



Lexington-Fayette Urban County Government

200 E. Main St
Lexington, KY 40507

Legislation Details (With Text)

File #: 0548-15 **Version:** 1 **Name:** White Ave. ROW closure
Type: Ordinance **Status:** Approved
File created: 4/27/2015 **In control:** Urban County Council
On agenda: 5/7/2015 **Final action:** 5/7/2015
Enactment date: 5/7/2015 **Enactment #:** O-053-2015

Title: An Ordinance closing a portion of Richmond Ave. and all of White Ave.; determining that the property owner abutting the portion of 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 transferring the former portion of the 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. Blue sheet memo to admin - White Avenue, 2. SPW2392215031711070, 3. White Street Closure Review Form - Planning, 4. Memo to Law Dept - White Ave, 5. Consent Certificate -- White Ave (00482365xAFB4D), 6. ROW Location - White Ave, 7. Ordinance 53-2015.pdf

Date	Ver.	Action By	Action	Result
5/7/2015	1	Urban County Council	Received First Reading	
5/7/2015	1	Urban County Council	Approved	Pass
5/7/2015	1	Urban County Council	Suspended Rules for Second Reading	Pass
5/5/2015	1	Urban County Council Work Session	Approved and Referred to Docket	Pass

An Ordinance closing a portion of Richmond Ave. and all of White Ave.; determining that the property owner abutting the portion of 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 transferring the former portion of the 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 approve transfer a portion of Richmond Avenue and all of White Avenue right-of-way to the adjacent property owner located at 949 National Avenue and the execution of all related documents. LFUCG Division Directors and utility company representatives have responded with comments and consented to this request. The adjacent property owner will accept full responsibility of the maintenance and repair of the right-of-way. (L0548-15)(Holmes)

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 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 a portion of Richmond Avenue and all of White Avenue; and

WHEREAS, National Station, LLC, is the owner of the properties abutting a portion of Richmond Avenue and all of White Avenue, which are proposed for closing; and

WHEREAS, National Station, 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 the portion of Richmond Avenue and all of White Avenue, which are 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, a copy of 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, the portion of Richmond Avenue and all of White Avenue, which are shown on the attached Exhibit B, be and hereby are 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/or a consolidation plat transferring the former right-of-way to National Station, 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