



# Louisville Metro Government

## Legislation Text

File #: R-037-17, Version: 1

### 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. ONE (1), 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 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. 1 Tract A

Being a tract of land located in Jefferson County, Kentucky along Buechel Bank Road, approximately 675 feet south of the intersection of Buechel Bank Road and Handley Avenue, and more particularly

described as follows:

Beginning at a point 36.08 feet right of Buechel Bank Road Station 55+98.00; thence North 4 Degrees 13 Minutes 41 Seconds East, 38.00 feet to a point 35.65 feet right of Buechel Bank Road Station 56+36.00; thence South 85 Degrees 07 Minutes 28 Seconds East, 14.35 feet to a point 50.00 feet right of Buechel Bank Road Station 56+36.00; thence South 4 Degrees 52 Minutes 32 Seconds West, 38.00 feet to a point 50.00 feet right of Buechel Bank Road Station 55+98.00; thence North 85 Degrees 07 Minutes 28 Seconds West, 13.92 feet to the point of beginning.

The above described parcel contains 0.012 acres (537 square feet) and is intended to be acquired as a permanent easement.

The Above Described Property is a portion of that property conveyed to Icon-Cottages Development, LLC, a Kentucky limited liability company, by deed dated October 31, 2002, of record in Deed Book 7994, Page 956, in the Office of the Clerk of Jefferson County, Kentucky.

#### PARCEL NO. 1 Tract B

Being a tract of land located in Jefferson County, Kentucky along Buechel Bank Road, approximately 810 feet south of the intersection of Buechel Bank Road and Handley Avenue, and more particularly described as follows:

Beginning at a point 52.67 feet right of Buechel Bank Road Station 54+65.00; thence North 4 Degrees 13 Minutes 41 Seconds East, 147.68 feet to a point 36.08 feet right of Buechel Bank Road Station 55+98.00; thence South 85 Degrees 07 Minutes 28 Seconds East, 13.92 feet to a point 50.00 feet right of Buechel Bank Road Station 55+98.00; thence North 4 Degrees 52 Minutes 32 Seconds East, 38.00 feet to a point 50.00 feet right of Buechel Bank Road Station 56+36.00; thence North 85 Degrees 07 Minutes 28 Seconds West, 14.35 feet to a point 35.65 feet right of Buechel Bank Road Station 56+36.00; thence North 4 Degrees 13 Minutes 44 Seconds East, 66.22 feet to a point 34.90 feet right of Buechel Bank Road Station 57+02.21; thence South 85 Degrees 50 Minutes 34 Seconds East, 14.86 feet to a point 49.76 feet right of Buechel Bank Road Station 57+02.40; thence South 0 Degrees 50 Minutes 06 Seconds East, 52.66 feet to a point 55.00 feet right of Buechel Bank Road Station 56+50.00; thence South 19 Degrees 21 Minutes 08 Seconds East, 21.93 feet to a point 64.00 feet right of Buechel Bank Road Station 56+30.00; thence South 29 Degrees 06 Minutes 12 Seconds West, 21.93 feet to a point 55.00 feet right of Buechel Bank Road Station 56+10.00; thence South 11 Degrees 02 Minutes 31 Seconds West, 160.60 feet to the point of beginning.

The above described parcel contains 0.065 acres (2,834 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. 1 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 Icon-Cottages Development, LLC, a Kentucky limited liability company, by deed dated October 31, 2002, of record in Deed Book 7994, Page 956, in the Office of the Clerk of Jefferson County, Kentucky.

