

RESOLUTION NO. _____-2019

A RESOLUTION AUTHORIZING THE DEPARTMENT OF LAW TO INSTITUTE CONDEMNATION PROCEEDINGS IN FAYETTE CIRCUIT COURT TO OBTAIN PERMANENT AND TEMPORARY EASEMENTS UPON PORTIONS OF THE PROPERTY LOCATED AT 2285 VERSAILLES ROAD FOR THE WOLF RUN TRUNKS B & C WASTE WATER SYSTEM IMPROVEMENTS PROJECT.

WHEREAS, the Urban County Council has determined that the acquisition of permanent and temporary easements upon portions of the property located at 2285 Versailles Road, as further described herein, is necessary for the Wolf Run Trunks B & C Waste Water System Improvements Project; 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 acquisition of permanent and temporary easements upon portions of the property located at 2285 Versailles Road, as further described herein, is necessary for the Wolf Run Trunks B & C Waste Water System Improvements Project, 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 property interests referenced herein, further described below and depicted on the attached Exhibit A, to be obtained for the Wolf Run Trunks B & C Waste Water System Improvements Project:

2285 Versailles Road
Lexington, Fayette County, Kentucky

Permanent Easement

Commencing, at a point being the intersection of the north Right of way of Versailles Road and the east Right of way of Alexandria Drive, also a corner with 2285 Versailles Road (ZC Pharmacy SUB DST C/O Walgreen CO ATTN TX DEPT Store 10801, Deed Book 3180 Page 532). Thence, along the north Right of Way of Versailles Road, N 84°23'57" E a distance of 144.12'. Thence, leaving said Right of Way, N 00°57'21" E a distance of 3.31', to the **True Point of Beginning**. Thence, with a permanent easement, N 00°57'21" E a distance of 162.93'. Thence, N 65°55'54" E a distance of 65.81', to a point in the common line of 2285 and 2233 Versailles Road (Merryman Investment VII LLC, Deed Book 2669 Page 344). Thence, along said common line, S 05°59'50" E a distance of 21.04'. Thence, leaving said common line, with a permanent easement, S 65°55'54" W a distance of 46.55'. Thence, S 00°57'21" W a distance of 150.20'. Thence, N 89°02'39" W a distance of 20.00', to the point of beginning, having an area of 4254.89 square feet.

Temporary Easement

Commencing, at a point being the intersection of the north Right of way of Versailles Road and the east Right of way of Alexandria Drive, also a corner with 2285 Versailles Road (ZC Pharmacy SUB DST C/O Walgreen CO ATTN TX DEPT Store 10801, Deed Book 3180 Page 532). Thence, along the north Right of Way of Versailles Road, N 84°23'57" E a distance of 134.06' to the **True Point of Beginning**. Thence, leaving said Right of Way and with a Temporary easement, N 00°57'21" E a distance of 94.80'. Thence, with a curve turning to the left with an arc length of 9.99', with a radius of 6.31', with a chord bearing of N 50°37'20" E, with a chord length of 8.98'. Thence, N 12°32'47" E a distance of 3.53'. Thence N 03°24'45" E a distance of 17.11'. Thence, N 01°22'35" W a distance of 1.69'. Thence, N 10°32'19" W a distance of 1.89'. Thence N 18°06'34 W a distance of 15.77'. Thence N 05°16'04" W a distance of 24.81'. Thence, N 00°57'21" E a distance of 9.48'. Thence, N 65°55'54" E a distance of 75.44', to a point in the common line of 2285 Versailles Road and 2220 Devonport Drive (King Henry Apartments LLC, Deed Book 3419 Page 708). Thence, along the common line of 2285 Versailles Road and 2220 Devonport Drive, and continuing with the common line of 2233 Versailles Road (Merryman Investment VII LLC, Deed Book 2669 Page 344), S 05°59'50" E a distance of 42.08'. Thence, leaving said common line, and with a temporary easement, S 65°55'54" W a distance of 36.92'. Thence, S 00°57'21" W a distance of 143.69', to a point in the north Right of Way of Versailles Road. Thence, along said Right of Way, S 84°23'57" W a distance of 40.26', to the point of beginning, having an area of 8263.89 square feet.

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
CEE:X:\Cases\WATER-AIR\19-CC0647\LEG\00672013.DOCX