

ORDINANCE NO. 094, SERIES 2020

AN ORDINANCE OF THE LOUISVILLE/ JEFFERSON COUNTY METRO COUNCIL TO APPROVE THE ANNEXATION BY THE CITY OF JEFFERSONTOWN OF A TRACT OF LAND SOUTH AND EAST OF JEFFERSONTOWN, WHICH LAND IS CONTIGUOUS WITH THE EXISTING BOUNDARY OF THE CITY OF JEFFERSONTOWN, BUT NOT CONTIGUOUS TO THE BOUNDARY OF THE FORMER CITY OF LOUISVILLE, AND BEING IN THE UNINCORPORATED AREA OF THE FORMER COUNTY OF JEFFERSON.

SPONSORED BY: COUNCIL MEMBER KEVIN KRAMER

WHEREAS, on January 21, 2020, the City Council of the City of Jeffersontown, Kentucky voted in favor of an ordinance to annex the property depicted in the annexation request packet received from Jeffersontown and more particularly described therein, which is incorporated herein by reference as if set forth in full (a copy of which is attached hereto); and

WHEREAS, the area proposed for annexation consists of a number of different kinds and sizes of properties, including the subdivisions of Landherr Estates, The Estates at Landherr, and Deer Creek Patio Homes; and

WHEREAS, the City Council of the City of Jeffersontown stated in its Ordinance, No. 1401, Series 2020, that 98% of the property owners of the territory sought to be annexed executed written consents in favor of annexation by the City of Jeffersontown (copies of which are attached hereto); and

WHEREAS, the City of Jeffersontown believes it is in a position to provide municipal services to the area proposed for annexation; and

RECEIVED AND FILED
DATE November 16, 2020

MICHAEL G. ADAMS
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Handie Adkins

WHEREAS, the City of Jeffersontown was required to hold a public meeting regarding the proposed annexation because it does not have 100% consent of affected property owners and held such meeting on February 26, 2020; and

WHEREAS, the City of Jeffersontown filed a request on June 24, 2020 with the Office of the Metro Council Clerk requesting that the Louisville Metro Council approve the annexation of the property described above (a copy of which is attached hereto); and

WHEREAS, KRS 67C.111(3) requires the City of Jeffersontown obtain approval of the annexation from Louisville Metro Council prior to the City of Jeffersontown proceeding with the annexation requirements under KRS Chapter 81A; and

WHEREAS, KRS 67C.111(3) gives Louisville Metro Council the authority to approve or deny annexation requests "by ordinance and within sixty (60) days of the receipt of the request" and if Louisville Metro Council does not act within "sixty (60) days, the request for a city to proceed with an annexation proposal shall be deemed to be approved"; and

WHEREAS, for the reasons stated above Louisville Metro Council wishes to proceed with approval of the City of Jeffersontown's annexation ordinance to become effective upon passage and approval.

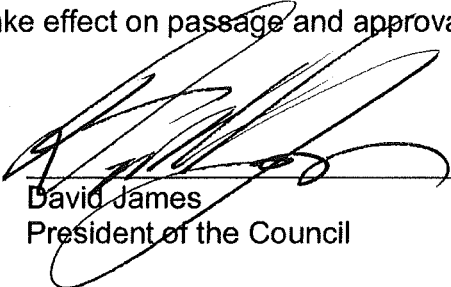
NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT ("METRO COUNCIL") AS FOLLOWS:

SECTION I: Metro Council hereby approves the annexation of the property known as the Estates of Locust Grove proposed by the City of Jeffersontown in its Ordinance No. 1401, Series 2020 on January 21, 2020 (attached hereto) pursuant to its authority under KRS 67C.111(3).

SECTION II: This Ordinance shall take effect on passage and approval.




Sonya Harward
Metro Council Clerk



David James
President of the Council

August 20, 2020
Approval Date

APPROVED AS TO FORM:



Michael J. O'Connell
Jefferson County Attorney

**LOUISVILLE METRO COUNCIL
READ AND PASSED
August 20, 2020**

O-290-20 Ordinance approving Land SE of Jeffersontown Annexation Proposal from Jeffersontown (TF)

Bill Dieruf
Mayor



Schuyler Olt
City Attorney

Where Community and Commerce Meet

June 24, 2020

Mr. H. Stephen Ott
Clerk, Louisville Metro Council
601 West Jefferson Street
Louisville, KY 40202

Re: *Request for Annexation Approval; Jeffersontown Ordinance No. 1401, Series 2020*

Dear Mr. Ott:

Please find enclosed a copy of Jeffersontown Ordinance No. 1401, Series 2020, requesting the approval of Metro Council to annex a certain area commonly known as Landherr Estates.

I have also enclosed a series of documents providing responses to the various categories of information which Metro Council requests in considering the approval of annexations. Please treat them appropriately as required by your protocols. By all means they are to be forwarded to Councilman Kramer and all members of the Annexation Committee.

Should you have any questions or need additional information, please feel free to contact me. With deep appreciation for your efforts,

Sincerely,

Schuyler J. Olt
City Attorney

**CITY OF JEFFERSONTOWN
JEFFERSON COUNTY, KENTUCKY**

ORDINANCE NO. 1401, SERIES 2020

AN ORDINANCE RELATING TO REQUESTING THE APPROVAL BY THE LOUISVILLE/JEFFERSON COUNTY METRO COUNCIL OF THE ANNEXATION BY THE CITY OF JEFFERSONTOWN OF A TRACT OF LAND SOUTH AND EAST OF JEFFERSONTOWN, WHICH LAND IS CONTIGUOUS WITH THE EXISTING BOUNDARY OF THE CITY OF JEFFERSONTOWN, BUT NOT CONTIGUOUS TO THE BOUNDARY OF THE FORMER CITY OF LOUISVILLE, AND BEING IN THE UNINCORPORATED AREA OF THE FORMER COUNTY OF JEFFERSON

WHEREAS, the City of Jeffersontown seeks to annex the following described tracts of land (with improvements) which tracts are not contiguous with the boundary of the former City of Louisville; and

WHEREAS, nearly Ninety-eight Percent (98%) of the property owners residing within the annexation area have executed their written consent to the subject annexation by the City of Jeffersontown; and

WHEREAS, the City of Jeffersontown is ready and able to immediately begin furnishing municipal services to the area upon annexation of the area; and

WHEREAS, KRS 67C.111 requires that the annexation receive the approval of the legislative council of the consolidated local government (the Louisville/Jefferson County Metro City Council) prior to the City proceeding under the provisions of KRS Chapter 81A;

NOW THEREFORE, IT IS ORDAINED BY THE CITY OF JEFFERSONTOWN, KENTUCKY, AS FOLLOWS:

Section 1. The City of Jeffersontown hereby seeks and requests the approval of the Louisville/Jefferson County Metro Council of the annexation of that certain property depicted in Exhibit A and more particularly described therein, which Exhibit is incorporated herein by reference as if set forth in full.

Section 2. The individual parcels identified collectively in Section 1 are contiguous with one another, and are collectively contiguous with the City of Jeffersontown and are urban in character. The owners of nearly all of the parcels have consented in writing to the requested annexation.

Section 3. This ordinance shall take effect upon its adoption and publication as required by law.

INTRODUCED AND READ AT A CITY COUNCIL MEETING OF THE CITY COUNCIL OF JEFFERSONTOWN, KENTUCKY, AT A MEETING HELD ON THE 1st DAY OF JANUARY, 2020.

READ, PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF JEFFERSONTOWN, KENTUCKY, AT A MEETING HELD ON THE 21st DAY OF January, 2020.

VETOED:

APPROVED:

BILL DIERUF, MAYOR



BILL DIERUF, MAYOR

DATE: _____

DATE: 1/22/2020


ATTEST:



BILL FOX, CITY CLERK

Description for City of Jeffersontown
Annexation Ordinance No. 1401, Series 2020

Beginning at a point on the existing boundary of the City of Jeffersontown at coordinate point N 3956463.06, E 4978109.36 (NAD 83, KY Single Zone, US Survey Feet) in the west right-of-way line of Chenoweth Run Road; thence with said right-of-way line and along said boundary of the City of Jeffersontown N13°00'03"W, 75.51'; thence along a curve to the left having a radius of 1,095.49', with an arc length of 217.22', with a chord of N18°40'54"W, 216.86'; thence N24°21'44"W, 56.41'; thence along a curve to the left having a radius of 1,948.50', with an arc length of 45.18', with a chord of N25°01'32"W, 45.18'; thence leaving said existing boundary and right-of-way line N55°12'18"E, 802.28'; thence N34°45'42"W, 225.00'; thence N55°12'18"E, 370.09'; thence N10°32'42"W, 347.60' to the northwest corner of Deer Creek Patio Homes recorded in Condo Book 73 Page 35 in the office of the Clerk of Jefferson County, Kentucky; thence with said north line N73°29'56"E, 497.20' to the east right-of-way line of Blankenbaker Parkway; thence with said east line the following 7 calls, along a curve to the right having a radius of 1,695.30', with an arc length of 936.42', with a chord of N04°49'34"E, 924.56'; thence N20°39'00"E, 57.83'; thence N41°17'24"E, 15.89'; thence S17°49'59"E, 57.84'; thence N35°27'01"E, 75.80'; thence along a curve to the left having a radius of 79.00', with an arc length of 84.96', with a chord of N47°37'59"E, 80.93'; thence N17°00'25"E, 71.75'; thence N33°47'41"E, 323.69' to the existing boundary of Jeffersontown, Kentucky at coordinate point N 3959557.37, E 4979659.25; thence with said boundary N35°35'28"E, 268.97'; thence leaving said boundary S60°03'40"E, 274.69'; thence S74°58'49"E, 121.85' to the north line of The Woods at Landherr recorded in Plat Book 58 Page 83 in the office of the Clerk of Jefferson County, Kentucky, also being the southern line of Norfolk Southern Railroad; thence along a curve to the left having a radius of 1,044.73', with an arc length of 245.49', with a chord of N71°04'36"E, 244.93'; thence N62°54'44"E, 151.48'; thence N60°53'26"E, 871.49'; thence N62°10'37"E, 143.86' to the northeast corner of Landherr aforesaid; thence leaving said railroad S17°47'43"E, 537.10'; thence S74°31'51"W, 527.03'; thence S14°56'33"E, 386.93' to a point in the east line of Landherr aforesaid; thence with a southerly line of Landherr aforesaid S26°40'31"W, 619.04'; thence S74°30'51"W, 599.07'; thence leaving said southern line and with the east line of Landherr Estates recorded in Plat Book 47 Page 3, Plat Book 44 Page 99 and Plat Book 43 Page 36, S04°38'37"W, 2,353.00' to the southeast corner of Landherr Estates in Plat Book 43 Page 36; thence with said southern line S74°04'32"W, 705.27' to a point in the northerly right-of-way line of Taylorsville Road; thence with said right-of-way line N43°41'22"E, 29.65'; thence along a curve to the left having a radius of 1,334.84', with an arc length of 154.05', with a chord of N59°54'41"W, 153.96'; thence S16°38'38"W, 61.00'; thence along a curve to the left having a radius of 1,275.00', with an arc length of 237.21', with a chord of N68°03'53"W, 236.87' to the southwest corner of Deer Creek aforesaid; thence N74°15'22"W, 471.83'; thence N72°19'48"W, 401.47'; thence N47°47'27"W, 50.86'; thence leaving said right-of-way line N57°03'39"W, 149.11' to the point of beginning.


STATE OF KENTUCKY
TIMOTHY L. GEHLHAUSEN
300
LICENSED
PROFESSIONAL
LAND SURVEYOR



LINE	BEARING	DISTANCE	CURVE	RADIUS	CHORD	ARC
1	N 00° 00' 00" E	100.00			100.00	0.00
2	N 89° 59' 59" W	100.00			100.00	0.00
3	S 00° 00' 00" W	100.00			100.00	0.00
4	S 89° 59' 59" E	100.00			100.00	0.00
5	N 00° 00' 00" E	100.00			100.00	0.00
6	N 89° 59' 59" W	100.00			100.00	0.00
7	S 00° 00' 00" W	100.00			100.00	0.00
8	S 89° 59' 59" E	100.00			100.00	0.00
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21	N 00° 00' 00" E	100.00			100.00	0.00
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24	S 89° 59' 59" E	100.00			100.00	0.00
25	N 00° 00' 00" E	100.00			100.00	0.00
26	N 89° 59' 59" W	100.00			100.00	0.00
27	S 00° 00' 00" W	100.00			100.00	0.00
28	S 89° 59' 59" E	100.00			100.00	0.00
29	N 00° 00' 00" E	100.00			100.00	0.00
30	N 89° 59' 59" W	100.00			100.00	0.00
31	S 00° 00' 00" W	100.00			100.00	0.00
32	S 89° 59' 59" E	100.00			100.00	0.00
33	N 00° 00' 00" E	100.00			100.00	0.00
34	N 89° 59' 59" W	100.00			100.00	0.00
35	S 00° 00' 00" W	100.00			100.00	0.00
36	S 89° 59' 59" E	100.00			100.00	0.00
37	N 00° 00' 00" E	100.00			100.00	0.00
38	N 89° 59' 59" W	100.00			100.00	0.00
39	S 00° 00' 00" W	100.00			100.00	0.00
40	S 89° 59' 59" E	100.00			100.00	0.00
41	N 00° 00' 00" E	100.00			100.00	0.00
42	N 89° 59' 59" W	100.00			100.00	0.00
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46	N 89° 59' 59" W	100.00			100.00	0.00
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48	S 89° 59' 59" E	100.00			100.00	0.00
49	N 00° 00' 00" E	100.00			100.00	0.00
50	N 89° 59' 59" W	100.00			100.00	0.00
51	S 00° 00' 00" W	100.00			100.00	0.00
52	S 89° 59' 59" E	100.00			100.00	0.00
53	N 00° 00' 00" E	100.00			100.00	0.00
54	N 89° 59' 59" W	100.00			100.00	0.00
55	S 00° 00' 00" W	100.00			100.00	0.00
56	S 89° 59' 59" E	100.00			100.00	0.00
57	N 00° 00' 00" E	100.00			100.00	0.00
58	N 89° 59' 59" W	100.00			100.00	0.00
59	S 00° 00' 00" W	100.00			100.00	0.00
60	S 89° 59' 59" E	100.00			100.00	0.00
61	N 00° 00' 00" E	100.00			100.00	0.00
62	N 89° 59' 59" W	100.00			100.00	0.00
63	S 00° 00' 00" W	100.00			100.00	0.00
64	S 89° 59' 59" E	100.00			100.00	0.00
65	N 00° 00' 00" E	100.00			100.00	0.00
66	N 89° 59' 59" W	100.00			100.00	0.00
67	S 00° 00' 00" W	100.00			100.00	0.00
68	S 89° 59' 59" E	100.00			100.00	0.00
69	N 00° 00' 00" E	100.00			100.00	0.00
70	N 89° 59' 59" W	100.00			100.00	0.00
71	S 00° 00' 00" W	100.00			100.00	0.00
72	S 89° 59' 59" E	100.00			100.00	0.00
73	N 00° 00' 00" E	100.00			100.00	0.00
74	N 89° 59' 59" W	100.00			100.00	0.00
75	S 00° 00' 00" W	100.00			100.00	0.00
76	S 89° 59' 59" E	100.00			100.00	0.00
77	N 00° 00' 00" E	100.00			100.00	0.00
78	N 89° 59' 59" W	100.00			100.00	0.00
79	S 00° 00' 00" W	100.00			100.00	0.00
80	S 89° 59' 59" E	100.00			100.00	0.00
81	N 00° 00' 00" E	100.00			100.00	0.00
82	N 89° 59' 59" W	100.00			100.00	0.00
83	S 00° 00' 00" W	100.00			100.00	0.00
84	S 89° 59' 59" E	100.00			100.00	0.00
85	N 00° 00' 00" E	100.00			100.00	0.00
86	N 89° 59' 59" W	100.00			100.00	0.00
87	S 00° 00' 00" W	100.00			100.00	0.00
88	S 89° 59' 59" E	100.00			100.00	0.00
89	N 00° 00' 00" E	100.00			100.00	0.00
90	N 89° 59' 59" W	100.00			100.00	0.00
91	S 00° 00' 00" W	100.00			100.00	0.00
92	S 89° 59' 59" E	100.00			100.00	0.00
93	N 00° 00' 00" E	100.00			100.00	0.00
94	N 89° 59' 59" W	100.00			100.00	0.00
95	S 00° 00' 00" W	100.00			100.00	0.00
96	S 89° 59' 59" E	100.00			100.00	0.00
97	N 00° 00' 00" E	100.00			100.00	0.00
98	N 89° 59' 59" W	100.00			100.00	0.00
99	S 00° 00' 00" W	100.00			100.00	0.00
100	S 89° 59' 59" E	100.00			100.00	0.00

CITY OF JEFFERSONTOWN, KENTUCKY
 ORDINANCE # SERIES 2020
 ANNEXATION



Engineering • Planning
 1048 E. Chestnut Street, Louisville, Kentucky 40204
 Phone: 502-585-2222 www.qk4.com

LAND SURVEYOR'S CERTIFICATE

This plat does not represent a property survey and the monuments shown if any are to be used as reference ties for the annexation to the City of Jeffersontown boundary by Ordinance No. _____, Series 2020.

This plat was prepared to the standards of KRS 81A.470. I hereby certify that this plat was made under my supervision and is correct to the best of my knowledge and belief.

Timothy L. Gehlhausen 21 JAN 2020
 Professional Land Surveyor Date

STATE OF KENTUCKY
 TIMOTHY L. GEHLHAUSEN
 3005
 LICENSED PROFESSIONAL LAND SURVEYOR

MEMORANDUM

TO: LOUISVILLE METRO COUNCIL
FROM: SCHUYLER J. OLT, CITY ATTORNEY, CITY OF JEFFERSONTOWN
RE: REQUEST FOR APPROVAL OF ANNEXATION
DATE: JUNE 24, 2020

This Memorandum is respectfully submitted on behalf of the City of Jeffersontown, Kentucky, in order to provide supplementary information with regard to Jeffersontown's effort to annex the area shown on **Exhibit A** hereto. Attached to this Memorandum are various exhibits relative to the Request.

A. The Nature of the Area to be Annexed.

Attached to this Memorandum as **Exhibit A** is the certified survey and property description of the property to be annexed. As you will see, this area of 143 acres is comprised of a mix of single family homes, multi-family homes and a small amount of commercial property. The primary subdivisions in the area are Landherr Estates, The Estates at Landherr and Deer Creek Patio Homes. It is currently contiguous to the City of Jeffersontown, and not a part of any other incorporated municipality. Approximately 900 linear feet of the area currently abuts the existing city limits, but the area is effectively "just across the street" from Jeffersontown. Given this close and integral proximity to the City, Jeffersontown is uniquely situated to immediately provide all municipal services to this area as soon as the annexation would become effective.

B. Residential Support for the Annexation.

The steps taken to explore this annexation have been methodical and deliberate. The City was initially approached by the leadership of the Landherr Estates HOA in 2018, at which they expressed their strong desire to be annexed by Jeffersontown. After several informal meetings, the City agreed to explore the possibility of annexation, and to explore the various impacts it would have on Jeffersontown. In late 2018, the City agreed to begin a more formal approach to

the issue. By this point, The Estates at Landherr and Deer Creek Patio Homes had also joined the effort, as had the owners of the commercial properties in the proposed area. The more formal effort began by residents conducting an "Annexation Meeting" in March 2019, and Mayor Dieruf attended this meeting. A copy of the slides used in the presentation are attached hereto as **Exhibit B**. In the course of the meeting, Jeffersontown asked that the Homeowners circulate a petition expressing residents' support for the annexation.. By virtue of this petition, 90 per cent of the residents expressed their support to become citizens of Jeffersontown. No one expressed opposition.

Following the March meeting, various departments of Jeffersontown city government were accessed to give opinions as to feasibility and potential costs to the City were the annexation to proceed. Based upon these evaluations, the City is convinced that the additional cost of city services—police, EMS, drainage, street paving and maintenance, sidewalk maintenance, garbage and waste pickup, snow removal, sign installation and maintenance, and street lights, along with other ancillary minor services—will be reasonably offset by property taxes and insurance premium taxes paid by the new residents within a reasonable time. Because of their close proximity to the City, there does not appear to be a need to add significant numbers of staff in any department of city government, including police. Certainly, even if the cost of services were to exceed revenues generated, any excess would not have a material impact on the budget of the City, or the ability of the City to provide its current level of city services to existing residents of the City.

On January 7, 2020, the City gave first reading to Ordinances to annex, and to request approval of the annexation by Metro Council. The latter Ordinance was adopted on January 14, 2020. Both meetings were attended by residents of the annexation, many of whom spoke in support of the effort. No residents spoke in opposition.

Thereafter, the City formally called a meeting of residents to present information related to annexation. Notice of the meeting was given via first-class mail to each property owner in the area. The meeting was held at the Jeffersontown City Hall on Wednesday, February 26, 2020 at 6PM, and was well attended. Councilman Kramer, who represents the area, was invited but could not attend due to a prior commitment. Mayor Dieruf chaired the meeting and provided the bulk of the information concerning tax rates, services, policing, garbage collection, snow removal, city facilities and recreational opportunities. No opposition to the annexation was voiced and several residents spoke favorably regarding the prospect of becoming part of Jeffersontown. As a final note, all members of Metro Council who sit on the annexation committee were also invited to the meeting.

C. Impact upon Metro Government.

The economic impact to Metro Government will be felt in three areas. First, road fund receipts we estimate will be reduced by \$9552.00 annually, based upon the U.S. Census mean of

2.2 persons per household and a current rate of \$23.47 per person. According to the Louisville Metro budget, this amounts to a loss of five one-hundredths of one percent (00.05%).

The second impact will be in loss of insurance tax receipts for 185 households. Using an assumed total taxable premium of \$2800 per household per annum, this amounts to \$9,552.00 annual reduction in Metro Government receipts. This equals eighty thousandths of one percent (00.080 %) of insurance premium tax receipts.

The third impact could be a loss of the proposed natural gas surcharge. It is impossible for us to project this with certainty. Presently, Jeffersontown does not impose the surcharge. But given that these are relatively newer homes with modern HVAC equipment and in generally good repair, we believe that receipts from these residents would be negligible was a surcharge ever imposed.

D. Conclusion.

The Landherr neighborhood strongly favors annexation by Jeffersontown and, because of the physical location of it to Jeffersontown, the city is fully equipped to immediately begin providing them with the services that their neighbors currently enjoy. Yes, there will be a cost to Metro Louisville in terms of lost revenues that will transfer to Jeffersontown. But those revenues will still be fully expended for the benefit of Metro Louisville citizens, and because of the proximity of Jeffersontown to them, those tax dollars can be applied very cost-effectively. Without question, even if Metro Louisville desired to extend the same level of services to the area that they will receive from Jeffersontown, the cost to do so would be much, much higher.

Annexation of the Landherr area makes good sense. The residents identify with Jeffersontown. The neighborhood characteristics, such as architecture, size, and price, are very consistent with those of Jeffersontown. And Jeffersontown stands ready, willing and able to provide enhanced public protection and public services to these residents at a very affordable cost to all residents of Jeffersontown. Therefore, we humbly ask for your consent and approval.

ADDITIONAL DOCUMENTS
INCLUDED WITH SUBMISSION.

To research the filing, contact the
Office of Secretary of State.