

RESOLUTION NO. 635 - 2022

A RESOLUTION AUTHORIZING THE DEPARTMENT OF LAW TO INSTITUTE CONDEMNATION PROCEEDINGS IN FAYETTE CIRCUIT COURT TO ACQUIRE RIGHT-OF-WAY AND TEMPORARY CONSTRUCTION EASEMENTS UPON PORTIONS OF THE PROPERTY LOCATED AT 1376 SILVER SPRINGS DRIVE FOR THE CITATION BOULEVARD PHASE 3A PROJECT.

WHEREAS, the Urban County Council has determined that the acquisition of right-of-way and temporary construction easements upon portions of the property located at 1376 Silver Springs Drive, as further described herein, is necessary for the Citation Boulevard Phase 3A 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 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 right-of-way and temporary construction easements upon portions of the property located at 1376 Silver Springs Drive, as further described herein, is necessary for the Citation Boulevard Phase 3A Project; 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, further described below and depicted on the attached Exhibit "A", to be obtained for the Citation Boulevard Phase 3A Project:

FEE SIMPLE RIGHT-OF-WAY
(a portion of 1376 Silver Springs Drive)
Citation Boulevard Phase 3A Project
Parcel No. 136a

BEGINNING, at an iron pin set with identifier #3257 at the intersection of the existing east right-of-way line of Silver Springs Drive and the existing south right-of-way line of Citation Boulevard 42.71 feet, right of Station

137+26.09 centerline of Citation Boulevard; thence with the existing south right-of-way line of Citation Boulevard along a curve to the right with a radius of 20.00 feet, an arc length of 33.17 feet, and a chord of North 61 degrees 01 minutes 04 seconds East 29.50 feet, to an iron pin set with identifier #3257 20.59 feet, right of Station 137+46.25 centerline of Citation Boulevard; thence with the existing south right-of-way line of Citation Boulevard along a curve to the right with a radius of 976.50 feet, an arc length of 85.81 feet, and a chord of South 68 degrees 56 minutes 20 seconds East 85.78 feet, to an iron pin set with identifier #3257 18.18 feet, right of Station 138+33.66 centerline of Citation Boulevard; thence with the existing south right-of-way line of Citation Boulevard, South 66 degrees 25 minutes 17 seconds East 242.48 feet to an iron pin set with identifier #3257 13.70 feet, right of Station 140+75.28 centerline of Citation Boulevard; thence with the existing south right-of-way line of Citation Boulevard along a curve to the left with a radius of 530.00 feet, an arc length of 102.90 feet, and a chord of South 71 degrees 59 minutes 00 seconds East 102.74 feet to an iron pin set with identifier #3257 13.78 feet, right of Station 141+76.36 centerline of Citation Boulevard; thence with the existing south right-of-way line of Citation Boulevard, South 77 degrees 32 minutes 43 seconds East 141.51 feet to an iron pin set with identifier #3257 11.29 feet, right of Station 143+18.45 centerline of Citation Boulevard; thence with the existing south right-of-way line of Citation Boulevard along a curve to the right with a radius of 20.00 feet, an arc length of 31.57 feet, and a chord of South 32 degrees 20 minutes 12 seconds East 28.39 feet to an iron pin set with identifier #3257 in the existing west right-of-way line of Asbury Lane 29.39 feet, right of Station 143+40.90 centerline of Citation Boulevard; thence with the existing west right-of-way line of Asbury Lane South 12 degrees 52 minutes 20 seconds West 6.65 feet to an iron pin set with identifier #3257 36.00 feet, right of Station 143+41.63 centerline of Citation Boulevard; thence leaving the existing west right-of-way line of Asbury Lane along a curve to the left with a radius of 764.00 feet, an arc length of 108.42 feet, and a chord of North 75 degrees 08 minutes 20 seconds West 108.33 feet to an iron pin set with identifier #3257 36.00 feet, right of Station 142+28.10 centerline of Citation Boulevard; thence North 79 degrees 12 minutes 16 seconds West 2.12 feet to an iron pin set with identifier #3257 36.00 feet, right of Station 142+25.98 centerline of Citation Boulevard; thence along a curve to the right with a radius of 836.00 feet, an arc length of 206.89 feet, and a chord of North 72 degrees 06 minutes 54 seconds West 206.36 feet to an iron pin set with identifier #3257 36.00 feet, right of Station 140+28.00 centerline of Citation Boulevard; thence North 65 degrees 01 minutes 31 seconds West 108.00 feet to an iron pin set with identifier #3257 36.00 feet, right of Station 139+20.00 centerline of Citation Boulevard; thence North 24 degrees 58 minutes 29 seconds East 3.00 feet to an iron pin set with identifier #3257 33.00 feet, right of Station 139+20.00 centerline of Citation Boulevard; thence North 65 degrees 01 minutes 31 seconds West 89.76 feet to an iron pin set with identifier #3257 33.00 feet, right of Station 138+30.24 centerline of Citation Boulevard; thence along a curve to the left with a radius of 967.00 feet, an arc length of 81.58 feet, and a chord of North 67 degrees 26 minutes 31 seconds West 81.55 feet to an iron pin set with identifier #3257 33.00 feet, right of Station 137+45.89 centerline of Citation Boulevard; thence along a curve to the left with a radius of 14.92 feet, an arc length of 10.80 feet, and a chord of South 89 degrees 03 minutes 51 seconds West 10.56 feet to an iron pin set with identifier #3257 36.75 feet, right of Station 137+35.65 centerline of Citation Boulevard; thence along a curve to the left with a radius of 16.15 feet, an arc length of 15.14 feet, and a chord of South 41 degrees 29 minutes 10 seconds West 14.59 feet to an iron pin set with identifier #3257 50.26 feet, right of Station 137+29.92 centerline of Citation Boulevard; thence South 14 degrees 38 minutes 44 seconds West 3.29 feet to an iron pin set with identifier #3257 53.54 feet, right of Station 137+30.19 centerline of Citation Boulevard; thence North 75 degrees 37 minutes 49 seconds West 2.82 feet to an iron pin set with identifier #3257 in the existing east right-of-way line of Silver Springs Drive 53.78 feet, right of Station

137+27.22 centerline of Citation Boulevard; thence with the existing east right-of-way line of Silver Springs Drive, North 13 degrees 29 minutes 59 seconds East 11.13 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains 0.278 Acres (12,106 sq. ft.) of fee simple; and,

Being a portion of the property conveyed to Oakbrook Properties, LLC, an Indiana limited liability company, by deed dated July 7, 2021, of record in Deed Book 3865, Page 653, all in the Fayette County Clerk's Office.

Temporary Construction Easement
(a portion of 1376 Silver Spring Drive)
Citation Boulevard Phase 3A Project
Parcel No. 136b

BEGINNING, at a point in the existing east right-of-way line of Silver Springs Drive 65.00 feet, right of Station 137+28.39 centerline of Citation Boulevard; thence with the existing east right-of-way line of Silver Springs Drive, North 13 degrees 29 minutes 59 seconds East 11.28 feet to an iron pin set with identifier #3257 53.78 feet, right of Station 137+27.22 centerline of Citation Boulevard; thence leaving said east right-of-way line, South 75 degrees 37 minutes 49 seconds East 2.82 feet to an iron pin set with identifier #3257 53.54 feet, right of Station 137+30.19 centerline of Citation Boulevard; thence North 14 degrees 38 minutes 44 seconds East 3.29 feet to an iron pin set with identifier #3257 50.26 feet, right of Station 137+29.92 centerline of Citation Boulevard; thence along a curve to the right with a radius of 16.15 feet, an arc length of 15.14 feet, and a chord of North 41 degrees 29 minutes 10 seconds East 14.59 feet to an iron pin set with identifier #3257 36.75 feet, right of Station 137+35.65 centerline of Citation Boulevard; thence along a curve to the right with a radius of 14.92 feet, an arc length of 10.80 feet, and a chord of North 89 degrees 03 minutes 51 seconds East 10.56 feet to an iron pin set with identifier #3257 33.00 feet, right of Station 137+45.89 centerline of Citation Boulevard; thence along a curve to the right with a radius of 967.00 feet, an arc length of 81.58 feet, and a chord of South 67 degrees 26 minutes 31 seconds East 81.55 feet to an iron pin set with identifier #3257 33.00 feet, right of Station 138+30.24 centerline of Citation Boulevard; thence South 65 degrees 01 minutes 31 seconds East 89.76 feet to an iron pin set with identifier #3257 33.00 feet, right of Station 139+20.00 centerline of Citation Boulevard; thence South 24 degrees 58 minutes 29 seconds West 3.00 feet to an iron pin set with identifier #3257 36.00 feet, right of Station 139+20.00 centerline of Citation Boulevard; thence South 65 degrees 01 minutes 31 seconds East 108.00 feet to an iron pin set with identifier #3257 36.00 feet, right of Station 140+28.00 centerline of Citation Boulevard; thence along a curve to the left with a radius of 836.00 feet, an arc length of 206.89 feet, and a chord of South 72 degrees 06 minutes 54 seconds East 206.36 feet to an iron pin set with identifier #3257 36.00 feet, right of Station 142+25.98 centerline of Citation Boulevard; thence South 79 degrees 12 minutes 16 seconds East 2.12 feet to an iron pin set with identifier #3257 36.00 feet, right of Station 142+28.10 centerline of Citation Boulevard; thence along a curve to the right with a radius of 764.00 feet, an arc length of 108.42 feet, and a chord of South 75 degrees 08 minutes 20 seconds East 108.33 feet to an iron pin set with identifier #3257 in the existing west right-of-way line of Asbury Lane 36.00 feet, right of Station 143+41.63 centerline of Citation Boulevard; thence with the existing west right-of-way line of Asbury Lane, South 12 degrees 52 minutes 20 seconds West 0.71 feet to a point 36.71 feet, right of Station 143+41.70 centerline of Citation Boulevard; thence with the existing west right-of-way line of Asbury Lane along a curve to the left with a radius of 330.00 feet, an arc length of 8.35 feet, and a chord of South 12 degrees 08 minutes 48 seconds West 8.35 feet to a point 45.00 feet, right of Station 143+42.75 centerline of Citation Boulevard; thence leaving the existing west

right-of-way line of Asbury Lane, North 74 degrees 20 minutes 03 seconds West 148.30 feet to a point 41.00 feet, right of Station 141+90.00 centerline of Citation Boulevard; thence South 13 degrees 22 minutes 20 seconds West 14.00 feet to a point 55.00 feet, right of Station 141+90.00 centerline of Citation Boulevard; thence North 75 degrees 22 minutes 23 seconds West 53.45 feet to a point 55.50 feet, right of Station 141+40.00 centerline of Citation Boulevard; thence North 70 degrees 32 minutes 24 seconds West 74.83 feet to a point 55.50 feet, right of Station 140+70.00 centerline of Citation Boulevard; thence North 65 degrees 13 minutes 56 seconds West 187.89 feet to a point 55.00 feet, right of Station 138+85.00 centerline of Citation Boulevard; thence North 24 degrees 58 minutes 29 seconds East 9.00 feet to a point 46.00 feet, right of Station 138+85.00 centerline of Citation Boulevard; thence North 67 degrees 19 minutes 34 seconds West 135.92 feet to a point 48.00 feet, right of Station 137+45.00 centerline of Citation Boulevard; thence South 62 degrees 17 minutes 02 seconds West 23.12 feet to the **TRUE POINT OF BEGINNING**, and,

The above-described parcel contains 9,655 sq. ft. of temporary construction easement; and,

Being a portion of the property conveyed to Oakbrook Properties, LLC, an Indiana limited liability company, by deed dated July 7, 2021, of record in Deed Book 3865, Page 653, all in the Fayette County Clerk's Office.

Temporary Construction Easement
(a portion of 1376 Silver Spring Drive)
Citation Boulevard Phase 3A Project
Parcel No. 136c

BEGINNING, at a point in the existing west right-of-way line of Asbury Lane at the southeasterly corner of property of Trilogy Real Estate Fayette III, LLC (Deed Book 3425, Page 642) 56.83 feet, left of Station 8+06.89 baseline of Asbury Lane; thence with the southeasterly line of property of Trilogy Real Estate Fayette III, LLC (Deed Book 3425, Page 642) South 48 degrees 18 minutes 00 seconds West 35.50 feet to a point 90.00 feet, left of Station 7+94.25 baseline of Asbury Lane; thence leaving the said southeasterly line North 20 degrees 47 minutes 26 seconds West 21.61 feet to a point 90.00 feet, left of Station 8+15.00 baseline of Asbury Lane; thence North 42 degrees 26 minutes 59 seconds East 39.56 feet to a point in the existing west right-of-way line of Asbury Lane 55.35 feet, left of Station 8+30.00 baseline of Asbury Lane; thence with the existing west right-of-way line of Asbury Lane along a curve to the left with a radius of 746.20 feet, an arc length of 26.84 feet, and a chord of South 16 degrees 10 minutes 29 seconds East 26.84 feet to the **TRUE POINT OF BEGINNING**, and,

The above-described parcel contains 810 sq. ft. of temporary construction easement; and,

Being a portion of the property conveyed to Oakbrook Properties, LLC, an Indiana limited liability company, by deed dated July 7, 2021, of record in Deed Book 3865, Page 653, all 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: November 17, 2022

Linda Gorton

MAYOR

ATTEST:

[Signature]

CLERK OF THE URBAN COUNTY COUNCIL

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