

ORDINANCE NO. \_\_\_\_\_-2013

AN ORDINANCE CLOSING A PORTION OF SIDEWALK RIGHT-OF-WAY LOCATED BETWEEN THE PROPERTIES AT 545 AND 551 ELM TREE LANE; DETERMINING THAT ALL PROPERTY OWNERS ABUTTING THE PORTION OF THE SIDEWALK TO BE CLOSED HAVE BEEN IDENTIFIED, PROVIDED WITH WRITTEN NOTICE OF THE PROPOSED CLOSING AND CONSENTED THERETO IN WRITING; AND AUTHORIZING AND DIRECTING THE MAYOR, ON BEHALF OF THE URBAN COUNTY GOVERNMENT, TO EXECUTE A QUITCLAIM DEED TRANSFERRING THE FORMER RIGHT-OF-WAY TO THE ABUTTING OWNERS, SUBJECT TO THE RESERVATION OF EASEMENTS FOR ACCESS AND MAINTENANCE OF EXISTING UTILITIES IN THE FORMER RIGHT-OF-WAY.

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WHEREAS, the Urban County Government has the exclusive control, 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 and Emergency Services, Waste Management, Water Quality, Streets, Roads and Forestry, Engineering, Traffic Engineering and Planning, and affected public utilities have reviewed the proposed closing of the designated right-of-way; and

WHEREAS, Laurella Lederer and Ignacio Cambray are the owners of the properties, 545 and 551 Elm Tree Lane, abutting the sidewalk proposed for closure; and

WHEREAS, the abutting owners have received written notice of the proposed closing and have given written notarized consent to the proposed closure;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That, pursuant to KRS 82.405(2)(a), (b) and (c), this Council finds that the above identified property owners are the owners of all properties abutting the portions of the sidewalk right-of-way, between the properties located at 545 and 551 Elm Tree Lane, herein proposed for closing and said owners have been provided written notice of the proposed closing and have given their written notarized consent to the closing, a copy of 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, the portion of the sidewalk right-of-way located between the properties at 545

and 551 Elm Tree Lane 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 and directed to execute a quitclaim deed and/or a consolidation plat transferring the former right-of-way to Laurella Lederer and Ignacio Cambray as the respective abutting owners, subject to the reservation of easements over the entire tract for access and maintenance of existing utility facilities located in the former right-of-way.

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:

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MAYOR

ATTEST:

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CLERK OF URBAN COUNTY COUNCIL  
PUBLISHED:

Prepared By:

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Hon. Michael Keith Horn  
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