

RESOLUTION NO. _____ - 2022

A RESOLUTION AUTHORIZING THE DEPARTMENT OF LAW TO INSTITUTE CONDEMNATION PROCEEDINGS IN FAYETTE CIRCUIT COURT TO OBTAIN PERMANENT AND TEMPORARY EASEMENTS UPON PORTIONS OF THE PROPERTY LOCATED AT 1927 HARRODSBURG ROAD FOR THE WOLF RUN MAIN TRUNK F PROJECT, A REMEDIAL MEASURES PROJECT REQUIRED BY THE CONSENT DECREE.

WHEREAS, the Urban County Council has determined that the acquisition of permanent and temporary easements upon portions of the property located at 1927 Harrodsburg Road, as further described herein, is necessary for the Wolf Run Main Trunk F Project, a Remedial Measures Project required by the Consent Decree; and,

WHEREAS, the owner of the property and the Lexington-Fayette Urban County Government have been unable to reach an agreement upon the terms and conditions of the conveyance of the necessary property interests to the Lexington-Fayette Urban County Government;

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

Section 1 — That the Lexington-Fayette Urban County Government has determined that the acquisition of permanent and temporary easements upon portions of the property located at 1927 Harrodsburg Road, as further described herein, is necessary for the Wolf Run Main Trunk F Project, a Remedial Measures Project required by the Consent Decree; that it is in the best interest of the community to acquire the same; and that the Owner of the property and the Lexington-Fayette Urban County Government have been unable to reach an agreement on the terms and conditions of the conveyance of the necessary property interests to the Urban County Government.

Section 2 — That, pursuant to the condemnation powers granted to this Government, the Lexington-Fayette Urban County Council hereby condemns the property interests referenced herein, further described below and depicted on the attached Exhibit "A", to be obtained for the Wolf Run Main Trunk F Project, a Remedial Measures Project required by the Consent Decree:

Permanent Sanitary Sewer Easement
Wolf Run Trunk F
Sewer Improvement Project
(a portion of 1927 Harrodsburg Road)

Tract A

All that strip or parcel of land situated southwest of the intersection of Harrodsburg Road (US Highway 68) and Spring Meadows Drive in Lexington, Fayette County, Kentucky, and being more fully described and bounded as follows, to wit:

BEGINNING, at a found iron pipe, said point being a common corner with Brenda Patton (Deed Book 3772, Page 570), said point also being in the southeasterly boundary line of Lot 1 as shown on the Amended Final Record Plan of H&E Property (Harrod's Park), Unit 3, Lots 1 & 2 (Plat Cabinet F, Slide 520);

Thence leaving the southeasterly boundary line of Unit 3, Lot 1 of the H&E Property (Harrod's Park), with the northeasterly property line of Brenda Patton, S 48°47'28" E, 39.41 feet to the **TRUE POINT OF BEGINNING**;

Thence with the northeasterly property line of Brenda Patton, N 48°47'28" W, 24.73 feet to a point;

Thence leaving the northeasterly property line of Brenda Patton, with a new permanent sanitary sewer easement line through the lands of National Retail Properties, LP for four (4) calls:

- 1) N 77°14'03" E, 42.54 feet to a point;
- 2) S 48°37'47" E, 179.20 feet to a point;
- 3) N 41°22'13" E, 5.00 feet to a point; and
- 4) S 48°37'47" E, 49.02 feet to a point in the northwesterly right-of-way line of Harrodsburg Road (US Highway 68);

Thence with the northwesterly right-of-way line of Harrodsburg Road, S 54°25'41" W, 14.73 feet to a point, said point being a common corner with the aforesaid Brenda Patton (Deed Book 3772, Page 570);

Thence leaving the northwesterly right-of-way line of Harrodsburg Road, with the northeasterly property line of Brenda Patton for two (2) calls:

- 1) N 47°30'28" W, 30.80 feet to a point; and
- 2) S 54°57'32" W, 6.44 feet to a point;

Thence leaving the northeasterly property line of Brenda Patton, with a new permanent sanitary sewer easement line through the lands of National Retail Properties, LP for four (4) calls:

- 1) N 48°37'47" W, 13.39 feet to a point;
- 2) S 41°22'13" W, 5.00 feet to a point;
- 3) N 48°37'47" W, 168.98 feet to a point; and
- 4) S 77°14'03" W, 17.77 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains 0.111 Acres (4,835 sq. ft.) of permanent easement; and,

Tract A, being a portion of the property shown on the Record Plat of a Portion of Lewis B. Sherrod Property, of record in Plat Cabinet A, Slide 726, in the Fayette County Clerk's Office and being a portion conveyed to National Retail Properties, LP, a Delaware limited partnership, by deed

dated August 24, 2015, of record in Deed Book 3341, Page 377, all in the Fayette County Clerk's Office.

Temporary Construction Easement
Wolf Run Trunk F
Sewer Improvement Project
(a portion of 1927 Harrodsburg Road)

Tract B

All that strip or parcel of land situated southwest of the intersection of Harrodsburg Road (US Highway 68) and Spring Meadows Drive in Lexington, Fayette County, Kentucky, and being more fully described and bounded as follows, to wit:

BEGINNING, at a found iron pipe, said point being a common corner with Brenda Patton (Deed Book 3772, Page 570), said point also being in the southeasterly boundary line of Lot 1 as shown on the Amended Final Record Plan of H&E Property (Harrod's Park), Unit 3, Lots 1 & 2 (Plat Cabinet F, Slide 520);

Thence leaving the southeasterly boundary line of Unit 3, Lot 1 of the H&E Property (Harrod's Park), with the northeasterly property line of Brenda Patton, S 48°47'28" E, 39.41 feet to the **TRUE POINT OF BEGINNING**;

Thence leaving the northeasterly property line of Brenda Patton, with a new permanent sanitary sewer easement line through the lands of National Retail Properties, LP for two (2) calls:

- 1) N 77°14'03" E, 17.77 feet to a point; and
- 2) S 48°37'47" E, 34.56 feet to a point;

Thence with a new temporary construction easement line, S 41°12'58" W, 14.28 feet to a point in the northeasterly property line of the aforesaid Brenda Patton (Deed Book 3772, Page 570);

Thence with the northeasterly property line of Brenda Patton, N 48°47'28" W, 45.01 feet to the **TRUE POINT OF BEGINNING**, and,

The above-described parcel contains 0.013 Acres (571 sq. ft.) of temporary construction easement; and,

Tract C

All that strip or parcel of land situated southwest of the intersection of Harrodsburg Road (US Highway 68) and Spring Meadows Drive in Lexington, Fayette County, Kentucky, and being more fully described and bounded as follows, to wit:

BEGINNING, at a found iron pipe, said point being a common corner with Brenda Patton (Deed Book 3772, Page 570), said point also being in the southeasterly boundary line of Lot 1 as shown on the Amended Final Record Plan of H&E Property (Harrod's Park), Unit 3, Lots 1 & 2 (Plat Cabinet F, Slide 520);

Thence with the southeasterly boundary line of Unit 3, Lot 1 of H&E Property (Harrod's Park), N 41°12'32" E, 50.00 feet to a point;

Thence leaving the southeasterly boundary line of Unit 3, Lot 1 of H&E Property (Harrod's Park), with a new temporary construction easement line through the lands of National Retail Properties, LP, for two (2) calls:

- 1) S 48°47'28" E, 84.43 feet to a point; and
- 2) S 41°12'58" W, 15.72 feet to a point;

Thence with a new permanent sanitary sewer easement line for two (2) calls:

- 1) N 48°37'47" W, 44.72 feet to a point; and
- 2) S 77°14'03" W, 42.54 feet to a point in the northeasterly property line of the aforesaid Brenda Patton (Deed Book 3772, Page 570);

Thence with the northeasterly property line of Brenda Patton, N 48°47'28" W, 14.68 feet to the **TRUE POINT OF BEGINNING**, and,

The above-described parcel contains 0.052 Acres (2,255 sq. ft.) of temporary construction easement; and,

Tracts B and C, being a portion of the property shown on the Record Plat of a Portion of Lewis B. Sherrod Property, of record in Plat Cabinet A, Slide 726, in the Fayette County Clerk's Office and a being portion conveyed to National Retail Properties, LP, a Delaware limited partnership, by deed dated August 24, 2015, of record in Deed Book 3341, Page 377, all in the Fayette County Clerk's Office.

Section 3 — That the Department of Law be and hereby is authorized to file an action in the Fayette Circuit Court to carry out the purposes of this Resolution.

Section 4 — That this Resolution shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF THE URBAN COUNTY COUNCIL
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