

RESOLUTION NO. \_\_\_\_\_ - 2024

A RESOLUTION CONDEMNING NECESSARY PERMANENT AND TEMPORARY EASEMENTS ACROSS THE PROPERTY LOCATED AT 1067 ARMSTRONG MILL ROAD, FOR THE MERRICK TRUNK SEWER PROJECT AND AUTHORIZING THE DEPARTMENT OF LAW TO INSTITUTE CONDEMNATION PROCEEDINGS IN FAYETTE CIRCUIT COURT.

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WHEREAS, the Urban County Council has determined that the acquisition of permanent and temporary easements upon portions of the property located at 1067 Armstrong Mill Road, as further described herein, is necessary for the Merrick Trunk Sewer Project; 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 upon portions of the property located at 1067 Armstrong Mill Road, as further described herein, is necessary for the Merrick Trunk Sewer Project; 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 property interests referenced herein, further described below and depicted on the attached Exhibit “A”, to be obtained for the Merrick Trunk Sewer Project:

**Permanent Sanitary Sewer Easement**  
**Merrick Trunk Sewer Project**  
**(a portion of 1067 Armstrong Mill Road)**

All that tract or parcel of land situated north of Armstrong Mill Road, South of Winding Drive and east of Tates Creek Road in Lexington, Fayette County, Kentucky, being more fully described and bounded as follows, to wit:

**BEGINNING**, at the northwest corner of Timothy David Magee (1067 Armstrong Mill Road, Deed Book 1703, Page 137) in the east line of Chapel Hill Presbyterian Church (3534 Tates Creek Road, Deed Book 3280, Page 746) and a common corner with

Whitney P. Hines (3545 Winding Drive, Deed Book 2869, Page 6) having NAD 83 (2011) Kentucky State Plane North Zone coordinates of North 176,024.82 and East 1,570,495.40;

Thence leaving said Chapel Hill Presbyterian Church and with said Hines, South 20°27'47" East, 11.85 feet to a point;

Thence leaving said Hines for a new line through the lands of said Magee, North 70°55'43" West, 9.19 feet to a point in the line with said Chapel Hill Presbyterian Church;

Thence with a said Chapel Hill Presbyterian Church, North 29°17'48" East, 9.29 to the **POINT OF BEGINNING**, containing 42 square feet (gross and net), more or less.

Being a portion of the property conveyed by Donnie E. Tucker and Marilyn M. Tucker, husband and wife, to Timothy David Magee, an unmarried person, by deed dated November 23, 1993, of record in Deed Book 1703, Page 137, in the records of the Fayette County Clerk.

**Temporary Construction Easement**  
**Merrick Trunk Sewer Project**  
**(a portion of 1067 Armstrong Mill Road)**

All that tract or parcel of land situated north of Armstrong Mill Road, South of Winding Drive and east of Tates Creek Road in Lexington, Fayette County, Kentucky, being more fully described and bounded as follows, to wit:

**BEGINNING**, at the northwest corner of Timothy David Magee (1067 Armstrong Mill Road, Deed Book 1703, Page 137) in the east line of Chapel Hill Presbyterian Church (3534 Tates Creek Road, Deed Book 3280, Page 746) and a common corner with Whitney P. Hines (3545 Winding Drive, Deed Book 2869, Page 6) having NAD 83 (2011) Kentucky State Plane North Zone coordinates of North 176,024.82 and East 1,570,495.40;

Thence leaving said Hines and with said Chapel Hill Presbyterian, South 29°17'48" West, 9.29 feet to the **TRUE POINT OF BEGINNING**;

Thence leaving said Chapel Hill Presbyterian Church for three (3) new lines through the lands of said Magee:

- 1) South 70°55'43" East, 9.19 feet to a point,
- 2) South 20°27'47" East, 12.97 feet to a point,
- 3) North 70°55'43" West, 19.25 feet to a point in the line with said Chapel Hill Presbyterian Church;

Thence with said Chapel Hill Presbyterian Church, North 29°17'48" East, 10.16 feet to the **TRUE POINT OF BEGINNING**, containing 142 square feet (gross and net), more or less.

Being a portion of the property conveyed by Donnie E. Tucker and Marilyn M. Tucker, husband and wife, to Timothy David Magee, an unmarried person, by deed dated November 23, 1993, of record in Deed Book 1703, Page 137, in the records of the Fayette County Clerk.

Section 3 – 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 4 – 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 URBAN COUNTY COUNCIL  
1031-24:EPT:4875-2551-8830, v. 1