



Legislation Text

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File #: R-044-20, Version: 1

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**RESOLUTION NO. \_\_\_\_\_, SERIES 2020**

**A RESOLUTION DETERMINING A PARCEL OF REAL PROPERTY LOCATED AT SOUTH FOURTH STREET AND OWNED BY LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (“METRO GOVERNMENT”) AS SURPLUS AND NOT NEEDED FOR A GOVERNMENTAL PURPOSE AND AUTHORIZING ITS TRANSFER TO SLS MANAGEMENT, LLC.**

**SPONSORED BY: COUNCIL MEMBER BARBARA SEXTON SMITH**

**WHEREAS**, according to KRS Chapter 67C.101, Metro Government may sell or transfer 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 convey surplus real estate upon declaration by the Legislative Council of the 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 owns property located at South Fourth Street, as more particularly described in Exhibit A to this Resolution (the “Property”); and

**WHEREAS**, the Property is currently being leased to an adjoining property owner, SLS Management, LLC (“SLS”) for a term that expires on April 1, 2039; and

**WHEREAS**, the consideration for the lease is \$1, plus the construction of certain improvements, which have been built and are currently appraised at \$510,000; and

**WHEREAS**, in 2009, Seller previously deeded an 8-foot by 133-foot alley adjacent to the Property to SLS, which was valued at \$1,000 and authorized by Resolution No. 129, Series 2009; and

**WHEREAS**, SLS is interested in purchasing the Property; and

**WHEREAS**, Metro Government has entered into a Purchase Agreement dated April \_\_\_\_, 2020 with SLS for the Property (the “Agreement”); and

**WHEREAS**, the Agreement contemplates the transfer of the Property that is the subject of this Resolution to SLS for \$15,000; and

**WHEREAS**, the sale of the Property would return the Property to the tax rolls and encourage further investment in both the property and the other parcels currently owned by SLS; which anticipated to provide more of a benefit, both in property taxes and capital investment, than Metro Government would receive if the current lease continued until 2039; 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 Director of Develop Louisville has declared and certified to the Council that the real property that is the subject of this Resolution is surplus to the needs of Metro Government (Exhibit B attached and incorporated herein).

**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 A attached hereto as “SURPLUS” and determines that it is not 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 shall take effect upon its passage and approval.

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Sonya Harward  
Metro Council Clerk

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David James  
President of the Council

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Greg Fischer  
Mayor

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Approval Date

**APPROVED AS TO FORM AND LEGALITY:**

Michael J. O'Connell  
Jefferson County Attorney

BY: \_\_\_\_\_

*R-044-20 Resolution Determining a Parcel at South 4<sup>th</sup> St as Surplus If 03-16-20.docx*

**EXHIBIT A**

**South 4<sup>th</sup> Street**

**013K01880000**

All of Lot 2, as shown on plat attached to the Deed recorded at Deed Book 9475, Page 918 in the Office of the Clerk of Jefferson County and further described as follows:

BEGINNING at the intersection of the east line of Fourth Avenue with the north line of the tract conveyed to Broadway-Brown Partnership by deed of record in Deed Book 5449, Page 504 in the office of the Clerk of the County Court of Jefferson County, Kentucky, said point being North 7 degrees 44 minutes 58 seconds East 176.92 feet as measured along said east line from its intersection with the north line of the first alley, 27 feet wide, north of Broadway; thence with said east line, North 7 degrees 44 minutes 56 seconds East 20.29 feet to its intersection with a south line of the tracts conveyed to Simli & Knight, by deed of record in Deed Book 8770, Page 358 in the office aforesaid and Broadway-Brown Partnership by deed of record in Deed Book 5455, Page 771 in the office aforesaid; thence with lines common to same the following courses and distances: South 82 degrees 15 minutes 04 seconds East 133.08 feet; North 7 degrees 44 minutes 56 seconds East 43.67 feet; North 82 degrees 15 minutes 04 seconds West 51.08 feet; and North 7 degrees 44 minutes 59 seconds East 55.99 feet to its intersection with the southwesterly line of an alley 10 feet wide; thence with the lines common to said alley the following courses and distances: South 37 degrees 14 minutes 31 seconds East 11.31 feet; South 7 degrees 44 minutes 56 seconds West 9.94

feet; South 82 degrees 14 minutes 46 seconds East 10.00 feet; North 7 degrees 44 minutes 56 seconds East 7.00 feet; South 82 degrees 14 minutes 46 seconds East 100.00 feet; South 7 degrees 44 minutes 56 seconds West 32.22 feet; South 82 degrees 14 minutes 46 seconds East 10.31 feet; South 7 degrees 45 minutes 49 seconds West 58.95 feet to the south line and same, if extended, of the tract conveyed to Urban Renewal and Community Development Agency of Louisville by deed of record in Deed Book 5347, Page 282 in the office aforesaid; thence with said south line and its extension, South 82 degrees 14 minutes 38 seconds East 10 feet to its intersection with the east line of an alley 20 feet wide; thence with said east line and same if extended South 7 degrees 45 minutes 49 seconds West 58.66 feet to its intersection with the north line of the tract conveyed to PARC by deed of record in Deed Book 5410, Page 905 in the office aforesaid; thence with lines common to same; North 82 degrees 13 minutes 26 seconds West 82.45 feet; South 7 degrees 44 minutes 56 seconds West 20.28 feet; and North 82 degrees 13 minutes 26 seconds West 4.75 feet to its intersection with the east line of the tracts conveyed to Broadway-Brown Partnership by deed recorded in Deed Book 5449, Page 504 in the office aforesaid and SLS Management, LLC by deed recorded in Deed Book 9475, Page 918 in the office aforesaid; thence with the east and north lines of same, North 7 degrees 44 minutes 56 seconds East 61.00 feet and North 82 degrees 13 minutes 26 seconds West 133.08 feet to the point of beginning, containing 16,909 square feet.

Being a portion of the same property conveyed to the City of Louisville by Deed of Dedication dated September 19, 1985 and recorded in Deed Book 5528, Page 644, in the Office of the Clerk of Jefferson County, Kentucky and which is the subject of a Deed of Correction dated July 29, 1986 and recorded in Deed Book 5603, Page 35 in the Clerk's Office aforesaid.

### **EXHIBIT B**

The Director of Develop Louisville has carefully reviewed the Louisville/Jefferson County Metro Government's needs for land or improvements used in the administration of Metro programs and to conduct municipal business. This office has determined that the parcel of real property identified below, which is being scheduled for action by the Legislative Council of the Louisville/Jefferson County Metro Government, is surplus and not needed or suitable for any specific municipal use:

**South 4<sup>th</sup> Street**

**013K01880000**

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By: \_\_\_\_\_

Title: \_\_\_\_\_