

RESOLUTION NO. \_\_\_\_\_-2019

A RESOLUTION AUTHORIZING THE DEPARTMENT OF LAW TO INSTITUTE CONDEMNATION PROCEEDINGS IN FAYETTE CIRCUIT COURT TO OBTAIN PERMANENT AND TEMPORARY EASEMENTS ON PORTIONS OF THE PROPERTY LOCATED AT 1151 MANCHESTER STREET FOR THE TOWN BRANCH TRAIL PROJECT, PHASE 6.

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WHEREAS, the Urban County Council has determined that the acquisition of permanent and temporary easements on portions of the property located at 1151 Manchester Street, as further described herein, is necessary for the Town Branch Trail Project, Phase 6; 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 on portions of the property located at 1151 Manchester Street is necessary and required for the Town Branch Trail Project, Phase 6, and 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 a permanent easement for a shared-use path, as part of the Town Branch Trail, Phase 6, upon, over, across, and through the property described below:

**1151 Manchester Street**  
**Lexington, Fayette County, Kentucky**

*Permanent Easement*

Being a tract of land situated east of the intersection of Manchester Street (KY Highway 1681) and Forbes Road (KY Highway 1723) in Fayette County, Kentucky, and being more particularly described as follows:

Beginning at a point in the northerly right-of-way line of Manchester Street, said point being 14.53 feet left of Manchester Street Station 101+00.04, said point also being in the southerly right-of-way line of CSX Transportation, Inc.;

Thence leaving the northerly right-of-way line of Manchester Street with the southerly right-of-way line of CSX Transportation, Inc. for two (2) calls:

- 1.) N 16°27'36" E, 42.71 feet to a point 56.84 feet left of Manchester Street Station 100+94.25;
- 2.) S 69°25'39" E, 70.06 feet to a point 61.34 feet left of Manchester Street Station 101+64.17;

Thence leaving the southerly right-of-way line of CSX Transportation, Inc. with a new easement line through the lands of Pendery Financial, LLC for four (4) calls:

- 1.) S 57°14'52" E, 133.37 feet to a point 42.53 feet left of Manchester Street Station 102+95.27;
- 2.) S 67°19'32" E, 162.31 feet to a point 51.40 feet left of Manchester Street Station 104+56.91;
- 3.) S 64°44'48" E, 155.81 feet to a point 60.53 feet left of Manchester Street Station 106+08.18;
- 4.) S 51°20'03" E, 91.14 feet to a point 47.49 feet right of Manchester Street Station 106+98.38, said point being in the westerly line of LFUCG;

Thence with the westerly line of LFUCG S 15°15'26" E, 23.81 feet to a point 30.85 feet left of Manchester Street Station 107+15.43, said point being in the northerly right-of-way line of Manchester Street;

Thence with the northerly right-of-way line of Manchester Street for four (4) calls:

- 1.) N 63°27'27" W, 325.15 feet to a point;
- 2.) N 65°41'59" W, 180.48 feet to a point;
- 3.) N 66°22'42" W, 2.15 feet to a point;
- 4.) N 66°13'14" W, 109.98 feet to the POINT OF BEGINNING;

The above described parcel contains ± 0.470 acres (20,484 square feet).

Section 3 — That, pursuant to the condemnation powers granted to this Government, the Lexington-Fayette Urban County Council hereby condemns a temporary easement for the construction of a shared-use path, as part of the Town Branch Trail, Phase 6, upon, over, across, and through the property described below:

**1151 Manchester Street**  
**Lexington, Fayette County, Kentucky**

*Temporary Easement*

Being a tract of land situated east of the intersection of Manchester Street (KY Highway 1681) and Forbes Road (KY Highway 1723) in Fayette County, Kentucky, and being more particularly described as follows:

Beginning at a point in the northerly right-of-way of Manchester Street, said point being 30.85 feet left of Manchester Street Station 107+15.43, said point also being a common corner with LFUCG;

Thence leaving the northerly right-of-way line of Manchester Street with the westerly line of LFUCG N 15°15'26" W, 23.81 feet to the TRUE POINT OF BEGINNING, said point being 47.49 feet left of Manchester Street Station 106+98.38;

Thence leaving the westerly line of LFUCG with a new easement line through the lands of Pendery Financial, LLC for four (4) calls:

- 1.) N 51°20'03" W, 91.14 feet to a point 60.53 feet left of Manchester Street Station 106+08.18;
- 2.) N 64°44'48" W, 155.81 feet to a point 51.40 feet left of Manchester Street Station 104+56.91;
- 3.) N 67°19'32" W, 162.31 feet to a point 42.53 feet left of Manchester Street Station 102+95.27;
- 4.) N 57°14'52" W, 133.37 feet to a point 61.34 feet left of Manchester Street Station 101+64.17, said point being in the southerly right-of-way line of CSX Transportation, Inc.;

Thence with the southerly right-of-way line of CSX Transportation, Inc. for two (2) calls:

- 1.) N 16°57'12" E, 3.41 feet to a point;
- 2.) S 77°15'02" E, 198.06 feet to a point, said point being 106.62 feet left of Manchester Street Station 103+54.78;

Thence leaving the southerly right-of-way line of CSX Transportation, Inc. with a new easement line through the lands of Pendery Financial, LLC for seven (7) calls:

- 1.) S 23°08'12" W, 46.52 feet to a point 60.15 feet left of Manchester Street Station 103+57.02;
- 2.) S 64°52'21" E, 46.59 feet to a point 60.78 feet left of Manchester Street Station 104+03.61;
- 3.) N 22°14'43" E, 13.03 feet to a point 73.78 feet left of Manchester Street Station 104+02.78;
- 4.) S 67°48'13" E, 65.17 feet to a point 77.98 feet left of Manchester Street Station 104+67.82;
- 5.) S 22°29'03" W, 16.48 feet to a point 61.53 feet left of Manchester Street Station 104+68.82;
- 6.) S 64°44'48" E, 144.99 feet to a point 70.59 feet left of Manchester Street Station 106+08.45;
- 7.) S 51°20'03" E, 78.59 feet to a point 59.35 feet left of Manchester Street Station 106+86.23, said point being in the westerly line of LFUCG;

Thence with the westerly line of LFUCG S 15°15'26" E, 16.98 feet to the TRUE POINT OF BEGINNING;

The above described parcel contains ± 0.266 acres (11,577 square feet).

Section 4 — 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 5 — That this Resolution shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

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MAYOR

ATTEST:

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CLERK OF THE URBAN COUNTY COUNCIL  
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