



# Louisville Metro Government

## Legislation Details (With Text)

**File #:** R-033-17      **Version:** 1      **Name:**

**Type:** Resolution      **Status:** Passed

**File created:** 3/20/2017      **In control:** Public Works, Parks, Sustainability and Transportation Committee

**On agenda:** 4/13/2017      **Final action:** 4/13/2017

**Title:** A RESOLUTION AUTHORIZING THE OFFICE OF THE JEFFERSON COUNTY ATTORNEY TO BRING A CONDEMNATION ACTION AGAINST THE OWNER OF CERTAIN PROPERTY, BEING TRACTS A AND B OF PARCEL NO. THIRTY-EIGHT (38), IN JEFFERSON COUNTY IN CONNECTION WITH BUECHEL BANK ROAD WIDENING

**Sponsors:** Barbara Shanklin (D-2)

**Indexes:**

**Code sections:**

**Attachments:** 1. 032817 Parcel 38.pdf, 2. RES 028 2017.pdf

Date	Ver.	Action By	Action	Result
4/13/2017	1	Metro Council	adopted	Pass
3/28/2017	1	Public Works, Parks, Sustainability and Transportation Committee	recommended for approval	Pass
3/23/2017	1	Metro Council	assigned	

### RESOLUTION NO. \_\_\_\_, SERIES 2017

**A RESOLUTION AUTHORIZING THE OFFICE OF THE JEFFERSON COUNTY ATTORNEY TO BRING A CONDEMNATION ACTION AGAINST THE OWNER OF CERTAIN PROPERTY, BEING TRACTS A AND B OF PARCEL NO. THIRTY-EIGHT (38), IN JEFFERSON COUNTY IN CONNECTION WITH BUECHEL BANK ROAD WIDENING**

**SPONSORED BY: COUNCILWOMAN SHANKLIN**

**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;

**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;

**WHEREAS**, Metro (as successor to Jefferson County and the City of Louisville) has planned and designed the Buechel Bank Road Widening (the "Project") in conjunction with the Louisville/Jefferson County Metro Government Department of Public Works;

**WHEREAS**, as a part of the Project, it is necessary to acquire a permanent easement and a temporary easement in property more accurately described by Exhibit A (the “Condemned Property”) for the use and benefit of the citizens of Metro;

**WHEREAS**, Metro has not been able to acquire the Condemned Property for the Project from the owner of the Condemned Property through good faith negotiations; and

**WHEREAS**, KRS 416.550 authorizes 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 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 with 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.

\_\_\_\_\_  
H. Stephen Ott  
Metro Council Clerk

\_\_\_\_\_  
David Yates  
President of the Council

\_\_\_\_\_  
Greg Fischer  
Mayor

Approved \_\_\_\_\_  
Date \_\_\_\_\_

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell  
Jefferson County Attorney

By: \_\_\_\_\_  
MATTHEW J. GOLDEN

**EXHIBIT A-CONDEMNED PROPERTY**

PARCEL NO. 38 Tract A

Being a tract of land located in Jefferson County, Kentucky along Buechel Bank Road, approximately 35 feet north of the intersection of Buechel Bank Road and Busath Avenue, and more particularly described as follows:

Beginning at a point 29.86 feet right of Buechel Bank Road Station 77+94.96; thence North 4 Degrees 06 Minutes 16 Seconds East, 8.04 feet to a point 29.85 feet right of Buechel Bank Road Station 78+03.00; thence South 85 Degrees 49 Minutes 46 Seconds East, 20.15 feet to a point 50.00 feet right of Buechel Bank Road Station 78+03.00; thence South 4 Degrees 10 Minutes 14 Seconds West, 8.05 feet to a point 50.00 feet right of Buechel Bank Road Station 77+94.95; thence North 85 Degrees 48 Minutes 44 Seconds West, 20.14 feet to the point of beginning.

The above described parcel contains 0.004 acres (162 square feet) and is intended to be acquired as a permanent easement.

The Above Described Property is a portion of that property conveyed to St. Bartholomew Senior Apartments, LLP, A Kentucky Limited Liability Partnership, by Deed Dated December 16, 2011, and Recorded in Deed Book 9816, page 908, in the office of the County Clerk of Jefferson County, Kentucky.

PARCEL NO. 38 Tract B

St. Bartholomew Senior Apartments, LLLP, a limited liability limited partnership

Being a tract of land located in Jefferson County, Kentucky along Buechel Bank Road, approximately 45 feet north of the intersection of Buechel Bank Road and Busath Avenue, and more particularly described as follows:

Beginning at a point 29.85 feet right of Buechel Bank Road Station 78+03.00; thence North 4 Degrees 06 Minutes 16 Seconds East, 108.73 feet to a point 29.72 feet right of Buechel Bank Road Station 79+11.73; thence South 85 Degrees 48 Minutes 49 Seconds East, 13.28 feet to a point 43.00 feet right of Buechel Bank Road Station 79+11.73; thence South 4 Degrees 10 Minutes 14 Seconds West, 101.73 feet to a point 43.00 feet right of Buechel Bank Road Station 78+10.00; thence South 85 Degrees 49 Minutes 46 Seconds East, 15.00 feet to a point 58.00 feet right of Buechel Bank Road

Station 78+10.00; thence South 4 Degrees 10 Minutes 14 Seconds West, 15.05 feet to a point 58.00 feet right of Buechel Bank Road Station 77+94.95; thence North 85 Degrees 48 Minutes 44 Seconds West, 8.00 feet to a point 50.00 feet right of Buechel Bank Road Station 77+94.95; thence North 4 Degrees 10 Minutes 14 Seconds East, 8.05 feet to a point 50.00 feet right of Buechel Bank Road Station 78+03.00; thence North 85 Degrees 49 Minutes 46 Seconds West, 20.15 feet to the point of beginning.

The above described parcel contains 0.037 acres (1,606 square feet) and it is intended to be acquired as a temporary easement in and to the property described above and designated as Parcel No. 38 Tract B for the purposes of constructing roadway slopes and entrance reconstruction and said easement terminates and reverts upon completion of same.

The Above Described Property is a portion of that property conveyed to St. Bartholomew Senior Apartments, LLP, A Kentucky Limited Liability Partnership, by Deed Dated December 16, 2011, and Recorded in Deed Book 9816, page 908, in the office of the County Clerk of Jefferson County, Kentucky.