

ORDINANCE NO. 147, SERIES 2014

AN ORDINANCE OF THE LOUISVILLE METRO COUNCIL TO APPROVE THE ANNEXATION BY ST. MATTHEWS OF THE CITY OF RICHLAWN.

**Sponsored By: Councilman Kelly Downard, and
Councilwoman Tina Ward-Pugh**

WHEREAS, on August 12, 2014 the City Council of City of St. Matthews, Kentucky voted in favor of an ordinance to annex the City of Richlawn (attached hereto as Exhibit A); and

WHEREAS, on August 4, 2014 the City Council of the City of Richlawn voted in favor of an ordinance expressing its approval of an annexation by the City of St. Matthews (attached hereto as Exhibit B); and

WHEREAS, the City of St. Matthews filed a request on August 13, 2014 with the Office of the Metro Council Clerk requesting that the Louisville Metro Council approve the annexation of the property described above; and

WHEREAS, the entire boundary of the City of Richlawn is surrounding by the City of St. Matthews; and

WHEREAS, the ordinances passed by the City of Richlawn and the City of St. Matthews have been submitted to the Jefferson County Board of Elections for the voters of the City of Richlawn to consider this annexation question on Election Day in November 2014; and

WHEREAS, KRS 67C.111(3) requires the City of St. Matthews 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; and

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".

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 proposed by the City of St. Matthews in its ordinance number 14-10 on August 12, 2014 (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

9/25/2014
Approval Date

APPROVED AS TO FORM:


Michael J. O'Connell
Jefferson County Attorney

Approval Date



OFFICE OF METRO COUNCIL CLERK

RECEIVED

DATE _____ TIME: _____

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ACH

CITY OF ST. MATTHEWS

Office of City Attorney
One Riverfront Plaza - Suite 2010
401 West Main Street
LOUISVILLE, KENTUCKY 40202-4284

Foster L. Haunz
Attorney

Telephone
(502) 583-2808
Fax 583-2028
E-Mail: fhaunz@stl.net

August 13, 2014

Louisville/Jefferson County Metro Council
City Hall
Louisville, Kentucky 40201

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. Certified copy of City of St. Matthews Ordinance No. 14-10;
2. Certification of ordinance by City Clerk, Susan Clark.

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.

In this case the City of Richlawn is completely surrounded by the City of St. Matthews.

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.

Your prompt consideration will be much appreciated as we must notify the Board of Elections in order to maintain our place on the November election ballot. Your approval is necessary to get the issue on the ballot for the City of Richlawn to allow those voters the opportunity to vote "Yes" or "No."

Thank you.

Yours very truly,

CITY OF ST. MATTHEWS



Foster L. Haunz, Attorney

FLH:hs

cc: Stephen Porter, Esq.
Richlawn City Attorney

**CITY OF ST. MATTHEWS
ORDINANCE 14-10**

AN ORDINANCE RELATING TO REQUESTING THE APPROVAL BY THE LOUISVILLE/JEFFERSON COUNTY METRO COUNCIL OF THE ANNEXATION (MERGER) BY THE CITY OF ST. MATTHEWS WITH THE CITY OF RICHLAWN WHICH LAND IS CONTIGUOUS WITH THE EXISTING BOUNDARY OF THE CITY OF ST. MATTHEWS BUT NOT CONTIUOUS WITH THE FORMER CITY OF LOUISVILLE, AND AFTER SUCH ANNEXATION/MERGER, DISSOLVING THE CITY OF RICHLAWN, WITH ST. MATTHEWS BEING THE SURVIVING CITY.

WHEREAS, the City of St. Matthews seeks to annex or merge with the City of Richlawn, which city boundary is contiguous with the boundaries of the City of St. Matthews; and

WHEREAS, it is desirous that the registered voters in the City of Richlawn have the right to vote "yes" or "no" on the annexation/merger; and

WHEREAS, the City of St. Matthews is ready and able to immediately begin furnishing municipal services to the area upon its annexation/merger, to become effective January 1, 2015; and

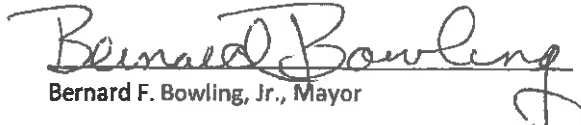
WHEREAS, KRS 67C.111, per the Jefferson County Attorney, requires that the annexation requires the approval of the legislative council of the consolidated local government (the Louisville/Jefferson County Metro Council) prior to the City proceeding with the annexation under the provisions of KRS Chapters 81A and 67C; now therefore

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

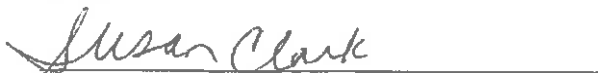
Section 1. The City of St. Matthews hereby seeks and requests the approval by the Louisville/Jefferson County Metro Council of the annexation or merger with the City of Richlawn, including the entire area of the City of Richlawn, the surviving city being the City of St. Matthews, provided the annexation/merger is approved by the registered voters in the City of Richlawn at the regular election of November, 2014.

Section 2. The St. Matthews City Council hereby finds an emergency exists by reason of the limited time period between the time of the adoption of this ordinance, the printing of the ballots, and the election at which a vote is to be taken, and the City Council hereby suspends the requirements of a second reading and publication and declares that this ordinance shall be adopted upon a single reading and adoption by the affirmative vote of two-thirds (2/3) of the membership of the St. Matthews City Council, with publication to be made by summary within ten (10) days in accordance with KRS 83A.060(7), KRS 93A.060(9), and KRS Chapter 424.

Adopted by affirmative vote of City Council constituting more than two-thirds of the entire council on this 12th day of August, 2014.


Bernard F. Bowling, Jr., Mayor

ATTEST


Susan Clark, City Clerk

Certification

I hereby certify that I am the duly appointed and qualified City Clerk of the City of St. Matthews and that the foregoing is a true and correct copy of City of St. Matthews Ordinance No. 14-10 adopted by a vote greater than two-thirds of the entire council at a regular meeting of the City Council at which a quorum was present on this 12th day of August, 2014.

Dated this 12th day of August, 2014.



Susan Clark, City Clerk

CITY OF RICHLAWN, KENTUCKY

ORDINANCE NO. 2014-04

AN ORDINANCE RELATING TO SEEKING ANNEXATION BY THE CITY OF ST. MATTHEWS, KENTUCKY, OF THE ENTIRE AREA OF THE CITY OF RICHLAWN, KENTUCKY

WHEREAS, pursuant to the provisions of KRS 81A.530, the City of Richlawn is authorized and empowered to seek to be annexed by an adjoining city of the third, fourth, or fifth class, and

WHEREAS, the City Commission of the City of Richlawn is desirous of allowing for a determination by a vote of the citizens of the City of Richlawn of their desire to be annexed by the City of St. Matthews, and

WHEREAS, the City Commission of the City of Richlawn has been advised that if the vote is in favor of such annexation, the City of St. Matthews will act accordingly, and

WHEREAS, KRS 81A.530 requires certain pre-requisite provisions in ordinances,

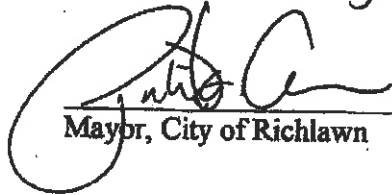
NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF RICHLAWN, KENTUCKY, DOES HEREBY ORDAIN AS FOLLOWS:

1. The City Commission of Richlawn hereby determines that it has a common boundary with the City of St. Matthews, and
2. The City Commission of the City of Richlawn hereby determines that the entire area of the City of Richlawn can be better served by the City of St. Matthews, and
3. The City Commission of the City of Richlawn hereby determines that the City of Richlawn should be annexed by the City of St. Matthews and the City of Richlawn should be dissolved if approved by the voters of the City of Richlawn in accordance with KRS 81A.530(3)(b), and
4. An election shall be held at the regular general election in November, 2014, and
5. The question on the ballot shall be submitted in substantially the following form: "Are you in favor of annexing the City of Richlawn into the City of St. Matthews and dissolving the City of Richlawn?". And
6. If a majority of the legal votes cast at the election in the City of Richlawn favors the annexation, and
7. If the annexation is approved by the voters of the City of Richlawn and by the City of St. Matthews:

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JEFFERSON COUNTY
BOARD OF ELECTIONS

- a. All assets and liabilities (physical, monetary or legal) of the City of Richlawn shall pass to and become the assets and liabilities of the City of St. Matthews, and
- b. All taxes or revenues due to the City of Richlawn shall thereafter belong to the City of St. Matthews, and
- c. After annexation, the burden of taxation shall be uniform throughout the area of the two cities, and
- d. The zoning classification of all land within the City of Richlawn shall remain unchanged until changed by the City of St. Matthews in accordance with KRS Chapter 100, and
- e. The annexation shall become effective as of January 1, 2015, and

Introduced and first reading by the City of Richlawn on the 16th day of June, 2014., and passed and approved on this 7th day of August, 2014.



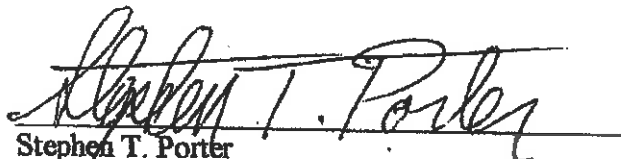
Mayor, City of Richlawn

ATTEST:



City Clerk

Prepared and Approved by:



Stephen T. Porter
Attorney for the City of Richlawn
2406 Tucker Station Road
Louisville, KY 40299-4529
502-297-9991

I hereby certify that I am the duly appointed and acting City Clerk of the City of Richlawn and I further certify that attached hereto is a true and correct copy of City of Richlawn Ordinance No. 2014-04 as adopted by the City Commission on August, 2014.

Dated this 5th day of August, 2014.



City Clerk, City of Richlawn