

ORDINANCE NO. _____-2016

AN ORDINANCE CLOSING AN UNNAMED ALLEY LOCATED BETWEEN ROSE LANE AND COLUMBIA AVENUE; DETERMINING THAT THE PROPERTY OWNERS ABUTTING THE ALLEY TO BE CLOSED HAVE BEEN IDENTIFIED, PROVIDED WITH WRITTEN NOTICE OF THE PROPOSED CLOSING, AND CONSENTED THERETO IN WRITING; AND AUTHORIZING THE MAYOR, ON BEHALF OF THE URBAN COUNTY GOVERNMENT, TO EXECUTE A QUITCLAIM DEED AND ANY OTHER DOCUMENTS NECESSARY TRANSFERRING THE FORMER RIGHT-OF-WAY TO THE ABUTTING OWNERS, SUBJECT TO THE RESERVATION OF EASEMENTS AND RESTRICTIONS.

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 Police, Fire & Emergency Services, Lexington Enhanced 911, Planning, Engineering, Water Quality, Traffic Engineering, and affected public utilities, have reviewed the proposed closing of the unnamed alley located between Rose Lane and Columbia Avenue; and

WHEREAS, the abutting property owners have received written notice of the proposed closing and have consented thereto in writing;

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

Section 1 – That, pursuant to KRS 82.405(2), this Council finds that the owners of the properties abutting the unnamed alley located between Rose Lane and Columbia Avenue, which is proposed for closing, have been provided written notice of the proposed closing and have given their written, notarized consent to the closing, which consent certificates are 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 unnamed alley located between Rose Lane and Columbia Avenue, which is shown on the attached 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 and any other documents necessary transferring the former right-of-way to the abutting owners,

subject to the reservation of easements for access and maintenance of existing utilities.

Section 4 – 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
Published:

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