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SECRETARY OF STATE
COMMONWEALTH OF KY.

NO. 82-CI-07756

JEFFERSON CIRCUIT COURT

THIRD DIVISION

IN RE: CITY OF OLD PETERSBURG,
JEFFERSON COUNTY, KENTUCKY, EX PARTE

AGREED AMENDED FINDINGS OF FACT,
CONCLUSIONS OF LAW AND JUDGMENT

* * * * *

Pursuant to CR 60.02, all parties hereto having agreed that a mistake was committed upon which the original Findings of Fact, Conclusions of Law and Judgment were based, the Final Judgment entered in the above-styled case on December 6, 1982, is hereby rescinded.

By agreement of the parties and the court being sufficiently advised, the court hereby amends its Findings of Fact, Conclusions of Law and Judgment previously entered in this case.

Among other things, the Court is advised that the parties are in agreement with the Amended Findings of Fact, Conclusions of Law and Judgment which provide for new boundary lines delineating the territory of the City of Old Petersburg in respect of the Judgment entered in In Re: City of Newburg, Jefferson County, Kentucky, Ex Parte, 82-CI-06570, on December 27, 1982, and the Amended Findings of Fact, Conclusions of Law and Judgment entered on this 18th day of March, 1983, by Judge Richard C. Oldham in the same matter.

Having further considered the evidence and the agreements of the parties, the Court further finds as a matter of fact that:

1. More than 300 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.

3. The area is contiguous and urban in character and nature.

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

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

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

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

8. The territory needs street lighting, sanitation services, additional police protection, improved street maintenance, such as paving, snow removal, stripping and zone enforcement as well as other city services which will be provided by the incorporation of the territory.

9. The development scheme of applicable land-use plan is consistent with incorporation of the territory.

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

11. The Petitioners constitute more than two-thirds of the registered voters of the proposed city, as indicated by the exhibits filed herein.

12. The number of residents within the proposed area is approximately 5,768.

13. There is an accurate map of the proposed city attached to the Petition and it is incorporated herein.

14. The Petitioners seek to incorporate the proposed city in order to provide services for the area through the media of a city government. These services include lighting, sanitation services, street maintenance, police protection and zoning enforcement.

15. Further, that 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 cohesiveness and neighborhood character of the community and enact ordinances for the common good of all in the area.

The Court further finds that at the present time the following facilities exist within the proposed city:

- (1) Petersburg Park
- (2) Newburg Middle School

- (3) Newburg Community Center
- (4) Sarah J. Price Elementary School; and,
- (5) Thomas Jefferson Middle School

The Court further finds that the following services currently exist within the territory:

(a) Fire protection is provided by volunteer fire departments such as the Black Mudd Volunteer Fire Department and the Buechel Volunteer Fire Department.

(b) Garbage removal is available only through private contractors on an individual fee basis.

(c) Road maintenance is provided by Jefferson County for some of the roads.

(d) The Jefferson County Police Department presently provides police protection.

(e) Storm and sanitation sewers are provided by the Metropolitan Sewer District.

(f) Water is provided by the Louisville Water Company.

(g) Gas and electricity are furnished by the Louisville Gas and Electric Company.

(h) Telephone service is furnished by South Central Bell Telephone Co.

The Court further finds that the Petitioners intend that the city, if incorporated, shall operate under the mayor-council form of government.

The Court further finds that the Petitioners' request for 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 is appropriate and they are:

<u>NAME</u>	<u>ADDRESS</u>	<u>OFFICE</u>
Darryl Smith	5306 Mansfield Court Louisville, KY 40218	Mayor
Benny Farrell	5206 Green Cove Circle Louisville, KY 40218	Council Member
Sylvester Monroe	4015 St. Francis Louisville, KY 40218	Council Member
Jessica Tucker	5102 Kilmer Boulevard Louisville, KY 40213	Council Member
Frank Robinson	5222 Delaware Drive Louisville, KY 40218	Council Member
Jeffrey Tinker	5320 Rookwood Avenue Louisville, KY 40218	Council Member
Martha Jane Rudolph	5202 General Lanc Louisville, KY 40213	Council Member
George Lee	4410 Indian Trail Louisville, KY 40218	Council Member
Earl Clayton	4402 Silver Leaf Drive Louisville, KY 40218	Council Member

The Court further finds that the Petition was docketed for hearing not less than twenty days from date of the filing of the Petition, and notice of the filing of the Petition and of its objections was given by publication

pursuant to KRS 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 October 14, 1982, such date being not less than seven nor more than twenty-one days prior to the last date to file objections to the Petition of October 22, 1982, and to the hearing date of October 28, 1982.

Now, therefore, the Court concludes as a matter of law that all standards and conditions for incorporation of the proposed City of Old Petersburg, Jefferson County, Kentucky, as a fourth-class city pursuant to KRS 81.050 through 81.060, both inclusive, have been met and the Court further concludes that the publication requirements of KRS 424 have been complied with and met. The Court further concludes that, the name the "City of Newburg" is available for use by the proposed City of Old Petersburg, such having become available by virtue of the Amended Judgment entered this day in In Re: The Proposed City of Newburg, Jefferson County, Kentucky, Ex Parte, 82-CI-06570, and that the proposed City Council and Mayor as the duly constituted representatives of the Petitioners prefer the name "City of Newburg" for use by the proposed City.

JUDGMENT

AND NOW, THEREFORE, THE PREMISES CONSIDERED, IT IS ADJUDGED, ORDERED AND DECREED, as follows:

1. This Court specifically rescinds its prior Findings of Fact with respect to the whole territory as initially described in the Petition styled In Re: City of Old Petersburg, Jefferson County, Kentucky, Ex Parte, Jefferson Circuit Court, Civil Action No. 82-CI-07756, which was entered December 6, 1982.

2. There is hereby incorporated and established in Jefferson County, Kentucky, the City of Newburg.

3. The metes and bounds description of the boundaries of the City of Newburg is as follows:

BEGINNING at the point of intersection with the centerline of Indian Trail and the North right-of-way line of Poplar Level Road, then northeast along the centerline of Indian Trail, 3408 feet+ to the intersection of said line and the northeasterly line of a tract conveyed to the Georgia Industrial Realty Company by deed of record in Deed Book 3199, Page 113; thence with the northeasterly line of said tract in a northwesterly direction to its intersection with the extended southeasterly line of a tract conveyed to the Al Campisano Distribution Company, Inc., by deed of record in Deed Book 5316, page 670; thence northeasterly along said southeasterly line 584.00 feet+ to the point of the southeast corner of said tract; thence continuing in the same line 793.18 feet+ to a point, said point also being on the northerly line of Abernathy Road; thence along said northerly line of Abernathy Road, 757+ feet to the P.C. of a curve to the left having a radius of 1430+ feet; thence along said curve the chord of which is 193.9 feet to the P.T.; thence continuing along said northerly line of Abernathy Road, 240+ feet to the aforesaid westerly right-of-way line of Petersburg Road; thence in a line parallel with the northerly line of Abernathy Road, if extended, in an easterly direction crossing Petersburg Road and Newburg Road, 500+ feet to its intersection with the easterly right-of-way line of Newburg Road; thence along the easterly right-of-way line of Newburg Road and its extension in a northerly direction, 500+ feet to its intersection with the aforesaid southerly right-of-way line of Southern Railroad; thence along

said right-of-way line of Southern Railroad in an easterly direction 3150+ feet, to the existing centerline of Old Shepherdsville Road; thence, in a southerly direction with said centerline of Old Shepherdsville Road, and the southerly right-of-way line of Southern Railroad, 73.5+ feet, to a point, (100 feet south of centerline main tracks); thence continuing along the centerline of Old Shepherdsville Road in a southerly direction 1633+ feet to the northwest corner of a tract conveyed to the Georgia Industrial Realty Company by deed of record in Deed Book 2801, Page 15; thence continuing from said point, across the South Fork of Beargrass Creek along the centerline of Old Shepherdsville Road a distance of 632.63+ feet, said point being a corner of the tract transferred by Deed of record to the Georgia Industrial Realty Company recorded at the Office of the Jefferson County Clerk in Deed Book 2801, Page 15; thence in a southeasterly line from said point (S 60 degrees 38 minutes 00 seconds w) a distance of 711.81+ feet to said line's intersection with the west right-of-way line of Heller Street; thence from said point of intersection in a southerly direction along the west right-of-way line of Heller Street 2099.39+ feet to the intersection of the centerline of Buechel Bank Road and the said west right-of-way line of Heller Street if extended to the centerline of Buechel Bank Road; thence in a westerly direction along the centerline of Buechel Bank Road 570+ feet to the westerly right-of-way line of Old Shepherdsville Road, thence with said right-of-way line of Old Shepherdsville Road, in a southerly direction 2,774+ feet to the northerly right-of-way line of Rural way; thence with said right-of-way line of Rural Way, in a westerly direction, 560+ feet, to the westerly right-of-way line of Red Leaf Drive; thence with said right-of-way line of Red Leaf Drive, in a northerly direction, 455+ feet to a point, said point being located on the northerly line of Rangeland Subdivision, Section One, as recorded in Plat Book 12, Page 86, in the County Clerk's Office of Jefferson County; thence leaving said right-of-way line of Red Leaf Drive, and along the northerly line of said Section One of Rangeland Subdivision, in a westerly direction, 3442+ feet to a point; thence with the westerly line of said Section One, of Rangeland Subdivision, in a southerly direction, 188+ feet to a point on the northerly line of Range Wood Subdivision, Section 2, as recorded in Plat Book 19, Page 60, in the County Clerk's Office of Jefferson County; thence with the northerly line of said Section 2, of Range Wood Subdivision, and Sections 3 and 1, as recorded respectively in Plat Book 19, Page 61, and Plat Book 18, Page 94, in said County Clerk's Office, in a westerly direction, 1,094+ feet to a point;

thence with the westerly line of said Section One, of Range Wood Subdivision, in a southerly direction, 1,793+ feet to a point, said point being the southeasterly corner of a tract of land, conveyed to the Board of Education in Deed Book 3735, Page 1, as recorded in the County Clerk's Office of Jefferson County; thence with a southerly line of said Board of Education Tract, in a westerly direction, 471+ feet to a point; thence, with an easterly line of said Board of Education Tract, in a southerly direction 269+ feet, to the northerly right-of-way line of Rangeland Road, (22 feet north of centerline); thence with said right-of-way line of Rangeland Road, in a westerly direction 406+ feet to a P.I.; thence, with said right-of-way line of Rangeland Road, in a westerly direction, 171+ feet to another P.I. (36 feet north of centerline); thence in a westerly direction, 90+ feet, said point being the intersection of the northerly right-of-way line of Rangeland Road, with the northeasterly right-of-way line of Poplar Level Road; thence northwesterly along said northeasterly line of Poplar Level Road to the point of beginning, containing 1139+ acres.

4. The population contained in the City of Newburg is approximately 5,768 and by reason of its population the City of Newburg shall be and is hereby assigned to the fourth class of cities.

5. The City of Newburg 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:

<u>NAME</u>	<u>ADDRESS</u>	<u>OFFICE</u>
Darryl Smith	5306 Mansfield Court Louisville, KY 40218	Mayor
Benny Farrell	5206 Green Cove Circle Louisville, KY 40213	Council Member

<u>NAME</u>	<u>ADDRESS</u>	<u>OFFICE</u>
Sylvester Monroe	4015 St. Francis Louisville, KY 40218	Council Member
Jessica Tucker	5102 Kilmer Blvd. Louisville, KY 40213	Council Member
Frank Robinson	5222 Delaware Drive Louisville, KY 40218	Council Member
Jeffrey Tinker	5320 Rookwood Avenue Louisville, Ky 40218	Council Member
Martha Jane Rudolph	5202 General Lane Louisville, Ky 40213	Council Member
George Lee	4410 Indian Trail Louisville, KY 40218	Council Member
Earl Clayton	4402 Silver Leaf Drive Louisville, KY 40218	Council Member

6. 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 Agreed Amended Findings of Fact, Conclusions of Law and 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.

Charles H. Anderson

 JUDGE

DATED: 3/18/83

ENTERED IN COURT

MAR 18 1983
PAULIE MILLER, Clerk
Paulie Miller
 Deputy Clerk
 BY pw