

Louisville Metro Government

Legislation Text

File #: R-188-17, Version: 1

RESOLUTION NO. _____, SERIES 2017

A RESOLUTION DETERMINING ONE (1) PARCEL OF REAL PROPERTY LOCATED **KENWOOD** LOUISVILLE, **KENTUCKY** 818 DRIVE, LOUISVILLE/JEFFERSON COUNTY **METRO** GOVERNMENT ("METRO **SURPLUS LONGER** GOVERNMENT") AS AND NO GOVERNMENTAL PURPOSE AND AUTHORIZING ITS TRANSFER TO HOUND DOG, LLC.

SPONSORED BY: COUNCILMEMBERS MARIANNE BUTLER, VICKI AUBREY-WELCH, RICK BLACKWELL AND PRESIDENT DAVID YATES

WHEREAS, according to KRS Chapter 67C.101, Metro Government may sell any real property belonging to Metro Government; and

WHEREAS, Section 1(A) of Executive Order No. 2, Series 2011 of the Mayor, which adopts Section 2(C) of Executive Order No. 3, Series 2007, provides that Metro Government may sell and convey surplus real estate upon declaration by the Legislative Council of Louisville/Jefferson County Metro Government ("the Council") that such property is no longer needed for the governmental purposes of Metro Government; and

WHEREAS, Metro Government has entered into an Amended and Restated Development Agreement dated October 24, 2017, with Hound Dog, LLC, a Kentucky limited liability company (the "Development Agreement"), a copy of which is attached to this Resolution as Exhibit A, to enable the redevelopment of Colonial Gardens on the real property that is the subject of this Resolution; and

WHEREAS, the Development Agreement contemplates the restoration of the main structure of the historic Colonial Gardens building, and the construction of (i) new buildings, creating a total of File #: R-188-17, Version: 1

approximately 18,000 square feet of leasable space suitable for use by retail, restaurant or

commercial tenants; (ii) a landscaped outdoor gathering place, including amenities such as bike

racks, benches, a fountain and gazebo; and (iii) a paved, lighted and landscaped parking lot (the

"Project"); and

WHEREAS, Section 1.19 of the Development Agreement contains a provision addressing the

recapture of project incentives if the real property which is the subject of this Resolution at any time

within fifteen (15) years of substantial completion of the Project is sold to a third party entity not

affiliated with Hound Dog, LLC; and

WHEREAS, Metro Government has never dedicated by virtue of use, deed, ordinance or any

other manner the real property that is the subject of this Resolution to a public or governmental

purpose; and

WHEREAS, the Chief of Louisville Forward has declared and certified to the Council (see Exhibit

B attached hereto and made a part hereof) that the real property which is the subject of this

Resolution is surplus to the needs of Metro Government.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT ("THE COUNCIL") AS FOLLOWS:

SECTION I: The Council hereby declares the real property described in Exhibit B is surplus

and no longer needed to carry out the governmental functions of Metro Government.

SECTION II: The Mayor is hereby authorized to transfer the property named herein in the

manner provided according to Section 2 of Executive Order No. 3, Series 2007, without further action

by the Council.

SECTION III: This Resolution will become effective upon its passage and approval.

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| H. Stephen Ott Metro Council Clerk | David Yates President of the Council |
| Greg Fischer Mayor | Approval Date |
| APPROVED AS TO FORM AND LEGALITY: | |
| MICHAEL J. O'CONNELL JEFFERSON COUNTY ATTORNEY | |
| By: | |