

RESOLUTION NO. 3, SERIES 2018

A RESOLUTION AUTHORIZING THE CHAIRMAN TO SIGN A CONSENT AND RELEASE FORM ALLOWING A RIGHT OF ENTRY ON REAL PROPERTY AT 731 WEST WASHINGTON STREET (015D-0053-0000) BY THE LOUISVILLE/JEFFERSON COUNTY METROPOITAN SEWER DISTRICT

WHEREAS, The Louisville/Jefferson County Metropolitan Sewer District (“MSD”) has requested right of entry into the real property owned by the Agency at 731 West Washington Street for the purpose of performing sewer repairs; and

WHEREAS, said request has been reviewed and found to be proper.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS OF THE URBAN RENEWAL AND COMMUNITY DEVELOPMENT AGENCY OF LOUISVILLE,

SECTION 1. That the Chairman of the Agency is hereby authorized to execute on behalf of the Agency a Consent and Release Form prepared by MSD substantially in form and substance as the form attached hereto as Exhibit A allowing said right of entry.

SECTION 2. This Resolution shall become effective upon its passage.

APPROVED BY: _____ **DATE APPROVED:** _____

**James Robert Frazier
Chairman, Urban Renewal and Community
Development Agency of Louisville**

**APPROVED AS TO FORM:
MICHAEL J. O'CONNELL
JEFFERSON COUNTY ATTORNEY**

**Edward S. Carle
Assistant County Attorney
Counsel for Urban Renewal and Community
Development Agency of Louisville
531 Court Place, Suite 900
Louisville, KY 40202
(502) 574- 3349**

EXHIBIT A

Consent and Release

Service Request #

This Consent and Release is made and entered into this 11th day of June, 2018, by and between **Urban Renewal & Community Development**, parties of the first part, and the **Louisville and Jefferson County Metropolitan Sewer District (Louisville MSD)**.

WHEREAS, MSD deems it necessary to perform the following work on the property described below in order to improve sanitary sewer and/or storm drainage service; and

WHEREAS, the parties of the first part, being the owners of said property are agreeable to having said work performed.

Address of Property: 731 W. Washington Street
Louisville, KY 40202

Description of Work: Due to the emergency repairs required to be completed in the 84" Ohio River Interceptor in Main Street between 4th and 7th Streets, beginning on or after June 11, 2018, MSD shall have rights to utilize the property to establish a temporary pumping system along the north side of the property. Work will include clearing trees and shrubs as needed. The fence will be removed during installation of the piping, but will be replaced in kind when the emergency repairs have been completed and the piping removed from property. The construction period is anticipated to be 6 months.

NOW THEREFORE, in consideration of the benefits accruing to said property through improved sanitary sewer and/or storm drainage service, the parties of the first part hereby consent and agree that MSD, its agents, employees and assigns may enter and come upon the above described property for the purpose of performing the work described above and further expressly agree that the parties of the first part will assert no claim whatsoever, of any kind or type, against MSD, its agents, employees or assigns by reason of the performing of said work, but by these presents shall be forever barred except that MSD shall be liable for any damage to persons or property which results from its acts or omissions during the course of the project as it is performed on party of the first part's property and which occurs during such performance.

IN WITNESS THEREOF, MSD and Urban Renewal & Community Development have executed this Consent and Release in their respective names effective on the date indicated.

PROPERTY OWNERS

Party of the First Part

Party of the First Part

Date: _____

LOUISVILLE MSD

By: _____
Acquisition Agent

Date: _____

Consent and Release Field
Rev. 05/05/17