

RESOLUTION NO. 364 - 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 1501 RUSSELL CAVE ROAD FOR THE NEW CIRCLE ROAD TRUNK SEWER A & B IMPROVEMENTS PROJECT.

WHEREAS, the Urban County Council has determined that the acquisition of permanent and temporary easements upon portions of the property located at 1501 Russell Cave Road, as further described herein, is necessary for the New Circle Road Trunk Sewer A & B Improvement Project; 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 1501 Russell Cave Road, as further described herein, is necessary for the New Circle Road Trunk Sewer A & B Improvement Project; 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 New Circle Road Trunk Sewers A & B Improvement Project:

Variable Width Permanent Easement "A"
New Circle Road Trunk
Sewer A & B Improvement Project
(a portion of 1501 Russell Cave Road)

BEGINNING, at the northwest corner of Warbec, LLC (Deed Book 3208, Page 203), at the northeast corner of Cervantes

Associates, LLC (459 W. New Circle Rd, Deed Book 2475, Page 167), in the south line with Paddock Apartments, LLC (Deed Book 2137, Page 400); thence leaving said Paddock Apartments, LLC and with said Cervantes Associates, LLC, South 39°24'10" West, 50.18 feet to the **TRUE POINT OF BEGINNING**; at a point in the south line of an existing 100-foot wide storm and sanitary sewer easement (Plat Cabinet K, Slide 332); thence leaving said Cervantes Associates, LLC for two (2) new lines through the lands of said Warbec, LLC:

- 1) With said existing easement South 55°14'51" East, 39.51 feet to a point;
- 2) Leaving said existing easement, North 71°23'55" West, 42.13 feet to a point in the line with said Cervantes Associates, LLC;

Thence leaving said existing easement and with said Cervantes Associates, LLC, North 39°24'10" East, 11.26 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains 231 square feet (gross and net) of permanent easement; and,

Variable Width Permanent Easement "B"
New Circle Road Trunk
Sewer A & B Improvement Project
(a portion of 1501 Russell Cave Road)

BEGINNING, at the northeast corner of Warbec, LLC (Deed Book 3208, Page 203), at the southwest corner of Paddock Apartments, LLC (Deed Book 2137, Page 400), said point being in the Russell Cave Road west right-of-way; thence leaving said Paddock Apartments, LLC and with said Russell Cave Road, South 38°33'54" West, 50.11 feet to a point in the south line of an existing 100-foot wide storm and sanitary sewer easement (Plat Cabinet K, Slide 332); thence leaving said Russell Cave Road and with said existing easement, North 55°14'46" West, 20.04 feet to the **TRUE POINT OF BEGINNING**; thence leaving said existing easement for four (4) new lines through the lands of said Warbec, LLC:

- 1) South 38°33'54" West, 26.40 feet to a point;
- 2) North 53°06'25" East, 13.74 feet to a point;
- 3) North 17°44'19" West, 42.42 feet to a point in said existing easement;
- 4) With said existing easement, South 55°14'44" East, 49.14 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains 816 square feet (gross and net) of permanent easement; and,

10-Foot Wide Temporary Construction Easement "A"
New Circle Road Trunk
Sewer A & B Improvement Project
(a portion of 1501 Russell Cave Road)

BEGINNING, at the northwest corner of Warbec, LLC (Deed Book 3208, Page 203), at the northeast corner of Cervantes Associates, LLC (459 W. New Circle Rd, Deed Book 2475, Page 167), in the south line with Paddock Apartments, LLC (Deed Book 2137, Page 400); thence leaving said Paddock Apartments, LLC and with said Cervantes Associates, LLC,

South 39°24'10" West, 61.93 feet to the **TRUE POINT OF BEGINNING**; thence leaving said Cervantes Associates, LLC for three (3) new lines through the lands of said Warbec, LLC:

- 1) South 71°23'55" East, 42.13 feet to a point in the south line of an existing 100-foot wide storm and sanitary sewer easement (Plat Cabinet K, Slide 332);
- 2) With said existing easement, South 55°15'40" East, 35.98 feet to a point;
- 3) Leaving said existing easement, North 71°23'55" West, 80.49 feet to a point in the line with said Cervantes Associates, LLC;

Thence with said Cervantes Associates, LLC, North 39°24'10" East, 10.70 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains 613 square feet (gross & net) of temporary construction easement; and,

10-Foot Wide Temporary Construction Easement "B"
New Circle Road Trunk
Sewer A & B Improvement Project
(a portion of 1501 Russell Cave Road)

BEGINNING, at the northeast corner of Warbec, LLC (Deed Book 3208, Page 203), at the southwest corner of Paddock Apartments, LLC (Deed Book 2137, Page 400), said point being in the Russell Cave Road west right-of-way; thence leaving said Paddock Apartments, LLC and with said Russell Cave Road, South 38°33'54" West, 77.26 feet to a point; thence leaving said Russell Cave Road, North 53°06'25" West, 20.01 feet to the **TRUE POINT OF BEGINNING**; thence for six (6) new lines through the lands of said Warbec, LLC:

- 1) South 38°33'54" West, 10.00 feet to a point;
- 2) North 53°06'25" East, 60.26 feet to a point;
- 3) North 36°53'35" East, 34.10 feet to a point in the south line of an existing 100-foot wide storm and sanitary sewer easement (Plat Cabinet K, Slide 332);
- 4) With said existing easement, South 55°14'46" East, 12.23 feet to a point;
- 5) Leaving said existing easement, South 17°44'19" East, 42.42 feet to a point;
- 6) South 53°06'25" East, 13.74 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains 1,326 square feet (gross and net) of temporary construction easement; and,

Both permanent easements "A" and "B" and temporary construction easements "A" and "B", being a portion of the property conveyed to Warbec, LLC, a Kentucky limited liability company, by Deed dated January 2, 2014, of record in Deed Book, 3208, Page 203, 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: July 5, 2022



MAYOR

ATTEST:



CLERK OF THE URBAN COUNTY COUNCIL

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