

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 4250 ATHENS BOONESBORO ROAD FOR THE BLUE SKY 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 4250 Athens Boonesboro Road, as further described herein, 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 4250 Athens Boonesboro Road 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 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 Blue Sky Pump Station and Force Main project. The permanent sanitary sewer and temporary construction easements being more particularly described as follows:

4250 Athens Boonesboro Road

FORCE MAIN PERMANENT EASEMENT

A portion of a tract or parcel of land being in Fayette County, Kentucky, and known as 4250 Athens Boonesboro Road

and being more particularly described as follows:

Beginning at the Grantor's northeast property corner in the southwest right of way line of Athens Boonesboro Road; Thence, with the Grantor's east property line, S16°57'45"E, 21.69 feet; Thence, N60°42'22"W, 89.91 feet; Thence, N54°11'55"W, 406.82 feet; Thence, N03°07'58"W, 13.98 feet; Thence, N54°33'30"W, 378.87 feet; Thence, S81°21'03"W, 748.15 feet; Thence, S72°39'55"W, 33.62 feet; Thence, S81°06'28"W, 97.06 feet to the east right of way line of Richmond Road; Thence, with said right of way line, N17°07'28"W, 15.16 feet; Thence, leaving said right of way line, N81°06'28"E, 98.12 feet; Thence, N72°39'55"E, 33.65 feet; Thence, N81°21'03"E, 755.37 feet; Thence, S54°33'30"E, 392.17 feet; Thence, S03°07'58"E, 14.04 feet; Thence, S54°11'55"E, 15.74 feet to the southwest right of way line of Athens Boonesboro Road; Thence, with the southwest right of way line of Athens Boonesboro Road, S54°11'55"E, 383.06 feet; Thence, S60°42'22"E, 73.68 feet to the Point of Beginning and containing 26507 square feet, 0.609 acres.

Being a part of that property conveyed to Lucille G. Barnes by deed dated May 22, 1964 in Deed Book 797, Page 029 and deed dated October 7, 1997 in Deed Book 1492, Page 473 in the Fayette County Clerk's office.

TEMPORARY CONSTRUCTION EASEMENT

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

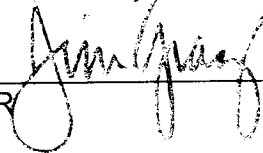
Beginning at the southeast corner of the permanent force main easement in the Grantor's east property line; Thence, with said property line, S16°47'45"E, 43.39 feet; Thence, leaving said property line, N60°42'22"W, 122.96 feet; Thence, N54°11'55"W, 422.85 feet; Thence, N03°07'58"W, 13.86 feet; Thence, N54°33'30"W, 352.28 feet; Thence, S81°21'03"W, 733.73 feet; Thence, S72°39'55"W, 33.55 feet; Thence, S81°06'28"W, 94.93 feet to the east right of way line of Richmond Road; Thence, with said right of way line, N17°07'28"W, 30.31 feet; Thence, leaving said right of way line, N81°06'28"E, 97.06 feet; Thence, N72°39'55"E, 33.62 feet; Thence, N81°21'03"E, 748.15 feet; Thence, S54°33'30"E, 378.87 feet; Thence, S03°07'58"E, 13.98 feet; Thence, S54°11'55"E, 406.82 feet; Thence, S60°42'22"E, 89.91 feet to the Point of Beginning and containing 53163 square feet, 1.220 acres.

Being a part of that property conveyed to Lucille G. Barnes by deed dated May 22, 1964 in Deed Book 797, Page 029 and deed dated October 7, 1997 in Deed Book 1492, Page 473 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: September 26, 2013



MAYOR

ATTEST:



CLERK OF URBAN COUNTY COUNCIL

1000-13_MKH_ejo_X:\Cases\WATER-AIR\13-LE0001\LEG\00407645.DOC