

ORDINANCE NO. _____ - 2023

AN ORDINANCE PARTIALLY CLOSING CONCORD DRIVE; DETERMINING THAT THE PROPERTY OWNERS ABUTTING CONCORD DRIVE 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 QUITCLAIM DEEDS AND ANY OTHER DOCUMENTS NECESSARY TO TRANSFER PORTIONS OF 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, E911, Water Quality, Environmental Services, Streets & Roads, Engineering, Traffic Engineering, Planning, and affected public utilities have reviewed the proposed partial closing of Concord Drive; and

WHEREAS, the abutting property owners of the portions of Concord Drive to be closed (Patrick J. Cecil and Cara Dee Cecil, 1437 Pine Meadow Road; and Joel W. Wheeler and Jamie E. Wheeler, 1429 Pine Meadow Road) have received written notice of the proposed partial closing and have given their 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), this Council finds that the property owners of all of the properties abutting the portion of Concord Drive to be closed (Patrick J. Cecil and Cara Dee Cecil, 1437 Pine Meadow Road; and Joel W. Wheeler and Jamie E. Wheeler, 1429 Pine Meadow Road) have been provided written notice of the proposed partial closing of Concord Drive 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, a portion of Concord Drive be and hereby is partially 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 quitclaim deeds and any other documents necessary to transfer portions of the former right-of-way to the abutting owners (Patrick J. Cecil and Cara Dee Cecil, 1437 Pine Meadow Road; and Joel W. Wheeler and Jamie E. Wheeler, 1429 Pine Meadow Road), subject to the reservation of easements and restrictions.

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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