



Louisville Metro Government

Legislation Text

File #: R-105-16, Version: 1

RESOLUTION NO. _____, SERIES 2016

A RESOLUTION AUTHORIZING THE OFFICE OF THE JEFFERSON COUNTY ATTORNEY TO BRING A CONDEMNATION ACTION AGAINST THE OWNER OF CERTAIN PROPERTY IN JEFFERSON COUNTY IN CONNECTION WITH THE CULVERT REPAIR PROJECT ON BROAD RUN ROAD (PARCEL NO. 3).

SPONSORED BY: COUNCILMAN BENSON

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 successor to Jefferson County and the City of Louisville) has planned and designed the Culvert Repair Project on Broad Run Road in conjunction with the Louisville/Jefferson County Metro Government Department of Public Works.

AND WHEREAS, as a part of Culvert Repair Project on Broad Run Road, it is necessary to acquire a permanent easement and two temporary easements to repair the drainage culvert on Broad Run Road for the use and benefit of the citizens of Metro; and

WHEREAS, Metro has not been able to acquire the easements necessary for the Culvert Repair Project on Broad Run Road for Parcel No. 3 described in Exhibit A attached hereto ("Condemned Property") 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 Culvert Repair Project on Broad Run Road, Metro Government needs to acquire the Condemned Property, as described on attached Exhibit A and platted as Parcel No. 3 on the plat map attached hereto as Exhibit B. The property is a portion of the property acquired by Amy G. Smith,

a married woman, by a deed dated April 17, 2012, of record in Deed Book 9876, Page 633; in the Office of the Clerk of Jefferson County, Kentucky.

James A. Smith may have an interest in the Condemned Property as the husband of Amy G. Smith, owner of the Condemned Property as set out above.

Mortgage Electronic Registration Systems. Inc. (MERS), as mortgagee, and USAA Federal Savings Bank, as Lender, may have an interest in the Condemned Property by virtue of a mortgage dated April 17, 2012, of record in Mortgage Book 12812, Page 667 in the Office of the Clerk of Jefferson County, Kentucky.

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: _____

Broad Run Resolution CM Bensen 8-22-16