

RESOLUTION NO. 050, SERIES 2021

A RESOLUTION AUTHORIZING EMINENT DOMAIN PROCEEDINGS PURSUANT TO KRS CHAPTER 99.715 AND KRS CHAPTER 416 AGAINST REAL PROPERTY LOCATED AT 2700-2706 WEST CHESTNUT STREET AND 2708 WEST CHESTNUT STREET WHICH HAVE BEEN CERTIFIED AS BLIGHTED AND DETERIORATED.

SPONSORED BY: COUNCIL MEMBER DONNA PURVIS

WHEREAS, KRS 99.715 authorizes a local government to acquire, by eminent domain pursuant to KRS Chapter 416, any property determined to be blighted or deteriorated pursuant to KRS 99.700 to 99.730; and

WHEREAS, KRS 99.710 authorizes local governments to designate an alternative government entity to certify properties within its jurisdiction as blighted and deteriorated to the legislative body; and

WHEREAS, LMCO Section 32.775 designates the Louisville and Jefferson County Landbank Authority, Inc. (the "Authority") with the powers granted in KRS Chapter 99 to address and eradicate blighted and deteriorated property in Louisville Metro; and

WHEREAS, by Resolution No. 7, Series 2019, the Authority determined that the Property located at 2700-2706 West Chestnut Street and 2708 West Chestnut Street (the "Property") is blighted and deteriorated (see Exhibit A attached hereto and made a part hereof); and

WHEREAS, by Resolution No. 47, Series 2019, the Authority certified the Property as blighted and deteriorated and recommended that Metro Council institute eminent domain proceedings against the Property (see Exhibit B attached hereto and made a part hereof); and

WHEREAS, LMCO Section 32.778(A) authorizes Metro Government to institute eminent domain proceedings pursuant to KRS Chapter 416 against any property meeting the required conditions that has been certified as blighted and deteriorated by the Authority.

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

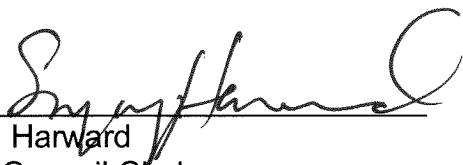
SECTION I: That the Property located at 2700-2706 West Chestnut Street and 2708 West Chestnut Street (the “Property”) has been certified by the Authority as blighted and deteriorated.

SECTION II. Metro Council finds:

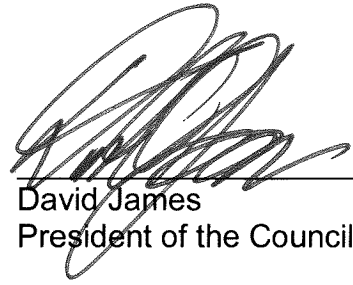
- (1) That the Property has deteriorated to such an extent as to constitute a serious and growing menace to the public health, safety, and welfare;
- (2) That the Property is likely to continue to deteriorate unless corrected;
- (3) That the continued deterioration of the Property may contribute to the blighting or deterioration of the area immediately surrounding the Property; and
- (4) That the owner of the Property has failed to correct the deterioration of the Property.

SECTION III. Metro Council authorizes eminent domain proceedings against the Property pursuant to KRS Chapter 416.

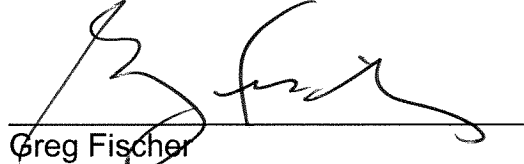
SECTION IV: This Resolution shall take effect upon its passage and approval.



Sonya Harward
Metro Council Clerk



David James
President of the Council



Greg Fischer
Mayor

7/8/2021

Approval Date

APPROVED AS TO FORM AND LEGALITY:
Michael J. O'Connell
Jefferson County Attorney

LOUISVILLE METRO COUNCIL
ADOPTED
June 24, 2021

By: 

R-052-21 West Chestnut Spot Blight Condemnation (TF)

RESOLUTION NO. 7, SERIES 2019

A RESOLUTION DETERMINING REAL PROPERTY LOCATED AT 2700-2706 WEST CHESTNUT STREET AND 2708 WEST CHESTNUT STREET AS BLIGHTED AND DETERIORATED.

WHEREAS, LMCO Section 32.775 designates the Louisville and Jefferson County Landbank Authority, Inc. (the “Landbank Authority”) with the powers granted in KRS Chapter 99 to address and eradicate blighted and deteriorated properties in Louisville Metro; and

WHEREAS, KRS 99.705 defines blighted or deteriorated property; and

WHEREAS, LMCO Section 32.777(A) gives the Landbank Authority the authority to determine whether a property is blighted or deteriorated when it has been referred to the Landbank Authority by the appropriate Louisville Metro Government agency as tax delinquent or in violation of local codes; and

WHEREAS, the Louisville Metro Office of Redevelopment and Vacant & Public Property Administration has referred the property located at 2700 and 2706 West Chestnut Street (02-001A-0074-0000) and 2708 West Chestnut Street (02-001A-0073-0000) (the “Property”) to the Landbank Authority for a determination of whether the Property is blighted and deteriorated due to violations of local codes.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD MEMBERS OF THE LOUISVILLE AND JEFFERSON COUNTY LANDBANK AUTHORITY, INC.,

SECTION 1. That the Owner of the Property has been sent an order by the Louisville Metro Department of Codes and Regulations to eliminate the conditions that are in violation of Louisville Metro Codes or law;

SECTION 2. That the Landbank Authority hereby determines that the Property is blighted and deteriorated and that:

- a. The Property is located in a predominantly built-up neighborhood;
- b. The Property is vacant;
- c. The utilities, plumbing, heating, sewerage, or other facilities have been disconnected, destroyed, removed or rendered ineffective so that the Property is unfit for its intended use;
- d. The Property has not been brought into compliance with the Louisville Metro housing, building, plumbing, electrical, fire or nuisance code within the time constraints placed upon the Owner by the Louisville Metro Department of Codes and Regulations.

SECTION 3. That the Landbank Authority shall notify the Owner of the Property and any interested party of record by certified mail, return receipt requested, at the last known address recorded with the Property Valuation Administrator, that a determination of blight and deterioration has been made and that failure to eliminate the conditions causing the blight shall render the Property subject to condemnation by Louisville Metro Government under LMCO Sections 32.777, 32.778 and KRS Chapter 99.

SECTION 4. That the written notice sent to the Owner of the Property and any interested party of record shall describe the conditions that render the Property blighted and deteriorated and shall demand abatement of the conditions within 90 days of receipt of such notice.

SECTION 5. That the Property shall be submitted to the Planning Commission for a determination of whether the reuse of the property is in keeping with the comprehensive plan.

SECTION 6. That this Resolution shall be effective upon its passage and approval.

(Signatures on Following Page)

APPROVED BY: WFS DATE APPROVED: 01-14-2019
William F. Schreck
Chairman and President
Louisville and Jefferson County
Landbank Authority, Inc.

APPROVED AS TO FORM:

Stephanie Malone
Stephanie Malone
Counsel for Louisville and Jefferson County Landbank Authority, Inc.
531 Court Place, Suite 900
Louisville, KY 40202
(502) 574-3066

RESOLUTION NO. 47, SERIES 2019

A RESOLUTION CERTIFYING REAL PROPERTY LOCATED AT 2700-2706 WEST CHESTNUT STREET AND 2708 WEST CHESTNUT STREET AS BLIGHTED AND DETERIORATED AND RECOMMENDING THAT METRO COUNCIL INSTITUTE EMINENT DOMAIN PROCEEDINGS PURSUANT TO KRS CHAPTER 416.

WHEREAS, LMCO Section 32.775 designates the Louisville and Jefferson County Landbank Authority, Inc. (the “Authority”) with the powers granted in KRS Chapter 99 to address and eradicate blighted and deteriorated property in Louisville Metro; and

WHEREAS, LMCO Section 32.777(B) sets out requirements for certification of a property as blighted and deteriorated; and

WHEREAS, the Louisville Metro Office of Community Development referred the property located at 2700-2706 West Chestnut Street and 2708 West Chestnut Street (the “Property”) to the Authority for a determination of whether the Property is blighted and deteriorated due to violations of local codes;

WHEREAS, by Resolution No. 7, Series 2019, the Authority determined that the Property is blighted and deteriorated; and

WHEREAS, LMCO Section 32.778 authorizes Metro Government to institute eminent domain proceedings pursuant to KRS Chapter 416 against any property meeting the required conditions that has been certified as blighted and deteriorated by the Authority.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD MEMBERS OF THE LOUISVILLE AND JEFFERSON COUNTY LANDBANK AUTHORITY, INC.,

SECTION 1. That the Authority hereby determines that:

1. The Owner of the Property has been sent an order by the Louisville Metro Department of Codes and Regulations to eliminate the conditions that are in violation of Louisville Metro Codes or law;
2. The Property is vacant;
3. The Property is blighted and deteriorated;

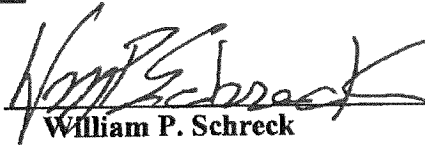
4. The Authority has notified the Property owner that the Property has been determined to be blighted and deteriorated and the time period for correction of such conditions has expired and the Property owner and any interested parties of record have failed to comply with the notice;
5. The Planning Commission has determined that the reuse of the Property is in keeping with the comprehensive plan.

SECTION 2. The Authority hereby certifies that the Property is blighted and deteriorated. (Certification is attached hereto as Exhibit A and made a part hereof).

SECTION 3. The Authority shall submit a report to Metro Council certifying the Property as blighted and deteriorated and requesting that Metro Government institute eminent domain proceedings pursuant to KRS Chapter 416.

SECTION 4. That this Resolution shall be effective upon its passage and approval.

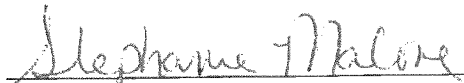
APPROVED BY:



**William P. Schreck
Chairman and President
Louisville and Jefferson County
Landbank Authority, Inc.**

DATE APPROVED: 10/17/2019

APPROVED AS TO FORM:



**Stephanie Malone
Counsel for Louisville and Jefferson County Landbank Authority, Inc.
531 Court Place, Suite 900
Louisville, KY 40202
(502) 574-3066**

EXHIBIT A

**BLIGHTED AND DETERIORATED PROPERTY
CERTIFICATION AND RECOMMENDATION
BY
LOUISVILLE AND JEFFERSON COUNTY LANDBANK AUTHORITY, INC.**

The Louisville and Jefferson County Landbank Authority, Inc., (Landbank) having been authorized by KRS Chapter 99 and LMCO §32.775 to address and eradicate blighted and deteriorated property in Louisville Metro, and having determined by Resolution No. 7, Series 2019 (copy attached as **Exhibit B**) that the property located at 2700-2706 West Chestnut Street and 2708 West Chestnut Street (the "Property") is blighted and deteriorated, hereby certifies that:

1. The owner of the Property was sent an order by the Louisville Metro Department of Codes and Regulations to eliminate the conditions that are in violation of Louisville Metro Codes or law;
2. The Property is vacant;
3. The Property is blighted and deteriorated;
4. On January 17, 2019, the Landbank notified the Property owner by certified mail – return receipt requested - that the Property has been determined to be blighted and deteriorated (copy attached as **Exhibit C**). On June 5, 2019, the Landbank sent a second letter to the Property owner and the interested parties of record. (copy attached as **Exhibit D**). The time period for correction of the conditions has expired and the Property owner and any interested parties of record have failed to comply with the notice;
5. The Planning Commission has determined that the reuse of the Property is in keeping with the comprehensive plan.

At the special Board Meeting held on October 17, 2019, the Landbank voted unanimously to certify the Property as blighted and deteriorated pursuant to KRS Chapter 99 and LMCO 32.777 and hereby recommends that Metro Government institute eminent domain proceedings pursuant to KRS Chapter 416 and LMCO 32.778.

**Louisville and Jefferson County
Landbank Authority, Inc.**

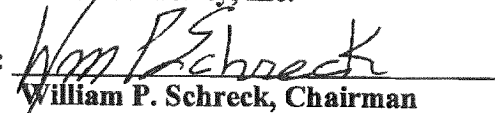
By: 
William P. Schreck, Chairman

Exhibit B

RESOLUTION NO. 7, SERIES 2019

A RESOLUTION DETERMINING REAL PROPERTY LOCATED AT 2700-2706 WEST CHESTNUT STREET AND 2708 WEST CHESTNUT STREET AS BLIGHTED AND DETERIORATED.

WHEREAS, LMCO Section 32.775 designates the Louisville and Jefferson County Landbank Authority, Inc. (the "Landbank Authority") with the powers granted in KRS Chapter 99 to address and eradicate blighted and deteriorated properties in Louisville Metro; and

WHEREAS, KRS 99.705 defines blighted or deteriorated property; and

WHEREAS, LMCO Section 32.777(A) gives the Landbank Authority the authority to determine whether a property is blighted or deteriorated when it has been referred to the Landbank Authority by the appropriate Louisville Metro Government agency as tax delinquent or in violation of local codes; and

WHEREAS, the Louisville Metro Office of Redevelopment and Vacant & Public Property Administration has referred the property located at 2700 and 2706 West Chestnut Street (02-001A-0074-0000) and 2708 West Chestnut Street (02-001A-0073-0000) (the "Property") to the Landbank Authority for a determination of whether the Property is blighted and deteriorated due to violations of local codes.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD MEMBERS OF THE LOUISVILLE AND JEFFERSON COUNTY LANDBANK AUTHORITY, INC.,

SECTION 1. That the Owner of the Property has been sent an order by the Louisville Metro Department of Codes and Regulations to eliminate the conditions that are in violation of Louisville Metro Codes or law;

SECTION 2. That the Landbank Authority hereby determines that the Property is blighted and deteriorated and that:

- a. The Property is located in a predominantly built-up neighborhood;
- b. The Property is vacant;
- c. The utilities, plumbing, heating, sewerage, or other facilities have been disconnected, destroyed, removed or rendered ineffective so that the Property is unfit for its intended use;
- d. The Property has not been brought into compliance with the Louisville Metro housing, building, plumbing, electrical, fire or nuisance code within the time constraints placed upon the Owner by the Louisville Metro Department of Codes and Regulations.

SECTION 3. That the Landbank Authority shall notify the Owner of the Property and any interested party of record by certified mail, return receipt requested, at the last known address recorded with the Property Valuation Administrator, that a determination of blight and deterioration has been made and that failure to eliminate the conditions causing the blight shall render the Property subject to condemnation by Louisville Metro Government under LMCO Sections 32.777, 32.778 and KRS Chapter 99.

SECTION 4. That the written notice sent to the Owner of the Property and any interested party of record shall describe the conditions that render the Property blighted and deteriorated and shall demand abatement of the conditions within 90 days of receipt of such notice.

SECTION 5. That the Property shall be submitted to the Planning Commission for a determination of whether the reuse of the property is in keeping with the comprehensive plan.

SECTION 6. That this Resolution shall be effective upon its passage and approval.

(Signatures on Following Page)

APPROVED BY: William F. Schreck DATE APPROVED: 01-14-2019
William F. Schreck
Chairman and President
Louisville and Jefferson County
Landbank Authority, Inc.

APPROVED AS TO FORM:
Stephanie Malone
Stephanie Malone
Counsel for Louisville and Jefferson County Landbank Authority, Inc.
531 Court Place, Suite 900
Louisville, KY 40202
(502) 574-3066



Exhibit C

OFFICE OF REDEVELOPMENT AND VACANT & PUBLIC PROPERTY ADMINISTRATION
DEVELOP LOUISVILLE
LOUISVILLE, KENTUCKY

GREG FISCHER
MAYOR

LAURA GRABOWSKI
VPPA DIRECTOR

CERTIFIED MAIL – RETURN RECEIPT REQUESTED 7015 1520 0000 7873 9793

January 17, 2019

Nika Green
Deeper Life Christian Church, Inc.,
7853 Gunn Hwy. #133
Tampa, FL 33626

RE: Notification of Possible Condemnation Action

Dear Ms. Green:

On January 14, 2019, pursuant to KRS Chapter 99 and Louisville Metro Code of Ordinances Sections 32.775 – 32.779, the Board of the Louisville and Jefferson County Landbank Authority, Inc. (“Landbank”), determined that your property located at 2700-2708 West Chestnut Street (the “Property”) is blighted and deteriorated. The Landbank hereby notifies you of the following conditions at your Property:

1. The Property is vacant;
2. The Department of Codes & Regulations has cited you for numerous unresolved property maintenance/nuisance code violations. A copy of the outstanding citations is included with this letter. The violations include, but may not be limited to, external and internal hazards relating to:

a. 2700 - 2706 W. Chestnut Street

Church:

- i. Brick wall (X03) – Concrete walls need to be repaired.
- ii. Cornice (X05) – Cornice damaged and requires repair or replacement.
- iii. Downspout (X12) – Downspouts need to be repaired/installed.
- iv. Exterior Surfaces (X19) – Peeling & chipping paint on exterior surfaces, including window frames

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DEVELOP LOUISVILLE
LOUISVILLE, KENTUCKY

GREG FISCHER
MAYOR

LAURA GRABOWSKI
VPFA DIRECTOR

- v. Gutter (X26) – Box gutters need to be repaired.
- vi. Porch/Balcony Ceiling (X41) – Repair porch ceiling.
- vii. Roof/Roofing Materials (X50) – Repair roof on bell tower.
- viii. Window (X72) – Several windows require glass replacement or repair. All windows are to be in good repair.

b. Residence:

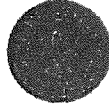
- i. Door (exterior) (X07) – Front door busted out and needs repair
- ii. Downspout (X07) – Various downspouts missing or not complete, repair/install where needed
- iii. Exterior surfaces (X19) – All chipping/peeling paint must be scraped and re-painted, all wood must be protected from the elements
- iv. Foundation (X23) – Foundation has openings at left and right, secure
- v. Gutter (X26) – Gutters are deteriorated and rusted through, repair
- vi. Porch/balcony ceiling (X41) – Repair/paint front porch ceiling
- vii. Porch/balcony guardrail (X44) – Guardrail is broken and hanging, repair
- viii. Siding/veneer (X53) – Various areas have loose/missing siding, or holes in siding, repair/install where needed
- ix. Window (X72) – Various windows and window frames need repair, all broken glass must be replaced.

c. 2708 W. Chestnut Street:

- i. Brick wall (X03) – Brick wall/siding to be repaired where damaged.
- ii. Downspout (X12) – Missing downspouts to be replaced.
- iii. Exterior surfaces (X19) – Peeling and chipping paint to be scraped and painted. Rear awning needs repaired and protected.
- iv. Gutter (X26) – Missing/loose gutters to be replaced.
- v. Sidewalk/walkway (X52) – Sidewalk to be repaired.

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LOUISVILLE, KENTUCKY

GREG FISCHER
MAYOR

LAURA GRABOWSKI
VPPA DIRECTOR

vi. Windows (X72) -- Broken windows to be repaired or boarded while vacant.

3. The electricity, sewage and water utilities are missing/disconnected -- must re-establish electric, sewage and water service at the Property.

The Landbank has determined that the above conditions render your Property blighted and deteriorated. Failure to abate the conditions causing the blight within ninety (90) days of the receipt of this notice will render your Property located at 2700-2708 West Chestnut Street subject to a condemnation action by the Louisville Jefferson County Metro Government under Kentucky Revised Statutes Chapter 99 and Louisville Metro Code of Ordinances, Sections 32.775-32.779.

You must abate the above conditions before the ninety-day period ends on or about April 22, 2019. If you need additional information or if you would like to discuss this matter further, please contact Carrie Fry at (502)574-2879.

Sincerely,

William P. Schreck, Chairman
Louisville and Jefferson County Landbank Authority, Inc.

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EXHIBIT D



OFFICE OF REDEVELOPMENT AND VACANT & PUBLIC PROPERTY ADMINISTRATION
DEVELOP LOUISVILLE
LOUISVILLE, KENTUCKY

GREG FISCHER
MAYOR

LAURA GRABOWSKI
VPFA DIRECTOR

NOTICE OF POSSIBLE CONDEMNATION ACTION

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

June 5, 2019

Owner of Record

Nika Green
Deeper Life Christian Church, Inc.,
7853 Gunn Hwy. #133
Tampa, FL 33626

Interested Parties

Gus Goldsmith
Feotis Gilbert, Registered Agent
Bethlehem Apostolic Church
William S. Bornstein, Counsel
Bethlehem Apostolic Church

**RE: STRUCTURE LOCATED AT: 2700- 2708 W. CHESTNUT STREET
LOUISVILLE, KY TAX BLOCK: 001A LOT: 0074 0000 & 0073 0000**

Dear Parties of Interest:

On January 14, 2019, pursuant to KRS Chapter 99 and Louisville Metro Code of Ordinances Sections 32.775 – 32.779, the Board of the Louisville and Jefferson County Landbank Authority, Inc. (“Landbank”), determined that your property located at 2700-2708 West Chestnut Street (the “Property”) is blighted and deteriorated. The Landbank hereby notifies you of the following conditions at your Property:

1. The Property is vacant;
2. The Department of Codes & Regulations has cited you for numerous unresolved property maintenance/nuisance code violations. A copy of the outstanding citations is included

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GREG FISCHER
MAYOR

LAURA GRABOWSKI
VPPA DIRECTOR

with this letter. The violations include, but may not be limited to, external and internal hazards relating to:

a. 2700 - 2706 W. Chestnut Street

Church:

- i. Brick wall (X03) – Concrete walls need to be repaired.
- ii. Cornice (X05) – Cornice damaged and requires repair or replacement.
- iii. Downspout (X12) – Downspouts need to be repaired/installed.
- iv. Exterior Surfaces (X19) – Peeling & chipping paint on exterior surfaces, including window frames
- v. Gutter (X26) – Box gutters need to be repaired.
- vi. Porch/Balcony Ceiling (X41) – Repair porch ceiling.
- vii. Roof/Roofing Materials (X50) – Repair roof on bell tower.
- viii. Window (X72) – Several windows require glass replacement or repair. All windows are to be in good repair.

b. Residence:

- i. Door (exterior) (X07) – Front door busted out and needs repair
- ii. Downspout (X07) – Various downspouts missing or not complete, repair/install where needed
- iii. Exterior surfaces (X19) – All chipping/peeling paint must be scraped and re-painted, all wood must be protected from the elements
- iv. Foundation (X23) – Foundation has openings at left and right, secure
- v. Gutter (X26) – Gutters are deteriorated and rusted through, repair
- vi. Porch/balcony ceiling (X41) – Repair/paint front porch ceiling
- vii. Porch/balcony guardrail (X44) – Guardrail is broken and hanging, repair
- viii. Siding/veneer (X53) – Various areas have loose/missing siding, or holes in siding, repair/install where needed

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LOUISVILLE, KENTUCKY

GREG FISCHER
MAYOR

LAURA GRABOWSKI
VPPA DIRECTOR

- ix. Window (X72) – Various windows and window frames need repair, all broken glass must be replaced.
- c. 2708 W. Chestnut Street:
 - i. Brick wall (X03) – Brick wall/siding to be repaired where damaged.
 - ii. Downspout (X12) – Missing downspouts to be replaced.
 - iii. Exterior surfaces (X19) – Peeling and chipping paint to be scraped and painted. Rear awning needs repaired and protected.
 - iv. Gutter (X26) – Missing/loose gutters to be replaced.
 - v. Sidewalk/walkway (X52) – Sidewalk to be repaired.
 - vi. Windows (X72) – Broken windows to be repaired or boarded while vacant.
- 3. The electricity, sewage and water utilities are missing/disconnected – must re-establish electric, sewage and water service at the Property.

The Landbank has determined that the above conditions render your Property blighted and deteriorated. Failure to abate the conditions causing the blight within ninety (90) days of the receipt of this notice will render your Property located at 2700-2708 West Chestnut Street subject to a condemnation action by the Louisville Jefferson County Metro Government under Kentucky Revised Statutes Chapter 99 and Louisville Metro Code of Ordinances, Sections 32.775-32.779.

You must abate the above conditions before the ninety-day period ends on or about September 15, 2019. If you need additional information or if you would like to discuss this matter further, please contact Tia Bowman at (502)574-2879.

Sincerely,

William P. Schreck, Chairman
Louisville and Jefferson County Landbank Authority, Inc.

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