



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

Jim Gray  
Mayor

David L. Homes  
Commissioner

## MEMORANDUM

To: Keith Horn, Managing Attorney  
From: Chester Hicks, Administrative Officer  
Date: June 17, 2021  
RE: Proposed closing of White Avenue Right-of-Way

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This memorandum is to request the legal review of a portion of Richmond Avenue and all of White Avenue proposed permanent closing. The appropriate LFUCG Division Directors and utility company representatives have responded with comments and those comments are enclosed for your review. The property owner (National Station, LLC) will accept full responsibility of the maintenance and repair of the right-of-way. Should you have any questions regarding this request please feel free to contact me at 258-3407.

The request and pertinent support materials were circulated among various divisions and utility representatives to determine impacts to current operations. The comments can be summarized as follows:

### LFUCG Divisions:

Div. of Planning: Planning has no objections to this street closure. A consolidation plat should be submitted and approved by Planning as a part of the closure process so that final lot configuration is documented. (Chris King)

Div. of Engineering: Engineering does not object to the closing. We note the following points:

- We assume the closure will be permanent
- Easements should be maintained on any utilities existing in this corridor.
- Our investigation of the right-of-way only identified overhead utility lines running on the northern side of the right-of-way.
  - No apparent services were connected, but the main lines and poles are still in place.
- A sanitary sewer line is located within the area to be closed, running down the center of the street. To the best of our review this sanitary sewer line does not appear to be connected on any of the houses on Owsley.
- Others utilities may be identified by respective utility companies and/or LFUCG Divisions and should be dealt with accordingly.
- The property at 345 Owsley Avenue (Owner: James M. Tipton at 313 Givens Avenue, Lexington Ky. 40502) utilizes White Avenue for access (at the rear of the property). There is an access apron from Owsley to this property, but it is not currently being utilized (fenced off) as for access. If White Avenue is closed, Mr. Tipton should be notified of the closure. (Brad Frazier)

Div. of Water Quality: There is a sanitary sewer line running down Richmond Avenue and White Avenue. A 20' wide sanitary sewer easement, 10' on each side of the sanitary line will have to be dedicated to the LFUCG if the roadway is closed. (Steve Farmer)

Fire Department: I have completed a site visit to White Avenue. I have also spoken to Mr. Curry about the future redevelopment and internal circulation pattern to White Avenue. The proposed closure of White Avenue will have NO adverse effect on the Division of Fire. (Cpt. Greg Lengal)

Lexington Enhanced 911: This request has been reviewed by the E911. I don't think this is a problem for us. (Paul Hockensmith)

Police Department: This will not affect our operations. (Commander Gregg Jones)

Traffic Engineering: Traffic Engineering has no objection to releasing White Avenue and its Right-of-Way from the public street system as requested by Mr. Mitchell Barnes.

Two (2) existing streetlights along the subject portion of White Avenue will need to be removed or bills transferred to the future owners of the property if they wish to keep them. (Jeffrey Neal)

**Utilities:**

Kentucky Utilities: KU KU does have facilities along the existing right-of-way, but they only serve this property, I have no problem with closing the right-of-way. We do have several street lights that I will need a letter from Traffic to remove. (Kevin Long)

Kentucky American Water: Kentucky American Water has Facilities in this right of way currently and would require at least a 12-15' Easement. (Tobey Adams)

Windstream: We have reviewed the plat for the closure of White Avenue. Windstream has no objective to this closure as described. (Lezlie Allison)

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Chester Hicks, Administrative Officer