



# Lexington-Fayette Urban County Government

200 E. Main St  
Lexington, KY 40507

## Legislation Details (With Text)

**File #:** 1067-19      **Version:** 1      **Name:** Transfer of Right-of-Way - Rodes Avenue  
**Type:** Ordinance      **Status:** Approved  
**File created:** 10/3/2019      **In control:** Urban County Council  
**On agenda:** 11/14/2019      **Final action:** 11/14/2019  
**Enactment date:** 11/14/2019      **Enactment #:** O-090-2019

**Title:** An Ordinance closing a portion of Rodes Ave.; determining that the property owner abutting the portion 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 transferring the former right-of-way to the abutting owner, subject to the reservation of easements and restrictions. [Dept. of Environmental Quality and Public Works, Albright]

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ROW Transfer Rodes Avenue.pdf, 2. Map - Rodes Avenue.pdf, 3. Letter and Consent Certificate 04-04-19 (00649816xAFB4D).PDF, 4. 00668787.pdf, 5. O-90-2019

Date	Ver.	Action By	Action	Result
11/14/2019	1	Urban County Council	Approved	Pass
10/24/2019	1	Urban County Council	Received First Reading	
10/15/2019	1	Urban County Council Work Session		

An Ordinance closing a portion of Rodes Ave.; determining that the property owner abutting the portion 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 transferring the former right-of-way to the abutting owner, subject to the reservation of easements and restrictions. [Dept. of Environmental Quality and Public Works, Albright]

Authorization to close a small portion of Rodes Avenue and to transfer the closed portion to the adjacent property owner, the adjacent property owner will accept full responsibility for the portion of Rodes Avenue, the plan for which is to consolidate it with the adjoining property, at no cost to the Urban County Government. (L1067-19) (Albright)

Budgetary Implications [select]: NO

Advance Document Review:

**Law:** { Yes, Completed by [Charles Williams III, August 28, 2019]}

**Risk Management:** {No}

Fully Budgeted [select]: NA

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 Rodes Avenue; and

WHEREAS, the owner of the abutting property has received written notice of the proposed closing and has given written, notarized consent thereto;

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

Section 1 - That, pursuant to KRS 82.405(2), the property owner abutting the portion of Rodes Avenue to be closed has been provided written notice of the proposed closing and has given its written, notarized consent to the closing, a copy of which consent certificate 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, the portion of Rodes Avenue identified in 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 Quitclaim Deeds and any other documents necessary to transfer the former right-of-way to the abutting owner, subject to the reservation of easements and restrictions.

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:

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MAYOR

ATTEST:

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CLERK OF URBAN COUNTY COUNCIL

Published:

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PREPARED BY:

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