



Lexington-Fayette Urban County Government
CHIEF ADMINISTRATIVE OFFICE

Jim Gray
Mayor

Sally Hamilton
CAO

**TO: Jim Gray, Mayor
Urban County Council**

FROM: Glenn Brown, Deputy CAO

DATE: May 5, 2014

SUBJECT: Request Council Authorization to Accept Dedication of the Private Road located north of the Richmond Road Home Depot store in Perpetuity to Public Use.

The Office of the Chief Administrative Officer is recommending the private road which is located north of the Home Depot store on Richmond Road be accepted by LFUCG as dedicated in perpetuity to public use. This section of road starts at the west end of the Woodhill Drive extension and ends at the Southland Christian Church property line as illustrated in attached exhibit. This road has been used by the general public for more than five consecutive years and will provide access to the new senior citizen center during and after construction.

Per KRS 82.400(3) provides in pertinent part as follows:

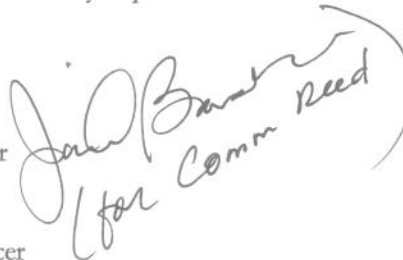
When any property has been opened to the unrestricted use of the general public for five (5) consecutive years, it shall be conclusively presumed to have been dedicated to the city or consolidated local government as a public way or easement, subject to acceptance by the city or consolidated local government. The city or consolidated local government may, at any time after the expiration of five (5) years from the time the property is opened to the public, pass an ordinance declaring it so dedicated, and accepting the dedication, whereupon it shall be a public way or easement of the city or consolidated local government for all purposes.

Lexington-Fayette Urban County Government will take over repair and maintenance of this section of road once dedication to public use has been accepted.

Council authorization to accept the dedication of the private road north of Richmond Road Home Depot in perpetuity to public use in exchange for ongoing maintenance is hereby requested.



Glenn Brown, Deputy Chief Administrative Officer


(for Comm Recd)

Cc: Sally Hamilton, Chief Administrative Officer