

RESOLUTION NO. _____ - 2023

A RESOLUTION CONDEMNING NECESSARY PERMANENT AND TEMPORARY EASEMENTS ACROSS THE PROPERTY LOCATED AT 2710 SULLIVANS TRACE, FOR THE SPURR ROAD AND DOTSON PUMP STATION ELIMINATION PROJECT, AND AUTHORIZING THE DEPARTMENT OF LAW TO INSTITUTE CONDEMNATION PROCEEDINGS IN FAYETTE CIRCUIT COURT.

WHEREAS, the Urban County Council has determined that the acquisition of permanent and temporary easements upon portions of the property located at 2710 Sullivans Trace, as further described herein, is necessary for the Spurr Road and Dotson Pump Station Elimination 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 permanent and temporary easements upon portions of the property located at 2710 Sullivans Trace, as further described herein, is necessary for the Spurr Road and Dotson Pump Station Elimination 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 Spurr Road and Dotson Pump Station Elimination Project:

Permanent Sanitary Sewer Easement
Spurr Road and Dotson Pump Station
Elimination Project
(a portion of 2710 Sullivans Trace)

Tract A

All that strip or parcel of land situated on the east side of Norfolk Southern Railroad, northwest of the intersection of Locust Blossom Cove and Kearney Creek Lane in Lexington, Fayette County, Kentucky, and being more fully described and bounded as follows, to wit:

BEGINNING at a common corner between Parcel 5, as shown on the Non-Building, Consolidation, Corrected Amended and Easement Minor Record Plat of the Ramsey/Sullivan Property, 2825, 2851, 2871 Georgetown Road, 2501 Spurr Road (Cabinet M, Slide 824), and Lot 2, as shown on the Easement Minor Amended and Non-Building Minor Subdivision Plat of Ramsey/Sullivan Property, 2671 Kearney Ridge Boulevard (Cabinet S, Slide 354), said point being in the easterly right-of-way line of Norfolk Southern Railroad;

Thence with the easterly right-of-way line of Norfolk Southern Railroad, South 13°04'52" East, a distance of 157.51 feet to the **TRUE POINT OF BEGINNING**;

Thence leaving the easterly right-of-way line of Norfolk Southern Railroad, with a new permanent sanitary sewer easement line through the lands of Parcel 5, North 76°53'14" East, a distance of 38.12 feet to a point;

Thence with an existing sanitary sewer easement line, South 00°59'16" West, a distance of 20.62 feet to a point;

Thence with a new permanent sanitary sewer easement line, South 76°53'14" West, a distance of 33.11 feet to a point in the easterly right-of-way line of the aforesaid Norfolk Southern Railroad;

Thence with the easterly right-of-way line of Norfolk Southern Railroad, North 13°04'52" West, a distance of 20.00 feet to the **TRUE POINT OF BEGINNING**, containing 0.016 acres (712 square feet).

Being a portion of Parcel 6 (formerly a portion of Consolidation Parcel 5), as shown on the Non-Building, Consolidation, Corrected Amended and Easement Minor Record Plat of the Ramsey/Sullivan Property, 2825, 2851, 2871 Georgetown Road, 2501 Spurr Road, of record in Plat Cabinet M, Slide 824, and a portion of the property conveyed to Jubly II, LLC, a Kentucky limited liability company, by deed dated December 16, 2020, of record in Deed Book 3809, Page 90, all of record in the Fayette County Clerk's Office.

Temporary Construction Easement
Spurr Road and Dotson Pump Station
Elimination Project
(a portion of 2710 Sullivans Trace)

Tract B

All that strip or parcel of land situated on the east side of Norfolk Southern Railroad, northwest of the intersection of Locust Blossom Cove and Kearney Creek Lane in Lexington, Fayette County, Kentucky, and being more fully described and bounded as follows, to wit:

BEGINNING at a common corner between Parcel 5, as shown on the Non-Building, Consolidation, Corrected Amended and Easement Minor Record Plat of the Ramsey/Sullivan Property, 2825, 2851, 2871 Georgetown Road, 2501 Spurr Road (Cabinet M, Slide 824), and Lot 2, as shown on the Easement Minor Amended and Non-Building Minor Subdivision Plat of Ramsey/Sullivan Property, 2671 Kearney Ridge

Boulevard (Cabinet S, Slide 354), said point being in the easterly right-of-way line of Norfolk Southern Railroad;

Thence with the easterly right-of-way line of Norfolk Southern Railroad, South 13°04'52" East, a distance of 157.51 feet to the **TRUE POINT OF BEGINNING**;

Thence with the easterly right-of-way line of Norfolk Southern Railroad, North 13°04'52" West, a distance of 10.00 feet to a point;

Thence leaving the easterly right-of-way line of Norfolk Southern Railroad, with a new temporary construction easement line through the lands of Parcel 5, North 76°53'37" East, a distance of 44.18 feet to a point;

Thence with an existing sanitary sewer easement line for two (2) calls:

- 1) South 25°23'02" West, a distance of 8.35 feet to a point; and
- 2) South 00°59'16" West, a distance of 3.57 feet to a point;

Thence with a new permanent sanitary sewer easement line, South 76°53'14" West, a distance of 38.12 feet to the **TRUE POINT OF BEGINNING**, containing 0.009 acres (405 square feet).

Tract C

All that strip or parcel of land situated on the east side of Norfolk Southern Railroad, northwest of the intersection of Locust Blossom Cove and Kearney Creek Lane in Lexington, Fayette County, Kentucky, and being more fully described and bounded as follows, to wit:

BEGINNING at a common corner between Parcel 5, as shown on the Non-Building, Consolidation, Corrected Amended and Easement Minor Record Plat of the Ramsey/Sullivan Property, 2825, 2851, 2871 Georgetown Road, 2501 Spurr Road (Cabinet M, Slide 824), and Lot 2, as shown on the Easement Minor Amended and Non-Building Minor Subdivision Plat of Ramsey/Sullivan Property, 2671 Kearney Ridge Boulevard (Cabinet S, Slide 354), said point being in the easterly right-of-way line of Norfolk Southern Railroad;

Thence with the easterly right-of-way line of Norfolk Southern Railroad, South 13°04'52" East, a distance of 177.51 feet to the **TRUE POINT OF BEGINNING**;

Thence leaving the easterly right-of-way line of Norfolk Southern Railroad, with a new permanent sanitary sewer easement line through the lands of Parcel 5, North 76°53'14" East, a distance of 33.11 feet to a point;

Thence with an existing sanitary sewer easement line, South 00°59'16" West, a distance of 10.32 feet to a point;

Thence with a new temporary construction easement line, South 76°53'37" West, a distance of 30.60 feet to a point in the easterly right-of-way line of the aforesaid Norfolk Southern Railroad;

Thence with the easterly right-of-way line of Norfolk Southern Railroad, North 13°04'52" West, a distance of 10.00 feet to the **TRUE POINT OF BEGINNING**, containing 0.008 acres (319 square feet).

Both Tracts B and C, being a portion of Parcel 6 (formerly a portion of Consolidation Parcel 5), as shown on the Non-Building, Consolidation, Corrected Amended and Easement Minor Record Plat of the Ramsey/Sullivan Property, 2825, 2851, 2871 Georgetown Road, 2501 Spurr Road, of record in Plat Cabinet M, Slide 824, and a portion of the property conveyed to Jubly II, LLC, a Kentucky limited liability company, by deed dated December 16, 2020, of record in Deed Book 3809, Page 90, all of record 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 THE URBAN COUNTY COUNCIL
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