



Louisville Metro Government

Legislation Text

File #: R-035-22, 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. SIXTY (60), IN JEFFERSON COUNTY IN CONNECTION WITH THE OHIO RIVER LEVEE TRAIL PHASE III.

SPONSORED BY: COUNCIL PRESIDENT DAVID JAMES

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 Ohio River Levee Trail Phase III 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 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 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-035-22 Parcel No. 60 (Robinson Wrecking Co. Inc., et al) Condemnation.docx (APS)

EXHIBIT A-CONDEMNED PROPERTY

PARCEL NO. 60

Being a tract of land located in Jefferson County, Kentucky, lying along the west side of Campground Road and lying approximately 7373 feet Northeast of the intersection of Campground Road and Senn Road, and being more particularly described as follows:

Beginning at a point in the existing right of way line of Campground Road, said point being 0.63 feet left of Ohio River Levee Trail Phase Three centerline station 168+06.27; thence with said existing right of way line North 02 Degrees 28 Minutes 03 Seconds East, 18.95 feet to a point 18.61 feet left of Ohio River Levee Trail Phase Three centerline station 168+12.26; thence North 74 Degrees 13 Minutes 03 Seconds East, 251.28 feet to a point 17.10 feet left of Ohio River Levee Trail Phase Three centerline Station 170+63.70; thence North 74 Degrees 13 Minutes 18 Seconds East, 204.32 feet to a point 17.02 feet left of Ohio River Levee Trail Phase Three centerline station 172+67.81; thence South 02 Degrees 07 Minutes 03 Seconds West, 18.90 feet to a point 0.97 feet left of Ohio River Levee Trail Phase Three centerline station 172+62.01; thence South 74 Degrees 13 Minutes 03 Seconds West, 455.73 feet to the POINT OF BEGINNING.

The above-described parcel contains 0.19 acres (8,200 sq. ft.), more or less.

Being a portion of the property conveyed to Robinson Wrecking Co., Inc., a Kentucky Corporation, by Deed dated May 27, 1994, of record in Deed Book 6459, Page 452, in the Office of the Clerk of Jefferson County, Kentucky.

EXHIBIT B-PLAT MAP

EXHIBIT C-INTERESTED PARTIES

1. Robinson Wrecking Co., Inc. a Kentucky corporation
2. PBI Bank, Inc.
3. Casco Bay Holding Company, LLC , a Delaware limited liability company
4. Jamos Fund I
5. Commonwealth of Kentucky
6. Mike Mackin
7. Nicklies Foundation Inc.
8. Louisville/Jefferson County Metro Government acting by and through its Office of Community Development
9. Eclipse Bank
10. Labor Works Louisville LLC dba Labor Works
11. Commonwealth of Kentucky, Energy and Environment Cabinet
12. Louisville-Jefferson County Metro Government, Department of Codes and Regulations