

ORDINANCE NO. 119-2015

AN ORDINANCE CLOSING BARKLEY STREET; DETERMINING THAT THE PROPERTY OWNER ABUTTING THE STREET TO BE CLOSED HAS 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 TO TRANSFER THE FORMER RIGHT-OF-WAY TO THE ABUTTING OWNER, 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, Waste Management, Water Quality, Streets & Roads, Engineering, Traffic Engineering, and Planning, and affected public utilities, have reviewed the proposed closing of Barkley Street; and

WHEREAS, Lexington MLK, LLC is the owner of the properties abutting Barkley Street, which is proposed for closing; and

WHEREAS, Lexington MLK, LLC has received written notice of the proposed closing and has given written, notarized consent to the proposed closing;

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 above identified property owner is the owner of all properties abutting Barkley Street, which is proposed for closing, and said owner has been provided written notice of the proposed closing and has given its written, notarized consent to the closing, which consent is 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, Barkley Street, 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 to transfer the former right-of-way to Lexington MLK, LLC, the

abutting owner, subject to the reservation of easements for access and maintenance of existing utility facilities.

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: October 22, 2015



MAYOR

ATTEST:


CLERK OF URBAN COUNTY COUNCIL
Published: October 29, 2015-1t

CONSENT CERTIFICATE

The Affiant, Glenn A. Hoskins (the "Affiant"), in his capacity as the Attorney and Authorized Agent for Lexington MLK, LLC, a Kentucky limited liability company (the "Company"), after being duly sworn, states as follows:

1. The Company is the owner of the real properties located at 211 & 221 Corral Street, 170 & 174 N. Martin Luther King Boulevard, and 220 Wickliffe Street and said properties abut Barkley Street which has been proposed for closing.

2. The Company has received written notice and an exhibit drawing informing its of the proposed closure and depicting the area to be closed.

3. After being duly informed of the proposed closure, the Affiant, on behalf of the Company (as the owner of all abutting properties), consents to the proposed closing and provides this certificate as evidence of the Company's receipt of written notice of the proposal and its consent thereto.

IN TESTIMONY WHEREOF, witnesseth the signature of the undersigned, on this the 22nd day of June, 2015.

GLENN A. HOSKINS
(on behalf of Lexington MLK, LLC, a
Kentucky limited liability company)

STATE OF KENTUCKY)
)
COUNTY OF FAYETTE)

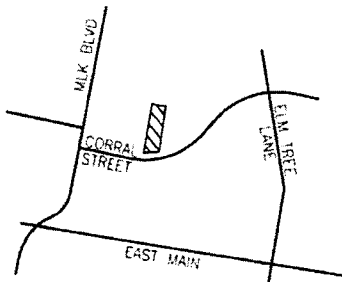
The foregoing instrument was subscribed, sworn to and acknowledged before me by Glenn A. Hoskins, on behalf of Lexington MLK, LLC, a Kentucky limited liability company, on this the 22nd day of June, 2015.

My Commission Expires: 04/07/19

NOTARY PUBLIC, KY, STATE AT LARGE

GAH/151687gh





VICINITY MAP

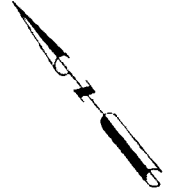
"FEEBACK"
DB 2440, PG 627

SURVEYORS CERTIFICATION

I HEREBY CERTIFY THAT THIS SURVEY WAS PERFORMED UNDER MY DIRECTION UTILIZING BOTH RECORD DOCUMENTS AND FIELD MEASUREMENTS. FIELD INFORMATION WAS OBTAINED WITH A TOPCON HIPER II RTK GPS SYSTEM SUPPLEMENTED WITH A TRIMBLE S6 ROBOTIC TOTAL STATION. SERIAL NUMBERS OF BOTH INSTRUMENTS ARE ON FILE IN THE OFFICE OF THE SURVEYOR. THIS SURVEY MEETS THE ACCURACY REQUIREMENTS OF AN URBAN SURVEY AS SPECIFIED IN 201 KAR 18:150 ESTABLISHED BY THE COMMONWEALTH OF KENTUCKY.

Wesley B. Witt

12-14-2015



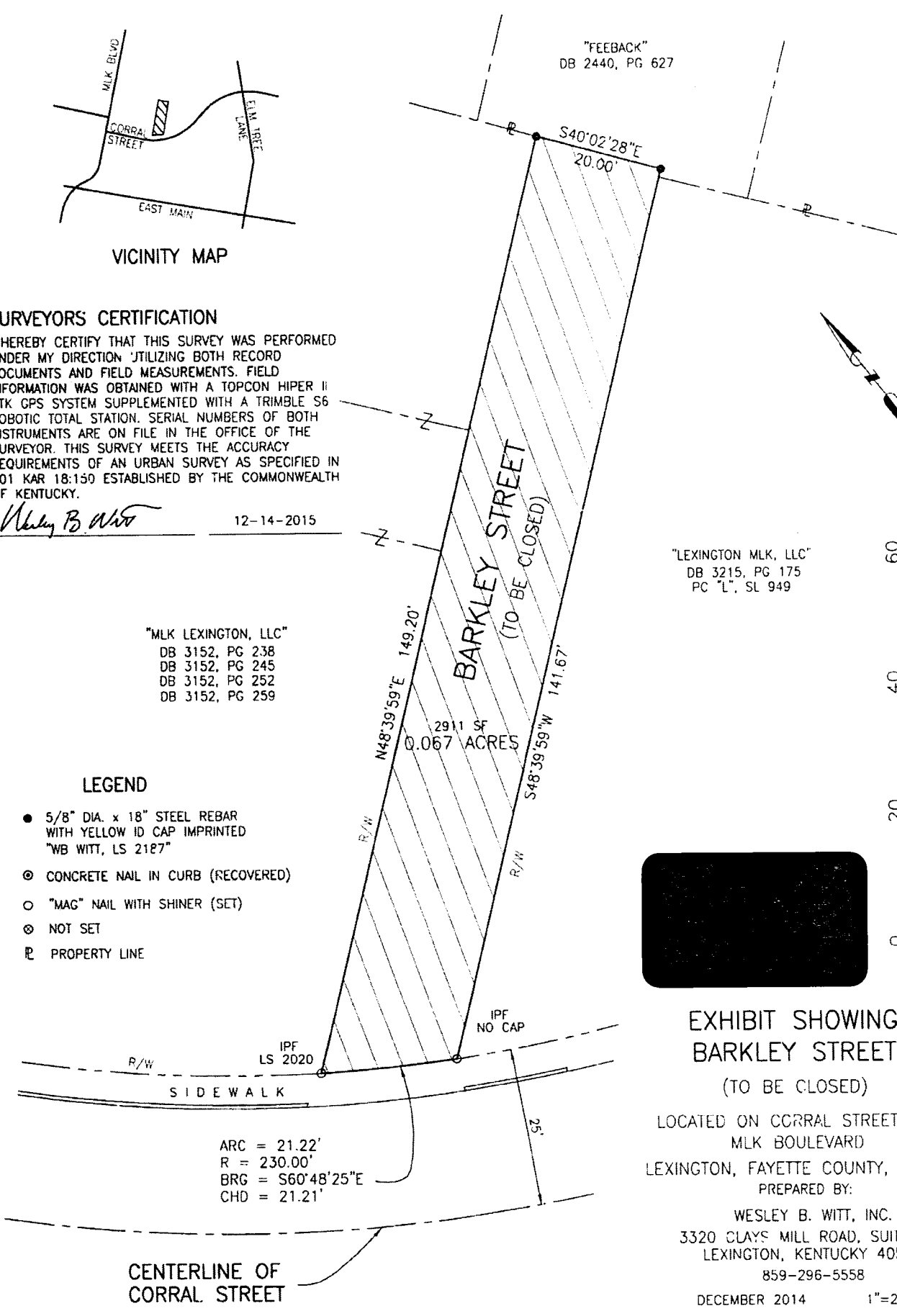
"MLK LEXINGTON, LLC"
DB 3152, PG 238
DB 3152, PG 245
DB 3152, PG 252
DB 3152, PG 259

"LEXINGTON MLK, LLC"
DB 3215, PG 175
PC "L", SL 949



LEGEND

- 5/8" DIA. x 18" STEEL REBAR WITH YELLOW ID CAP IMPRINTED "WB WITT, LS 2127"
- ⊙ CONCRETE NAIL IN CURB (RECOVERED)
- "MAG" NAIL WITH SHINER (SET)
- ⊙ NOT SET
- ℙ PROPERTY LINE



**EXHIBIT SHOWING
BARKLEY STREET
(TO BE CLOSED)**

LOCATED ON CRRAL STREET NEAR
MLK BOULEVARD
LEXINGTON, FAYETTE COUNTY, KENTUCKY
PREPARED BY:

WESLEY B. WITT, INC.
3320 CLAYS MILL ROAD, SUITE 112
LEXINGTON, KENTUCKY 40503
859-296-5558

DECEMBER 2014 1"=20'