

RESOLUTION NO. _____-2020

A RESOLUTION AUTHORIZING THE DEPARTMENT OF LAW TO INSTITUTE CONDEMNATION PROCEEDINGS IN FAYETTE CIRCUIT COURT TO OBTAIN A PORTION OF THE REAL PROPERTY LOCATED AT 1180 NEWTOWN PIKE IN FEE SIMPLE, WITH FURTHER TEMPORARY AND PERMANENT EASEMENTS THEREON, FOR THE UPPER CANE RUN WET WEATHER STORAGE PROJECT.

WHEREAS, the Urban County Council has determined that the Upper Cane Run Wet Weather Storage Project requires the acquisition of a portion of the real property located at 1180 Newtown Pike in fee simple, with further permanent and temporary easements thereon, as further described herein; 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 Upper Cane Run Wet Weather Storage Project requires the acquisition of a portion of the real property located at 1180 Newtown Pike in fee simple, with further temporary and permanent easements thereon, 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 following interests in those portions of the real property located at 1180 Newtown Pike described below, and depicted on the attached Exhibit A, for the Upper Cane Run Wet Weather Storage Project:

1180 Newtown Pike

Fee Simple Parcel

Commencing at a point in the Grantor's southern property line, said point being common with a 90 degree bend in the

Grantor's property line and located in the center of Nandino Blvd; thence along the Grantor's southern property line S35°44'21"W 33.65 feet to the point of beginning. Thence continuing along said property line S35°44'21"W 10.34 feet to a point; thence continuing along the Grantor's south property line S55°12'12"W 424.20 feet to the Grantor's southwest property corner; thence along the Grantor's west property line N54°01'33"W 292.48 feet to a point; thence leaving said property line N42°14'58"E 370.45 feet to a point; thence along a curve with a radius of 991.51 feet having a chord bearing of S62°39'37"E and chord distance of 289.92 feet to a point; thence S71°04'02"E 119.41 feet to the point of beginning. Said parcel contain 3.08 acres more or less.

Tract 1 – Permanent Easement

Commencing at a point in the Grantor's southern property line, said point being common with a 90 degree bend in the Grantor's property line and located in the center of Nandino Blvd; thence along the Grantor's southern property line S35°44'21"W 23.2 feet to the point of beginning. Thence leaving said property line N71°04'02"W 122.4 feet to a point; thence along a curve with a delta of 16.747°, a radius of 981.5, and a length of 286.9 feet to a point; thence N51°58'54"W 437.8 feet to a point; thence N64°25'29"W 102.3 feet to a point; thence N71°43'25"W 199.8 feet to a point, said point being common with an existing 30 feet wide utility easement along the south side of Newtown Pike; thence along the existing utility easement S18°16'35"W 10.0 feet to a point; thence leaving the existing utility easement S71°43'25"E 199.2 feet to a point; thence S64°25'29"E 100.5 feet to a point; thence S51°58'04"E 435.9 feet to a point; thence along a curve with a delta 16.814°, a radius of 991.5 feet, and a length of 291.0 feet to a point; thence S71°04'02"E 119.4 feet to a point in the Grantor's southern property line; thence along the Grantor's southern property line N35°44'21"E 10.4 feet to the point of beginning. Easement tract containing 11,483 square feet more or less.

Tract 2 – Temporary Construction Easement

Commencing at a point in the Grantor's southern property line, said point being common with a 90 degree bend in the Grantor's property line and located in the center of Nandino

Blvd; thence along the Grantor's southern property line S35°44'21"W 23.2 feet to the point of beginning. Thence leaving said property line N71°04'02"W 122.4 feet to a point; thence along a curve with a delta of 16.747°, a radius of 981.5, and a length of 286.9 feet to a point; thence N51°58'54"W 437.8 feet to a point; thence N64°25'29"W 102.3 feet to a point; thence N71°43'25"W 199.8 feet to a point, said point being common with an existing 30 feet wide utility easement along the south side of Newtown Pike; thence along the existing utility easement N18°16'35"E 10.0 feet to a point; thence leaving the existing utility easement S71°43'25"E 200.4 feet to a point; thence S64°25'29"E 104.0 feet to a point; thence S51°58'04"E 438.7 feet to a point; thence along a curve with a delta 16.735°, a radius of 971.5 feet, and a length of 283.8 feet to a point; thence S71°04'02"E 125.5 feet to a point in the Grantor's southern property line; thence along the Grantor's southern property line S35°44'21"W 10.4 feet to the point of beginning. Easement tract containing 11,507 square feet more or less.

Tract 3 – Temporary Construction Easement

Commencing at a point in the Grantor's southern property line, said point being common with a 90 degree bend in the Grantor's property line and located in the center of Nandino Blvd; thence along the Grantor's southern property line S35°44'21"W 23.2 feet to a point; thence leaving said property line N71°04'02"W 122.4 feet to a point; thence along a curve with a delta of 16.747°, a radius of 981.5, and a length of 286.9 feet to the point of beginning. Thence S42°14'58"W 10.0 feet to a point; thence N51°58'4"W 434.1 feet to a point; thence N64°25'29"W 98.8 feet to a point; thence N71°43'25"W 198.5 feet to a point, said point being common with an existing 30 feet wide utility easement along the south side of Newtown Pike; thence along the existing utility easement N18°16'35"E 10.0 feet to a point; thence S71°43'25"E 199.2 feet to a point; thence S64°25'29"E 100.5 feet to a point; thence S51°58'04"E 435.9 feet to the point of beginning. Easement tract containing 7,335 square feet more or less.

Tract 4 – Temporary Construction Easement

Commencing at a point in the Grantor's southern property line, said point being common with a 90 degree bend in the

Grantor's property line and located in the center of Nandino Blvd; thence along the Grantor's southern property line S35°44'21"W 23.2 feet to a point; thence leaving said property line N71°04'02"W 122.4 feet to a point; thence along a curve with a delta of 16.747°, a radius of 981.5, and a length of 286.9 feet to a point; thence S42°14'58"W 152.1 feet to the point of beginning. Thence S42°14'58"W 130.0 feet to a point; thence N47°45'05"W 30.0 feet to a point; thence N42°14'58"E 130.0 feet to a point; thence S47°45'02'E 30.0 feet to the point of beginning. Easement tract containing 3,900 square feet more or less.

Tract 5 – Permanent Easement

Commencing at a point in the Grantor's southern property line, said point being common with a 90 degree bend in the Grantor's property line and located in the center of Nandino Blvd near its intersection with Development Drive; thence along the Grantor's southern property line N43°53'17"E 111.3 feet to the point of beginning. Thence leaving said property line N46°07'43"W 55.1 feet to a point; thence N36°46'40"W 124.1 feet to a point; thence S82°20'51"W 20.4 feet to a point in the Grantor's west property line; thence N38°35'53"W 7.4 feet along the Grantor's west property line to a point; thence N50°11'12"W 18.5 feet continuing along the Grantor's west property line to a point; thence leaving the Grantor's west property line S82°20'51"W 42.2 feet to a point; thence N44°58'59"W 20.8 feet to a point; thence N54°23'40"W 22.5 feet to a point; thence S35°30'59"W 31.4 feet to a point in the Grantor's west property line; thence N50°11'12"W 30.1 feet continuing long the Grantor's west property line to a point; thence leaving the Grantor's west property line N35°30'59"E 39.2 feet to a point; thence S54°23'40"E 10.0 feet to a point; thence N35°30'59"E 15.5 feet to a point on an existing permanent sewer easement; thence along the existing permanent easement S46°09'02"E 20.2 feet to a point; thence leaving the existing permanent easement S35°30'59"W 12.6 feet to a point; thence S54°23'40"E 23.4 feet to a point; thence S44°58'49"E 25.8 feet to a point; thence S36°46'40"E 135.7 feet to a point; thence S39°06'29"E 112.2 feet to a point; thence S46°07'43"E 53.6 feet to a point on the Grantor's south property line; thence S43°53'17"E 25.0 feet along the

Grantor's south property line to the point of beginning. Easement tract containing 10,095 square feet more or less.

Tract 6 – Temporary Construction Easement

Commencing at a point in the Grantor's southern property line, said point being common with a 90 degree bend in the Grantor's property line and located in the center of Nandino Blvd near its intersection with Development Drive; thence along the Grantor's southern property line N43°53'17"E 136.3 feet to the point of beginning. Thence along the Grantor's south property line N43°53'17"E 63.8 feet to the point where the Grantor's south property line intersects the westerly line of an existing permanent sewer easement; thence leaving the Grantor's south property line and continuing along the existing permanent easement N69°15'31"W 46.5 feet to a point; thence continuing along the existing permanent easement N46°09'02"W 306.8 feet to a point; thence leaving the existing permanent easement S35°30'59"W 12.6 feet to a point; thence S54°23'40"E 23.4 feet to a point; thence S44°58'49"E 25.8 feet to a point; thence S36°46'40"E 135.7 feet to a point; thence S39°06'29"E 112.2 feet to a point; thence S46°07'43"E 53.6 feet to the point of beginning on the Grantor's south property line. Easement tract containing 10,391 square feet more or less.

Tract 7 – Temporary Construction Easement

Commencing at a point in the Grantor's western property line, said point being common with a 90 degree bend in the Grantor's property line and located in the center of Nandino Blvd; thence along the Grantor's western property line S54°44'16"E 48.9 feet to a point; thence continuing along the Grantor's western property line S50°11'12"E 35.1 feet to the point of beginning; thence continuing along the Grantor's west property line S S50°11'12"E 12.3 feet to a point; thence leaving the Grantor's west property line S82°20'51"W 42.2 feet to a point; thence N44°58'59"W 20.8 feet to a point; thence N54°23'40"W 22.5 feet to a point; thence S35°30'59"W 31.4 feet to the point of beginning on the Grantor's west property line. Easement tract containing 904 square feet more or less.

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:

MAYOR

ATTEST:

CLERK OF THE URBAN COUNTY COUNCIL
525-20CEE:X:\Cases\WATER-AIR\20-LE0002\LEG\00686264.DOCX