

RESOLUTION NO. 414 -2019

A RESOLUTION AUTHORIZING THE DEPARTMENT OF LAW TO INSTITUTE CONDEMNATION PROCEEDINGS IN FAYETTE CIRCUIT COURT TO OBTAIN THE REAL PROPERTY LOCATED AT 190 SOUTH FORBES ROAD, 1265 MANCHESTER STREET, AND 1201 MANCHESTER STREET IN FEE SIMPLE, AND TO FURTHER OBTAIN FEE SIMPLE INTERESTS IN A PORTION OF AND TEMPORARY EASEMENTS UPON 1332 OLD FRANKFORT PIKE AND 1300 OLD FRANKFORT PIKE, FOR THE TOWN BRANCH TRAIL PROJECT.

WHEREAS, the Urban County Council has determined that the Town Branch Trail project requires the acquisition of the real property located at 190 South Forbes Road, 1265 Manchester Street, and 1201 Manchester Street in fee simple, as well as fee simple interests in a portion of and temporary construction easements upon 1332 Old Frankfort Pike and 1300 Old Frankfort Pike, as further described herein; 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 Town Branch Trail Project requires the acquisition of the real property located at 190 South Forbes Road, 1265 Manchester Street, and 1201 Manchester Street in fee simple, as well as fee simple interests in a portion of and temporary construction easements upon 1332 Old Frankfort Pike and 1300 Old Frankfort Pike, 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 real property located at 190 South Forbes Road, 1265 Manchester Street, and 1201 Manchester Street in fee simple for the Town Branch Trail Project.

Section 3 — That, pursuant to the condemnation powers granted to this Government, the Lexington-Fayette Urban County Council hereby condemns the fee

simple interests described below in the following real property for the Town Branch Trail Project:

1332 Old Frankfort Pike

Parcel No. 3

Tract A

To be purchased in Fee Simple

Being a tract of land situated southwest of the intersection of Old Frankfort Pike (KY Highway 1681) and Forbes Road (formerly KY Highway 1723) in Lexington, Fayette County, Kentucky, and being more particularly described as follows:

Beginning at a point in the southerly right-of-way line of Old Frankfort Pike (KY Highway 1681), said point being 31.35 feet right of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 62+17.75 as established by KYTC Project Town Branch Trail Phase 6, Project No. CM 3003, TAP 4003 011, said point also being a common corner to L-M Asphalt Partners, LTD. (Parcel 4);

Thence with the westerly property line of L-M Asphalt Partners, LTD. (Parcel 4), S 03°05'40" W, 4.01 feet to a point, 35.35 feet right of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 62+17.95;

Thence leaving the westerly property line of L-M Asphalt Partners, LTD. (Parcel 4), with a new right-of-way line through the lands of L-M Asphalt Partners, LTD. (Parcel 3) for two (2) calls:

1.) N 83°55'40" W, 42.65 feet to a point, 35.11 feet right of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 61+75.00; and

2.) N 5°30'13" E, 4.00 feet to a point, 31.11 feet right of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 61+75.00, said point also being in the southerly right-of-way line of Old Frankfort Pike (KY Highway 1681);

Thence with the southerly right-of-way line of Old Frankfort Pike (KY Highway 1681), S 83°55'40" E, 42.48 feet to the **POINT OF BEGINNING**, containing 0.004 acres (170 sq. ft.).

The above described parcel being part of the same property conveyed to L-M Asphalt Partners, LTD. by deed dated June 30, 1992, of record in Deed Book 1634, at Page 421, in the Fayette County Clerk's Office.

1300 Old Frankfort Pike

Parcel No. 4

Tract A

To be purchased in Fee Simple

Being a tract of land situated southwest of the intersection of Old Frankfort Pike (KY Highway 1681) and Forbes Road (formerly KY Highway 1723) in Lexington, Fayette County, Kentucky, and being more particularly described as follows:

Beginning at a point in the southerly right-of-way line of Old

Frankfort Pike (KY Highway 1681), said point being 31.35 feet right of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 62+17.75 as established by KYTC Project Town Branch Trail Phase 6, Project No. CM 3003, TAP 4003 011, said point also being a common corner with L-M Asphalt Partners, LTD. (Parcel 3);

Thence with the southerly right-of-way line of the proposed Old Frankfort Pike (KY Highway 1681) for two (2) calls:

1.) S 83°55'40" E, 8.63 feet to a point, 31.36 feet right of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 62+26.43; and

2.) Along an arc 36.40 feet to the right, having a radius of 50.00 feet, the chord of which is S 63°04'20" E, 35.60 feet to a point, 43.91 feet right of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 62+60.00;

Thence leaving the southerly right-of-way line of Old Frankfort Pike (KY Highway 1681), with a new right-of-way line through the lands of L-M Asphalt Partners, LTD. (Parcel 4) for two (2) calls:

1.) N 60°16'01" W, 21.61 feet to a point, 35.33 feet right of Old Frankfort Pike (KY Highway 1681) at Station 62+40.00; and
2.) N 83°55'40" W, 21.89 feet to a point, 35.35 feet right of Old Frankfort Pike (KY Highway 1681) at Station 62+17.95, said point also being in the easterly property line of L-M Asphalt Partners, LTD. (Parcel 3);

Thence with the easterly property line of L-M Asphalt Partners, LTD. (Parcel 3), N 03°05'40" E, 4.01 feet to the **POINT OF BEGINNING**, containing 0.003 acres (120 sq. ft.).

The above described parcel being part of the same property conveyed to L-M Asphalt Partners, LTD. by deed dated June 30, 1992, of record in Deed Book 1634, at Page 421, in the Fayette County Clerk's Office.

Section 4 – That, pursuant to the condemnation powers granted to this Government, the Lexington-Fayette Urban County Council hereby condemns temporary construction easements upon the following real property for the Town Branch Trail Project:

1332 Old Frankfort Pike

Parcel No. 3

Tract B

To be purchased as a Temporary Easement

Being a tract of land situated southwest of the intersection of Old Frankfort Pike (KY Highway 1681) and Forbes Road (formerly KY Highway 1723) in Lexington, Fayette County, Kentucky, and being more particularly described as follows:

Beginning at a point in the southerly right-of-way line of Old Frankfort Pike (KY Highway 1681), said point being 31.35 feet right of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 62+17.75 as established by KYTC

Project Town Branch Trail Phase 6, Project No. CM 3003, TAP 4003 011, said point also being a common corner to L-M Asphalt Partners, LTD. (Parcel 4);

Thence with the westerly property line of L-M Asphalt Partners, LTD. (Parcel 4), S 03°05'40" W, 4.01 feet to a point, 35.35 feet right of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 62+17.95, said point also being the **TRUE POINT OF BEGINNING**;

Thence continuing with the westerly property line of L-M Asphalt Partners, LTD. (Parcel 4), S 03°05'40" W, 6.12 feet to a point, 41.47 feet right of Old Frankfort Pike at Station 62+18.27;

Thence leaving the westerly property line of L-M Asphalt Partners, LTD. (Parcel 4), with a new temporary construction easement line through the lands of L-M Asphalt Partners, LTD. (Parcel 3), N 84°06'05" W, 313.99 feet to a point, 32.12 feet right of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 59+02.16, said point being in the southerly right-of-way line of Old Frankfort Pike (KY Highway 1681);

Thence continuing with the southerly right-of-way line of Old Frankfort Pike (KY Highway 1681) for two (2) calls:

1.) N 06°21'56" E, 11.07 feet to a point, 21.08 feet right of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 59+02.89; and

2.) S 83°55'40" E, 270.92 feet to a point, 31.11 feet right of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 61+75.00;

Thence leaving the southerly right-of-way line of Old Frankfort Pike (KY Highway 1681), with a new right-of-way line through the lands of L-M Asphalt Partners, LTD. (Parcel 3) for two (2) calls:

1.) S 05°30'13" W, 4.00 feet to a point, 35.11 feet right of Old Frankfort Pike at Station 61+75.00; and

2.) S 83°55'40" E, 42.65 feet to the **TRUE POINT OF BEGINNING**, containing 0.072 acres (3,152 sq. ft.).

The above described parcel being part of the same property conveyed to L-M Asphalt Partners, LTD. by deed dated June 30, 1992, of record in Deed Book 1634, at Page 421, in the Fayette County Clerk's Office.

1300 Old Frankfort Pike

Parcel No. 4

Tract B

To be purchased as a Temporary Easement

Being a tract of land situated southwest of the intersection of Old Frankfort Pike (KY Highway 1681) and Forbes Road (formerly KY Highway 1723) in Lexington, Fayette County, Kentucky, and being more particularly described as follows:

Beginning at a point in the southerly right-of-way line of Old

Frankfort Pike (KY Highway 1681), said point being 31.35 feet right of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 62+17.75 as established by KYTC Project Town Branch Trail Phase 6, Project No. CM 3003, TAP 4003 011, said point also being a common corner with L-M Asphalt Partners, LTD. (Parcel 3);

Thence with the easterly property line of L-M Asphalt Partners, LTD. (Parcel 3), S 03°05'40" W, 4.01 feet to a point, 35.35 feet right of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 62+17.95, said point also being the **TRUE POINT OF BEGINNING**;

Thence leaving the easterly property line of L-M Asphalt Partners, LTD. (Parcel 3), with a new right-of-way line through the lands of L-M Asphalt Partners, LTD. (Parcel 4) for two (2) calls:

1.) S 83°55'40" E, 21.89 feet to a point, 35.33 feet right of Old Frankfort Pike (KY Highway 1681) centerline at Station 62+40.00; and

2.) S 60°16'01" E, 21.61 feet to a point, 43.91 feet right of Old Frankfort Pike (KY Highway 1681) centerline at Station 62+60.00, said point also being in the southerly right-of-way line of Old Frankfort Pike (KY Highway 1681);

Thence with the southerly right-of-way line of Old Frankfort Pike (KY Highway 1681) along an arc 59.36 feet to the right, having a radius of 50.00 feet, the chord of which is S 08°12'30" E, 55.93 feet to a point, 97.99 feet right of Old Frankfort Pike (KY Highway 1681) centerline at Station 62+74.46, said point also being in westerly right-of-way line of Forbes Road (formerly KY Highway 1723);

Thence with the westerly right-of-way line of Forbes Road (formerly KY Highway 1723) along an arc 158.35 feet to the left, having a radius of 1308.30 feet, the chord of which is S 22°19'57" W, 158.25 feet to a point, 35.35 feet left of Forbes Road centerline at Station 27+46.05;

Thence leaving the westerly right-of-way line of Forbes Road (formerly KY Highway 1723) with the easterly property line of L-M Asphalt Partners, LTD. (Parcel 3), N 03°05'40" E, 36.55 feet to a point, 45.75 feet left of Forbes Road centerline at Station 27+80.00;

Thence leaving the easterly property line of L-M Asphalt Partners, LTD. (Parcel 3), with a new temporary construction easement through the lands of L-M Asphalt Partners, LTD. (Parcel 4) for three (3) calls:

1.) N 18°53'13" E, 125.09 feet to a point, 55.00 feet left of the proposed Forbes Road centerline at Station 29+00.00;

2.) N 20°26'26" W, 56.15 feet to a point, 41.43 feet right of Old Frankfort Pike (KY Highway 1681) centerline at Station 62+30.00; and

3.) N 84°06'05" W, 11.64 feet to a point, 41.47 feet right of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 62+18.27, said point also being in the easterly

property line of L-M Asphalt Partners, LTD. (Parcel 3);

Thence with the easterly property line of L-M Asphalt Partners, LTD. (Parcel 3), N 03°05'40" E, 6.12 feet to the **TRUE POINT OF BEGINNING**, containing 0.083 acres (3,617 sq. ft.).

The above described parcel being part of the same property conveyed to L-M Asphalt Partners, LTD. by deed dated June 30, 1992, of record in Deed Book 1634, at Page 421, in the Fayette County Clerk's Office.

Section 5 — 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 6 — That this Resolution shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: July 9, 2019

MAYOR

Linda Gorton

ATTEST:

CLERK OF THE URBAN COUNTY COUNCIL

X:\Cases\ENGINEER\17-RE0091\LEG\00660373.DOCX