

**RESOLUTION NO. \_\_\_\_\_, SERIES 2019**

**A RESOLUTION DETERMINING CERTAIN PROPERTY AS SURPLUS  
AND NOT NEEDED FOR A GOVERNMENTAL PURPOSE AND  
AUTHORIZING ITS TRANSFER. (AS AMENDED.)**

**SPONSORED BY: COUNCILWOMAN SEXTON SMITH**

**WHEREAS**, according to KRS Chapter 67C 101, Metro Government may sell any real property belonging to Metro Government; and

**WHEREAS**, Section 1(A) of Executive Order No. 2, Series 2011 of the Mayor, which adopts Section 2(C) of Executive Order No. 3, Series 2007, provides that the Louisville/Jefferson County Metro Government (“Metro Government”) may sell and convey surplus real estate upon declaration by the Legislative Council of Metro Government (“the Council”) that such property is no longer needed for the governmental purposes of Metro Government; and

**WHEREAS**, Metro Government owns property located at 814 Vine Street, which is part of the Urban Government Center, and as more particularly described in Exhibit A to this Agreement (the “Property”);

**WHEREAS**, Metro Government issued a solicitation of interest in January 2017, soliciting proposals for the redevelopment of the Urban Government Center, including the Property (the “SOI”); and

**WHEREAS**, Marian Development Group, LLC (“Developer”) submitted one of the responses to the SOI, which proposed to redevelop the Urban Government Center for a mixed-use project; and

**WHEREAS**, Developer’s response was ultimately recommended for further negotiation; and

**WHEREAS**, Metro Government has entered into a development agreement with the Developer dated July 2, 2018 (the “Development Agreement,” a copy of which is available at:

<https://louisvilleky.gov/government/advanced-planning/urban-government-center>), which contemplates the sale of the Property for \$1, plus the provision of community benefits more particularly identified in the Development Agreement; and

WHEREAS, pursuant to a parking lease dated February 27, 2017 (the “Lease”), Metro Government leased the Property to Paristown Preservation Trust, LLC (“PPT”) to support the parking needs of the Kentucky Center for the Arts, subject to a termination right set forth at Section 8.b. of the Lease; and

WHEREAS, by letter dated February 25, 2019, Metro Government gave notice of the termination of the Lease; and

WHEREAS, a dispute arose regarding the efficacy of the Notice, which was resolved by (i) a Settlement Agreement dated July 9, 2019 by and among PPT, Kentucky Center for the Arts Corporation and Metro Government, and (ii) a Settlement Agreement dated July 9, 2019, by and between Developer and Metro Government (collectively, the “Settlement Agreements”); and

WHEREAS, pursuant to the Settlement Agreements, PPT has agreed to pay \$500,000 for the option to purchase the Property for \$1; and

WHEREAS, pursuant to the Settlement Agreements, the \$500,000 option payment from PPT as well as \$150,000 in carryover funds from Louisville Forward’s FY19 capital budget will be paid to Developer to compensate Developer for a portion of the costs it incurred in connection with the Property; and

WHEREAS, the Settlement Agreements are contingent upon the passage of this Surplus Resolution; and

**WHEREAS, Metro Government has never dedicated by virtue of use, deed, ordinance or any other manner the Property to a public or governmental purpose; and**

**WHEREAS**, the Chief of Louisville Forward has declared and certified to the Council that the Property is surplus to the needs of Metro Government, a copy of which certification is attached as Exhibit A;

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL AS FOLLOWS:**

**Section I:** The Council hereby declares the real property described in Exhibit A hereto as “SURPLUS” and determines that it is not needed to carry out the governmental functions of Metro Government.

**Section II:** The Mayor is hereby authorized to transfer the Property in the manner provided according to Section 2 of Executive Order No. 3, Series 2007, without further action by the Council.

**Section III:** This Resolution shall take effect upon ~~the later to occur of (i) its passage and approval, or (ii) notice of termination of the Parking Lease dated February 27, 2017.~~

\_\_\_\_\_  
H. Stephen Ott  
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: \_\_\_\_\_

## EXHIBIT A

The Chief of Louisville Forward has carefully reviewed the Louisville/Jefferson County Metro Government's needs for land or improvements used in the administration of Metro programs and to conduct municipal business. This office has determined that the parcel of real property identified below, which are being scheduled for action by the Louisville/Jefferson County Metro Council, are surplus and not needed suitable for any specific municipal use:

Being a parcel of land in the City of Louisville, Jefferson County, Kentucky lying on the southwest side of Vine Street, approximately 165 feet northwest of the northwest corner of said Vine Street and East Breckenridge Street and being more particularly described as:

BEGINNING at a on the southwesterly right-of-way line of Vine Street, said point being the point of intersection of the southwesterly right-of-way line of said Vine Street and the southeasterly right-of-way line of an unnamed 20' alley; said point being the northeast corner of Jefferson County, Kentucky, Capital Projects Corporation (Deed Book 5818, Page 225 - Tract 4); said point being witnessed by a ½" diameter rebar with plastic surveyor's cap (PLS 910) found South 59°27'34" West a distance of 1.15 feet from said point; and said point having Kentucky State Plane Coordinates of E(X)=1,214,197.37', N(Y)=273,234.76' (NAD '83, KY North Zone, US Survey Feet); thence with the southwesterly right-of-way line of said Vine Street,

South 30°32'21" East a distance of 447.13 feet to a MAG nail with steel surveyor's I.D. tag (set, PLS 3350), said point being the northeasterly corner of a community garden – a portion of the property of said Jefferson County, Kentucky, Capital Projects Corporation (Deed Book 5818, Page 225 - Tract 4); said point being witnessed by a ½" diameter rebar with plastic surveyor's cap (PLS 2542) found South 28°31'07" East a distance of 30.03 feet from said point; thence with a new line across the land of said Jefferson County, Kentucky, Capital Projects Corporation (Deed Book 5818, Page 225 - Tract 4),

South 59°27'39" West a distance of 143.05 feet to a 5/8" diameter rebar with plastic surveyor's cap (set, PLS 3350), said point being witnessed by a ½" diameter rebar with plastic surveyor's cap (PLS 910) found North 30°31'59" West 30.00 feet from said point; said point being the northeast corner of an unnamed 20' alley; thence with the northwesterly line of said unnamed 20' alley, then Nicholas Mellen (Deed Book 10598, Page 469) and then Robert Nichols (Deed Book 10726, Page 921),

South 59°28'01" West a distance of 52.02 feet to a 5/8" diameter rebar with plastic surveyor's cap (set, PLS 3350) on the northwesterly line of said Robert Nichols (Deed Book 10726, Page 921); said point being the intersection of the northeasterly right-of-way line of Goullon Court and northwesterly line of said Robert Nichols; thence leaving said Robert Nichols and with the northeasterly right-of-way line of said Goullon Court and then Dupuy Court,

North 30°33'16" West a distance of 447.12 feet to a MAG nail with steel surveyor's I.D. tag (set, PLS 3350), said point being the intersection of the northeasterly right-of-way line of said Dupuy Court and the southeasterly right-of-way line of an unnamed 20' alley; thence leaving the

northeasterly right-of-way line of said Dupuy Court and with the southeasterly right-of-way line of said unnamed 20' alley,

North 59°27'35" East a distance of 195.19 feet to a point on the southwesterly right-of-way line of said the aforementioned Vine Street; which is the Point of Beginning, having a net area of 87,245.9 square feet or 2.0029 acres.

The bearings and coordinates used in the description above are based on Kentucky State Plane North Zone, North American Datum of 1983 (NAD '83-US Feet). Particularly, the bearings and coordinates are based on a GNSS Survey Utilizing a Trimble R6 GNSS Receiver and the KYTC VRS System.

The description above being based on an actual ground survey of the property conducted under the direct supervision of Kevin Phillips (PLS 3350), of Endris Engineering, 771 Enterprise Drive, Lexington, Kentucky concluding on August 14, 2018.

And being all of Lot 1 on the minor subdivision plat approved by the Land Development & Transportation Committee of the Louisville and Jefferson County Planning Commission, 19MinorPlat1007 on January 31, 2019, of record in Deed Book 11447, Page 703 in the Jefferson County Clerk's Office.

Said property being a portion of Tract 4 of the property acquired by the Jefferson County Fiscal Court pursuant to deed of record in Deed Book 5818, Page 225, in the Jefferson County Clerk's Office.

By: \_\_\_\_\_

Title: \_\_\_\_\_