

ORDINANCE NO. 055, SERIES 2014

AN ORDINANCE OF THE LOUISVILLE METRO COUNCIL TO APPROVE THE ANNEXATION BY THE CITY OF ST. MATTHEWS OF A TRACT OF LAND KNOWN AS SPRINGWOOD SUBDIVISION. (As Amended)

Sponsored By: President King and Councilmembers Yates, Downard, Fleming, Kramer, and Woolridge

WHEREAS, on December 10, 2013 the City of St. Matthews voted unanimously in favor of an ordinance to annex a tract of land with eleven (11) houses located on Springwood Lane and described hereafter as Springwood Subdivision;

WHEREAS, the boundaries of Springwood Subdivision are contiguous with the City of St. Matthews but not the former City of Louisville;

WHEREAS, a petition in support of the annexation by the City of St. Matthews was signed by all 11 homeowners of the Springwood Subdivision;

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

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";

WHEREAS, the City of St. Matthews filed a request on January 29, 2014 with the Office of the Metro Council Clerk requesting that the Louisville Metro Council approve the annexation of the Springwood Subdivision (see attached);

WHEREAS, the Louisville Metro Council members support the annexation of the Springwood Subdivision by the City of St. Matthews for the following reasons: (1) there are a limited number of houses involved in the proposed annexation; (2) the Springwood Subdivision is a small tract of land completely surrounded by and contiguous with the City of St. Matthews;

(3) the Springwood Subdivision is not contiguous with the boundary of the former City of Louisville; (4) the Springwood Subdivision is an unincorporated portion of Jefferson County and is not included within the boundary of another incorporated city besides the City of St. Matthews; (5) all of the homeowners in the Springwood Subdivision signed a petition in favor of annexation; (6) the City of St. Matthews currently provides municipal services and plans to continue to provide municipal services to the homeowners of the Springwood Subdivision; ~~and~~ (7) ~~there is a minimal loss of tax revenue to Louisville Metro Government;~~ (8) ~~there could be a cost savings to Louisville Metro Government by no longer being legally responsible for municipal services in the Springwood Subdivision;~~ (7) the Springwood Subdivision is suitable pursuant to KRS 81A.410 for annexation by the City of St. Matthews;


WHEREAS, Louisville Metro Council has been advised by legal counsel that KRS 67C.111(3) bars annexations by the City of St. Matthews until January 2015; and

WHEREAS, for the reasons stated above Louisville Metro Council wishes to proceed with approval of the City of St. Matthews' annexation ordinance to become effective upon the date provided in KRS 67C.111(3).


BE IT RESOLVED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (THE COUNCIL) AS FOLLOWS:

SECTION I: Metro Council hereby approves the annexation of the parcel known as Springwood Subdivision and adopted by the City of St. Matthews in its ordinance number 10-07 on December 10, 2013 (attached hereto) pursuant to its authority under KRS 67C.111(3).

SECTION II: This ordinance shall take effect on the date provided in KRS 67C.111(3).



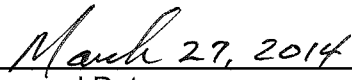
H. Stephen Ott
Metro Council Clerk



Approval Date



Jim King
President of the Council



Approval Date

APPROVED AS TO FORM:



Michael J. O'Connell
Jefferson County Attorney

Approval Date

Ordinance re Approval of St Matthews Annexation ROCsjm REV 13 March 2014
Ordinance re Approval of St Matthews Annexation ROCsjm/acb As Amended 21March 2014

**LOUISVILLE METRO COUNCIL
READ AND PASSED**
March 27, 2014

OFFICE OF METRO COUNCIL CLERK

RECEIVED

DATE 1/29/14 TIME: 1555

Original S. Clark

Telephone
(502) 583-2808

Fax 583-2029

E-Mail: fhaunz@att.net

CITY OF ST. MATTHEWS

Office of City Attorney

One Riverfront Plaza - Suite 2016

401 West Main Street

LOUISVILLE, KENTUCKY 40202-4284

Foster L. Haunz
Attorney

January 28, 2014

Louisville/Jefferson County Metro Council
City Hall
Louisville, Kentucky 402021

HAND DELIVERY

Your Honor:

I am delivering to you herewith the following in compliance with KRS 67C.111, as adopted by the 2000 General Assembly effective July 14, 2000, consolidated local government having been adopted by popular vote at the 1999 General Election:

1. Copy of City of St. Matthews Ordinance No. 13-07.
2. Attachment to ordinance being the signatures of the entire City Council of the City of St. Matthews;
3. Certification of ordinance by City Clerk, Susan Clark.
4. Evidence of newspaper publication of the above ordinance.
5. Copy of petition of 100% of the owners/residents of the annexation area.
6. Full sized plat of the annexation area as published with the subject ordinance.

We respectfully request the approval of the Louisville/Jefferson County Metro Council as seemingly required by KRS 67C111(3), the constitutionality of which is not conceded.

Mayor Bernard F. Bowling, Jr. and/or I would be happy to answer any questions you may have or to personally appear before the Council or any Committee thereof.

Yours very truly,

CITY OF ST. MATTHEWS


Foster L. Haunz, Attorney

FLH:hs

CITY OF ST. MATTHEWS

ORDINANCE NO. 13-07

AN ORDINANCE RELATING TO REQUESTING THE APPROVAL BY THE LOUISVILLE/JEFFERSON COUNTY METRO COUNCIL OF THE ANNEXATION BY THE CITY OF ST. MATTHEWS OF A TRACT OF LAND KNOWN AS SPRINGWOOD SUBDIVISION, WHICH LAND IS CONTIGUOUS WITH THE EXISTING BOUNDARY OF THE CITY OF ST. MATTHEWS, 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 St. Matthews seeks to annex the following described tract of land (with improvements) which tract is not contiguous with the boundary of the former City of Louisville; and

WHEREAS, One Hundred Percent (100%) of the residents and property owners residing within the annexation area have executed their written consent to the subject annexation by the City of St. Matthews; and

WHEREAS, the City of St. Matthews 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

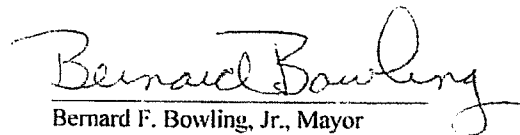
BE IT ORDAINED BY THE CITY OF ST. MATTHEWS as follows:

Section 1. The City of St. Matthews hereby seeks and requests the approval of the Louisville/Jefferson County Metro Council of the annexation of **Springwood Subdivision** less the area within 125 feet of the center line of Massie Avenue which is already in the City of St. Matthews, by the City of St. Matthews.

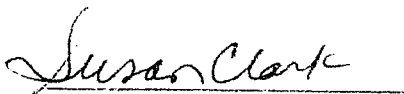
Section 2. This ordinance shall take effect upon its adoption and publication as required by law.

Introduction and first reading held at a regular meeting of the City Council held this 26th day of November, 2013.

Second reading, passed and approved, December 10, 2013.


Bernard F. Bowling, Jr., Mayor

ATTEST:


Susan Clark, City Clerk

Voting Record:

	Y	N		Y	N
<u>Arthur K. Draut</u> Arthur K. Draut	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Frank Flynn</u> Frank Flynn	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Stuart Monohan</u> Stuart Monohan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Mary Jo Nay</u> Mary Jo Nay	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Martha Schade</u> Martha Schade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Rick Tonini</u> Rick Tonini	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Tony Weiter</u> Tony Weiter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Pat Wissing</u> Pat Wissing	<input checked="" type="checkbox"/>	<input type="checkbox"/>

I, Susan Clerk, hereby certify that I am the duly appointed and acting City Clerk of the City of St. Matthews and that the vote on this ordinance was as above checked and I hereby certify that this is a true copy of City of St. Matthews Ordinance No. 13-07, adopted by the City Council on December 9, 2013.

Dated this 10 day of December, 2013.

Susan Clark
Susan Clark, City Clerk

CITY OF ST. MATTHEWS

ORDINANCE NO. 13-07

AN ORDINANCE RELATING TO REQUESTING THE APPROVAL BY THE LOUISVILLE/JEFFERSON COUNTY METRO COUNCIL OF THE ANNEXATION BY THE CITY OF ST. MATTHEWS OF A TRACT OF LAND KNOWN AS SPRINGWOOD SUBDIVISION, WHICH LAND IS CONTIGUOUS WITH THE EXISTING BOUNDARY OF THE CITY OF ST. MATTHEWS, 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 St. Matthews seeks to annex the following described tract of land (with improvements) which tract is not contiguous with the boundary of the former City of Louisville; and

WHEREAS, One Hundred Percent (100%) of the residents and property owners residing within the annexation area have executed their written consent to the subject annexation by the City of St. Matthews; and

WHEREAS, the City of St. Matthews 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

BE IT ORDAINED BY THE CITY OF ST. MATTHEWS as follows:

Section 1. The City of St. Matthews hereby seeks and requests the approval of the Louisville/Jefferson County Metro Council of the annexation of Springwood Subdivision less the area within 125 feet of the center line of Massie Avenue which is already in the City of St. Matthews, by the City of St. Matthews.

Section 2. This ordinance shall take effect upon its adoption and publication as required by law.

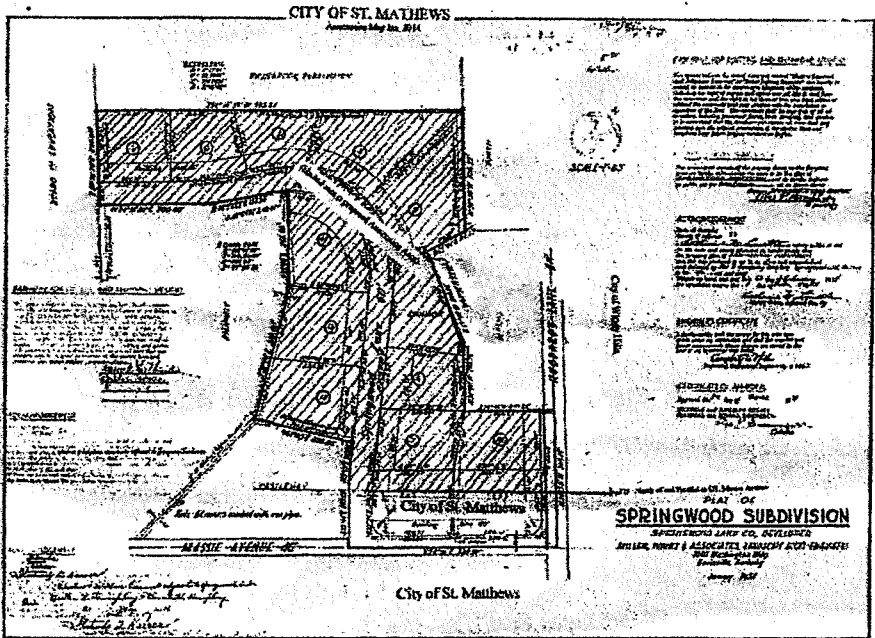
Introduction and first reading held at a regular meeting of the City Council held this 26th day of November, 2013.

Second reading, passed and approved, December 10, 2013.

Bernard F. Bowling, Jr., Mayor

ATTEST:

Susan Clark, City Clerk



CJ-0000368833

PETITION IN SUPPORT OF ANNEXATION TO THE CITY OF ST. MATTHEWS

Whereas, Springwood Lane consists of eleven (11) lots;

Whereas, as shown below, more than 51% of the owners desire to be annexed into the City of St. Matthews;

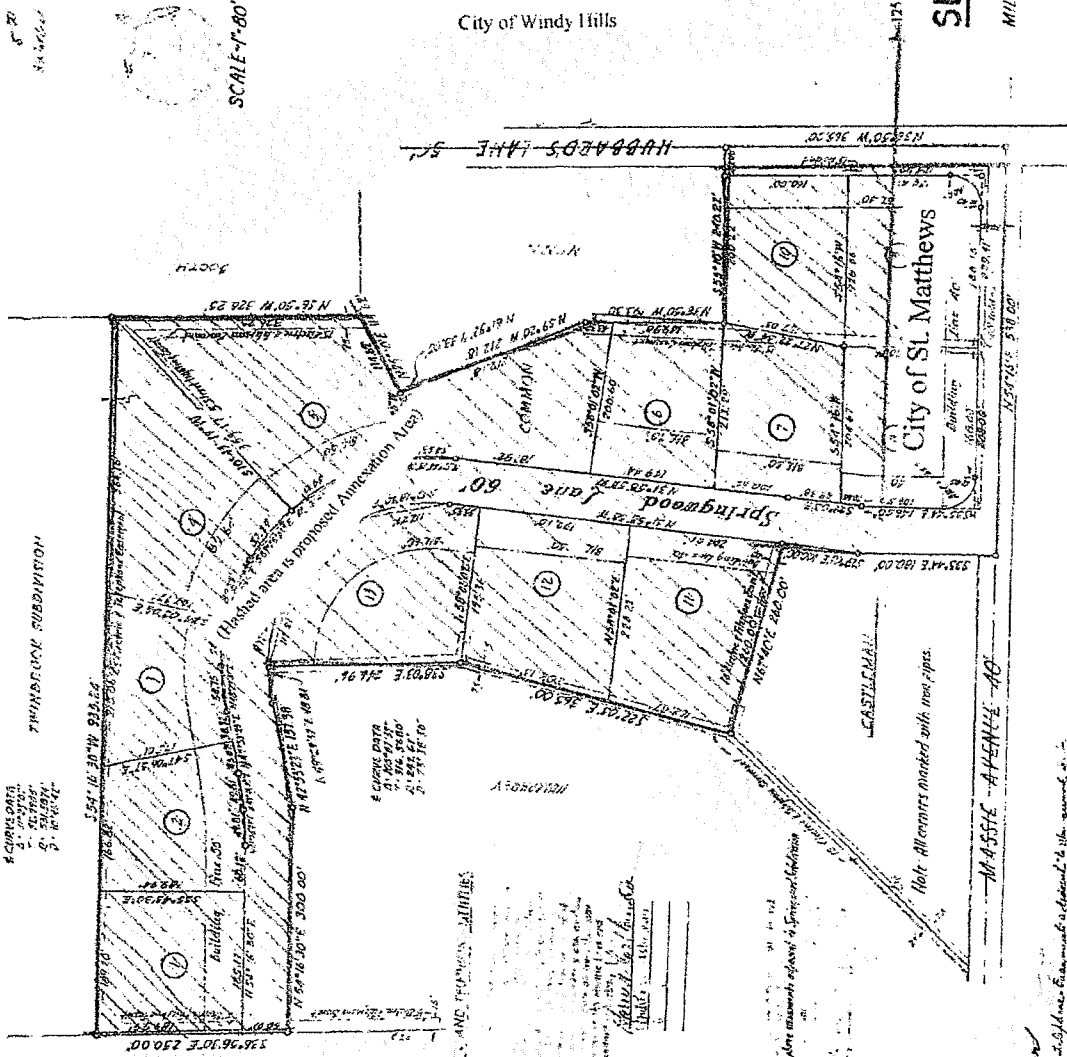
Q. Are you in favor of annexing your residence into the City of St. Matthews?

<u>Yes or No</u>	<u>Owner(s)</u>	<u>Address</u>	<u>Signature(s)</u>
<u>Yes</u>	Anne A. Lewis	403 Springwood Ln.	<u>Anne A. Lewis</u>
<u>Yes</u>	Nelson Bentley	404 Springwood Ln.	<u>Nelson Bentley</u>
<u>Yes</u>	Leroy Squires	405 Springwood Ln.	<u>Leroy Squires</u>
<u>Yes</u>	Chris & Dawn Mooser	406 Springwood Ln.	<u>Chris & Dawn Mooser</u>
<u>Yes</u>	Springwood Sub. Own. Asso.	407 Springwood Ln.	<u>Springwood Sub. Own. Asso.</u>
<u>yes</u>	Barbara Miller	408 Springwood Ln.	<u>Barbara Miller</u>
<u>yes</u>	William and Valarie Seng	409 Springwood Ln.	<u>William and Valarie Seng</u>
<u>yes</u>	David & Marjory Fry	411 Springwood Ln.	<u>David & Marjory Fry</u>
<u>yes</u>	Chris & Angela Morris	413 Springwood Ln.	<u>Chris & Angela Morris</u>
<u>YES</u>	Carl and Carol Webster CAROLINE DEWICK	415 Springwood Ln.	<u>Caroline Dewick</u>
<u>YES</u>	Creel Brown, Trustee	416 Springwood Ln.	<u>Creel Brown</u>
<u>Yes</u>	David White & Leslie Shell	417 Springwood Ln.	<u>David White & Leslie Shell</u>

RECEIVED
JUN 25 2011

BY: BC

CITY OF ST. MATTHEWS
Annexation Map Jan 2014



ENSEMBLE FOR ELECTRIC AND TELEPHONE UTILITIES

The spaces indicated by dotted lines and marked "Electric Frames" and "Telephone Equipment" or "Street Lighting Equipment" are hereby reserved for the electric and telephone utility purposes, including the installation of poles, lines, conduits, and other appurtenances, and the right to use such spaces shall be held in trust for the electric and telephone utility companies. The developer shall be held responsible for all such installations, including the installation of poles, lines, conduits, and other appurtenances, and the developer shall be held responsible for the proper use of the same. The developer shall be held responsible for the proper use of the same. The developer shall be held responsible for the proper use of the same.

ACKNOWLEDGEMENT

I, the undersigned, do hereby certify that the foregoing is a true and correct copy of the original plat as the same appears on file in the office of the Recorder of Deeds for the County of Jefferson, Missouri, and that the same has been duly recorded in the office of the Recorder of Deeds for the County of Jefferson, Missouri, on this 15th day of January, 1954.

John P. Wherry, Jr.
Secretary

ENGINEER'S CERTIFICATE

I hereby certify that the annex for this plan was drawn under my supervision and that the annex and all other matters herein shown are correct to the best of my knowledge and belief.

Charles E. Miller
Registered Professional Engineer No. 1142

CERTIFICATE OF APPROVAL

Approved this 20th day of January, 1954

James H. Wherry, Jr.
Mayor

SPRINGWOOD SUBDIVISION

SPRINGWOOD LAND CO., DEVELOPER

MILLER, WHERRY & ASSOCIATES, LANDSCAPE ARCHITECTS-ENGINEERS

1501 Washington Bldg.
Louisville, Kentucky

January 1954

City of St. Matthews

City of St. Matthews

BOARD OF EDUCATION

PASSED AND APPROVED

1954

Not All corners marked with iron pipes.

1954

1954

1954

1954

1954