

ORDINANCE NO. 46-2018

AN ORDINANCE CLOSING CROSS STREET; DETERMINING THAT THE PROPERTY OWNERS ABUTTING THE STREET HAVE BEEN IDENTIFIED, PROVIDED WITH WRITTEN NOTICE OF THE PROPOSED CLOSING, AND CONSENTED THERETO IN WRITING; AND AUTHORIZING THE MAYOR, ON BEHALF OF THE URBAN COUNTY GOVERNMENT, TO EXECUTE QUITCLAIM DEEDS TRANSFERRING THE FORMER RIGHT-OF-WAY TO THE ABUTTING OWNERS, SUBJECT TO THE RESERVATION OF EASEMENTS AND RESTRICTIONS.

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WHEREAS, the Urban County Government has the exclusive authority, pursuant to Chapter 67A and Section 82.405 of the Kentucky Revised Statutes, to close a public way or any part thereof within its jurisdiction; and

WHEREAS, the Urban County Government Divisions of Police, Fire & Emergency Services, Waste Management, Water Quality, Streets & Roads, Engineering, Traffic Engineering, and Planning, and affected public utilities, have reviewed the proposed closing of Cross Street; and

WHEREAS, the owners of the abutting properties have received written notice of the proposed closing and have given written, notarized consent thereto;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That, pursuant to KRS 82.405(2), all property owners abutting Cross Street have been provided written notice of the proposed closing and have given their written, notarized consent to the closing, copies of which consent certificates are attached hereto as Exhibit A and incorporated herein by reference.

Section 2 – That, pursuant to the powers granted to the Lexington-Fayette Urban County Government under Chapter 67A and Section 82.405 of the Kentucky Revised Statutes, Cross Street be and hereby is closed as a public way of the Lexington-Fayette Urban County Government.

Section 3 – That the Mayor, on behalf of the Lexington-Fayette Urban County Government, be and hereby is authorized to execute quitclaim deeds and any other documents necessary to transfer the former right-of-way to the abutting owners, subject to the reservation of easements and restrictions.

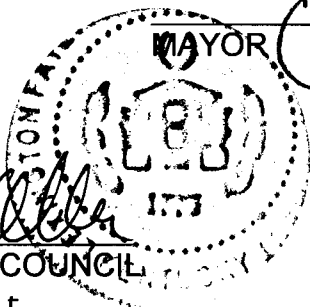
Section 4 – That this Ordinance shall become effective on the date of its passage and shall be recorded in the Office of the Fayette County Clerk pursuant to KRS 82.405(2).

*Return to Preparer*

*DTC*

PASSED URBAN COUNTY COUNCIL: July 5, 2018

*Jim Gray*



ATTEST:

*Marta M. Allen*

CLERK OF URBAN COUNTY COUNCIL

Published: July 12, 2018-1t

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PREPARED BY:

*Charles E. Edwards, III*

CHARLES E. EDWARDS, III

Attorney

Lexington-Fayette Urban County Government

Department of Law, 11th Floor

200 East Main Street

Lexington, Kentucky 40507

(859) 258-3500


**CONSENT CERTIFICATE**

The Affiant, Mark P. Lyons, as Sole Managewr for **EARTHMAN, LLC**, a Kentucky limited liability company with its primary offices at 3031 Catnip Hill Pike, Nicholasville, Kentucky 40356, after being duly sworn, state as follows:

1. Earthman, LLC, is the owner of certain real property situated at 838 West Maxwell Street, which abuts Cross Street, a public right-of-way that is proposed for closing.
2. The Affiant, on behalf of Earthman, LLC, has received written notice from the Lexington-Fayette Urban County Government informing it of the proposed closure and depicting the area to be closed.
3. After being duly informed of the proposed closure, the Affiant, on behalf of Earthman, LLC, as the abutting owner, hereby consents to the proposed closure and provides this certificate as evidence thereof.

IN TESTIMONY WHEREOF, witnesseth the signature of Mark. P. Lyons on this 8<sup>th</sup> day of June, 2018.

EARTHMAN, LLC

By:   
Mark P. Lyons, Sole Manager

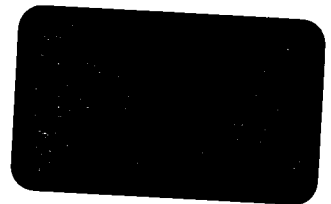
COMMONWEALTH OF KENTUCKY     )  
  )  
COUNTY OF FAYETTE                )

The foregoing Consent Certificate was subscribed, sworn to and acknowledged before me by Mark P. Lyons as Sole Manager for Earthman, LLC, on this the 8<sup>th</sup> day of June, 2018.

My commission expires: January 22, 2019

  
NOTARY PUBLIC  
KENTUCKY, STATE-AT-LARGE

#526141



**CONSENT CERTIFICATE**

The Affiant, Mark P. Lyons, as Sole Manager for **ABD HOLDINGS, LLC**, a Kentucky limited liability company with its primary offices at 3031 Catnip Hill Pike, Nicholasville, Kentucky 40356, after being duly sworn, state as follows:


1. ABD Holdings, LLC, is the owner of certain real property situated at 401 Cross Street, 412 Cross Street, 420 Cross Street, and 900 West Maxwell Street, which abuts Cross Street, a public right-of-way that is proposed for closing.

2. The Affiant, on behalf of ABD Holdings, LLC, has received written notice from the Lexington-Fayette Urban County Government informing it of the proposed closure and depicting the area to be closed.

3. After being duly informed of the proposed closure, the Affiant, on behalf of ABD Holdings, LLC, as the abutting owner, hereby consents to the proposed closure and provides this certificate as evidence thereof.

IN TESTIMONY WHEREOF, witnesseth the signature of Mark P. Lyons on this 8<sup>th</sup> day of June, 2018.


ABD HOLDINGS, LLC

By:   
Mark P. Lyons, Sole Manager

COMMONWEALTH OF KENTUCKY     )  
   )  
COUNTY OF FAYETTE             )

The foregoing Consent Certificate was subscribed, sworn to and acknowledged before me by Mark P. Lyons as Sole Manager for ABD Holdings, LLC, on this the 8<sup>th</sup> day of June, 2018.

My commission expires: January 22, 2019

  
NOTARY PUBLIC  
KENTUCKY, STATE-AT-LARGE  
#526141

I, Donald W Blevins Jr, County Court Clerk  
of Fayette County, Kentucky, hereby  
certify that the foregoing instrument  
has been duly recorded in my office.

  
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By: MELISSA STELTER ,dc

201807240082

July 24, 2018                      10:12:33    AM

Fees	\$16.00	Tax	\$0.00
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Total Paid	\$16.00
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5 Pages

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