



Louisville Metro Government

Legislation Text

File #: R-036-22, Version: 1

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. THREE (3), IN JEFFERSON COUNTY IN CONNECTION WITH THE WHITES LANE BRIDGE REPLACEMENT PROJECT.

SPONSORED BY: COUNCIL MEMBER MARK FOX

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 Whites Lane Bridge Replacement 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 fee simple title, a permanent easement and a temporary easement 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 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 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-036-22 Parcel No. 3 (Gonzales, Lelidy, et al.) Condemnation and Whites Lane Bridge project.docx (APS)

EXHIBIT A-CONDEMNED PROPERTY

Parcel No. 3
Tract A

Being a tract of land located in Jefferson County, Kentucky, on the north side of Whites Lane approximately 1,350 feet southwest of the Whites Lane intersection with Keys

Ferry Road, and more particularly described as follows:

Beginning at a point 13.00 feet left of the Whites Lane centerline at Station 12+01.21, said point being in the existing Whites Lane northerly right of way line and the westerly property line; thence leaving the existing right of way line and with the property line North 40°00'01" West a distance of 12.02 feet to a point 25.00 feet left of the Whites Lane centerline at Station 12+00.52, said point also being in the proposed right of way line; thence leaving the property line and with the proposed right of way line North 53°18'59" East a distance of 26.48 feet to a point 25.00 feet left of the Whites Lane centerline at Station 12+27.00; thence with the proposed right of way line South 76°29'21" East a distance of 15.62 feet to a point 13.00 feet left of the Whites Lane centerline at Station 12+37.00, said point also being in the existing right of way line; thence leaving the proposed right of way line and with the existing right of way line South 53°18'59" West a distance of 35.79 feet to a point 13.00 feet left of the Whites Lane centerline at Station 12+01.21 and the POINT OF BEGINNING.

The above described parcel contains 374 square feet.

It is understood between the parties hereto and made a covenant herein that Parcel No. 3, Tract A described above is hereby conveyed in fee simple and for the purposes of right of way.

Parcel No. 3
Tract B

Being a tract of land located in Jefferson County, Kentucky, on the north side of Whites Lane approximately 1,350 feet southwest of the Whites Lane intersection with Keys Ferry Road, and more particularly described as follows:

Beginning at a point 25.00 feet left of the Whites Lane centerline at Station 12+00.52, said point being the westerly property line and the proposed right of way line; thence leaving the proposed right of way line and with the property line North 40°00'01" West a distance of 5.01 feet to a point 30.00 feet left of the Whites Lane centerline at Station 12+00.23, said point also being the proposed permanent utility easement line; thence leaving the property line and with the proposed permanent utility easement line North 53°18'59" East a distance of 40.00 feet to a point 30.00 feet left of the Whites Lane centerline at Station 12+40.23; thence with the proposed permanent utility easement line South 81°17'49" East a distance of 23.88 feet to a point 13.00 feet left of the Whites Lane centerline at Station 12+57.00, said point also being in the existing right of way line; thence leaving the proposed permanent utility easement line and with the existing right of way line South 53°18'59" West a distance of 20.00 feet to a point 13.00 feet left of the Whites Lane centerline at Station 12+37.00, said point also being in the proposed right of way line; thence leaving the existing right of way line and with the proposed right of way line North 76°29'21" West a distance of 15.62 feet to a point 25.00 feet left of the Whites Lane centerline at Station 12+27.00; thence with the proposed right of way line South 53°18'59" West a distance of 26.48 feet to a point 25.00 feet left of the Whites Lane centerline at Station 12+00.52 and the POINT OF BEGINNING.

The above described parcel contains 441 square feet.

It is the specific intention of the grantor to convey to the grantee a permanent easement in and to the property described above and designated as Parcel No. 3 Tract B for the purposes of constructing and perpetually maintaining drainage and utilities.

Parcel No. 3
Tract C

Being a tract of land located in Jefferson County, Kentucky, on the north side of Whites Lane approximately 1,350 feet southwest of the Whites Lane intersection with Keys Ferry Road, and more particularly described as follows:

Beginning at a point 30.00 feet left of the Whites Lane centerline at Station 12+00.23, said point being in the proposed permanent utility easement line and westerly property line; thence leaving the proposed permanent utility easement line and with the property line North 40° 00'01" West a distance of 40.07 feet to a point 70.00 feet left of the Whites Lane centerline at Station 11+97.91, said point also being in the proposed temporary easement line; thence leaving the property line and with the proposed temporary easement line North 53° 18'59" East a distance of 36.09 feet to a point 70.00 feet left of the Whites Lane centerline at Station 12+34.00; thence with the proposed temporary easement line South 87° 31'42" East a distance of 90.27 feet to a point 13.00 feet left of the Whites Lane centerline at Station 13+04.00, said point also being in the existing right of way line; thence leaving the proposed temporary easement line and with the existing right of way line South 53° 18'59" West a distance of 47.00 feet to a point 13.00 feet left of the Whites Lane centerline at Station 12+57.00, said point also being in the proposed permanent utility easement line; thence leaving the existing right of way line and with the proposed permanent utility easement line North 81° 17'49" West a distance of 23.88 feet to a point 30.00 feet left of the Whites Lane centerline at Station 12+40.23; thence with the proposed permanent utility easement line South 53° 18'59" West a distance of 40.00 feet to a point 30.00 feet left of the Whites Lane centerline at Station 12+00.23 and the POINT OF BEGINNING.

The above described parcel contains 3,144 square feet.

It is the specific intention of the grantor to convey to the grantee a temporary easement in and to the property described above and designated as Parcel No. 3 Tract C for the purposes of constructing roadway slopes and entrance reconstruction. Said easement terminates and reverts to grantor upon completion of same.

Being part of the same property conveyed to Miguel Gonzalez and Lelidy Gonzalez, husband and wife, by Deed from Darrel Hurt and Donna Hurt, husband and wife, dated April 13, 2016, and recorded in Deed Book 10598, page 776, in the office of the Jefferson County Clerk.

EXHIBIT B-PLAT MAP

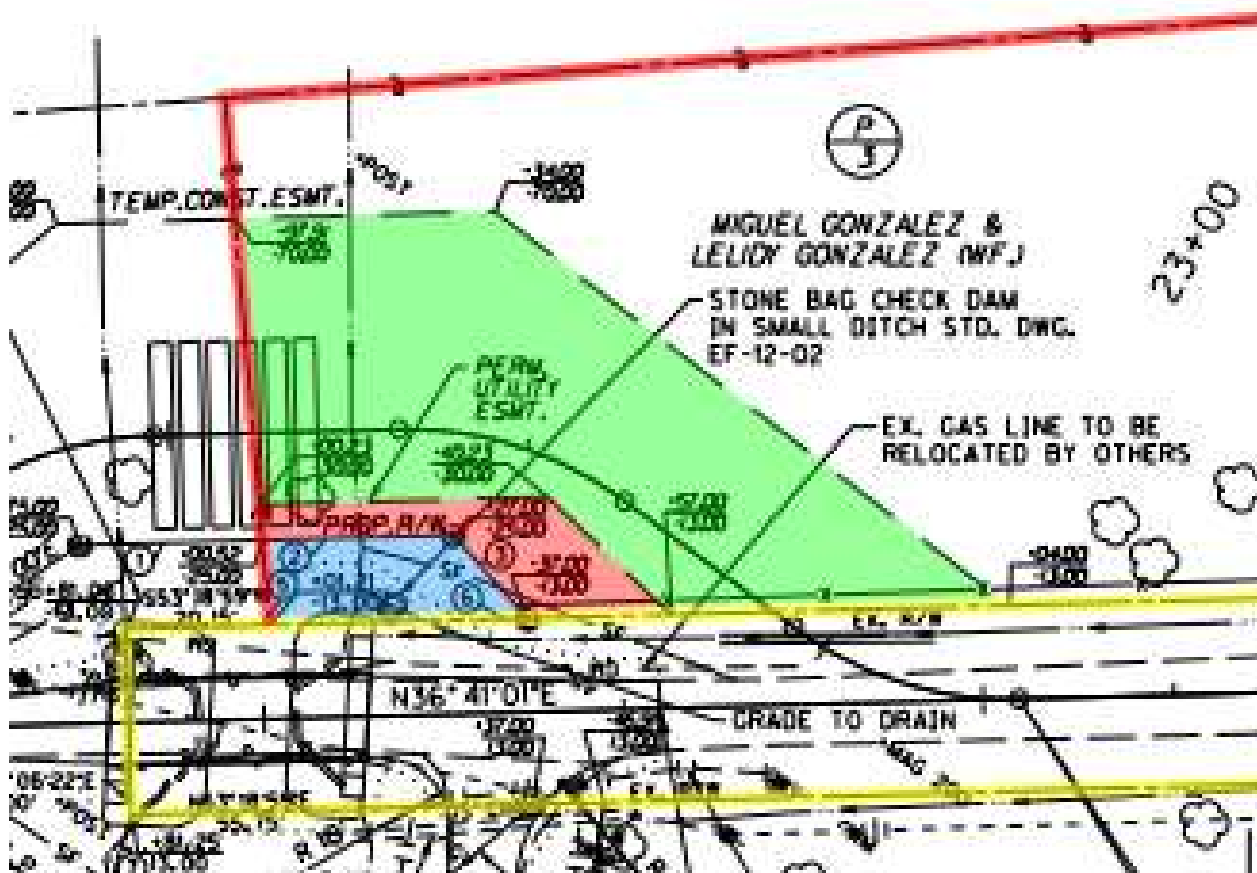


EXHIBIT C-INTERESTED PARTIES

1. Lelidy Gonzalez and Miguel Gonzalez, wife and husband
2. Louisville/Jefferson County Metro Government
3. Commonwealth of Kentucky, Division of Unemployment Insurance