

ORDINANCE NO. _____-2018

AN ORDINANCE CLOSING A PORTION OF JEFFERSON STREET; DETERMINING THAT THE PROPERTY OWNER ADJACENT TO THE PORTION OF THE STREET BEING CLOSED HAS BEEN IDENTIFIED, PROVIDED WITH WRITTEN NOTICE OF THE PROPOSED CLOSING, AND CONSENTED THERETO IN WRITING; AUTHORIZING THE MAYOR, ON BEHALF OF THE URBAN COUNTY GOVERNMENT, TO EXECUTE A QUITCLAIM DEED, IF NEEDED, TRANSFERRING THE FORMER RIGHT-OF-WAY TO THE ADJACENT OWNER, SUBJECT TO THE RESERVATION OF EASEMENTS AND RESTRICTIONS; AUTHORIZING THE DEMOLITION OF A PORTION OF THE VIADUCT AND JEFFERSON STREET AND THE INSTALLATION OF APPROPRIATE TRAFFIC SAFETY FEATURES, SUBJECT TO THE APPROVAL OF THE DIVISION OF ENGINEERING.

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 Planning, Engineering, Water Quality, Police, Fire & Emergency Services, Traffic Engineering, and affected public utilities, have reviewed the proposed closing of a portion of Jefferson Street; and

WHEREAS, the owner of the adjacent property has received written notice of the proposed closing and has 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), the property owner adjacent to the portion of Jefferson Street to be closed has been provided written notice of the proposed closing and has given its written, notarized consent to the closing, copies of which consent certificate is 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, the portion of Jefferson Street identified in Exhibit B 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 a quitclaim deed, if needed, and any other documents necessary to transfer the former right-of-way to the adjacent owner, subject to the reservation of easements and restrictions.

Section 4 – That the adjacent owner be and hereby is authorized to demolish the portion of Jefferson Street and the viaduct identified in Exhibit B, and to install appropriate traffic safety features in relation thereto, subject to the approval of the Division of Engineering using its standard procedures.

Section 5 – 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).

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL
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