

ORDINANCE NO. 185, SERIES 2019

AN ORDINANCE OF THE LOUISVILLE METRO COUNCIL TO APPROVE THE ANNEXATION BY THE CITY OF INDIAN HILLS OF THE ESTATES OF LOCUST GROVE (AS AMENDED).

**SPONSORED BY: COUNCIL PRESIDENT DAVID JAMES
AND COUNCIL MEMBERS SCOTT REED AND PAULA
MCCRANEY**

WHEREAS, on September 19, 2019 the City Council of the City of Indian Hills, Kentucky voted in favor of an ordinance to annex the property known as the Estates of Locust Grove and identified by the Jefferson County Clerk at Plat and Subdivision Book 50, page 60;

WHEREAS, the Estates of Locust Grove is a subdivision of 7 ~~single-family homes~~properties with that are adjacent and contiguous to street access through the City of Indian Hills;

WHEREAS, the City Council of the City of Indian Hills stated in its Ordinance No. 6, Series 2019, that 100% of the property owners of the territory sought to be annexed executed written consents in favor of annexation by the City of Indian Hills (a copy of the signatures is attached hereto);

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

WHEREAS, the written consent forms 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 Indian Hills;

WHEREAS, the City of Indian Hills is not required to hold a public meeting regarding the proposed annexation because it has 100% consent of affected property owners;

WHEREAS, the City of Indian Hills filed a request on October 2, 2019 with the Office of the Metro Council Clerk requesting that the Louisville Metro Council approve the annexation of the property described above (a copy of which is attached hereto);

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

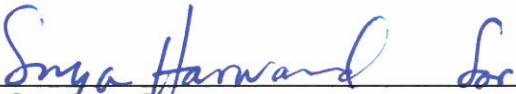
WHEREAS, KRS 67C.111(3) gives Louisville Metro Council the authority to approve or deny annexation requests “by ordinance and within sixty (60) days of the receipt of the request” and if Louisville Metro Council does not act within “sixty (60) days, the request for a city to proceed with an annexation proposal shall be deemed to be approved”; and

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

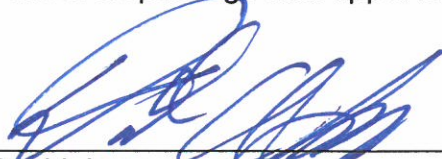
NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (METRO COUNCIL) AS FOLLOWS:

SECTION I: Metro Council hereby approves the annexation of the property known as the Estates of Locust Grove proposed by the City of Indian Hills in its Ordinance No. 6, Series 2019 on September 19, 2019 (attached hereto) pursuant to its authority under KRS 67C.111(3).

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



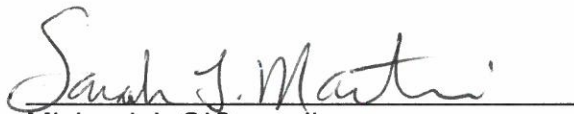
H. Stephen Ott
Metro Council Clerk



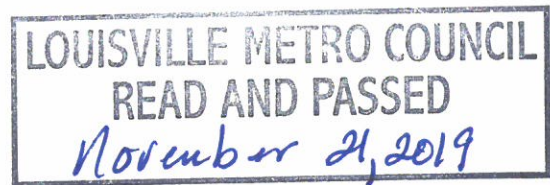
David James
President of the Council

November 21, 2019
Approval Date

APPROVED AS TO FORM:



Michael J. O'Connell
Jefferson County Attorney



WALTER L. CATO, JR. *
FINN CATO †

CATO & CATO
ATTORNEYS AT LAW
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Licensed in:
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October 2, 2019

Honorable Stephen Ott
Louisville Metro Council Clerk
601 West Jefferson Street
Louisville, Kentucky 40202

RE: City of Indian Hills Annexation Request – Estates of Locust Grove


Dear Mr. Ott,

I represent the City of Indian Hills, Kentucky. The property owners of seven properties adjacent and contiguous to the City of Indian Hills, fully comprising the Estates of Locust Grove, have unanimously asked to become annexed into the City of Indian Hills. The City of Indian Hills has obtained detailed, written consents from each of the property owners, and the City of Indian Hills has passed an ordinance approving annexation subject to Louisville Metro Council approval.

I am enclosing a certified copy of the ordinance, the survey plat and the consent forms reflecting the unanimous consent of the property owners. The City of Indian Hills respectfully requests approval of the annexation by the Louisville Metro Council.

Please let me know at your convenience when this annexation approval will come up for discussion and if I may provide any additional information or assistance.

I am also copying the Chair of Planning and Zoning and the Louisville Metro Council representatives for Indian Hills.

Sincerely,

Finn Cato
Counsel, City of Indian Hills

cc: ~~Madonna Flood~~, Metro Council District 24, Chair, Planning and Zoning Committee
Scott Reed, Metro Council District 16
Paula McCraney, Metro Council District 7
Chip Hancock, Mayor, City of Indian Hills

Enclosure

**CITY OF INDIAN HILLS
ORDINANCE NO. 6, SERIES 2019**

**AN ORDINANCE RELATING TO THE APPROVAL OF THE ANNEXATION BY THE
CITY OF INDIAN HILLS, KENTUCKY OF A TRACT OF LAND KNOWN AS
ESTATES OF LOCUST GROVE, CONTIGUOUS TO THE BOUNDARY OF THE CITY
OF INDIAN HILLS, KENTUCKY AND REQUEST FOR APPROVAL OF THE
ANNEXATION BY THE LOUISVILLE/JEFFERSON COUNTY METRO CITY
COUNCIL**

WHEREAS, the City of Indian Hills, Kentucky seeks to annex the following described tracts of land in Jefferson County, Kentucky, lots one through seven, inclusively, (with improvements), along with the right of way of Grove Hill Place, known as the Estates of Locust Grove, which territory is contiguous with the boundary of the City of Indian Hills, Kentucky, pursuant to KRS 81A.410(1)(a) and Louisville Metro Resolution 056, Series 2014, and

WHEREAS, the territory proposed to be annexed is urban in character and suitable in nature to the City of Indian Hills pursuant to KRS 81A.410(1)(b) and Louisville Metro Resolution 056, Series 2014, and

WHEREAS, the territory to be annexed is not an agricultural district as prohibited by KRS 262.850(10), and

WHEREAS, the territory to be annexed is not included within the boundary of another incorporated city pursuant to KRS 81A.410(2) and Louisville Metro Resolution 056, Series 2014, and

WHEREAS, the City of Indian Hills, Kentucky hereby finds that it serves the public interest of the citizens of the City of Indian Hills to annex the territory known as the Estates of Locust Grove because 100% of the property owners of record of the land to be annexed have signed consents asking to be annexed in order to receive city services and have been made aware of anticipated additional taxes pursuant to KRS 87A.412 and Louisville Metro Resolution 056, Series 2014, §I, and

WHEREAS, because 100% of the property owners have given prior consent to the proposed annexation, Louisville/Jefferson County Metro Council shall consider the annexation proposal without asking the City of Indian Hills to hold a public meeting pursuant to KRS 81A.412 and Louisville/Jefferson County Metro Resolution 056, Series 2014, §II, and

WHEREAS, the City of Indian Hills, Kentucky is immediately capable of adequately providing municipal services to the area to the territory to be annexed pursuant to Louisville/Jefferson County Metro Resolution 056, Series 2014, §III, and

WHEREAS, the proposed annexation will not result in a substantial burden to the property owners and/or residents to the newly annexed territory pursuant to Louisville/Jefferson County Metro Resolution 056, Series 2014, §III, and

WHEREAS, no enactment of a notification ordinance is required pursuant to KRS 81A.420(1) because 100% of the property owners in the area to be annexed have signed consents agreeing to the annexation, and

WHEREAS, no notice is required pursuant to KRS 81A.425 because 100% of those property owners in the area to be annexed have signed consents agreeing to the annexation, and

WHEREAS, the City of Indian Hills is not required to wait the sixty (60) day period provided for in KRS 81A.420(2), and

WHEREAS, the City of Indian Hills has received no petition in opposition to the proposed annexation, and

WHEREAS, KRS 67C.111(3) requires that the annexation receive the approval of the Louisville/Jefferson County Metro City Council, now therefore,

BE IT ORDAINED BY THE CITY OF INDIAN HILLS, KENTUCKY:

SECTION 1. It is hereby found, determined, and declared that:

- (a) The territory to be annexed, the Estates of Locust Grove, is contiguous to the current boundaries of the City of Indian Hills, Kentucky;
- (b) The territory to be annexed is urban in character, completely residential, and the City of Indian Hills can provide the territory needed city services including garbage collection, road maintenance, police protection, snow removal and street lighting.
- (c) The territory proposed to be annexed is not an agricultural district.
- (d) The territory proposed to be annexed is not included within the boundary of another incorporated city.
- (e) 100% of the property owners in the area to be annexed have signed a consent form asking the City of Indian Hills to annex their properties to receive city services and have been made aware of anticipated additional taxes. (Exhibit A)
- (f) The annexation is a normal extension of residential municipal services which the City of Indian Hills is immediately capable of adequately providing and which is further in keeping with the city's mission.
- (g) The proposed annexation will not result in a substantial burden to the property owners and/or residents to the newly annexed territory.
- (h) The City of Indian Hills has received no petition in opposition to the proposed annexation.

- (i) The area to be annexed is subject to KRS 67C.111(3) which requires the approval Louisville/Jefferson County Metro City Council at the request of the City of Indian Hills, Kentucky by ordinance.

SECTION 2. The City of Indian Hills, Kentucky hereby approves the annexation of the certain territory in Jefferson County, Kentucky, known as the Estates of Locust Grove, lots one through seven, inclusively, along with the right of way of Grove Hill Place, and is more particularly described as follows:

- (a) BEING, the property described in a certain Annexation Plat of same, prepared and stamped by Licensed Professional Land Surveyor Mark Wilmoth, Wilmoth International, PSC, Professional Land Surveying, along with a Metes and Bounds description of the annexation area and attached hereto. (Exhibit B)

SECTION 3. The City of Indian Hills, Kentucky further requests the approval of the annexation by the Louisville/Jefferson County Metro Council pursuant to KRS 67C.111(3).

SECTION 4. This Ordinance is adopted pursuant to KRS 81A.410, KRS 81A.412 and KRS 67C.111.

SECTION 5. This ordinance shall take effect from and after passage, approval and publication as required by law.

First Reading August 15th, 2019
 Second Reading September 19th, 2019
 Passed and Approved September 19th, 2019

Introduced by: Lee Garlove
Chip Hancock
 Chip Hancock, Mayor

Attest: Donna M. Sinkhorn
 Donna M. Sinkhorn, City Clerk

<u>Council</u>	<u>Yea</u>	<u>Nay</u>
<u>Mr. Doheny</u>	✓	—
<u>Ms. Dunbar</u>	✓	—
<u>Mr. Garlove</u>	✓	—
<u>Mr. Giesel</u>	✓	—
<u>Ms. George</u>	✓	—
<u>Ms. Lindsay</u>	✓	—
<u>Ms. Matton</u>	✓	—
<u>Mr. Ulmer</u>	✓	—
<u>Ms. Zinniel</u>	✓	—

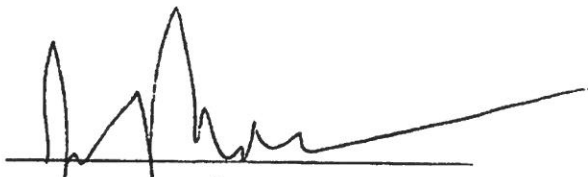
EXHIBIT A

CONSENT TO ANNEXATION
THE ESTATES OF LOCUST GROVE
(LOTS 1, 2, 3, 4, 5, 6, & 7)

My name is Jon C. Myers and Kelsey Myers
(print names), and I am a property owner near the City of Indian Hills, Kentucky. My address is
2217 Grove Hill Place, Louisville, Kentucky 40207, and my lot number is 1.

I am aware of a proposal to the City of Indian Hills, Kentucky to annex certain areas into the
boundaries of the City of Indian Hills, Kentucky, including my home address and lot number
described above. As a property owner in the area to be annexed, I hereby support the annexation
proposal, and I fully consent to be annexed by the City of Indian Hills, Kentucky. I understand
that if the annexation proposal is approved, I will have to pay City of Indian Hills, Kentucky
taxes, in addition to Louisville Metro taxes, but I would also receive City of Indian Hills,
Kentucky services including, but not limited to, police protection and trash pickup.

Signature(s):


Date: 7/15/19



CONSENT TO ANNEXATION
THE ESTATES OF LOCUST GROVE
(LOTS 1, 2, 3, 4, 5, 6, & 7)

My name is Rebecca B. LeBoeuf and Chil C. LeBoeuf
(print names), and I am a property owner near the City of Indian Hills, Kentucky. My address is
2219 Grove Hill Place, Louisville, Kentucky 40207, and my lot number is 2.

I am aware of a proposal to the City of Indian Hills, Kentucky to annex certain areas into the
boundaries of the City of Indian Hills, Kentucky, including my home address and lot number
described above. As a property owner in the area to be annexed, I hereby support the annexation
proposal, and I fully consent to be annexed by the City of Indian Hills, Kentucky. I understand
that if the annexation proposal is approved, I will have to pay City of Indian Hills, Kentucky
taxes, in addition to Louisville Metro taxes, but I would also receive City of Indian Hills,
Kentucky services including, but not limited to, police protection and trash pickup.

Signature(s):

Rebecca B. LeBoeuf

Date: 7-15-19

Chil C. LeBoeuf

CONSENT TO ANNEXATION
THE ESTATES OF LOCUST GROVE
(LOTS 1, 2, 3, 4, 5, 6, & 7)

My name is BHAGWANT BORKAR and ROOPA BORKAR
(print names), and I am a property owner near the City of Indian Hills, Kentucky. My address is
2220 Grove Hill Place, Louisville, Kentucky 40207, and my lot number is 3.

I am aware of a proposal to the City of Indian Hills, Kentucky to annex certain areas into the
boundaries of the City of Indian Hills, Kentucky, including my home address and lot number
described above. As a property owner in the area to be annexed, I hereby support the annexation
proposal, and I fully consent to be annexed by the City of Indian Hills, Kentucky. I understand
that if the annexation proposal is approved, I will have to pay City of Indian Hills, Kentucky
taxes, in addition to Louisville Metro taxes, but I would also receive City of Indian Hills,
Kentucky services including, but not limited to, police protection and trash pickup.

Signature(s):

[Handwritten Signature]

R. B. Borkar

Date: 7/24/2019

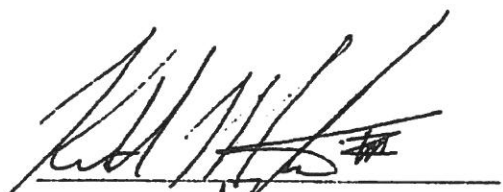
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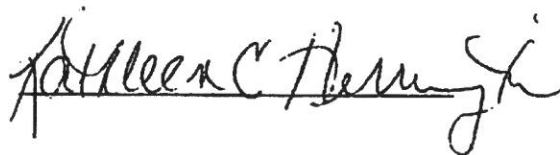
CONSENT TO ANNEXATION
THE ESTATES OF LOCUST GROVE
(LOTS 1, 2, 3, 4, 5, 6, & 7)

My name is Kenneth F. Herrington III and Kathleen C. Herrington
(print names), and I am a property owner near the City of Indian Hills, Kentucky. My address is
2218 Grove Hill Place, Louisville, Kentucky 40207, and my lot number is 4.

I am aware of a proposal to the City of Indian Hills, Kentucky to annex certain areas into the
boundaries of the City of Indian Hills, Kentucky, including my home address and lot number
described above. As a property owner in the area to be annexed, I hereby support the annexation
proposal, and I fully consent to be annexed by the City of Indian Hills, Kentucky. I understand
that if the annexation proposal is approved, I will have to pay City of Indian Hills, Kentucky
taxes, in addition to Louisville Metro taxes, but I would also receive City of Indian Hills,
Kentucky services including, but not limited to, police protection and trash pickup.

Signature(s):


Date: July 13, 2019



CONSENT TO ANNEXATION
THE ESTATES OF LOCUST GROVE
(LOTS 1, 2, 3, 4, 5, 6, & 7)

My name is CHRIS C. LeBroux and Rebecca B. LeBroux
(print names), and I am a property owner near the City of Indian Hills, Kentucky. My address is
2219 Grove Hill Place, Louisville, Kentucky 40207, and my lot number is 5.

I am aware of a proposal to the City of Indian Hills, Kentucky to annex certain areas into the
boundaries of the City of Indian Hills, Kentucky, including my home address and lot number
described above. As a property owner in the area to be annexed, I hereby support the annexation
proposal, and I fully consent to be annexed by the City of Indian Hills, Kentucky. I understand
that if the annexation proposal is approved, I will have to pay City of Indian Hills, Kentucky
taxes, in addition to Louisville Metro taxes, but I would also receive City of Indian Hills,
Kentucky services including, but not limited to, police protection and trash pickup.

Signature(s):

Chris C. LeBroux

Rebecca B. LeBroux

Date: 7-15-2019

CONSENT TO ANNEXATION
THE ESTATES OF LOCUST GROVE
(LOTS 1, 2, 3, 4, 5, 6, & 7)

My name is David Duvick and Mary Catherine Duvick
(print names), and I am a property owner near the City of Indian Hills, Kentucky. My address is
2214 Grove Hill Place, Louisville, Kentucky 40207, and my lot number is 6.

I am aware of a proposal to the City of Indian Hills, Kentucky to annex certain areas into the boundaries of the City of Indian Hills, Kentucky, including my home address and lot number described above. As a property owner in the area to be annexed, I hereby support the annexation proposal, and I fully consent to be annexed by the City of Indian Hills, Kentucky. I understand that if the annexation proposal is approved, I will have to pay City of Indian Hills, Kentucky taxes, in addition to Louisville Metro taxes, but I would also receive City of Indian Hills, Kentucky services including, but not limited to, police protection and trash pickup.

Signature(s):

David Duvick
Date: 8/11/19

Mary Catherine Duvick

CONSENT TO ANNEXATION
THE ESTATES OF LOCUST GROVE
(LOTS 1, 2, 3, 4, 5, 6, & 7)

My name is David Durik (print name), and I am President of the Estates of Locust Grove Community Association, (hereinafter "Association") which Association is the property owner near the City of Indian Hills, Kentucky. The Association address is listed in the Office of the Property Valuation Administrator, Jefferson County, Kentucky, as 2214 Grove Hill Place, Louisville, Kentucky 40207, and is the property owner of lot number 7.

The Association and I are aware of a proposal to the City of Indian Hills, Kentucky to annex certain areas into the boundaries of the City of Indian Hills, Kentucky, including the lot number described above. As a property owner in the area to be annexed, the Association and I, on behalf of the Association, hereby support the annexation proposal and fully consent to be annexed by the City of Indian Hills, Kentucky. The Association and I, on behalf of the Association, understand that if the annexation proposal is approved, the Association will have to pay City of Indian Hills, Kentucky taxes, in addition to Louisville Metro taxes but would also receive City of Indian Hills, Kentucky services including, but not limited to, police protection and trash pickup.

Signature(s):



DAVID DURIK
President, Estates of Locust Grove Community Association

Date: 8-1-19

EXHIBIT B

CITY OF INDIAN HILLS, KENTUCKY
ANNEXATION SERIES 2019
ORDINANCE No. 6

A certain parcel of land located in Louisville Metro, Jefferson County, Kentucky, on the northeast side of Blankenbaker Lane approximately to said road's intersection with River Road, and more particularly described as follows;

(The basis of bearings for the following legal description is based upon the Grid North, Kentucky State Plane Coordinate System, Single Zone, (FIPS Code 1600), North American Datum of 1983, from a real time network kinematic observation utilizing the Kentucky Transportation Cabinet network. Records referenced herein are recorded in the Office of the Clerk of Jefferson County, Kentucky.)

Beginning at a MAG Nail found in the northeast right of way of Blankenbaker Lane as widened in Plat and Subdivision Book 50, Page 60, having Kentucky State Plane, Single Zone coordinates of North:3992388.6308, East:4945400.2963; and being in the easterly line of the City of Indian Hills, Kentucky, pursuant to KRS 81 A(1)(a) and Louisville Metro Resolution 056, Series 2014, thence contiguous with said city line for three calls, and with the easterly line of the G. Murray Turner and Janet C. Murray property, (Deed Book 7474, Page 242, and Deed Book 5597, Page 806), and the southerly line of the Mary C. Hancock property, (Will Book 660, Page 226, and Deed Book 4875, Page 356), for three calls; North 36 degrees 59 minutes 00 seconds East a distance of 226.98 feet; thence North 56 degrees 54 minutes 00 seconds East a distance of 132.00 feet; thence North 83 degrees 07 minutes 25 seconds East a distance of 316.62 feet; thence with the westerly line of the Catherine J. Hundley property, (Deed Book 78195, Page 989), for seventeen calls, South 08 degrees 21 minutes 32 seconds East a distance of 28.94 feet; thence South 75 degrees 28 minutes 25 seconds West a distance of 29.61 feet; thence South 03 degrees 40 minutes 05 seconds West a distance of 3.77 feet; thence South 82 degrees 22 minutes 40 seconds West a distance of 55.41 feet; thence South 36 degrees 26 minutes 43 seconds West a distance of 7.34 feet; thence South 81 degrees 30 minutes 00 seconds West a distance of 32.00 feet; thence South 76 degrees 47 minutes 00 seconds West a distance of

56.54 feet; thence South 17 degrees 18 minutes 00 seconds West a distance of 69.41 feet; thence South 65 degrees 02 minutes 00 seconds East a distance of 18.52 feet; thence South 53 degrees 11 minutes 59 seconds East a distance of 45.60 feet; thence South 32 degrees 53 minutes 51 seconds East a distance of 94.72 feet; thence South 01 degrees 04 minutes 24 seconds West a distance of 65.85 feet; thence South 16 degrees 41 minutes 00 seconds West a distance of 35.42 feet; thence South 46 degrees 44 minutes 00 seconds West a distance of 38.80 feet; thence South 58 degrees 43 minutes 02 seconds West a distance of 45.54 feet; thence South 63 degrees 44 minutes 00 seconds West a distance of 46.98 feet; thence South 70 degrees 17 minutes 00 seconds West a distance of 77.38 feet to the northeast right of way of Blankenbaker Lane as dedicated aforesaid; thence continuing with the northeast right of way of Blankenbaker Lane for three calls, North 58 degrees 06 minutes 00 seconds West a distance of 69.36 feet; thence North 63 degrees 05 minutes 00 seconds West a distance of 140.53 feet; thence North 59 degrees 36 minutes 29 seconds West a distance of 112.66 feet; which is the point of beginning, and containing 3.046 acres.

And being, Lots Nos. 1-7 inclusively, along with the right of way of Grove Hill Place as shown on the Plat of The Estates of Locust Grove, as recorded in Plat and Subdivision Book 50, Page 60.

