

RESOLUTION NO. \_\_\_\_\_-2018

A RESOLUTION AUTHORIZING THE DEPARTMENT OF LAW TO INSTITUTE CONDEMNATION PROCEEDINGS IN FAYETTE CIRCUIT COURT TO OBTAIN A PERMANENT EASEMENT AT 1505 COLESBURY CIRCLE FOR THE KENTUCKY TRANSPORTATION CABINET NEW CIRCLE ROAD WIDENING PROJECT.

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WHEREAS, the Urban County Council has determined that the acquisition of a permanent easement at 1505 Colesbury Road, as further described herein, is necessary for the Kentucky Transportation Cabinet New Circle Road Widening Project; and

WHEREAS, the Owner 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 necessary property interest 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 a permanent easement at 1505 Colesbury Road is necessary and required for the Kentucky Transportation Cabinet New Circle Road Widening Project, and that it is in the best interest of the community to acquire the same, and that the Owner 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 of the necessary property interests 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 Kentucky Transportation Cabinet New Circle Road Widening Project:

**1505 Colesbury Road**  
**Permanent Easement**

A certain parcel of land located in Fayette County, Kentucky along New Circle Road (KY 4) approximately 625 Feet northwest from the intersection of New Circle Road and Colesbury Circle, lying on the north side of New Circle Road, and being more particularly described as follows:

Beginning at a point in the southwest corner common with Lexmark International Inc. being the POINT OF BEGINNING, thence;

North 44°21'59" East, 10.55 Feet, to a point common with Lexmark International Inc. thence;

South 54°00'52" East, 25.26 Feet, through the lands of Carman Properties, LLC, to a point common with New Circle Road (KY 4) Right Of Way, thence;

North 75°18'00" West, 28.76 Feet, with said Right Of Way to the POINT OF BEGINNING, containing approximately 0.003 acres (132 square feet).

Being a permanent sanitary sewer easement on a portion of the same property as conveyed to Carman Properties, LLC from Rodney B. Hatfield by deed dated September 9, 2004 and recorded in Deed Book 2489, Page 174. All the above is referenced documents are of record in the Fayette County, Kentucky, 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:

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MAYOR

ATTEST:

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CLERK OF THE URBAN COUNTY COUNCIL  
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