

**DIVISION OF PLANNING
STREET CLOSURE REQUEST RESPONSE FORM**

Part 1: Technical Review

Note: The below-listed request for right-of-way closure has been forwarded to the Division of Planning. This Technical Review Form is intended to provide the first part of the Division of Planning review for distribution to other Divisions to assist them in making their recommendations.

STREET NAME(S): Devonshire
SUBDIVISION NAME(S): Gibson Park
UNITS(S): N/A
ESTIMATED YEAR BUILT: 1924

RIGHT-OF-WAY WIDTH: 50' FEET
PAVING TYPE: ☒ ASPHALT ☐ CONCRETE ☐ OTHER
PAVING WIDTH: 31'-0" **CURB/GUTTER:** ☒ YES ☐ NO
SIDEWALKS: ☐ NO ☒ YES ☒ ONE SIDE ☐ BOTH SIDES
WIDTH OF UTILITY STRIP: _____ FEET
UTILITIES: ☐ WATER ☐ GAS ☐ ELECTRIC ☐ NONE ☒ UNKNOWN
PAVING SPECS (IF NOTED): _____ " SURFACE _____ " BINDER _____ " BASE

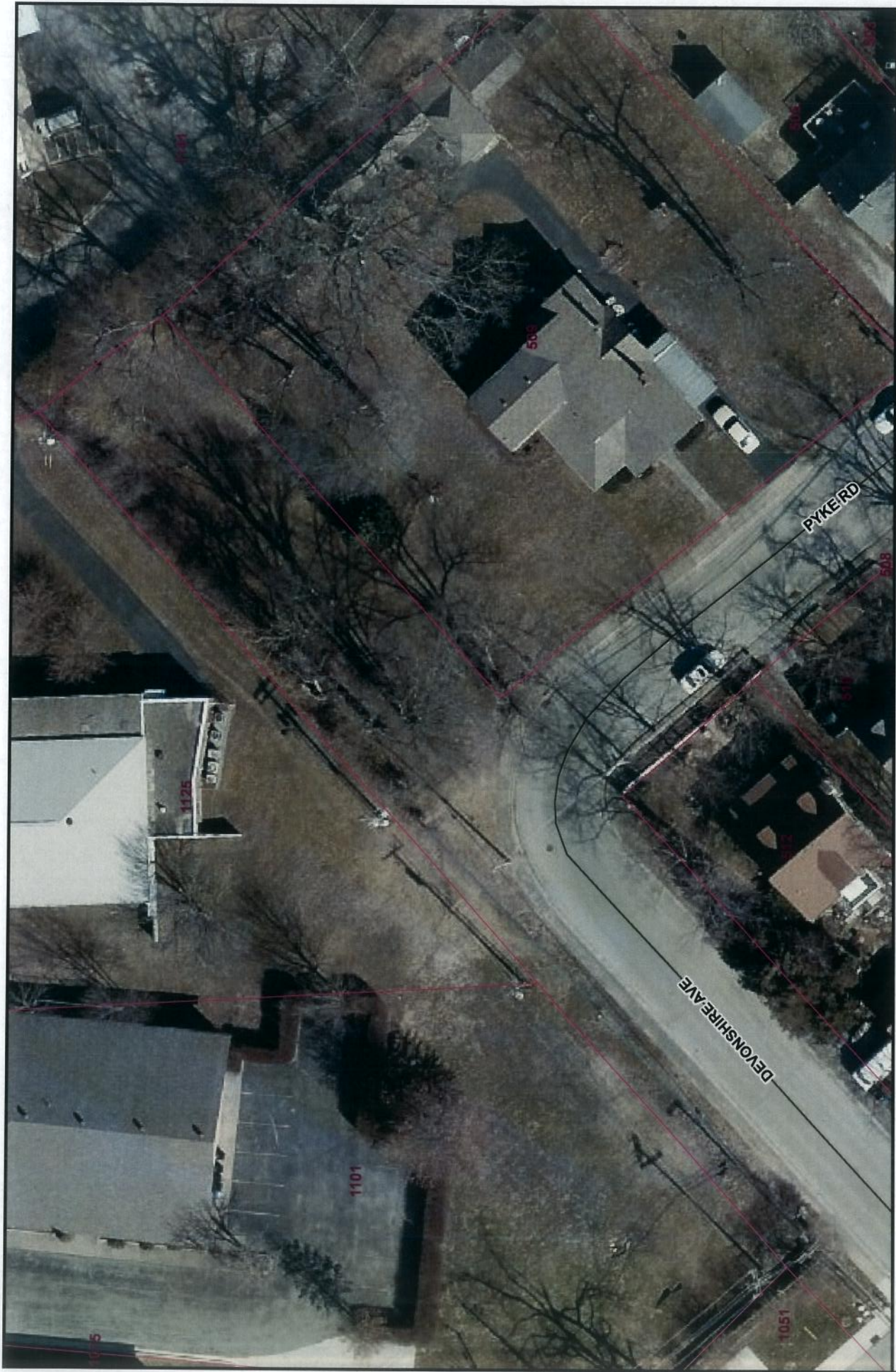
APPLICABLE PUBLIC STREET SPECIFICATIONS AT TIME OF CONSTRUCTION

RIGHT-OF-WAY WIDTH: 50'-0" FEET
PAVING TYPE: ☒ ASPHALT ☐ CONCRETE ☐ OTHER
PAVING WIDTH: 31'-0" **CURB/GUTTER:** ☒ YES ☐ NO
SIDEWALKS: ☐ NO ☒ YES ☒ ONE SIDE ☐ BOTH SIDES
WIDTH OF UTILITY STRIP: _____ FEET
PAVING SPECS (IF NOTED): _____ " SURFACE _____ " BINDER _____ " BASE _____ VARIABLE

OTHER COMMENTS OR SPECIAL CIRCUMSTANCES:

This section of the Devonshire R.O.W was
NEVER CONSTRUCTED AS A STREET.
RECOMMEND THE NEED FOR UTILITY EASEMENTS BE
REVIEWED.

Completed By: Thomas Marki Sr Planner Date: 11/12/14

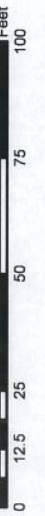


Devonshire Right of Way

Lexington, Kentucky

Notes: _____

Date: ____ / ____ / ____



(M C B R A Y E R)

McBrayer, McGinnis, Leslie & Kirkland, PLLC

ATTORNEYS AT LAW

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CWESTOVER@MMLK.COM

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LEXINGTON, KENTUCKY 40507
(859) 231-8780 EXT. 137
FAX: (859) 253-0706

Chester Hicks

September 10, 2014

Mr. Kevin Atkins
Chief Development Officer
200 E. Main Street
Lexington, Kentucky 40507

RE: Rejection of Dedication of Right-of-Way
Corner of Devonshire Avenue and Pyke Road

Dear Mr. Atkins,

We represent Flying Dutchman, LLC, the owner of 509 Pyke Road, a large R-1C zoned lot that contains a single family dwelling that was built in 1924. The lot is on the corner of Devonshire Avenue and Pyke Road.

The property is comprised of three (3) separate 50' wide lots: Lots 4, 5 and 6 of the Gibson Park Subdivision. The plat, a portion of which is attached as Exhibit 1, showed an extension of Devonshire Avenue, a fifty foot wide street, along the length of this property. This subdivision developed over time, but Devonshire Avenue was never extended beyond the curve where Pyke Road intersects. It is unlikely that extending the street will ever occur since the property behind it, which fronts on Red Mile Road, is fully developed. Attached as Exhibit 2 is an aerial photograph of the area.

To our knowledge this street stub has never been maintained or used by the Government for any purpose. It appears as a natural part of our client's lawn, which our clients mow and maintain. There are no known utility easements within the dedicated street stub.

Our clients would like to acquire the portion of dedicated but unused right-of-way that abuts its lot on Pyke Road. We hereby request the Urban County Government to initiate the process to obtain Council approval to reject dedication of Devonshire Avenue from its intersection with Pyke Road to the end of the street stub, an area of 0.177 acres, with approximate dimensions of 50.04' x 154.55', as shown on the attached site sketch and metes and bounds legal description, which are numbered Exhibit 3 and 4 respectively.

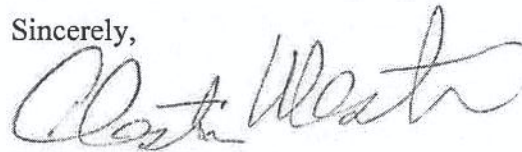
September 10, 2014
Page 2

We understand that if the Council rejects dedication, the adjoining property owners are entitled to one-half of the rejected right-of-way, which for us would be about 25 feet along the length of the side of our lot. Should the Government support our request we will prepare the necessary consolidation plat, at our expense.

I am copying the various governmental divisions that are likely to review our request in order to expedite the process. Please feel free to contact me if you have any questions.

Thank you for your assistance in this matter.

Sincerely,

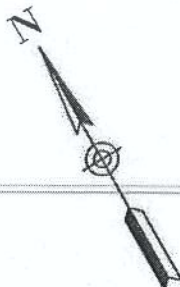


Christine N. Westover

CNW/klm
Enclosures

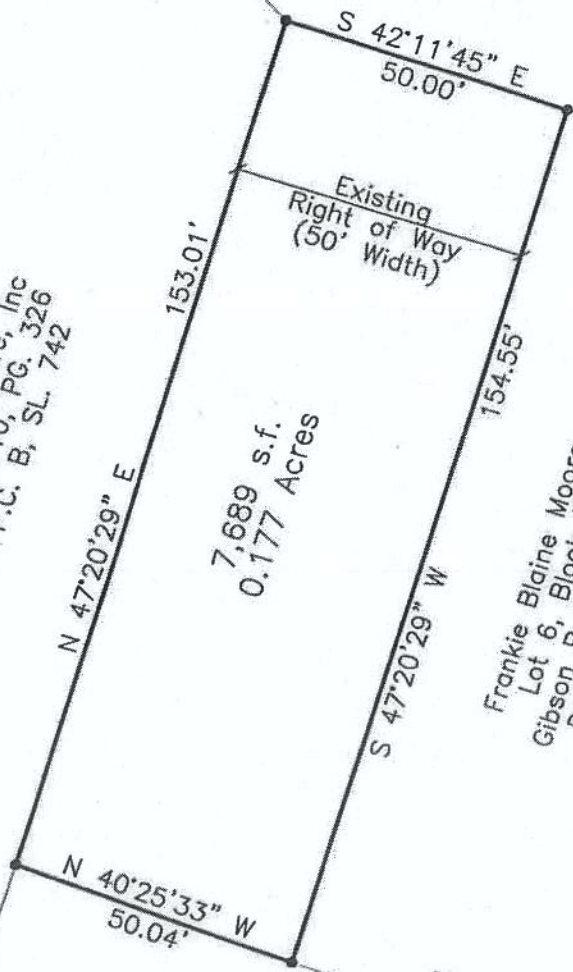
cc: Janet Graham, Commissioner of Law
David Holmes, Commissioner of Environmental Quality and Public Works
Derek Paulson, Commissioner of Planning, Preservation and Development
Albert Miller, Division of Streets and Roads
Brad Frazier, Division Engineering
Chris King, Division of Planning
Rod Chervis, Division of Sanitary Sewers
Charles Martin, Division of Water Quality
Dowell Hoskins-Squier, Division of Traffic Engineering

EX. 3



Whitmer Properties Inc
Lot 1, Parcel B
Red Mile Square, Inc
D.B. 1533, PG. 682
P.C. D, SL. 188

Christian Church
(Disciples of Christ)
Lot 1, Parcel C
Red Mile Square, Inc
D.B. 1410, PG. 326
P.C. B, SL. 742



Frankie Blaine Moore
Lot 6, Block "B"
Gibson Park Subdivision
D.B. 3123, PG. 121
D.B. 818, PG. 33
P.C. E, SL. 308

Avenue

Pyke

Road

Existing
Right of Way
(50' Width)

Existing
Right of Way
(50' Width)

Wells & Osborne
Lot 6, Block "D"
Gibson Park Subdivision
D.B. 1542, PG. 198
P.C. E, SL. 308

ire

512

509

LEGAL DESCRIPTION

A Portion of the Right of Way of
DEVONSHIRE AVENUE
Lexington, Fayette County, Kentucky

A CERTAIN TRACT OF LAND LOCATED AT THE INTERSECTION OF DEVONSHIRE AVENUE AND
PYKE ROAD IN LEXINGTON, FAYETTE COUNTY, KENTUCKY, AND MORE FULLY DESCRIBED AS
FOLLOWS:

The parcel is a portion of the Right of Way of Devonshire Avenue. Beginning at a point in the northern right of way line of Devonshire Avenue, said point also being a point in the lands of Christian Church (Disciples of Christ) thence following said right-of-way and along the lands of Christian Church (Disciples of Christ) N 47-20-29 E, 153.01 feet to a point in the lands of Whitmer Properties, Inc; thence, along said right-of-way and along the lands of Whitmer Properties, Inc, S 42-11-45 E, 50.00 feet to a point in the lands of Frankie Blaine Moore; thence, along the southern edge of said right-of-way and along the lands of Frankie Blaine Moore, S 47-20-29 W, 154.55 feet to a point in the right of way of Pyke Road; thence, N 40-25-33 W, 50.04 feet to the point of beginning and containing 0.177 acres more or less. Said described right of way having a constant width of 50.00 feet.

Ex. 4