

RESOLUTION NO. 034, 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-EIGHT (38), 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”), a permanent easement (“Tract B”) and three temporary easements (“Tract C,” “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.

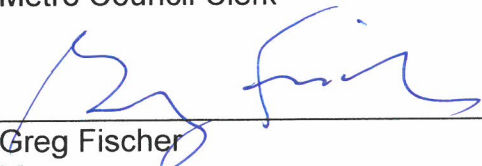
Since Metro cannot, by agreement of the owner of the Condemned Property, acquire the Condemned Property, then the office of the Jefferson County Attorney is authorized to institute condemnation proceedings pursuant to KRS 416.560, *et seq.* against the owner of the Condemned Property.

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: *Kanna M Ferguson*
R-030-22 Parcel No. 38 (McGrew, Lisa and Gregg, et al.) Condemnation.docx (APS)

LOUISVILLE METRO COUNCIL
ADOPTED
March 3, 2022

EXHIBIT A—CONDEMNED PROPERTY

**Parcel No. 38
Tract A**

Being a tract of land in Jefferson County, Kentucky along the proposed Cooper Chapel Road corridor, located approximately 720 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 573+12.06; thence with the north proposed controlled access and right of way line along an arc 1.72 feet to the right, having a radius of 2,540.00 feet, the chord of which is South 76°22'17" East for a distance of 1.72 feet, to a point 50.00 feet left of proposed Cooper Chapel Road at Station 573+13.75; thence continuing with the proposed controlled access and right of way line South 76°21'08" East a distance of 687.53 feet to a break in the controlled access line, said point being 50.00 feet left of proposed Cooper Chapel Road at Station 580+01.28; thence with the proposed right of way line South 76°21'08" East a distance of 19.29 feet to a point 50.00 feet left of proposed Cooper Chapel Road at Station 580+20.56, said point being in the east property line; thence with said property line South 3°11'49" West a distance of 21.52 feet to a point 28.84 feet left of proposed Cooper Chapel Road at Station 580+24.46, said point being in the south property line; thence with said property line North 85°45'15" West a distance of 482.63 feet to a point 50.00 feet right of proposed Cooper Chapel Road at Station 575+48.32; thence with the south proposed controlled access and right of way line North 76°21'08" West a distance of 213.01 feet to a point 50.00 feet right of proposed Cooper Chapel Road at Station 573+35.31, said point being in the west property line; thence with said property line North 0°32'33" East a distance of 102.67 feet to a point 50.00 feet left of proposed Cooper Chapel Road at Station 573+12.06 and the POINT OF BEGINNING.

The above described parcel contains 1.177 acres (51,268 sq. ft.).

Parcel No. 38 Tract A described above is required in fee simple.

**Parcel No. 38
Tract B**

Being a tract of land in Jefferson County, Kentucky north of proposed Cooper Chapel Road, located approximately 720 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 573+12.06, said point being in the west property line; thence with said property line North 0°32'33" East a distance of 49.95 feet to a point 98.68 feet left of proposed Cooper Chapel Road at Station 573+01.20; thence with the permanent drainage easement South 77°55'42" East a distance of 49.31 feet to a point 100.00 feet left of

proposed Cooper Chapel Road at Station 573+50.00; thence South 75°25'14" East a distance of 615.08 feet to a point 90.00 feet left of proposed Cooper Chapel Road at Station 579+65.00; thence South 79°34'18" East a distance of 47.76 feet to a point 13.64 feet right of Meghan Lane at Station 49+04.60, said point being in the east property line; thence with said property line South 3°11'49" West a distance of 43.40 feet to a point 50.00 feet left of proposed Cooper Chapel Road at Station 580+20.56; thence with the proposed right of way line North 76°21'08" West a distance of 19.29 feet to a point 50.00 feet left of proposed Cooper Chapel Road at Station 580+01.28; thence with the north proposed controlled access and right of way line North 76°21'08" West a distance of 687.53 feet to a point 50.00 feet left of proposed Cooper Chapel Road at Station 573+13.75; thence with the north proposed controlled access and right of way line along an arc 1.72 feet to the left, having a radius of 2,540.00 feet, the chord of which is North 76°22'17" West for a distance of 1.72 feet to a point 50.00 feet left of proposed Cooper Chapel Road at Station 573+12.06 and the POINT OF BEGINNING.

The above described parcel contains 0.734 acres (31,970 sq. ft.).

A permanent easement in and to the property described above and designated as Parcel No. 38 Tract B is required for the purposes of constructing and perpetually maintaining drainage features.

**Parcel No. 38
Tract C**

Being a tract of land in Jefferson County, Kentucky north of proposed Cooper Chapel Road, located approximately 705 feet northwest from the intersection of Meghan Lane and Cooper Chapel Road, and more particularly described as follows:

Beginning at a point 99.56 feet left of proposed Cooper Chapel Road at Station 573+34.00; thence North 13°38'52" East a distance of 105.44 feet to a point 205.00 feet left of proposed Cooper Chapel Road at Station 573+34.00; thence South 76°21'08" East a distance of 181.00 feet to a point 205.00 feet left of proposed Cooper Chapel Road at Station 575+15.00; thence South 13°38'52" West a distance of 107.68 feet to a point 97.32 feet left of proposed Cooper Chapel Road at Station 575+15.00; thence North 75°25'14" West a distance of 165.02 feet to a point 100.00 feet left of proposed Cooper Chapel Road at Station 573+50.00; thence North 77°55'42" West a distance of 16.01 feet to a point 99.56 feet left of proposed Cooper Chapel Road at Station 573+34.00 and the POINT OF BEGINNING.

The above described parcel contains 0.441 acres (19,230 sq. ft.).

A temporary easement in and to the property described above and designated as Parcel No. 38 Tract C is required for the purposes of constructing roadway slopes.

**Parcel No. 38
Tract D**

Being a tract of land in Jefferson County, Kentucky south of proposed Cooper Chapel Road, located approximately 698 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 573+35.31; thence South 76°21'08" East a distance of 213.01 feet to a point 50.00 feet right of proposed Cooper Chapel Road at Station 575+48.32; thence North 85°45'15" West a distance of 207.90 feet to a point 83.96 feet right of proposed Cooper Chapel Road at Station 573+43.22; thence North 0°32'33" East a distance of 34.87 feet to a point 50.00 feet right of proposed Cooper Chapel Road at Station 573+35.31 and the POINT OF BEGINNING.

The above described parcel contains 0.083 acres (3,617 sq. ft.).

A temporary easement in and to the property described above and designated as Parcel No. 38 Tract D is required for the purposes of constructing roadway slopes.

**Parcel No. 38
Tract E**

Being a tract of land in Jefferson County, Kentucky north of proposed Cooper Chapel Road, located approximately 111 feet northwest from the intersection of Meghan Lane and Cooper Chapel Road, and more particularly described as follows:

Beginning at a point 90.00 feet left of proposed Cooper Chapel Road at Station 579+65.00; thence North 10°20'03" East a distance of 152.59 feet to a point 45.00 feet right of Meghan Lane at Station 47+50.00; thence North 32°46'09" East a distance of 57.60 feet to a point 20.86 feet right of Meghan Lane at Station 46+98.61; thence South 3°11'49" West a distance of 207.52 feet to a point 13.64 feet right of Meghan Lane at Station 49+04.60; thence North 79°34'18" West a distance of 47.76 feet to a point 90.00 feet left of proposed Cooper Chapel Road at Station 579+65.00 and the POINT OF BEGINNING.

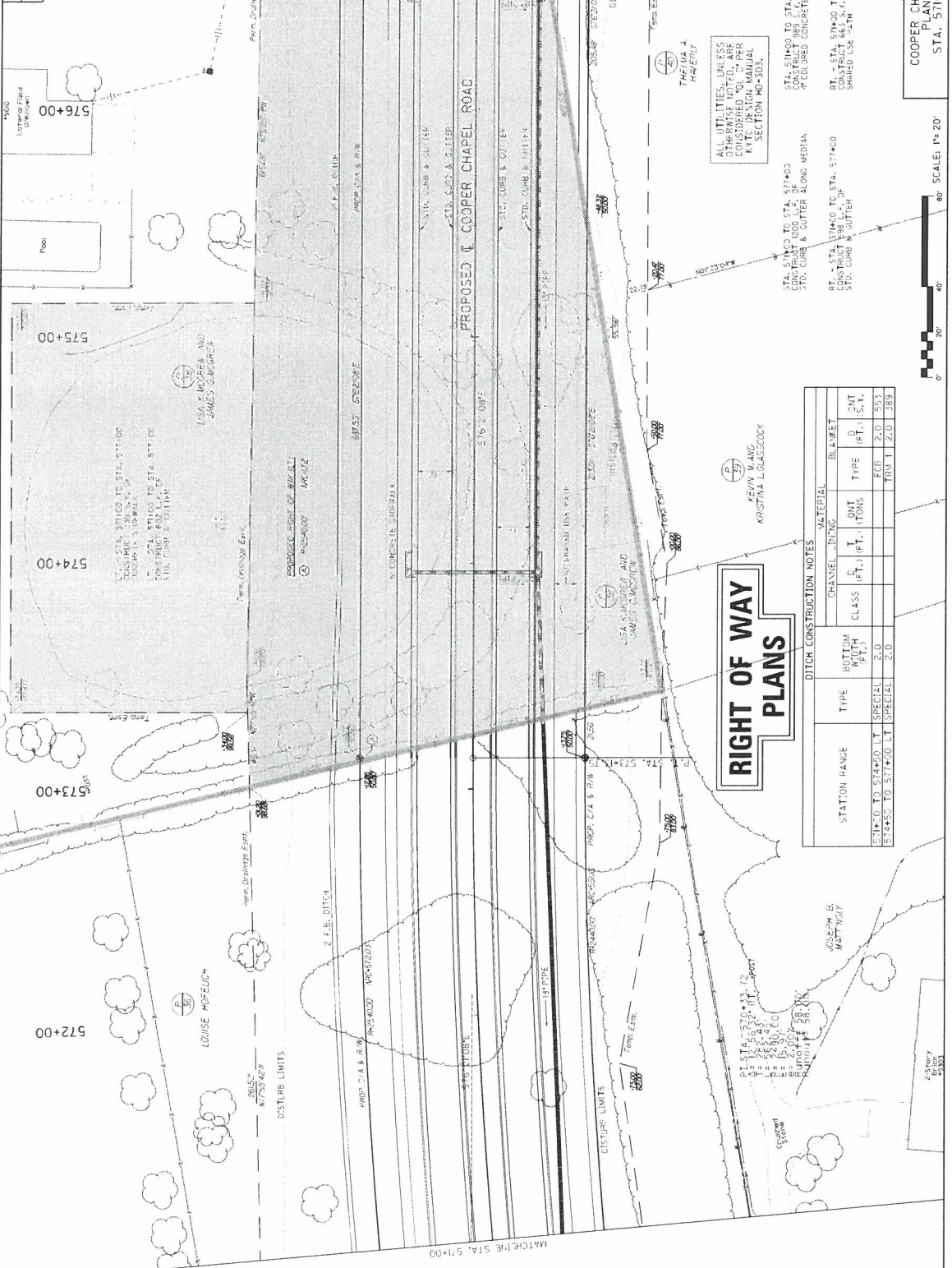
The above described parcel contains 0.151 acres (6,594 sq. ft.).

A temporary easement in and to the property described above and designated as Parcel No. 38 Tract E is required for the purposes of constructing roadway slopes.

Being a portion of the property conveyed to Lisa K. Ruble, unmarried, by deed dated July 14, 2017, of record in Deed Book 10933, Page 675, in the Office of the Clerk of Jefferson County, Kentucky.

EXHIBIT B—PLAT MAP

COUNTY OF JEFFERSON
 ITEM NO. 5-HC-01
 SHEET NO. R25
 REVISED PLAN DATE: JUNE 3, 2021



MicroStation v8.11.919 E-SHEET NAME: R02500R FILE NAME: C:\PWORKING\PT17\001352\34966_R25.DSN
 USER: JCSMITH DATE PLOTTED: January 10, 2016

RIGHT OF WAY PLANS

STATION RANGE	TYPE	BOTTOM WIDTH (FT.)	CHANNEL DITCH		BLANKET
			CLASS	DITCH TYPE	
574+00 TO 574+00 LT	SPECIAL	2.0	FCB	2.0	5B3
574+00 TO 574+00 LT	SPECIAL	2.0	TRM	2.0	5B9

ALL UTILITIES, UNLESS OTHERWISE NOTED, ARE TO BE CONSTRUCTED PER THE 2018 NYS DESIGN MANUAL, SECTION MD-303.

STA. 574+00 TO STA. 574+00
 CONSTRUCT 18" DIA. OF
 18" CURB & GUTTER ALONG MEDIAN

STA. 574+00 TO STA. 574+00
 CONSTRUCT 18" DIA. OF
 18" CURB & GUTTER

STA. 574+00 TO STA. 574+00
 CONSTRUCT 18" DIA. OF
 18" CURB & GUTTER

STA. 574+00 TO STA. 574+00
 CONSTRUCT 18" DIA. OF
 18" CURB & GUTTER

STA. 574+00 TO STA. 574+00
 CONSTRUCT 18" DIA. OF
 18" CURB & GUTTER

STA. 574+00 TO STA. 574+00
 CONSTRUCT 18" DIA. OF
 18" CURB & GUTTER

STA. 574+00 TO STA. 574+00
 CONSTRUCT 18" DIA. OF
 18" CURB & GUTTER

STA. 574+00 TO STA. 574+00
 CONSTRUCT 18" DIA. OF
 18" CURB & GUTTER



COOPER CHAPEL ROAD SECTION III
 PLAN SHEET - MAINLINE
 STA. 571+00 TO STA. 574+00

EXHIBIT C—INTERESTED PARTIES

1. Lisa K. McGrew and James Gregory McGrew, wife and husband
2. Mortgage Electronic Registration Systems, Inc.