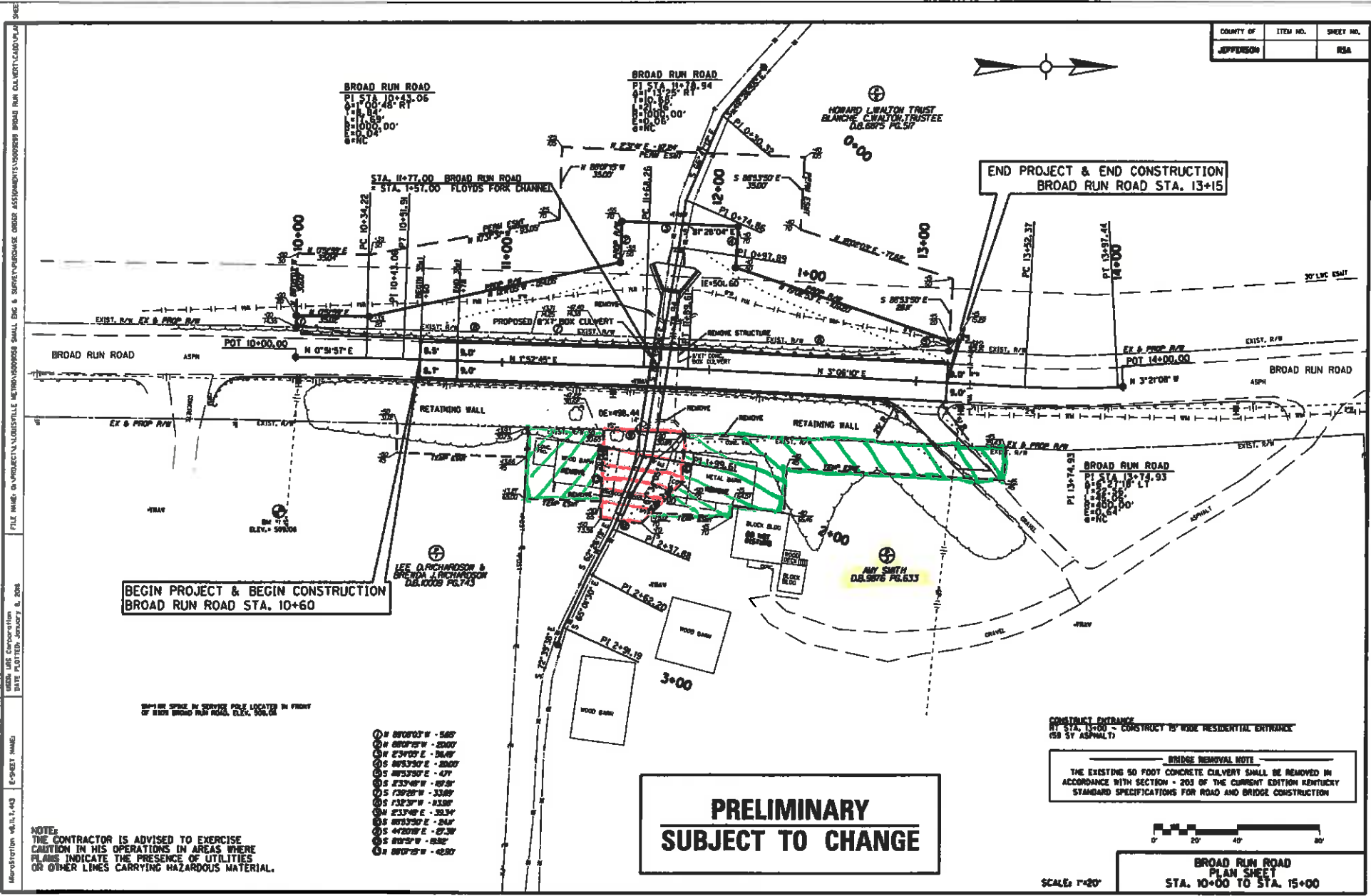
Being a tract of land lying in Jefferson County along Broad Run Road approximately 0.97 miles southeast of the intersection of Broad Run Road and Seatonville Road, and more particularly described as follows:

Beginning at a point in the existing and proposed right of way line of Broad Run Road and the proposed permanent easement line, said point being 30.89 feet right of Broad Run Road at Station 11+90.00; thence North 2°33'46" East a distance of 155.01 feet to a point 29.43 feet right of Broad Run Road at Station 13+45.00; thence South 86°53'50" East a distance of 15.57 feet to a point 45.00 feet right of Broad Run Road at Station 13+45.00; thence South 3°06'10" West a distance of 105.00 feet to a point 45.00 feet right of Broad Run Road at Station 12+40.00; thence South 86°53'50" East a distance of 21.46 feet to a point 66.46 feet right of Broad Run Road at Station 12+40.00; thence South 7°25'48" West a distance of 25.07 feet to a point 64.57 feet right of Broad Run Road at Station 12+15.00; thence South 86°53'50" East a distance of 5.43 feet to a point 70.00 feet right of Broad Run Road at Station 12+15.00; thence South 2°57'31" West a distance of 38.86 feet to a point 70.00 feet right of Broad Run Road at Station 11+75.12; thence North 44°20'19" West a distance of 20.50 feet to a point 55.00 feet right of Broad Run Road at Station 11+90.00; thence North 86°53'50" West a distance of 24.11 feet to the point of beginning.

The above described parcel contains 3543 sq. ft. of temporary easement for the purposes of constructing slopes, building removal, and an entrance. Said easement terminates and reverts upon completion of same.

The above described easements are a portion of the property conveyed to Amy G. Smith, married, by deed dated April 17, 2012, of record in Deed Book 9876, Page 633, in the Office of the Clerk of Jefferson County, Kentucky.

COUNTY OF	ITEM NO.	SHEET NO.
JEFFERSON		25A



BEGIN PROJECT & BEGIN CONSTRUCTION
BROAD RUN ROAD STA. 10+60

END PROJECT & END CONSTRUCTION
BROAD RUN ROAD STA. 13+15

**PRELIMINARY
SUBJECT TO CHANGE**

CONSTRUCT ENTRANCE
AT STA. 13+00 - CONSTRUCT 15' WIDE RESIDENTIAL ENTRANCE
(58 SY ASPHALT)

BRIDGE REMOVAL NOTE
THE EXISTING 50 FOOT CONCRETE CULVERT SHALL BE REMOVED IN
ACCORDANCE WITH SECTION - 203 OF THE CURRENT EDITION KENTUCKY
STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION



BROAD RUN ROAD
PLAN SHEET
STA. 10+00 TO STA. 15+00

SCALE: 1"=20'

FILE NAME: G:\PROJECTS\LIBERTYVILLE METRO\PROPOSE SMALL DING & SURVEY\PROPOSE ORDER ASSIGNMENTS\00000000 BROAD RUN CULVERT\CAD\PLAN SHEET
 USDA, LRS Construction
 DATE PLOTTED: JANUARY 6, 2008
 E-SHEET NAME:
 Revision: 48.11.143

NOTE:
THE CONTRACTOR IS ADVISED TO EXERCISE
CAUTION IN HIS OPERATIONS IN AREAS WHERE
PLANS INDICATE THE PRESENCE OF UTILITIES
OR OTHER LINES CARRYING HAZARDOUS MATERIAL.

- ① N 07°03' W - 585'
- ② N 08°07' W - 2300'
- ③ N 2°34' E - 36.60'
- ④ S 85°33' E - 2000'
- ⑤ S 85°30' E - 47'
- ⑥ S 2°33' W - 89.2'
- ⑦ S 73°25' W - 33.88'
- ⑧ N 23°47' E - 33.34'
- ⑨ S 85°33' E - 244'
- ⑩ S 4°20' W - 27.30'
- ⑪ S 80°5' W - 532'
- ⑫ S 80°25' W - 420'

8" x 12" SPICE IN SERVICE POLE LOCATED IN FRONT
OF 800' BROAD RUN ROAD, ELEV. 506.08