



Lexington-Fayette Urban County Government

200 E. Main St
Lexington, KY 40507

Legislation Details (With Text)

File #: 0175-19 **Version:** 1 **Name:** Abandoned ROW for LCC
Type: Ordinance **Status:** Approved
File created: 2/11/2019 **In control:** Urban County Council
On agenda: 3/7/2019 **Final action:** 3/7/2019
Enactment date: 3/7/2019 **Enactment #:** O-013-2019

Title: An Ordinance closing the unused rights-of-way known as Old Manchester St., Old Merino St., and Old Water St., as well as a portion of Tucker St.; determining that the property owner abutting the rights-of-way to be closed has been identified, provided with written notice of the proposed closing, and consented thereto in writing; and authorizing the Mayor, on behalf of the Urban County Government, to execute Quitclaim Deeds and any other documents necessary transferring the former rights-of-way to the abutting owner, subject to the reservation of easements and restrictions. [Div. of Environmental Quality and Public Works, Martin]

Sponsors:

Indexes:

Code sections:

Attachments: 1. Bluesheet Memo - LCC Streets, 2. Memo to Law Dept - LCC Town-Branch streets, 3. LCC ROW ABANDON BOUNDARY DESCRIPTION v5, 4. 2017-034 Rupp 2017 BOUNDARY v78, 5. ROW Release 111618, 6. LCC_Streets_Map, 7. 00644437.pdf, 8. ORDINANCE - 013-2019, 9. 8157 - DEED, 10. 8170 DEED

Date	Ver.	Action By	Action	Result
3/7/2019	1	Urban County Council	Approved	Pass
2/21/2019	1	Urban County Council	Received First Reading	
2/19/2019	1	Urban County Council Work Session	Approved and Referred to Docket	Pass

An Ordinance closing the unused rights-of-way known as Old Manchester St., Old Merino St., and Old Water St., as well as a portion of Tucker St.; determining that the property owner abutting the rights-of-way to be closed has been identified, provided with written notice of the proposed closing, and consented thereto in writing; and authorizing the Mayor, on behalf of the Urban County Government, to execute Quitclaim Deeds and any other documents necessary transferring the former rights-of-way to the abutting owner, subject to the reservation of easements and restrictions. [Div. of Environmental Quality and Public Works, Martin]

Authorization for approval to transfer the unused right-of-way of Tucker St., Old Manchester St, Old Merino St. and Old Water St. to the adjacent property owner (Lexington Convention Center), who will accept full responsibility of the maintenance and repair of the right-of-way. No budgetary impact. (L0175-19) (Martin)

Budgetary Implications [select]: No

Advance Document Review:

Law: { Select **Yes**/No, Completed by [Charles Edwards, 2/4/2019]}

Risk Management: {Select Yes/No, Completed by [Official, Date]}

Fully Budgeted [select]: NA

Account Number:

This Fiscal Year Impact: \$0.00

Annual Impact: \$0.00

Project:

Activity:

Budget Reference:

Current Balance:

WHEREAS, the Urban County Government has the exclusive authority, pursuant to Chapter 67A and Section 82.405 of the Kentucky Revised Statutes, to close a public way or any part thereof within its jurisdiction; and

WHEREAS, the Urban County Government Divisions of Police, Fire & Emergency Services, Lexington Enhanced 911, Planning, Engineering, Water Quality, Traffic Engineering, and affected public utilities, have reviewed the proposed closures; and

WHEREAS, the abutting property owner has received written notice of the proposed closure and has consented thereto in writing;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That, pursuant to KRS 82.405(2), this Council finds that the owner of the properties located at 118 Tucker Street, 570 West Main Street, 564-568 West Main Street, 544 West Main Street, 540 West Main Street, 521 West Vine Street, 541 West Vine Street, 809 Manchester Street, 150 Tucker Street, 603 West High Street, 601 West High Street, 651 West High Street, and 701 West High Street, which parcels are adjacent to unused rights-of-way known as Old Manchester Street, Old Merino Street, and Old Water Street, as well as a portion of Tucker Street, which are proposed for closing, has been provided written notice of the proposed closing and has given its written, notarized consent to the closing, which consent certificate is attached hereto as Exhibit A and incorporated herein by reference.

Section 2 - That, pursuant to the powers granted to the Lexington-Fayette Urban County Government under Chapter 67A and Section 82.405 of the Kentucky Revised Statutes, the unused rights-of-way known as Old Manchester Street, Old Merino Street, and Old Water Street, as well as a portion of Tucker Street, which are described in the attached Exhibit B, be and hereby are closed as

public ways of the Lexington-Fayette Urban County Government.

Section 3 - That the Mayor, on behalf of the Lexington-Fayette Urban County Government, be and hereby is authorized to execute quitclaim deeds and any other documents necessary transferring the former right-of-way to the owner of the adjacent parcels, subject to the reservation of easements for access and maintenance of existing utilities.

Section 4 - That this Ordinance shall become effective on the date of its passage and shall be recorded in the Office of the Fayette County Clerk pursuant to KRS 82.405(2).

PASSED URBAN COUNTY COUNCIL: