

RESOLUTION NO. _____, 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. EIGHT (8), IN JEFFERSON COUNTY IN CONNECTION WITH THE COOPER CHAPEL ROAD EXTENSION PROJECT. (AS AMENDED)

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 Metro’s Department of Public Works; and

WHEREAS, as a part of the Project, it is necessary to acquire a permanent and temporary easements and property in fee simple 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 ("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

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: _____

R-149-22 Parcel No. 8 (Cedar Brook, et al) Condemnation (As Amended).docx (APS 10-18-2022)

EXHIBIT A—CONDEMNED PROPERTY

Parcel No. 8

Tract A

Being a tract of land in Jefferson County, Kentucky fronting the south side of the proposed Cooper Chapel Road corridor, located approximately 90 feet southeast of the intersection of Hornbeam Blvd and Cooper Chapel Road, and more particularly described as follows:

Beginning at a point 38.80 feet right of proposed Cooper Chapel Road at Station 507+06.20; thence with existing right of way South $86^{\circ}26'42''$ East a distance of 643.52 feet to a point 15.67 feet right of proposed Cooper Chapel Road at Station 513+47.47; thence with existing right of way South $3^{\circ}33'18''$ West a distance of 30.00 feet to a point 45.63 feet right of proposed Cooper Chapel Road at Station 513+48.87; thence with existing right of way South $86^{\circ}30'33''$ East a distance of 648.65 feet to a point 11.09 feet left of proposed Cooper Chapel Road at Station 519+98.31; thence with the existing property line South $6^{\circ}37'01''$ West a distance of 61.25 feet to a point 50.00 feet right of proposed Cooper Chapel Road at Station 519+93.94; thence with proposed controlled access and right of way along an arc 78.95 feet to the right, having a radius of 660.00 feet, the chord of which is North $83^{\circ}58'07''$ West for a distance of 78.90 feet, to a point 50.00 feet right of proposed Cooper Chapel Road at Station 519+20.98; thence continuing with the proposed controlled access and right of way line North $80^{\circ}32'30''$ West a distance of 81.12 feet to a break in the controlled access line, said point being 50.00 feet right of proposed Cooper Chapel Road at Station 518+39.86; thence continuing with the proposed right of way line North $80^{\circ}32'30''$ West a distance of 60.00 feet to a point 50.00 feet right of proposed Cooper Chapel Road at Station 517+79.86; thence continuing with the proposed controlled access and right of way line North $80^{\circ}32'30''$ West a distance of 219.72 feet to a point 50.00 feet right of proposed Cooper Chapel Road at Station 515+60.14; thence continuing with the proposed controlled access and right of way along an arc 236.11 feet to the left, having a radius of 3680.00 feet, the chord of which is North $82^{\circ}22'47''$ West for a distance of 236.07 feet, to a point 50.00 feet right of proposed Cooper Chapel Road at Station 513+20.82; thence with the existing property line North $0^{\circ}26'41''$ West a distance of 3.19 feet to a point 46.83 feet right of proposed Cooper Chapel Road at Station 513+20.47; thence continuing with the existing property line North $86^{\circ}26'42''$ West a distance of 133.15 feet to a point 50.00 feet right of proposed Cooper Chapel Road at Station 511+86.35; thence with the proposed controlled access and right of way line North $85^{\circ}26'02''$ West a distance of 204.59 feet to a point 50.00 feet right of proposed Cooper Chapel Road at Station 509+81.76; thence continuing with the proposed controlled access and

right of way line along an arc 277.94 feet to the right, having a radius of 3780.00 feet, the chord of which is North 83°19'39" West for a distance of 277.88 feet, to a point 50.00 feet right of the proposed Cooper Chapel Road at Station 507+07.49; thence with the proposed right of way line (by others) North 2°08'30" East a distance of 11.28 feet to a point 38.80 feet right of proposed Cooper Chapel Road at Station 507+06.20 and the POINT OF BEGINNING.

The above described parcel contains 0.862 acres (37,561 sq. ft.) of right of way, which must be acquired in fee simple.

Parcel No. 8
Tract B

Being a tract of land in Jefferson County, Kentucky fronting the south side of the proposed Cooper Chapel Road corridor, located approximately 250 feet southeast of the existing centerline of Cooper Chapel Road, and more particularly described as follows:

Beginning at a point 50.00 feet right of proposed Cooper Chapel Road at Station 508+70.00; thence with the south proposed controlled access and right of way line along an arc 113.26 feet to the right, having a radius of 3780.00 feet, the chord of which is South 84°34'32" East for a distance of 113.25 feet, to a point 50.00 feet right of proposed Cooper Chapel Road at Station 509+81.76; thence continuing with the proposed controlled access and right of way line South 85°26'02" East a distance of 204.59 feet to a point 50.00 feet right of proposed Cooper Chapel Road at Station 511+86.35, said point being in the south property line; thence with said property line North 86°26'42" West a distance of 318.10 feet to a point 57.31 feet right of proposed Cooper Chapel Road at Station 508+70.00; thence with the permanent drainage easement North 6°16'58" East a distance of 7.31 feet to a point 50.00 feet right of proposed Cooper Chapel Road at Station 508+70.00 and the POINT OF BEGINNING.

The above described parcel contains 0.022 acres (956 sq. ft.) of permanent drainage easement for maintenance of drainage features.

Parcel No. 8
Tract C

Being a tract of land in Jefferson County, Kentucky fronting the south side of the proposed Cooper Chapel Road corridor, located approximately 700 feet from the existing centerline of Cooper Chapel Road, and more particularly described as follows:

Beginning at a point 50.00 feet right of Cooper Chapel Road at Station 513+20.82; thence with the proposed controlled access and right of way line along an arc 236.11 feet to the right, having a radius of 3680.00 feet, the chord of which is South 82°22'47" East for a distance of 236.07 feet, to a point 50.00 feet right of Cooper Chapel Road at Station 515+60.14; thence continuing with the proposed controlled access and right of way line South 80°32'32" East a distance of 219.72 feet to a point 50.00 feet right of Cooper Chapel Road at Station 517+79.86; thence with the proposed permanent drainage easement South 9°06'00" West a distance of 23.00 feet to a point 73.00 feet right of Cooper Chapel Road at Station 517+80.00; thence continuing with the proposed permanent drainage easement North 79°24'26" West a distance of 278.97 feet to a point 67.00 feet right of Cooper Chapel Road at Station 515+00.00; thence North 88°17'07" West a distance of 172.67 feet to a point 83.47 feet right of Cooper Chapel Road at Station 513+24.56; thence with the western property line North 0°26'41" West a distance of 33.67 feet to a point 50.00 feet right of Cooper Chapel Road at Station 513+20.82 and the POINT OF BEGINNING.

The above described parcel contains 0.23 acres (10,168 sq. ft.) of permanent drainage easement for maintenance of drainage features.

Parcel No. 8
Tract D

Being a tract of land in Jefferson County, Kentucky fronting the south side of the proposed Cooper Chapel Road corridor, located approximately 103 feet southeast of the proposed intersection of Mountain Laurel Lane and proposed Cooper Chapel Road, and more particularly described as follows:

Beginning at a point 50.00 feet right of Cooper Chapel Road at Station 519+00.00; thence with the proposed controlled access and right of way South 80°32'30" East a distance of 20.97 feet to a point 50.00 feet right of Cooper Chapel Road at Station 519+20.98; thence continuing with the controlled access and right of way along an arc 78.95 feet to the left, having a radius of 660.00 feet, the chord of which is South 83°58'07" East for a distance of 78.90 feet, to a point 50.00 feet right of Cooper Chapel Road at Station 519+93.94; thence with the eastern property line South 6°37'01" West a distance of 67.30 feet to a point 117.15 feet right of Cooper Chapel Road at Station 519+89.99; thence with the proposed permanent drainage easement North 68°27'05" West a distance of 61.31 feet to a point 100.00 feet right of Cooper Chapel Road at Station 519+40.00; thence continuing with the proposed drainage easement North 29°22'31" West a distance of 18.91 feet to a point 85.00 feet right of Cooper Chapel Road at Station 519+30.00; thence North 32°22'04" West a distance of 46.87 feet to a point 50.00 feet right of Cooper Chapel Road at Station 519+00.00 and the POINT OF BEGINNING.

The above described parcel contains 0.10 acres (4,437 sq. ft.) of permanent drainage easement for maintenance of drainage features.

Parcel No. 8
Tract E

Being a tract of land in Jefferson County, Kentucky fronting the south side of the proposed Cooper Chapel Road corridor, located approximately 90 feet southeast of the intersection of Hornbeam Blvd 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 507+35.99; thence with proposed controlled access and right of way along an arc 135.81 feet to the left, having a radius of 3780.00 feet, the chord of which is South 82°41'17" East for a distance of 135.80 feet, to a point 50.00 feet right of proposed Cooper Chapel Road at Station 508+70.00; thence with the proposed temporary easement South 6°16'58" West a distance of 7.31 feet to a point 57.31 feet right of proposed Cooper Chapel Road at Station 508+70.00; thence with the existing property line North 86° 26'42" West a distance of 138.86 feet to a point 66.46 feet right of proposed Cooper Chapel Road at Station 507+33.70; thence with proposed right of way (by others) North 16°24'04" East a distance of 16.62 feet to a point 50.00 feet right of proposed Cooper Chapel Road at Station 507+35.99 and the POINT OF BEGINNING.

The above described parcel contains 0.108 acres (4,704 sq. ft.) of temporary easement for the construction of side slopes.

Parcel No. 8
Tract F

Being a tract of land in Jefferson County, Kentucky fronting the south side of the proposed Cooper Chapel Road corridor, located approximately 705 feet southeast of the intersection of Hornbeam Blvd and Cooper Chapel Road, and more particularly described as follows:

Beginning at a point 50.00 feet right of Cooper Chapel Road at Station 517+79.86; thence with the proposed right of way South 80°32'30" East a distance of 60.00 feet to a point 50.00 feet right of Cooper Chapel Road at Station 518+39.86; thence with the proposed controlled access and right of way South 80°32'30" East a distance of 60.15 feet to a point 50.00 feet right of Cooper Chapel Road at Station 519+00.00; thence with the proposed permanent drainage easement South 32°22'04" East a distance of 46.87 feet to a point 85.00 feet right of Cooper Chapel Road at Station 519+30.00; thence with the proposed temporary easement North 80°34'14" West a distance of 151.26 feet to a point 85.00 feet right of Cooper Chapel Road at Station 517+80.00; thence continuing with the proposed temporary easement North 9°27'30" East a distance of 5.00 feet to a point 80.00 feet right of Cooper Chapel Road at Station 517+80.00; thence North 78°59'46" West a distance of 278.94 feet to a point 72.00 feet right of Cooper Chapel Road at Station 515+00.00; thence North 88°10'31" West a distance of 171.91 feet to a point 88.08 feet right of Cooper Chapel Road at Station 513+25.08; thence with the western property line North 0°26'41" West a distance of 4.64 feet to a point 83.47 feet right of Cooper Chapel Road at Station 513+24.56; thence with the proposed permanent drainage easement South 88°17'07" East a distance of 172.67 feet to a point 67.00 feet right of Cooper Chapel Road at Station 515+00.00; thence continuing with the proposed permanent drainage easement South 79°24'26" East a distance of 278.97 feet to a point 73.00 feet right of Cooper Chapel Road at Station 517+80.00; thence continuing North 9°06'00" East a distance of 23.00 feet to a point 50.00 feet right of Cooper Chapel Road at Station 517+79.86 and POINT OF BEGINNING.

The above described parcel contains 0.16 acres (6,970 sq. ft.) of temporary easement for the construction of side slopes and entrances.

EXHIBIT B—PLAT MAP

EXHIBIT C—INTERESTED PARTIES

1. Cedar Brook Investments, LLC, a Kentucky limited liability company
2. Central Bank & Trust Co.