

**RESOLUTION NO. \_\_\_\_\_, SERIES 2017**

**A RESOLUTION AUTHORIZING THE MAYOR ON BEHALF OF METRO GOVERNMENT TO ACCEPT AN AMENDED AND RESTATED DEED OF SCENIC CONSERVATION EASEMENT ON A 5.58 ACRE EASEMENT PREVIOUSLY RECORDED ON PROPERTY NOW OWNED BY WILLIAM CRAWFORD LOCATED ON GRINSTEAD DRIVE IN JEFFERSON COUNTY, KENTUCKY.**

**SPONSORED BY: COUNCILMAN BILL HOLLANDER**

**WHEREAS**, the current scenic conservation easement held by Metro Government was previously recorded in two tracts. The first tract was recorded in 1981 by Nanine Hilliard Greene and her husband Herbert Greene and was entitled the "Hilliard Scenic-Conservation Easement". The second adjacent tract was recorded in August, 2007 by W. Austin Musselman, Jr. and his wife Layla George Musselman and became known as the "Musselman Conservation Easement". The entire tract composed of the two Easements was conveyed to the current owner, William Crawford, now unmarried, in August, 2007; and

**WHEREAS**, the provisions of the original Hilliard Scenic-Conservation Easement and the original Musselman Conservation Easement should now be amended and restated as one Easement for the following reasons: (1) to support and strengthen the conservation purposes of both easements; (2) to correct ambiguities between both the Hilliard easement (granted in 1981) and the Musselman easement (granted in 2007); (3) to simplify easement administration by having uniform and effective provisions that ensure clarity for stewardship and protection of the conservation values of the property; (4) to incorporate best practices into the one conservation easement document; and (5) to significantly control invasive species on the easement property; and

**WHEREAS**, all of the terms, conditions and provisions of the Hilliard Scenic-Conservation Easement and the Musselman Conservation Easement would be set aside, canceled and revoked and the constituent parts thereof be merged and incorporated into this one Amended and Restated Deed of Scenic Conservation Easement, a copy of which is attached; and

**WHEREAS**, the property was and is still unimproved and has conservation value to the public and it is in the public interest that the property remain in its natural state, including the trees and other natural growth, and the property is valuable to the public as a wildlife preserve or sanctuary; and

**WHEREAS**, pursuant to KRS 382.800 *et seq.* Metro Government is authorized to accept conservation easements to retain and protect natural, scenic and open space values of real property and is qualified to accept such easements under Section 170(h) of the Internal Revenue Code; and

**WHEREAS**, the Council desires to authorize the Mayor on behalf of Metro Government to accept the Amended and Restated Deed on the Crawford property.

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

**SECTION I:** The Mayor is hereby authorized to accept the attached Amended and Restated Deed of Scenic Conservation Easement on property owned by William Crawford on Grinstead Drive in Jefferson County, Kentucky.

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

\_\_\_\_\_  
H. Stephen Ott  
Metro Council Clerk

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David Yates  
President of the Council

\_\_\_\_\_  
Greg Fischer  
Mayor

Approved: \_\_\_\_\_  
Date: \_\_\_\_\_

**APPROVED AS TO FORM AND LEGALITY:**

Michael J. O'Connell  
Jefferson County Attorney

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

R-170-17 (jgc)