

RESOLUTION NO. _____ - 2023

A RESOLUTION AUTHORIZING THE DEPARTMENT OF LAW TO INSTITUTE CONDEMNATION PROCEEDINGS IN FAYETTE CIRCUIT COURT TO OBTAIN PERMANENT AND TEMPORARY EASEMENTS UPON PORTIONS OF THE PROPERTY LOCATED AT 287 LAFAYETTE PARKWAY FOR THE WOLF RUN MAIN TRUNK F PROJECT, A REMEDIAL MEASURES PROJECT REQUIRED BY THE CONSENT DECREE.

WHEREAS, the Urban County Council has determined that the acquisition of permanent and temporary easements upon portions of the property located at 287 Lafayette Parkway, as further described herein, is necessary for the Wolf Run Main Trunk F Project, a Remedial Measures Project required by the Consent Decree; 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 287 Lafayette Parkway, as further described herein, is necessary for the Wolf Run Main Trunk F Project, a Remedial Measures Project required by the Consent Decree; 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 Wolf Run Main Trunk F Project, a Remedial Measures Project required by the Consent Decree:

Permanent Sanitary Sewer Easement
Wolf Run Trunk F
Sewer Improvement Project
(a portion of 287 Lafayette Parkway)

Tract A

All that strip or parcel of land situated southwest of the intersection of Lafayette Parkway and Southbend Drive in Lexington, Fayette County, Kentucky, and being more fully described and bounded as follows, to wit:

BEGINNING at the intersection of the westerly right-of-way line of Lafayette Parkway and the southerly right-of-way line of Southbend Drive, said point being the northeasterly corner of Lot 1, Block "D" as shown on the Plat of the Lafayette Subdivision (Plat Cabinet E, Slide 569);

Thence leaving the southerly right-of-way line of Southbend Drive, with the westerly right-of-way line of Lafayette Parkway, S 17°16'51" W, 61.00 feet to a common corner with Lot 2;

Thence leaving the westerly right-of-way line of Lafayette Parkway, with the northerly property line of Lot 2, N 67°33'52" W, 7.88 feet to a point;

Thence leaving the northerly property line of Lot 2, with a new permanent sanitary sewer easement line through the lands of Lot 1, N 17°07'49" E, 61.77 feet to a point in the southerly right-of-way line of Southbend Drive;

Thence with the southerly right-of-way line of Southbend Drive, S 62°16'35" E, 8.15 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains 0.011 Acres (488 sq. ft.) of permanent easement; and,

Tract B

All that strip or parcel of land situated southwest of the intersection of Lafayette Parkway and Southbend Drive in Lexington, Fayette County, Kentucky, and being more fully described and bounded as follows, to wit:

BEGINNING at a common corner between Lot 1, Block "D," as shown on the Plat of the Lafayette Subdivision (Plat Cabinet E, Slide 569) and Lot 26, Block "D," as shown on the Final Plat of a Section of the Lafayette Subdivision (Plat Cabinet E, Slide 730), said point being in the southerly right-of-way line of Southbend Drive;

Thence leaving the easterly property line of Lot 26, with the southerly right-of-way line of Southbend Drive, S 62°16'35" E, 4.54 feet to a point;

Thence leaving the southerly right-of-way line of Southbend Drive, with a new permanent sanitary sewer easement line through the lands of Lot 1, S 78°18'55" W, 5.44 feet to a point in the easterly property line of the aforesaid Lot 26;

Thence with the easterly property line of Lot 26, N 22°12'07" E, 3.47 feet to the **TRUE POINT OF BEGINNING**; and

The above-described parcel contains 0.0002 Acres (8 sq. ft.) of permanent easement; and,

Tracts A and B, being a portion of Lot 1, Block "D," of the Lafayette Subdivision, of record in Plat Cabinet E, Slide 569, and a portion of the same property conveyed to Lowell Todd Moore and Dana White Moore, his

wife, by deed dated September 30, 1999, of record in Deed Book 2086, Page 87, in the Fayette County Clerk's Office.

Temporary Construction Easement
Wolf Run Trunk F
Sewer Improvement Project
(a portion of 287 Lafayette Parkway)

Tract C

All that strip or parcel of land situated southwest of the intersection of Lafayette Parkway and Southbend Drive in Lexington, Fayette County, Kentucky, and being more fully described and bounded as follows, to wit:

BEGINNING at the intersection of the westerly right-of-way line of Lafayette Parkway and the southerly right-of-way line of Southbend Drive, said point being the northeasterly corner of Lot 1, Block "D", as shown on the Plat of the Lafayette Subdivision (Plat Cabinet E, Slide 569);

Thence leaving the westerly right-of-way line of Lafayette Parkway, with the southerly right-of-way line of Southbend Drive, N 62°16'35" W, 8.15 feet to the **TRUE POINT OF BEGINNING**;

Thence leaving the southerly right-of-way line of Southbend Drive, with a new permanent sanitary sewer easement line through the lands of Lot 1, S 17°07'49" W, 61.77 feet to a point in the northerly property line of Lot 2;

Thence with the northerly property line of Lot 2, N 67°33'52" W, 10.04 feet to a point;

Thence leaving the northerly property line of Lot 2, with a new temporary construction easement line through the lands of Lot 1 for three (3) calls:

- 1) N 17°07'49" E, 53.30 feet to a point;
- 2) N 60°47'57" W, 124.54 feet to a point; and
- 3) S 78°18'55" W, 14.78 feet to a point in the easterly property line of Lot 26, Block "D", as shown on the Final Plat of a Section of the Lafayette Subdivision (Plat Cabinet E, Slide 730);

Thence with the easterly property line of Lot 26, N 22°12'07" E, 12.05 feet to a point;

Thence leaving the easterly property line of Lot 26, with a new permanent sanitary sewer easement line through the lands of Lot 1, N 78°18'55" E, 5.44 feet to a point in the southerly right-of-way line of Southbend Drive;

Thence with the southerly right-of-way line of Southbend Drive, S 62°16'35" E, 141.31 feet to the **POINT OF BEGINNING**; and,

The above-described parcel contains 0.039 Acres (1,688 sq. ft.) of temporary construction easement; and,

Tract C, being a portion of Lot 1, Block "D," of the Lafayette Subdivision, of record in Plat Cabinet E, Slide 569, and a portion of the same property conveyed to Lowell Todd Moore and Dana White Moore, his wife, by deed dated September 30, 1999, of record in Deed Book 2086, Page 87, 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
0752-23:EPT:X:\CASES\WATER-AIR\23-LE0001\LEG\00786183.DOCX