

RESOLUTION NO. _____-2012

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 2280 HUME ROAD FOR THE EXPANSION AREA 2A PUMP STATION AND FORCE MAIN PROJECT.

WHEREAS, the Urban County Council has determined that the acquisition of permanent sanitary sewer and temporary construction easements at 2280 Hume Road, as further described herein, is necessary for the public purpose of and use in the Expansion Area 2A 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 2280 Hume Road is necessary and required for the Expansion Area 2A 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 property 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 below to be obtained for the Expansion Area 2A Pump Station and Force Main project. The permanent sanitary sewer and temporary construction easements being more particularly described as follows:

2280 Hume Road

Permanent Easement

A tract or parcel of land being in Fayette County, Kentucky, and situated west of Hume Road and north of US 60 and adjacent to the east Right-of-Way line of Interstate 75, and known as 2280 Hume Road and being a strip of land twenty feet in nominal width and more particularly described as follows:

Beginning at a point in the Interstate 75 east Right-of-Way line, said point also being the Grantor's northwest property corner, a common corner to Shouse (Deed Book 1563, Page 162 and Deed Book 1441, Page 451); thence, along and with the Grantors north property line common with Shouse, North 79 degrees 40 minutes 59 seconds East for 21.66 feet, thence leaving Grantors north property line and through the Grantors property for fourteen calls; South 32 degrees 52 minutes 33 seconds East for 14.17 feet and, South 21 degrees 55 minutes 27 seconds East for 16.80 feet to a point in the T Mobile lease line, thence along and with said lease line for two calls; South 10 degrees 02 minutes 30 seconds East for 50.46 feet and North 79 degrees 57 minutes 30 seconds East for 10.62 feet; thence leaving said lease line South 21 degrees 55 minutes 27 seconds East for 183.22 feet and, South 37 degrees 16 minutes 32 seconds East for 50.55 feet and, South 24 degrees 10 minutes 23 seconds East for 104.50 feet and, South 22 degrees 47 minutes 13 seconds East for 107.12 feet and, South 13 degrees 44 minutes 34 seconds East for 146.97 feet and, South 22 degrees 47 minutes 04 seconds East for 468.98 feet and, South 48 degrees 21 minutes 37seconds East for 106.69 feet and, South 70 degrees 54 minutes 38 seconds East for 40.75 feet and, North 64 degrees 13 minutes 06 seconds East for 127.54 feet and, South 81 degrees 39 minutes 22 seconds East for 153.54 feet to a point in the west Right-of-Way line of Hume Road, thence along and with the Right-of-Way line South 8 degrees 36 minutes 45 seconds East for 20.91 feet, thence leaving said Right-of-Way line and through the Grantors property for nine calls; North 81 degrees 39 minutes 22 seconds for 153.50 feet and, south 64 degrees 13 minutes 06 seconds West for 129.66 feet and, North 70 degrees 54 minutes 38 seconds West for 53.00 feet and, North 48 degrees 21 minutes 37 seconds West for 115.21 feet and, North 22 degrees 47 minutes 04 seconds West for 475.10 feet and North 13 degrees 44 minutes 34 seconds West for 146.97 feet and, North 22 degrees 47 minutes 13 seconds West for 105.29 feet and, North 24 degrees 10 minutes 23 seconds West for 101.96 feet and, North 37 degrees 16 minutes 32 seconds West for 50.94 feet to a point in the east Right-of-Way line of Interstate 75 thence coincident with said Right-of-Way line for two calls; North 21 degrees 55 minutes 27 seconds West for 252.37 feet and, North 32 degrees 52 minutes 33 seconds West for 20.56 feet to the point of beginning;

containing 31502.0 square feet (0.7232 acre), more or less. The above bearings so described are in reference to the deed of record and not to the project datum.

Being a portion of the same property conveyed to North Lexington Church of Christ, Inc. by deed dated September 10, 2002 as recorded in Deed Book 2317, Page 406, in the Fayette County Clerk's Office.

TEMPORARY CONSTRUCTION EASEMENT

A tract or parcel of land being in Fayette County, Kentucky, and situated west of Hume Road and north of US 60 and adjacent to the east Right-of-Way line of Interstate 75, and known as 2280 Hume Road and being a strip of land thirty feet in nominal width and more particularly described as follows:

From a point in the Interstate 75 east Right-of-Way line, said point also being the Grantor's northwest property corner, a common corner to Shouse (Deed Book 1563, Page 162 and Deed Book 1441, Page 451); thence, along and with the Grantors north property line common with Shouse North 79 degrees 40 minutes 59 seconds East for 21.66 feet to the True Point of Beginning thence, along and with Grantors north property line common with Shouse North 79 degrees 57 minutes 30 seconds East for 30.66 feet, thence leaving Grantors north property line and through the Grantors property for ten calls; North 21 degrees 55 minutes 27 seconds West for 172.87 feet and, South 37 degrees 16 minutes 32 seconds East for 49.95 feet and, South 24 degrees 10 minutes 23 seconds East for 108.31 feet and, South 22 degrees 47 minutes 13 seconds East for 109.85 feet and, South 13 degrees 44 minutes 34 seconds East for 146.97 feet and, South 22 degrees 47 minutes 04 seconds East for 459.80 feet and, South 48 degrees 21 minutes 37 seconds East for 93.90 feet and, South 70 degrees 54 minutes 38 seconds East for 22.38 feet and, North 64 degrees 13 minutes 06 seconds East for 124.36 feet and, South 81 degrees 39 minutes 22 seconds East for 155.23 feet to a point in the west Right-of-Way line of Hume Road, thence coincident with said Right-of-Way line for three calls; South 19 degrees 03 minutes 36 seconds East for 13.10 feet and, South 70 degrees 54 minutes 11 seconds West for 4.00 feet and South 8 degrees 36 minutes 45 seconds East for 17.28 feet to a point in the north line of the permanent easement described above, thence leaving the said Right-of-Way line and coincident with the said permanent easement for ten calls; North 81 degrees 39 minutes 22 seconds West for 153.54 feet and, South 64 degrees 13 minutes 06 seconds West for 127.54 feet and, North 70 degrees 54 minutes 38 seconds West for 40.75 feet and, North 48 degrees 21 minutes 37 seconds West for 106.69 feet and, North 22 degrees 47 minutes 04 seconds West for 468.98 feet and, North 13 degrees 44 minutes 34 seconds West for 146.97 feet and, North 22 degrees 47 minutes 13 seconds West for 107.12 feet and, North 24 degrees 10 minutes 23

seconds West for 104.50 feet and, North 37 degrees 16 minutes 32 seconds West for 50.55 feet and, North 21 degrees 55 minutes 27 seconds West for 183.22 feet to the True Point of Beginning; containing 44015.0 square feet (1.0104 acres), more or less. The above bearings so described are in reference to the deed of record and not to the project datum.

Being a portion of the same property conveyed to North Lexington Church of Christ, Inc. by deed dated September 10, 2002 as recorded in Deed Book 2317, Page 406, in the Fayette County Clerk's Office.

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

PUBLISHED:

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