

11/17/2011

Resolution

521-2011

RESOLUTION NO. 521-2011

A RESOLUTION EXPRESSING THE INTENT OF THE URBAN COUNTY GOVERNMENT TO ACCEPT DERBY LANDING INTO PUBLIC RIGHT-OF-WAY UPON RETURN OF THE AMENDED SUBDIVISION PLAN WITH SIGNATURES OF PROPERTY OWNERS AND RECORDING OF THE PLAN.

WHEREAS, CAO Policy 32 provides a procedure for accepting privately owned streets into the public street system; and

WHEREAS, it has been requested that Derby Landing be accepted as public right-of-way; and

WHEREAS, the request has been reviewed by the divisions of the urban county government and the request forwarded to the Lexington-Fayette Urban County Planning Commission; and

WHEREAS, on August 25, 2011, the Planning Commission voted unanimously to approve Plan 2011-73F providing for Derby Landing to be accepted as public right-of-way; and

WHEREAS, pursuant to CAO Policy 32, the recommendation of the Planning Commission has been referred to the Urban County Council; and

WHEREAS, the Urban County Council agrees with the Planning Commission's approval of the acceptance of Derby Landing into public right-of-way; and

WHEREAS, CAO Policy 32 provides that all property owners affected must sign the amended subdivision plan prior to final acceptance by the Urban County Government;

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

Section 1 - That the Urban County Government does hereby express its intent to accept Derby Landing into public right-of-way upon return of the amended subdivision plan (Plan 2011-73F) with appropriate signatures and recording of same.

Section 2 - That this Resolution shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: November 17, 2011

MAYOR



ATTEST


CLERK OF URBAN COUNTY COUNCIL

X:\Cases\WATER-AIR\11-CC0061\LEG\00321656.DOC

ADMINISTRATIVE REVIEW FORM

Request for Council Action

See Reverse for Instructions

Log No.

386-11

I. DIRECTORS AND / OR COMMISSIONERS (Summary of Action Requested)

Requesting Council approval to accept Derby Landing into public right-of-way Pursuant to the Private Street Acceptance Policy.

Budgetary Implications: ☐ Yes ☒ No

Advance Document Review: ☐ Law ☐ Risk Mgmt

If "Yes", provide the following information. Prepare and attach a Budget Amendment if necessary.

Fully Budgeted ☐

Partially Budgeted ☐

Not Budgeted ☐

ACCOUNT NUMBER

THIS FY IMPACT

ANNUAL IMPACT

\$

\$

PROJECT

ACTIVITY

BUDGET REFERENCE

Director's Signature

Date

Commissioner's Signature

Date

II. RECEIVED AND LOGGED FOR CHIEF ADMINISTRATIVE OFFICER

Received By

Date

III. ADMINISTRATIVE SERVICES REVIEW

Review By

Initials / Date

Approve

Disapprove

Comments

Department of Law

ius 10/20

✓

Division of Budgeting

em 10/19

✓

Schedule No.

B-102 No.

Acct. No.

Project

Activity

Budget Reference

Fiscal Year

Annual Impact \$

NA

Current Balance \$

Division of Human Resources

omw 10/27/11

✓

Division of Community Development

16 10-27-11

✓

Division of Purchasing

GTS 10-27-11

✓

IV. POST REVIEW ACTION TAKEN

Forward to CAO

Hold

Return to Commissioner or Director

V. CAO'S REVIEW

New Business Item

Approve

Disapprove

Hold and Reenter (Date)

Pull Permanently

Return to:

CAO

Date

VI. COW Work Session Recommendation

✓

To Remain on Docket

Receive as Information Only

Request Add'l Info from

To Council

Committee

Other:

Council Administrator

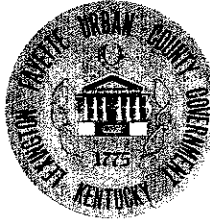
Date

Office of the Mayor Form 1

January 10, 2011

Use previously approved form until supply is exhausted

10/25/11



Lexington-Fayette Urban County Government
DEPARTMENT OF ENVIRONMENTAL QUALITY & PUBLIC WORKS

Jim Gray
Mayor

Cheryl Taylor
Commissioner

MEMORANDUM

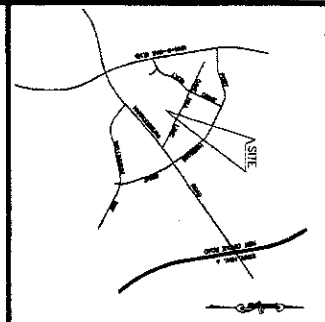
To: Mayor Jim Gray
Richard Maloney, CAO
Cheryl Taylor, Commissioner
Urban County Council

From: Kevin Wentz, Administrative Officer *KW*

Date: October 18, 2011

RE: Recommendation to accept Derby Landing into the Public Right-of-Way, Pursuant to the Private Street Acceptance Policy

This memorandum is to request the Council authorization for the acceptance of Derby Landing into the public right-of-way, in accordance with the established LFUCG policy. Enclosures for your consideration include the findings of fact that were presented to and approved by the Planning Commission and a map of the general location. LFUCG Division Directors have responded with comments and consented to this request. Should you have any questions regarding this request please feel free to contact me at 258-3400.



GENERAL NOTES:

1. ALL DISTANCES ARE GIVEN IN FEET AND INCHES. FRACTIONS ARE GIVEN IN FEET AND INCHES. DECIMALS ARE GIVEN IN FEET.
2. THE PROPERTY LINES ARE SHOWN BY THE DIMENSIONS OF THE LOTS. THE DIMENSIONS OF THE LOTS ARE GIVEN IN FEET AND INCHES. DECIMALS ARE GIVEN IN FEET.
3. THE PROPERTY LINES ARE SHOWN BY THE DIMENSIONS OF THE LOTS. THE DIMENSIONS OF THE LOTS ARE GIVEN IN FEET AND INCHES. DECIMALS ARE GIVEN IN FEET.
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10. THE PROPERTY LINES ARE SHOWN BY THE DIMENSIONS OF THE LOTS. THE DIMENSIONS OF THE LOTS ARE GIVEN IN FEET AND INCHES. DECIMALS ARE GIVEN IN FEET.

HARRODS HILL ESTATES
UNIT 1-D
ZONE R-1C

HARRODS HILL ESTATES
UNIT 1-A, ZONE R-1C

PLAT CAB "M" SLIDE 7.58

OWNERS CERTIFICATION:

I, DONALD W. BARNETT, being the owner of the property described in this plat, do hereby certify that the same is in accordance with the provisions of the zoning ordinance of the City of Harrodsburg, Kentucky, and that the same is being offered for sale in accordance with the provisions of the same.

DATE: 10/25/05

LAND SURVEYORS CERTIFICATION:

I, DONALD W. BARNETT, being the owner of the property described in this plat, do hereby certify that the same is in accordance with the provisions of the zoning ordinance of the City of Harrodsburg, Kentucky, and that the same is being offered for sale in accordance with the provisions of the same.

DATE: 10/25/05

COMMISSIONERS CERTIFICATION:

I, DONALD W. BARNETT, being the owner of the property described in this plat, do hereby certify that the same is in accordance with the provisions of the zoning ordinance of the City of Harrodsburg, Kentucky, and that the same is being offered for sale in accordance with the provisions of the same.

DATE: 10/25/05

PURPOSE OF AMENDMENT:

The purpose of this amendment is to amend the zoning ordinance of the City of Harrodsburg, Kentucky, to allow the use of the property described in this plat for the purpose of the same.

DEFINITION OF MAINTENANCE REQUIREMENTS:

The maintenance requirements for the property described in this plat are as follows:

UTILITY BASEMENT NOTES:

The utility basement for the property described in this plat is as follows:

SAVING SERVICE NOTE:

The saving service for the property described in this plat is as follows:

GOVERNMENT AND UTILITY ACCESS:

The government and utility access for the property described in this plat is as follows:

ORDERED TO RECORD:

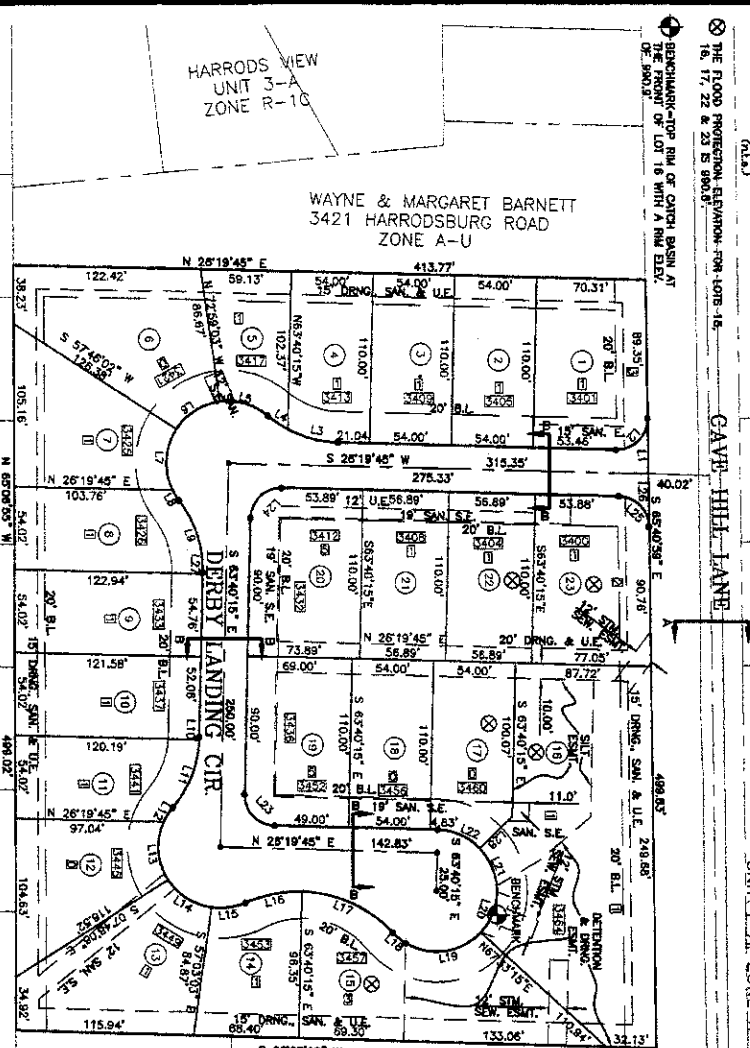
PAID \$25.00 REC. TAX

AT 1:30 P.M.

19th DAY OF JAN 2006

BY DONALD W. BARNETT

200601190368



SECTION "A-A" - CAVE HILL LANE

GRAPHIC SCALE

1 inch = 60 ft.

LINE TABLE

LINE	BEARING	DISTANCE
1	S 82°40'58" E	35.72
2	S 18°42'37" E	28.78
3	S 82°40'58" E	35.72
4	S 82°40'58" E	35.72
5	S 82°40'58" E	35.72
6	S 82°40'58" E	35.72
7	S 82°40'58" E	35.72
8	S 82°40'58" E	35.72
9	S 82°40'58" E	35.72
10	S 82°40'58" E	35.72
11	S 82°40'58" E	35.72
12	S 82°40'58" E	35.72
13	S 82°40'58" E	35.72
14	S 82°40'58" E	35.72
15	S 82°40'58" E	35.72
16	S 82°40'58" E	35.72
17	S 82°40'58" E	35.72
18	S 82°40'58" E	35.72
19	S 82°40'58" E	35.72
20	S 82°40'58" E	35.72
21	S 82°40'58" E	35.72
22	S 82°40'58" E	35.72
23	S 82°40'58" E	35.72
24	S 82°40'58" E	35.72

SECTION "B-B" - PRIVATE

SECTION "C-C" - PRIVATE

SECTION "D-D" - PRIVATE

SECTION "E-E" - PRIVATE

SECTION "F-F" - PRIVATE

SECTION "G-G" - PRIVATE

SECTION "H-H" - PRIVATE

SECTION "I-I" - PRIVATE

SECTION "J-J" - PRIVATE

SECTION "K-K" - PRIVATE

SECTION "L-L" - PRIVATE

SECTION "M-M" - PRIVATE

SECTION "N-N" - PRIVATE

SECTION "O-O" - PRIVATE

SECTION "P-P" - PRIVATE

SECTION "Q-Q" - PRIVATE

SECTION "R-R" - PRIVATE

SECTION "S-S" - PRIVATE

SECTION "T-T" - PRIVATE

SECTION "U-U" - PRIVATE

SECTION "V-V" - PRIVATE

SECTION "W-W" - PRIVATE

SECTION "X-X" - PRIVATE

SECTION "Y-Y" - PRIVATE

SECTION "Z-Z" - PRIVATE

ORDERED TO RECORD:

PAID \$25.00 REC. TAX

AT 1:30 P.M.

19th DAY OF JAN 2006

BY DONALD W. BARNETT

200601190368



FILE COPY

Lexington-Fayette Urban County Government
DEPARTMENT OF ENVIRONMENTAL QUALITY & PUBLIC WORKS

Jim Gray
Mayor

Cheryl Taylor
Commissioner

MEMORANDUM

TO: Lexington-Fayette County Planning Commission
FROM: Kevin Wente, Administrative Officer
DATE: March 14, 2011
RE: Request to accept Derby Landing (Lexington Oaks HOA) into the Public Right-of-Way,
Pursuant to Private Street Acceptance Policy

The Urban County Council approved an administrative policy by which private streets may be considered for acceptance into the public right-of-way. The policy allows for the Planning Commission and the Urban County Council to evaluate the findings of fact, among each request, and vote for or against acceptance into the public right-of-way.

Review of Request

An appropriate petition was received from the Lexington Oaks Home Owners Association and an internal review was conducted by the Divisions of Engineering, Planning, Traffic Engineering, Police, Fire and Emergency Services, and Streets, Roads & Forestry. Typical infrastructures concerns review and documented include:

- Pavement section / condition
- Curbs and Gutters
- Sidewalks / Handicap Ramps
- Hydrants
- Streetlights
- Other Infrastructure, (e.g. medians, fencing, landscaping, etc)

Findings

Based upon the responses received among various LFUCG Divisions, the following findings were noted and recommendations were formulated. Derby Landing Circle is of recent construction and is in good condition. The street right-of-way is only 42 feet, LFUCG standards for a typical residential section is 50' from back of sidewalk to back of sidewalk. The street itself is 23 feet wide and although may pose some complication for Fire and Emergency Response vehicles, there was no objection among the LFD to accept Derby Landing as a public street. Additionally, there was no objection among the Divisions of Traffic Engineering, Water Quality, Streets/Roads & Forestry and Police.

It should be noted that any utilities placed in the existing 5 1/2 foot grass strip were placed within a private easement at the time the plat was recorded. Any future utility relocation required for public improvements will be a public expense. If Derby Landing is accepted as a public street, the Division of Engineering recommends the re-pinning of property corners to account for the standard 50' of right-of-way, per article 5-4(h)(2) of the Lexington-Fayette Urban County Government Land Subdivision Recommendations.

RECOMMENDATION

Based upon the responses among our various Divisions it is recommend that Derby Landing Circle be accepted into the Public Right-Of-Way. Thank you for your consideration of this recommendation.

REVISED STAFF RECOMMENDATION - PLAN 2011-73F: DERBY LANDING

Note: The following plan appears on the 8/25/11 Planning Commission Agenda with an approval recommendation from the Subdivision Committee, noting the need for discussion of one item.

Since that time, clarification of the administration's recommendation regarding the question of additional right-of-way has been obtained. The findings portion of that recommendation notes, for the record, the Division of Engineering's recommendation for additional right-of-way but does not recommend any more than the existing private street right-of-way become public street right-of-way.

The staff also considered recommending the creation of a new "public passageway easement" in the 9'-10' adjacent to the existing curb-line, which demarcates the current right-of-way. However, the likelihood that all 17 property owners along this street would agree to the creation of this new easement is considered circumspect, at best. Thus, the staff has abandoned that idea.

Additionally, the staff would like to clarify that the Urban Forester is approving the street tree information rather than the tree protection plan.

The Staff Recommends: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access
3. Urban Forester's approval of street tree information protection plan.
4. Dash all side and rear lot lines
5. Correct property owner's certification for dedication of private street.
6. Correct engineer's certification for dedication of private street.
7. Correct Urban County Engineer's certification.
8. Document resolution of acceptance for public street prior to certification.
9. ~~Discuss additional right-of-way dedication to 50 feet.~~