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BY Aronda Healy D.C.

COMMONWEALTH OF KENTUCKY
41ST JUDICIAL CIRCUIT
JACKSON CIRCUIT COURT
CIVIL ACTION NO. 88-CI-098

RECEIVED

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SECRETARY OF STATE
COMMONWEALTH OF KY

IN RE: PETITION TO INCORPORATE ANNVILLE, KENTUCKY,
INTO A CITY

JUDGMENT

*** **

This Court conducted a hearing on October 21, 1988, concerning the Petition to Incorporate Annville, Kentucky, Into a City. The Petitioners, Henry Smith, et al., brought forth evidence on the factors contained in KRS 81.060 through the testimony of various witnesses, two (2) of which most noted were Tyra Brumback, Tax Commissioner, and Jim Cass, an expert employed with Cumberland Valley Area Development, London, Kentucky. The testimony in general characterized the area in and around Annville, Kentucky as one which lacks planning, is without direction and in need of public services such as sewage, water and police protection. Testimony by expert Jim Cass was to the affect that incorporation would provide development, direction, land use planning, as well as opportunity to apply for grants for the construction of various projects needed by the inhabitants within the proposed city boundary. Tyra Brumback, Tax Commissioner, testified to which properties were contained within the proposed boundary and submitted a list pursuant to Order of this Court of the assessment of each individual property value, same found by this Court to be all those properties contained

within the proposed city boundary and with the appropriate respective value assessed by the Tax Commissioner. Further, the Petitioners and those opposing incorporation entered into a stipulation as to the total value of those properties contained within the proposed city, same being Eight Million Two Hundred Thirty Five Thousand Seven Hundred Dollars (\$8,235,700.00), and the further stipulation of two-thirds (2/3) of said figure, that being Five Million Four Hundred Ninty Thousand Four Hundred Sixty Seven Dollars (\$5,490,467.00), and a final stipulation that the number of residents in the area exceeded the required three hundred (300) residents. In addition, the Court heard testimony that those persons who signed in favor of incorporation, which neither appeared to withdraw their signature therefrom by oral testimony before the Court nor signed the Petition in oposition to incorporation, owned Six Million Seventeen Thousand Two Hundred Eighty Five Dollars (\$6,017,285.00); the latter value well in excess of the aforementioned two-thirds (2/3) value necessary for incorporation. In addition, this Court viewed the Petition and signatures, boundary descriptions and map all of which are found proper and in conformance with statute. Of particular importance and going to the weight and substance of the challenge to incorporation was the fact that those persons opposing incorporation brought forth not a single witness to testify in opposition thereto.

This Court having heard the evidence, testimony and having reviewed the record in support of the Petition to Incorporate

Annville, Kentucky, Into a City, and being otherwise sufficiently advised, finds:

(1) That this Court has subject matter jurisdiction over the instant civil action, and

(2) That a number of those persons who own real property within the proposed city boundary as described and outlined in Exhibits "B" and "C" attached to the Petition, signed the Petition in favor of incorporation, signed amendments or otherwise appended their signatures by letter thereto, said signatures being of those persons who own in excess of two-thirds (2/3) of the total assessed value of real property within said boundary, and

(3) That the Petition contained an appropriate statement of boundaries as required pursuant to KRS 81.050, and

(4) That the number of residents in the area circumscribed by the proposed boundaries as set forth in Exhibit "B" to the Petition to Incorporate Annville, Kentucky, as plead in the Petition and as uncontroverted by those persons opposing incorporation is found to be three hundred fifty two (352), and

(5) That the Petition to Incorporate Annville, Kentucky, Into a City contained an accurate map of the proposed territory, and

(6) That the reasons for incorporation including the services to be sought from the proposed City of Annville, Kentucky, are appropriate and consistent with the incorporation of Annville, Kentucky, into a city, and

(7) That the Petition to Incorporate Annville, Kentucky, Into a City contained an appropriate statement of the form of government under which the proposed City would operate, i.e. the Mayor-Council plan of government, and

(8) The notice of filing of the Petition and of the hearings to be held thereon were properly noticed pursuant to KRS 81.050, KRS 424.130, KRS 424.140, and all other applicable statutes, and

FURTHER, THIS COURT FINDS AS A MATTER OF LAW that the following standards have been met:

(9) More than three hundred (300) persons reside in the territory sought to be incorporated, and

(10) The incorporation of the subject area is a reasonable way of providing the public services sought by the property owners of the territory, there being no other reasonable way of providing such services, and

(11) The territory is contiguous and should be able to provide the necessary city services to its residents within a reasonable period after its incorporation, and

(12) The interest of other areas and adjacent local governments is not unreasonably prejudiced by the incorporation of the subject area into a city.

IT IS HEREBY ORDRED AND ADJUDGED, that the area sought to be incorporated shall be known as Annville, that its boundary description by metes and bounds is as stated and described in Exhibit "B" of the Petition filed in the instant civil action,

same incorporated within this Order by reference, that its population is three hundred fifty two (352), that it shall be a City of the Sixth Class, and its officers shall be as follows:

Carl Flinchum, Mayor of the City of Annville;

Henry D. Smith, Councilman of the City of Annville;

Nora Lee Parrett, Councilman of the City of Annville;

Glenna Carpenter, Councilman of the City of Annville;

Larry Chestnut, Councilman of the City of Annville;

George W. Davidson, Jr., Councilman of the City of Annville;

Earl Gene Smith, Councilman of the City of Annville;

Said Mayor and Councilmen to hold office until the next regularly scheduled election at which City officers are to be elected by the residents of the City of Annville.

IT IS FURTHER ORDERED, that the Jackson County Circuit Court Clerk shall certify, not later than ten (10) days hereafter, a copy of this Judgment incorporating the subject area into a City to the Secretary of State and the latter shall properly index and file this Judgment as a permanent record in the Secretary of State's Office.

DATED this 28 day of October, 1988.

Special Don A. Ward
JUDGE, JACKSON CIRCUIT COURT

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Ryn. 10-28-88
CLERK'S INITIALS AND DATE

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