

RESOLUTION NO. \_\_\_\_\_-2013

A RESOLUTION AUTHORIZING AND DIRECTING THE DEPARTMENT OF LAW TO INSTITUTE CONDEMNATION PROCEEDINGS IN FAYETTE CIRCUIT COURT TO OBTAIN PERMANENT SANITARY SEWER AND TEMPORARY CONSTRUCTION EASEMENTS AT 3973 TATTON PLACE, 3785 BRANHAM PARK, 3805 BRANHAM PARK, 3825 BRANHAM PARK, 3856 BRANHAM PARK, 3896 BRANHAM PARK, 3952 BRANHAM PARK, and 3997 BRANHAM PARK FOR THE BLUE SKY PUMP STATION AND FORCE MAIN PROJECT.

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WHEREAS, the Urban County Council has determined that the acquisition of permanent sanitary sewer and temporary construction easements at the properties at 3973 Tatton Place, 3785 Branham Park, 3805 Branham Park, 3825 Branham Park, 3856 Branham Park, 3896 Branham Park, 3952 Branham Park, and 3997 Branham Park is necessary for the public purpose of and use in the Blue Sky Pump Station and Force Main project; and

WHEREAS, the Owner(s) 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 property interests 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 sanitary sewer and temporary construction easements, further described herein, at the properties at 3973 Tatton Place, 3785 Branham Park, 3805 Branham Park, 3825 Branham Park, 3856 Branham Park, 3896 Branham Park, 3952 Branham Park, and 3997 Branham Park is necessary and required for the Blue Sky Pump Station and Force Main project, a public sanitary sewer project and purpose, and that it is in the best interest of the community to acquire the same, and that the Owner(s) of the properties and the Lexington-Fayette Urban County Government have been unable to reach an agreement on the terms and conditions of the conveyance 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 in "Exhibit A," attached

hereto and incorporated herein by reference, to be obtained for the Blue Sky Pump Station and Force Main project.

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 URBAN COUNTY COUNCIL

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**EXHIBIT A**

**3973 Tatton Place**

**FORCE MAIN PERMANENT EASEMENT**

A portion of a tract or parcel of land being in Fayette County, Kentucky, and known as 3973 Tatton Place and being more particularly described as follows:

Beginning at the Grantor's northeast property corner of the Force Main Permanent Easement in the Grantor's east property line in the west right of way line of Richmond Road, said point being S14°13'16"E. 84.24 feet from the Grantor's northeast property corner; Thence, with said property line, S14°13'46"E, 15.07 feet; Thence, leaving said property line, S81°06'28"W, 13.00 feet; Thence, S14°48'27"E, 101.91 feet to the Grantor's south property line; Thence, with said property line, S75°46'14"W, 15.00 feet; Thence, leaving said property line, N14°48'27"W, 118.39 feet; Thence, N81°06'28"E, 28.23 feet to the Point of Beginning and containing 1961 square feet, 0.045 acres.

Being a part of that property conveyed to DeLong Estates Development, LLC by deed dated March 28, 2005 in Deed Book 2538, Page 291 in the Fayette County Clerk's office.

**TEMPORARY CONSTRUCTION EASEMENT CE-1**

A fifteen foot wide Temporary Construction Easement north and west of and adjoining the fifteen foot wide Force Main Permanent Easement along its north and west sides and described as follows:

Beginning at a the northeast corner of the Force Main Permanent Easement; Thence, S81°06'28"W, 28.23 feet; Thence, S14°48'27"E, 118.39 feet; Thence, S75°46'14"W, 15.00 feet; Thence, N14°48'27"W, 134.88 feet; Thence, N81°06'28"E, 43.46 feet to the Grantor's east property line; Thence, with said line, S14°13'46"E, 15.07 feet to the Point of Beginning and containing 2437 square feet, 0.056 acres.

Being a part of that property conveyed to DeLong Estates Development, LLC by deed dated March 28, 2005 in Deed Book 2538, Page 291 in the Fayette County Clerk's office.

**TEMPORARY CONSTRUCTION EASEMENT CE-2**

A fifteen foot wide Temporary Construction Easement south and east of and adjoining the fifteen foot wide Force Main Permanent Easement along its south and east sides and described as follows:

Beginning at the southeast corner of the Permanent Force Main Easement in the Grantor's east property line and being the west right of way line of Richmond Road; Thence, with said line, S14°13'46"E, 100.70 feet to the grantors south property line; Thence, with said property line, S75°46'14"W, 11.91 feet to the Permanent Force Main Easement; Thence,

leaving said property line, N14°48'27"W, 101.91 feet and N81°06'28"E, 13.00 feet to the Point of Beginning and containing 1259 square feet, 0.029 acres.

All being a part of that property conveyed to Delong Estates Development, LLC by deed dated March 28, 2005 in Deed Book 2538, Page 291 in the Fayette County Clerk's office.

### **3785 Branham Park**

#### **FORCE MAIN PERMANENT EASEMENT**

A portion of a tract or parcel of land being in Fayette County, Kentucky, and known as 3785 Branham Park and being more particularly described as follows:

Beginning in the Grantor's east property line, N39°21'10"E, 14.41 feet from the Grantor's southeast property corner; Thence, leaving said property line; Thence, N72°14'13"W, 251.44 feet; Thence, S05°09'20"W, 19.55 feet to the Grantor's south property line; Thence, with said property line, N73°35'03"W, 15.29 feet; Thence, leaving said property, N05°09'20"E, 35.29 feet; Thence, S72°14'13"E, 276.10 feet to the Grantor's east property line; Thence, with said property line, S39°21'10"W, 16.13 feet to the Point of Beginning and containing 4368 square feet, 0.100 acres.

Being a part of that property conveyed to Delong Estates Development, LLC by deed dated March 22, 2007 in Deed Book 2713, Page 683 in the Fayette County Clerk's office.

#### **TEMPORARY CONSTRUCTION EASEMENT CE-1**

A thirty foot wide Temporary Construction Easement north and west of and adjoining the Permanent Force Main Easement along its north and west sides and described as follows:

Beginning at the northeast corner of the permanent force main easement in the Grantor's east property line; Thence, leaving said property line, N72°14'13"W, 276.10 feet; Thence, S05°09'20"W, 35.29 feet to the Grantor's south property line; Thence, with said property line, N73°35'03"W, 15.28 feet; Thence, leaving said property line, N05°09'20"E, 66.47 feet; Thence, S72°14'13"E, 310.06 feet to the Grantor's east property line; Thence, with said property line, S39°21'10"W, 32.26 feet to the Point of Beginning and containing 9556 square feet, 0.219 acres.

Being a part of that property conveyed to Delong Estates Development, LLC by deed dated March 22, 2007 in Deed Book 2713, Page 683 in the Fayette County Clerk's office.

#### **TEMPORARY CONSTRUCTION EASEMENT CE-2**

A fifteen foot wide Temporary Construction Easement south and east of and adjoining the Permanent Force Main Easement along its south and east sides and described as follows:

Beginning at the southeast corner of the permanent force main easement in the Grantor's south property line; Thence, leaving said property line, N05°09'20"E, 19.55 feet; Thence, S72°14'13"E, 15.37 feet; Thence, S05°09'20"W, 19.19 feet to the Grantor's south property line; Thence, with said property line, N73°35'03"W, 15.29 feet to the Point of Beginning and containing 290 square feet, 0.007 acres.

Being a part of that property conveyed to Delong Estates Development, LLC by deed dated March 22, 2007 in Deed Book 2713, Page 683 in the Fayette County Clerk's office.

### **3805 Branham Park**

#### **FORCE MAIN PERMANENT EASEMENT**

A portion of a tract or parcel of land being in Fayette County, Kentucky, and known as 3805 Branham Park and being more particularly described as follows:

Beginning in the Grantor's east property line, N18°42'42"E, 10.79 feet from the Grantor's southeast property corner; Thence, leaving said property line, N73°35'10"W, 456.39 feet; Thence, N72°14'13"W, 94.66 feet to the Grantor's west property line; Thence, with said property line, N39°21'10"E, 16.13 feet; Thence, leaving said property line, S72°14'13"E, 88.55 feet; Thence, S73°35'10"E, 456.82 feet to the Grantor's east property line; Thence, with said property line, S18°42'42"W, 15.01 feet to the Point of Beginning and containing 8223 square feet, 0.189 acres.

Being a part of that property conveyed to Delong Estates Development, LLC by deed dated March 21, 2006 in Deed Book 2631, Page 210 in the Fayette County Clerk's office.

#### **TEMPORARY CONSTRUCTION EASEMENT**

A thirty foot wide Temporary Construction Easement north of and adjoining the Permanent Force Main Easement along its north side and described as follows:

Beginning at the northeast corner of the permanent force main easement in the Grantor's east property line; Thence, leaving said property line, N73°35'10"W, 456.82 feet; Thence, N72°14'13"W, 88.55 feet to the Grantor's west property line; Thence, with said property line, N39°21'10"E, 32.26 feet; Thence, leaving said property line, S72°14'13"E, 76.32 feet; Thence, S73°35'10"E, 457.67 feet; Thence, S18°42'42"W, 30.02 feet to the Point of Beginning and containing 16190 square feet, 0.372 acres.

Being a part of that property conveyed to Delong Estates Development, LLC by deed dated March 21, 2006 in Deed Book 2631, Page 210 in the Fayette County Clerk's office.

**3825 Branham Park**

**FORCE MAIN PERMANENT EASEMENT**

A portion of a tract or parcel of land being in Fayette County, Kentucky, and known as 3825 Branham Park and being more particularly described as follows:

Beginning in the Grantor's east property line, N02°24'17"E, 10.65 feet from the Grantor's southeast property corner Thence, leaving said property line, N76°12'08"W, 32.00 feet; Thence, N73°27'04"W, 635.62 feet; Thence, N73°35'10"W, 86.57 feet to the Grantor's west property line; Thence, with said property line, N18°42'42"E, 15.01 feet; Thence, leaving said property line, S73°35'10"E, 85.98 feet; Thence, S73°27'04"E, 635.28 feet; Thence, S76°12'08"E, 28.61 feet to the Grantor's east property line; Thence, with said property line, S02°24'17"W, 15.30 feet to the Point of Beginning and containing 11280 square feet, 0.259 acres.

Being a part of that property conveyed to Delong Estates Development, LLC by deed dated March 21, 2006 in Deed Book 2631, Page 210 in the Fayette County Clerk's office.

**TEMPORARY CONSTRUCTION EASEMENT**

A thirty foot wide Temporary Construction Easement north of and adjoining the Permanent Force Main Easement along its north side and described as follows:

Beginning at the northeast corner of the permanent force main easement in the Grantor's east property line; Thence, leaving said line, N76°12'08"W, 28.61 feet; Thence, N73°27'04"W, 635.28 feet; Thence, N73°35'10"W, 85.98 feet to the Grantor's west property line; Thence, with said property line, N18°42'42"E, 30.02 feet; Thence, leaving said property line, S73°35'10"E, 84.81 feet; Thence, S73°27'04"E, 634.59 feet; Thence, S76°12'08"E, 21.85 feet to the Grantor's east property line; Thence, with said property line, S02°24'17"W, 30.60 feet to the Point of Beginning and containing 22367 square feet, 0.513 acres.

Being a part of that property conveyed to Delong Estates Development, LLC by deed dated March 21, 2006 in Deed Book 2631, Page 210 in the Fayette County Clerk's office.

**3856 Branham Park**

**FORCE MAIN PERMANENT EASEMENT**

A portion of a tract or parcel of land being in Fayette County, Kentucky, and known as 3856 Branham Park and being more particularly described as follows:

Beginning in the Grantor's west property line, N02°24'17"E, 10.65 feet from the Grantor's southwest property corner; Thence, with said property line, N02°24'17"E, 15.30 feet; Thence, leaving said property line, S76°12'08"E, 167.71 feet; Thence, N88°00'05"E, 220.90 feet; Thence,

N81°53'31"E, 38.63 feet; Thence, N88°03'51"E, 250.89 feet to a point in the Grantor's east property line; Thence, with said property line, S01°56'09"E, 15.00 feet Thence, leaving said property line, S88°03'51"W, 250.10 feet; Thence, S81°53'31"W, 38.62 feet; Thence, S88°00'05"W, 223.78 feet; Thence, N76°12'08"W, 166.77 feet to the Point of Beginning and containing 10181 square feet, 0.234 acres.

Being a part of that property conveyed to Delong Estates Development, LLC by deed dated March 21, 2006 in Deed Book 2631, Page 210 in the Fayette County Clerk's office.

### **TEMPORARY CONSTRUCTION EASEMENT**

A thirty foot wide Temporary Construction Easement north of and adjoining the Permanent Force Main Easement along its north side and described as follows:

Beginning at the northwest corner of the permanent force main easement in the Grantor's west property line; Thence, with said property line, N02°24'17"E, 30.60 feet; Thence, leaving said property, S76°12'08"E, 169.59 feet; Thence, N88°00'05"E, 215.14 feet; Thence, N81°53'31"E, 38.65 feet; Thence, N88°03'51"E, 252.47 feet to the Grantor's east property line; Thence, with said property line, S01°56'09"E, 30.00 feet; Thence, leaving said property line, S88°03'51"W, 250.89 feet; Thence, S81°53'31"W, 38.63 feet; Thence, S88°00'05"W, 220.90 feet; Thence, N76°12'08"W, 167.71 feet to the Point of Beginning and containing 20310 square feet, 0.466 acres.

Being a part of that property conveyed to Delong Estates Development, LLC by deed dated March 21, 2006 in Deed Book 2631, Page 210 in the Fayette County Clerk's office.

### **3896 Branham Park**

#### **FORCE MAIN PERMANENT EASEMENT**

A portion of a tract or parcel of land being in Fayette County, Kentucky, and known as 3896 Branham Park and being more particularly described as follows:

Beginning in the Grantor's east property line, N01°59'54"W, 22.10' from the Grantor's southwest property corner in the north right of way line of Delong Road; Thence, leaving said property line, S88°36'33"W, 434.45 feet; Thence, S88°03'51"W, 295.51 feet to the Grantor's west property line; Thence, with said west property line, N01°56'09"W, 15.00 feet; Thence, leaving said property line, N88°03'51"E, 295.58 feet; Thence, N88°36'33"E, 434.52 feet to the Grantor's east property line; Thence, with said property line, S01°59'54"E, 15.00 feet to the Point of Beginning and containing 10950 square feet, 0.251 acres

Being a part of that property conveyed to Delong Estates Development, LLC by deed dated April 13, 2004 in Deed Book 2448, Page 067 in the Fayette County Clerk's office.

### **TEMPORARY CONSTRUCTION EASEMENT**

A thirty foot wide Temporary Construction Easement north of and adjoining the Permanent Force Main Easement along its north side and described as follows:

Beginning at the northeast corner of the permanent force main easement in the Grantor's east property line; Thence, S88°36'34"W, 434.52 feet; Thence, S88°03'51"W, 295.58 feet to the Grantor's west property line; Thence, with said property line, N01°56'09"W, 30.00 feet; Thence, leaving said property line, N88°03'51"E, 295.72 feet; Thence, N88°36'33"E, 434.23 feet to the Grantor's east property line; Thence, with said property line, S01°59'54"E, 30.00 feet to the Point of Beginning and containing 21907 square feet, 0.503 acres.

Being a part of that property conveyed to Delong Estates Development, LLC by deed dated April 13, 2004 in Deed Book 2448, Page 067 in the Fayette County Clerk's office.

### **3952 Branham Park**

### **FORCE MAIN PERMANENT EASEMENT**

A portion of a tract or parcel of land being in Fayette County, Kentucky, and known as 3952 Branham Park and being more particularly described as follows:

Beginning in the Grantor's west property line N01°59'54"W, 22.10' from the Grantor's southwest property corner in the north right of way line of Delong Road; Thence, with said property line, N01°59'54"W, 15.00 feet; Thence, leaving said property line, N88°28'50"E, 420.05 feet; Thence, N87°18'13"E, 721.35 feet; Thence, N38°50'53"E, 103.64 feet; Thence, S14°26'00"E, 103.53 feet to the Grantor's north property line; Thence, with said property line, N75°46'17"E, 15.00 feet; Thence, leaving said property line, S14°26'00"W, 103.50 feet Thence, S38°50'53"W, 88.45 feet; Thence, S87°18'13"W, 728.25 feet; Thence, S88°28'50"W, 420.08 feet to the Point of Beginning and containing 20331 square feet, 0.467 acres.

Being a part of that property conveyed to Delong Estates Development, LLC by deed dated March 25, 2005 in Deed Book 2538, Page 285 in the Fayette County Clerk's office.

### **TEMPORARY CONSTRUCTION EASEMENT**

A thirty foot wide Temporary Construction Easement north of and adjoining the Permanent Force Main Easement along its north side and described as follows:

Beginning in the Grantor's west property line at the northwest corner of the permanent force main easement; Thence, with said property line, N01°59'54"W, 30.00 feet; Thence, leaving said property line, N88°28'50"E, 419.99 feet; Thence, N87°18'13"E, 707.54 feet; Thence, N38°50'53"E, 75.09 feet; Thence, N14°26'00"W, 80.98 feet



to the Grantor's north property line; Thence, with said property line, N75°34'00"E, 30.00 feet; Thence, leaving said property line, S14°26'00"E, 103.53 feet Thence, S38°50'53"W, 103.64 feet; Thence, S87°18'13"W, 721.35 feet; Thence, S88°28'50"W, 420.05 feet to the Point of Beginning and containing 39370 square feet, 0.904 acres.

Being a part of that property conveyed to Delong Estates Development, LLC by deed dated March 25, 2005 in Deed Book 2538, Page 285 in the Fayette County Clerk's office.

### **3997 Branham Park**

#### **FORCE MAIN PERMANENT EASEMENT**

A portion of a tract or parcel of land being in Fayette County, Kentucky, and known as 3997 Branham Park and being more particularly described as follows:

Beginning in the Grantor's north property line, S75°46'14"W, 11.91 feet from the northeast corner of the Grantor's property in the west right of way line of Old Richmond Road; Thence, leaving said property line, S14°48'58"E, 307.43 feet to the Grantor's south property line; Thence, with said property line, S75°46'14"W, 15.00 feet; Thence, leaving said property line, N14°48'58"W, 307.35 feet to the Grantor's north property line; Thence, with said property line, N75°28'43"E, 15.00 feet to the Point of Beginning and containing 4611 square feet, 0.106 acres.

Being a part of that property conveyed to Delong Estates Development, LLC by deed dated March 28, 2005 in Deed Book 2538, Page 291 in the Fayette County Clerk's office.

#### **TEMPORARY CONSTRUCTION EASEMENT CE-1**

A fifteen foot wide Temporary Construction Easement east of and adjoining the fifteen foot wide Force Main Permanent Easement along its east side and described as follows:

Beginning at the northeast corner of the Permanent Force Main Easement in the Grantor's north property line; Thence, with said property line, N75°46'14"E, 11.91 feet to the west right of way line of Richmond Road; Thence, with said line, S14°13'46"E, 307.41 feet to the Grantor's southeast property line; Thence, with said property line, S75°46'14"W, 8.77 feet; Thence, leaving said property line, N14°48'58"W, 307.43 feet to the Point of Beginning and containing 3176 square feet, 0.073 acres.

Being a part of that property conveyed to Delong Estates Development, LLC by deed dated March 28, 2005 in Deed Book 2538, Page 291 in the Fayette County Clerk's office.

## **TEMPORARY CONSTRUCTION EASEMENT CE-2**

A fifteen foot wide Temporary Construction Easement west of and adjoining the fifteen foot wide Force Main Permanent Easement along its west side and described as follows:

Beginning at the northwest corner of the Permanent Force Main Easement in the Grantor's north property line; Thence, leaving said property line, S14°48'58"E, 307.43 feet to the Grantor's south property line; Thence, with said property line, S75°46'14"W, 15.02 feet; Thence, leaving said property line, N14°48'48"W, 307.43 feet to the Grantor's north property line; Thence, with said property line, N76°03'45"E, 15.00 feet to the Point of Beginning and containing 4614 square feet, 0.106 acres

All being a part of that property conveyed to Delong Estates Development, LLC by deed dated March 28, 2005 in Deed Book 2538, Page 291 in the Fayette County Clerk's office.