



Lexington-Fayette Urban County Government

200 E. Main St
Lexington, KY 40507

Legislation Text

File #: 0906-15, **Version:** 1

An Ordinance closing King St.; determining that the property owner abutting King 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 transferring the former right-of-way to the abutting owner, subject to the reservation of easements and restrictions. [Dept. of Environmental Police and Public Works, Holmes]

Authorization to approve the transfer of King Street right-of-way to the adjacent property owners located at 308-310, 322 and 330 Newtown Pike. LFUCG Division Directors and utility company representatives have responded with comments and consented to this request. The adjacent property owners will accept full responsibility of the maintenance and repair of the right-of-way. The Consent Certificates have been signed, and submitted to the Law Department. There is no budgetary impact. (L0906-15)(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 King Street; and
WHEREAS, Thistle Holdings, LLC, is the owner of the properties abutting King Street, which is proposed for closing; and

WHEREAS, Thistle Holdings, 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 King Street, which is 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, King Street, which is shown on the attached 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 a quitclaim deed and/or a consolidation plat transferring the former right-of-way to Thistle Holdings, 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