

RESOLUTION NO. 418 - 2022

A RESOLUTION AUTHORIZING THE DEPARTMENT OF LAW, ON BEHALF OF THE URBAN COUNTY GOVERNMENT, TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH KENTUCKY UTILITIES COMPANY RELATED TO ITS TREE CUTTING PRACTICES, TO DISMISS THE GOVERNMENT'S INJUNCTION LAWSUIT AGAINST THE COMPANY (FAYETTE CIRCUIT COURT, CASE NO. 21-CI-03574), AND TO TAKE ANY OTHER ADDITIONAL NECESSARY RELATED ACTIONS.

WHEREAS, the Lexington-Fayette Urban County Government filed an injunction lawsuit against Kentucky Utilities Company in order to stop the company from cutting down additional trees in certain areas of Lexington-Fayette County; and

WHEREAS, the company ceased tree cutting as a result of the lawsuit in an effort to amicably resolve this matter with the government; and

WHEREAS the parties have reached an agreement related to how tree cutting by the company will be performed in Lexington-Fayette County, which: (a) will result in saving approximately 50% of the trees that would have been cut under the company's previous policies, (b) addresses the primary concerns related to tree cutting that have been raised by the government, (c) will go into effect immediately upon the approval by the Lexington-Fayette Urban County Government, and (d) is summarized in the attached Memorandum of Understanding; and

WHEREAS, the parties agree to dismiss the lawsuit against the company with prejudice as part of the Memorandum of Understanding.

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

Section 1 - That the above recitals are incorporated herein by reference as if fully stated.

Section 2 – That the Department of Law, on behalf of the Lexington-Fayette Urban County Government, be and hereby is authorized to execute the Memorandum of Understanding with Kentucky Utilities Company related to its tree cutting practices, which is attached hereto and incorporated herein by reference.

Section 3 - That the Department of Law be and hereby is authorized to dismiss Fayette Circuit Court, Case No. 21-CI-03574, Lexington-Fayette Urban County Government v. Kentucky Utilities Company (the lawsuit), and take any other additional necessary related actions.

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

PASSED URBAN COUNTY COUNCIL: August 18, 2022

Linda Gorton

MAYOR

ATTEST:

[Signature]

CLERK OF URBAN COUNTY COUNCIL

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