

RESOLUTION NO. 007, SERIES 2016

A RESOLUTION DETERMINING TWO (2) PARCELS OF REAL PROPERTY LOCATED NORTH OF RIVER ROAD OWNED BY LOUISVILLE/JEFFERSON COUNTY LOUISVILLE METRO GOVERNMENT (“LOUISVILLE METRO”) AS SURPLUS AND NO LONGER NEEDED FOR A GOVERNMENTAL PURPOSE AND AUTHORIZING THEIR SALE.

Sponsored By: Councilwoman Marianne Butler

WHEREAS, according to KRS 67C.101, Louisville Metro may sell any real property belonging to Louisville Metro; 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 Louisville Metro may sell and convey surplus real estate upon declaration by the Legislative Council of Louisville Metro (“the Council”) that such property is no longer needed for the governmental purposes of Louisville Metro; and

WHEREAS, the real property is described as Tract B-2 and Tract E on “**Exhibit A**” attached hereto (“Property”), and has never been dedicated by virtue of use, deed, ordinance or any other manner for a public or governmental purpose; and

WHEREAS, the Property is currently ground leased to River Park Apartments I, LLC, pursuant to an Amended and Restated Development Agreement entered into between River Partners, LLC (“Developer”) and Louisville/Jefferson County Metro Government, acting by and through the Waterfront Development Corporation, dated September 23, 2011, as amended by First Amendment to Amended and Restated Development Agreement dated May 17, 2012, and by Second Amendment to Amended and Restated Development Agreement dated December 31, 2013, and by Third Amendment to Amended and Restated Development Agreement dated September 24, 2015 (“Development Agreement”); and

WHEREAS, Developer has constructed a 160 unit multi-story apartment building and certain amenities on the Property; and

WHEREAS, pursuant to the terms of the Development Agreement, Developer has the right to purchase the “footprint” of the Building from Louisville Metro for the purchase price determined in accordance with the Development Agreement; and

WHEREAS, Developer has given notice that it desires to exercise its option to purchase the Property;

WHEREAS, Developer has assigned its right to purchase the Property to River Park Apartments I, LLC, a Kentucky limited liability company, an affiliate of Developer; and

WHEREAS, the Executive Director of the Waterfront Development Corporation has declared and certified to the Council that the Property is surplus to the needs of the Louisville Metro.

BE IT RESOLVED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY LOUISVILLE METRO (THE COUNCIL) AS FOLLOWS:

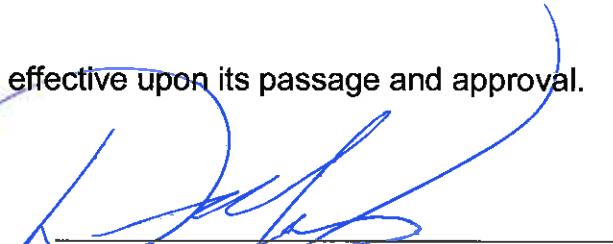
SECTION I: The Council determines that the Property is no longer needed to carry out the governmental functions of Louisville Metro.

SECTION II: The Mayor is hereby authorized to transfer the Property, in the manner provided according to Section 2 of the Executive Order No. 3, Series 2007 to River Park Apartments I, LLC, pursuant to the terms and conditions of the Development Agreement without further action by the Council.


SECTION III: This Resolution shall become effective upon its passage and approval.



H. Stephen Ott
Metro Council Clerk



David Yates
President of the Council



Greg Fischer
Mayor



Approval Date

APPROVED AS TO FORM AND LEGALITY

Michael J. O'Connell
Jefferson County Attorney



By: 

CERTIFICATION OF SURPLUS PROPERTY

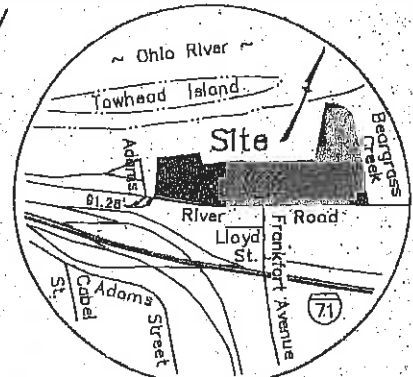
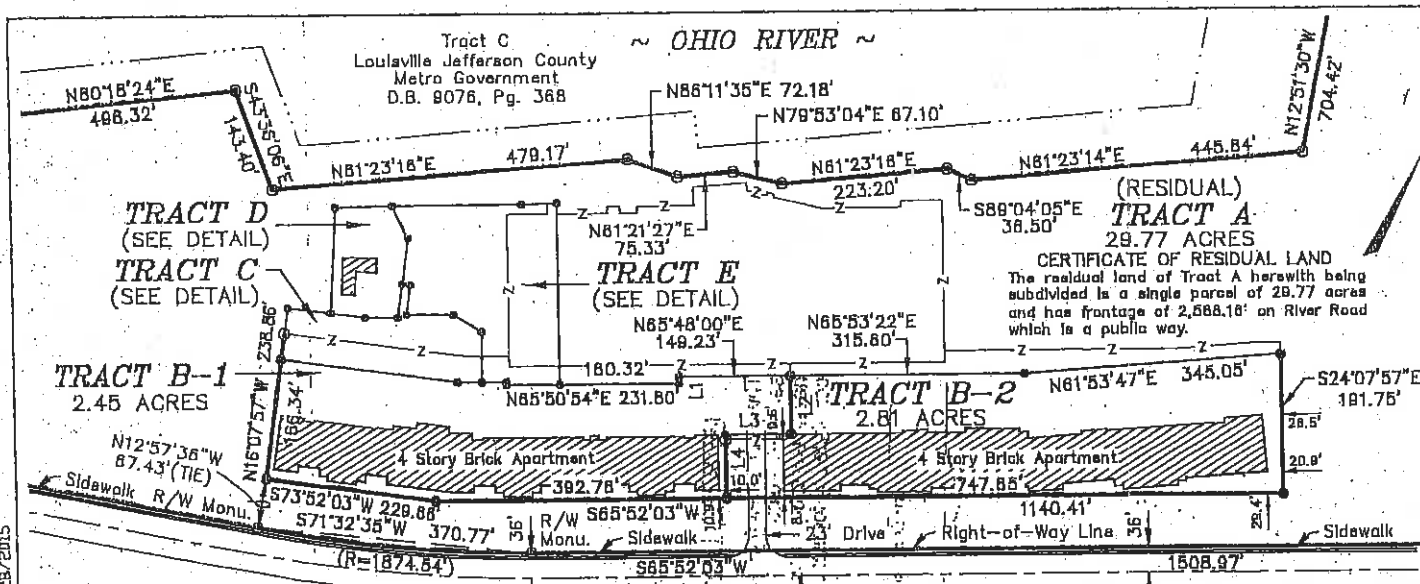
The Executive Director of the Waterfront Development Corporation has carefully reviewed the Louisville/Jefferson County Louisville Metro's need for the Property in the administration of Louisville/Jefferson County Louisville Metro, and has determined that the Property is not needed or suitable for any specific municipal use:



David K. Karem

Executive Director

Waterfront Development Corporation



LOCATION MAP
NOT TO SCALE

0' 100' 200' 400'
SCALE: 1" = 200'

MINOR SUBDIVISION PLAT
"TO CREATE 6 TRACTS FROM 4 TRACTS"

Owners:
LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT
METRO HALL/4TH FLOOR 527 W. JEFFERSON STREET
LOUISVILLE, KENTUCKY 40202-2814
TAX BLK. 20B, LOT 73, 7B & 7B
D.B. 9076, PG. 388

RIVER PARK APARTMENTS I, LLC
11711 N. PENNSYLVANIA STREET, SUITE 200
CARMEL, INDIANA 46032-8931
D.B. 10153, PG. 286 / TAX BLOCK 20B, LOT 77

FORM DISTRICT: DOWNTOWN, OHIO RIVER
ZONING: (W-2)

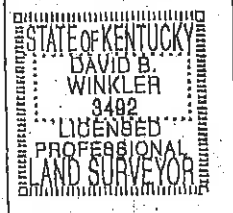
Site Address:
1555 and 1801 RIVER ROAD &
1500, 1501, 1515 and 1800 RIVER SHORE DRIVE

LAND DESIGN & DEVELOPMENT, INC.
Engineering Land Surveying Landscape Architecture
603 Washburn Avenue, Suite 101, Louisville, Ky 40222
Phone (502) 428-9374 Fax (502) 428-9375

PLAT DATE: SEPTEMBER 28, 2015

LINE TABLE	
L1	N23°31'08"W 8.41'
L2	S24°07'57"E 80.38'
L3	S65°52'03"W 87.83'
L4	S24°07'57"E 87.59'

LAND SURVEYOR'S CERTIFICATE
I hereby certify that this plat and survey were made under my supervision and that the angular and linear measurements as witnessed by monuments shown hereon, are true and correct to the best of my knowledge and belief. This survey meets or exceeds the minimum standards for an "Urban" survey as established by the state of Kentucky, per 201 KAR 18.180 and in effect on the date of this survey.



David B. Winkler #3492 9-30-15
Surveyor's Signature PLS# Date

NOTE:
The sell-off area from RIVER PARK APARTMENTS I, LLC property (Tract B-1) is 19,223.02 square feet.

CERTIFICATE OF APPROVAL
Approved this 9th day of Oct. 2015
Invalid if not recorded before this date: 10/9/2016
BY: [Signature]
LOUISVILLE METRO PLANNING COMMISSION
Approval subject to attached certificates.
Special requirement(s): _____
Case Number: 15MINORPLAT1115

B:\Current Projects\04013\dwg\PLAT\04013.plt 9/28/2015

"EXHIBIT A"

TRANSPORTATION APPROVAL
MINOR PLAT
BY: [Signature]
DATE: 10/29/15

METROPOLITAN SEWER DISTRICT REVIEW

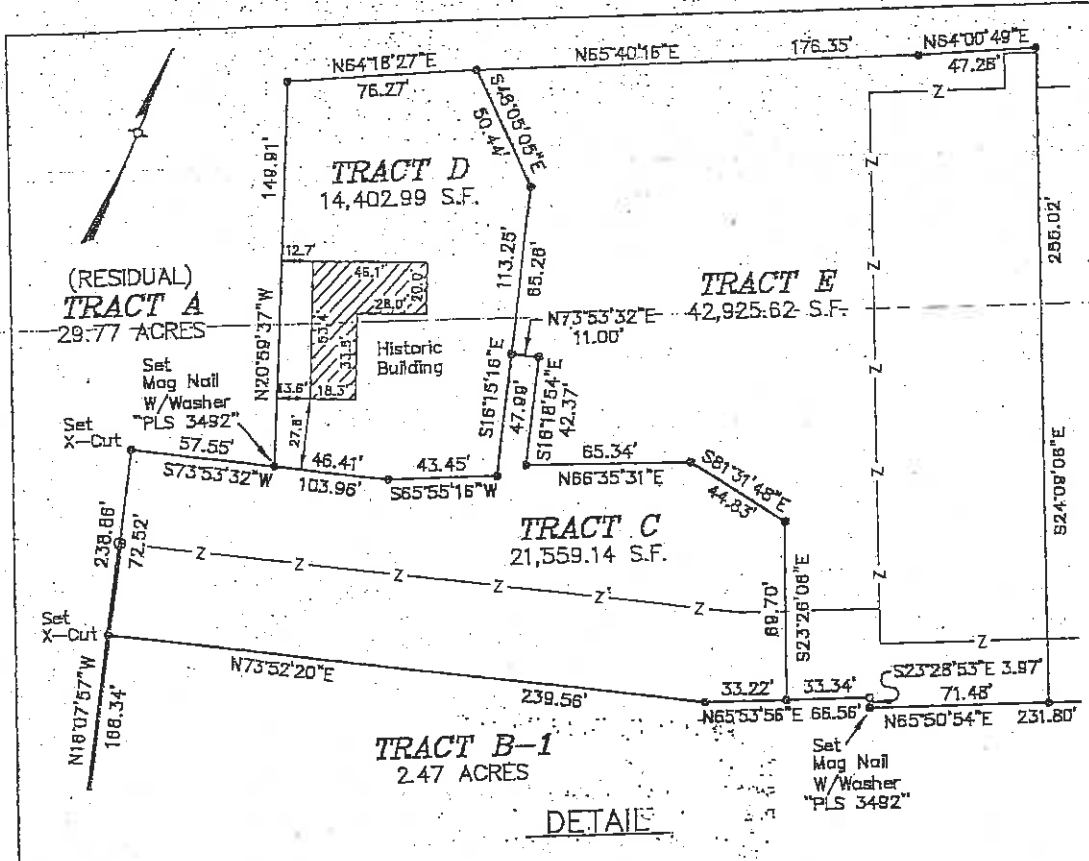
This plat has been reviewed for storm drainage and sanitary sewer related considerations and Metropolitan Sewer District has no objection to this plat. However, this review does not constitute any form of construction approval for work on this site

[Signature] 10-2-15
Storm Drainage Review Date

Sanitary Drainage Review Date

Ex. Sewer Serv. Avail.
By FSC, Subj. To Fees

INSPECTIONS, PERMITS
& LICENSES APPROVAL
MINOR PLAT
BY: [Signature]
DATE: 10/29/2015



DETAIL

NOTES:

1. Tract D is for the historic structure and shall not require water or sewer services.
2. This site is lies within the Waterfront Review Overlay District. Any subsequent development on site is subject to the requirements of Appendix 3C of the Land Development Code.
3. This site is subject to a protected waterways: Beargrass Creek and Ohio River. Any subsequent development on site is subject to the requirements of Chapter 4, Section 8 of the Land Development Code.
4. vehicular ingress/egress and parking agreement is recorded in Deed Book 9775, Page 491 as amended by Deed Book 9887, Page 311.
5. A General Pedestrian Ingress/Egress Easement was recorded by Deed Book 9775, Page 491, dated September 23, 2011 for the proposed bike/ped path.
6. This plat is in accordance with the approved development plan, Docket Numbers 3-19-06 & B-184-06 and Case Numbers 16244, 15740, 13DEVPLAN1042 & 14DEVPLAN1021.
7. This site is located in Zone "AE" a special flood hazard area from a review of F.E.M.A. Map No. 21111C0028E, dated December 5, 2006.
8. The horizontal datum for this survey was determined from observation of U.S.G.S. horizontal control monuments which are based on the Kentucky State Plane Coordinate System (NAD 1983).
9. Unadjusted closure for this tract is 1:10,000 feet. This tract has been adjusted for closure. Survey was conducted by Random Traverse Method. This is an "Urban" Survey.

LEGEND:

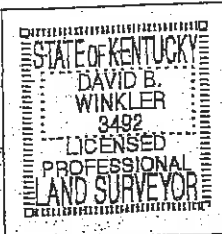
- Set 1/2" By 18" Iron Pin With cap Stamped "WINK 3492" (Unless Otherwise Noted)
- Existing 1/2" By 18" Iron Pin With cap Stamped "WINK 3492" (Unless Otherwise Noted)
- R/W Monu. Existing Right-of-way Monument

CERTIFICATE OF APPROVAL

Approved this 9th day of Oct. 20 15
 Invalid if not recorded before this date: 10/9/2016
 BY: [Signature]
 LOUISVILLE METRO PLANNING COMMISSION
 Approval subject to attached certificates.
 Special requirement(s): _____
 Case Number: _____

MINOR SUBMISION PLAT
"TO CREATE 6 TRACTS FROM 4 TRACTS"
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 PLAT DATE: SEPTEMBER 28, 2015

LAND SURVEYOR'S CERTIFICATE
 I hereby certify that this plat and survey were made under my supervision and that the angular and linear measurements as witnessed by monuments shown hereon, are true and correct to the best of my knowledge and belief. This survey meets or exceeds the minimum standards for an "Urban" survey as established by the state of Kentucky, per 201 KAR 18.150 and is in effect on the date of this survey.



David B. Winkler # 3492 9-30-15
 Surveyor's Signature PLS# Date

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TRANSPORTATION APPROVAL
MINOR PLAT
BY: [Signature]
DATE: 10/29/15

METROPOLITAN SEWER DISTRICT REVIEW

This plat has been reviewed for storm drainage and sanitary sewer related considerations and Metropolitan Sewer District has no objection to this plat. However, this review does not constitute any form of construction approval for work on this site

[Signature] 10-7-15
Storm Drainage Review Date
Ex. Sewer Serv. Avail.
By Sanitary Drainage Review

INSPECTIONS, PERMITS
& LICENSES APPROVAL
MINOR PLAT
BY: [Signature]
DATE: 10/29/2015

CERTIFICATE OF OWNERSHIP AND DEDICATION

This is to certify that the undersigned is the owner of the land shown on this plat and hereby acknowledges the same to be the plat of LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT and does hereby dedicate to public use . N/A shown thereon.

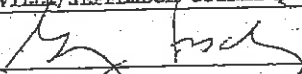


Owner(s) Signature
GREG FISCHER, Mayor
 Metro Hall/4th Floor 527 W. Jefferson Street
Louisville, Kentucky 40202-2814
 Address

ZONING CERTIFICATE

I/We hereby certify all of the lots of this minor subdivision and any existing buildings and improvements thereon and/or any buildings and improvements included in a building permit either applied for or approved thereon are in compliance with all the provisions of the Form District Regulations. With the exception of those encroachments noted on the face of the plat, any such buildings or improvements not in compliance with the Form District Regulations have been granted all necessary variances by the Board of Zoning Adjustment as described in Case No. B-184-06W or documentation of the existence or improvements prior to the adoption of the applicable regulations has been submitted to Planning Commission staff.

LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT



Owner(s) Signature
GREG FISCHER, Mayor

CERTIFICATE OF ACKNOWLEDGEMENT

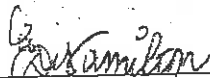
Commonwealth of Kentucky)
)
 County of Jefferson)

SS

I, E. D. HAMILTON, a Notary Public in and for the County aforesaid do hereby certify that the foregoing plat of LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT as this day presented to me by Greg Fischer, Mayor known to me, who executed these Certificates in my presence and acknowledges it to be free act and deed.

Witness my hand and seal this 24TH day of SEPT., 2015.

My Commission expires: 13TH day of NOV., 2017.



Notary Public, State-At-Large, Kentucky

CERTIFICATE OF OWNERSHIP AND DEDICATION

This is to certify that the undersigned is the owner of the land shown on this plat and hereby acknowledges the same to be the plat of RIVER PARK APARTMENTS I LLC and does hereby dedicate to public use N/A shown thereon.

By: REI Real Estate Services, LLC, Manager
By: REI Investments, Inc., Manager

By: Jeffrey S. Sportleder
Owner's Signature: Jeffrey S. Sportleder, Treasurer

11711 N. Pennsylvania Street, Suite 200
Carmel, Indiana 46032-6931
Address

ZONING CERTIFICATE

I/We hereby certify all of the lots of this minor subdivision and any existing buildings and improvements thereon and/or any buildings and improvements included in a building permit either applied for or approved thereon are in compliance with all the provisions of the Form District Regulations. With the exception of those encroachments noted on the face of the plat, any such buildings or improvements not in compliance with the Form District Regulations have been granted all necessary variances by the Board of Zoning Adjustment as described in Case No. B-184-06W or documentation of the existence or improvements prior to the adoption of the applicable regulations has been submitted to Planning Commission staff.

By: REI Real Estate Services, LLC, Manager
By: REI Investments, Inc., Manager

By: Jeffrey S. Sportleder
Owner's Signature: Jeffrey S. Sportleder, Treasurer

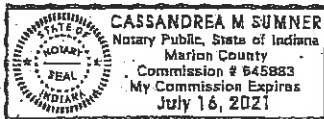
CERTIFICATE OF ACKNOWLEDGEMENT

State of Indiana)
County of Hamilton) SS

I, Cassandra M. Sumner, a Notary Public in and for the County aforesaid do hereby certify that the foregoing plat of RIVER PARK APARTMENTS I LLC as this day presented to me by Jeffrey Sportleder, known to me, who executed these Certificates in my presence and acknowledges it to be his free act and deed.

Witness my hand and seal this 25 day of September, 2015.

My Commission expires: 16 day of July, 2021.



Cassandra M. Sumner
Notary Public

PSN/ALBERT/11/15