



Louisville Metro Government

Legislation Text

File #: R-125-19, Version: 1

RESOLUTION NO. _____, SERIES 2019

A RESOLUTION AUTHORIZING THE OFFICE OF THE JEFFERSON COUNTY ATTORNEY TO BRING A CONDEMNATION ACTION AGAINST THE OWNER OF CERTAIN PROPERTY, BEING TRACTS A AND B OF PARCEL NO. FIFTEEN (15), IN JEFFERSON COUNTY IN CONNECTION WITH LYNDON BIKE AND PEDESTRIAN IMPROVEMENTS.

SPONSORED BY: COUNCILWOMAN PAULA MCCRANEY

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;

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;

WHEREAS, Metro (as a successor to Jefferson County and the City of Louisville) has planned and designed the Lyndon Bike and Pedestrian Improvements (the "Project") in conjunction with the Louisville/Jefferson County Metro Government Department of Public Works;

WHEREAS, as a part of the Project, it is necessary to acquire a permanent easement ("Tract A") and a temporary easement ("Tract B") in property more accurately described by Exhibit A (the "Condemned Property") for the use and benefit of citizens of Metro;

WHEREAS, Metro has not been able to acquire the Condemned Property for the Project from the owner 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.

H. Stephen Ott
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: _____
TRAVIS J. FIECHTER

Being a tract of land lying in Jefferson County along the north side of existing LaGrange Road situated approximately 6540 feet east of the intersection of LaGrange Road and Lyndon Lane and more particularly described as follows:

Beginning at a point in the existing north right of way line of LaGrange Road, 11.38 feet left of existing LaGrange Road centerline Station 164+59.42; thence with the west property line North 32 Degrees 12 Minutes 29 Seconds West, 9.35 feet to a point 20.50 feet left of existing LaGrange Road centerline Station 164+57.35; thence with the proposed easement line North 70 Degrees 34 Minutes 30 Seconds East, 47.85 feet to a point 20.50 feet left of existing LaGrange Road centerline Station 165+05.20; thence with the existing west right of way line of Pershing Avenue South 32 Degrees 12 Minutes 29 Seconds East, 9.33 feet to a point 11.40 feet left of existing LaGrange Road centerline Station 165+07.27; thence with the existing right of way line of LaGrange Road South 70 Degrees 33 Minutes 01 Seconds West, 47.85 feet to the POINT OF BEGINNING.

The above described parcel contains 0.010 acres (436 sq. ft.).

It is the specific intention of the grantor herein to convey a permanent easement to the property described above for the purpose of constructing and perpetually maintaining utilities and sidewalk. Utilities allowed in this easement are water, sanitary sewer, electric, gas, telecommunication and data transfer.

Being a portion of the property conveyed to JENNETA MARGARET THOMPSON, from UNITED CO-OPERATIVE REALTY COMPANY, a corporation, by Deed dated October 15, 1923, of record in Deed Book 1070, Page 337, in the Office of the Clerk of Jefferson County, Kentucky.

Tract B

Being a tract of land lying in Jefferson County along the north side of existing LaGrange Road situated approximately 6540 feet east of the intersection of LaGrange Road and Lyndon Lane and more particularly described as follows:

Beginning at a point in the proposed easement line, 20.50 feet left of existing LaGrange Road centerline Station 164+57.35; thence with the west property line North 32 Degrees 12 Minutes 29 Seconds West, 14.87 feet to a point 35.00 feet left of existing LaGrange Road centerline Station 164+54.06; thence with the proposed easement line North 76 Degrees 24 Minutes 11 Seconds East, 49.24 feet to a point 30.00 feet left of existing LaGrange Road centerline Station 165+03.05; thence with the existing west right of way line of Pershing Avenue South 32 Degrees 12 Minutes 29 Seconds East, 9.74 feet to a point 20.50 feet left of existing LaGrange Road centerline Station 165+05.20; thence with the proposed easement line South 70 Degrees 34 Minutes 30 Seconds West, 47.85 feet to the POINT OF BEGINNING.

The above-described parcel contains 0.013 acres (574 sq. ft.).

Being a portion of the property conveyed to JENNETA MARGARET THOMPSON, from UNITED CO-OPERATIVE REALTY COMPANY, a corporation, by Deed dated October 15, 1923, of record in Deed Book 1070, Page 337, in the Office of the Clerk of Jefferson County, Kentucky.

EXHIBIT B-PLAT MAP

EXHIBIT C-INTERESTED PARTIES

1. Jenneta Thompson
2. City of Lyndon