



Lexington-Fayette Urban County Government

200 E. Main St
Lexington, KY 40507

Legislation Details (With Text)

File #: 1288-15 **Version:** 1 **Name:** Barkley St ROW closure
Type: Ordinance **Status:** Approved
File created: 10/9/2015 **In control:** Urban County Council
On agenda: 10/22/2015 **Final action:** 10/22/2015
Enactment date: 10/22/2015 **Enactment #:** O-119-2015

Title: An Ordinance closing Barkley St.; determining that the property owner abutting the street to be closed has been identified, provided with written notice of the proposed closing, and consented thereto in writing; and authorizing the Mayor, on behalf of the Urban County Government, to execute a Quitclaim Deed and any other documents necessary to transfer the former right-of-way to the abutting owner, subject to the reservation of easements and restrictions. [Dept. of Environmental Quality and Public Works, Holmes]

Sponsors:

Indexes:

Code sections:

Attachments: 1. Bluesheet Memo - Barkley St, 2. 2015_09_11_15_23_49, 3. Memo to Law Dept - Barkley St, 4. ROW Map - Barkley St, 5. ORDINANCE - 119-2015

Date	Ver.	Action By	Action	Result
10/22/2015	1	Urban County Council	Received First Reading	
10/22/2015	1	Urban County Council	Suspended Rules for Second Reading	Pass
10/22/2015	1	Urban County Council	Approved	Pass
10/20/2015	1	Urban County Council Work Session	Approved and Referred to Docket	Pass

An Ordinance closing Barkley St.; determining that the property owner abutting the street to be closed has been identified, provided with written notice of the proposed closing, and consented thereto in writing; and authorizing the Mayor, on behalf of the Urban County Government, to execute a Quitclaim Deed and any other documents necessary to transfer the former right-of-way to the abutting owner, subject to the reservation of easements and restrictions. [Dept. of Environmental Quality and Public Works, Holmes]

Authorization to execute a transfer of the Barkley Street right-of-way to the adjacent property owner Lexington MLK, LLC. LFUCG Division Directors and utility company representatives have responded with comments and consented to this request. Lexington MLK, LLC will accept full responsibility of the maintenance and repair of the right-of-way. There is no budgetary impact. (L1288-15)(Holmes)

Budgetary Implications [select]: NO

Advance Document Review:

Law: { Select Yes/No, Completed by [Attorney Name, Date]}

Risk Management: {Select Yes/No, Completed by [Official, Date]}

Fully Budgeted [select]: Yes/No/Partial

Account Number:

This Fiscal Year Impact:

Annual Impact:

Project:

Activity:

Budget Reference:

Current Balance:

WHEREAS, the Urban County Government has the exclusive authority, 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 & Emergency Services, Waste Management, Water Quality, Streets & Roads, Engineering, Traffic Engineering, and Planning, and affected public utilities, have reviewed the proposed closing of Barkley Street; and

WHEREAS, Lexington MLK, LLC is the owner of the properties abutting Barkley Street, which is proposed for closing; and

WHEREAS, Lexington MLK, LLC has received written notice of the proposed closing and has given written, notarized consent to the proposed closing;

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

Section 1 - That, pursuant to KRS 82.405(2), this Council finds that the above identified property owner is the owner of all properties abutting Barkley Street, which is proposed for closing, and said owner has been provided written notice of the proposed closing and has given its written, notarized consent to the closing, which consent is 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, Barkley Street, which is shown on the attached Exhibit B, be and hereby is closed as a public way 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 to execute a quitclaim deed and any other documents necessary to transfer the former right-of-way to Lexington MLK, LLC, the abutting owner, subject to the reservation of easements for access and maintenance of existing utility facilities.

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:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL