

RESOLUTION NO. _____, SERIES 2017

A RESOLUTION DETERMINING ONE (1) PARCEL OF REAL PROPERTY LOCATED AT 818 KENWOOD DRIVE, LOUISVILLE, KENTUCKY OWNED BY THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (“METRO GOVERNMENT”) AS SURPLUS AND NO LONGER NEEDED FOR A GOVERNMENTAL PURPOSE AND AUTHORIZING ITS TRANSFER TO HOUND DOG, LLC.

SPONSORED BY: COUNCILMEMBERS MARIANNE BUTLER, VICKI AUBREY WELCH, RICK BLACKWELL AND PRESIDENT DAVID YATES

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

WHEREAS, Metro Government has entered into an Amended and Restated Development Agreement dated October 24, 2017, with Hound Dog, LLC, a Kentucky limited liability company (the “Development Agreement”), a copy of which is attached to this Resolution as Exhibit A, to enable the redevelopment of Colonial Gardens on the real property that is the subject of this Resolution; and

WHEREAS, the Development Agreement contemplates the restoration of the main structure of the historic Colonial Gardens building, and the construction of (i) new buildings, creating a total of approximately 18,000 square feet of leasable space suitable for use by retail, restaurant or commercial tenants; (ii) a landscaped outdoor

gathering place, including amenities such as bike racks, benches, a fountain and gazebo; and (iii) a paved, lighted and landscaped parking lot (the "Project"); and

WHEREAS, Section 1.19 of the Development Agreement contains a provision addressing the recapture of project incentives if the real property which is the subject of this Resolution at any time within fifteen (15) years of substantial completion of the Project is sold to a third party entity not affiliated with Hound Dog, LLC; and

WHEREAS, Metro Government has never dedicated by virtue of use, deed, ordinance or any other manner the real property that is the subject of this Resolution to a public or governmental purpose; and

WHEREAS, the Chief of Louisville Forward has declared and certified to the Council (see Exhibit B attached hereto and made a part hereof) that the real property which is the subject of this Resolution is surplus to the needs of Metro Government.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT ("THE COUNCIL") AS FOLLOWS:

SECTION I: The Council hereby declares the real property described in Exhibit B is surplus and no longer needed to carry out the governmental functions of Metro Government.

SECTION II: The Mayor is hereby authorized to transfer the property named herein in the manner provided according to Section 2 of Executive Order No. 3, Series 2007, without further action by the Council.

SECTION III: This Resolution will 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: _____