



Louisville Metro Government

Legislation Details (With Text)

File #: R-118-20 **Version:** 1 **Name:**

Type: Resolution **Status:** Passed

File created: 9/11/2020 **In control:** Public Works Committee

On agenda: 10/8/2020 **Final action:** 10/8/2020

Title: A RESOLUTION AUTHORIZING THE OFFICE OF THE JEFFERSON COUNTY ATTORNEY TO BRING A CONDEMNATION ACTION AGAINST THE OWNERS OF CERTAIN PROPERTY, PARCEL NO. THREE (3), IN JEFFERSON COUNTY IN CONNECTION WITH THE WHIPPS MILL ROAD AND LAGRANGE ROAD INTERSECTION.

Sponsors: Paula McCraney (I-7)

Indexes:

Code sections:

Attachments: 1. R-118-20 V.1 and Exhibit A 091720 Whipps Mill Rd - LaGrange Rd Condemnation Action.pdf, 2. R-118-20 Exhibit B - Weiter and Perkins Parcel Acquisition.pdf, 3. RES 098 2020.pdf

Date	Ver.	Action By	Action	Result
10/8/2020	1	Metro Council	adopted	
9/22/2020	1	Public Works Committee	recommended for approval	
9/17/2020	1	Metro Council	assigned	

RESOLUTION NO. ____, SERIES 2020

A RESOLUTION AUTHORIZING THE OFFICE OF THE JEFFERSON COUNTY ATTORNEY TO BRING A CONDEMNATION ACTION AGAINST THE OWNERS OF CERTAIN PROPERTY, PARCEL NO. THREE (3), IN JEFFERSON COUNTY IN CONNECTION WITH THE WHIPPS MILL ROAD AND LAGRANGE ROAD INTERSECTION.

SPONSORED BY: COUNCIL MEMBER MCCRANEY

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 Whipps Mill Road and LaGrange Road Intersection (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 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.

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-118-20

EXHIBIT A-CONDEMNED PROPERTY

PARCEL NO. 3

Being a tract of land located in Jefferson County, Kentucky lying along LaGrange Road/KY 146, and lying approximately 500 feet east of the Whipps Mill Road/Ashmoor Lane intersection, and being more particularly described as follows:

Beginning at a point in the existing north right of way line of KY 146, 19.88 feet left of KY 146 centerline Station 21+81.46; thence with the existing right of way line North 26 Degrees 01 Minutes 14 Seconds West, 30.62 feet to a point 50.06 feet left of KY 146 centerline station 21+76.49; thence with the proposed north right of way line of KY 146 North 75 Degrees 50 Minutes 41 Seconds East, 20.19 feet to a point 49.33 feet left of KY 146 centerline Station 21+96.40; thence with the existing right of way line South 26 Degrees 05 Minutes 14 Seconds East, 29.02 feet to a point 20.75 feet left of KY 146 centerline Station 22+01.43; thence South 71 Degrees 21 Minutes 46 Seconds West, 20.10 feet to the POINT OF BEGINNING.

The above described parcel contains 0.014 acres (594 square feet), more or less.

The above-described property being a portion of the same tract of land conveyed to CASEY A. WEITER, single, and ZACHARY C. PERKINS, single, by Warranty Deed from MAGEN BELLMER f/k/a MAGEN FERRELL, married, and KENNETH FERRELL and MARTHA FERRELL, husband and wife, and recorded in Deed Book 11560, at Page 434-437, in the Office of the Clerk of Jefferson County, Kentucky.

EXHIBIT B-PLAT MAP

EXHIBIT C-INTERESTED PARTIES

1. Casey A. Weiter
2. Zachary C. Perkins
3. River City Bank, Inc (Mortgagor)
4. Louisville-Jefferson County Metro Government (2019 Property Taxes)
5. City of Lyndon (2019 taxes)