

AOC-79-060
Rev. 9-79

Commonwealth of Kentucky
Court of Justice



**CERTIFICATION
OF COURT RECORDS**

Case No. 81-CI-00864
County Jefferson
Court Circuit

RECEIVED

MAR 13 1981

SECRETARY OF STATE
COMMONWEALTH OF KY.

I, Paulie Miller Clerk of the Jefferson Circuit Court,
do certify that the following are true and correct copy(s) of the FINDINGS OF FACT
CONCLUSIONS OF LAW JUDGMENT entered March 10, 1981 and noted
on civil docket wherein City of Watterson Park, Jefferson
County, Kentucky EXPARTE Plaintiff vs _____

as recorded in the Office of the Circuit Clerk of Jefferson County.

In TESTIMONY WHEREOF witness my hand as Clerk aforesaid, this the _____
11th day of March 1981

Paulie Miller
Clerk

By: Mary Van Clue D.C.

FILED IN CLERK'S OFFICE

MAR 10 1981

PAULIE MILLER, Clerk

By L. Miller Deputy Clerk
JEFFERSON CIRCUIT COURT
DIVISION THREE (3)

CIVIL ACTION NO. 81-CI-00864

IN RE: City of Watterson Park,
Jefferson County, Kentucky,
EX PARTE

FINDINGS OF FACT
CONCLUSIONS OF LAW
JUDGMENT

This cause came before the Court on the ex parte application of the Petitioners to incorporate a fifth class city in Jefferson County, Kentucky to be known as "City of Watterson Park."

The Court has considered the petition, its supporting exhibits, and the affidavit of Norman R. Liebert, filed in support of the application for judgment and, having so considered such matters, makes the following Findings of Fact and Conclusions of law.

FINDINGS OF FACT

The Court finds as a matter of law that the following standards have been met:

1. At least 300 persons, and, specifically, approximately 1,119 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 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 is not unreasonably 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 any 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 500 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 2/3rds of the registered voters of the proposed city, as shown by the voter registration list attached to the Petition as Exhibit A.
14. The number of residents within the proposed city is 1,119.

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

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 that they may preserve the cohesive neighborhood character of the community.

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

- (a) Van Hoose Education Center
- (b) WKPC Television Studios
- (c) Jefferson County Works Department Yard

18. The following services currently exist within the territory:

- (a) Police protection is provided by the Jefferson County Police Department.
- (b) Fire protection is provided by the Camp Taylor Volunteer Fire Department and the Buechel Volunteer Fire Department.
- (c) Road maintenance is provided by Jefferson County, with respect to those roads constituting part of the county road system.
- (d) Garbage removal is presently available only through private contractors.
- (e) Storm and sanitary sewers are provided by the Metropolitan Sewer District.

- (f) Water is provided by the Louisville Water Company.
- (g) Gas and electricity are furnished by Louisville Gas and Electric Company.
- (h) Telephone service is furnished by South Central Bell Telephone Company.

19. The Petitioners intend that the City shall operate under the Mayor-Council form of government.

20. The Petitioners desire 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:

<u>Name and Address</u>	<u>Office</u>
Norman R. Liebert 4264 Regina Lane Louisville, KY 40213	Mayor
Joseph G. Welsh 1723 Larkmoor Lane Louisville, KY 40218	Council Member
Leroy O. Fox, Sr. 4400 Conaem Drive Louisville, KY 40213	Council Member
A.L. McLemore 1444 Gardiner Lane Louisville, KY 40213	Council Member
Lillian Wild 4320 Milldaun Road Louisville, KY 40213	Council Member
Norvin L. Gottula 1400 Gardiner Lane Louisville, KY 40213	Council Member

Gerald J. Raque
4255 Regina Lane
Louisville, KY 40213

Council Member

21. The Petition was docketed for hearing not less than 20 days from the date of filing of the Petition, and notice of the filing of the Petition and of its object was given by publication pursuant to KRS Chapter 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 February 24, 1981, such date being not less than 7 nor more than 21 days prior to the hearing date of March 10, 1981.

CONCLUSIONS OF LAW

The Court concludes, as a matter of law, that all standards and conditions for incorporation of the proposed City of Watterson Park, 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 likewise been met.

JUDGMENT

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

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

BEGINNING at the intersection of the north right-of-way line of the Southern Railroad with the original southwest right-of-way line of Newburg Road (40 feet), now known as Petersburg Road or Old Newburg Road; thence with said Southern Railroad right-of-way line in a westerly direction, 9,255 feet more or less to the northeast right-of-way line of Poplar Level Road (60 feet); thence with said line of Poplar Level Road in a northwesterly direction, 1,116 feet more or less to a point in the southeast right-of-way line of the Henry Watterson Expressway (I-264) - Poplar Level Road interchange; said point also being in the line of the corporate limits of the City of Louisville as established by Ordinance No. 93, Series 1956, approved by said City's Board of Aldermen April 25, 1956; thence with said right-of-way line and said corporate limits in a northeasterly direction, 1,960 feet more or less to a point in the line of the corporate limits of the City of Louisville as established by Ordinance No. 179, Series 1950, approved by said City's Board of Aldermen June 30, 1950; said point being 450 feet north of the north line of Schuff Avenue (now Gardiner Lane); thence eastwardly and northeastwardly with said corporate limits and with a line 450 feet north of and parallel with said line of Gardiner Lane, 1,740 feet more or less to a point in the east right-of-way line of Schuff Lane; thence in a southerly direction with said east right-of-way line and its projection crossing Gardiner Lane as improved in the process 550 feet more or less to its intersection with the westerly property line of the tract conveyed to the United States Postal Service by deed of record in Deed Book 4725, Page 555, in the office of the Clerk of the County Court of Jefferson County, Kentucky; thence in a southerly direction with said westerly property line 954 feet more or less to its intersection with a southerly property line of said last mentioned United States Postal Service tract; thence in an easterly direction with said southerly property line 1,345 feet more or less to its intersection with the easterly property line of said last mentioned United States Postal Service tract; thence in a northerly direction with said easterly property line 609 feet more or less to its intersection with another southerly line of said last mentioned United States Postal Service tract; thence in an easterly direction with said southerly property

line 367 feet more or less to its intersection with the westerly line of Robards Lane; thence in a northerly direction with said westerly line of Robards Lane 122 feet more or less to its intersection with the southerly property line of the tract conveyed to Sodrel Truck Lines, Inc. by deed of record in Deed Book 5179, page 133, in the aforesaid Clerk's office; thence westwardly with said southerly line of Sodrel Truck Lines, Inc. 180 feet more or less to its intersection with the westerly line of same; thence in a northerly direction with said westerly property line 832 feet more or less to its intersection with the northerly property line of the tract conveyed to the United States Postal Service by deed of record in Deed Book 4725, Page 475, in the aforesaid Clerk's office; thence in a westerly direction with said northerly property line and the northern property line of the tract conveyed to Lilly Elizabeth Matheis and Minnie Smith by deed of record in Deed Book 4294, Page 396, in the aforesaid Clerk's office, crossing Gardiner Lane, as improved, in the process, 979 feet more or less to its intersection with the westerly property line of the tract conveyed to Prudential Insurance Company of America by deed of record in Deed Book 4317, Page 62, in the aforesaid Clerk's office; thence in a northerly direction with the westerly property line of said Prudential Insurance Company of America tract 249 feet more or less to its intersection with the northerly property line of the tract conveyed to Commenco Corporation by deed of record in Deed Book 4345, Page 31, in the aforesaid Clerk's office; thence in a westerly direction with the northerly property line of said Commenco Corporation tract 170 feet more or less to its intersection with the corporate limits of the City of Louisville as established by Ordinance No. 179, Series 1950, hereinabove mentioned; said point being 450 feet northwest of the northwest line of Gardiner Lane; thence in a northeasterly direction with said corporate limits and a line 450 feet northwest of and parallel with the northwest line of Gardiner Lane, 1,320 feet more or less to its intersection with the corporate limits of the City of Louisville as established by Ordinance No. 93, Series 1956, said point also being in the southerly right-of-way line of the Henry Watterson Expressway (I-264); thence in an easterly direction with the line of the City of Louisville as established by said Ordinance

No. 93, Series 1956, said line also being the southerly right-of-way line of the Henry Watterson Expressway (I-264), 1,750 feet more or less to its intersection with the southerly right-of-way line of Newburg Road; thence in an easterly and southeasterly direction with the southerly and southwesterly right-of-way line of Newburg Road and its extension, the original southwesterly line of Newburg Road, now known as Petersburg Road or Old Newburg Road, being a total distance of 6,410 feet more or less to the point of beginning.

3. The population contained in the City of Watterson Park is 1,119, and by reason of its population the City of Watterson Park shall be and is hereby assigned to the fifth class of cities.

4. The City of Watterson Park 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 and Address</u>	<u>Office</u>
Norman R. Liebert 4264 Regina Lane Louisville, KY 40213	Mayor
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A.L. McLemore 1444 Gardiner Lane Louisville, KY 40213	Council Member

Lillian Wild
4320 Milldaun Road
Louisville, KY 40213

Council Member

Norvin L. Gottula
1400 Gardiner Lane
Louisville, KY 40213

Council Member

Gerald J. Raque
4255 Regina Lane
Louisville, KY 40213


Council Member

5. 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 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.

ENTERED IN COURT

ENTER: MAR 10 1981
DATE:
PAULIE MILLER, Clerk
By Paulie Miller
Deputy Clerk


Charles H. Anderson, Judge
3-10-81