

TEMPORARY PERMIT
to the
Lexington Fayette Urban County Government

By authority vested in me by 43 U.S.C. §931c and 28 C.F.R §0.96, the Lexington Fayette Urban County Government, Lexington, Kentucky (LFUCG or permittee), /or permittee's duly authorized agents are hereby granted a revocable permit to use and occupy certain areas, as shown on the Map attached hereto and made a part hereof, of property comprising part of the Federal Medical Center (FMC), in Lexington, Kentucky, under the custody of the Federal Bureau of Prisons (Government), for the construction, repair, and/or replacement of a bridge, culvert, and access road used by permittee for ingress and egress to permittee's sanitary sewer pump station located on FMC Lexington property pursuant to an easement from the U.S. Department of Justice.

This temporary permit is granted subject to the following conditions:

1. The use and occupation of the said land shall be without cost or expense to the Government.
2. The permittee shall construct, operate, maintain, and replace all of its facilities in the permit area in a manner which complies with all pertinent Federal and State environmental laws and in a manner so as to prevent and avoid any threatened or actual release or disposal of any hazardous substance as identified in accordance with any pertinent Federal or State environmental laws. In the event any liability does arise under Federal and/or state environmental laws as the result of the permittee's use of the permit, the permittee shall indemnify the Government for any clean-up costs, response costs which the Government is required or obligated to undertake.
3. The permittee shall at all times keep the Government informed of any activity on this property incident to the exercise of the permit herein granted, including information on the ingress for purposes of construction, repair, or replacement of any portion of the bridge, culvert, or access road.
4. The permittee shall observe any and all regulations of the Government regarding the storage of machinery, tools, and equipment, including supervision of motor vehicles, drivers, and workmen on or in the proximity of the institution's property. Federal Medical Center Lexington is a secure facility and accountability of machinery, tools, and equipment is a vital process to keeping the institution secure and safe. Permittee and its agents must at all times maintain possession and control of machinery, tools, and equipment brought onto FMC Lexington property to perform work pursuant to this permit (e.g., shall appropriately secure (remove keys from) equipment and remove or secure tools at the end of each work day).
5. The permittee and/or its duly authorized agents shall protect any existing boundary markers removed by construction and reset them in their identical location.
6. The permittee and/or its duly authorized agents shall neither make contact with any prisoner nor compromise the security and orderly operation of the Federal Medical Center. Any such violation shall be subject to penalties prescribed by 18 U.S.C. §1791.
7. This permit does not convey any interest whatsoever in any oil, gas, or other minerals in, on, or above any land comprising FMC Lexington.

8. In the event that the permittee and /or is duly authorized agents do come into contact with a prisoner while on the property, it should be reported to the Government point of contact.
9. The Government reserves the right to construct, use, and maintain across, over, and/or under subject property utility lines and other facilities necessary for the operation of the institution in such a manner as not to create any unreasonable interference with the use of this permit.
10. Any property of the Government which may be damaged or destroyed incident to the construction and operation of the access road and easement shall be promptly repaired or replaced by the permittee or pay to the Government a sum of money sufficient to compensate for the loss sustained by reason of any such damage or destruction of said property.
11. Upon completion of construction of an access bridge, the premises shall be restored immediately by the permittee to the same condition as that in which it existed prior to commencement of such work, to the satisfaction of the Government.
12. The Government shall not be responsible for damages to the property or injuries to persons which may arise from or be incident to the use and occupation of the said premises, nor for damages to the property or for injuries to the permittee's officers, agents, servants, employees, or its successors or assigns or others who may be on said premises at their invitation.
13. In the event of a failure to comply with any of the conditions and provisions herein set forth or nonuse of the temporary permit for which granted or an abandonment, in whole or in part, shall cease and determine and revert to and become revested in the Government as fully and completely as if the temporary permit had not been granted upon written notice of such termination being given to the Grantee, its associated and allied companies, its and their respective successors and assigns, which shall be effective as of the date of such notice.
14. This temporary permit may be revoked or terminated at any time by the Director, Federal Bureau of Prisons.

Terms and Conditions Accepted
 By the Lexington Fayette
 Urban County Government

Linda Gordon
 Signature

Mayor
 Title

1/5/2021
 Date

Federal Bureau of Prisons

 Assistant Director for Administration

 Date





LaDonna Roberts

From: Michael Cravens
Sent: Tuesday, October 13, 2020 4:20 PM
To: LaDonna Roberts; Commissioner EQ PW Exec Asst
Cc: Nancy Albright; Gregory Lubeck; Charles Martin
Subject: RE: Law Review: Temporary Access Permit

Categories: Red Category

I have reviewed this request for a resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Temporary Access Permit with the United States Department of Justice, Federal Bureau of Prisons, to provide access for the replacement of the existing access road culvert to the Lower Town Branch Pump Station, located on Federal Medical Center property, at no cost to the Urban County Government.

No legal issues. OK to bluesheet. Greg, can you get me the specific property address/location address covered by the permit – I would like to include it in the resolution. Thanks!

Michael Cravens
Attorney Senior
Department of Law

859.258.3500
MCravens@lexingtonky.gov
lexingtonky.gov



NOTICE OF CONFIDENTIALITY

This message is intended only for the use of the individual or entity to which it is addressed and may contain confidential information that is legally privileged and exempt from disclosure under applicable law, including but not limited to, Kentucky Rule of Evidence 503. Any legal opinion provided in this electronic mail transmission is provided in the course of my legal representation of the Lexington-Fayette Urban County Government and should not be disseminated to the public. If the reader of this message is not the intended recipient, you are notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, delete it from your system without copying or forwarding it, and notify the sender of the error by replying via e-mail or by calling the Department of Law at (859) 258-3500, so that our address record can be corrected. Thank you.

From: Nancy Albright <nalbright@lexingtonky.gov>
Sent: Tuesday, October 13, 2020 10:23 AM
To: Susan Speckert <sspeckert@lexingtonky.gov>
Cc: Michael Cravens <mcravens@lexingtonky.gov>; LaDonna Roberts <lroberts@lexingtonky.gov>; Commissioner EQ PW Exec Asst <commeqpw@lexingtonky.gov>
Subject: FW: Law Review: Temporary Access Permit

Good morning. Please review the attached prior to entry into Legistar. Thank you.

~ Nancy

From: LaDonna Roberts <lroberts@lexingtonky.gov>
Sent: Tuesday, October 13, 2020 10:00 AM

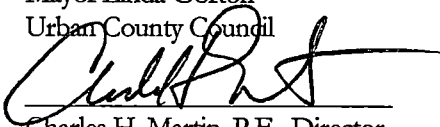
MAYOR LINDA GORTON



LEXINGTON

CHARLES H. MARTIN, P.E.
DIRECTOR
WATER QUALITY

TO: Mayor Linda Gorton
Urban County Council

FROM: 
Charles H. Martin, P.E., Director
Division of Water Quality

DATE: October 13, 2020

SUBJECT: Resolution Authorizing the Mayor to sign a Temporary Access Permit with the United States Department of Justice

Request

This memorandum is to request authorization for the Mayor to sign a Temporary Access Permit with the United States Department of Justice.

Purpose of Request

The purpose of this memorandum is to request signature of the attached Temporary Access Permit with the United States Department of Justice to allow replacement of the existing access road culvert to the Lower Town Branch Pump Station, located on Federal Medical Center property.

Project Cost in FY20 and in Future Budget Years

There are no costs associated with this request.

Are Funds Budgeted

N/A

Director/Commissioner

Martin/Albright

Cc: Gregory S. Lubeck, P.E., Deputy Director, Division of Water Quality





Lexington-Fayette Urban County Government File Summary

200 E. Main St
Lexington, KY 40507

File Number	Title	Current Status
1038-20	Resolution	Second Reading

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a temporary permit with the U.S. Dept. of Justice, Federal Bureau of Prisons, for the replacement of the access road culvert to the Lower Town Branch Pump Station, on the property located at 3301 Leestown Rd., at no cost to the Urban County Government. [Div. of Water Quality, Martin]

Introduced: 10/16/2020

Controlling Body: Urban County Council

Meeting Date: 11/19/2020

Department: Water Quality

Drafter: LaDonna Roberts



Lexington-Fayette Urban County Government

File Summary

200 E. Main St
Lexington, KY 40507

File Number	Title	Current Status
1038-20	Agenda Item	ATS Review

Request Council authorization for a resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Temporary Access Permit with the United States Department of Justice, Federal Bureau of Prisons, to provide access for the replacement of the existing access road culvert to the Lower Town Branch Pump Station, located on Federal Medical Center property, at no cost to the Urban County Government.

Introduced: 10/16/2020

Controlling Body: Water Quality

Meeting Date: 10/27/2020

Department: Water Quality

Drafter: LaDonna Roberts