

CERTIFIED COPY OF RECORD  
OF JEFFERSON CIRCUIT COURT

NO. 82CI-00902

#82CI00902 JEFFERSON CIRCUIT COURT

PAULIE MILLER, CLERK

BY [Signature] D.C.

IN RE: City of Hurstbourne  
Jefferson County, Kentucky  
Ex Parte

DIVISION 5

RECEIVED

SEP 15 1982

FINDINGS OF FACT, CONCLUSIONS OF LAW, JUDGMENT  
SECRETARY OF STATE  
COMMONWEALTH OF KY.

This case came on for a hearing on August 12, 1982, at 9:15 a.m., on the application of the petitioners to incorporate a fourth class city of Jefferson County, Kentucky, to be known as the City of Hurstbourne, and it appearing to the Court that no objections have been filed to the proposed incorporation and that all counsel of record were given notice of the hearing and the Court having considered the petition, amended petition, the affidavit of Dr. William Dakan, and being otherwise sufficiently advised,

It now makes the following Findings of Fact and Conclusions of Law and orders and adjudges the following:

1. The petition was docketed for a hearing not less than twenty (20) days from the date of filing of the petition and notice of the petition and of its purpose was given by publication, in accord with and pursuant to Chapter 424 of the Kentucky Revised Statutes by means of publication in the Louisville Times, which is the newspaper published in Jefferson County, Kentucky, meeting the qualifications of KRS 424.140, on July 1, 1982, and July 23, 1982, such July 23, 1982, date not being less than seven or more than 21 days before the hearing date of August 12, 1982. See Exhibit 1. Approximately 3,559 persons reside within

the territory sought to be incorporated; there are 2,124 registered voters within the area proposed to be established as the City of Hurstbourne and 1,518 of the registered voters have signed the petition for incorporation of the City of Hurstbourne, Jefferson County, Kentucky, representing 71.45 percent of the registered voters.

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.

3. The territory is contiguous.

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

5. The interests of other areas and adjacent local governments are not 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 an existing city.

9. The territory needs street maintenance, 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 territory contains approximately 1,040.77 acres, and is generally flat in topography.

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

13. 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 1.

14. The number of residents within the proposed city is 3,559.

15. Attached hereto and incorporated herein is an accurate map of the proposed city. See Exhibit 2.

16. 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 street maintenance, 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 they may preserve the cohesive neighborhood character of the community.

17. At the present time the following public facilities exist within the proposed city:

Low Elementary School.

18. The following services currently exist within the territory:

- a. Fire protection is provided by the Lyndon Volunteer Fire Department, which has backup contracts with other volunteer fire departments and for which the residents of the area pay a tax.
- b. Road maintenance is not provided by Jefferson County, Kentucky, because the roads do not constitute part

of the County Road System and the minor maintenance heretofore performed by Jefferson County is inadequate, either to maintain the streets or to keep the medians maintained and street lighting is not provided by Jefferson County.

- c. Garbage removal is presently available only through private contractors.
- d. Storm and sanitary sewers are provided by the Metropolitan Sewer District.
- e. Water is provided by the Louisville Water Company.
- f. Gas and electricity are furnished by Louisville Gas & Electric.

19. Petitioners intend and desire that the City of Hurstbourne shall be governed by the commission plan pursuant to and in accord with Chapter 83A of the Kentucky Revised Statutes.

20. The petitioners desire the appointment of the following persons, all residents of the proposed City of Hurstbourne, Jefferson County, Kentucky, to hold the following offices until the next regular election, at which time officers shall be elected by the residents of the City of Hurstbourne, Jefferson County, Kentucky:

<u>Name and Address</u>	<u>Office</u>
David Beckman 8319 Croydon Circle Louisville, Kentucky 40222	Mayor
Alan Linker 8920 Linn Station Road Louisville, Kentucky 40222	Commissioner
C. J. Cunningham, Jr. 8207 Nottingham Parkway Louisville, Kentucky 40222	Commissioner

Alfred Neff  
8812 Nottingham Parkway  
Louisville, Kentucky 40222

Commissioner

Benjamin Few  
8222 Shelbyville Road  
Louisville, Kentucky 40222

Commissioner

Conclusions of Law

The Court concludes and finds as a matter of law that all standards and conditions for incorporation of the proposed City of Hurstbourne, 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 also been met.

Judgment

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

1. There is hereby incorporated and established in Jefferson County, Kentucky, the City of Hurstbourne.
2. The metes and bounds description of the boundaries of the City of Hurstbourne is as follows:

BEGINNING at a point in the southerly right-of-way line of Shelbyville Road as it existed on March 15, 1969, said point being the point of intersection of the southern right-of-way line of Shelbyville Road and the corner common to the Edwin Stich Tract, as described in deed of record in Deed Book 1924, Page 168, in the aforesaid Office and to Lot No. 4 as shown on the plat of Oxmoor Shopping Center, Section 2, of record in Plat and Subdivision Book 28, Page 95, in the aforesaid Office; thence with the line common to the aforesaid Edwin Stich Tract and to the aforesaid Lot No. 4, South 33°-04'-26" East, 480 feet more or less to a point in the west line of Hurstbourne Section 1A as shown on record in Plat and Subdivision Book 23, Page 25, in the aforesaid Office; thence with said west line of Hurstbourne Section 1A; South 35°-19'-14" E 364.07 ft. to a point, being the north corner of Lot 26 in the aforesaid Hurstbourne Section 1A; thence southwestwardly, southeastwardly, north-eastwardly and southeastwardly with the lines common

to the tract which was devised to Thomas W. Bullitt in trust by the will of William Marshall Bullitt of record in Will Book 96, Page 1, in the aforesaid Office, on the West, and common to the said Earl and Edwin Stich tract, Hurstbourne Section No. 1-A, as shown on plat of record in Plat Book 23, Page 25, in the aforesaid Office, Hurstbourne Section No. 8-A, as shown on plat of record in Plat Book 31, Page 86, in the aforesaid Office, Highbaugh Enterprises tract, as described in deed of record in Deed Book 4967, Page 794, and Deed Book 4789, Page 612, in the aforesaid Office, and Hurstbourne Section No. 6, as shown on plat of record in Plat Book 30, Page 34, in the aforesaid Office, all on the East, to the intersection of said common lines with the northwesterly line of the Daniel F. Chitwood tract, as described in deed of record in Deed Book 4554, Page 391, in the aforesaid Office; thence southwesterly with the northwesterly line of said Daniel F. Chitwood Tract to its intersection with Interstate 64; thence easterly with the north right-of-way line of Interstate 64 to its intersection with the west right-of-way line of Hurstbourn Lane; thence northwardly with the west right-of-way line of Hurstbourne Lane to the south right-of-way line of Shelbyville Road as it existed on March 15, 1969, as extended; thence westwardly with the south right-of-way line of Shelbyville Road to the point of beginning.

3. The population contained in the City of Hurstbourne is 3,559 and by reason of its population the City of Hurstbourne shall be and is hereby assigned to the fourth class of cities.

4. The City of Hurstbourne shall operate under the commissioner plan of government and the following persons be, and they are hereby appointed to hold the following offices, until the next regular election, at which time the officers may be elected and at which time officers shall be elected by residents of the City of Hurstbourne, Jefferson County, Kentucky.

<u>Name and Address</u>	<u>Office</u>
David Beckman 8319 Croydon Circle Louisville, Kentucky 40222	Mayor
Alan Linker 8920 Linn Station Road Louisville, Kentucky 40222	Commissioner

C. J. Cunningham, Jr.  
8207 Nottingham Parkway  
Louisville, Kentucky 40222

Commissioner

Alred Neff  
8812 Nottingham Parkway  
Louisville, Kentucky 40222

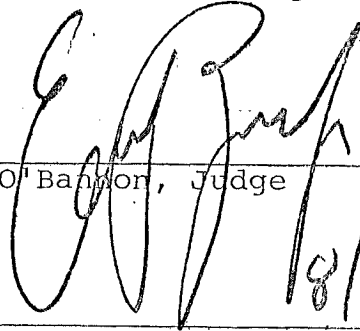
Commissioner

Benjamin Few  
8222 Shelbyville Road  
Louisville, Kentucky 40222

Commissioner

5. The Clerk of Jefferson Circuit Court is hereby ORDERED within ten days from the date of entry of the Judgment, to send a certified copy of the 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 delay.

  
\_\_\_\_\_  
Earl O. Bannon, Judge


\_\_\_\_\_  
Date

Tendered by Bennett, Bowman, Triplett &  
Attorneys for Petitioners

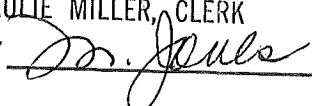
ENTERED IN COURT

  
\_\_\_\_\_  
HENRY A. TRIPLETT

AUG 12 1982

PAULIE MILLER, CLERK  
By   
Clerk

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