

JUSTIFICATION FOR CHANGE	PROJECT: Phase I-Right of Way Services Contract
	CONTRACT NO.: # 122-2009
	CHANGE ORDER: 4

1. Necessity for change:

H.W. Lochner performing additional work on parcels 9, 10, 12, 15, 22, 35, and address 714 ½ DeRoode.

2. Is proposed change an alternate bid? Yes No

3. Will proposed change alter the physical size of the project? Yes No

If "Yes", explain.

4. Effect of this change on other prime contractors: N/A

5. Has consent of surety been obtained? Yes Not Necessary

6. Will this change affect expiration or extent of insurance coverage? Yes No

If "Yes", will the policies be extended? Yes No

7. Effect on operation and maintenance costs: N/A

Effect on contract completion date: N/A

Mayor

Date

Andrew Grunwald

From: Goodpaster, Stuart (KYTC-D07) [Stuart.Goodpaster@ky.gov]
Sent: Tuesday, April 22, 2014 10:55 AM
To: Andrew Grunwald
Subject: RE: H.W. Lochner CM#4 Request

Dear Mr. Grunwald,

I have reviewed the above referenced Contract Modification for Right-of-Way acquisition services by HW Lochner for the Newtown Pike Extension Project. The manhours and fees appear acceptable. The work is being done to establish clear title to properties that will be ultimately transferred to the Lexington Community Land Trust for permanent affordable housing, in accordance with the Newtown Pike Extension Record of Decision.

You therefore, have authorization to process this Contract Modification with H.W. Lochner in the amount of \$31,750.

Please monitor expenditures for this modification.

Stuart C. Goodpaster, P.E.
Transportation Engineer I
Newtown Pike Extension Project Manager
763 West New Circle Rd
Lexington, KY 40512-0127
Phone: 859-246-2355
Fax: 859-246-2354
eMail: Stuart.Goodpaster@ky.gov

-----Original Message-----

From: Andrew Grunwald [mailto:AGrunwal@lexingtonky.gov]
Sent: Monday, April 21, 2014 2:08 PM
To: Goodpaster, Stuart (KYTC-D07)
Subject: H.W. Lochner CM#4 Request

Mr. Goodpaster,

Attached please find a Contract Modification for H.W. Lochner working on the Property Acquisition for Newtown Pike Extension Phase I Project.

This CM is to provide additional Project Management, Acquisition Services and legal services for Parcels 9, 10, 12, 15, 22, 35 and 714 1/2 Deroode Street. The cost of these services will be \$31,750.00 bring the total contract with H.W. Lochner to \$255,081.25.

With your authorization the LFUCG will process this CM and allow H.W. Lochner to work on the aforementioned parcels.

Andrew Grunwald, P.E.
Municipal Engineer Senior
LFUCG - Division of Engineering
859-258-3597

Karr, Leigh

From: Andrew Grunwald <AGrunwal@lexingtonky.gov>
Sent: Thursday, February 06, 2014 5:03 PM
To: Karr, Leigh; Clay-Young, Pam (KYTC-D07)
Cc: Taylor, Debby; Goodpaster, Stuart (KYTC-D07)
Subject: RE: Title Work

Leigh,

Below is a rough scope of work containing five (5) problems for “NPE Phase I – Properties” please review and let me know what resources and funding you would need to complete...

1. Parcel 22, Previous Owner: Caton

Right of way for DeRoode Street was acquired for this property. Subsequent to that, the owner bought back a portion of the property acquired for right of way that had been declared as surplus. Our current acquisition deed specifically excepted out the property originally bought for right of way and did not include that portion bought back by the owner. So that portion of surplus right of way the property owner bought back has not been transferred.

Work to be done by HW Lochner:

Contact the previous property owners to have them sign a Deed of Correction. File deed in with Clerk of Fayette County.

2. Parcel 12, Previous/Current Owner: Rachael King

There were actually two source deeds for the property Rachael King owned and comprised Parcel 12. Our current acquisition deed references only one of those source deeds in both the legal description and the back source (the deed found on p. 733).

Work to be done by HW Lochner:

Contact the previous property owners to have them sign a Deed of Correction. File deed in with Clerk of Fayette County.

3. Parcel 9, Previous Owner: S&F Electric

P9 was purchased from S&F Electric Incorporated (DB 2979 PG 76), deed says, “being known and designated as 732 DeRoode Street”. S&F purchased it from Emma Smith (DB 1383 PG 784) though the description is nearly the same, this deed calls for “Being know as 732, 736-738 DeRoode Street”

Work to be done by HW Lochner:

Contact the previous property owners to have them sign a Deed of Correction. File deed in with Clerk of Fayette County.

4. Parcel 10/35, Previous Owner: Heirs of F. P. Vick

Our current acquisition deed for Parcel 10 did not include Lot #1, which was an off conveyance to Speigle. Eventually, Lot #1 was purchased by F.P. Vick, with whom we are very familiar. Later, when we were purchasing F.P. Vick property in Parcel 35, Lot #1 may not have been included in the deed. The whole question is.... Did KYTC purchase Lot 1 and if so, by what deed? Note that DB 3147 PG 562 , only describes Parcel 35 as being known as Lot 5 but then goes on to say " being all the same property.....in DB 331 PG 145". DB 331- PG 145, Tract no. 4 "Being Lot no. 1 of the DeRoode Subdivision". An additional problem is in the master deed, wherein we indicate that we were purchasing only “a portion of” Parcel 35 rather than the entire property.

Work to be done by HW Lochner:

Create a Master Commissioner's Deed of Correction for Parcel 35 which references the legal description of Lot #5 and Lot #1 and add backsource wherein Vick acquired the property now known as Lot #1; correct master deed as "being the entire property" for Parcel 35. Contact the previous property owners to have them sign a Deed of Correction. File deed in with Clerk of Fayette County.

5. Lot 714½ Current Owners: City, Board of Education, and Police and Firefighter's Pension Fund
There is a small lot between alleyways that is owned by three entities listed above.

Work to be done by HW Lochner:

Run Title Forward to establish current ownership. If needed create deed having LFUCG acquire property directly from Board of Education and Pension Fund. The property will then be included into the consolidation plat and then into the final subdivision plat.

From: Karr, Leigh [mailto:lkarr@hwlochner.com]
Sent: Tuesday, February 04, 2014 4:08 PM
To: Andrew Grunwald; Clay-Young, Pam (KYTC-D07)
Cc: Taylor, Debby; Goodpaster, Stuart (KYTC-D07)
Subject: RE: Title Work

Pam – Andrew,

Can either of you provide to me a scope of services that will be required to hopefully complete the properties from Versailles road to McKinley Street for the Newtown Pike Project? I need to know how many parcels will need legal work and how many will need acquisition work so we can request a contract mod from LFUCG. I have sent an email to Mary Haggin requesting her cost and timeframe for completion of the current request.

Thanks,
Leigh A. Karr, SR/WA
Right-of-way Project Manager

LOCHNER
1040 Monroeh Street, Suite 300
Lexington, KY 40513

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lkarr@hwlochner.com

From: Andrew Grunwald [mailto:AGrunwal@lexingtonky.gov]
Sent: Tuesday, November 26, 2013 2:03 PM
To: Goodpaster, Stuart (KYTC-D07); Karr, Leigh
Cc: Clay-Young, Pam (KYTC-D07); Taylor, Debby
Subject: RE: Title Work

Stuart,

This is very possible. Mr. Karr please work towards completing the title work and we will work on the contract modification.

Thank you,