

RESOLUTION NO. 046, SERIES 2026

A RESOLUTION AUTHORIZING THE OFFICE OF THE JEFFERSON COUNTY ATTORNEY TO BRING A CONDEMNATION ACTION AGAINST THE OWNER OF CERTAIN PROPERTY, PARCEL NO. TWO (2), IN JEFFERSON COUNTY IN CONNECTION WITH THE GAGEL AVENUE SIDEWALK PROJECT.

SPONSORED BY: COUNCIL MEMBER SHAMEKA PARRISH-WRIGHT

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; and

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; and

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

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

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 authorizes 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.

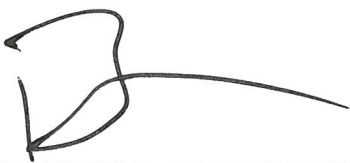
Since Metro cannot, by agreement of the owner of the Condemned Property, acquire the Condemned Property, then the office of the Jefferson County Attorney is authorized to institute condemnation proceedings pursuant to KRS 416.560, *et seq.* against the owner of the Condemned Property.

SECTION II: That the Council finds that the Condemned Property needs to be acquired for the public use of Metro.

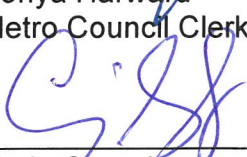
SECTION III: That this Resolution shall become effective upon its passage and approval or otherwise becoming law.



Sonya Harward
Metro Council Clerk



Brent Ackerson
President of the Council

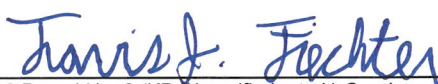


Craig Greenberg
Mayor

07-01-2026

Approval Date

APPROVED AS TO FORM AND LEGALITY:
Michael J. O'Connell
Jefferson County Attorney

By: 

R-068.26 Parcel No. 2 (KB Diversified, et al.) Condemnation.docx (APS)



EXHIBIT A—CONDEMNED PROPERTY

Being a tract of land located in Jefferson County, Kentucky, along the north side of Gagel Avenue being approximately 990 feet southeast of the intersection of Gagel Avenue and Dixie Highway, and being more particularly described as follows:

Beginning at a point 9.34 feet left of the proposed Gagel Avenue Horizontal Alignment 1 at Station 109+90.00, said point being in the existing Gagel Avenue right of way line and the proposed permanent easement line; thence leaving the existing Gagel Avenue right of way line and with the proposed permanent easement line North 51°29'02" East a distance of 22.68 feet to a point 31.82 feet left of the proposed Gagel Avenue Horizontal Alignment 1 at Station 109+93.00, said point also being in an existing right of way line; thence leaving the proposed permanent easement line and with an existing right of way line South 3°22'27" West a distance of 29.52 feet to a point 9.25 feet left of the proposed Gagel Avenue Horizontal Alignment 1 at Station 110+12.84, said point also being in the existing Gagel Avenue right of way line; thence leaving an existing right of way line and with the existing Gagel Avenue right of way line North 46°12'35" West a distance of 22.17 feet to a point 9.34 feet left of the proposed Gagel Avenue Horizontal Alignment 1 at Station 109+90.00 and the POINT OF BEGINNING.

The above-described parcel contains 0.01 acres (249 sq. ft.).

The above-described property being a portion of the same property conveyed to KB Diversified Healthcare 20, DST, a Delaware statutory trust, by deed dated June 8, 2018, which is duly recorded in Deed Book 11179 at page 290, in the Office of the County Clerk of Jefferson County, Kentucky.

EXHIBIT B—PLAT MAP

EXHIBIT C—INTERESTED PARTIES

1. KB Diversified Healthcare 20, DST, a Delaware statutory trust
2. Origin Bank
3. Loancore Capital Markets LLC