

**RESOLUTION NO. \_\_\_\_\_, SERIES 2020**

**A RESOLUTION AUTHORIZING THE OFFICE OF THE JEFFERSON COUNTY ATTORNEY TO BRING A CONDEMNATION ACTION AGAINST THE OWNERS OF CERTAIN PROPERTY, PARCEL NO. TWO (2), IN JEFFERSON COUNTY IN CONNECTION WITH THE TUCKER STATION ROAD PROJECT.**

**SPONSORED BY: COUNCIL MEMBER STEWART BENSON**

**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 Tucker Station Road 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 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.

\_\_\_\_\_  
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-116-20 Parcel No. 2 (Monica Kute) Condemnation.docx (TF)

**EXHIBIT A—CONDEMNED PROPERTY**

**PARCEL NO. 2**

**EXHIBIT B—PLAT MAP**

## **EXHIBIT C—INTERESTED PARTIES**

1. Monica Kute