

ORDINANCE NO. 61 -2014

AN ORDINANCE DECLARING A PRIVATE ROAD LOCATED NORTH OF THE RICHMOND ROAD HOME DEPOT STORE WHICH STARTS AT THE WEST END OF THE WOODHILL DRIVE EXTENSION AND ENDS AT THE SOUTHLAND CHRISTIAN CHURCH PROPERTY LINE TO HAVE BEEN DEDICATED TO THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT AS A PUBLIC WAY, AND ACCEPTING THE DEDICATION.

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WHEREAS, a private road located north of the Richmond Road Home Depot store which starts at the west end of the Woodhill Drive Extension and ends at the Southland Christian Church property line has been opened to the unrestricted use of the general public for at least five (5) consecutive years; and

WHEREAS, the newly dedicated road will provide access to the new Senior Citizen Center during and after construction; and

WHEREAS, Lexington-Fayette Urban County Government will take over repair and maintenance of this section once the dedication has been accepted; and

WHEREAS, KRS 82.400(3) provides in pertinent part as follows:

When any property has been open to the unrestricted use of the general public for five (5) consecutive years, it shall be conclusively presumed to have been dedicated to the city as a public way or easement, subject to acceptance by the city. The city may, at any time after the expiration of five (5) years from the time the property is open to the public, pass an ordinance declaring it is so dedicated, and accepting the dedication, whereupon it shall be a public way or easement of the city for all purposes.

WHEREAS, KRS 67A.060(1) provides that Urban County Governments "may exercise the constitutional and statutory rights, powers, privileges, immunities and responsibilities" of cities;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT;

Section 1 – That the dedication of a private road located north of the Richmond Road Home Depot store which starts at the west end of the Woodhill Drive Extension and ends at the Southland Christian Church property line to the Lexington-Fayette Urban County Government as a public way be, and the same is, hereby accepted.

Section 2 – That the preamble to this Ordinance be, and the same is, hereby incorporated by reference, the same as if set out in full herein.

