

Adkinson, Kandie (SOS)

To: tammybakerlaw@yahoo.com
Subject: RE: Properties on SOS map
Attachments: 20161229112351297.tif

Hi, Tammy,

I touched the city boundary at Stonepost Road on the city's interactive map and the result was "KRS 81.045 filing" meaning that the city declared that was the city boundary in 1981.

When I pulled the folder for Hillview, the city submitted two different maps of the city's boundary in 1981—and declared both of them accurate. (see attachment) I'll copy the filings in color so you can see where the city clerk used red ink to place the city boundary. I may be able to scan those in color this afternoon and send them to you; if not, they will be mailed Tuesday morning. The city clerk's depiction of the boundary does not include areas you are asking about. Apparently the state mapping office used the second KRS 81.045 filing as it was easier to read the street names and place the lines.

You may consider adopting a resolution/new plat/new description that states which filing in 1981 more accurately defined the city's boundaries at that time and voids the other filing. They obviously are different. Copies of the filings will be attached to the resolution and identified as being void or correct. (Prior to 1980 many city boundaries were changed by judgments of the circuit court. If you cannot find any court judgments or copy of ordinances prior to 1980 or thereafter that would have established the boundary depicting on Mr. Edison's map, the city attorney may wish to include a statement to that effect in the resolution.) We just need the city to declare which KRS 81.045 statement is correct and adopt a description and plat prepared and certified by the surveyor so all lines can be properly placed. Subsequent annexations will be added-in so there's no need to worry about losing those.

Hustonville had a similar—but different—situation. Check out the Hustonville page for the wording of the resolution correcting their KRS 81.045 statement.

I was advised by KLC that KRS 81.045 boundary statements have the weight of law so you may want to run this solution by their legal counsel. I'm not an attorney but, clearly, the city submitted conflicting boundary statements in 1981.

Kandie

From: tammy baker [mailto:tammybakerlaw@yahoo.com]
Sent: Thursday, December 29, 2016 11:09 AM
To: Adkinson, Kandie (SOS) <Kandie.Adkinson@ky.gov>
Subject: RE: Properties on SOS map

Kandie,

We can't find an ordinance number. The roads are E Blue Jay, W Blue Jay, Birchwood, Old Road, Roger Ave, Maria Ave, Joseph Ave, Stonepost Road, west side of Wilma Ave, and west side of Mayflower. Our issue is that these were never intended to be annexed and the residents would have had no notice.

Sent from Yahoo Mail on Android

On Mon, Dec 19, 2016 at 12:22 PM, Adkinson, Kandie (SOS)
<Kandie.Adkinson@ky.gov> wrote:

What is the ordinance number? (If it's difficult to determine, Mr. Armstrong could help you locate the ordinance number on the interactive map.)

From: tammy baker [<mailto:tammybakerlaw@yahoo.com>]
Sent: Friday, December 16, 2016 2:29 PM
To: Adkinson, Kandie (SOS) <Kandie.Adkinson@ky.gov>
Cc: Karen Gathof <kgathof@hillviewky.org>; Jim Eadens <mayor@hillviewky.org>
Subject: Properties on SOS map

Kandie,

We have a question in the City of Hillview. There is an area (maybe 100 homes) that shows on the SOS map as being annexed into the City of Hillview. We believe there was never an intention to annex this area and that the residents were possibly never notified of any proposed annexation. We believe that the only record of this annexation is with the SOS, meaning nothing was filed with the Bullitt County Clerk. It sounds to me like whatever annexation that may have taken place is faulty due to lack of notice. Our question is: what would be the most efficient way for us to have this area removed from the SOS map? Could we submit a resolution clarifying that this area was never intended to be annexed or would we be required to pass an ordinance de-annexing?

Tammy R. Baker
Attorney and Counselor at Law
295 South Buckman Street
P.O. Box 1158
Shepherdsville, KY 40165
(502) 543-1883

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ORDINANCE NO. 100

RECEIVED

AN ORDINANCE ANNEXING UNINCORPORATED TERRITORY ADJOINING THE CITY OF HILLVIEW, KENTUCKY. DEC 21 1983

SECRETARY OF STATE
COMMONWEALTH OF KY

The City Council of the City of Hillview, Bullitt County, Kentucky, does hereby ordain as follows:

SECTION ONE: The City Council of the City of Hillview, Bullitt County, Kentucky, does hereby ordain the annexing of unincorporated territory to the City of Hillview, Bullitt County, Kentucky, and such territory shall become a part of the City for all purposes under the laws of the Commonwealth of Kentucky and such territory to be annexed is described as follows:

BEGINNING at a point in the southeast corner of the original boundary of the City of Hillview; thence North 18°10' East 674.70 feet to a point; thence North 69°44'30" East 1037.84 feet; thence North 20°45' East 249.80 feet to a point; thence South 89°26' East to a point 200.0 feet of the east right of way of Preston Highway; thence South 15°07' East 555.75 feet to a point; thence South 53°55'24" West 200.0 feet to a point in the east right of way of Kentucky Highway #61; thence with said right of way, South 25°42' East 200.00 feet; thence South 22°21' East 500.00 feet; thence South 31°16' East 500.00 feet; thence South 38°55'38" West 1031.17 feet to a point; thence South 74°22' West 625.00 feet to a point; thence South 86°37' West 1526.00 feet to a point; thence South 18°52' West 1257.00 feet to a point; thence South 18°52' West 4254.82 feet to a point; thence North 70°25' West 2397.72 feet to a point; thence North 18°51'50" East 2482.67 feet to a point; thence North 71°08'10" West 1693.11 feet to a point; thence North 19°57'30" East approximately 1200.0 feet to the westerly corner of Maryville Subdivision, Section "P" (Plat Book 3, Page 49); thence South 70°02'30" East 404.15 feet; thence North 35°53'24" East 76.27 feet; North 42°31' East 102.36 feet; North 47°28'22" East 59.16 feet; North 54°12'49" East 47.80 feet; North 61°47'55" East 47.80 feet; North 69°23'01" East 47.80 feet; North 84°50'44" East 51.48 feet; North 87°16'39" East 47.80 feet; North 79°41'33" East 47.80 feet; North 72°24'03" East 56.36 feet; North 71°08'10" East 70.00 feet to a point; North 18°51'50" East 5.00 feet; North 71°08'10" East 180.00 feet to a point; North 18°51'50" East 3.06 feet; North 71°08'10" East 585.00 feet; North 18°51'50" East 1370.00 feet; North 19°03'10" East 611.86 feet; North 69°44' East 1398.70 feet; North 71°50' East 851.64 feet to the point of beginning.

This Ordinance is enacted pursuant to KRS 81A.400 et.seq.

This Ordinance shall be published according to law.

Should any section, clause, line, paragraph, or part of this Ordinance be held unconstitutional, or invalid for any reason, the same shall not affect the remainder of this Ordinance.

Passed at the regular meeting of the City Council of the City of Hillview, Bullitt County, Kentucky, on the 15th day of November, 1982. Votes for 5, votes against 1, abstentions 0.

R. L. Carter
R. L. Carter, Mayor

ATTEST:

Myra Curry
City Clerk

I, Jan Phelps, do hereby certify that this is a true and accurate copy of City of Hillview Ordinance #100.

Dated: December 5, 1983.

Jan Phelps
Notary, State at Large, Ky.
My commission expires
June 15, 1985

ORDINANCE NO. 109

AN ORDINANCE ANNEXING UNINCORPORATED TERRITORY ADJOINING THE CITY OF HILLVIEW, BULLITT COUNTY, KENTUCKY.

The City Council of the City of Hillview, Bullitt County, Kentucky, does hereby ordain as follows:

SECTION ONE: The City Council of the City of Hillview, Bullitt County, Kentucky, does hereby ordain to annex certain unincorporated territory to the City of Hillview, Bullitt County, Kentucky, and such territory shall become a part of the City for all purposes under the laws of the Commonwealth of Kentucky and such territory annexed is described as follows:

TRACT ONE:

BEGINNING at an iron pin in the southeast corner of Lot One (1) Lees Acre Subdivision, Section 7 in the north right-of-way of Maryville Drive; thence with the north right-of-way of Maryville Drive, North $71^{\circ}31'$ West 75.00 feet to a point; thence north $18^{\circ}29'$ East 139.59 feet to a point; thence South $71^{\circ}31'$ East 75.82 feet to a pipe; thence South $18^{\circ}48'30''$ West 140.01 feet to the point of beginning.

TRACT TWO:

BEGINNING at an iron pin, said pin being located in the southeast corner of Lot Seven (7) Lees Acre Subdivision, Section 7 and being in the north right-of-way of Maryville Drive; thence with the north right-of-way of Maryville Drive North $71^{\circ}31'$ West 254 feet to an iron pin; thence North $71^{\circ}45'$ West 634.64 feet to an iron pin; thence North $18^{\circ}59'$ East 514.20 feet to an iron pin; thence North $71^{\circ}26'$ West 696.39 feet to an iron pin; thence North $18^{\circ}16'$ East 826.15 feet to an iron pin; thence South $71^{\circ}30'$ East 1,023.57 feet to an iron pin; thence South $11^{\circ}13'$ West 91.20 feet to an iron pin; thence North $78^{\circ}53'$ West 143.0 feet to an iron pin; thence South $11^{\circ}16'$ West 330.66 feet to an iron pin; thence South $75^{\circ}53'$ East 143.0 feet to an iron pin; thence South $10^{\circ}40'$ West 1,702.91 feet to a point; thence South $71^{\circ}30'$ East 254.0 feet to a point; thence South $18^{\circ}29'$ West 137.08 feet to the point of beginning.

RECEIVED

DEC 21 1983

SECRETARY OF STATE
COMMONWEALTH OF KY.

SECTION TWO: This Ordinance is enacted pursuant to KRS 81A.400 et. seq.

SECTION THREE: This Ordinance shall be published according to law.

SECTION FOUR: Should any section, clause, line, paragraph, or part of this Ordinance be held unconstitutional or invalid for any reason, the same shall not affect the remainder of this ordinance.

Passed at the regular City Council meeting of the City of Hillview, Kentucky on the 20th day of June, 1983. Votes for 5, votes against 0, abstentions 1.

R. L. Carter
R. L. Carter, Mayor

ATTEST:

Mira Curry
City Clerk

I, Jan Phelps, do hereby certify that this is a true and accurate copy of City of Hillview Ordinance #109.

Dated: December 5, 1983

Jan Phelps
Notary, State at Large, Ky.
My commission expires
June 15, 1985

DEC 21 1983

ORDINANCE NO. 113

AN ORDINANCE ANNEXING UNINCORPORATED TERRITORY ADJOINING THE CITY OF HILLVIEW, BULLITT COUNTY, KENTUCKY. SECRETARY OF STATE COMMONWEALTH OF KY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HILLVIEW, BULLITT COUNTY, KENTUCKY:

Section 1. The City Council of the City of Hillview, Bullitt County, Kentucky, does hereby ordain that it annexes certain unincorporated territory to the City of Hillview, Bullitt County, Kentucky, and such territory shall become a part of the City for all purposes under the laws of the Commonwealth of Kentucky and such territory to be annexed is described as follows:

Beginning at an iron pin, said pin being located in the east right of way of Kentucky Highway 1450 (Blue Lick Road) at its intersection with the north right of way of a 50 foot street as shown on plat of Lee's Acres, Section 4-B, recorded in Plat Book 4, Page 29; thence South 67°27' East 925.25 feet to a point; thence North 19°39' East 669.40 feet to an iron pin; thence North 72°06' West 979.68 feet to an iron pin; thence South 18°26' West 180.0 feet to an iron pin; thence South 44°16' West 68.53 feet to a point in the east right of way of Kentucky Highway 1450 (Blue Lick Road); thence with the east right of way of Kentucky Highway 1450 (Blue Lick Road) to the point of beginning.

Section 2. This ordinance is enacted pursuant to KRS 81A.400 et. seq.

Section 3. This ordinance shall be published according to law.

Section 4. Should any section, clause, line, paragraph, or part of this ordinance be held unconstitutional or invalid for any reason, the same shall not effect the remainder of this ordinance.

Passes at the ~~Special~~^{Regular} City Council meeting of the City of Hillview, Bullitt County, Kentucky, this 19th day of Dec., 1983. Votes for 4, votes against 0, absententions 2.

Mayor

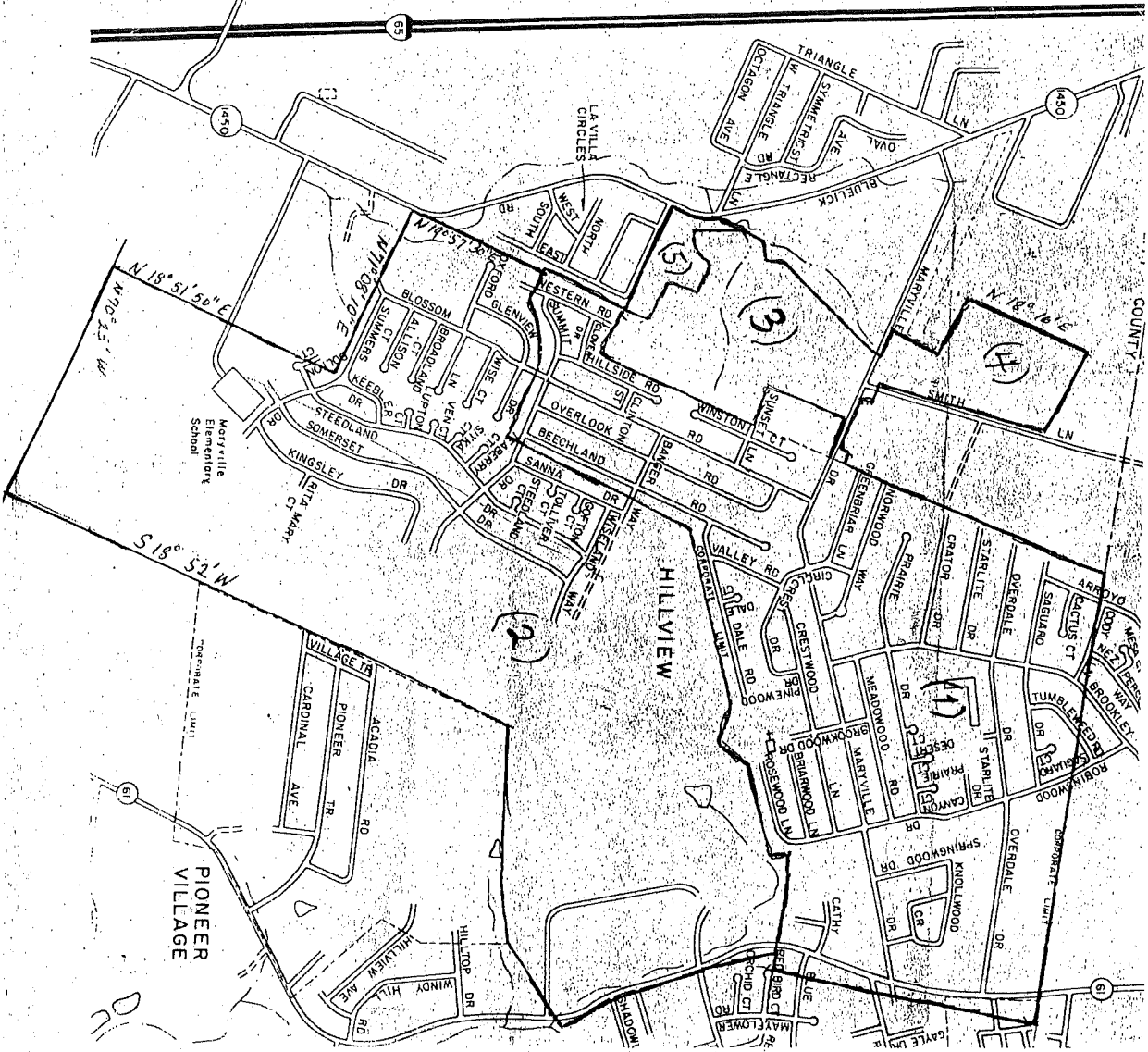
ATTEST:

I, Myra Curry, do hereby certify that this is a true and accurate copy of City of Hillview Ordinance #113.

Myra Curry
City Clerk

Dated: Dec. 20, 1983

Myra Curry
Notary, State of Large, Ky.
My Commission expires
June 14, 1983



***** LEGEND *****

- (1) Hillview City Limits
as of Jan. 1, 1982
- (2) Annexed Nov. 15, 1982
Ordinance No. 100
- (3) Annexed Dec. 20, 1982
Ordinance No. 101
- (4) Annexed Jun. 20, 1983
Ordinance No. 109
- (5) Annexed Dec. 19, 1983
Ordinance No. 113

RECEIVED
 DEC 21 1983
 SECRETARY OF STATE
 COMMONWEALTH OF KY.