

RESOLUTION NO. 028, 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-TWO (32), 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”), two permanent easements (“Tract B” and “Tract C”), and two temporary easements (“Tract D” and “Tract E”), 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 authorized 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 (“THE 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.

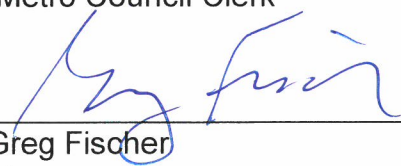
Since Metro cannot, by agreement of the owner of the Condemned Property, acquire the Condemned Property, then the office of the Jefferson County Attorney is authorized to institute condemnation proceedings pursuant to KRS 416.560, *et seq.* against the owner of the Condemned Property.

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

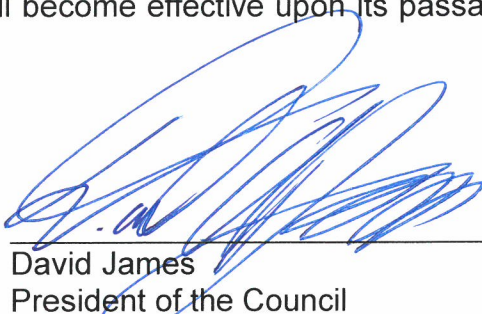
SECTION III: That this Resolution shall become effective upon its passage and approval or otherwise becoming law.



Sonya Harward
Metro Council Clerk



Greg Fischer
Mayor



David James
President of the Council

03/08/2022

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By: *Karla M Ferguson*

R-024-22 Parcel No. 34 (Thomas, Kenneth Dale, et al.) Condemnation.docx (APS)

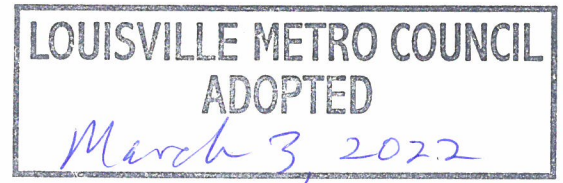


EXHIBIT A—CONDEMNED PROPERTY

**Parcel No. 32
Tract A**

Being a tract of land in Jefferson County, Kentucky along the proposed Cooper Chapel Road corridor, located approximately 2610 feet northwest from the intersection of Meghan 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 554+02.34; thence with the north proposed controlled access and right of way line South 71°18'46" East a distance of 210.91 feet to a point 50.00 feet left of proposed Cooper Chapel Road at Station 556+13.25; thence continuing with the proposed controlled access and right of way line along an arc 341.20 feet to the left, having a radius of 2440.00 feet, the chord of which is South 75°19'08" East for a distance of 340.92 feet, to a point 50.00 feet left of proposed Cooper Chapel Road at Station 559+61.44, said point being in the east property line; thence with said property line South 0°31'51" West a distance of 101.52 feet to a point 50.00 feet right of proposed Cooper Chapel Road at Station 559+78.97; thence with the south proposed controlled access and right of way line along an arc 373.06 feet to the right, having a radius of 2540.00 feet, the chord of which is North 75°31'14" West for a distance of 372.73 feet, to a point 50.00 feet right of proposed Cooper Chapel Road at Station 556+13.25; thence continuing with the proposed controlled access and right of way line North 71°18'46" West a distance of 183.32 feet to a point 50.00 feet right of proposed Cooper Chapel Road at Station 554+29.93, said point being in the west property line; thence with said property line North 5°29'51" West a distance of 58.41 feet to a point 3.28 feet left of proposed Cooper Chapel Road at Station 554+06.00; thence continuing with said property line North 14°12'45" East a distance of 46.86 feet to a point 50.00 feet left of proposed Cooper Chapel Road at Station 554+02.34 and the POINT OF BEGINNING.

The above described parcel contains 1.283 acres (55,886 sq. ft.).

Parcel No. 32 Tract A described above is required in fee simple.

**Parcel No. 32
Tract B**

Being a tract of land in Jefferson County, Kentucky north of proposed Cooper Chapel Road, located approximately 2610 feet northwest from the intersection of Meghan 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 554+02.34, said point being in the west property line; thence with said property line North 14°12'45" East a distance of 60.18 feet to a point 110.00 feet left of proposed Cooper Chapel Road at Station 553+97.65; thence with the permanent drainage easement South 76°06'55" East a distance of 203.06 feet to a point 127.00 feet left of proposed Cooper Chapel Road at Station 556+00.00; thence South 34°13'03" East a distance of 98.04 feet to a point 67.00 feet left of proposed Cooper Chapel Road at Station 556+80.00; thence

South 17°09'04" West a distance of 17.00 feet to a point 50.00 feet left of proposed Cooper Chapel Road at Station 556+80.00; thence with the north proposed controlled access and right of way line along an arc 65.41 feet to the right, having a radius of 2440.00 feet, the chord of which is North 72°04'51" West for a distance of 65.41 feet, to a point 50.00 feet left of proposed Cooper Chapel Road at Station 556+13.25; thence continuing with the proposed controlled access and right of way line North 71°18'46" West a distance of 210.91 feet to a point 50.00 feet left of proposed Cooper Chapel Road at Station 554+02.34 and the POINT OF BEGINNING.

The above described parcel contains 0.400 acres (17,415 sq. ft.).

Parcel No. 32 Tract B is required as a permanent easement for the purposes of constructing and perpetually maintaining drainage features.

**Parcel No. 32
Tract C**

Being a tract of land in Jefferson County, Kentucky south of proposed Cooper Chapel Road, located approximately 2597 feet northwest from the intersection of Meghan 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 554+29.93; thence with the south proposed controlled access and right of way line South 71°18'46" East a distance of 183.32 feet to a point 50.00 feet right of proposed Cooper Chapel Road at Station 556+13.25; thence continuing with the proposed controlled access and right of way line along an arc 37.49 feet to the left, having a radius of 2540.00 feet, the chord of which is South 71°44'08" East for a distance of 37.49 feet, to a point 50.00 feet right of proposed Cooper Chapel Road at Station 556+50.00; thence with the permanent drainage easement South 17°50'29" West a distance of 15.00 feet to a point 65.00 feet right of proposed Cooper Chapel Road at Station 556+50.00; thence South 89°03'23" West a distance of 149.66 feet to a point 115.00 feet right of proposed Cooper Chapel Road at Station 555+10.00; thence North 68°27'02" West a distance of 52.11 feet to a point 112.40 feet right of proposed Cooper Chapel Road at Station 554+57.95, said point being in the west property line; thence with said property line North 5°29'51" West a distance of 68.40 feet to a point 50.00 feet right of proposed Cooper Chapel Road at Station 554+29.93 and the POINT OF BEGINNING.

The above described parcel contains 0.225 acres (9,810 sq. ft.).

Parcel No. 32 Tract C is required as a permanent easement for the purposes of constructing and perpetually maintaining drainage features.

**Parcel No. 32
Tract D**

Being a tract of land in Jefferson County, Kentucky south of proposed Cooper Chapel Road, located approximately 2380 feet northwest from the intersection of Meghan 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 556+50.00; thence along an arc 335.58 feet to the left, having a radius of 2540.00 feet, the chord of which is South 75°56'36" East for a distance of 335.33 feet, to a point 50.00 feet right of proposed Cooper Chapel Road at Station 559+78.97; thence South 0°31'51" West a distance of 21.15 feet to a point 70.85 feet right of proposed Cooper Chapel Road at Station 559+82.45; thence North 77°10'02" West a distance of 393.63 feet to a point 82.90 feet right of proposed Cooper Chapel Road at Station 556+00.00; thence North 89°03'23" East a distance of 54.10 feet to a point 65.00 feet right of proposed Cooper Chapel Road at Station 556+50.00; thence North 17°50'29" East a distance of 15.00 feet to a point 50.00 feet right of proposed Cooper Chapel Road at Station 556+50.00 and the POINT OF BEGINNING.

The above described parcel contains 0.168 acres (7,301 sq. ft.).

Parcel No. 32 Tract D is required as a temporary easement for the purposes of constructing roadway slopes.

**Parcel No. 32
Tract E**

Being a tract of land in Jefferson County, Kentucky north of proposed Cooper Chapel Road, located approximately 2335 feet northwest from the intersection of Meghan 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 556+80.00; thence North 17°09'04" East a distance of 17.00 feet to a point 67.00 feet left of proposed Cooper Chapel Road at Station 556+80.00; thence South 78°51'43" East a distance of 213.83 feet to a point 80.00 feet left of proposed Cooper Chapel Road at Station 559+00.00; thence South 76°06'16" East a distance of 54.60 feet to a point 77.66 feet left of proposed Cooper Chapel Road at Station 559+56.33; thence South 0°31'51" West a distance of 28.11 feet to a point 50.00 feet left of proposed Cooper Chapel Road at Station 559+61.44; thence along an arc 275.79 feet to the right, having a radius of 2440.00 feet, the chord of which is North 76°05'13" West for a distance of 275.64 feet to a point 50.00 feet left of proposed Cooper Chapel Road at Station 556+80.00 and the POINT OF BEGINNING.

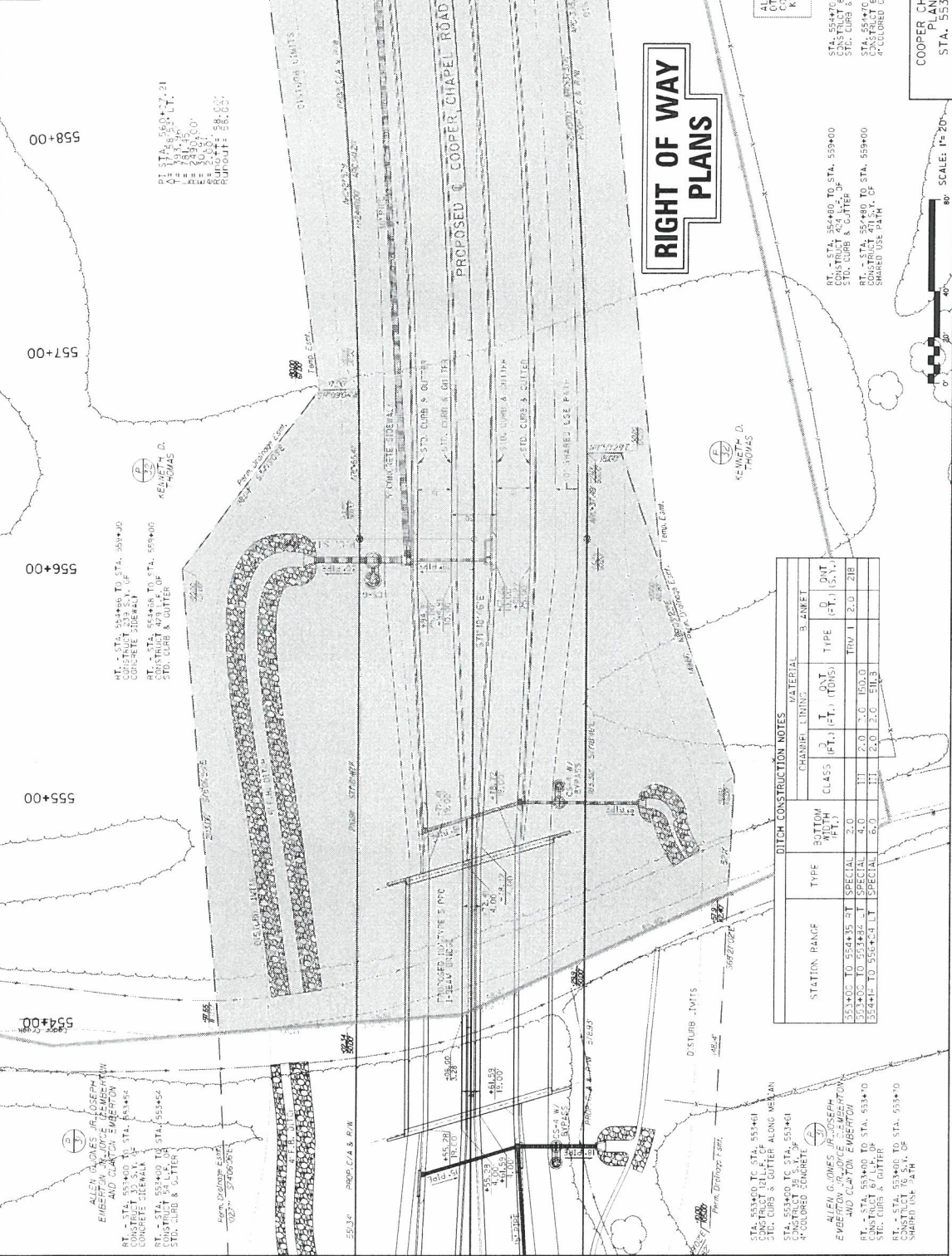
The above described parcel contains 0.162 acres (7,036 sq. ft.).

Parcel No. 32 Tract E is required as a temporary easement for the purposes of constructing roadway slopes.

Being a portion of the property conveyed to Kenneth D. Thomas and Sharon D. Thomas, husband and wife, by deed dated June 25, 1999, of record in Deed Book 7270, Page 712, in the Office of the Clerk of Jefferson County, Kentucky. After a divorce proceeding, Kenneth D. Thomas then obtained full ownership by Quit Claim Deed on November 17, 2003, per Deed Book 8300, Page 899, in the Office of the Clerk of Jefferson County, Kentucky.

EXHIBIT B—PLAT MAP

COUNTY OF JEFFERSON
 ITEM NO. 5-404.01
 SHEET NO. R19
 REVISED PLAN DATE: JUNE 3, 2021



FILE NAME: C:\WORK\KINS\1171\081352\34966.RHS.DWG
 DATE PLOTTED: APRIL 1, 2016
 USER: JACSMITH
 E-SHEET NAME: R19000M
 MFCORSTATION: 081.919

EXHIBIT C—INTERESTED PARTIES

1. Kenneth Dale Thomas and Rebecca Lynn Brown, husband and wife