

RESOLUTION NO. 057, SERIES 2014

A RESOLUTION ANNOUNCING THE STATUTORY REQUIREMENTS AND RELEVANT ISSUES METRO COUNCIL WILL CONSIDER WHEN EVALUATING COMMERCIAL AND INDUSTRIAL ANNEXATION REQUESTS. (AMENDMENT BY SUBSTITUTION)

Sponsored by: Councilman Kelly Downard

WHEREAS, KRS 67C.111(3) delegates authority to Metro Council, as the legislative council of the consolidated local government, to decide whether or not a proposed annexation by a city in Jefferson County should be approved; and

WHEREAS, Kentucky law grants Metro Council broad discretion in determining the “facts and conditions under which annexation may take place” in Jefferson County; and

WHEREAS, Metro Council understands and agrees with the public policy adopted in KRS 81A.510 that “to encourage the location of new industries and the expansion of existing industries in Kentucky” the law prohibits “unfair and unreasonable annexation by municipal corporations of industries now or hereafter located in unincorporated areas. . . . [while not] prohibit[ing], restrict[ing] or hamper[ing] normal expansion of municipal boundaries if such normal development and expansion extends to and embraces such industrial properties.”

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

SECTION I: It is important to Metro Council members that property owners of a territory to be annexed are adequately advised of anticipated additional taxes and the municipal services the city will provide and have the opportunity to attend a public hearing regarding the proposed annexation. Metro Council further expects that notice be sent

to the property owners by certified mail with a copy to be filed with the Louisville Metro Council Clerk so that Metro Council members may attend the public hearing(s).

SECTION II: If all of property owners of a territory to be annexed give prior consent as set forth in KRS 81A.412, Metro Council shall consider the annexation proposal without asking the city proposing annexation to hold a public meeting.

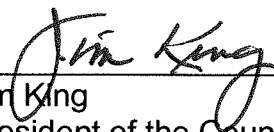
SECTION III: Metro Council will evaluate the following criteria when considering a proposal for annexation: (1) the number of properties that exist in the territory to be annexed; (2) is the industrial territory “within a broad, comprehensive plan of annexation” of the city as required by KRS 81A.510; (3) is the city proposing annexation capable of adequately providing municipal services to the industrial area to be annexed; (4) will the proposed annexation result in a substantial burden to property owners and/or residents to the newly annexed territory; and (5) is the proposed industrial territory to be annexed compact and contiguous to the city's boundaries as required by KRS 81A.510?

SECTION IV: Pursuant to the authority granted by Kentucky law, Metro Council will consider all statutory and legislative issues surrounding annexation proposals brought before the legislative body and hold one or more public hearings to consider whether proposed annexation ordinances have complied with the law.

SECTION V: This Resolution shall take effect upon its passage and approval.



Stephen Ott
Metro Council Clerk

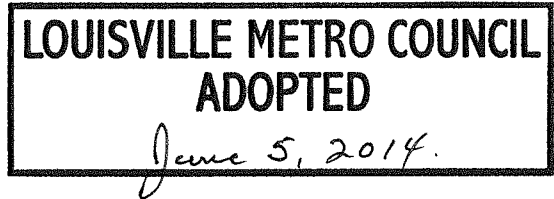


Jim King
President of the Council

APPROVED AS TO FORM:

Michael J. O'Connell
Jefferson County Attorney *SM*

BY: *Wells PO/Brian*



Annexation Resolution for Industrial ROCsjm 4-22-14 (AMENDMENT BY SUBSTITUTION)