

RESOLUTION NO. _____-2018

A RESOLUTION AUTHORIZING THE DEPARTMENT OF LAW TO INSTITUTE CONDEMNATION PROCEEDINGS IN FAYETTE CIRCUIT COURT TO OBTAIN PERMANENT AND TEMPORARY EASEMENTS AT 2284 VERSAILLES ROAD FOR THE WOLF RUN TRUNKS B & C WASTEWATER SYSTEM IMPROVEMENTS PROJECT.

WHEREAS, the Urban County Council has determined that the acquisition of a permanent and temporary easements at 2284 Versailles Road, as further described herein, is necessary for the Wolf Run Trunks B & C Wastewater System Improvements 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 interest 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 at 2284 Versailles Road is necessary and required for the Wolf Run Trunks B & C Wastewater System Improvements 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 and further described below to be obtained for the Wolf Run Trunks B & C Wastewater System Improvements Project:

Permanent Easement
Wolf Run Trunks B & C Wastewater System
Improvements Project
(a portion of 2284 Versailles Road)

Commencing, at a point in the south Right of Way of Versailles Road, said point being a common corner with 2284 Versailles Road (Stonehorse LLC C/O Rite AID Corp., Deed Book 2292, Page 675) and 1999 Fair Oaks Drive (James Stepetak, Deed Book 2250 Page 632). Thence,

along said common line, S 09°52'40" E a distance of 10.17', to the **True Point of Beginning**. Thence, continuing along said common line, S 09°52'40" E a distance of 20.33'. Thence, leaving said common line and with a permanent easement:

S 69°46'48" W a distance of 61.49'
S 06°28'26" E a distance of 121.11'
S 83°31'34" W a distance of 20.00'
N 06°28'26" W a distance of 120.86'
N 84°30'08" W a distance of 126.20'
S 63°12'37" W a distance of 21.09'
N 26°47'23" W a distance of 16.39', to a point in the east Right of Way of Alexandria Drive. Thence, along said Right of Way, N 00°22'40" W a distance of 4.03'. Thence, leaving said Right of Way and with a permanent easement:
N 63°12'37" Ea distance of 25.08'
S 84°30'08" Ea distance of 137.80'
N 69°46'48" E a distance of 70.70', to the point of beginning, having an area of 7040.42 square feet.

Temporary Easement
**Wolf Run Trunks B & C Wastewater System
Improvements Project
(a portion of 2284 Versailles Road)**

Beginning, at a point in the south Right of Way of Versailles Road, said point being a common corner with 2284 Versailles Road (Stonehorse LLC C/O Rite AID Corp., Deed Book 2292, Page 675) and 1999 Fair Oaks Drive (James Stepetak, Deed Book 2250 Page 632). Thence, along said common line, S 09°52'40" E a distance of 40.66'. Thence, leaving said line and with a temporary easement:

S 69°46'48" W a distance of 51.82'
S 06°28'26" E a distance of 123.26'
S 83°31'34" W a distance of 40.00'
N 06°28'26" W a distance of 122.76'
thence N 84°30'08" W a distance of 115.20'
thence S 63°12'37" W a distance of 28.19'
thence **N** 26°47'23" W a distance of 6.26', to a point in the east Right of Way of Alexandria Drive. Thence, along said Right of Way, N 00°22'40" W a distance of 37.68'. Thence, leaving the east Right of Way of Alexandria Drive and with a temporary easement:
N 63°12'37" Ea distance of 23.01'
S 84°27'29" Ea distance of 138.20'
N 69°46'47" Ea distance of 70.49', to the point of beginning, having an area of 14232.54 square feet.

Access Easement
**Wolf Run Trunks B & C Wastewater System
Improvements Project
(a portion of 2284 Versailles Road)**

Commencing, at a point in the south Right of Way of Versailles Road, said point being a common corner with 2284 Versailles Road (Stonehorse LLC C/O Rite AID Corp., Deed Book 2292, Page 675) and 1999 Fair Oaks Drive (James Stepetak, Deed Book 2250 Page 632). Thence, along said Right of Way, S 84°25'20" W a distance of 68.06', to the **True Point of Beginning**. Thence, leaving said Right of Way, and with a new access easement, S 05°07'52" Ea distance of 17.82'. Thence, N 85°50'15" W a

distance of 20.27'. Thence, N 05°07'52" W a distance of 14.39', to a point in said Right of Way. Thence, along said Right of Way, N 84°25'20" Ea distance of 20.00', to the point of beginning, having an area of 322.11 square feet, 0.007 acres.

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:

MAYOR

ATTEST:

CLERK OF THE URBAN COUNTY COUNCIL
1323-18_CEE:X:\Gases\WATER-AIR\18RE0835\LEG\00636530.DOCX