

10-01-1982

JEFFERSON CIRCUIT COURT
DIVISION THREE (3)

CIVIL ACTION NO. 82-CI-06868

RE:

CITY OF FAIRDALE,
Jefferson County, Kentucky
EX PARTE

FINDINGS OF FACT
CONCLUSIONS OF LAW
JUDGMENT

CERTIFIED COPY OF RECORD
OF JEFFERSON CIRCUIT COURT
#82CI06868
PAULIE MILLER, CLERK
BY Ngales D.C.

This cause came before the Court on September 15, 1982, on the Petition of the Petitioners to incorporate an unincorporated area as a fourth class city in Jefferson County, Kentucky, to be known as "City of Fairdale".

The Court having considered the Petition, its supporting and opposing exhibits, the affidavit of Carol Mullins, filed in support of the application for judgment and the testimony of all interested parties, including objectors, makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

The Court finds as a matter of law that the following standards have been met:

1. At least 300 persons, and specifically, approximately 6,554 persons reside in the territory sought to be incorporated.

2. Incorporation constitutes a reasonable way of providing the public services sought by the voters and property owners of the territory, and there is no other reasonable way of providing the services.

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3. The territory is contiguous and urban in nature.
KRS 81.015.

4. The territory is able to provide necessary city services to its residents within a reasonable period after its incorporation.

5. The interest of other areas and adjacent local governments is not unreasonably prejudiced by the incorporation.

6. The character of the territory is urban.

7. No existing city, county or district has the ability of providing needed services within a reasonable period of time.

8. The territory is not interdependent or part of one community with any existing city.

9. The territory needs general cleanliness, street lighting and garbage collection services, as well as other city services which will be provided by the incorporation of the territory.

10. The development scheme of applicable land use plans is consistent with incorporation of the territory.

11. The incorporation of the territory should have no significant effect on the population growth and assessed valuation of the real property in the territory.

12. The Petitioners constitute more than two-thirds of the registered voters of the proposed city, as shown by the voter registration list attached to the Petition as Exhibit A.

13. The number of residents within the proposed city is 6,554.

14. Attached to the Petition and incorporated herein is an accurate map of the proposed city.

15. The Petitioners seek to incorporate the proposed city in order to provide services for the area through the medium of a city government. These services include general cleanliness, street lighting, and garbage removal. Further, the Petitioners desire to incorporate so that they may form their own governmental unit, instead of subjecting themselves to the risk of absorption by neighboring municipalities, and so that they may preserve the cohesive neighborhood character of the community and enact ordinances for the common good.

16. At the present time the following facilities exist with the proposed city.

- 1) Fairdale Elementary School
- 2) Fairdale High School
- 3) Fairdale Community Center
- 4) Fairdale Volunteer Fire Department
- 5) Fairdale Health Clinic
- 6) Nelson Horbeck Park (County)
- 7) Jefferson County Memorial Forest
- 8) Forest View Park (County)
- 9) Tom Wallace Park (County)

10) U.S. Post Office, 40118

11) Jefferson County Road Maintenance/Ranger Station

17. The following services currently exist within the territory:

- (a) Police protection is provided by the Jefferson County Police Department.
- (b) Fire protection is provided by the Fairdale Volunteer Fire Department.
- (c) Road maintenance is provided by Jefferson County with respect to those roads constituting part of the county road system and by the state of Kentucky for those roads constituting part of the state road system.
- (d) Garbage removal is available only through private contractors.
- (e) Storm and sanitary sewers are not provided in some areas. Where provided, they are provided by private sewage treatment plants.
- (f) Water is provided by the Louisville Water Company and private contractors.
- (g) Gas and electricity are furnished by Louisville Gas & Electric Company.
- (h) Telephone service is furnished by South Central Bell Telephone Company.

18. The Petitioners intend that the City shall operate under the Mayor-Council form of government.

19. The Petitioners desire the appointment of the following persons, all residents of the proposed city, to hold the following offices until the next regular election at which city officers may be elected, at which time Officers shall be elected by residents of the City:

NAME & ADDRESS

OFFICE

THEODORE K. LONGACRE
421 Chieftain
Fairdale, KY 40118

Mayor

JACK PAULLEY
10010 National Turnpike
Fairdale, KY 40118

Council Member

MARYLYN NELSON
906 Fairdale Road
Fairdale, KY 40118

Council Member

ROBERT HEIGHTCHEW
134 Northgate
Fairdale, KY 40118

Council Member

CAROL MULLINS
10401 Tanner Hill
Fairdale, KY 40118

Council Member

ARNOLD PAYNE
9732 Wilton
Fairdale, KY 40118

Council Member

ANN PATE
9508 Sissone
Fairdale, KY 40118

Council Member

ETHEL GARDNER
1112 Mt. Holly Road
Fairdale, KY 40118

Council Member

CARL BOWMAN
304 Hindle Avenue
Fairdale, KY 40118

Council Member

20. The Petition was docketed for hearing not less than 20 days from the date of filing of the Petition, and notice of the filing of the Petition and of its object was given by publication

pursuant to KRS Chapter 424 by means of publication in the Louisville Times, which is the newspaper published in Jefferson County, Kentucky meeting the qualifications of KRS 424.120, on August 31, 1982, such date being not less than 7 nor more than 21 days prior to the hearing date of September 14, 1982.

CONCLUSIONS OF LAW

The Court concludes, as a matter of law, that all standards and conditions for incorporation of the proposed City of Fairdale, Jefferson County, Kentucky, as set out in KRS 81.050 through 81.060, both inclusive, have been met, and further concludes that the publication requirements of KRS Chapter 424 have likewise been met.

JUDGMENT

AND NOW, the premises considered, IT IS ADJUDGED, ORDERED AND DECREED, as follows:

1. There is hereby incorporated and established in Jefferson County, Kentucky the City of Fairdale.

2. The metes and bounds description of the boundaries of the City of Fairdale is as follows:

BEGINNING at a point on the East Side, North 44 Degrees East, of the Louisville & Nashville (Main Line) Railroad Tracks, 1,150 feet more or less North of the Nine (9) mile marker, and/or 1,562.5 feet more or less from the intersection of same and Fairdale (The Old Deposit Station) Road, Being the original corner of the James

Speed 600 acre Survey and in a line with the original 2,000 Levin Powell Survey; thence with a line of the same South 70.25 Degrees East, 10,250 feet more or less to a corner; thence with a Southwardly line, 8,062.5 feet more or less to the Jefferson-Bullitt County Line; thence with the same Jefferson-Bullitt County Line, Westwardly 1,375 feet more or less to a curve in said line; thence Westwardly with the same County line 26,625 feet more or less to the Western side / and equal to the improvements facing Snawder Lane; thence Northwardly 9,375 feet more or less to a corner; thence North 32 Degrees East, 3,250 feet more or less to the intersection of Lonesome Hollow Road and with the rear line of the improvements on the West side of Jefferson Hill Road; thence with the same line crossing Lonesome Hollow Road, 250 feet more or less to a corner; thence Northwardly, 10,375 feet more or less to the South side of the Southern (Pond Creek) Ditch; thence with a line on the South side of same, 3,125 feet more or less, Northeastwardly to a curve; thence with the same line Eastwardly, 12,125 feet more or less to the West side of an intersection with the Main Line of the Louisville & Nashville Railroad; thence with the same Westernside, Southwardly, 3,062.5 feet more or less; thence Eastwardly 66 feet more or less crossing the Tracks of the Main Line to the point of the beginning; But EXCLUDING THE FOLLOWING:

BEGINNING at a point on the Northeast Boundary of the City of Holly Villa in the curve of Mount Holly Road at Allen Drive, thence NE in a line on the center of Mount Holly Road N 71 Degrees E (N 73 degrees 42' E) 1,296 Feet more or less, to National Turnpike, thence SE with the center line of National Turnpike, S 50 degrees E 821.92 +/- feet to the West line of Harrison Lane, thence SW with the West line of Harrison/Dezern Lane S 48 degrees 36' W 1,202.8 +/- feet more or less, continue S 46 degrees 30' W (S 48 degrees 36' W) 1,062.33 +/- feet, continue N 43 degrees 36' W 30 +/- feet, continue S 46 degrees 30' W 1,055.02 +/- feet, continue S 43 degrees 36' E 30 +/- feet to the Jefferson County Memorial Forest line, thence SW with the Jefferson County Forest line to the south corner of James Johnson, S 45 degrees 15' W 1,435.5 +/- feet, thence with Johnson's SW line N 44 Degrees 45' W 1,410.75 +/- feet, thence with David & E Kahn's SW line N 45 degrees W 168 poles, thence with Kahn's NW line N 45 degrees E 87 poles, thence with Michael Mudd's NW line N 46 degrees 00'E 127.88 +/- feet, continue

N 44 degrees 30' W 132 +/- feet, continue N 48 degrees 03' E 207.74 +/- feet, thence with David Smith's NW line N 46 degrees E (N 48 degrees 03' E) 599.61 +/- feet, thence with Paul Gardner's NW line N 48 degrees 15' E 883 feet, thence excluding the residence of Paul Gardner, S 40 degrees 45' E 362 Feet, continue N 48 degrees 15' E 340 +/- feet to the center line of Mount Holly Road, thence SE with the center line of Mount Holly Road (S 44 degrees 51' E and S 35 degrees 53' E) 900 +/- feet to the west line of Charlene Drive, thence with the center line of Mount Holly Road S 41 degrees 24' E 247.13 +/- feet, thence S 43 degrees 40' E 90 +/- feet to the point of beginning and being the NE boundary of Holly Villa.

3. The population contained in the City of Fairdale is 6,554 and by reason of its population the City of Fairdale shall be and is hereby assigned to the fourth class of cities.

4. The City of Fairdale shall operate under the Mayor-Council form of government, and the following persons be, and they are hereby appointed to hold the following offices, until the next regular election at which City officers may be elected, at which time officers shall be elected by residents of the City:

NAME and ADDRESS

OFFICE

THEODORE K. LONGACRE
421 Chieftain
Fairdale, KY 40118

Mayor

JACK PAULLEY
10010 National Turnpike
Fairdale, KY 40118

Council Member

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NAME and ADDRESS

OFFICE

MARYLYN NELSON
906 Fairdale Road
Fairdale, KY 40118

PAULIE MILLER, CLERK
BY Ingalls D.C.

Council Member

ROBERT HEIGHTCHEW
134 Northgate
Fairdale, KY 40118

Council Member

CAROL MULLINS
10401 Tanner Hill
Fairdale, KY 40118

Council Member

ARNOLD PAYNE
9732 Wilton
Fairdale, KY 40118

Council Member

ANN PATE
9508 Sissone
Fairdale, KY 40118

Council Member

ETHEL GARDNER
1112 Mt. Holly Road
Fairdale, KY 40118

Council Member

CARL BOWMAN
304 Hindle Avenue
Fairdale, KY 40118

Council Member

5. The Clerk of Jefferson Circuit Court is hereby ORDERED, within ten days from the date of entry of this Judgment, to certify a copy of this Judgment to the Secretary of State of the Commonwealth of Kentucky, whose duty it shall be to properly index and file this Judgment as a permanent record in his office, all in accordance with KRS 81.060(5).

This is a final judgment, and there is no just reason

for A COPY
delay
ATTEST: PAULIE MILLER, CLERK
JEFFERSON CIRCUIT COURT
LOUISVILLE KENTUCKY
BY Ingalls D.C.

JUDGE

DATE