

GRAHAM WHATLEY, ESQ.

Mellwood Art Center
1860 Mellwood Avenue, Suite 222
Louisville, KY 40206
(502) 742-9191 Office
(502) 744-2406 Cell
graham@grahamwhatley.com

June 7, 2022

MEMORANDUM IN SUPPORT OF

End the Alley Easement and remove from our Property Deeds

To reduce neighborhood crime, trespass and take control of our streets and especially the areas behind our homes, there is an exciting opportunity. We can have the City's alley easement permanently lifted on the unimproved alleyway which runs behind and between the properties on North Peterson and our neighboring street, North Galt!

Background

The Turner's have retained Attorney, Graham Whatley, who specializes in land use and zoning to address the concerns with the easement and its use, or more accurately, none use, and they would like to share some of his findings with you.

He has reached out to Metro Louisville, and they have informed him that the city has no intention of ever utilizing this easement for services or anything else. They informed him that the alley easement can be returned to the owners and the easement on each property deed lifted with little difficulty. However, and this is really the main "however," this process requires 51% of property owners to desire it in writing, and then an application can be filed along with a current survey. This action will allow you to own outright all your property without that restrictive easement in place. We expect it will add immediate value to your property as well as the Turners.

The Turners have already undertaken many of the requirements, for instance they have had a current land survey of the entire easement completed at their expense and it is ready for submission along with the application and the last item is the signed Consent to Alley Closure Form(s). These are the forms that 51% of us need to sign.

There will be no costs incurred to you for this process, as the associated fees have already been paid. If you desire this, property owners will simply sign and have their signature(s) notarized on the attached Consent to Alley Closure Form (one to be filled out by each owner. So, for example, husband and wife are the owners named on the deed, then both would need to fill out the form) approving it created for that purpose and returned to Graham Whatley for inclusion in the submission. When the application to close is approved any further issues of determining your property line with your neighbors will be up to you.

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If you're interested, following is a brief history of this alley easement.

History of the Alley Easement.

This plot of land (the alley easement) has always been rather misunderstood.

The space in question is deemed an "alley." It is currently considered by Louisville Metro to be an "unimproved alley/easement." As such, it falls under the City's Planning and Design Services and Inspections and Codes and Regulations Departments. It runs behind and between most of the properties on North Galt and North Peterson, dead ending at the South end near the railroad tracks and Frankfort Avenue, and to the North end near Brownsboro Road.

It was originally planned as an open pass-through with the intention of addressing possible drainage concerns and vehicular traffic predating automobiles at the time of the neighborhood's creation. The creation of this alley also predates the modern railway layout and goes back to a time when there were numerous crossings, including alleys, across the railway to Frankfort Avenue. The major changes to the railway (these changes were made to maintain or secure our corridor as a quiet zone from train whistles) thus landlocked the alley entirely.

Louisville Metro does not seek to keep this type of easement in place as it does not serve the purpose for which it was created and is simply a burden upon them to oversee.

Alley Easement is a burden without benefits.

So, we all own the property but because of the easement cannot fully utilize it, build on it, as historically, if you placed something there it was subject to removal. However, to our detriment all current property owners abutting the easement are considered responsible for maintaining their own portion, with no assistance provided by the City. So, in effect, over the years, due to the confusion of use of the easement, it has become overgrown and uncared for in many places.

The benefits of having the easement lifted and the alley officially closed are numerous. Most or many of us have left this space at the back of our properties alone to become overgrown. This poses a potential safety threat from strangers wandering through these ambiguous hidden areas behind our homes. Additionally, it has created confusion and misunderstandings between neighbors who are unclear of the boundaries and legalities of the unimproved alley. For example, some property owners may assume that they have fenced or enclosed the entirety of this easement to their own property and may think that this grants them ownership adversely, it does not. Permanently eliminating the city easement will restore full legal rights of ownership back to each deeded property owner of record.

Conclusion

We have taken on the ending of the easement, not to create issues but to resolve them. We think when these actions are taken it will help everyone by adding immediate value to our

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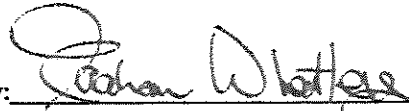
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properties and making this a better place to live. We hope you will feel comfortable signing the consent and can then look forward to receiving notice that part of your property is no longer encumbered with this easement!

Sincerely,

GRAHAM WHATLEY, ATTORNEY AT LAW

By: _____


Graham Whatley, Esq.

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