

LAW OFFICE OF  
GLENN A. HOSKINS, P.S.C.

"LBS" BUILDING - SUITE 210  
1077 EASTLAND DRIVE  
P.O. BOX 55254  
LEXINGTON, KENTUCKY 40555

GLENN A. HOSKINS

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June 22, 1995

Hon. Tracy Webb Jones  
Corporate Counsel  
Department of Law  
Lexington-Fayette Urban County Government  
200 East Main Street  
Lexington, Kentucky 40507

RE: Proposed Right-of-Way Closing  
Barkley Street, Lexington, Kentucky

Dear Mrs. Jones:

Please find enclosed herewith the following documents in connection with the closing of the abandoned street known as "Barkley Street":

1. Consent Certificate signed by Glenn A. Hoskins, Attorney and Authorized Agent for Lexington MLK, LLC, a Kentucky limited liability company, the owner of all properties abutting the street sought to be closed, namely, 211 & 221 Corral Street, 170 & 174 N. Martin Luther King Boulevard, and 220 Wickliffe Street;
2. Proposed Ordinance to be given first and second readings by the Urban County Council;
4. Exhibit "A" which shows the Barkley Street area to be closed by cross-hatching.

If possible, I would like for first reading of this Ordinance to appear on the Council's docket at its next regularly-scheduled meeting. Thank you very much for your assistance in this matter and please do not hesitate to call me if you have any questions.



Very truly yours,



GLENN A. HOSKINS

Enclosures  
GAH/151681gh

CONSENT CERTIFICATE

The Affiant, Glenn A. Hoskins (the "Affiant"), in his capacity as the Attorney and Authorized Agent for Lexington MLK, LLC, a Kentucky limited liability company (the "Company"), after being duly sworn, states as follows:

1. The Company is the owner of the real properties located at 211 & 221 Corral Street, 170 & 174 N. Martin Luther King Boulevard, and 220 Wickliffe Street and said properties abut Barkley Street which has been proposed for closing.

2. The Company has received written notice and an exhibit drawing informing its 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 the Company (as the owner of all abutting properties), consents to the proposed closing and provides this certificate as evidence of the Company's receipt of written notice of the proposal and its consent thereto.

**IN TESTIMONY WHEREOF**, witnesseth the signature of the undersigned, on this the 22<sup>nd</sup> day of June, 2015.

\_\_\_\_\_  
GLENN A. HOSKINS  
(on behalf of Lexington MLK, LLC, a  
Kentucky limited liability company)

STATE OF KENTUCKY )  
  )  
COUNTY OF FAYETTE )

The foregoing instrument was subscribed, sworn to and acknowledged before me by Glenn A. Hoskins, on behalf of Lexington MLK, LLC, a Kentucky limited liability company, on this the 22<sup>nd</sup> day of June, 2015.

My Commission Expires: 04/07/19

\_\_\_\_\_  
NOTARY PUBLIC, KY, STATE AT LARGE

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE CLOSING A PORTION OF BARKLEY STREET; DETERMINING THAT ALL PROPERTY OWNERS ABUTTING THE PORTION OF SAID ROAD TO BE CLOSED HAVE BEEN IDENTIFIED AND PROVIDED WITH WRITTEN NOTICE OF THE PROPOSED CLOSING AND HAVE CONSENTED THERETO IN WRITING; AND AUTHORIZING AND DIRECTING THE MAYOR, ON BEHALF OF THE URBAN COUNTY GOVERNMENT, TO EXECUTE A QUITCLAIM DEED AND/OR A CONSOLIDATION PLAT TRANSFERRING THE FORMER RIGHT-OF-WAY TO THE ABUTTING OWNER SUBJECT TO AN ACCESS AND MAINTENANCE EASEMENT IN FAVOR OF THE URBAN COUNTY GOVERNMENT AND LEXINGTON MLK, LLC FOR ALL UTILITIES (IF ANY) HAVING FACILITIES IN THE FORMER RIGHT-OF-WAY.

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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 Division of Police, Fire, Engineering, Traffic Engineering and Planning and affected public utilities have reviewed and approved the proposed closing of Barkley Street; and

WHEREAS, LEXINGTON MLK, LLC, a Kentucky limited liability company, having a mailing address of 1999 Richmond Road, Suite 2-A, Lexington, Kentucky 40502, is the owner of all properties abutting Barkley Street proposed for closure; and

WHEREAS, the above-identified owner has received written notice of the proposed closing along with a map depicting the area to be closed; and

WHEREAS, the identified owner has given its written notarized consent to the proposed closure of a portion of Barkley Street;

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 owner is the only property owner abutting Barkley Street proposed for closing and said owner has been provided written notice of the proposed closing and such identified abutting property owner has given its written notarized consent to the closing, a copy of which consent is attached hereto 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 following described Barkley Street right-of-way, be and hereby is closed to the public way of the Lexington-Fayette Urban County Government:

Beginning at an iron pin at the intersection of the east right of way of Barkley Street and the north right of way of Corral Street, said pin being approximately 260 feet east of the east

right of way of MLK Boulevard and also being the southwest corner of Lot 1 as shown on the Final Record Plat of the LFUCG Property recorded in Plat Cabinet L, Slide 949, in the Fayette County Clerk's Office; thence with the north right of way of Corral Street along a curve to the right having an arc length of 21.22 feet, a radius of 230.00 feet, and a chord bearing North 60° 48' 25" West 21.21 feet to an iron pin with identification cap (LS 2020); thence leaving Corral Street and continuing along the west right of way of Barkley Street North 48° 39' 59" East 149.20 feet to an iron pin with identification cap (LS 2187); thence along the north right of way of Barkley Street South 40° 02' 28" East 20.00 feet to an iron pin with identification cap (LS 2187); thence along the east right of way of Barkley Street and the west line of the afore referenced Lot 1 South 48° 39' 59" West 141.67 feet to the point of beginning and containing 2911 square feet or 0.067 acres.

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 the abutting owner, subject to reservation of an access and maintenance easement in favor of the Lexington-Fayette Urban County Government and Lexington MLK, LLC for all utilities having facilities located in the former right-of-way (if any).

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:

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JIM GRAY, MAYOR

ATTEST:

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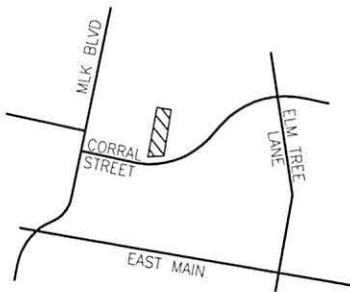
CLERK OF URBAN COUNTY COUNCIL

PUBLISHED:

Metes and Bounds Description of  
Barkley Street to be Closed  
Prepared June 19, 2015

Beginning at an iron pin at the intersection of the east right of way of Barkley Street and the north right of way of Corral Street, said pin being approximately 260 feet east of the east right of way of MLK Boulevard and also being the southwest corner of Lot 1 as shown on the Final Record Plat of the LFUCG Property recorded in Plat Cabinet L, Slide 949, in the Fayette County Clerk's Office; thence with the north right of way of Corral Street along a curve to the right having an arc length of 21.22 feet, a radius of 230.00 feet, and a chord bearing North 60° 48' 25" West 21.21 feet to an iron pin with identification cap (LS 2020); thence leaving Corral Street and continuing along the west right of way of Barkley Street North 48° 39' 59" East 149.20 feet to an iron pin with identification cap (LS 2187); thence along the north right of way of Barkley Street South 40° 02' 28" East 20.00 feet to an iron pin with identification cap (LS 2187); thence along the east right of way of Barkley Street and the west line of the afore referenced Lot 1 South 48° 39' 59" West 141.67 feet to the point of beginning and containing 2911 square feet or 0.067 acres.





VICINITY MAP

**SURVEYORS CERTIFICATION**

I HEREBY CERTIFY THAT THIS SURVEY WAS PERFORMED UNDER MY DIRECTION UTILIZING BOTH RECORD DOCUMENTS AND FIELD MEASUREMENTS. FIELD INFORMATION WAS OBTAINED WITH A TOPCON HIPER II RTK GPS SYSTEM SUPPLEMENTED WITH A TRIMBLE S6 ROBOTIC TOTAL STATION. SERIAL NUMBERS OF BOTH INSTRUMENTS ARE ON FILE IN THE OFFICE OF THE SURVEYOR. THIS SURVEY MEETS THE ACCURACY REQUIREMENTS OF AN URBAN SURVEY AS SPECIFIED IN 201 KAR 18:150 ESTABLISHED BY THE COMMONWEALTH OF KENTUCKY.

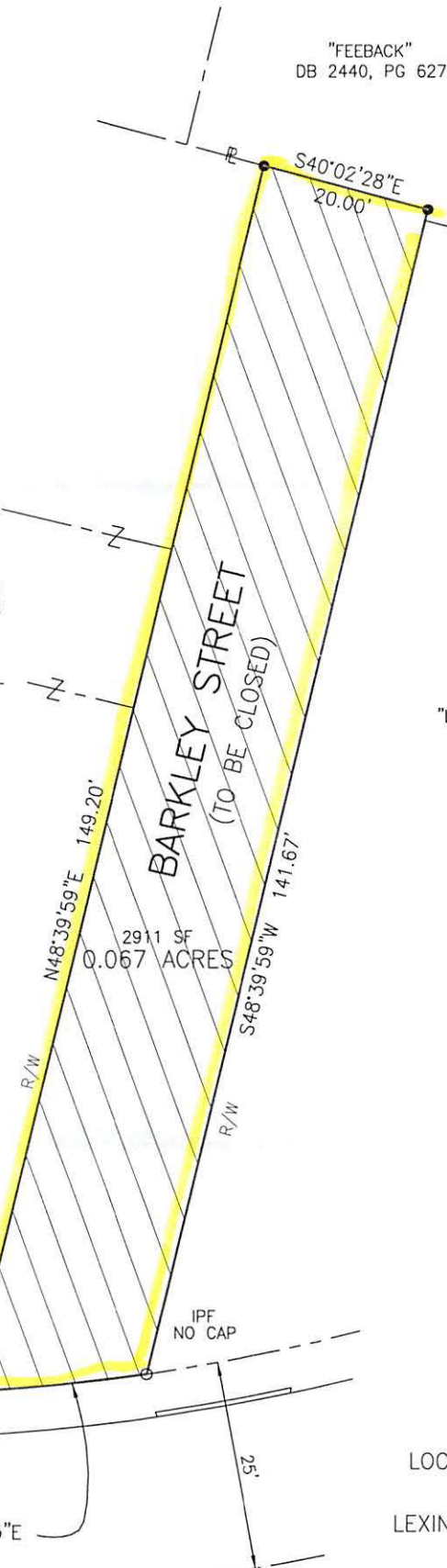
*Wesley B. Witt*

12-14-2015

"MLK LEXINGTON, LLC"  
 DB 3152, PG 238  
 DB 3152, PG 245  
 DB 3152, PG 252  
 DB 3152, PG 259

**LEGEND**

- 5/8" DIA. x 18" STEEL REBAR WITH YELLOW ID CAP IMPRINTED "WB WITT, LS 2127"
- ⊙ CONCRETE NAIL IN CURB (RECOVERED)
- "MAG" NAIL WITH SHINER (SET)
- ⊙ NOT SET
- ℙ PROPERTY LINE



"LEXINGTON MLK, LLC"  
 DB 3215, PG 175  
 PC "L", SL 949



ARC = 21.22'  
 R = 230.00'  
 BRG = S60°48'25"E  
 CHD = 21.21'

CENTERLINE OF CORRAL STREET

**EXHIBIT SHOWING BARKLEY STREET**

(TO BE CLOSED)

LOCATED ON CORRAL STREET NEAR MLK BOULEVARD  
 LEXINGTON, FAYETTE COUNTY, KENTUCKY  
 PREPARED BY:

WESLEY B. WITT, INC.  
 3320 CLAYS MILL ROAD, SUITE 112  
 LEXINGTON, KENTUCKY 40503  
 859-296-5558

DECEMBER 2014 1"=20'