

RESOLUTION NO. _____-2013

A RESOLUTION AUTHORIZING AND DIRECTING THE DEPARTMENT OF LAW TO INSTITUTE CONDEMNATION PROCEEDINGS IN FAYETTE CIRCUIT COURT TO OBTAIN PERMANENT SANITARY SEWER AND TEMPORARY CONSTRUCTION EASEMENTS AT 376 BOB-O-LINK DRIVE FOR THE BOB-O-LINK SANITARY SEWER IMPROVEMENTS PROJECT.

WHEREAS, the Urban County Council has determined that the acquisition of permanent sanitary sewer and temporary construction easements at 376 Bob-O-Link Drive, as further described herein, is necessary for the public purpose of and use in the Bob-O-Link Sanitary Sewer Improvements Project; and

WHEREAS, the Owner(s) 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 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 sanitary sewer and temporary construction easements, further described herein, at 376 Bob-O-Link Drive is necessary and required for the Bob-O-Link Sanitary Sewer Improvements Project, a public sanitary sewer project and purpose, and that it is in the best interest of the community to acquire the same, and that the Owner(s) 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 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 and further described below to be obtained for the Bob-O-Link Sanitary Sewer Improvements Project. The permanent sanitary sewer and temporary construction easements being more particularly described as follows:

376 Bob-O-Link Drive

PERMANENT SANITARY SEWER EASEMENT

All that tract of land near the southeast end of Bob-O-Link Drive and east of Vaughn's Branch in Lexington, Fayette County, Kentucky and being more fully described as follows:

BEGINNING at a point in the line of Ann C. Lucas (Deed Book 2471 Page 680), said point being 6.53' from the rear corner of Ann C. Lucas; thence with the line of Lucas, N 53°58'16" E a distance of 20.03' to a point; thence S 32°49'02" E a distance of 70.11' to a point in the line of Carol Ann Reynolds (Deed Book 2068 Page 694); thence with the line of Reynolds, S 53°58'16" W a distance of 20.03'; thence N 32°49'02" W a distance of 70.11' to the point of BEGINNING having an area of 1,398 square feet, of which 701 square feet of said easement previously conveyed in Deed Book 743 Page 319, leaving 697 square feet of new easement area.

Being a part of the property conveyed to Henry E. Davis of record in Deed Book 1634 Page 183 and Deed Book 1150, Page 761, both in the Fayette County Clerk's Office, Fayette County, Kentucky.

TEMPORARY CONSTRUCTION EASEMENTS

TRACT 1:

All that tract of land adjacent to and north of the permanent sanitary sewer easement described above and being more fully described as follows:

BEGINNING at a point in the line of Ann C. Lucas (Deed Book 2471 Page 680), said point being 26.56' from the rear corner of Ann C. Lucas; thence N 53°58'16" E a distance of 15.02'; thence S 32°49'02" E a distance of 70.11'; thence S 53°58'16" W a distance of 15.02'; thence N 32°49'02" W a distance of 70.11' to the point of BEGINNING having an area of 1,052 square feet.

TRACT 2:

All that tract of land adjacent to and south of the permanent sanitary sewer easement described above and being more fully described as follows:

BEGINNING at a point in the line of Ann C. Lucas (Deed Book 2471 Page 680), said point being 6.53' from the rear corner of Ann C. Lucas; thence S 32°49'02" E a distance of 70.11'; thence S 53°58'16" W a distance of 3.78'; thence N 35°04'00" W a distance of 70.01'; thence N 53°58'16" E a distance of 6.53' to the point of BEGINNING having an area of 361 square feet.

Being a part of the property conveyed to Henry E. Davis of record in Deed Book 1634 Page 183 and Deed Book 1150, Page 761, both in the Fayette County Clerk's Office, Fayette County, Kentucky.

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 URBAN COUNTY COUNCIL

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