

ORDINANCE NO. \_\_\_\_\_, SERIES 2021

**AN ORDINANCE OF THE LOUISVILLE METRO COUNCIL TO APPROVE THE ANNEXATION BY THE CITY OF JEFFERSONTOWN OF A TRACT OF LAND ADJOINING JEFFERSONTOWN, WHICH LAND IS CONTIGUOUS WITH THE EXISTING BOUNDARY OF THE CITY OF JEFFERSONTOWN, BUT NOT CONTIGUOUS TO THE BOUNDARY OF THE FORMER CITY OF LOUISVILLE, AND BEING IN THE UNINCORPORATED AREA OF THE FORMER COUNTY OF JEFFERSON (AS AMENDED).**

**SPONSORED BY: COUNCIL MEMBER KEVIN KRAMER**

**WHEREAS**, on September 21, 2021 the City Council of the City of Jeffersontown, Kentucky voted in favor of an ordinance to annex the property depicted in the annexation request packet received from the City of Jeffersontown and more particularly described therein, which is incorporated herein by reference as if set forth in full (a copy of which is attached hereto); and

**WHEREAS**, the area proposed for annexation consists of approximately 41 acres including 119 single family homes which make up the entirety of the subdivision known as Kirby Estates; and

**WHEREAS**, the City of Jeffersontown stated in its Ordinance No. 1421, Series 2021, that the Ninety-Two Percent (92%) of the property owners residing within the territory sought to be annexed executed written consents in favor of annexation by the City of Jeffersontown (a copy of the signature is attached hereto); and

**WHEREAS**, the City of Jeffersontown believes it is in a position to provide municipal services to the area proposed for annexation; and

**WHEREAS**, the written consent form signed by the property owners acknowledged the annexation would result in property tax increase as well as additional city services to be provided by the City of Jeffersontown; and

**WHEREAS**, the City of Jeffersontown was required to hold a public meeting regarding the proposed annexation because it did not obtain One Hundred Percent (100%) consent of the affected property owners, and did so on Wednesday, February 26, 2021, at the Jeffersontown City Hall, wherein no opposition was raised; and

**WHEREAS**, the City of Jeffersontown filed a request on October 21, 2021 with the Office of the Metro Council Clerk requesting that the Legislative Council of the Louisville/Jefferson County Metro Government (the "Metro Council") approve the annexation of the property described above (a copy of which is attached hereto); and

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

**WHEREAS**, various municipal agencies were provided the opportunity to review and comment upon the City of Jeffersontown's request for approval of its annexation of the Kirby Estates property; and

**WHEREAS**, Louisville and Jefferson County Metropolitan Sewer District ("MSD") provided a responsive comment asserting its duties and rights to continue provision of drainage services to the properties within Kirby Estates and charge fees in exchange therefore and its rights to continued ownership and operation of its assets located in the subject area, which duties and rights MSD asserts are recognized and protected by common law, statutory law, and public policy; and

**WHEREAS**, Louisville Metro does not intend for the approval of the annexation request of Kirby Estates by Jeffersontown to affect, impair, impede, waive, or otherwise

alter MSD's asserted rights or resolve any potential dispute between or among the owners of Kirby Estates properties, MSD and the City of Jeffersontown; and

**WHEREAS**, KRS 67C.111(3) gives 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 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”; and

**WHEREAS**, for the reasons stated above Metro Council wishes to proceed with approval of the City of Jeffersontown’s annexation ordinance to become effective upon passage and approval.

**NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:**

**SECTION I:** Metro Council hereby approves the annexation of the property depicted in the annexation request packet received from the City of Jeffersontown and more particularly described therein proposed by the City of Jeffersontown in its Ordinance Number 1421, Series 2021 on September 21, 2021 (attached hereto) pursuant to its authority under KRS 67C.111(3).

**SECTION II:** This ordinance shall take effect on passage and approval.

\_\_\_\_\_  
Sonya Harward  
Metro Council Clerk

\_\_\_\_\_  
David James  
President of the Council

\_\_\_\_\_  
Approval Date

**APPROVED AS TO FORM AND LEGALITY:**  
Michael J. O'Connell  
Jefferson County Attorney

BY: \_\_\_\_\_

O-552-21 Ordinance Approving Kirby Estates Annexation Proposal from Jeffersontown.docx (TF)