



November 9, 2021

Louisville Metro Council  
601 W. Jefferson Street  
Suite 101  
Louisville, KY 40202

**Re: Proposed annexation of Kirby Estates by the City of Jeffersontown**

Dear members of Metro Council:

Thank you for the opportunity to comment on the City of Jeffersontown's request for Metro Council's approval to annex an area commonly known as "Kirby Estates." I am writing on behalf of the Louisville and Jefferson County Metropolitan Sewer District (hereinafter "MSD") to ensure that all parties to the proposed annexation are aware of MSD's drainage assets located within the subject area and to address MSD's continuing rights and responsibilities to provide drainage services to Kirby Estates, regardless of annexation by Jeffersontown.

**History and Background of MSD Drainage Service to Kirby Estates**

Pursuant to KRS Chapter 76, which allows for the establishment of metropolitan sewer districts, MSD was created in 1946 by the adoption of an enabling municipal ordinance. MSD's purpose, among other things, was to promote the public health through adequate sewer and drainage facilities. KRS 76.010. To accomplish this, MSD was granted possession, jurisdiction and control of the then-existing sewer and drainage systems of the City of Louisville and Jefferson County. KRS 76.070.

In the years following MSD's creation, the City of Louisville and Jefferson County experienced industrialization and commercialization, as well as attendant residential development. The drainage facilities and systems originally transferred to MSD were inadequate to service the needs of the developing city and county. Separately, the city of Louisville, Jefferson County, and MSD constructed additional storm and surface water drainage facilities. This required each entity to develop maintenance programs for facilities, purchase equipment and retain support personnel.

On December 23, 1986, in recognition of a "particular public need," the City of Louisville, Jefferson County, and MSD entered into an Agreement of Interlocal Cooperation (hereinafter the "Interlocal Agreement") to establish a "single authority for planning, acquisition, improvement, construction, inspection, development, installation, modification, management, operation, maintenance, repair, replacement, control, demolition, abandonment, regulation, and funding of Storm and Surface Water Drainage services, systems and Facilities in the interest of protecting, preserving and enhancing the public safety and welfare . . ." (Interlocal Agreement, p. 2). The parties deemed it "essential" that these rights and authority be vested in MSD. (*Id.*). The drainage authority established by the Interlocal Agreement was co-extensive with and placed under the control of the agency.

The effect of the Interlocal Agreement was to expand MSD's drainage service area and transfer all storm and surface water drainage and flood control responsibilities within that geographic area to MSD. The expanded "Drainage Service Area" included "unincorporated areas within the County." In accordance with KRS 76.175, MSD annexed all the unincorporated areas of Jefferson County into the Drainage Service Area, which included Kirby Estates the subject of Jeffersontown's annexation request. (Exhibit 1, Drainage Service Area Boundary Description, with subject area highlighted).

Larger cities within the county were excluded from the Drainage Service Area and remained responsible for providing drainage services to the residents within their respective jurisdictions. Among the cities not included in the MSD Drainage Service Area was Jeffersontown.<sup>1</sup>

MSD has provided drainage service to Kirby Estates since its inclusion in the Drainage Service Area and is the subdivision's current drainage services provider. MSD's drainage infrastructure in the area includes, but is not limited to, catch basins, ditches and channels, storm main pipes, and storm node pipes. MSD has worked diligently to maintain this infrastructure, employing equipment and personnel in the performance thereof, as needed. MSD has engaged in at least one "special project" in Kirby Estates, to replace pipes and repair erosion.

### **Mechanisms for Funding MSD Drainage Services**

MSD is not authorized to levy ad valorem taxes upon property to fund its operations. KRS 76.140. Rather, MSD funds its operations by collecting "rates, rentals, and charges" from the real property served by its facilities. KRS 76.090(1).

To fund capital projects, MSD issues bonds. "All the bonds, including interest, are payable solely from and secured only by the revenues of the district realized through the collection of rates, rentals, and other charges, imposed for use of the facilities of the district." KRS 76.150(2). For this reason, it is important to MSD's operations and its present and future ability to service bond repayment that its service base and its collection of rates, rentals, and other charges remain consistent.

The property owners of Kirby Estates are currently rate payers of MSD. The rates, rentals, and charges they pay go to fund MSD's operations, including its repayment of bonds.

### **MSD has the Responsibility and the Right to Continue to Provide Drainage Services to Kirby Estates, and Collect Corresponding Service Charges, Regardless of Annexation by Jeffersontown**

By virtue of KRS 76.080 and the Interlocal Agreement, MSD is charged with providing drainage services to Kirby Estates in the furtherance of the public health. MSD has faithfully discharged this duty. As recognized in the Interlocal Agreement there is "public need" to establish a "single authority" for drainage services to the greatest extent possible in Jefferson County and it is "essential" that this authority be MSD. (Interlocal Agreement, p. 2). The consolidation of drainage

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<sup>1</sup> Initially, these areas were Anchorage, Douglass Hills, Hurstborne, Jeffersontown, Lyndon, Middletown, Newburg, Prospect, St. Matthews, St. Regis Park, and Shively. Eventually, all of these areas except Anchorage, Jeffersontown, St. Matthews, and Shively would become part of MSD's Drainage Service Area either by annexation or by agreement.

services under MSD promotes uniform control over drainage and flood protection in Jefferson County.

This is particularly important given Louisville's status as a "participating community" in the National Flood Insurance Program, which allows residents to purchase flood insurance at more favorable rates. MSD is the "administering agency" for the city's Floodplain Management program and is responsible for the development of the master, regional plan for storm water drainage. To achieve a comprehensive and unified drainage and flood management program, it is important that MSD retain control over the drainage facilities of as much of the county and region as possible. MSD's continued provision of drainage services to Kirby Estates is not only important to effectuating the federal policy of establishing comprehensive flood management programs, but also promoting the state policy of public health through adequate drainage and the objectives of the Interlocal Agreement.

In fact, MSD has vested statutory and common law rights to continue drainage service to Kirby Estates and collect rates, rentals, and charges from the serviced properties, which cannot be impaired by Jeffersontown's annexation. Kentucky law recognizes an existing utility's "dominant right to render service" within an annexed territory. *See*, KRS 96.538.<sup>2</sup> Kentucky protects both physical infrastructure and the right to provide continued services and collect fees from infringement by annexation. *See, Pewee Valley Fire Prot. Dist. v. S. Oldham Fire Prot. Dist.*, 570 S.W.2d 290, 292 (Ky. Ct. App. 1978)(calling it "unreasonable and impractical" to allow for annexation of territory where no provision had been made for any compensation or assumption of liabilities and debts); *Louisville and Jefferson County Metropolitan Sewer District v. Sanitation District No. 1 of Jefferson County*, 353 S.W.2d 196 (Ky. App. 1961)(recognizing the right to "continued operation . . . of its system within the area to the extent and for the period necessary to retire its bonds chargeable against the property in the annexed area.")

KRS 81A.490<sup>3</sup> expressly preserves "all rights of the utilities providing utility services in any area annexed by a city prior to annexation, existing under other statutes, laws, or regulations . . ." As set forth, MSD is authorized pursuant to KRS 76.080 to establish, construct, operate, and maintain the drainage system of the district and to collect rates and other charges for services rendered. MSD is similarly authorized by the Interlocal Agreement to provide drainage services within the Drainage Services Area, which was defined to include Kirby Estates, and collect certain fees including storm drainage services charges, permit and inspection fees, direct charges, etc. MSD has vested and superior rights under Kentucky statutory and common law to continue to provide drainage services to Kirby Estates and to collect authorized rates, rentals, and charges from the properties it services. Jeffersontown cannot impair these rights by its annexation of Kirby Estates.

### **Recommendation**

Consistent with KRS 81A.490 and Kentucky's long-standing policy favoring the rights of existing utility providers in annexed territories, Metro Council should include in any ordinance approving Jeffersontown's request to annex Kirby Estates language confirming that all rights of any utility

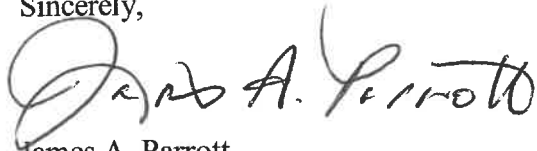
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<sup>2</sup> Statute found unconstitutional on other grounds.

<sup>3</sup> KRS 67C.111 provides that Jeffersontown should "proceed[] under the provisions of KRS Chapter 81A" upon approval of its request for annexation by Metro Council.

presently providing services in the subject area, including MSD, are expressly preserved, including but not limited to their right to continue to provide services and collect rates, rentals, or fees in exchange therefor.

Sincerely,

A handwritten signature in black ink, appearing to read "James A. Parrott". The signature is fluid and cursive, with a large initial "J" and "P".

James A. Parrott  
Executive Director

cc: Travis J. Fiechter  
Assistant County Attorney

Beginning at the intersection of the centerline of KY 44 and Pond Creek, then northeast with the centerline of Pond Creek to its intersection with the centerline of Snyder Freeway (KY 841), then northeast with the centerline of Snyder Freeway (KY 841) to its intersection with Manslick Road (KY 2055), then southeast with the centerline of Manslick Road (KY 2055) to its intersection with the centerline of Keys Ferry Road and continuing southeast with the centerline of Keys Ferry Road to its intersection with the centerline of Mitchell Hill Road, then continuing south with the centerline of Mitchell Hill Road to its intersection with the centerline of Holsclaw Hill Road, then southeast with the centerline of Holsclaw Hill Road to its intersection with the southern boundary line of Jefferson County, then northeast with the boundary line of Jefferson County to its intersection with the L. & N. Railroad tracks, said tracks being 100 feet more or less west of South Park Road, then with the L. & N. Railroad tracks northwest to its intersection with the centerline of Fairdale Road, then northeast with the centerlines of Fairdale Road and South Park Road to its projected intersection with the Snyder Freeway (KY 841), then east with the centerline of Snyder Freeway (KY 841) to its intersection with the centerline of Interstate 65, then south with the centerline of Interstate 65 to the southern boundary line of Jefferson County, then east with the boundary line of Jefferson County to its intersection with a southward projection of the centerline of Cedar Creek Road (KY 864), then north with the centerline of Cedar Creek Road to its intersection with the centerline of Cooper Chapel Road, then continuing north with the centerline of Cooper Chapel Road to its intersection with the centerline of Beulah Church Road, then north with the centerline of Beulah Church Road to its intersection with the centerline of the Snyder Freeway (KY 841), then northeast with the centerline of the Snyder Freeway (KY 841)



to its intersection with Billtown Road, then northwest with the centerline of Billtown Road to the southern boundary line of Jeffersontown corporate limits, then west along the south boundary of Valley Park Subdivision as recorded in Plat Book 22, Page 15, then north along the west boundary of Wood Valley Park Subdivision as recorded in Plat Book 28, Page 55, then north crossing Watterson Trail to the south boundary of Watterson Lea Subdivision, Section 1, as recorded in Plat Book 27, Page 78, then west along the southernmost boundary of Watterson Lea Subdivision, Section 2, as recorded in Plat Book 22, Page 94, to the intersection of Watterson Lea Subdivision, Section 3, as recorded in Plat Book 22, Page 95, then south with the boundary of Section 3 to its intersection with Locust Lane, then west with the north right-of-way of Locust Lane, then west along the south boundary of Jefferson County Board of Education property as recorded in Tax Map 494, Parcel Numbers 30, 31, 32 and 33, then north with the west property line of said school property to the south boundary of Watterson Lea Subdivision, Section 4, as recorded in Plat Book 27, Page 79, then west to the centerline of Longview Road, then north along the east boundary of Hill Ridge East Subdivision, Section 3, as recorded in Plat Book 32, Page 43, then north along the east boundary of Hill Ridge East Subdivision, Section 4, as recorded in Plat Book 33, Page 43, then north along the east boundary of Hill Ridge East Subdivision, Section 5, as recorded in Plat Book 34, Page 53, then west along the northernmost boundary of Hill Ridge East Subdivision, Section 5, which is common to the south boundary of Hill Ridge East Subdivision, Section 6-A, then north along the westernmost boundary of Hill Ridge East Subdivision to the south boundary of Berkshire Terrace Subdivision, Section 3-A, as recorded in Plat Book 28, Page 72, then west along the south boundary of Greenbriar Subdivision, Section 1, as recorded in Plat Book 26, Page 10, Plat Book 27, Page 80, and Plat Book 28, Page 21, then north with the westernmost boundary to the intersection of Six Mile Lane, Kirby Lane and Galene Drive, then north with the centerline of Six Mile Lane to the intersection of Raintree Drive, then east with the boundary of Highland Hills Subdivision, Section 2, as recorded in Plat Book 24, Page 5, then north with the boundary of said Subdivision to the intersection of Old Six Mile Lane, then southeast with the centerline of Old Six Mile Lane to the westernmost boundary of Highland Hills Subdivision as recorded in Plat Book 21, Page 45, then north with the former boundary of the City of Jeffersontown to the intersection of Six Mile Lane, then east northeast with said city boundary crossing Taylorsville Road, then northeast to the boundary of Highland Beeches Subdivision, Section 1, as recorded in Plat Book 11, Page 86, then



northeast with the boundary common to the Highland Beeches Subdivision, Section 5, as recorded in Plat Book 20, Page 13, then northeast with the boundary of Highland Beeches Subdivision, Section 2, as recorded in Plat Book 12, Page 99, to the boundary of Devonshire Subdivision, as recorded in Plat Book 10, Page 73, then southeast to the westernmost boundary of Bluegrass Estates Subdivision, as recorded in Plat Book 22, Page 53 and Plat Book 22, Page 54, then north with said line to the west boundary of Embassy Square Subdivision, Section 1, as recorded in Plat Book 30, Page 48, then north with said boundary to the intersection of Embassy Square Boulevard, then northeast with the boundary of Embassy Square Subdivision, as recorded in Plat Book 30, Page 48, to Bluegrass Research and Industrial Park as re-recorded in Plat Book 24, Page 16, then northeast to the boundary of Bluegrass Research and Industrial Park, as revised in Plat Book 28, Page 26, following said boundary to the north right-of-way line of Bluegrass Parkway which is common to the south right-of-way line of Interstate 64 to the intersection of Production Court, then north to the north right-of-way line of Interstate 64 to the west boundary of Plainview Subdivision, Section 21, as recorded in Plat Book 34, Page 6, then north with said boundary crossing Linn Station Road and proceeding north to Plainview Subdivision, Section 8, as recorded in Plat Book 32, Page 3, then east with the boundary common to Plainview Subdivision, Section 8 and 21 to Woodcroft Subdivision as recorded in Plat Book 29, Page 39, then north along the common boundary between Plainview, Section 8 and Woodcroft Subdivision, then east northeast along the south boundary of Douglas Hills Subdivision, Section 13, as recorded in Plat Book 31, Page 54, and Plat Book 31, Page 92, to Moser Road, then with the centerline of Moser Road to the south boundary of Douglas Hills Subdivision, Section 11, as recorded in Plat Book 31, Page 53, then east northeast along the south boundaries of Douglas Hills Subdivision, Section 12-A, as recorded in Plat Book 32, Page 2, Section 12-B, as recorded in Plat Book 32, Page 76, Section 8, as recorded in Plat Book 26, Page 45, then north with the east boundary of Section 8 to the southernmost boundary of Douglas Hills, Section 5, as recorded in Plat Book 26, Page 44, then east to the intersection of Watterson Trail, then east with the centerline of Watterson Trail, to the intersection of Bruner Hill Road then east along the north boundary of Running Creek Estates, Section 1, as recorded in Plat Book 31, Page 21 in the City of Douglas Hills, then south with the boundary of Section 1 to the north boundary of Running Creek Estates, Section 2, as recorded in Plat Book 31, Page 22, then east northeast with the boundary of Section 2 to the intersection of Tucker Station Road, then south with

the east right-of-way line of Tucker Station Road to the southernmost boundary of Brookwood Subdivision, as recorded in Plat Book 22, Page 82 and Plat Book 27, Page 4, then east along said boundary to the westernmost boundary of Woodland Hills Subdivision, as recorded in Plat Book 12, Page 98, then southeast along the Woodland Hills boundary to the northeast right-of-way line of Tucker Station Road and continuing south along the east right-of-way line which is common with the westernmost boundary of Crosscreeke Subdivision, Section 1, as recorded in Plat Book 20, Page 90, then southeast with the centerline of North Pope Lick Road to the intersection of Crosscreeke Subdivision, Section 2, as recorded in Plat Book 25, Page 48, then east northeast along said boundary which is common with the north right-of-way line of Urton Lane, then northeast with the east boundary of Crosscreeke Subdivision, Section 3-A, as recorded in Plat Book 26, Page 83, then proceeding northeast with the east boundary of Crosscreeke Subdivision, Section 1, as recorded in Plat Book 20, Page 90, to the southwest corner of Towne Creeke Park Subdivision, Section 2-A, as recorded in Plat Book 34, Page 54, then northeast with the south boundary of Towne Creeke Park Subdivision, Section 2-A, then north northwest with the boundary of Towne Creeke Park Subdivision, Section 2-B, as recorded in Plat Book 34, Page 77, then southwest with the boundary to Towne Creeke Park Subdivision, Section 2-C, as recorded in Plat Book 34, Page 56, then northeast with said boundary to the centerline of US 60, Shelbyville Road, then with said centerline northwest to the intersection of a lot described as Tax Block 23-X, Lot 316, then northeast along a private roadway and continuing northeast along the northwest property line of Tax Block 23-X, Lot 340, to the south boundary of Woodside Acres Subdivision, as recorded in Plat Book 11, Page 97, then east northeast with said boundary to a line common with the Holiday Hills Subdivision, Section 1, as recorded in Plat Book 16, Page 17, then north with said line to the southwest corner of Holiday Hills Subdivision, Section 3, then southwest with the north boundary of aforementioned Woodside Acres to a point in Evergreen Heights Subdivision, as recorded in Plat Book 3, Page 10, then north following the common property line between Lot numbers 41 and 42 of Tax Block number 296, north to Brinley Avenue, then north with the property line common to Lot numbers 29 and 30 of said tax block, to a twelve-foot alley, then north with the property line common to Lot numbers 16 and 17 of said tax block to the north right-of-way line of Old Henry Road, then northeast with the north right-of-way line of Old Henry Road to the easternmost property boundary of Tax Block 295, Lot 51, then north with said east boundary 254



feet, then east along the north boundaries of Lot Numbers 51, 56, 58 and 62 of Tax Block 295 to the east right-of-way of Evergreen Avenue, then northwest along the east right-of-way line of Evergreen Avenue to its intersection with Log Cabin Lane, then southwest 30 feet (more or less) to the west right-of-way line of Evergreen Avenue, then proceeding northwest along the west right-of-way line of Evergreen Avenue to the northernmost boundary of Anchor Estates Subdivision as recorded in Plat Book 15, Page 19, then west along said north boundary of said subdivision then northwest along the easternmost boundary of Anchor Estates as recorded in Plat Book 15, Page 19 to the easternmost boundary of Anchorage Woods Subdivision, as recorded in Plat Book 35, Page 16, then north to the northernmost boundary of Anchorage Woods, as recorded in Plat Book 35, Page 16, then west to the intersection of the north boundary of Anchorage Woods Subdivision and Bellewood Avenue, then southeast along the east right-of-way line of Bellewood Avenue to its intersection with Beech Avenue, then southwest along the south right-of-way line of Beech Avenue to the intersection of Old Harrods Creek Road, then northwest along the east right-of-way of Old Harrods Creek Road to the intersection of LaGrange Road, then northwest along the centerline of LaGrange Road to the westernmost boundary of the corporate limits of the City of Anchorage, then following the northwesterly boundaries of the City of Anchorage to Garr Avenue, then northeast along the south right-of-way line of Garr Avenue to a point 300 feet (more or less) west of Evergreen Avenue, then northeast along the Anchorage City boundary to the intersection of Lakeland Road, then northeast 800 feet (more or less) along the northernmost boundary of Anchorage to the intersection of the south centerline of the Snyder Freeway, then northwest with the Snyder Freeway (KY 841) to its projected intersection with US 42, then south with the centerline of US 42 to its intersection with the centerline of Wolf Pen Branch Road, then west with Wolf Pen Branch Road to its intersection with River Road, then southwest with River Road to its intersection with Mockingbird Valley Road, then northwest with a projection of Mockingbird Valley Road to its intersection with the southern edge of the normal pool of the Ohio River's Louisville Upper Pool then meandering westwardly with said normal pool line to its intersection at McAlpine Dam with the normal pool of Louisville's Lower Pool, then continuing to meander westerly with the normal pool line of Louisville's Lower Pool to its intersection with the Mill Creek Cut Off, said creek being adjacent to an L.G.&E. Power Plant near the intersection of Lower Hunter's Trace and Lower River Road, then southeasterly with the Mill

Creek Cut Off to the centerline of the Flood Protection Levee, then southeasterly with the centerline of the Flood Protection Levee and appurtenant gate structures to its intersection with KY 44, then east with KY 44 to its intersection with Pond Creek, the point of beginning.

And including additional recorded subdivisions as follows:

1. The Beulah Church Road Development as recorded in Plat Book 32, Page 5 - Section 1, Plat Book 32, Page 68 - Section 2, Plat Book 32, Page 93 - Section 3 and Plat Book 33, Page 75 - Section 4.
2. The Lake of the Woods Subdivision as recorded in Plat Book 32, Page 29 - Section 1, Plat Book 32, Page 30 - Section 2, and Plat Book 32, Page 31 - Section 3.
3. The English Station Subdivision as recorded in its entirety in Plat Book 33, Page 53.
4. The Copperfield Subdivision as recorded in Plat Book 34, Page 82 - Section 1, Plat Book 35, Page 14 - Section 2, Plat Book 35, Page 29 - Section 3, Plat Book 35, Page 59 - Section 4A and 4B, and other sections as expanded.
5. The Beckley Woods Subdivision as recorded in Plat Book 31, Page 47, Plat Book 31, Page 48, Plat Book 31, Page 49, Plat Book 32, Page 63, Plat Book 32, Page 64, Plat Book 34, Page 22 and other sections as expanded.
6. The Ken Carla Vista Subdivision as recorded in Plat Book 24, Page 31 and Plat Book 25, Page 11.
7. The Shadow Wood Subdivision as recorded in Plat Book 24, Page 25.
8. The Harbour at Harrods Creek as recorded in Condo Plat Book 21, Pages 1-12.
9. The Berrytown Subdivision as recorded in Plat Book 31, Page 58, and revised in Plat Book 32, Page 86, and including all of the area bounded on the east by English Station Road on the west by LaGrange Road and on the south by Avoca Road.

#### Hite Creek Area

10. The Hickory Hollow Subdivision as recorded in Plat Book 32, Page 6.

11. The Bluegrass Fields Subdivision as recorded in Plat Book 31, Page 91 - Section 1, and Plat Book 32, Page 8 - Section 2.

12. The Sevenoaks Subdivision as recorded in Plat Book 27, Page 52 - Section 1-A, Plat Book 28, Page 52 - Rev. Section 1-A, Plat Book 27, Page 53 - Section 1-B, and Plat Book 29, Page 59 - Section 2.

13. The Fincastle West and East Subdivisions as recorded in Plat Book 26, Page 67 - Section 1-A-1, Plat Book 26, Page 68 - Section 1-A-2, and Plat Book 28, Page 15 - Section 1-B, Plat Book 29, Page 2 - Section 1-C, Plat Book 30, Page 37, Plat Book 30, Page 36 - Section 1-D, Plat Book 30, Page 38, Plat Book 30, Page 39 - Section 1-E, Plat Book 31, Page 65 - Section 1-F, Plat Book 29, Page 44 - Section 1-G, Plat Book 35, Page 19 and Plat Book 35, Page 20 - Section 1-Y, Plat Book 28, Page 78 - Section 2, and as revised in Plat Book 33, Page 90, Plat Book 26, Page 96 - Section 3, and all lots on the north side of Westport Road between Murphy Lane and Northumberland Drive (previously Section 4), Plat Book 27, Page 73 - Section 5, Plat Book 29, Page 3 - Section 6, Plat Book 30, Page 29 - Section 7, and Plat Book 30, Page 30 - Section 8.

14. The Coldstream Subdivision as recorded in Plat Book 31, Page 99 - Section 1, Plat Book 31, Page 98 - Section 1A, Plat Book 32, Page 44 - Section 2A, Plat Book 33, Page 26 - Section 2B, Plat Book 33, Page 71 - Section 3A, and Plat Book 33, Page 72 - Section 3B.

15. The Willow Creek Subdivision as recorded in Plat Book 29, Page 26 - Section 1, Plat Book 29, Page 27 - Section 2, Plat Book 29, Page 31 - Section 5, Plat Book 29, Page 32 - Section 6, and excluding those portions of Plat Book 29, Page 28 - Section 3, and Plat Book 29, Page 30 - Section 4 not in Jefferson County.

Also including the area south of Westport Road bounded on the south by Chamberlain Lane, the Westport Industrial Park southern boundary line as shown in Plat Book 33, Page 91 and that portion of Collins Lane between its intersection with Chamberlain Lane and its intersection with the southern boundary line of aforementioned Westport Industrial Park.

Also including the area south of Interstate 71 and north of Ballardsville Road bounded on the east by the Oldham County line and on the west by Brownsboro Road.

Also including the area south of Ballardsville Road being bounded on the south by the aforementioned Hickory Hollow and Fincastle West Subdivisions, on the

west by Chamberlain Lane and on the east by the east lines of the aforementioned Fincastle East, Coldstream and Willow Creek Subdivisions.

Except those areas lying within the municipal corporate limits of the Cities of Anchorage, Kentucky; Douglas Hills, Kentucky; Hurstbourne, Kentucky; Jeffersontown, Kentucky; Lyndon, Kentucky; Middletown, Kentucky; Newburg, Kentucky; Prospect, Kentucky; St. Matthews, Kentucky; St. Regis Park, Kentucky; and Shively, Kentucky; as said corporate limits exist as of the date of this Preliminary Order