



Lexington-Fayette Urban County Government

200 E. Main St
Lexington, KY 40507

Legislation Details (With Text)

File #: 1132-20 **Version:** 1 **Name:** NPE ROW Closure
Type: Ordinance **Status:** Approved
File created: 11/11/2020 **In control:** Urban County Council
On agenda: **Final action:** 12/3/2020
Enactment date: 12/3/2020 **Enactment #:** O-117-2020

Title: An Ordinance closing portions of DeRoode, Patterson, Merino, McKinley, and Neville St., as well as Byars Alley; 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, Burton]

Sponsors:

Indexes:

Code sections:

Attachments: 1. NPE-ROW Closure Memo, 2. NPE-ROW Closure plan, 3. NPE Aerial 11122020-Layout2, 4. 00713576.pdf, 5. Ordinance #117-2020, 6. Deed #8245

Date	Ver.	Action By	Action	Result
12/3/2020	1	Urban County Council	Approved	Pass
12/1/2020	1	Urban County Council	Received First Reading	

An Ordinance closing portions of DeRoode, Patterson, Merino, McKinley, and Neville St., as well as Byars Alley; 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, Burton]

Authorization for the closure of LFUCG right-of-way and to abandon/dissolve the existing easement within a portion of the Mitigation Area for the Newtown Pike. The mitigation efforts associated with the Newtown Pike Extension require the project to redevelop the mitigation area in accordance with the Project Environmental Impact Statement. LFUCG Division Directors and utility Co. representatives have been advised and have consented to this request. New right-of-way and easements will be dedicated with the filing of the final record plat for this area. No Budgetary impact. (L1132-20) (Burton/Albright)

Budgetary Implications: NO

Advance Document Review:

Law: Yes, Completed by Evan P. Thompson, November 9, 2020

Risk Management: No

Fully Budgeted: N/A

Account Number:

This Fiscal Year Impact: \$0

Annual Impact: \$0

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 portions of DeRoode, Patterson, Merino, McKinley, and Neville Street, as well as Byars Alley; and

WHEREAS, the Lexington-Fayette Urban County Government is the owner of the properties abutting the portions of DeRoode, Patterson, Merino, McKinley, and Neville Street, as well as Byars Alley, proposed for closure; and

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 DeRoode, Patterson,

Merino, McKinley, and Neville Street, as well as Byars Alley, 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 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 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 Patterson Street be and hereby is closed as a public way of the Lexington-Fayette Urban County Government:

Being all that portion of Patterson 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 Merino Street be and hereby is closed as a public way of the Lexington-Fayette Urban County Government:

Being all that portion of Merino 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 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 6 - 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 Neville Street be and hereby is closed as a public way of the Lexington-Fayette Urban County Government:

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

Section 7 - 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 Byars Alley be and hereby is closed as a public way of the Lexington-Fayette Urban County Government:

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

Section 8 - 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 9 - 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