

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. SIX (6), IN JEFFERSON COUNTY IN CONNECTION WITH THE LOUISVILLE LOOP PROJECT.

SPONSORED BY: COUNCIL MEMBER KEVIN KRAMER

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 Louisville Loop 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 fee simple property and a temporary easement 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 authorizes 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 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.

SECTION II: That the Council finds that the Condemned Property needs to be acquired for the public Property use of Metro.

SECTION III: This Resolution shall take effect 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: _____

EXHIBIT A—CONDEMNED PROPERTY

**Parcel No. 6
Tract A**

Being a tract of land lying in Jefferson County along US 60 approximately 0.33 miles east of the intersection of US 60 and Gablewood Circle, and more particularly described as follows:

Beginning at a point in the existing right of way of US 60, said point being 8.91 feet right of Middletown Eastwood Trail Centerline at Station 226+57.61; thence with the existing right of way South 65°36'19" East a distance of 75.71 feet to a point 9.49 feet right of Middletown Eastwood Trail Centerline at Station 227+34.51, said point also being in the north property line of Midland Trail Golf Club, Inc.; thence with said property line South 16°41'59" West a distance of 2.90 feet to a point 12.36 feet right of Middletown Eastwood Trail Centerline at Station 227+34.89; thence with the proposed right of way line North 59°15'16" West a distance of 9.95 feet to a point 11.23 feet right of Middletown Eastwood Trail Centerline at Station 227+25.00; thence continuing with the proposed right of way line North 70°31'06" West a distance of 65.45 feet to a point 16.35 feet right of Middletown Eastwood Trail Centerline at Station 226+57.61; thence with the west property line of Midland Trail Golf Club, Inc. North 16°42'24" East a distance of 7.44 feet to the point of beginning.

The parcel described above contains 324 sq. ft. of right of way.

It is the specific intention of the grantors herein to convey in fee simple the property described above.

**Parcel 6
Tract B**

Being a tract of land lying in Jefferson County along US 60 approximately 0.33 miles east of the intersection of US 60 and Gablewood Circle, and more particularly described as follows:

Beginning at a point 11.88 feet right of Middletown Eastwood Trail Centerline at Station 226+49.73; thence South 70°31'06" East a distance of 65.45 feet to a point 8.14 feet right of Middletown Eastwood Trail Centerline at Station 227+14.73; thence South 59°15'16" East a distance of 9.94 feet to a point 10.36 feet right of Middletown Eastwood Trail Centerline at Station 227+23.67; thence South 16°41'59" West a distance of 8.69 feet to a point 19.05 feet right of Middletown Eastwood Trail Centerline at Station 227+23.51; thence South 21°23'36" West a distance of 225.43 feet to a point 244.05 feet right of Middletown Eastwood Trail Centerline at Station 227+16.56; thence

North 72°57'20" West a distance of 18.84 feet to a point 245.31 feet right of Middletown Eastwood Trail Centerline at Station 227+11.11; thence North 73°18'01" West a distance of 23.00 feet to a point 240.66 feet right of Middletown Eastwood Trail Centerline at Station 225+89.62; thence North 12°56'51" East a distance of 225.23 feet to a point 25.88 feet right of Middletown Eastwood Trail Centerline at Station 226+51.24; thence North 16°42'24" East a distance of 14.09 feet to the point of beginning.

The above-described parcel contains 14,048sq. ft. of temporary easement for sidewalk (multi-use path) construction.

It is the specific intention of the grantors to hereby convey a temporary easement in and to the property described above for the purposes of sidewalk and entrance construction including sloping and grading; said easement terminates and reverts upon completion of same.

Being a portion of the property conveyed to Midland Trail Golf Club, Inc., by deed dated August 5, 1976, of record in Deed Book 4875, Page 100, in the Office of the Clerk of Jefferson County, Kentucky.

EXHIBIT B—PLAT MAP

EXHIBIT C—INTERESTED PARTIES

1. Midland Trail Golf Club, Inc.