

NO. 83CI-06890

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OF JEFFERSON CIRCUIT COURT
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JEFFERSON CIRCUIT COURT
SECOND DIVISION

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SECRETARY OF STATE
COMMONWEALTH OF KY.

IN RE: CITY OF SPRING MILL,
JEFFERSON COUNTY, KENTUCKY,
EX PARTE

FINDINGS OF FACT, CONCLUSIONS OF LAW
JUDGMENT

This case came on for a hearing on December 14, 1983, at 9:00 A.M., on the application of the petitioners to incorporate a sixth class city of Jefferson County, Kentucky, to be known as the City of Spring Mill, and it appearing to the Court that no objections have been filed to the proposed incorporation and that notice of the hearing has been properly published pursuant to KRS 424 and the Court having considered the petition, 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 November 10, 1983, and November 25, 1983, such November 25, 1983, date not being less than seven or more than 21 days before the hearing date of December 14,

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1983. See Exhibit 1. Approximately 420 persons reside within the territory sought to be incorporated; there are 224 registered voters within the area proposed to be established as the City of Spring Mill and 172 of the registered voters have signed the petition for incorporation of the City of Spring Mill, Jefferson County, Kentucky, representing 77% 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 interest 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 35 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 420.

15. Attached hereto and incorporated herein is an accurate map of the proposed city. See Exhibit 5.

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 no public facilities exist within the proposed city:

18. The following services currently exist within the territory:

- a. Fire protection is provided by the Highview Volunteer Fire Department, which has backup contracts with other volunteer fire departments and for which the residents of the area pay taxes.

- 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 a private sanitation company, to-wit: Highview 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 Spring Mill 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 Spring Mill, 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 Spring Mill, Jefferson County, Kentucky.

| <u>Name and Address</u> | <u>Office</u> |
|--|---------------|
| DAVID EDERHEIMER 7203 Blazier Court Louisville, Kentucky 40228 | MAYOR |

| <u>Name and Address</u> | <u>Office</u> |
|--|---------------|
| JIM KESSINGER 7101 Peppermill Lane Louisville, Kentucky 40228 | COMMISSIONER |
| ROY L. TURNER 6909 Peppermill Lane Louisville, Kentucky 40228 | COMMISSIONER |
| PHYLLIS STEVENS 7212 Peppermill Court Louisville, Kentucky 40228 | COMMISSIONER |
| LARRY HERBERT 6904 Deep Spring Court Louisville, Kentucky 40228 | COMMISSIONER |
| MEL SUBLETT 7205 Blazier Court Louisville, Kentucky 40228 | COMMISSIONER |
| ROGER HINSON 6907 Deep Spring Court Louisville, Kentucky 40228 | 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 Spring Mill, 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 Spring Mill.

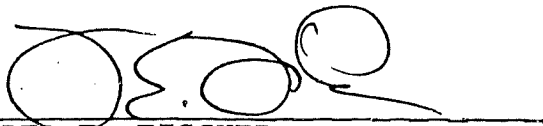
2. The metes and bounds description of the boundaries of the City of Spring Mill is as follows:

BEGINNING at a stone in the center of Vaughn Mill Road corner to Richard Carey and at the Southeast corner of Tract 2 conveyed to Eiler Nissen by deed dated April 13, 1924, and recorded in Deed Book 956, Page 552, in the Office of the Clerk of the County Court of Jefferson County, Kentucky; thence North 88 degrees 18 minutes West (by survey of Merritt Drane upon February 24, 1939, North 89 degrees 18 minutes West) 2,394 feet to a stone, corner to Richard Carey, Kaufman and M.J. Hammond; thence North 4 degrees 15 minutes West (by said survey North 4 degrees 30 minutes West) 670 feet; thence South 89 degrees 18 minutes East 2,322.18 feet to center line of Fegenbush Lane; thence with the center line of same South 10 degrees 15 minutes East 679.99 feet to the point of beginning, less portions of the above described property which were sold to Robert L. Fischer and Hesper C. Fischer, his wife, by deed dated August 24, 1946, and recorded in Deed Book 2156, Page 48, in the aforesaid Office and by deed dated March 18, 1955, recorded in Deed Book 3279, Page 294, in the aforesaid Office.

3. The population contained in the City of Spring Mill is 420 and by reason of its population the City of Spring Mill shall be and is hereby assigned to the sixth class of cities.

4. The City of Spring Mill 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 Spring Mill, Jefferson County, Kentucky.

Tendered by:

A handwritten signature in black ink, appearing to read 'Fred E. Fischer', written over a horizontal line.

FRED E. FISCHER
ATTORNEY FOR PETITIONER
401 Kentucky Home Life Building
Louisville, Kentucky 40202
589-6380