

**CITY OF SHIVELY
ORDINANCE NO. 10, SERIES 2021**

**AN ORDINANCE APPROVING REQUEST FOR THE CLOSURE OF A NEW
MILLENNIUM DRIVE IN SHIVELY, KENTUCKY**

WHEREAS the City Council of the City of Shively has considered the request for the closure of New Millennium Drive as reflected in right-of-way closure plat attached hereto as Exhibit A and more particularly described as follows:

(TRACT A)

BEGINNING at a point in the west right-of-way line of New Millennium Drive, said point being the southeast corner of Lot 2 of New Millennium Industrial Park as recorded in Plat and Subdivision Book 46, Page 47, in the Office of the Clerk of Jefferson County, Kentucky; thence with said west right-of-way line **N05°58'23"E, 169.38'** to a point; thence with the arc of a curve to the right having a radius of **330.00'** and chord being **N24°13'58"E, 206.79'** to a point; thence **N42°29'31"E, 62.47'** to a point; thence with the arc of a curve to the left having a radius of **270.00'** and chord being **N32°17'58"E, 95.56'** to a point; thence **N22°06'22"E, 70.85'** to a point, thence with the arc of a curve to the left having a radius of **30.00'** and chord being **N30°56'41"W, 47.95'** to a point along the south right-of-way line of Wathen Lane, a public way; thence with said south right-of-way line **S83°59'43"E, 11.64'** to a point; thence **S72°53'42"E, 57.35'** to the intersection of said south right-of-way line and the centerline of New Millennium Drive; thence leaving said south right-of-way line with said centerline **S22°06'22"W, 107.90'** to a point; thence with the arc of a curve to the right having a radius of **300.00'** and chord being **S32°17'58"W, 106.17'** to a point; thence **S42°29'31"W, 62.47'** to a point; thence with the arc of a curve to the left having a radius of **300.00'** and chord being **S24°13'56"W, 187.99'** to a point; thence **S05°58'23"W, 169.38'** to a point; thence leaving said centerline **N84°01'37"W, 30.00'** to the point of **BEGINNING**, containing 19,506.64 square feet.

(TRACT B)

BEGINNING at a point along the east right-of-way line of New Millennium Drive, said point being the southwest corner of Lot 4 of New Millennium Industrial Park as recorded in Plat and Subdivision Book 46, Page 47, in the Office of the Clerk of Jefferson County, Kentucky; thence leaving said east right-of-way line **N84°01'37"W, 30.00'** to a point in the centerline of said New Millennium Drive, thence with said centerline **N05°58'23"E, 169.38"** to a point; thence with the arc of a curve to the right having a radius of **300.00'** and chord being **N24°13'56"E, 187.99'** to a point; thence **N42°29'31"E, 62.47'** to a point; thence with the arc of a curve to the left having a radius of **300.00'** and chord being **N32°17'58"E, 106.17'** to a point; thence **N22°06'22"E, 107.90'** to a point along the south right-of-way line **S72°53'42"E, 22.48'** to a point; thence **S72°53'39"E, 35.15'** to a point; thence **S57°21'32"E, 8.20'** to a point along the aforementioned east right-of-way line of said New Millennium Drive, said point

being the northwest corner of Lot 3 of said New Millennium Industrial Park; thence with said east right-of-way line with the arc of a curve to the left having a radius of 30.00' and chord being S72°22'30"W, 46.13' to a point; thence S22°06'22"W, 81.94' to a point; thence with the arc of a curve to the right having a radius of 330.00' and chord being S32°17'58"W, 116.79' to a point; thence S42°29'31"W, 62.47' to a point; thence with the arc of a curve to the left having a radius of 270.00' and chord being S24°13'57"W, 169.20' to a point; thence S05°58'23"W, 169.38' to the point of BEGINNING containing 19,234.52 square feet.

WHEREAS the City Council has further considered that the closing was approved by the Louisville Metro Planning Commission in Case No. 21-STRCLOSURE-0027 as set forth in the Planning Commission's minutes and records of November 4, 2021, attached hereto as Exhibit B, and

WHEREAS the City Council of the City of Shively, Kentucky concurs and adopts the findings of the Louisville Metro Planning Commission in Case No. 21-STRCLOSURE-0027 as set forth in said minutes and records including the October 28, 2021 Louisville Metro Land and Transportation Committee Staff Report to close New Millennium Drive, attached hereto as Exhibit C, and approves and accepts the recommendation of the Louisville Metro Planning Commission as set out in said minutes, now therefore:

BE IT ORDAINED BY THE CITY OF SHIVELY:

SECTION 1. That New Millennium Drive, as more particularly described in the minutes and records of the Louisville Metro Planning Commission in Case No. 21-STRCLOSURE-0027, be closed subject to all existing easements of record and all existing utility easements or rights enjoyed by said utility companies as the result of being located in, on or over said right-of-way.

SECTION 2. This ordinance shall take effect upon its adoption by the City Council and publication as required by law.

FIRST READING NOVEMBER 15, 2021. INTRODUCED BY MARIA JOHNSON
SECOND READING DECEMBER 6, 2021.
PASSED AND APPROVED DECEMBER 6, 2021.


 Beverly Chester-Burton, Mayor

Attest: 
 Mitzi R. Kasitz, City Clerk

Council	Yea	Nay
Ms. Baker	√	—
Mr. Burrell	√	—
Ms. Burton-McBroom	√	—
Ms. Johnson	√	—
Ms. Thompson	√	—
Mr. Vincent	√	—

**CITY OF SHIVELY
CERTIFIED SUMMARY
ORDINANCE NO. 10, SERIES 2021**

**AN ORDINANCE APPROVING REQUEST FOR THE CLOSURE OF NEW
MILLENNIUM DRIVE IN SHIVELY, KENTUCKY**

I certify that the effect of the above styled ordinance is to concur and approve, as recommended by the Louisville Metro Planning Commission in Case No. 21-STRCLOSURE-0027, the closure of New Millennium Drive, being a tract of land located in Shively, Jefferson County, Kentucky, and as further described and set forth in the November 4, 2021 Louisville Metro Planning Commission minutes and records and closed subject to all existing easements of record and all existing utility easements or rights-of-way enjoyed by said utility companies as the result of being located in, on or over said right-of-way.

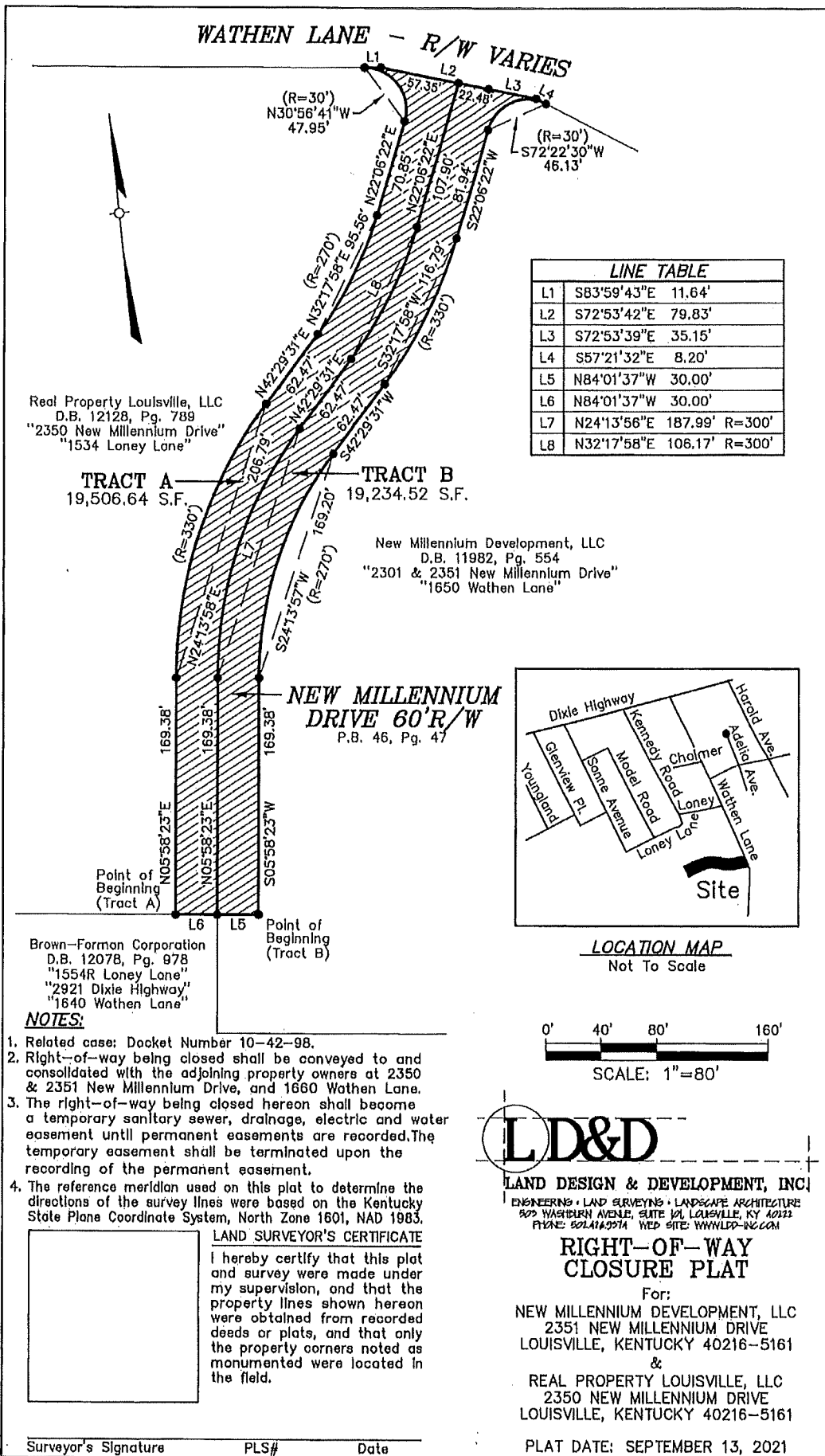
A complete copy of this ordinance may be reviewed at the Shively City Hall, 3920 Dixie Highway, Shively, KY 40216.

Introduced and first reading: November 15, 2021.

Second reading and Passage: December 6, 2021.

Date of Publication December 7, 2021.

Finn Cato
Cato &Cato
2950 Breckenridge Lane, Suite No. 3
Louisville, KY 40220
(502) 456-2100
Shively City Attorney



G:\Current Projects\20251\dwg\Survey\20251closure.dwg 9/13/2021

**WRITTEN DESCRIPTION
FOR PORTION OF
NEW MILLENNIUM DRIVE
RIGHT-OF-WAY CLOSURE
(TRACT A)**

BEGINNING at a point in the west right-of-way line of New Millennium Drive, said point being the southeast corner of Lot 2 of New Millennium Industrial Park as recorded in Plat and Subdivision Book 46, Page 47, in the Office of the Clerk of Jefferson County, Kentucky; thence with said west right-of-way line $N05^{\circ}58'23''E$, 169.38' to a point; thence with the arc of a curve to the right having a radius of 330.00' and chord being $N24^{\circ}13'58''E$, 206.79' to a point; thence $N42^{\circ}29'31''E$, 62.47' to a point; thence with the arc of a curve to the left having a radius of 270.00' and chord being $N32^{\circ}17'58''E$, 95.56' to a point; thence $N22^{\circ}06'22''E$, 70.85' to a point; thence with the arc of a curve to the left having a radius of 30.00' and chord being $N30^{\circ}56'41''W$, 47.95' to a point along the south right-of-way line of Wathen Lane, a public way; thence with said south right-of-way line $S83^{\circ}59'43''E$, 11.64' to a point; thence $S72^{\circ}53'42''E$, 57.35' to the intersection of said south right-of-way line and the centerline of New Millennium Drive; thence leaving said south right-of-way line with said centerline $S22^{\circ}06'22''W$, 107.90' to a point; thence with the arc of a curve to the right having a radius of 300.00' and chord being $S32^{\circ}17'58''W$, 106.17' to a point; thence $S42^{\circ}29'31''W$, 62.47' to a point; thence with the arc of a curve to the left having a radius of 300.00' and chord being $S24^{\circ}13'56''W$, 187.99' to a point; thence $S05^{\circ}58'23''W$, 169.38' to a point; thence leaving said centerline $N84^{\circ}01'37''W$, 30.00' to the point of **BEGINNING**, containing 19,506.64 square feet.

**WRITTEN DESCRIPTION
FOR PORTION OF
NEW MILLENNIUM DRIVE
RIGHT-OF-WAY CLOSURE
(TRACT B)**

BEGINNING at a point along the east right-of-way line of New Millennium Drive, said point being the southwest corner of Lot 4 of New Millennium Industrial Park as recorded in Plat and Subdivision Book 46, Page 47, in the Office of the Clerk of Jefferson County, Kentucky; thence leaving said east right-of-way line $N84^{\circ}01'37''W$, 30.00' to a point in the centerline of said New Millennium Drive; thence with said centerline $N05^{\circ}58'23''E$, 169.38' to a point; thence with the arc of curve to the right having a radius of 300.00' and chord being $N24^{\circ}13'56''E$, 187.99' to a point; thence $N42^{\circ}29'31''E$, 62.47' to a point; thence with the arc of a curve to the left having a radius of 300.00' and chord being $N32^{\circ}17'58''E$, 106.17' to a point; thence $N22^{\circ}06'22''E$, 107.90' to a point along the south right-of-way line of Wathen Lane; thence leaving said centerline with said south right-of-way line $S72^{\circ}53'42''E$, 22.48' to a point; thence $S72^{\circ}53'39''E$, 35.15' to a point; thence $S57^{\circ}21'32''E$, 8.20' to a point along the aforementioned east right-of-way line of said New Millennium Drive, said point being the northwest corner of Lot 3 of said New Millennium Industrial Park; thence with said east right-of-way line with the arc of a curve to the left having a radius of 30.00' and chord being $S72^{\circ}22'30''W$, 46.13' to a point; thence $S22^{\circ}06'22''W$, 81.94' to a point; thence with the arc of a curve to the right having a radius of 330.00' and chord being $S32^{\circ}17'58''W$, 116.79' to a point; thence $S42^{\circ}29'31''W$, 62.47' to a point; thence with the arc of a curve to the left having a radius of 270.00' and chord being $S24^{\circ}13'57''W$, 169.20' to a point; thence $S05^{\circ}58'23''W$, 169.38' to the point of **BEGINNING**; containing 19,234.52 square feet.

**PLANNING COMMISSION MINUTES
November 4, 2021**

CONSENT AGENDA

21-STRCLOSURE-0027

Request: A proposed street closure for New Millennium Drive
Project Name: Street Closure
Location: New Millennium Drive at the intersection of Wathen Lane.
Owner: New Millennium Development, LLC
Real Property Louisville, LLC
Applicant: Ann Richards - LD&D
Mike Hill - LD&D
Representative: Ann Richards - LD&D
Mike Hill - LD&D
Jurisdiction: City of Shively
Council District: 3 - Keisha Dorsey
Case Manager: **Molly Clark, Planner I**

Notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Since this is a Consent Agenda item, there was no testimony.

An audio/visual recording of the Planning Commission hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

00:06:24 On a motion by Commissioner Carlson, seconded by Commissioner Mims, the following resolution was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the City of Shively that the requested street closure be **APPROVED**.

The vote was as follows:

YES: Commissioners Seitz, Carlson, Howard, Clare, Brown, Mims, and Lewis.
ABSENT: Commissioners Peterson, Daniels, and Sistrunk.

PLANNING COMMISSION MINUTES
November 4, 2021

BUSINESS SESSION

2022 PC CALENDAR

Project Name: 2022 Planning Commission Calendar
Case Manager: **Brian Davis, Planning Manager**

Agency Testimony:

00:07:12 Brian Davis said the proposed Board of Zoning Adjustment dates may be revised; however, the Planning Commission today is only taking action on the hearing dates for the Planning Commission and related subcommittees.

An audio/visual recording of the Planning Commission hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

00:08:19 On a motion by Commissioner Howard, seconded by Commissioner Carlson, the following resolution was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested 2022 Planning Commission public meeting dates.

The vote was as follows:

YES: Commissioners Seitz, Carlson, Howard, Clare, Brown, Mims, and Lewis.

ABSENT: Commissioners Peterson, Daniels, and Sistrunk.