



# Lexington-Fayette Urban County Government

200 E. Main St  
Lexington, KY 40507

## Legislation Details (With Text)

**File #:** 0266-15      **Version:** 1      **Name:** NPE - DeRoode ROW closure  
**Type:** Ordinance      **Status:** Approved  
**File created:** 2/24/2015      **In control:** Urban County Council  
**On agenda:** 3/19/2015      **Final action:** 3/19/2015  
**Enactment date:** 3/19/2015      **Enactment #:** O-026-2015

**Title:** An Ordinance closing portions of DeShort Circle and DeRoode and McKinley Streets; determining that the Urban County Government owns all property abutting the portion of the streets to be closed and hereby consents thereto; and authorizing the Mayor, on behalf of the Urban County Government, to execute a quitclaim deed and/or a consolidation plat transferring the former right-of-way to the Urban County Government as abutting owner. [Div. of Engineering, Frazier]

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Closure of DeRoode-2-24-2015.pdf, 2. Memo.pdf, 3. Exhibit.pdf

Date	Ver.	Action By	Action	Result
3/19/2015	1	Urban County Council	Approved	Pass
3/17/2015	1	Urban County Council	Received First Reading	
3/10/2015	1	Urban County Council Work Session		

An Ordinance closing portions of DeShort Circle and DeRoode and McKinley Streets; determining that the Urban County Government owns all property abutting the portion of the streets to be closed and hereby consents thereto; and authorizing the Mayor, on behalf of the Urban County Government, to execute a quitclaim deed and/or a consolidation plat transferring the former right-of-way to the Urban County Government as abutting owner. [Div. of Engineering, Frazier]

Authorization to close the LFUCG right-of-way along a portion of DeRoode to facilitate mitigation efforts associated with the Newtown Pike Extension. (L0266-15)(Frazier/Paulsen) This is a request to close the LFUCG right-of-way along a portion of DeRoode to facilitate the mitigation effort associated with the Newtown Pike Extension Project. The Streets to be closed are a portion of DeRoode Street, De Short Circle, and a portion of McKinley Street. LFUCG Division Directors and utility company representatives have consented to this request. There is no budgetary impact.

Budgetary Implications: NO

Advance Document Review: Law/Risk Management

Fully Budgeted: NA

Account Number:

This Fiscal Year Impact: \$

Annual Impact:       \$

Project:

Activity:

Budget Reference:

Current Balance:

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 and Roads, Engineering, Traffic Engineering and Planning, and affected public utilities have reviewed the proposed closing of portion of DeShort Circle and Deroode and McKinley Streets; and

WHEREAS, the Lexington-Fayette Urban County Government is the owner of the properties abutting the portions of DeShort Circle and Deroode Street and Neville Street proposed for closure;

WHEREAS, the Urban County Government, as abutting owner, has received written notice of the proposed closing along with an exhibit map depicting the area to be closed; and

WHEREAS, the Urban County Government hereby consents 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)(a), (b) and (c), this Council finds that the Urban County Government is the owner of all properties abutting the portions of DeShort Circle and Deroode and McKinley Streets herein proposed for closing and, through passage of this Ordinance, hereby consents to the closing.

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, the following described portion of DeShort Circle be and hereby is closed as a public way of the Lexington-Fayette Urban County Government:

Being all that portion of DeShort Circle as shown by cross-hatching on the exhibit map which is attached hereto and incorporated herein by reference as Exhibit A.

Section 3 - 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, the following described portion of DeRoode Street be and hereby is closed as a public way of the Lexington-Fayette Urban County Government:

Being all that portion of DeRoode Street as shown by cross-hatching on the exhibit map which is attached hereto and incorporated herein by reference as Exhibit A.

Section 4 - 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, the following described portion of McKinley Street be and hereby is closed as a public way of the Lexington-Fayette Urban County Government:

Being all that portion of McKinley Street as shown by cross-hatching on the exhibit map which is attached hereto and incorporated herein by reference as Exhibit A.

Section 5 - That the Mayor, on behalf of the Lexington-Fayette Urban County Government, be and hereby is authorized to execute a quitclaim deed and/or a consolidation plat transferring the former right-of-way.

Section 6 - 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

PUBLISHED:

0266-15\_MKH\_ejo\_X:\Cases\WASTE\15-LE0001\LEG\00476044.DOC

Prepared By:

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