

ORDINANCE NO. 13 - 2019

AN ORDINANCE CLOSING THE UNUSED RIGHTS-OF-WAY KNOWN AS OLD MANCHESTER STREET, OLD MERINO STREET, AND OLD WATER STREET, AS WELL AS A PORTION OF TUCKER STREET; DETERMINING THAT THE PROPERTY OWNER ABUTTING THE RIGHTS-OF-WAY 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 QUITCLAIM DEEDS AND ANY OTHER DOCUMENTS NECESSARY TRANSFERRING THE FORMER RIGHTS-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, Lexington Enhanced 911, Planning, Engineering, Water Quality, Traffic Engineering, and affected public utilities, have reviewed the proposed closures; and

WHEREAS, the abutting property owner has received written notice of the proposed closure and has 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 owner of the properties located at 118 Tucker Street, 570 West Main Street, 564-568 West Main Street, 544 West Main Street, 540 West Main Street, 521 West Vine Street, 541 West Vine Street, 809 Manchester Street, 150 Tucker Street, 603 West High Street, 601 West High Street, 651 West High Street, and 701 West High Street, which parcels are adjacent to unused rights-of-way known as Old Manchester Street, Old Merino Street, and Old Water Street, as well as a portion of Tucker Street, which are proposed for closing, has been provided written notice of the proposed closing and has given its written, notarized consent to the closing, which consent certificate 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, the unused rights-of-way known as Old Manchester Street, Old Merino Street, and Old Water Street, as well as a portion of Tucker Street, which are described in the

Return to: Charles E. Edwards, III
LFUCG
Dept. of Law (11th Floor)
200 East Main Street
Lexington KY 40502

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attached Exhibit B, be and hereby are closed as public ways 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 transferring the former right-of-way to the owner of the adjacent parcels, 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: March 7, 2019

Linda Gordon

MAYOR

ATTEST:

[Signature]

CLERK OF URBAN COUNTY COUNCIL
Published: March 14, 2019-1t

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* owned by Lexington Center Corporation

CONSENT CERTIFICATE

The Affiant, William B. Owen, as President and CEO of LEXINGTON CENTER CORPORATION, a Kentucky non-profit corporation with its primary offices at 430 West Vine Street, Lexington, Kentucky 40507, after being duly sworn, state as follows:

1. LEXINGTON CENTER CORPORATION is the owner of certain real property situated at 118 Tucker Street, 570 West Main Street, 564-568 West Main Street, 544 West Main Street, 540 West Main Street, 521 West Vine Street, 541 West Vine Street, 809 Manchester Street, 150 Tucker Street, 603 West High Street, 601 West High Street, 651 West High Street, and 701 West High Street which parcels are adjacent to unused remnants of Tucker Street, Old Manchester Street, Old Merino Street, and Old Water Street, public rights-of-way that are proposed for closing.

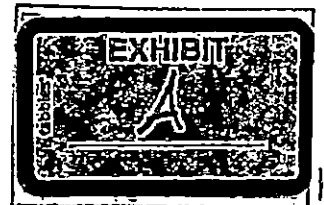
2. The Affiant, on behalf of LEXINGTON CENTER CORPORATION, has received written notice from the Lexington-Fayette Urban County Government informing it of the proposed closure and depicting the areas to be closed.

3. After being duly informed of the proposed closure, the Affiant, on behalf LEXINGTON CENTER CORPORATION, as the abutting owner, hereby consents to the proposed closure and provides this certificate as evidence thereof.

IN TESTIMONY WHEREOF, witnesseth the signature of William B. Owen on this 1 day of February, 2019.

LEXINGTON CENTER CORPORATION

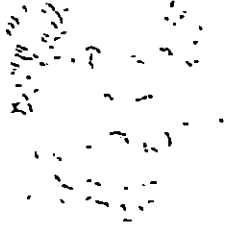
By: William B. Owen
William B. Owen, President & CEO



COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

The foregoing Consent Certificate was subscribed, sworn to and acknowledged before me by William B. Owen, as President and CEO of LEXINGTON CENTER CORPORATION, on this the 13th day of February, 2019.

My commission expires: 9-30-2020



Caroline M. Hitebaugh #564384
NOTARY PUBLIC
KENTUCKY, STATE-AT-LARGE

EACH OF THE KNOWN RIGHTS OF WAY TO BE ABANDONED ARE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 7 – OLD WATER ST. – ALSO KNOWN AS 130 TUCKER ST

BEGINNING AT A NAIL WITH WASHER (3963) IN THE MAIN ST. RIGHT OF WAY, NORTHWEST CORNER TO EXISTING LOT 4B AT THE FORMER CORNER TO PATTERSON ST ROW (ABANDONMENT ORD 180-91);
THENCE S 48°09'51"W A DISTANCE OF 225.13' ALONG THE FORMER PATTERSON ST. ROW;
THENCE N 41°51'07"W A DISTANCE OF 51.63' CROSSING FORMER PATTERSON ST. ROW TO THE TRUE POINT OF BEGINNING;
THENCE S 46°53'59" W A DISTANCE OF 58.01' ALONG THE FORMER PATTERSON ST ROW;
THENCE N42°12'21"W A DISTANCE OF 337.22' TO A POINT;
THENCE N47°45'10"E A DISTANCE OF 48.87' TO A POINT;
THENCE N49°05'44"E A DISTANCE OF 9.13' TO A POINT;
THENCE S42°12'21"E A DISTANCE OF 336.14' TO A POINT;
BACK TO THE POINT OF BEGINNING,
HAVING AN AREA OF 19,532 SQUARE FEET, 0.448 ACRES

PARCEL 27 – OLD MERINO ST

BEGINNING AT A NAIL WITH WASHER SET (3963) IN THE HIGH ST. RIGHT OF WAY, SOUTHWEST CORNER TO EXISTING LOT 4B AT THE FORMER CORNER TO PATTERSON ST ROW (ABANDONMENT ORD 180-91);
THENCE N43°04'19"W A DISTANCE OF 41.73' CROSSING THE FORMER PATTERSON ST ROW TO A NAIL WITH WASHER SET (3963);
THENCE N 41°58'35" W A DISTANCE OF 340.67' ALONG OLD MANCHESTER ST ROW TO A NAIL WITH WASHER SET (3963) WHICH IS THE TRUE POINT OF BEGINNING;
THENCE N 30°52'26" W A DISTANCE OF W 30.59' ALONG OLD MANCHESTER ST TO AN IRON PIN CAP (3963)
THENCE N 47°52'55" E A DISTANCE OF 97.82' TURNING NORTH TO A POINT;
THENCE S 41°58'35" E A DISTANCE OF 30.00' TURNING EAST TO A POINT;
THENCE S 47°52'55" W A DISTANCE OF 103.71' TURNING SOUTH TO POINT;
BACK TO THE POINT OF BEGINNING
HAVING AN AREA OF 3023 SQUARE FEET OR 0.069 AC.

PARCEL 28 AND PARCEL 31– OLD MANCHESTER ST

BEGINNING AT A NAIL WITH WASHER SET (3963) IN THE HIGH ST. RIGHT OF WAY, SOUTHWEST CORNER TO EXISTING LOT 4B AT THE FORMER CORNER TO PATTERSON ST ROW (ABANDONMENT ORD 180-91);
THENCE N43°04'19"W A DISTANCE OF 41.73' CROSSING THE FORMER PATTERSON ST ROW TO A NAIL WITH WASHER (3963) WHICH IS THE TRUE POINT OF BEGINNING;
THENCE N 63°32'27" W A DISTANCE OF 108.83' ALONG HIGH ST;
THENCE N 42°13'18" W A DISTANCE OF 27.42'
THENCE N 42°00'38" W A DISTANCE OF 197.34'



THENCE N 42°02'20" W A DISTANCE OF 22.72' ALONG FORMER WOODWARD HEIGHTS PARK TO A NAIL WITH WASHER (3963) IN THE CENTER OF OLD MERINO AT A JOG IN THE OLD MANCHESTER ROW;
THENCE N 22°34'16" W A DISTANCE OF 21.59' ALONG & CROSSING OLD MERINO ROW TO AN IRON PIN CAP (3963)
THENCE N 40°44'48" W A DISTANCE OF 115.19' TO AN IRON PIN FOUND;
THENCE N 48°27'08" E A DISTANCE OF 39.06' ALONG REMAINING JEFFERSON ST ROW TO AN IRON PIN CAP (3963);
THENCE S 40°41'00" E A DISTANCE OF 113.27' TURNING FROM JEFFERSON ST ROW TO AN IRON PIN CAP (3963) CORNER TO OLD MERINO;
THENCE S 30°52'26" E A DISTANCE OF 30.59' TO AN IRON PIN CAP (3963) CORNER TO OLD MERINO ROW,
THENCE S 41°58'35" E A DISTANCE OF 340.67' BACK TO THE POINT OF BEGINNING;
HAVING AN AREA OF 17,277 SQUARE FEET OR 0.397 AC.

PARCEL 29 – OLD MERINO ST

THE PRIOR ROW ABANDONMENT ORDINANCE #688 INCLUDED ONLY A PORTION, THE FULL ABANDONMENT INCLUDES:
BEGINNING AT A NAIL WITH WASHER SET (3963) WHICH IS THE TRUE POINT OF BEGINNING; IN THE HIGH ST. RIGHT OF WAY, SOUTHWEST CORNER TO EXISTING LOT 4B AT THE FORMER CORNER TO PATTERSON ST ROW (ABANDONMENT ORD 180-91);
THENCE N43°04'19"W A DISTANCE OF 41.73' CROSSING THE FORMER PATTERSON ST ROW TO A NAIL WITH WASHER SET (3963);
THENCE N 63°32'27" W A DISTANCE OF 108.83' ALONG HIGH ST ROW TO AN IRON PIN WITH CAP (3963);
THENCE N 66°16'00" W A DISTANCE OF 162.52' ALONG HIGH ST ROW TO AN IRON PIN WITH CAP (3963) WHICH IS THE CENTER OF THE MERINO ST. ROW WHICH IS THE TRUE POINT OF BEGINNING;
THENCE N 66°18'21" W A DISTANCE OF 20.95' ALONG HIGH ST ROW, TURNING NORTH TO A POINT IN OLD MANCHESTER ROW;
THENCE N 45°48'16" E A DISTANCE OF 121.58' TO AN IRON PIN CAP (3963) AT CORNER TO OLD MANCHESTER ROW;
THENCE S 22°34'16" E A DISTANCE OF 21.59' TO A NAIL WITH WASHER (3963) FOLLOWING OLD MANCHESTER ROW TO THE CENTER OF OLD MERINO;
THENCE S 42°02'20" E A DISTANCE OF 22.72' FOLLOWING OLD MANCHESTER ROW TO A POINT;
THENCE N 48°01'40" E A DISTANCE OF 97.01' TURNING SOUTH TO A POINT IN THE HIGH ST. ROW;
THENCE S 66°16'01" E A DISTANCE OF 21.15' ALONG HIGH ST BACK TO THE CENTER POINT OF THE ROW MARKED BY A NAIL WITH WASHER SET (3963);
HAVING AN AREA OF 4379 SQUARE FEET OR 0.101 ACRES

PARCEL 32- A PORTION OF TUCKER ST

BEGINNING AT A POINT CORNER TO THE NORTHEAST CORNER OF TUCKER ST AND MAIN ST ROW, THENCE SOUTHERLY ALONG TUCKER ST. APPROXIMATELY 226 FT TO A NAIL WITH WASHER (3963) WHICH IS THE TRUE POINT OF BEGINNING;

THENCE S 49°05'44" W A DISTANCE OF 9.13' TO A NAIL WITH WASHER (3963);

THENCE N 42°13'18" W A DISTANCE OF 27.42' TO A NAIL WITH WASHER (3963);

THENCE N 48°22'39" E A DISTANCE OF 19.40' TO A POINT WHICH IS MARKED BY AN OFFSET WITNESS NAIL WITH WASHER (3963);

THENCE S 42°20'37" E A DISTANCE OF 27.50' TO A POINT;

THENCE S 48°09'40" W A DISTANCE OF 10.33' BACK TO THE POINT OF BEGINNING

HAVING AN AREA OF 534 SQUARE FEET OR 0.012 ACRES

PREPARED NOVEMBER 6, 2018 BY ABBIE JONES, PLS 3963 OF ABBIE JONES CONSULTING,
SURVEYOR OF RECORD

CERTIFICATION


I, Abigail Allan, Clerk of the Urban County Council, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 13-2019, passed at a meeting of the Lexington-Fayette Urban County Council held on March 7, 2019.

Given under my hand and Seal of the Lexington-Fayette Urban County Government this 29th day of March, 2019.

A handwritten signature in black ink, appearing to read 'Allan', written over a horizontal line.

Clerk of the Urban County Council

I, Donald W Blevins Jr, County Court Clerk
of Fayette County, Kentucky, hereby
certify that the foregoing instrument
has been duly recorded in my office.



By: PATTY DAVIS ,dc

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March 29, 2019 15:13:08 PM

Fees	\$28.00	Tax	\$0.00
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Total Paid	\$28.00
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