



Louisville Metro Government

Legislation Text

File #: R-052-19, Version: 1

RESOLUTION NO. _____, SERIES 2019

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. THREE (3), IN JEFFERSON COUNTY IN CONNECTION WITH SOUTH WATTERSON TRAIL CULVERT REPLACEMENT

**SPONSORED BY: COUNCIL MEMBER STUART BENSON AND
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;

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 a successor to Jefferson County and the City of Louisville) has planned and designed the South Waterson Trail Culvert Replacement (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 property in fee simple (“Tract A”) and a permanent easement (“Tract B”) in property more accurately described by Exhibit A (the “Condemned Property”) for the use and benefit of 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 authorized Metro to exercise its right of eminent domain against a property when it cannot acquire the property by agreement with the owner thereof.

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.

H. Stephen Ott
Metro Council Clerk

David James
Metro Council President

Greg Fischer
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

BY: _____

R-052-19

EXHIBIT A-CONDEMNED PROPERTY

PARCEL NO. 3

TRACT A

Being a tract of land located in Jefferson County, Kentucky along the east side of South Watterson Trail being approximately 50 feet north of the Ferndale Road intersection, and being more particularly described as follows:

Beginning at a point 14.42 feet right of the South Watterson Trail centerline at Station 101+00.00, said point being in the proposed South Watterson Trail east right of way line and in the existing South Watterson Trail east right of way line; thence leaving the proposed right of way line with the existing right of way line N 4°07'14" E a distance of 245.00 feet to a point 15.81 feet right of the South Watterson Trail centerline at Station 103+45.00, said point also being in the proposed South Watterson Trail right of way line; thence leaving the existing right of way line with the proposed right of way line S 27°42'23" E a distance of 17.59 feet to a point 25.00 feet right of the South Watterson Trail centerline at Station 103+30.00; thence with the proposed right of way line S 7°30'52" E a distance of 112.18 feet to a point 47.00 feet right of the South Watterson Trail centerline at Station 102+20.00; thence with the proposed right of way line S 3°47'43" W a distance of 40.00 feet to a point 47.00 feet right of the South Watterson Trail centerline at Station 101+80.00, thence with the proposed right of way line S 22°26'42" W a distance of 84.43 feet to a point 20.00 feet right of the South Watterson Trail centerline at Station 101+00.00; thence with the proposed right of way line N 86°12'17" W a distance of 5.58 feet to a point 14.42 feet right of the South Watterson Trail centerline at Station 101+00.00 and the POINT OF BEGINNING.

The above described parcel contains 0.1176 acres (5,124 square feet).

Being a portion of the property conveyed to Brandon L. Wilson from Keith D. Burkhead, unmarried and Carla J. Burkhead, unmarried, by a deed dated August 29, 2011, of record in Deed Book 9763, Page 667, in the Office of the Clerk of Jefferson County, Kentucky.

TRACT B

Being a tract of land located in Jefferson County, Kentucky along the west side of South Watterson Trail being approximately 140 feet north of the Ferndale Road intersection, and being more particularly described as follows:

Beginning at a point 14.36 feet right of the South Watterson Trail centerline at Station 100+90.00, said point in the existing South Watterson Trail east right of way line and in the proposed temporary easement line; thence leaving the proposed temporary easement line with the existing right of way line N 4°07'14" E a distance of 10.00 feet to a point 14.42 feet right of the South Watterson Trail centerline at Station 101+00.00, said point also being in the proposed east right of way line; thence leaving the existing right of way line with the proposed right of way line S 86°12'17" E a distance of 5.58 feet to a point 20.00 feet right of the South Watterson Trail centerline at Station 101+00.00; thence with the proposed right of way line N 22°26'42" E a distance of 84.43 feet to a point 47.00 feet right of the South Watterson Trail centerline at Station 101+80.00; thence with the proposed right of way line N 3°47'43" E a distance of 40.00 feet to a point 47.00 feet right of the South Watterson Trail centerline at Station 102+20.00, thence with the proposed right of way line N 7°30'52" W a distance of 112.18 feet to a point 25.00 feet right of the South Watterson Trail centerline at Station 103+30.00; thence with the proposed right of way line N 27°42'23" W a distance of 17.59 feet to a point 15.81

feet right of the South Watterson Trail centerline at Station 103+45.00, said point also being in the existing South Watterson Trail east right of way line; thence leaving the proposed right of way line with the existing right of way line N 4°07'14" E a distance of 15.00 feet to a point 15.89 feet right of the South Watterson Trail centerline at Station 103+60.00, said point also being in the proposed temporary easement line; thence leaving the existing right of way line with the proposed temporary easement line S 28°41'54" E a distance of 35.57 feet to a point 35.00 feet right of the South Watterson Trail centerline at Station 103+30.00; thence with the proposed temporary easement line S 9° 59'44" E a distance of 113.27 feet to a point 62.00 feet right of the South Watterson Trail centerline at Station 102+20.00; thence with the proposed temporary easement line S 3°47'43" W a distance of 40.00 feet to a point 62.00 feet right of the South Watterson Trail centerline at Station 101+80.00; thence with the proposed temporary easement line S 26°08'37" W a distance of 97.31 feet to a point 25.00 feet right of the South Watterson Trail centerline at Station 100+90.00; thence with the proposed temporary easement line N 86°12'17" W a distance of 10.64 feet to a point 14.36 feet right of the South Watterson Trail centerline at Station 100+90.00 and the POINT OF BEGINNING.

The above described parcel contains 0.0754 acres (3,286 square feet).

Being a portion of the property conveyed to Brandon L. Wilson from Keith D. Burkhead, unmarried and Carla J. Burkhead, unmarried, by a deed dated August 29, 2011, of record in Deed Book 9763, Page 667, in the Office of the Clerk of Jefferson County, Kentucky.

EXHIBIT B-PLAT MAP

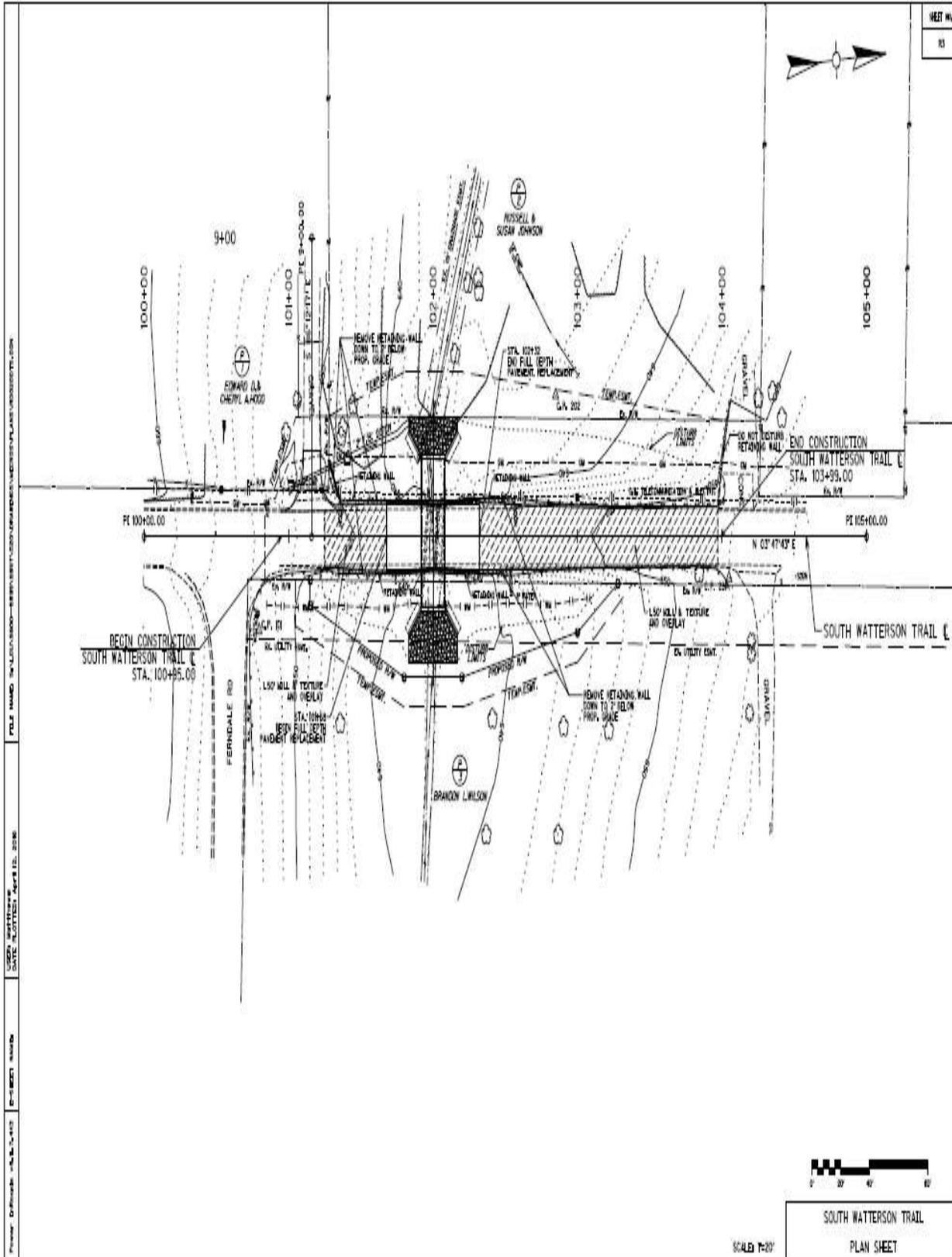


EXHIBIT C-INTERESTED PARTIES

1. Brandon Wilson