



Louisville Metro Government

Legislation Details (With Text)

File #: R-135-15 **Version:** 1 **Name:**

Type: Resolution **Status:** Passed

File created: 7/22/2015 **In control:** Committee on Contracts and Appointments

On agenda: 8/13/2015 **Final action:** 8/13/2015

Title: A RESOLUTION DETERMINING THAT CERTAIN PARCELS OF REAL PROPERTY OWNED BY LOUISVILLE METRO ARE SURPLUS AND NO LONGER NEEDED FOR A GOVERNMENTAL PURPOSE AND AUTHORIZING THEIR CONVEYANCE TO KINDRED HEALTHCARE OPERATING, INC. IN EXCHANGE FOR THE CONVEYANCE BY KINDRED HEALTHCARE OPERATING, INC. TO LOUISVILLE METRO OF CERTAIN PARCELS OF REAL PROPERTY OWNED BY KINDRED HEALTHCARE OPERATING, INC. PURSUANT TO THE TERMS OF A CERTAIN REAL ESTATE EXCHANGE AGREEMENT. (Action Required By: January 2016)

Sponsors: David Tandy (D-4)

Indexes:

Code sections:

Attachments: 1. Kindred exhibits A and B, 2. Certification & Exhibit A, 3. Kindred exhibit C, 4. RES 072 2015

Date	Ver.	Action By	Action	Result
8/13/2015	1	Metro Council	adopted	Pass
8/4/2015	1	Labor and Economic Development Committee	recommended for approval	Pass

RESOLUTION NO. _____, SERIES 2015

A RESOLUTION DETERMINING THAT CERTAIN PARCELS OF REAL PROPERTY OWNED BY LOUISVILLE METRO ARE SURPLUS AND NO LONGER NEEDED FOR A GOVERNMENTAL PURPOSE AND AUTHORIZING THEIR CONVEYANCE TO KINDRED HEALTHCARE OPERATING, INC. IN EXCHANGE FOR THE CONVEYANCE BY KINDRED HEALTHCARE OPERATING, INC. TO LOUISVILLE METRO OF CERTAIN PARCELS OF REAL PROPERTY OWNED BY KINDRED HEALTHCARE OPERATING, INC. PURSUANT TO THE TERMS OF A CERTAIN REAL ESTATE EXCHANGE AGREEMENT.

SPONSORED BY: Council Member Tandy, President

WHEREAS, Executive Order No. 3, Series 2007, as reenacted by Executive Order No 2, Series 2011, provides that a fee interest in real property may be purchased or sold with the approval of the Metro Council; and

WHEREAS, KINDRED HEALTHCARE OPERATING, INC. (“Kindred”) is constructing, adjacent to its current headquarters building located at 680 South Fourth Street, a new building to house an expansion of its workforce in Louisville (“Expansion Project”); and

WHEREAS, Louisville Metro owns property near the location of the Expansion Project, upon which is located a public plaza known as Theatre Square and an unnamed alley); and

WHEREAS, in order to construct the Expansion Project, Kindred needs to acquire portions of the Louisville Metro Properties as illustrated on Exhibit A, attached hereto (“Surplus Properties”); and

WHEREAS, in consideration for the conveyance of the Surplus Properties, Kindred shall convey to Louisville Metro certain properties owned by it, as illustrated on Exhibit A (“Kindred Properties”), and at its sole expense, construct a new alley, as illustrated on Exhibit A and construct a new public plaza substantially as shown on Exhibit B, attached hereto; and

WHEREAS, Louisville Metro and Kindred have entered into a certain Real Estate Exchange Agreement dated May 18, 2015, as attached hereto as Exhibit C (“Agreement”), setting out the duties and obligations of the parties concerning the construction of the Expansion Project, the new alley and the new plaza and the conveyance of the Surplus Properties and the Kindred Properties; and

WHEREAS, the various transactions authorized by the Agreement are in furtherance of the public purposes of Louisville Metro in that they will enable Kindred to construct the Expansion Project which will create new jobs, increase the tax base of Louisville and further the growth and development of the Central Business District.

NOW, THEREFORE, BE IT RESOLVED BY THE METRO COUNCIL AS FOLLOWS:

SECTION 1. That the Council determines that the Surplus Properties are surplus and no longer needed to carry out the governmental functions of Louisville Metro.

SECTION 2. That the Mayor or other appropriate officers or employees of Louisville Metro are authorized to convey the Surplus Properties to Kindred by deed of special warranty and to acquire fee simple title from Kindred to the Kindred Properties in accordance with the terms and conditions of the Agreement.

SECTION 3. That the Mayor and other officials and employees of Louisville Metro are authorized and directed to execute and deliver all deeds, affidavits, certificates or other appropriate documents and to perform all necessary or convenient acts to undertake and complete the transactions authorized by this Resolution and the Agreement.

SECTION 4. That this Resolution shall take effect upon its passage and approval.

H. Stephen Ott
Metro Council Clerk

David W. Tandy
President of the Council

Greg Fischer
Mayor

Approved Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O’Connell
Jefferson County Attorney

By: _____

680 So. Fourth St. Kindred Theatre Square Surplus R-###-15 Wilmes ROC bkn 072015 Draft 1

072015

CERTIFICATION

I, the undersigned, do hereby certify that I am the duly qualified and acting Clerk of the Louisville/Jefferson County Metro Council (the “Metro Council”), and as such Clerk I further certify that the foregoing is a true, correct and complete copy of an Ordinance duly adopted by the Metro Council upon second reading at a duly convened meeting held on _____, 2015, signed by the Mayor, approved by me as Clerk and in full force and effect as therein stated, all as shown by the official records of the Metro Council in my possession and under my control.

IN WITNESS WHEREOF, I have hereunto set my hand as Metro Council Clerk of the Louisville/Jefferson County Metro Government and the seal of the Metro Government this ____ day of _____, 2015.

H. Stephen Ott, Metro Council Clerk