

FCR 16

Office of the President
June 14, 2005

Members, Board of Trustees:

AUTHORIZATION TO ACQUIRE PROPERTIES FOR
CONSTRUCTION OF PARKING GARAGE ASSOCIATED WITH THE
PATIENT CARE FACILITY PROJECT

Recommendation: that the Board, acting pursuant to its statutory authority under Section 164.260 of the Kentucky Revised Statutes and the Eminent Domain Act of Kentucky, authorize and direct the acquisition through condemnation proceedings of certain properties essential to the project. See attached list.

Background: These properties are essential to the construction of the parking garage associated with the Patient Care Facility Project. University officials have, over a period of several months, attempted in good faith to acquire these properties from the owners.

University officials met with the owners and discussed in detail the need for these properties. In addition, the university has obtained at least two appraisals on each of the properties. 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." University officials have told the owners that the university could not pay more than the maximum appraised fair market value. Offers have been made based on these appraisals, but the owners have not been willing to sell at the appraised value.

The owners were told that if the university could not contract for the properties, the Board would be requested to authorize condemnation. Accordingly, in view of the fact that these properties are crucial to this project and the proposed schedule for construction, the university administration recommends that the university proceed with condemnation.

Action taken: Approved Disapproved Other _____

**Patient Care Facility Project
(Property Acquisition Appraisals)**

OWNER

Francie Fresh
2186 Bahama Rd.
Lexington, Ky. 40509

PROPERTY

923-927 S. Limestone

APPRAISAL

\$632,500

NOTE: This action by the Board includes condemnation of any and all tenants' interest in the above properties.