

ORDINANCE NO. _____ - 2026

AN ORDINANCE DECLARING A PORTION OF SHAKER DRIVE STARTING AT ITS INTERSECTION WITH HARRODSBURG ROAD AND ENDING AT THE ENTRANCE TO THE HARRODSBURG SQUARE CONDOMINIUMS PROPERTY TO BE DEDICATED TO THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT AS A PUBLIC WAY AND ACCEPTING THE DEDICATION.

WHEREAS, a portion of the private road identified as Shaker Drive which starts at its intersection with Harrodsburg Road and which ends at the entrance to the Harrodsburg Square Condominiums property has been dedicated to public use by plat since 1972 and has been opened to the unrestricted use of the general public for at least five (5) consecutive years; and

WHEREAS, the Lexington-Fayette Urban County Government will take over repair and maintenance of this section once the dedication has been accepted; and

WHEREAS, KRS 82.400(3) sets forth a presumption of dedication of public ways and for acceptance of public ways as a matter of law, as follows:

When any property has been opened to the unrestricted use of the general public for five (5) consecutive years, it shall be conclusively presumed to have been dedicated to the city or consolidated local government as a public way or easement, subject to acceptance by the city or consolidated local government. The city or consolidated local government may, at any time after the expiration of five (5) years from the time the property is opened to the public, pass an ordinance declaring it so dedicated, and accepting the dedication, whereupon it shall be a public way or easement of the city or consolidated local government for all purposes.

WHEREAS, KRS 67A.060(1) provides that urban county governments "may exercise the constitutional and statutory rights, powers, privileges, immunities and responsibilities" of cities.

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

Section 1 – That, pursuant to KRS 82.400(3) and KRS 67A.060(1), the dedication of a portion of the private road identified as Shaker Drive which starts at its intersection with Harrodsburg Road and which ends at the entrance to the Harrodsburg Square Condominiums property to the Lexington-Fayette Urban County Government as a public way be, and the same is, hereby accepted.

Section 2 – That the preamble to this Ordinance be, and the same is, hereby incorporated by reference, the same as if set out in full herein.

Section 3 – That this Ordinance shall become effective upon the date of its passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL
PUBLISHED:

0200-26:MSC:4921-4262-5427, v. 1