

**RESOLUTION NO. \_\_\_\_\_, SERIES 2023**

**A RESOLUTION DETERMINING CERTAIN PROPERTY AT 1200 S. 28<sup>th</sup> STREET AND PARCEL ID NO. 0046J01110000 AS SURPLUS AND NOT NEEDED FOR A GOVERNMENTAL PURPOSE AND AUTHORIZING ITS TRANSFER.**

**SPONSORED BY: COUNCIL MEMBER TAMMY HAWKINS**

**WHEREAS**, according to KRS Chapter 67C.101, Metro Government may sell any real property belonging to Metro Government;

**WHEREAS**, Section 1(A) of Executive Order No. 2, Series 2011 of the Mayor, which adopts Section 2(C) of Executive Order No. 3, Series 2007, provides that the Louisville/Jefferson County Metro Government ("Metro Government") may sell and convey surplus real estate upon declaration by the Legislative Council of Metro Government ("the Council") that such property is no longer needed for the governmental purposes of Metro Government;

**WHEREAS**, Metro Government owns property located at 1200 S. 28<sup>th</sup> Street and Parcel ID No. 046J01110000, as more particularly described in Exhibit A (the "Property");

**WHEREAS**, Metro Government previously entered into a Lease regarding the Property, a copy of which is attached as Exhibit C (the "Lease") with Dare to Care, Inc., d/b/a Dare to Care Food Bank, a Kentucky non-profit corporation ("Dare to Care"), to enable the redevelopment of the Property;

**WHEREAS**, the Lease provided for a Right of First Offer, contingent upon approval from the Legislative Council of the Louisville/Jefferson County Metro Government ("Council"), for the potential sale of the Property to Dare to Care;

**WHEREAS**, Dare to Care has complied with the terms of the Lease and made the improvements for the redevelopment of the Property;

**WHEREAS**, the parties have negotiated the Right of First Offer for a sales price of \$1 in consideration of the significant improvements that Dare to Care has made to the Property pursuant to the Lease;

**WHEREAS**, the Chief of Louisville Forward has declared and certified to the Council that the Property is surplus to the needs of the Louisville Metro, a copy of which certification is attached as Exhibit B; and

**WHEREAS**, Metro Government has never dedicated by virtue of use, deed, ordinance or any other manner the Property to a public or governmental purpose.

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

**SECTION I:** The Council hereby declares the real property described in Exhibit A hereto as “SURPLUS” and determines that it is not needed to carry out the governmental functions of Metro Government.

**SECTION II:** The Mayor is hereby authorized to transfer the Property in the manner provided according to Section 2 of Executive Order No. 3, Series 2007 to Dare to Care, Inc., d/b/a Dare to Care Food Bank, a Kentucky non-profit corporation for \$1, without further action by the Council.

**SECTION III:** This Resolution shall take effect upon its passage and approval or otherwise becoming law.

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Sonya Harward  
Metro Council Clerk

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Markus Winkler  
President of the Council

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Craig Greenberg  
Mayor

\_\_\_\_\_  
Approval Date

**APPROVED AS TO FORM AND LEGALITY:**

Michael J. O'Connell  
Jefferson County Attorney

BY: \_\_\_\_\_

R-054-23 Surplus Resolution for 1200 S. 28<sup>th</sup> Street and Parcel ID No 046J01110000 (If)

## **EXHIBIT A**

### **Tract 1**

Beginning at the southwest corner of 28<sup>th</sup> Street and Virginia Avenue; running thence with the West line of 28<sup>th</sup> Street, South 2 degrees, 14 minutes East 180 feet to a point; thence South 86 degrees 13 minutes West 140.52 feet to a pin; thence South 2 degrees 14 minutes East 20 feet to a pin; thence South 86 degrees 13 minutes West 49.48 feet to a pin; thence North 2 degrees 14 minutes West 200 feet to a point in the South line of Virginia Avenue, thence with the South line of Virginia Avenue North 86 degrees 13 minutes East 190 feet to the point of beginning. Said property also being known as Tract 1, on Minor Subdivision Plat, Docket No. 55-96, approved by the Louisville and Jefferson County Planning Commission on February 15, 1996, attached to the Deed dated May 28, 1996, of record in Deed Book 6742, Page 843, in the Office of the County Clerk of Jefferson County, Kentucky. Being the same property conveyed to Metro Government by virtue of Deed of record in Deed Book 10876, Page 223 in the Jefferson County Clerk's Office.

### **Tract 2**

Being Tract 2, as shown on the Minor Subdivision Plat attached to and made a part of Deed Book 6742, Page 843, in the Office of the County Clerk of Jefferson County, Kentucky, and reflected by Deed dated August 23, 2019, of record in Deed Book 11491, Page 152 in the Jefferson County Clerk's Office.

## **EXHIBIT B**

### **CERTIFICATION OF SURPLUS PROPERTY**

The Chief of Louisville Forward has carefully reviewed Louisville Metro's need for the Property in the administration of Louisville Metro, and has determined that the Property is not needed or suitable for any specific municipal use:

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Jeff O'Brien  
Chief of Louisville Forward