

# FCR 12

Members, Board of Trustees:

AUTHORIZATION TO ACQUIRE  
410 COLUMBIA AVENUE, LEXINGTON, KENTUCKY  
BY EMINENT DOMAIN

Recommendation: that the Board, acting pursuant to its statutory authority as stated in Section 164.260 of the Kentucky Revised Statutes and the Eminent Domain Act of Kentucky, authorize and direct the acquisition through condemnation proceedings of 410 Columbia Avenue, Lexington, Kentucky with the improvements thereon, currently owned by Mr. and Mrs. Emery Gordon.

Background: The property is crucial to the construction of the Commonwealth Library and to the development of the site plan for the extension of the academic core of the campus to the Clifton area. University officials have, over a period of months, attempted in every way to negotiate with the owners for the purchase of this property.

Correspondence was sent on June 16, 1992 and February 3, 1993 indicating the University's need for the property. The owners speaking through their attorney in a letter dated November 30, 1993 have indicated they "... will consent to a private sale on the following terms: a purchase price of \$95,000.00, and the right to continue residing in the home rent-free until March 31, 1994." This exceeds the maximum appraised value of \$80,000.00 which is the amount the University has presented in its offer to the owners. The owners have previously indicated their willingness to sell the property to the University, but they have not been willing to sell at the appraised value. Despite the fact that the owners have been offered the maximum permitted by law, the University has been unsuccessful in contracting for a voluntary sale. The statute (KRS 164A.575(6)) provides that "The amount paid shall not exceed the appraised value as determined by a qualified appraiser or the value set by the eminent domain procedure."

The owners were notified that, if a contract could not be negotiated prior to today's meeting, the Board would be asked to authorize condemnation.

In view of (1) the fact that this property is crucial to construction and site development and (2) the proposed schedule for site work, it is felt that further delay would not be advisable.

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Action taken: Approved  Disapproved  Other

Date: December 14, 1993