File #: R-093-22, **Version:** 1

RESOLUTION NO. _____, SERIES 2022

A RESOLUTION DETERMINING CERTAIN PROPERTY AT 3907 BARDSTOWN ROAD AS SURPLUS AND NOT NEEDED FOR A GOVERNMENTAL PURPOSE AND AUTHORIZING ITS TRANSFER.

SPONSORED BY: SPONSORSHIP WITHDRAWN

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

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 the Louisville/Jefferson County Metro Government ("Metro Government") may sell and convey surplus real estate upon declaration by the Legislative Council of Metro Government ("the Council") that such property is no longer needed for the governmental purposes of Metro Government;

WHEREAS, Metro Government owns property located at 3907 Bardstown Road, as more particularly described in Exhibit A (the "Property");

WHEREAS, Metro Government intends to enter into an Agreement for Purchase and Sale of Real Estate in substantially the same form as attached as Exhibit C (the "Purchase Agreement") with Winston Leasing, LLC, a Kentucky limited liability company who owns the adjoining property at 3905 Bardstown Road, to enable the redevelopment of the Property; and

WHEREAS, the Purchase Agreement contemplates the transfer of the Property to Winston Leasing, LLC for $1; and

WHEREAS, the Purchase Agreement also provides that (i) if the Building Renovation, as that term is defined in the Purchase Agreement, fails to commence within one (1) year of the Closing, the Property shall be re-conveyed to Louisville Metro for $1, and (ii) if the Property is sold within two (2) years of the date of the completion of the Building Renovation, Louisville Metro will receive 50% of the sales price in excess of the actual costs incurred by the buyer to complete the Building Renovation; and

WHEREAS, the Chief of Louisville Forward has declared and certified to the Council that the Property is surplus to the needs of the Louisville Metro, a copy of which certification is attached as Exhibit B; and.

WHEREAS, Metro Government has never dedicated by virtue of use, deed, ordinance or any other manner the Property to a public or governmental purpose.

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

SECTION I: The Council hereby declares the real property described in Exhibit A 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 in the manner provided according to Section 2 of Executive Order No. 3, Series 2007 to Winston Leasing, LLC, pursuant to the terms and conditions of the Purchase Agreement, to be executed in substantially the same form as attached as Exhibit C to this Resolution, without further action by the Council.

SECTION III: This Resolution shall take effect upon its passage and approval or otherwise becoming law.

Sonya Harward
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:_____

R-093-22 Surplus Resolution for 3907 Bardstown Road (lf)

EXHIBIT A

Being a part of Lots No. 7 and 8 in Six Mile Addition as shown on plat of same, recorded in the office of the Clerk of the County Court of Jefferson County, Kentucky, and more particularly described as follows:

Beginning at a point in the Northeast line of Bardstown Road, 175.57 feet Southeast of Bradford Drive,; thence North 47 degrees 59 minutes 37 seconds East 40.18 feet to the front of a building numbered 3905-3907 Bardstown Road; thence with the centerline of interior walls in said building North 33 degrees 12 minutes East 29.14 feet, North 47 degrees 59 minutes 37 seconds East 30.27 feet, North 42 degrees 05 minutes 08 seconds West 14.06 feet and North 47 degrees 59 minutes 37 seconds East 6.30 feet; thence with a line North 42 degrees 05 minutes 08 seconds West 40.68 feet to an iron pipe, said line being for a greater portion of its distance along an outside wall, the wall itself not being part of this tract; thence North 52 degrees 44 minutes East 80.85 feet to an iron pipe; thence South 33 degrees 32 minutes 07 seconds East 75.80 feet to an iron pipe; thence South 47 degrees 59 minutes 37 seconds West 169.29 feet to an iron pipe in the Northeast line of Bardstown Road; thence with the Northeast line of Bardstown Road North 57 degrees 17 minutes 10 seconds West 19.83 feet to the point of beginning; and being Tract 1 as shown on the abovedescribed survey, a copy of which is recorded in the aforesaid office in Deed Book 5189, Page 656.

Being the same property conveyed to Jefferson County, Kentucky pursuant to Deed of Record in Deed Book 5189, Page 656 in the aforesaid office.

EXHIBIT B

CERTIFICATION OF SURPLUS PROPERTY

The Chief of Louisville Forward has carefully reviewed Louisville Metro's need for the Property in the administration of Louisville Metro, and has determined that the Property is not needed or suitable for any specific municipal use:

_____

Jeff O'Brien
Chief of Louisville Forward

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EXHIBIT C

AGREEMENT FOR PURCHASE