

07/05/2012

Resolution

363-2012

RESOLUTION NO. 363-2012

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR, ON BEHALF OF THE URBAN COUNTY GOVERNMENT, TO EXECUTE A CERTIFICATE OF CONSIDERATION AND ACCEPT A DEED CONVEYING PERMANENT SANITARY SEWER AND TEMPORARY CONSTRUCTION EASEMENTS FROM RONALD AND ROSE CRIM, FOR THE PROPERTY LOCATED AT 679 WOODWARD LANE, FOR THE WILDERNESS ROAD/WOODWARD LANE SANITARY SEWER PROJECT, AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$261.90, PLUS USUAL AND APPROPRIATE CLOSING COSTS.

BE IT RESOLVED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

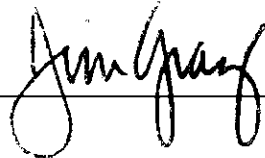
Section 1 – That the Mayor, on behalf of the Lexington-Fayette Urban County Government, be and hereby is authorized and directed to execute a Certificate of Consideration and to accept a Deed conveying permanent sanitary sewer and temporary construction easements from Ronald and Rose Crim, for the property located at 679 Woodward Lane, for the Wilderness Road/Woodward Lane Sanitary Sewer.

Section 2 – That an amount, not to exceed the sum of \$261.90, be and hereby is approved for payment to Ronald and Rose Crim, plus usual and appropriate closing costs, all from account #3400 303401 92811, at the time of closing.

Section 3 - That this Resolution shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: July 5, 2012

MAYOR



ATTEST:


CLERK OF URBAN COUNTY COUNCIL

..Title

Authorization to accept a deed for a permanent sanitary sewer easement and a temporary construction easement for the Wilderness Road/Woodward Lane Sanitary Sewer Project on the property located at 679 Woodward Lane. (L614-12) (Martin/Moloney)

This is a request to accept a deed for a permanent sanitary sewer easement and a temporary construction easement for the Wilderness Road/Woodward Lane Sanitary Sewer Project on the property located at 679 Woodward Lane at a cost of \$261.90. Funds are budgeted.

..Summary

Authorization to accept a deed for a permanent sanitary sewer easement and a temporary construction easement for the Wilderness Road/Woodward Lane Sanitary Sewer Project on the property located at 679 Woodward Lane. (L614-12) (Martin/Moloney)

This is a request to accept a deed for a permanent sanitary sewer easement and a temporary construction easement for the Wilderness Road/Woodward Lane Sanitary Sewer Project on the property located at 679 Woodward Lane at a cost of \$261.90. Funds are budgeted.

Budgetary Implications: Yes

Advance Document Review: Law/Risk Management

Fully Budgeted: Yes

Account Number: 3400-303401-3401-9281 I

This Fiscal Year Impact: \$261.90

Annual Impact: None

Project: UNSEWER2_2007

Activity: STA_GRANT

Budget Reference: 2007

Current Balance: \$87,228.76

..Body

{Body of resolution or ordinance}

Ronald and Rose Crim



Lexington-Fayette Urban County Government
DEPARTMENT OF ENVIRONMENTAL QUALITY AND PUBLIC WORKS

Jim Gray
Mayor

Richard Moloney
Acting Commissioner

MEMORANDUM

To: Jim Gray, Mayor
Urban County Council


From: Philip D. Overstreet
Associate Engineering Technician Principal


Date: May 23, 2012

Re: Resolution Authorizing Acceptance of Deed
Project No: 468 – Wilderness Road/Woodward Lane Sanitary Sewer Project

The purpose of this memorandum is to request a resolution authorizing the acceptance of a deed for a permanent sanitary sewer easement and a temporary construction easement for the Wilderness Road/Woodward Lane Sanitary Sewer Project. The deed will be from Ronald & Rose Crim at a cost of \$261.90 for the acquisition of 131 square feet of permanent sanitary sewer easement and 436 square feet of temporary construction easement on the property located at 679 Woodward Lane. This amount is fully budgeted in 3400-303401-3401-92811.

Approved by:


Charles Martin, Director
Division of Water Quality


Richard Moloney, Acting Commissioner
Department of Environmental Quality &
Public Works

c: Glenda George, Managing Attorney, Department of Law
Bill Bowie, P.E., L.S., Division of Water Quality
File

06.P468.406.bluesheetp1

LEXINGTON-FAYETTE URBAN
COUNTY GOVERNMENT
DIVISION OF ENGINEERING
DEPARTMENT OF PUBLIC WORKS

**CONDITIONAL
OFFER TO PURCHASE**

COUNTY Fayette ITEM NO. _____
PROJECT NO. 468 - Wilderness Rd./Woodward Ln. San Sewer
ROAD NAME 679 Woodward Ln.
PARCEL NO. 68 FEDERAL NO. _____

Ronald W. & Rosa M. Crim
679 Woodward Ln.
Lexington, KY 40509-4323

Date: January 31, 2012

Dear Ronald W. & Rosa M. Crim:

Your property or a portion thereof is needed for construction of the subject project. This offer is for permanent and/or temporary construction easements on the property, and if accepted, we will require a deed from all parties having an interest therein. Our offer for the property to be acquired and for items which are legally compensable is \$ 261.9. THIS OFFER IS NOT BINDING ON THE URBAN COUNTY GOVERNMENT UNLESS AND UNTIL IT AND ALL OTHER TERMS AND CONDITIONS OF THIS TRANSACTION ARE APPROVED BY THE URBAN COUNTY COUNCIL.

An allocation of this offer is:

• Real Estate \$ N/A • Damages \$ N/A • Easement(s) \$261.90

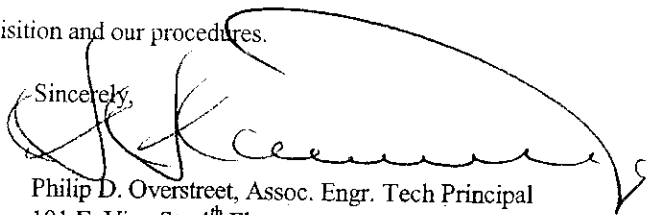
Improvements within the acquisition are shown on the attached drawings.

If you are in agreement with this offer, please sign the attached "Memorandum of Understanding" and return it to me. If you are not in agreement with this offer, please call me so that we can discuss the details.

Upon completion of successful negotiations, the terms and conditions of the proposed transaction will be included in a written Memorandum of Understanding (MOU) which will be presented to the Urban County Council for its approval. After the Council authorizes this purchase, the signed deed or contract will be processed for payment and the check delivered to you at the final closing. You will not be obligated to vacate your property until receipt of the agreed consideration.

Every effort will be made to answer questions you may have regarding this acquisition and our procedures.

Sincerely,


Philip D. Overstreet, Assoc. Engr. Tech Principal
101 E. Vine St., 4th Floor
Lexington, Kentucky 40507
859-258-3410

c Robert Bayert, P.E.
Bill Bowie Jr., P.E., L.S.
Glenda George
File

06.P468.406.TC62-8968CE

LEXINGTON-FAYETTE URBAN
COUNTY GOVERNMENT
DIVISION OF ENGINEERING
DEPARTMENT OF PUBLIC WORKS

MEMORANDUM OF
UNDERSTANDING

COUNTY Fayette ITEM NO. _____
PROJECT NO. 468 - Wilderness Rd./Woodward Ln. Sanitary Sewer
ROAD NAME 679 Woodward Ln.
PARCEL NO. 68 FEDERAL NO. _____

Property Owner: Ronald W. & Rosa M. Crim

This Memorandum of Understanding contains all of the representations, terms and conditions that will be included in a formal agreement between the Property Owner and the Lexington Fayette Urban County Government ("LFUCG") and upon which the Property Owner and the LFUCG will rely in completing the proposed transaction. **THE LFUCG IS NOT BOUND BY THIS MEMORANDUM OF UNDERSTANDING UNLESS AND UNTIL IT IS APPROVED BY THE URBAN COUNTY COUNCIL.**

The total consideration to be paid for the property encumbered with the easement is \$ 261.90. This consideration includes a cost-to-cure payment to replace the following items:

The total consideration includes payment for any and all reacquisition or reversion rights of the property owners, their heirs or assigns, which may arise pursuant to KRS 416.670.

As shown by the official plans, the deed will convey approximately N/A (acres - sq. ft.) of land; 131 sq. ft. of permanent sanitary sewer easement(s); 436 (acres - sq. ft.) of construction easement(s); N/A (acres - sq. ft.) of temporary easements(s); and N/A (acres - sq. ft.) excess property (uneconomic remnant).

In addition to the points set out above, the following conditions and terms will be included in this transaction: **In addition any property that is disturbed will be restored to as good a condition or better than when the construction began.**

We, owners of the property identified above, request the checks for payment be made as follows:

Please print the following information:

Name: Ronald William Crim
Address: 679 Woodward Lane
Lex Ky 40509
Social Security No.: 405-72-080
Amount of Check: \$ 261.90
Phone Number 859 243-2573

Name: Rose Marie Crim
Address: 679 Woodward Lane
Lex Ky 40509
Social Security No.: 401-84-8916
Amount of Check: \$ 261.90
Phone Number 859-243-2573

The above, together with the right of way plans, represent all the terms and conditions of the proposed agreement. These terms and conditions were reached without coercion, threats or other promises by either the Property Owner or the Negotiator(s) representing the LFUCG. The LFUCG Negotiator(s) certifies that they have no direct, indirect, present or contemplated interest in the property and in no way benefit from this acquisition.

This Memorandum of Understanding was prepared and signed this 12 day of Feb, 2012.

LEXINGTON-FAYETTE URBAN
COUNTY GOVERNMENT

Philip D. Overstreet
Negotiator

Associate Engineering Tech. Principal
Title

PROPERTY OWNERS SIGNATURES

Ronald W. Crim
Rose Marie Crim

