

RESOLUTION NO. 073, 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. EIGHTY-THREE (83), 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 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 permanent easement (“Tract A”) and a temporary easement (“Tract B”), 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.

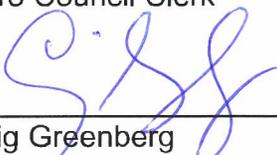
SECTION III: That this Resolution shall become effective upon its passage and approval or otherwise becoming law.



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: *Klaus Feynson*
R-070-24 Parcel No. 83 (Briscoe, Deatrick, et al.) Condemnation.docx (APS)



EXHIBIT A—CONDEMNED PROPERTY

Parcel No. 83, Tract A

Being a tract of land in Jefferson County, Kentucky fronting the north side of the proposed Cooper Chapel Road corridor, located approximately 1155 feet southwest of the intersection of Kaufman Farm Road and Cooper Chapel Road, and more particularly described as follows: Beginning at a point 50.00 feet left of proposed Cooper Chapel Road at Station 619+35.43; thence North 16°47'14" East a distance of 15.40 feet to a point 65.00 feet left of proposed Cooper Chapel Road at Station 619+38.91; thence South 86°16'45" East a distance of 130.25 feet to a point 65.00 feet left of proposed Cooper Chapel Road at Station 620+69.16; thence South 62°49'13" East a distance of 10.28 feet to a point 60.91 feet left of proposed Cooper Chapel Road at Station 620+78.59; thence South 27°05'50" East a distance of 12.70 feet to a point 50.00 feet left of proposed Cooper Chapel Road at Station 620+85.10; thence North 86°16'45" West a distance of 149.66 feet to a point 50.00 feet left of proposed Cooper Chapel Road at Station 619+35.43 and the POINT OF BEGINNING.

The above-described parcel contains 2,137 sq. ft., more or less. A permanent easement in and to the property described above and designated as Parcel No. 83 Tract A is required for the purposes of constructing and perpetually maintaining drainage features.

Parcel No. 83, Tract B

Being a tract of land in Jefferson County, Kentucky fronting the north side of the proposed Cooper Chapel Road corridor, located approximately 1155 feet southwest of the intersection of Kaufman Farm Road and Cooper Chapel Road, and more particularly described as follows: Beginning at a point 65.00 feet left of proposed Cooper Chapel Road at Station 619+38.91; thence North 16°47'14" East a distance of 6.07 feet to a point 70.92 feet left of proposed Cooper Chapel Road at Station 619+40.29; thence South 80°53'07" East a distance of 9.76 feet to a point 70.00 feet left of proposed Cooper Chapel Road at Station 619+50.00; thence South 86°16'45" East a distance of 123.17 feet to a point 70.00 feet left of proposed Cooper Chapel Road at Station 620+73.17; thence South 27°05'50" East a distance of 10.59 feet to a point 60.91 feet left of proposed Cooper Chapel Road at Station 620+78.59; thence North 62°49'13" West a distance of 10.28 feet to a point 65.00 feet left of proposed Cooper Chapel Road at Station 620+69.16; thence North 86°16'45" West a distance of 130.25 feet to a point 65.00 feet left of proposed Cooper Chapel Road at Station 619+38.91 and the POINT OF BEGINNING.

The above-described parcel contains 695 sq. ft., more or less. A temporary easement in and to the property described above and designated as Parcel No. 83, Tract B 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 Detrick L. Briscoe, an unmarried person, by deed dated December 24, 2018, of record in Deed Book 11329, Page 60, in the Office of the Clerk of Jefferson County, Kentucky.

EXHIBIT B—PLAT MAP

EXHIBIT C—INTERESTED PARTIES

1. Detrick L. Briscoe
2. Unknown Spouse of Detrick L. Briscoe, if any
3. Mortgage Electronic Registration Systems, Inc.