

RESOLUTION NO. _____, SERIES 2024

A RESOLUTION AUTHORIZING THE OFFICE OF THE JEFFERSON COUNTY ATTORNEY TO BRING A CONDEMNATION ACTION AGAINST THE OWNERS OF CERTAIN PROPERTY, PARCEL NO. NINETY-FOUR (94), IN JEFFERSON COUNTY IN CONNECTION WITH THE COOPER CHAPEL ROAD EXTENSION PROJECT.

SPONSORED BY: COUNCIL MEMBER ROBIN ENGEL

WHEREAS, the Louisville/Jefferson County Metro Government (“Metro”), pursuant to KRS 67C.101(3)(f), may acquire real property for public uses through the exercise of the power of eminent domain; and

WHEREAS, KRS 416.560(1) requires the Legislative Council of the Louisville/Jefferson County Metro Government (“Council”) to approve the exercise of the power of eminent domain prior to Metro’s instituting such proceedings; and

WHEREAS, Metro (as a successor to Jefferson County and the City of Louisville) has planned and designed the Cooper Chapel Road Extension Project (the “Project”) in conjunction with the Louisville/Jefferson County Metro Government Department of Public Works; and

WHEREAS, as a part of the Project, it is necessary to acquire a temporary easement (“Tract A”), as more accurately described by Exhibit A (the “Condemned Property”) for the use and benefit of citizens of Metro; and

WHEREAS, Metro has not been able to acquire the Condemned Property for the Project from the owners of the Condemned Property through good faith negotiations; and

WHEREAS, KRS 416.550 authorizes Metro to exercise its right of eminent domain against a property when it cannot acquire the property by agreement with the owner thereof.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT ("COUNCIL") AS FOLLOWS:

SECTION I: That in order to complete the project, Metro needs to acquire the Condemned Property, as is more accurately described on attached Exhibit A and platted as on the plat map attached hereto as Exhibit B. Those with a potential interest in the Condemned Property who will be called upon in a condemnation action are attached as Exhibit C.

Since Metro cannot, by agreement of the owner of the Condemned Property, acquire the Condemned Property, then the office of the Jefferson County Attorney is authorized to institute condemnation proceedings pursuant to KRS 416.560, *et seq.* against the owner of the Condemned Property.

SECTION II: That the Council finds that the Condemned Property needs to be acquired for the public use of Metro.

SECTION III: That this Resolution shall become effective upon its passage and approval or otherwise becoming law.

Sonya Harward
Metro Council Clerk

Markus Winkler
President of the Council

Craig Greenberg
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By: _____
R-074-24 Parcel No. 94 (Barter, Mark V., et al.) Condemnation.docx (APS)

EXHIBIT A—CONDEMNED PROPERTY

Parcel No. 94 Tract A

Being a tract of land in Jefferson County, Kentucky fronting the south side of the proposed Cooper Chapel Road corridor, located approximately 325 feet west of the intersection of Kaufman Farm Road and Cooper Chapel Road, and more particularly described as follows:

Beginning at a point 50.00 feet right of proposed Cooper Chapel Road at Station 626+76.03 thence along an arc 62.59 feet to the left, having a radius of 1500.00 feet, the chord of which is South 89°16'31" East for a distance of 62.59 feet, to a point 50.00 feet right of proposed Cooper Chapel Road at Station 627+36.53 thence South 3°44'39" West a distance of 24.14 feet to a point 74.08 feet right of proposed Cooper Chapel Road at Station 627+34.84 thence North 87°23'30" West a distance of 62.51 feet to a point 72.07 feet right of proposed Cooper Chapel Road at Station 626+75.36 thence North 3°44'39" East a distance of 22.09 feet to a point 50.00 feet right of proposed Cooper Chapel Road at Station 626+76.03 and the POINT OF BEGINNING.

The above-described parcel contains 1,431 sq. ft., more or less.

A temporary easement in and to the property described above and designated as Parcel No. 94, Tract A is required for the purposes of constructing side slopes. Said easement terminates and reverts upon completion of same.

Being a portion of the property conveyed to Mark V. Barter, an unmarried person, by deed dated March 15, 2021, of record in Deed Book 11963, Page 766, in the Office of the Clerk of Jefferson County, Kentucky.

EXHIBIT B—PLAT MAP

EXHIBIT C—INTERESTED PARTIES

1. Mark V. Barter
2. Unknown Spouse of Mark V. Barter, if any