

11/15/2012

Ordinance

140-2012

AN ORDINANCE CLOSING KING STREET; DETERMINING THAT ALL PROPERTY OWNERS ABUTTING THE STREET TO BE CLOSED HAVE BEEN IDENTIFIED, PROVIDED WITH WRITTEN NOTICE OF THE PROPOSED CLOSING AND CONSENTED THERETO IN WRITING; AND AUTHORIZING AND DIRECTING THE MAYOR, ON BEHALF OF THE URBAN COUNTY GOVERNMENT, TO EXECUTE A QUITCLAIM DEED TRANSFERRING THE FORMER RIGHT-OF-WAY TO 321 HENRY, LLC., AND O'NAN PROPERTIES, LLC, SUBJECT TO THE RESERVATION OF EASEMENTS FOR ACCESS AND MAINTENANCE OF EXISTING UTILITIES IN THE FORMER RIGHT-OF-WAY.

WHEREAS, the Urban County Government has the exclusive control, 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 and Emergency Services, Waste Management, Water Quality, Streets and Roads, Engineering, Traffic Engineering and Planning, and affected public utilities have reviewed the proposed closing of the designated right-of-way; and

WHEREAS, 321 Henry, LLC., and O'Nan Properties, LLC, are the owners of the property abutting the portion of King Street proposed for closure; and

WHEREAS, the abutting owners have received written notice of the proposed closing and have given written notarized consent to the proposed closure;

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

Section 1 – That, pursuant to KRS 82.405(2)(a), (b) and (c), this Council finds that the above identified property owners are the owners of all properties abutting the portions of King Street herein proposed for closing and said owners have been provided written notice of the proposed closing and have given their written notarized consent to the closing, a copy of which consent is attached hereto as Exhibit A and incorporated herein by reference.

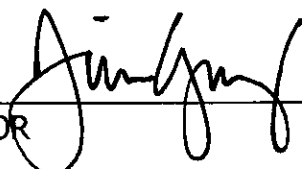
Section 2 – That pursuant to the powers granted to the Lexington-Fayette Urban County Government under Chapter 67A and Section 82.405 of the Kentucky Revised Statutes, the portion of King Street which is shown on the attached Exhibit B, be and hereby is closed as a public way of the Lexington-Fayette Urban County Government.

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
COUNCIL
OFFICE OF THE CLERK
100 EAST MAIN STREET
LEXINGTON, KY 40502
F B 1 4 0 2

Section 3 – That the Mayor, on behalf of the Lexington-Fayette Urban County Government, be and hereby is authorized and directed to execute a quitclaim deed and/or a consolidation plat transferring the former right-of-way to 321 Henry, LLC., and O’Nan Properties, LLC, as the abutting owner, subject to the reservation of easements over the entire tract for access and maintenance of existing utility facilities located in the former right-of-way.

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).

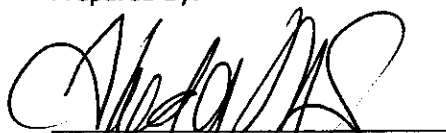
PASSED URBAN COUNTY COUNCIL: November 15, 2012


MAYOR

ATTEST:


CLERK OF URBAN COUNTY COUNCIL
PUBLISHED: November 22, 2012-1t

Prepared By:


Hon. Glenda H. George
Lexington-Fayette Urban County
Government
Department of Law
200 East Main Street 11th Floor
Lexington, KY 40507
(859) 258-3500

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CONSENT CERTIFICATE

The Affiant, Tom O'Nan, after being duly sworn, states as follows:

1. ONAN, LLC, is the owner of the real property located at 317 Henry Street, 610 King Street, 611 West Third Street and 613 West Third Street and said properties abut the portion of King Street that is proposed for closing.

2. The Affiant has received written notice and an exhibit drawing informing ONAN, LLC, of the proposed closure and depicting the area to be closed.

3. After being duly informed of the proposed closure, the Affiant, on behalf of ONAN, LLC, as abutting owner, consents to the proposed closing and provides this certificate as evidence of receipt of written notice of the proposal and consent thereto.

IN TESTIMONY WHEREOF, witnesseth the signature of the undersigned, this 26 day of September, 2012.

Thomas S. O'Nan
NAME

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

The foregoing instrument was subscribed, sworn to and acknowledged before me by THOMAS S. O'NAN, Vice Pres. of ONAN, LLC, on behalf of ONAN, LLC, on this the 26 day of Sept, 2012.

My commission expires: April 17, 2013

Kristy Denney
NOTARY PUBLIC
KENTUCKY, STATE-AT-LARGE

CONSENT CERTIFICATE

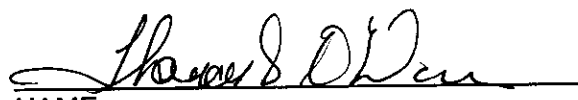
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3. After being duly informed of the proposed closure, the Affiant, on behalf of ONAN, LLC, as abutting owner, consents to the proposed closing and provides this certificate as evidence of receipt of written notice of the proposal and consent thereto.

IN TESTIMONY WHEREOF, witnesseth the signature of the undersigned, this 26 day of September, 2012.


NAME

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

The foregoing instrument was subscribed, sworn to and acknowledged before me by THOMAS S. O'NAN, Vice President of ONAN, LLC, on behalf of ONAN, LLC, on this the 26 day of Sept, 2012.

My commission expires: April 17, 2013


NOTARY PUBLIC
KENTUCKY, STATE-AT-LARGE

CONSENT CERTIFICATE

The Affiant, Brian C. Wood, after being duly sworn, states as follows:

- 1. 321 Henry, LLC, is the owner of the real property located at 321 Henry and said property abuts the portion of King Street that is proposed for closing.
- 2. The Affiant has received written notice and an exhibit drawing informing 321 Henry, LLC, of the proposed closure and depicting the area to be closed.
- 3. After being duly informed of the proposed closure, the Affiant, on behalf of 321 Henry, LLC, as abutting owner, consents to the proposed closing and provides this certificate as evidence of receipt of written notice of the proposal and consent thereto.

IN TESTIMONY WHEREOF, witnesseth the signature of the undersigned, this 26 day of September, 2012.

NAME Brian C. Wood

COMMONWEALTH OF KENTUCKY)
COUNTY OF FAYETTE)

The foregoing instrument was subscribed, sworn to and acknowledged before me by Brian C. Wood, managing member of 321 Henry, LLC, on behalf of 321 Henry, LLC, on this the 26 day of Sept, 2012.

My commission expires: 4/22/15

WILLIAM N. OFFUTT V
 NOTARY PUBLIC
 STATE AT LARGE
 KENTUCKY

William N. Offutt V
 NOTARY PUBLIC
 KENTUCKY, STATE-AT-LARGE

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 My Commission Expires April 22, 2015

CONSENT CERTIFICATE

The Affiant, Brian C. Wood, after being duly sworn, states as follows:

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IN TESTIMONY WHEREOF, witnesseth the signature of the undersigned, this 26 day of September, 2012.

NAME Brian C. Wood

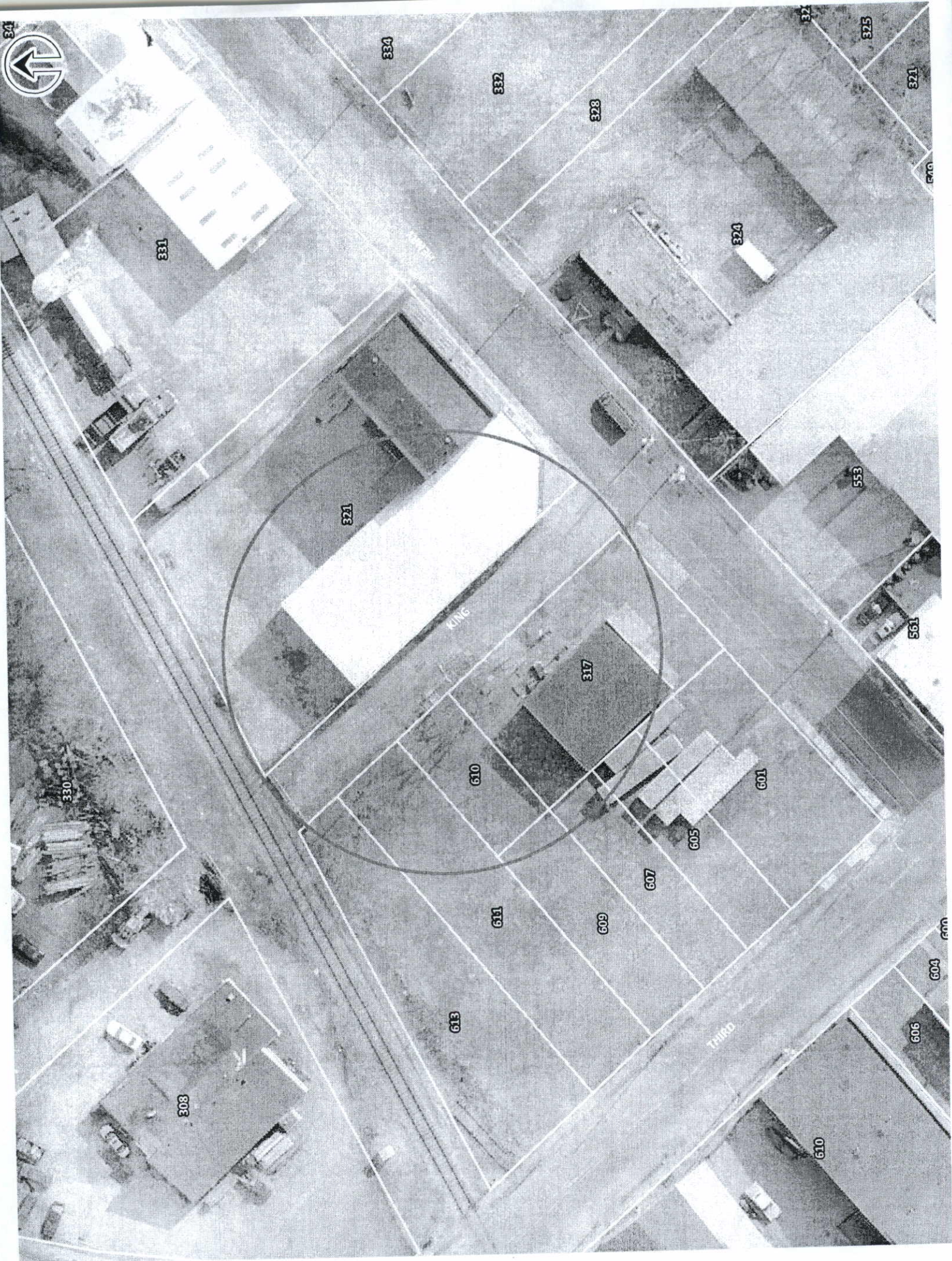
COMMONWEALTH OF KENTUCKY)
COUNTY OF FAYETTE)

The foregoing instrument was subscribed, sworn to and acknowledged before me by Brian C. Wood, managing member of 321 Henry, LLC, on behalf of 321 Henry, LLC, on this the 26 day of Sept, 2012.

My commission expires: 4/22/15

WILLIAM N. OFFUTT V
NOTARY PUBLIC
STATE AT LARGE
KENTUCKY

[Signature]
NOTARY PUBLIC
KENTUCKY, STATE-AT-LARGE





Lexington-Fayette Urban County Government
DEPARTMENT OF ENVIRONMENTAL QUALITY & PUBLIC WORKS

Jim Gray
Mayor

Richard Moloney
Commissioner

MEMORANDUM

To: Mayor Jim Gray
Urban County Council
Richard Moloney, CAO

From: Kevin Wente, Administrative Officer

Date: September 28, 2012

RE: Request for transfer of right-of-way via Quit Claim Deed – King St

This memorandum is to request Urban County Council authorization for the transfer of LFUCG right-of-way (King St) to O'Nan Properties, LLC. LFUCG Division Directors and utility company representatives have responded with comments and consented to this request. The adjacent property owners will accept full responsibility of the maintenance and repair of the right-of-way. Consent Certificates have been signed, and submitted to the Law Department and are attached for your review. I am requesting Council authorization of the closure as presented and execution of all related documents. Should you have any questions regarding this request please feel free to contact me at 258-3407.