

ORDINANCE NO. _____ - 2023

AN ORDINANCE ACCEPTING THE DEDICATION OF A PORTION OF SHROPSHIRE AVENUE LOCATED BETWEEN EAST THIRD STREET AND GRINSTEAD STREET AS A PUBLIC WAY AND FURTHER AUTHORIZING THE MAYOR, ON BEHALF OF THE URBAN COUNTY GOVERNMENT, TO EXECUTE DEEDS AND ALL OTHER NECESSARY DOCUMENTS FOR THE TRANSFER OF PROPERTIES PURSUANT TO THE CONSOLIDATION PLAT OF LFUCG & HOUSING AUTHORITY FOR THE SHROPSHIRE AVENUE RIGHT OF WAY PROJECT.

WHEREAS, a certain portion of Shropshire Avenue (consisting of Parcels 5, 6, 7, 8, 9, and 10 as shown on the Consolidation Plat of LFUCG & Housing Authority Property [Shropshire Avenue Right-of-Way] of record in Plat Cabinet N, Slide 624, in the Fayette County Clerk's Office) located between East Third Street and Grinstead Street has been opened to unrestricted use by the general public for at least five (5) consecutive years; and

WHEREAS, the property described above provides access to the Neighborhood of Equestrian View in the Historic East End; and

WHEREAS, KRS 82.400(3) provides that, when any right of way has been open to the unrestricted use of the general public for five (5) consecutive years, such right of way shall be conclusively presumed to have been dedicated as a public way, subject to acceptance by the city; and

WHEREAS, KRS 67A.060(1) provides that urban county governments "may exercise the constitutional and statutory rights, powers, privileges, immunities and responsibilities" of cities; and

WHEREAS, the Urban County Government desires to formally accept the dedication of a certain portion of Shropshire Avenue as public right-of-way, pursuant to KRS 82.400(3).

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT;

Section 1 – That the dedication of a certain portion of Shropshire Avenue (consisting of Parcels 5, 6, 7, 8, 9, and 10 as shown on the Consolidation Plat of LFUCG & Housing Authority Property [Shropshire Avenue Right-of-Way] of record in Plat Cabinet N, Slide 624, in the Fayette County Clerk's Office) located between East Third Street and Grinstead Street to the Lexington-Fayette Urban County Government as a public way be, and the same is, hereby accepted.

Section 2 – That the preamble to this Ordinance be, and the same is, hereby incorporated by reference, the same as if set out in full herein.

Section 3 – That the Mayor, on behalf of the Urban County Government, is authorized to execute deeds and all other necessary documents for the transfer of properties as shown on the Consolidation Plat of LFUCG & Housing Authority Property (Shropshire Avenue Right-Of-Way) of record in Plat Cabinet N, Slide 624, in the Fayette County Clerk's Office.

Section 4 – That this Ordinance shall become effective upon the date of its passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

PUBLISHED:

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