



Lexington-Fayette Urban County Government

200 E. Main St
Lexington, KY 40507

Legislation Details (With Text)

File #: 1169-20 **Version:** 1 **Name:** Right-of-Way Closure - Powell Street
Type: Ordinance **Status:** Approved
File created: 11/16/2020 **In control:** Urban County Council
On agenda: 12/3/2020 **Final action:** 12/3/2020
Enactment date: 12/3/2020 **Enactment #:** O-119-2020

Title: An Ordinance closing Powell St.; determining that the property owner abutting Powell St. 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, Albright]

Sponsors:

Indexes:

Code sections:

Attachments: 1. Community Ventures - Powell Street - ROW Closure Request (Revised for Consolidation Plat), 2. Revised Consent Certificate (Community Ventures Properties LLC) (00713165xAFB4D), 3. Powell Street Bluesheet Memo, 4. S-89 MNSUB-20-00063 Community Ventures Micro Housing - Artist Village (signed consolidation plat), 5. Powell Street - Memo to Law Final, 6. Powell Street ROW Aerial Map, 7. 00713866.pdf, 8. Ordinance #119-2020

| 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 Powell St.; determining that the property owner abutting Powell St. 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, Albright]

Authorization to close a portion of Powell St.; 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 to execute a Quitclaim Deed transferring the former right-of-way to the abutting owner, subject to the reservation of easements and restrictions. No Budgetary impact. (L1169-20) (Albright)

Budgetary Implications [select]: NO

Advance Document Review:

Law: { Yes, Completed by [Michael Cravens, November 10, 2020]}

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 Powell Street; and

WHEREAS, the abutting property owner 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), this Council finds that the property owner of all of the properties abutting Powell Street has been provided written notice of the proposed closing and has given its written, notarized consent to the closing, 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, Powell Street

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 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:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

PUBLISHED:

1169-20:MSC:X:\Cases\WORKS\20-LE0002\LEG\00713866.DOCX

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