

ORDINANCE NO. 53 -2015

AN ORDINANCE CLOSING A PORTION OF RICHMOND AVENUE AND ALL OF WHITE AVENUE; DETERMINING THAT THE PROPERTY OWNER ABUTTING THE PORTION OF THE STREET 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 A QUITCLAIM DEED TRANSFERRING THE FORMER PORTION OF THE RIGHT-OF-WAY TO THE ABUTTING OWNER, SUBJECT TO THE RESERVATION OF EASEMENTS AND RESTRICTIONS.

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, Waste Management, Water Quality, Streets & Roads, Engineering, Traffic Engineering, and Planning, and affected public utilities, have reviewed the proposed closing of a portion of Richmond Avenue and all of White Avenue; and

WHEREAS, National Station, LLC, is the owner of the properties abutting a portion of Richmond Avenue and all of White Avenue, which are proposed for closing; and

WHEREAS, National Station, LLC, has received written notice of the proposed closing and has given written, notarized consent to the proposed closing;

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 above identified property owner is the owner of all properties abutting the portion of Richmond Avenue and all of White Avenue, which are proposed for closing, and said owner has been provided written notice of the proposed closing and has given its written, notarized consent to the closing, a copy of which consent is attached hereto as Exhibit A and incorporated herein by reference.

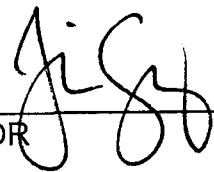
Section 2 – That pursuant to the powers granted to the Lexington-Fayette Urban County Government under Chapter 67A and Section 82.405 of the Kentucky Revised Statutes, the portion of Richmond Avenue and all of White Avenue, which are shown on the attached Exhibit B, be and hereby are closed as a public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

Fayette Urban County Government.

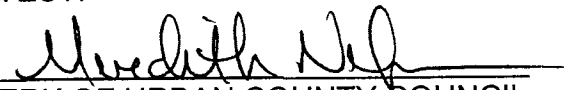
Section 3 – That the Mayor, on behalf of the Lexington-Fayette Urban County Government, be and hereby is authorized to execute a quitclaim deed and/or a consolidation plat transferring the former right-of-way to National Station, LLC, the abutting owner, subject to the reservation of easements for access and maintenance of existing utility facilities.

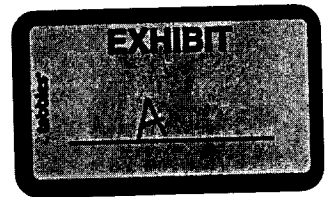
Section 4 – That this Ordinance shall become effective on the date of its passage and shall be recorded in the Office of the Fayette County Clerk pursuant to KRS 82.405(2).

PASSED URBAN COUNTY COUNCIL: May 7, 2015


MAYOR

ATTEST:


CLERK OF URBAN COUNTY COUNCIL
Published: May 14, 2015-1t
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CONSENT CERTIFICATE

The Affiant, John T. Jones, Member of National Station, LLC, after being duly sworn, states on behalf of National Station, LLC, as follows:

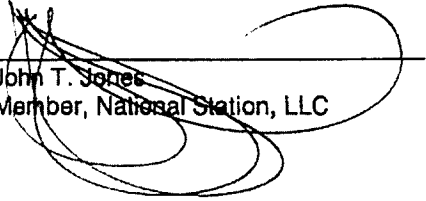
1. National Station, LLC, is the owner of certain real property situated at 949 National Avenue, 348 Richmond Avenue, and 340 Richmond Avenue, Lexington, Kentucky, which parcels abut White Avenue, which is proposed for closing.

2. The Affiant, on behalf of National Station, LLC, has received written notice from the Lexington-Fayette Urban County Government informing the Affiant and National Station, 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 National Station, LLC, as abutting owner, consents to the proposed closure and provides this certificate as evidence of its consent.

IN TESTIMONY WHEREOF, witnesseth the signature of National Station, LLC, by and through its duly authorized officer, on this 14th day of April, 2015.

NATIONAL STATION, LLC

By: 
John T. Jones
Member, National Station, LLC

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

The foregoing Consent Certificate was subscribed, sworn to and acknowledged before me by John T. Jones, for and on behalf of National Station, LLC, on this the 14th day of April, 2015.

My commission expires: August 10, 2018


NOTARY PUBLIC
KENTUCKY, STATE-AT-LARGE

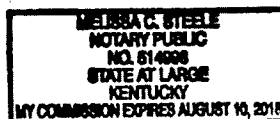
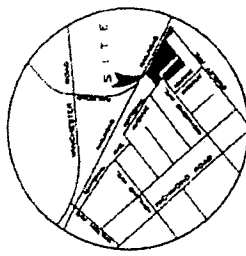
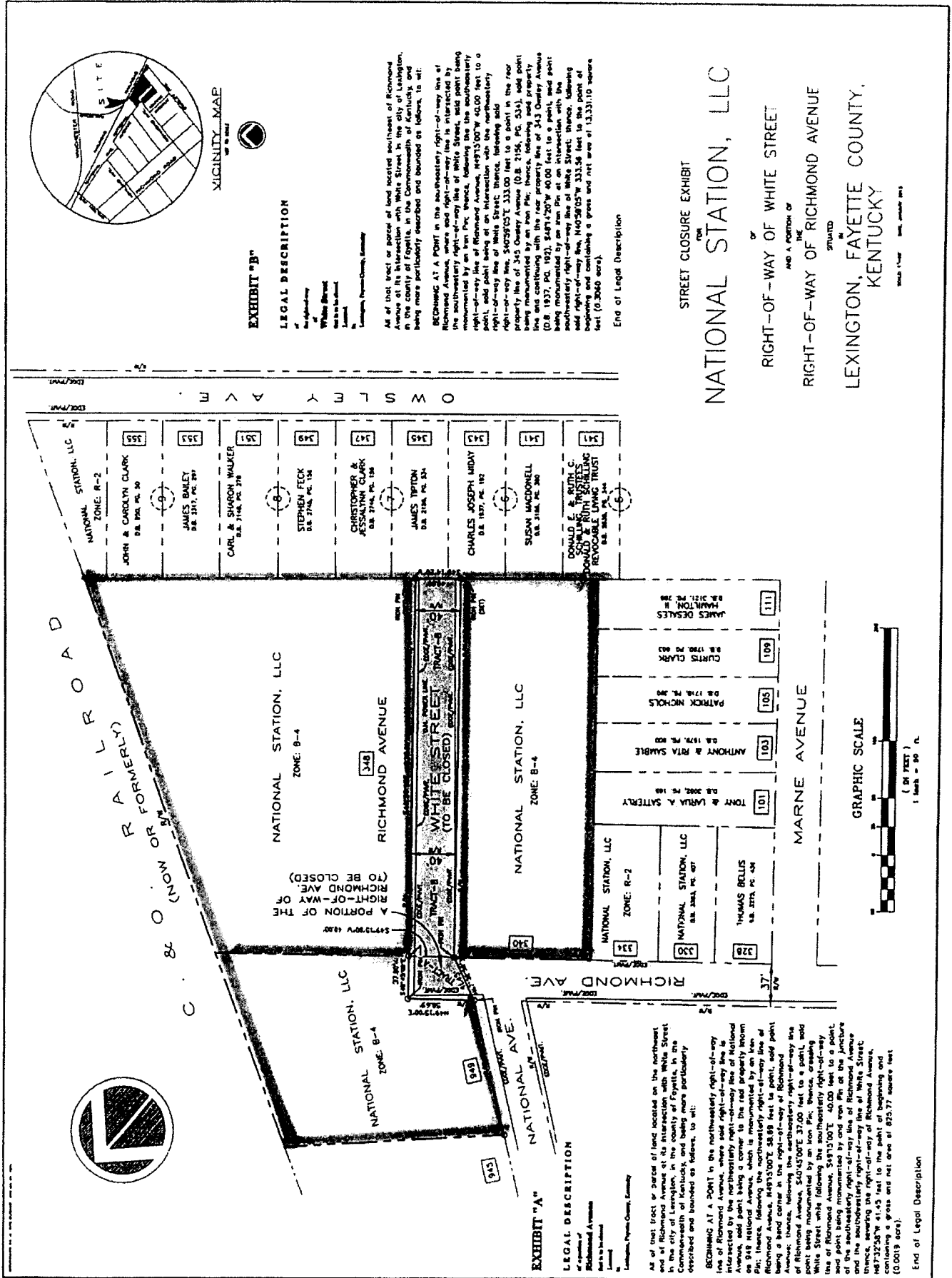


EXHIBIT B



VICINITY MAP
OF THE CITY OF LEXINGTON

EXHIBIT "B"
LEGAL DESCRIPTION
 of
 a portion of
 White Street
 in the City of Lexington,
 Kentucky

All of that tract or parcel of land located southwest of Richmond Avenue at its intersection with White Street in the city of Lexington, in the county of Fayette, in the Commonwealth of Kentucky, and being more particularly described and bounded as follows, to wit:

BEGINS AT A POINT in the northwesterly right-of-way line of Richmond Avenue, where said right-of-way line is intersected by the northwesterly right-of-way line of White Street, said point being monumented by an iron Pin; thence, following the northwesterly right-of-way line of Richmond Avenue, S89°15'00"W 40.00 feet to a point, said point being monumented by an iron Pin; thence, following said right-of-way line of White Street, bearing S40°25'00"E 333.00 feet to a point in the rear property line of 345 Quayle Avenue (O.B. 2156, P.C. 533), said point being monumented by an iron Pin; thence, following said property line and continuing with the rear property line of 343 Quayle Avenue (O.B. 1937, P.C. 193), S49°15'00"W 40.00 feet to a point, said point being monumented by an iron Pin at an intersection with the northwesterly right-of-way line of White Street; thence, following said right-of-way line of White Street, bearing S40°25'00"E 333.00 feet to a point of beginning and containing a gross and net area of 13,331.10 square feet (0.3060 acre).

End of Legal Description

STREET CLOSURE EXHIBIT
 FOR
NATIONAL STATION, LLC
 OF
RIGHT-OF-WAY OF WHITE STREET
 AND A PORTION OF
 THE
RIGHT-OF-WAY OF RICHMOND AVENUE
 SITUATED
 IN
**LEXINGTON, FAYETTE COUNTY,
 KENTUCKY**

MADE 1-16-19 BY: [Signature]

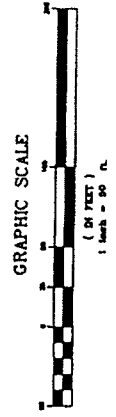
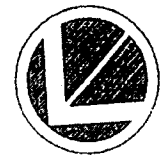


EXHIBIT "A"
LEGAL DESCRIPTION
 of
 a portion of
 Richmond Avenue
 in the City of Lexington,
 Kentucky

All of that tract or parcel of land located on the northwest end of Richmond Avenue at its intersection with White Street in the city of Lexington, in the county of Fayette, in the Commonwealth of Kentucky, and being more particularly described and bounded as follows, to wit:

BEGINS AT A POINT in the northwesterly right-of-way line of Richmond Avenue, where said right-of-way line is intersected by the northwesterly right-of-way line of National Avenue, said point being monumented by an iron Pin; thence, following the northwesterly right-of-way line of Richmond Avenue, S89°15'00"W 38.89 feet to a point, said point being monumented by an iron Pin; thence, following the northwesterly right-of-way line of Richmond Avenue, S40°25'00"E 37.00 feet to a point, said point being monumented by an iron Pin; thence, following the northwesterly right-of-way line of Richmond Avenue, S49°15'00"W 40.00 feet to a point, said point being monumented by an iron Pin at the intersection of the northwesterly right-of-way line of Richmond Avenue and the northwesterly right-of-way line of White Street; thence, following the right-of-way of Richmond Avenue, bearing S40°25'00"E 333.00 feet to a point of beginning and containing a gross and net area of 925.77 square feet (0.0019 acre).

End of Legal Description

I, Donald W Blevins Jr, County Court Clerk
of Fayette County, Kentucky, hereby
certify that the foregoing instrument
has been duly recorded in my office.



By: EMILY GENTRY ,dc

201505150007

May 15, 2015

8:49:27 AM

Fees	\$19.00	Tax	\$0.00
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Total Paid	\$19.00
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6 Pages

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