

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. THIRTY-SIX (36), IN JEFFERSON COUNTY IN CONNECTION WITH THE COOPER CHAPEL ROAD EXTENSION PROJECT.

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 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 (“Tract A”), a permanent easement (“Tract B”) and two temporary easements (“Tract C” and “Tract D”), 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 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-028-22 Parcel No. 36 (Hofelich, Louise, et al) Condemnation.docx (APS)

EXHIBIT A—CONDEMNED PROPERTY

**Parcel No. 36
Tract A**

Being a tract of land in Jefferson County, Kentucky along the proposed Cooper Chapel Road corridor, located approximately 1500 feet northwest from the intersection of Meghan Lane and Cooper Chapel Road., and more particularly described as follows:

Beginning at a point 50.00 feet left of proposed Cooper Chapel Road at Station 565+33.79; thence with the proposed right of way line South 89°17'40" East a distance of 11.20 feet to a point 50.00 feet left of proposed Cooper Chapel Road at Station 565+45.00; thence with the north proposed controlled access and right of way line South 89°17'40" East a distance of 206.30 feet to a point 50.00 feet left of proposed Cooper Chapel Road at Station 567+51.30; thence continuing with the proposed controlled access and right of way line along an arc 572.03 feet to the right, having a radius of 2540.00 feet, the chord of which is South 82°50'33" East for a distance of 570.82 feet, to a point 50.00 feet left of proposed Cooper Chapel Road at Station 573+12.06, said point being in the east property line; thence with said property line South 0°32'33" West a distance of 102.67 feet to a point 50.00 feet right of proposed Cooper Chapel Road at Station 573+35.31; thence with the south proposed controlled access and right of way line North 76°21'08" West a distance of 21.56 feet to a point 50.00 feet right of proposed Cooper Chapel Road at Station 573+13.75; thence continuing with the proposed controlled access and right of way line along an arc 551.16 feet to the left, having a radius of 2440.00 feet, the chord of which is North 82°49'24" West for a distance of 549.99 feet, to a point 50.00 feet right of proposed Cooper Chapel Road at Station 567+51.30; thence North 89°17'40" West a distance of 206.30 feet to a break in the controlled access line, said point being 50.00 feet right of proposed Cooper Chapel Road at Station 565+45.00; thence with the proposed right of way line South 89°17'40" East a distance of 11.27 feet to a point 50.00 feet right of proposed Cooper Chapel Road at Station 565+33.72, said point being in the west property line; thence with said property line North 0°44'45" East a distance of 100.00 feet to a point 50.00 feet left of proposed Cooper Chapel Road at Station 565+33.79 and the POINT OF BEGINNING.

The above described parcel contains 1.813 acres (78,991 sq. ft.).

Parcel No. 36 Tract A is required in fee simple.

**Parcel No. 36
Tract B**

Being a tract of land in Jefferson County, Kentucky north of proposed Cooper Chapel Road, located approximately 1500 feet northwest from the intersection of Meghan Lane and Cooper Chapel Road., and more particularly described as follows:

Beginning at a point 50.00 feet left of proposed Cooper Chapel Road at Station 565+33.79, said point being in the west property line; thence with said property line North 0°44'45" East a distance of 30.00 feet to a point left of proposed Cooper Chapel Road at Station 565+33.82; thence with the permanent drainage easement South 89°17'40" East a distance of 16.18 feet to a point 80.00 feet left of proposed Cooper Chapel Road at Station 565+50.00; thence North 87°54'39" East a distance of 356.42 feet to a point 102.00 feet left of proposed Cooper Chapel Road at Station 569+00.00; thence South 85°36'46" East a distance of 156.29 feet to a point 106.00 feet left of proposed Cooper Chapel Road at Station 570+50.00; thence South 77°55'42" East a distance of 261.52 feet to a point 98.68 feet left of proposed Cooper Chapel Road at Station 573+01.20, said point being in the east property line; thence with said property line South 0°32'33" West a distance of 49.95 feet to a point 50.00 feet left of proposed Cooper Chapel Road at Station 573+12.06; thence with the north proposed controlled access and right of way line along an arc 572.03 feet to the left, having a radius of 2540.00 feet, the chord of which is North 82°50'33" West for a distance of 570.82 feet, to a point 50.00 feet left of proposed Cooper Chapel Road at Station 567+51.30; thence continuing with the proposed controlled access and right of way line North 89°17'40" West a distance of 206.30 feet to a break in the controlled access line, said point being 50.00 feet left of proposed Cooper Chapel Road at Station 565+45.00; thence with the proposed right of way line North 89°17'40" West a distance of 11.20 feet to a point 50.00 feet left of proposed Cooper Chapel Road at Station 565+33.79 and the POINT OF BEGINNING.

The above described parcel contains 0.824 acres (35,893 sq. ft.).

A permanent easement in and to the property described above and designated as Parcel No. 36 Tract B is required for the purposes of constructing and perpetually maintaining drainage features.

**Parcel No. 36
Tract C**

Being a tract of land in Jefferson County, Kentucky south of proposed Cooper Chapel Road, located approximately 1485 feet northwest from the intersection of Meghan Lane 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 565+33.72; thence South 89°17'40" East a distance of 217.57 feet to a point 50.00 feet right of proposed Cooper Chapel Road at Station 567+51.30; thence along an arc 551.16 feet to the right, having a radius of 2440.00 feet, the chord of which is South 82°49'24" East for a distance of 549.99 feet, to a point 50.00 feet right of proposed Cooper Chapel Road at Station 573+13.75; thence South 76°21'08" East a distance of 21.56 feet to a point 50.00 feet right of proposed Cooper Chapel Road at Station 573+35.31; thence South 0°32'33" West a distance of 34.87 feet to a point 83.96 feet

right of proposed Cooper Chapel Road at Station 573+43.22; thence North 75°46'39" West a distance of 66.93 feet to a point 83.00 feet right of proposed Cooper Chapel Road at Station 572+75.00; thence North 66°11'27" West a distance of 99.33 feet to a point 62.00 feet right of proposed Cooper Chapel Road at Station 571+75.00; thence North 84°26'05" West a distance of 413.95 feet to a point 62.00 feet right of proposed Cooper Chapel Road at Station 567+50.00; thence South 84°59'42" West a distance of 100.50 feet to a point 72.00 feet right of proposed Cooper Chapel Road at Station 566+50.00; thence North 87°46'00" West a distance of 75.03 feet to a point 70.00 feet right of proposed Cooper Chapel Road at Station 565+75.00; thence South 28°27'51" West a distance of 42.18 feet to a point 40.36 feet left of Access Road No 2 at Station 51+07.33; thence North 85°58'11" West a distance of 21.70 feet to a point 18.69 feet left of Access Road No 2 at Station 51+06.07; thence North 0°44'45" East a distance of 56.07 feet to a point 50.00 feet right of proposed Cooper Chapel Road at Station 565+33.72 and the POINT OF BEGINNING.

The above described parcel contains 0.391 acres (17,037 sq. ft.).

A temporary easement in and to the property described above and designated as Parcel No. 36 Tract C is required for the purposes of constructing roadway slopes.

Parcel No. 36

Tract D

Being a tract of land in Jefferson County, Kentucky north of proposed Cooper Chapel Road, located approximately 1505 feet northwest from the intersection of Meghan Lane and Cooper Chapel Road., and more particularly described as follows:

Beginning at a point 80.00 feet left of proposed Cooper Chapel Road at Station 565+33.82; thence North 0°44'45" East a distance of 80.00 feet to a point 160.00 feet left of proposed Cooper Chapel Road at Station 565+33.87; thence South 89°17'40" East a distance of 16.13 feet to a point 160.00 feet left of proposed Cooper Chapel Road at Station 565+50.00; thence South 32°06'11" East a distance of 92.28 feet to a point 82.44 feet left of proposed Cooper Chapel Road at Station 566+00.00; thence South 87°54'39" West a distance of 50.06 feet to a point 80.00 feet left of proposed Cooper Chapel Road at Station 565+50.00; thence North 89°17'40" West a distance of 16.18 feet to a point 80.00 feet left of proposed Cooper Chapel Road at Station 565+33.82 and the POINT OF BEGINNING.

The above described parcel contains 0.076 acres (3,293 sq. ft.).

A temporary easement in and to the property described above and designated as Parcel No. 36 Tract D is required for the purposes of constructing roadway slopes.

EXHIBIT B—PLAT MAP

EXHIBIT C—INTERESTED PARTIES

1. Louise Hofelich
2. Unknown Spouse of Louise Hofelich