



Louisville Metro Government

Legislation Text

File #: R-027-22, 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. FORTY (40), IN JEFFERSON COUNTY IN CONNECTION WITH THE COOPER CHAPEL ROAD EXTENSION PROJECT.

SPONSORED BY: 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; 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 Cooper Chapel Road Extension 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 (“Tract A”) and one temporary easement (“Tract B”), 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-027-22 Parcel No. 40 (Haverly, Thelma, et al) Condemnation.docx (APS)

EXHIBIT A-CONDEMNED PROPERTY

**Parcel No. 40
Tract A**

Being a tract of land in Jefferson County, Kentucky south of proposed Cooper Chapel Road, located approximately 485 feet west from the intersection of Meghan Lane and Cooper Chapel Road., and

more particularly described as follows:

Beginning at a point 50.00 feet right of proposed Cooper Chapel Road at Station 575+48.32, said point being in the north property line; thence with said property line South 85°45'15" East a distance of 202.11 feet to a point 16.98 feet right of proposed Cooper Chapel Road at Station 577+47.71, said point being in the east property line; thence with said property line South 3°11'47" West a distance of 33.57 feet to a point 50.00 feet right of proposed Cooper Chapel Road at Station 577+53.80; thence with the south proposed controlled access and right of way line North 76°21'08" West a distance of 205.48 feet to a point 50.00 feet right of proposed Cooper Chapel Road at Station 575+48.32 and the POINT OF BEGINNING.

The above described parcel contains 0.078 acres (3,392 sq. ft.).

Parcel No. 40 Tract A described above is required in fee simple.

**Parcel No. 40
Tract B**

Being a tract of land in Jefferson County, Kentucky south of proposed Cooper Chapel Road, located approximately 520 feet northwest from the intersection of Meghan Lane and Cooper Chapel Road., and more particularly described as follows:

Beginning at a point 55.56 feet right of proposed Cooper Chapel Road at Station 575+14.72; thence South 85°45'15" East a distance of 34.06 feet to a point 50.00 feet right of proposed Cooper Chapel Road at Station 575+48.32; thence South 76°21'08" East a distance of 205.48 feet to a point 50.00 feet right of proposed Cooper Chapel Road at Station 577+53.80; thence South 3°11'47" West a distance of 27.46 feet to a point 77.00 feet right of proposed Cooper Chapel Road at Station 577+58.78; thence North 76°21'08" West a distance of 238.31 feet to a point 77.00 feet right of proposed Cooper Chapel Road at Station 575+20.47; thence North 1°23'04" West a distance of 22.19 feet to a point 55.56 feet right of proposed Cooper Chapel Road at Station 575+14.72 and the POINT OF BEGINNING.

The above described parcel contains 0.146 acres (6,367 sq. ft.).

A temporary easement in and to the property described above and designated as Parcel No. 40 Tract B is required for the purposes of constructing roadway slopes.

EXHIBIT B-PLAT MAP

EXHIBIT C-INTERESTED PARTIES

1. Thelma Haverly
2. Unknown Spouse of Thelma Haverly
3. Jean Hickey
4. Douglas Haverly
5. Jefferson County, Kentucky