



Louisville Metro Government

Legislation Details (With Text)

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File created: 2/10/2022 **In control:** Public Works Committee

On agenda: 3/3/2022 **Final action:** 3/3/2022

Title: A RESOLUTION AUTHORIZING THE OFFICE OF THE JEFFERSON COUNTY ATTORNEY TO BRING A CONDEMNATION ACTION AGAINST THE OWNERS OF CERTAIN PROPERTY, PARCEL NO. FORTY-SEVEN (47), IN JEFFERSON COUNTY IN CONNECTION WITH THE COOPER CHAPEL ROAD EXTENSION PROJECT.

Sponsors: Robin Engel (R-22)

Indexes:

Code sections:

Attachments: 1. R-029-22 V.1 021722 Parcel No. 47 (KRC Constructions & Remodeling, Inc., et al) Condemnation.pdf, 2. RES 033 2022.pdf

Date	Ver.	Action By	Action	Result
3/3/2022	1	Metro Council	adopted	
2/22/2022	1	Public Works Committee	recommended for approval	
2/17/2022	1	Metro Council	assigned	

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. FORTY-SEVEN (47), 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”) and a permanent easement (“Tract B”) 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-029-22 Parcel No. 47 (KRC Constructions & Remodeling, Inc., et al) Condemnation.docx (APS)

EXHIBIT A-CONDEMNED PROPERTY

**Parcel No. 47
Tract A**

Being a tract of land in Jefferson County, Kentucky located approximately 850 feet east of the intersection of Meghan Lane & proposed Cooper Chapel Road, and more particularly described as follows:

Beginning at a point 50.00 feet right of proposed Cooper Chapel Road at Station 588+92.94, said point being in the west property line; thence with said property line North 3°53'17" East a distance of 38.52 feet to a point 15.22 feet right of proposed Cooper Chapel Road at Station 589+08.97, said point being in the north property line; thence with said property line South 85°56'17" East a distance of 74.15 feet to a point 50.00 feet right of proposed Cooper Chapel Road at Station 589+72.38; thence along an arc 83.48 feet to the right, having a radius of 1,032.00 feet, the chord of which is South 66°34'31" West for a distance of 83.46 feet to a point 50.00 feet right of proposed Cooper Chapel Road at Station 588+92.94 and the POINT OF BEGINNING.

The above described parcel contains 0.034 acres (1,475 sq. ft.).

Parcel No. 47 Tract A described above is required in fee simple.

**Parcel No. 47
Tract B**

Being a tract of land in Jefferson County, Kentucky located approximately 850 feet east of the intersection of Meghan Lane & proposed Cooper Chapel Road, and more particularly described as follows:

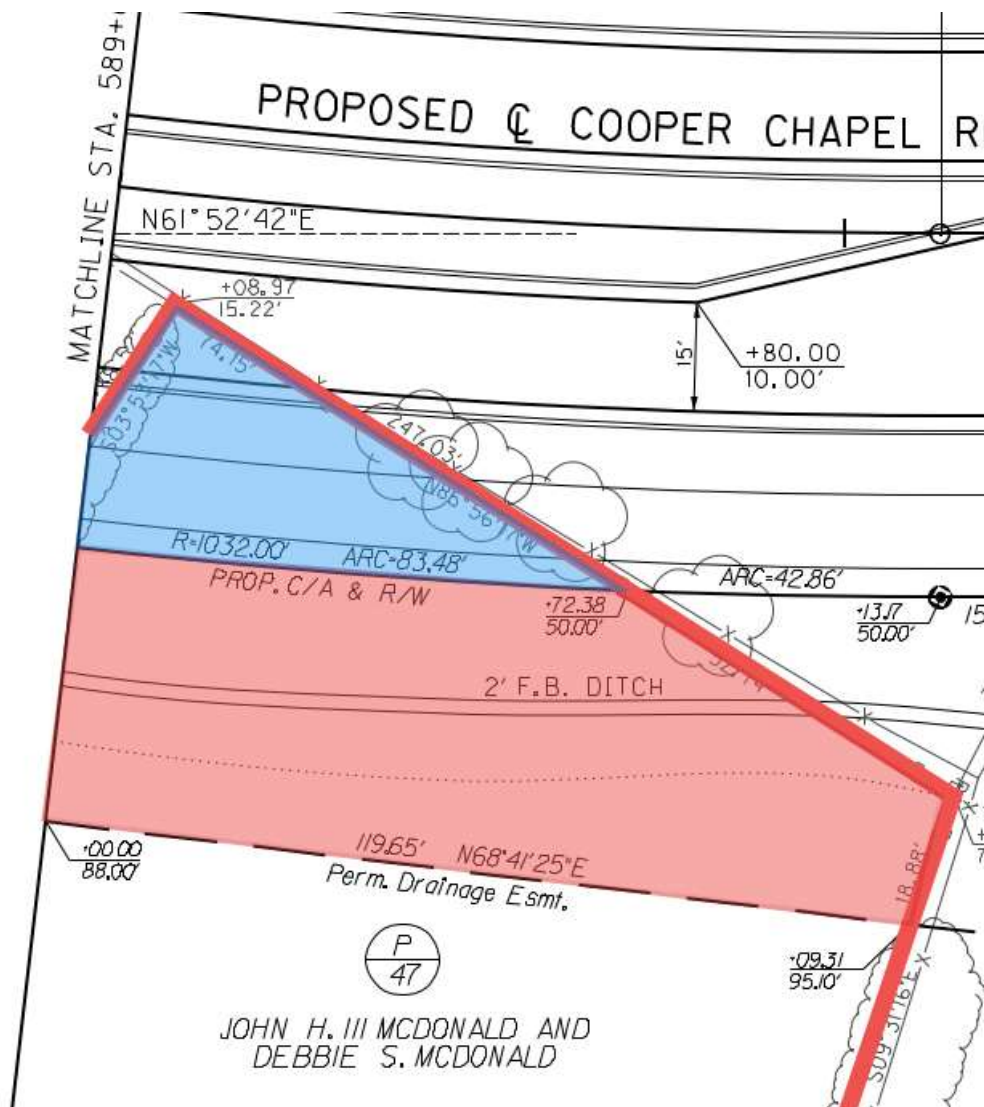
Beginning at a point 50.00 feet right of proposed Cooper Chapel Road at Station 588+92.94, said point being in the west property line; thence with the proposed controlled access and right of way along an arc 83.48 feet to the left, having a radius of 1,032.00 feet, the chord of which is North 66° 34'31" East for a distance of 83.46 feet, to a point 50.00 feet right of proposed Cooper Chapel Road at Station 589+72.38, said point being in the north property line; thence with said property line South 85°56'17" East a distance of 52.74 feet to a point 77.20 feet right of proposed Cooper Chapel Road at Station 590+14.96, said point being in the east property line; thence with said property line South 9°31'16" East a distance of 18.88 feet to a point 95.10 feet right of proposed Cooper Chapel Road at Station 590+09.31; thence with the permanent drainage easement South 68°41'25" West a distance of 119.65 feet to a point 88.00 feet right of proposed Cooper Chapel Road at Station 589+00.00; thence with the permanent drainage easement South 74°57'41" West a distance of 24.33 feet to a

point 85.53 feet right of proposed Cooper Chapel Road at Station 588+77.76, said point being in the west property line; thence with said property line North 3°53'17" East a distance of 39.06 feet to a point 50.00 feet right of proposed Cooper Chapel Road at Station 588+92.94 and the POINT OF BEGINNING.

The above described parcel contains 0.113 acres (4,940 sq. ft.).

A permanent easement in and to the property described above and designated as Parcel No. 47 Tract B is required for the purposes of constructing and perpetually maintaining drainage features.

EXHIBIT B-PLAT MAP



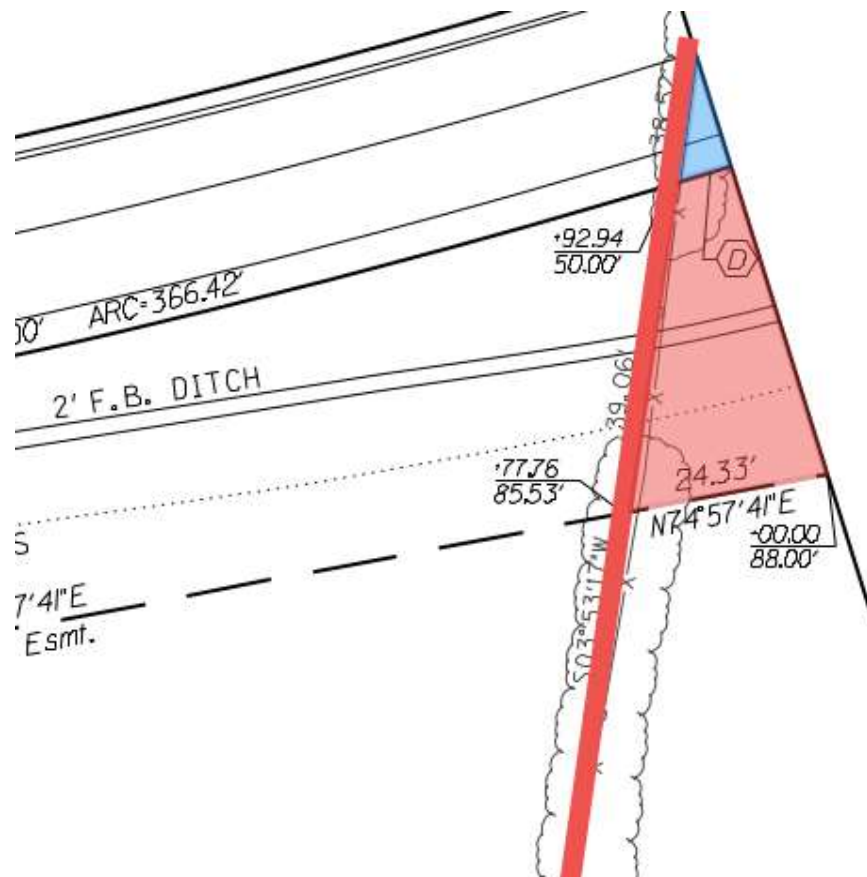


EXHIBIT C-INTERESTED PARTIES

1. KRC Constructions & Remodeling, Inc., a Kentucky corporation