

AN ORDINANCE CLOSING PROSPECT AVENUE AND A PORTION OF SIMPSON AVENUE; DETERMINING THAT ALL PROPERTY OWNERS ABUTTING THE STREETS OR PORTIONS THEREOF TO BE CLOSED HAVE BEEN IDENTIFIED, PROVIDED WITH WRITTEN NOTICE OF THE PROPOSED CLOSING AND CONSENTED THERETO IN WRITING; AND AUTHORIZING AND DIRECTING THE MAYOR, ON BEHALF OF THE URBAN COUNTY GOVERNMENT, TO EXECUTE QUITCLAIM DEEDS TRANSFERRING THE FORMER RIGHT-OF-WAY TO THE ABUTTING OWNERS, SUBJECT TO THE RESERVATION OF EASEMENTS FOR ACCESS AND MAINTENANCE OF EXISTING UTILITIES IN THE FORMER RIGHT-OF-WAY.

WHEREAS, the Urban County Government has the exclusive control, pursuant to Chapter 67A and Section 82.405 of the Kentucky Revised Statutes, to close a public way or any part thereof within its jurisdiction; and

WHEREAS, the Urban County Government Divisions of Police, Fire and Emergency Services, Waste Management, Water Quality, Streets, Roads and Forestry, Engineering, Traffic Engineering and Planning, and affected public utilities have reviewed the proposed closing of portions of Leader Avenue; and

WHEREAS, Anderson Burley, LLC, Anderson Campus Rental Properties, LLC, Anderson Simpson, LLC, and Leroy Young are the owners of the properties abutting Prospect Avenue and the portion of Simpson Avenue proposed for closure; and

WHEREAS, the abutting owners have received written notice of the proposed closing and have given written notarized consent to the proposed closure;

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

Section 1 – That, pursuant to KRS 82.405(2)(a), (b) and (c), this Council finds that the above identified property owners are the owners of all properties abutting Prospect Avenue and the portion of Simpson Avenue herein proposed for closing and said owners have been provided written notice of the proposed closing and have given their written notarized consent to the closing, a copy of which consents are attached hereto as Exhibit A and incorporated herein by reference.

Section 2 – That pursuant to the powers granted to the Lexington-Fayette Urban County Government under Chapter 67A and Section 82.405 of the Kentucky Revised Statutes, Prospect Avenue and the portion of Simpson Avenue which is shown on the

attached Exhibit B, be and hereby are closed as public ways of the Lexington-Fayette Urban County Government.

Section 3 – That the Mayor, on behalf of the Lexington-Fayette Urban County Government, be and hereby is authorized and directed to execute quitclaim deeds and/or a consolidation plat transferring the former right-of-way to Anderson Burley, LLC, Anderson Campus Rental Properties, LLC, Anderson Simpson, LLC, and Leroy Young, the abutting owners, subject to the reservation of easements over the entire tract for access and maintenance of existing utility facilities located in the former right-of-way.

Section 4 – That this Ordinance shall become effective on the date of its passage and shall be recorded in the Office of the Fayette County Clerk pursuant to KRS 82.405(2).

PASSED URBAN COUNTY COUNCIL: June 5, 2014

/s/ Jim Gray
MAYOR

ATTEST:

/s/ Meredith Nelson
CLERK OF URBAN COUNTY COUNCIL
PUBLISHED: June 12, 2014-1t
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Prepared By:

Hon. Michael Keith Horn
Lexington-Fayette Urban County
Government
Department of Law
200 East Main Street 11th Floor
Lexington, KY 40507
(859) 258-3500

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