

ORDINANCE NO. 214, SERIES 2014

**AN ORDINANCE OF THE LOUISVILLE METRO COUNCIL TO
APPROVE THE ANNEXATION BY THE CITY OF ST. MATTHEWS OF
~~FOURTEEN~~ THREE PROPERTIES. (AS AMENDED)**

Sponsored By: Councilman Kelly Downard

WHEREAS, on November 13, 2014 the City Council of City of St. Matthews, Kentucky voted in favor of an ordinance to annex ~~12~~ one ~~properties~~ property located on Springwood Lane and two houses on Massie Avenue (attached hereto); and

WHEREAS, the City of St. Matthews filed a request on November 19, 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 boundaries of the properties described above are surrounding by the City of St. Matthews; and

WHEREAS, according to the City Council of City of St. Matthews Ordinance No. 14-13, one hundred percent of the property owners have consented to being annexed by the City of St. Matthews; 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 14-13 on November 13, 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



Jim King
President of the Council

Approval Date

PRO - TEM

APPROVED AS TO FORM:



Michael J. O'Connell
Jefferson County Attorney



CITY OF ST. MATTHEWS

ORDINANCE NO. 14-13

AN ORDINANCE RELATING TO ANNEXATION OF PROPERTY OMITTED FROM ORDINANCE 14-01 ADJACENT TO AND CONTIGUOUS WITH PRESENT ST. MATTHEWS BOUNDARY, AND PROPERTY KNOWN AS 416 SPRINGWOOD LANE, 4095 AND 4125 MASSIE AVENUE, ALL MORE PARTICULARLY HEREINAFTER DESCRIBED. (416 Springwood Lane, 4095 Massie Avenue and 4125 Massie Avenue)

WHEREAS, the City of St. Matthews seeks to annex the following described tracts of land (with improvements) which tracts are not contiguous with the boundary of the former City of Louisville; and

WHEREAS, One Hundred Percent (100%) of the residents and property owners residing within the annexation area have executed their written consent to the subject annexation by the City of St. Matthews; and

WHEREAS, the City of St. Matthews is ready and able to immediately begin furnishing municipal services to the area upon annexation of the area; and

WHEREAS, KRS 67C.111 requires that the annexation receive the approval of the legislative council of the consolidated local government (the Louisville/Jefferson County Metro City Council) prior to the City proceeding under the provisions of KRS Chapter 81A; 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 of the Louisville/Jefferson County Metro Council of the annexation of property known as 416 Springwood Lane, 4095 Massie Avenue and 4125 Massie Avenue, a full description is contained in the attached Ordinance 14-12.

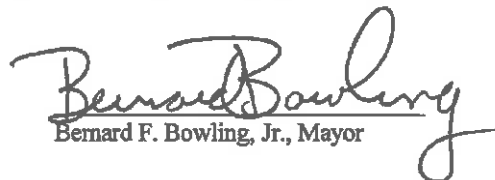
Section 2. This ordinance shall take effect upon its adoption and publication as required by law.

Introduction and first reading held at a regular meeting of the City Council held this 11th day of November, 2014.

Second reading, passed and approved at a special meeting on November 13, 2014.

ATTEST:


Susan Clark, City Clerk


Bernard F. Bowling, Jr., Mayor

Voting Record:

Y | N

Y | N

absent
Arthur K. Draut
Stuart Monohan ✓
Stuart Monohan

Frank A. Flynn ✓
Frank Flynn
Mary Jo Nay ✓
Mary Jo Nay

absent
Martha Schade
Tony Weiter ✓
Tony Weiter

Richard Tonini ✓
Rick Tonini
absent
Pat Wissing

I, Susan Clark, hereby certify that I am the duly appointed and acting City Clerk of the City of St. Matthews and that the vote on this ordinance was as above checked and I hereby certify that this is a true copy of City of St. Matthews Ordinance No. 14-13, adopted by the City Council on November 13, 2014.

Dated this 13th day of November, 2014.

Susan Clark
Susan Clark, City Clerk

CITY OF ST. MATTHEWS

ORDINANCE NO. 14-13

AN ORDINANCE RELATING TO ANNEXATION OF PROPERTY OMITTED FROM ORDINANCE 14-01 ADJACENT TO AND CONTIGUOUS WITH PRESENT ST. MATTHEWS BOUNDARY, AND PROPERTY KNOWN AS 416 SPRINGWOOD LANE, 4095 MASSIE AVENUE AND 4125 MASSIE AVENUE, ALL MORE PARTICULARLY HEREINAFTER DESCRIBED. (416 Springwood Lane, 4095 Massie Avenue and 4125 Massie Avenue)

Summary of Ordinance

The foregoing ordinance, adopted November 13, 2014, refers to a proposed annexation of 416 Springwood Lane, 4095 Massie Avenue and 4125 Massie Avenue to the Louisville/Jefferson County Metro Council for approval. A full copy is on file with the City Clerk and may be reviewed during normal business hours.

Prepared by Foster L. Haunz, Attorney for City of St. Matthews.

Foster L. Haunz, Attorney

CITY OF ST. MATTHEWS

Exhibit Legal Description

Being a tract of land lying in the eastern portion of Metro Louisville, Kentucky, just west of Hubbards Lane and just north of Massie Avenue and being more particularly described as follows:

Beginning at the intersection of the west line of Springwood Lane with a line 125 feet north of and parallel with the centerline of Massie Avenue, said point being in the line common to City of St. Matthews by Ordinance 1, Series 1950; thence with said parallel line South 54 degrees 16 minutes 00 seconds West 766.62 feet to its intersection with the east line of Trinity Hills, a plat of record in Plat Book 18, Page 43 in the office of the Clerk of Jefferson County, Kentucky; thence said east line North 09 degrees 48 minutes 30 seconds West 295.73 feet and North 36 degrees 56 minutes 30 seconds West 519.00 feet to its intersection with the south line of Springwood Lane; thence with said south line South 54 degrees 16 minutes 30 seconds East 300.00 feet, North 42 degrees 53 minutes 23 seconds East 137.38 feet and with a curve to the right having a radius of 212.35 feet, the chord of which measures North 49 degrees 29 minutes 37 seconds East 48.84 feet to its intersection with an line common to Springwood Subdivision of record in Plat Book 11, Page 108 in the office aforesaid; thence with lines common to same, South 38 degrees 03 minutes 00 seconds East 246.96 feet, South 22 degrees 03 minutes 00 seconds East 365.00 feet, and North 67 degrees 40 minutes 00 seconds East 260.00 feet to its intersection with the west line of Springwood Lane aforesaid; thence with said west line South 29 degrees 03 minutes 00 seconds East 100.00 feet, and South 35 degrees 44 minutes 00 seconds East 55.00 feet to the point of beginning, containing 9.472 acres.

CITY OF ST. MATTHEWS

ORDINANCE NO. 14-12

AN ORDINANCE RELATING TO ANNEXATION OF PROPERTY OMITTED FROM ORDINANCE 14-01 ADJACENT TO AND CONTIGUOUS WITH PRESENT ST. MATTHEWS BOUNDARY, AND PROPERTY KNOWN AS 416 SPRINGWOOD LANE, 4095 MASSIE AVENUE AND 4125 MASSIE AVENUE, ALL MORE PARTICULARLY HEREINAFTER DESCRIBED. (416 Springwood Lane, 4095 Massie Avenue and 4125 Massie Avenue)

WHEREAS, One Hundred Percent (100%) of the residents and property owners in the herein described area have executed their written consent to the subject annexation by the City of St. Matthews; and

WHEREAS, the City Council finds that the area described below, the "Annexation area", has the following characteristics:

- a. The Annexation Area is adjacent to and contiguous to the existing boundaries of the City of St. Matthews; and,
- b. The Annexation Area, by reason of population density, is urban in character and available for urban purposes without unreasonable delay; and
- c. No part of the Annexation Area is included within the boundary of another incorporated city; and
- d. The Annexation Area is not touched by a boundary of the City of Louisville or by Metro Louisville; and
- e. 100% of the landowners and residents have petitioned the City of St. Matthews to annex the area described herein; and

WHEREAS, parts of the area described herein (416 Springwood Lane, 4095 Massie Avenue and 4125 Massie Avenue) were inadvertently omitted from the area described in Ordinance 14-01 now annexed; and

WHEREAS, the City Council desires to go forward with the annexation of the subject property, now therefore,

BE IT ORDAINED BY THE CITY OF ST. MATTHEWS:

Section 1. It is deemed desirable to annex and there is hereby annexed to the City of St. Matthews, Kentucky, and extend the boundaries of the City of St. Matthews to include same, that certain tract of land which is now embraced within the County of Jefferson and which is adjacent to and contiguous with the present city boundary and which, by reason of population density and land hold improvements is urban in character and suitable for immediate development, which territory is accurately described and defined in the attached Exhibit.

Section 2. The zoning on the subject property shall remain as currently zoned until

changed by the City of St. Matthews.

Section 3. The City Clerk is authorized and directed to publish this Ordinance by summary under KRS Chapters 81A, 83A, and 424 and it shall take effect from and after its passage, signing and publication as required by law.

Introduction and first reading held at a regular meeting of the City Council held October 28, 2014;

Second reading held, passed and approved, _____, 2014.

Bernard F. Bowling, Jr., Mayor

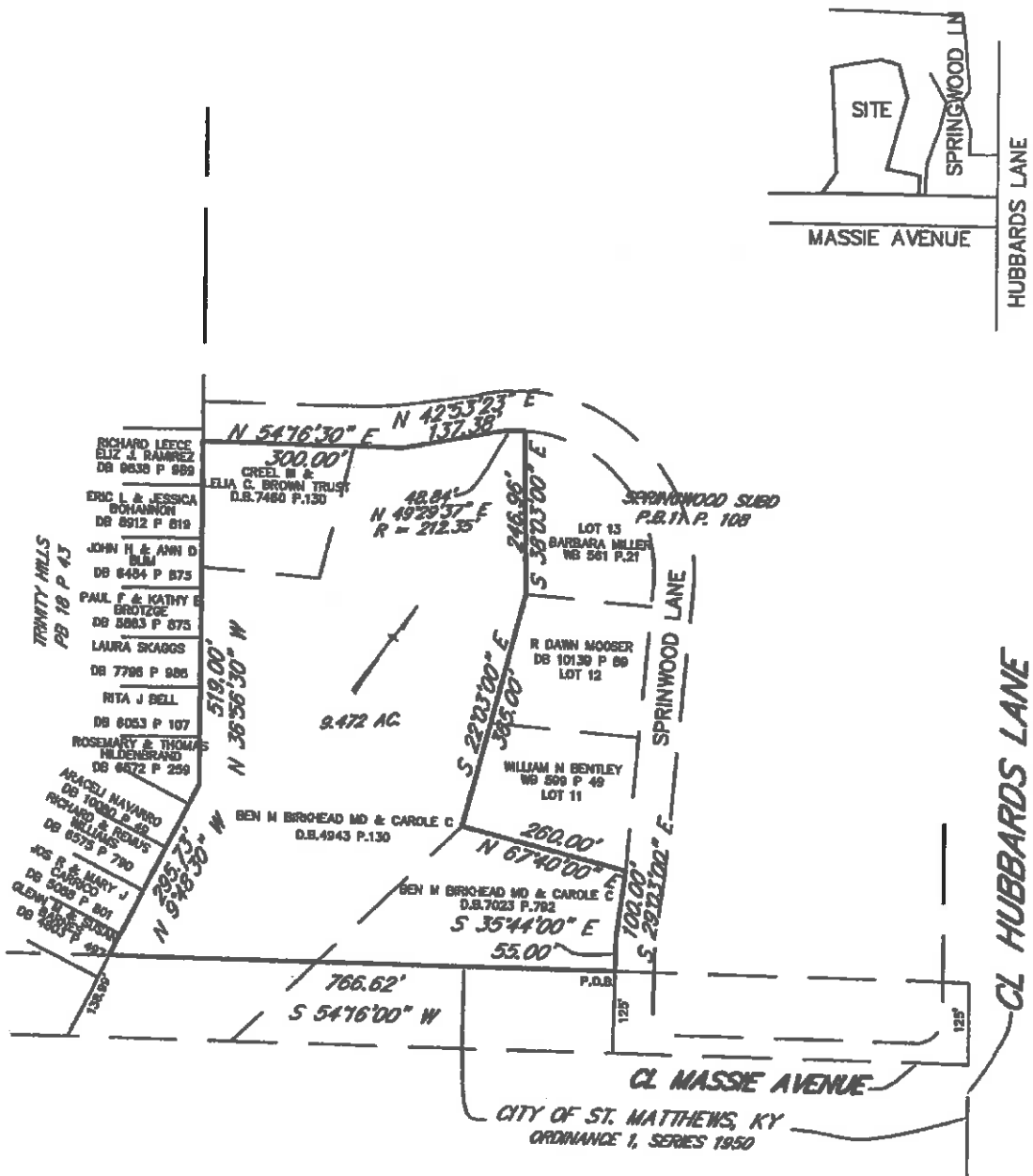
ATTEST:

Susan Clark, City Clerk

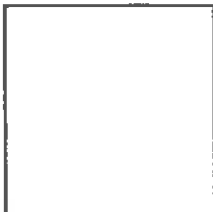
Exhibit Description

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The reference meridian used on this plat to determine the directions of plat lines was based on Springwood Subdivision plat of record in Plat Book 11, Page 108 in the office of the Clerk of Jefferson County, Kentucky and was used in conjunction with Ordinance 1, Series 1950 and Trinity Hills in Plat Book 18, Page 43, to determine the boundaries of the annexation as shown hereon.



I hereby certify that this plat was made under my supervision and is correct to the best of my knowledge and belief. Distances as shown on this plat have not been adjusted for closure. This annexation plat meets or exceeds the minimum standards of governing authorities.

Surveyor

SCALE 1" = 200'

HDR ONE COMPANY
Many Solutions
One Riverfront Plaza
401 West Main Street, Suite 500
Louisville, Kentucky 40202
PHONE (502)584-4118 FAX (502)589-8008

ANNEXATION MAP FOR CITY OF ST. MATTHEWS,

Date November 4, 2014

Voting Record:

	Y	N
_____	<input type="checkbox"/>	<input type="checkbox"/>
Arthur K. Draut		
_____	<input type="checkbox"/>	<input type="checkbox"/>
Stuart Monohan		
_____	<input type="checkbox"/>	<input type="checkbox"/>
Martha Schade		
_____	<input type="checkbox"/>	<input type="checkbox"/>
Tony Weiter		

	Y	N
_____	<input type="checkbox"/>	<input type="checkbox"/>
Frank Flynn		
_____	<input type="checkbox"/>	<input type="checkbox"/>
Mary Jo Nay		
_____	<input type="checkbox"/>	<input type="checkbox"/>
Rick Tonini		
_____	<input type="checkbox"/>	<input type="checkbox"/>
Pat Wissing		

I, Susan Clark, hereby certify that I am the duly appointed and acting City Clerk of the City of St. Matthews and that the vote on this ordinance was as above checked and I hereby certify that this is a true copy of City of St. Matthews Ordinance No. 14-12, adopted by the City Council on _____, 2014.

Dated _____, 2014.

Susan Clark, City Clerk

**Dr. and Mrs. Ben Birkhead
4095 Massie Avenue
Louisville, KY 40207**

November 7, 2014

**Mayor Bernard Bowling
City of St. Matthews
3940 Grandview Avenue
Louisville, KY 40207**

Dear Mayor Bowling:

**As previously discussed, as the legal owners of the following properties, my wife and I are
officially requesting to be annexed in to the City of St. Matthews:**

**4095 Massie Avenue
4125 Massie Avenue**

Thank you for your time and attention to my request.

Sincerely,

Ben M. Birkhead M.D.

**Dr. Ben Birkhead
4095 Massie Avenue**

Carole C. Birkhead

**Mrs. Carole Birkhead
4095 Massie Avenue**

PETITION IN SUPPORT OF ANNEXATION TO THE CITY OF ST. MATTHEWS

Whereas, Springwood Lane consists of eleven (11) lots;

Whereas, as shown below, more than 51% of the owners desire to be annexed into the City of St. Matthews;

Q. Are you in favor of annexing your residence into the City of St. Matthews?

Yes or No	Owner(s)	Address	Signature(s)
<u>yes</u>	Anne A. Lewis	403 Springwood Ln.	<u>Anne A. Lewis</u>
<u>yes</u>	Nelson Bentley	404 Springwood Ln.	<u>Nelson Bentley</u>
<u>yes</u>	Leroy Squires	405 Springwood Ln.	<u>Leroy Squires</u>
<u>Yes</u>	Chris & Dawn Mooser	406 Springwood Ln.	<u>Chris & Dawn Mooser</u>
<u>Yes</u>	Springwood Sub. Own. Asso.	407 Springwood Ln.	<u>Springwood Sub. Own. Asso.</u>
<u>yes</u>	Barbara Miller	408 Springwood Ln.	<u>Barbara Miller</u>
<u>yes</u>	William and Valarie Seng	409 Springwood Ln.	<u>William and Valarie Seng</u>
<u>yes</u>	David & Marjory Fry	411 Springwood Ln.	<u>David & Marjory Fry</u>
<u>yes</u>	Chris & Angela Morris	413 Springwood Ln.	<u>Chris & Angela Morris</u>
<u>yes</u>	CAROLINE DEUTSCH Carol and Geoff Webster	415 Springwood Ln.	<u>Carol and Geoff Webster</u>
<u>→ yes</u>	Creel Brown, Trustee	416 Springwood Ln.	<u>Creel Brown</u>
<u>yes</u>	David White & Leslie Shell	417 Springwood Ln.	<u>David White & Leslie Shell</u>

RECEIVED
JUL 25 2014

BY: Bc