

ORDINANCE NO. 2002-10

AN ORDINANCE CONFIRMING ANNEXATION OF UNINCORPORATED TERRITORY ADJOINING THE CITY OF MOUNT WASHINGTON, BULLITT COUNTY, KENTUCKY.

BE IT ORDAINED by the City Council of the City of Mt. Washington, Bullitt County, Kentucky, as follows:

SECTION I: The City Council of the City of Mt. Washington, Bullitt County Kentucky, does hereby ordain that it proposes to annex certain unincorporated territory to the City of Mt. Washington, Bullitt County, Kentucky; and such territory to be annexed is described as follows:

Beginning at the Northeast corner of lot 45, Colonial Aire Subdivision, Section 1, as conveyed to Boyd R. and Rhonda Fisher by deed of record in Deed Book 379, Page 261 in the office of the County Court Clerk of Bullitt County, Kentucky; thence S 13 degrees 32' 08" W 150.08 feet, thence W 78 degrees 19' 03" W 180.00 feet, thence S 13 degrees 32' 08" E 150.08 feet, thence N 78 degrees 19' 03" W to the point of beginning, containing .625 acres.

RECEIVED AND FILED
DATE *March 21, 2012*

ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY *Janice O'Leary*

SECTION II: This ordinance is enacted pursuant to KRS 81A.400, et. Seq. The reader is advised that one may have legal rights affected by this Ordinance. For advice concerning these rights, one should consult an attorney.

SECTION III: This ordinance shall be published according to law.

SECTION IV: 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.

SECTION V: The City Clerk is hereby authorized to publish this ordinance in accordance with the Kentucky revised Statutes. The Mayor of the City of Mt. Washington, Bullitt County, Kentucky is hereby directed and authorized to give notice of the annexation of Secretary of State, Commonwealth of Kentucky.

SECTION VI: The City Clerk is hereby directed and authorized to provide to the Bullitt County Court Clerk a map clearly delineating the Boundaries of the area affected along with a list of names and addresses of those property owners and or registered voters. The City Clerk is further directed and authorized to provide to the Bullitt County Planning and Zoning Administrator a map clearing showing the zoning for this area and said zoning recommendations of the City at a regular meeting of the Bullitt County Planning and Zoning Commission with said publication of meeting according to law.

SECTION VII: Within sixty (60) days of the publication of this Ordinance, 2002-10, 2001, one may petition the Mayor of the City of Mt. Washington for opposition to this ordinance by having fifty percent (50%) of the registered voters or owners of real property within the limits

of the territory proposed to be annexed indicate their opposition to this Ordinance. Said petition must be delivered before 9-9, 2002, to the Mayor of the City of Mt. Washington, Ed Hilbert, at City Hall, 275 Snapp Street, P.O. Box 285, Mt. Washington, Kentucky 40047.

Ed Hilbert

Hon. Ed Hilbert, Mayor

ATTEST:

Gale Y. Park

Gale Y. Park, City Clerk

	<u>Votes For</u>	<u>Votes Against</u>	<u>Abstentions</u>
Barry Armstrong	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam Beichler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sid Griffin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ralph Lutes	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Frank Sullivan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brent Wheeler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

STATE OF KENTUCKY
 COUNTY OF BULLITT
 I, Elizabeth Fick, City Clerk of the City of Mt. Washington, do hereby certify that the foregoing contains a full, true and correct copy of ORD 2002-10 as taken from and compared with the original records in my office of which I am Legal Custodian, adopted by the governing authority of said City of Mt. Washington at a meeting duly held on: 9/10/02 that said official action has not been modified, amended, revoked or repealed and is now in full force and effect.
 Witness my hand this 15 day of March 2002.
Elizabeth Fick
 CITY CLERK CITY OF MT. WASHINGTON

THIS DEED, made this 6th day of October, 1993, by and between Charles J. Mann and Jackie J. Mann, husband and wife, parties of the first part; and Anna S. Davis, 345 Hubbards Lane, Mt. Washington, Kentucky 40047, party of the second part.

76115

WITNESSETH: That, for a valuable consideration in the amount of \$ 80,000.00, the receipt of which is hereby acknowledged, the parties of the first part hereby convey unto the party of the second part, in fee simple, with covenant of General Warranty, the following-described property located in the Bullitt County, Kentucky, to-wit:

Mailed to Preparer

BEING Lot 45, COLONIAL AIRE SUBDIVISION, Section 1, plat of which is of record in Plat Book 6, Page 96, in the office of the County Clerk of Bullitt County, Kentucky.

BEING the same property acquired by first parties by deed dated June 20, 1989, of record in Deed Book 318, Page 154, in the office aforesaid.

The parties of the first part further covenant lawful seizin of the estate hereby conveyed; with full power to convey the same, and that said estate is free of encumbrances except restrictions and easements of record, the 1993 State, County and School taxes and all taxes thereafter, which second party hereby assumes and agrees to pay.

IN TESTIMONY WHEREOF, WITNESS the signatures of the parties of the first part.

Jackie J. Mann

Jackie J. Mann

Charles J. Mann

Charles J. Mann

STATE OF KENTUCKY)
) SCT.
COUNTY OF JEFFERSON)

I hereby certify that the foregoing deed was acknowledged before me this 6th day of October, 1993, by Charles J. Mann and Jackie J. Mann, husband and wife, and the consideration statement was sworn to by them.

THIS INSTRUMENT WAS PREPARED BY:

Arthur W. Howard, Jr.

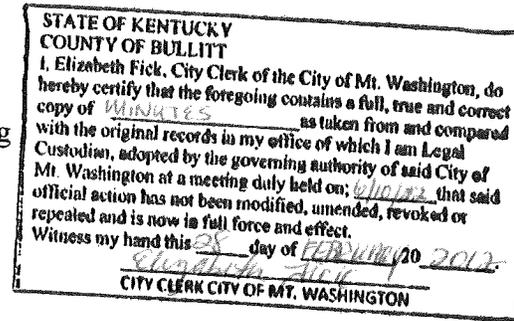
ARTHUR W. HOWARD, JR., ATTORNEY.
515 West Market Street
Louisville, Kentucky 40202

Notary Public

Notary Public
Jefferson County, Kentucky
My commission expires *June 29, 1995*

LAND CONVEYANCE FORM
DELIVERED TO P.V.A.
OCT 07 1993

City of Mount Washington
Minutes of the Regularly Scheduled Council Meeting
June 10, 2002
City Hall Annex Building, 186 Branham Way
6:30 p.m.



Mayor Ed Hilbert called the meeting to order at 6:30 p.m. with the following members present: Barry Armstrong, Sam Beichler, Sid Griffin, Ralph Lutes, Frank Sullivan and Brent Wheeler.

The City Attorney, City Clerk, Utility Superintendent, City Engineer, and City Treasurer were also present.

The invocation was given by Mark Wilson.

Sid Griffin made a motion to accept the minutes of the May 30, 2002 meeting as read. Ralph Lutes seconded the motion. Motion passed. (Unan.)

The second reading was conducted on Ordinance 2002-07 regarding re-zoning amendment 2002Z-07 on 100.004 acres of the Autumn Glen Development. Sam Beichler made a motion to accept the zoning with restrictions as presented by Richard Miles of Dogwood Homes by exhibit, by reference during his presentation at the Council Meeting on May 30, 2002, and to covenant the restrictions with the City before any building permits shall be issued.

In summary discussion was as follows:

Brent Wheeler asked how many 1,250 sq ft homes would be built on the inside perimeter. He would accept the zoning if the minimum home built were 1,350 sq ft on the inside or if he knew what percentage of homes on the inside were going to be at 1,250 sq ft. He stated it was said to be one development at one time so the minimum should remain at 1,350 sq ft like the rest of the development.

Sam Beichler stated that the Bullitt County Comprehensive Plan does state moderate density homes. You can have one to four homes per acre. This development is 2.1 homes per acre.

Barry Armstrong asked what the difference is in the number of homes if zoned R-1 versus R-2. Sam Beichler stated in 100 acres approximately 300 homes in R-1 and close to 500 homes in R-2. This development will have 214 homes with green space, pool, and detention basin.

Brent Wheeler stated if traffic is the main concern, and only 214 homes are to be built, then there would be no more traffic than R-1 zoning would produce. He stated he would hate to deny a subdivision that is going to have all that the City requires plus so many more amenities.

Barry Armstrong stated that no commitments on widening Armstrong Lane have been made and until a commitment is made, the City is asking for trouble. He stated he could approve the zoning if a center turn lane is built. He felt the City and County were responsible, but he would be in favor the re-zoning if there was a commitment from the developer to build the center turn lane on Armstrong Lane.

Kenny Stout then stated that they should not be expected to build a turn lane when they also pay City and County taxes. There also are other subdivisions along Armstrong Lane that made no such commitment. It should be adopted for all subdivisions. They also were the only developers on Armstrong Lane to give a ten foot easement and propose to build shoulders. He could not speak for Mr. Miles who was not present, but he would not commit to it. Also it was not brought out prior to this meeting.

Sam Beichler stated that the Council as a body needs to look closer at properties to be annexed to see what's going on before making the decision. The Council annexed this property knowing that the development was already zoned R-2 and R-3. He also had contacted the County to try and get a cooperative effort on improving Armstrong Lane and it was not received favorably.

The motion died for a lack of a second.

Frank Sullivan made a motion to reject Ordinance 2002-07 regarding re-zoning amendment 2002Z-07 on 100.004 acres of the Autumn Glen Development. Barry Armstrong seconded the motion. Motion passed 4-2. Sam Beichler and Brent Wheeler voting no.

Brent Wheeler stated he voted no because the City annexed the property and knew where it was going. The Council, this Mayor, the future Mayor, the County, and Magistrates need to move into the future, open their eyes and catch up with the growth, work on the roads, the youths' needs, and housing needs. We all lose by losing a quality development. The City and the County need to work together to meet these needs in the future.

Barry Armstrong stated that water and sewer problems, and a park are not the only things a City needs to address. The City needs to look more closely at the roads. The roads need to be the City's responsibility because they are the mainstay of the community. Future development will demand that the City spend money on roads.

Frank Sullivan stated that the City roads are important, but also the City sewer system hasn't been updated for thirteen years. The City finally started just two years ago to address the sewer system but have a long way to go. The City also has a four year commitment coming up to possibly spend millions to update the sewer system and until we can guarantee there are no problems in the future, we need to take care of the past.

The second reading was conducted on Ordinance 2002-09 regarding the annexation of 12.77 acres at 9107 Highway 44 E for Mary J. McCauley. Sid Griffin made a motion to accept Ordinance 2002-09. Sam Beichler seconded the motion. Motion passed. (Unan.)

The second reading was conducted on Ordinance 2002-10 regarding the annexation of .625 acres at 345 Hubbards Lane for Boyd and Rhonda Fisher. Brent Wheeler made a motion to accept Ordinance 2002-10. Ralph Lutes seconded the motion. Motion passed. (Unan.)

City of Mt. Washington
Regular Council Meeting
June 10, 2002
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City Treasurer Kim Fell gave the first reading on Ordinance 2002-11. An ordinance amending the City of Mt. Washington annual budget for the fiscal year July 1, 2002 through June 30, 2002. The Total Appropriations did not change.

City Treasurer Kim Fell gave the first reading on Ordinance 2002-12. An ordinance adopting the City of Mt. Washington annual budget for the fiscal year July 1, 2002 through June 30, 2003, by estimating revenue and resources and appropriating funds for the operation of the city government. Total appropriations are \$2,002,031.57.

Susie Bennett addressed the Council in regard to a meter on Fairlane Drive that needs to be replaced. Utility Superintendent, Ronnie Fick, will take care of it.

John McElroy, of 806 Bleemel Lane, Kathy Michel, and Ted Bennett thanked the Council for their vote. Mr. Bennett also apologized for bad mouthing the Council before the vote was taken.

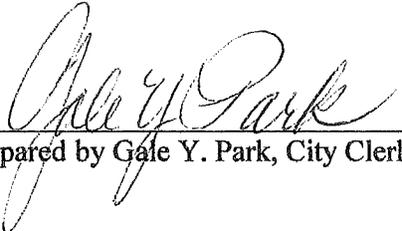
Sid Griffin made a motion to enter into executive session at 7:18 p.m. to discuss property acquisition. Barry Armstrong seconded the motion. Motion passed. (Unan.)

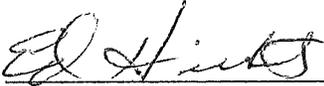
Barry Armstrong made a motion to reconvene open session at 8:48 p.m. Brent Wheeler seconded the motion. Motion passed. (Unan.)

There was general discussion on land acquisition. No action was taken as a result of executive session.

There being no further business before the Council, Brent Wheeler made a motion to adjourn the meeting. Frank Sullivan seconded the motion. Motion passed. (Unan.)

The meeting was adjourned at 8:48 p.m.


Prepared by Gale Y. Park, City Clerk


Hon. Ed Hilbert, Mayor