ORDINANCE NO. 094 , SERIES 2020

AN ORDINANCE OF THE LOUISVILLE/ JEFFERSON COUNTY METRO COUNCIL TO APPROVE THE ANNEXATION BY THE CITY OF JEFFERSONTOWN OF A TRACT OF LAND SOUTH AND EAST OF 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.

SPONSORED BY: COUNCIL MEMBER KEVIN KRAMER

WHEREAS, on January 21, 2020, 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 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 a number of different kinds and sizes of properties, including the subdivisions of Landherr Estates, The Estates at Landherr, and Deer Creek Patio Homes; and

WHEREAS, the City Council of the City of Jeffersontown stated in its Ordinance, No. 1401, Series 2020, that 98% of the property owners of the territory sought to be annexed executed written consents in favor of annexation by the City of Jeffersontown (copies of which are 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 City of Jeffersontown was required to hold a public meeting regarding the proposed annexation because it does not have 100% consent of affected property owners and held such meeting on February 26, 2020; and

WHEREAS, the City of Jeffersontown filed a request on June 24, 2020 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); and

WHEREAS, KRS 67C.111(3) requires the City of Jeffersontown obtain approval of the annexation from Louisville Metro Council prior to the City of Jeffersontown 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"; and

WHEREAS, for the reasons stated above Louisville 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 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 Jeffersontown in its Ordinance No. 1401, Series 2020 on January 21, 2020 (attached hereto) pursuant to its authority under KRS 67C.111(3).

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

Sonya Hatward

Metro Council Clerk

David James

President of the Council

APPROVED AS TO FORM:

Michael J. Ø'Connell Jefferson County Attorney LOUISVILLE METRO COUNCIL

A READ AND PASSED

O-290-20 Ordinance approving Land SE of Jeffersontown Annexation Proposal from Jeffersontown (TF)

Bill Dieruf Mayor



Schuyler Olt City Attorney

June 24, 2020

Mr. H. Stephen Ott Clerk, Louisville Metro Council 601 West Jefferson Street Louisville, KY 40202

Re: Request for Annexation Approval; Jeffersontown Ordinance No. 1401, Series 2020

Dear Mr. Ott:

Please find enclosed a copy of Jeffersontown Ordinance No. 1401, Series 2020, requesting the approval of Metro Council to annex a certain area commonly known as Landherr Estates.

I have also enclosed a series of documents providing responses to the various categories of information which Metro Council requests in considering the approval of annexations. Please treat them appropriately as required by your protocols. By all means they are to be forwarded to Councilman Kramer and all members of the Annexation Committee.

Should you have any questions or need additional information, please feel free to contact me. With deep appreciation for your efforts,

Schuyler J. Olt

City Attorney

CITY OF JEFFERSONTOWN JEFFERSON COUNTY, KENTUCKY

ORDINANCE NO. 1401, SERIES 2020

AN ORDINANCE RELATING TO REQUESTING THE APPROVAL BY THE LOUISVILLE/JEFFERSON COUNTY METRO COUNCIL OF THE ANNEXATION BY THE CITY OF JEFFERSONTOWN OF A TRACT OF LAND SOUTH AND EAST OF 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

WHEREAS, the City of Jeffersontown 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, nearly Ninety-eight Percent (98%) of the property owners residing within the annexation area have executed their written consent to the subject annexation by the City of Jeffersontown; and

WHEREAS, the City of Jeffersontown 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, IT IS ORDAINED BY THE CITY OF JEFFERSONTOWN, KENTUCKY, AS FOLLOWS:

Section 1. The City of Jeffersontown hereby seeks and requests the approval of the Louisville/Jefferson County Metro Council of the annexation of that certain property depicted in Exhibit A and more particularly described therein, which Exhibit is incorporated herein by reference as if set forth in full.

Section 2. The individual parcels identified collectively in Section 1 are contiguous with one another, and are collectively contiguous with the City of Jeffersontown and are urban in character. The owners of nearly all of the parcels have consented in writing to the requested annexation.

Section 3. This ordinance shall take effect upon its adoption and publication as required by law.

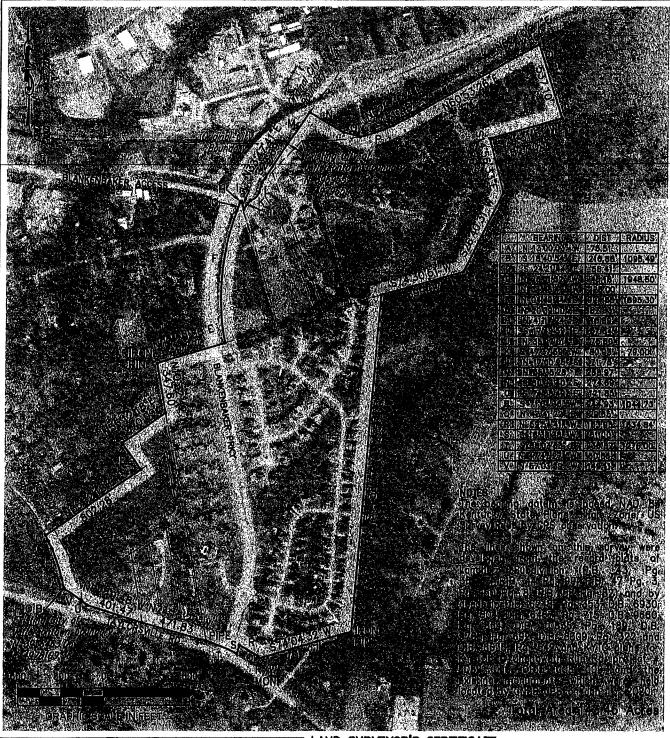
INTRODUCED AND READ AT A CITY COUNCIL MEETING OF THE CITY COUNCIL OF JEFFERSONTOWN, KENTUCKY, AT A MEETING HELD ON THE ______ DAY OF JANUARY, 2020.

READ, PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF JEFFERSONTOWN, KENTUCKY, AT A MEETING HELD ON THE 21.51 DAY OF Arway, 2020.

VETOED:	APPROVED:
BILL DIERUF, MAYOR	BYLL DIERUF, MAYOR
DATE:	DATE: 1/22/2020

ATTEST:

BILL FOX, CITY CLERK



CITY OF JEFFERSONTOWN, KENTUCKY **ORDINANCE**# **SERIES 2020 ANNEXATION**



Engineering • Planning

1046 E. Chesinut Street, Louisville, Kentucky 40204 Phone: 502-585-2222 www.qk4.com

SCALE 1"=600' PROJ. NO. 20504.000

DATE: 1/20/2020

LAND SURVEYOR'S CERTIFICATE

This plat does not represent a property survey and the monuments shown if any are to be used as reference ties for the annexation to the City of Jeffersontown boundary by Ordinance STATE of KENTUCKY

This plat was prepared to the standards of KRS 81A.470. I hereby certify that this plat was made under my supervision and is correct to the best of my knowledge and belief.

Chenoen 21 JAN 2020

LICENSED **PROFESSIONA**

LAND SURVEYOR

Description for City of Jeffersontown Annexation Ordinance No. 1401, Series 2020

Beginning at a point on the existing boundary of the City of Jeffersontown at coordinate point N 3956463.06, E 4978109.36 (NAD 83, KY Single Zone, US Survey Feet) in the west right-of-way line of Chenoweth Run Road; thence with said right-of-way line and along said boundary of the City of Jeffersontown N13°00'03"W, 75.51'; thence along a curve to the left having a radius of 1,095.49', with an arc length of 217.22', with a chord of N18°40'54"W, 216.86'; thence N24°21'44"W, 56.41'; thence along a curve to the left having a radius of 1,948.50', with an arc length of 45.18', with a chord of N25°01'32"W, 45.18'; thence leaving said existing boundary and right-of-way line N55°12'18"E, 802.28': thence N34°45'42"W, 225.00'; thence N55°12'18"E, 370.09'; thence N10°32'42"W, 347.60' to the northwest corner of Deer Creek Patio Homes recorded in Condo Book 73 Page 35 in the office of the Clerk of Jefferson County, Kentucky; thence with said north line N73°29'56"E, 497.20' to the east right-of-way line of Blankenbaker Parkway; thence with said east line the following 7 calls, along a curve to the right having a radius of 1,695.30', with an arc length of 936.42', with a chord of N04°49'34"E, 924.56'; thence N20°39'00"E, 57.83'; thence N41°17'24"E, 15.89'; thence S17°49'59"E, 57.84'; thence N35°27'01"E, 75.80'; thence along a curve to the left having a radius of 79.00', with an arc length of 84.96', with a chord of N47°37'59"E, 80.93'; thence N17°00'25"E, 71.75'; thence N33°47'41"E, 323.69' to the existing boundary of Jeffersontown, Kentucky at coordinate point N 3959557.37, E 4979659.25; thence with said boundary N35°35'28"E, 268.97'; thence leaving said boundary S60°03'40"E, 274.69'; thence S74°58'49"E, 121.85' to the north line of The Woods at Landherr recorded in Plat Book 58 Page 83 in the office of the Clerk of Jefferson County, Kentucky, also being the southern line of Norfolk Southern Railroad; thence along a curve to the left having a radius of 1,044.73', with an arc length of 245.49', with a chord of N71°04'36"E, 244.93'; thence N62°54'44"E, 151.48'; thence N60°53'26"E, 871.49'; thence N62°10'37"E, 143.86' to the northeast corner of Landherr aforesaid; thence leaving said railroad S17°47'43"E, 537.10'; thence S74°31'51"W, 527.03'; thence S14°56'33"E, 386.93' to a point in the east line of Landherr aforesaid; thence with a southerly line of Landherr aforesaid S26°40'31"W, 619.04'; thence S74°30'51"W, 599.07'; thence leaving said southern line and with the east line of Landherr Estates recorded in Plat Book 47 Page 3, Plat Book 44 Page 99 and Plat Book 43 Page 36, S04°38'37"W, 2,353.00' to the southeast corner of Landherr Estates in Plat Book 43 Page 36; thence with said southern line S74°04'32"W, 705.27' to a point in the northerly rightof-way line of Taylorsville Road; thence with said right-of-way line N43°41'22"E. 29.65': thence along a curve to the left having a radius of 1,334.84', with an arc length of 154.05'. with a chord of N59°54'41"W, 153.96'; thence S16°38'38"W, 61.00'; thence along a curve to the left having a radius of 1,275.00', with an arc length of 237.21', with a chord of N68°03'53"W, 236.87' to the southwest corner of Deer Creek aforesaid; thence N74°15'22"W, 471.83'; thence N72°19'48"W, 401.47'; thence N47°47'27"W, 50.86'; thence leaving said right-of-way line N57°03'39"W, 149.11' to the point of beginning.

STATE OF KENTICKY

TIMOTHY

GEHLIAUSEN

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PROFESSIONAL

LAND SURVEYOR

MEMORANDUM

TO:

LOUISVILLE METRO COUNCIL

FROM:

SCHUYLER J. OLT, CITY ATTORNEY, CITY OF JEFFERSONTOWN

RE:

REQUEST FOR APPROVAL OF ANNEXATION

DATE:

JUNE 24, 2020

This Memorandum is respectfully submitted on behalf of the City of Jeffersontown, Kentucky, in order to provide supplementary information with regard to Jeffersontown's effort to annex the area shown on **Exhibit A** hereto. Attached to this Memorandum are various exhibits relative to the Request.

A. The Nature of the Area to be Annexed.

Attached to this Memorandum as **Exhibit A** is the certified survey and property description of the property to be annexed. As you will see, this area of 143 acres is comprised of a mix of single family homes, multi-family homes and a small amount of commercial property. The primary subdivisions in the area are Landherr Estates, The Estates at Landherr and Deer Creek Patio Homes. It is currently contiguous to the City of Jeffersontown, and not a part of any other incorporated municipality. Approximately 900 linear feet of the area currently abuts the existing city limits, but the area is effectively "just across the street" from Jeffersontown. Given this close and integral proximity to the City, Jeffersontown is uniquely situated to immediately provide all municipal services to this area as soon as the annexation would become effective.

B. Residential Support for the Annexation.

The steps taken to explore this annexation have been methodical and deliberate. The City was initially approached by the leadership of the Landherr Estates HOA in 2018, at which they expressed their strong desire to be annexed by Jeffersontown. After several informal meetings, the City agreed to explore the possibility of annexation, and to explore the various impacts it would have on Jeffersontown. In late 2018, the City agreed to begin a more formal approach to

the issue. By this point, The Estates at Landherr and Deer Creek Patio Homes had also joined the effort, as had the owners of the commercial properties in the proposed area. The more formal effort began by residents conducting an "Annexation Meeting" in March 2019, and Mayor Dieruf attended this meeting. A copy of the slides used in the presentation are attached hereto as **Exhibit B**. In the course of the meeting, Jeffersontown asked that the Homeowners circulate a petition expressing residents' support for the annexation. By virtue of this petition, 90 per cent of the residents expressed their support to become citizens of Jeffersontown. No one expressed opposition.

Following the March meeting, various departments of Jeffersontown city government were accessed to give opinions as to feasibility and potential costs to the City were the annexation to proceed. Based upon these evaluations, the City is convinced that the additional cost of city services—police, EMS, drainage, street paving and maintenance, sidewalk maintenance, garbage and waste pickup, snow removal, sign installation and maintenance, and street lights, along with other ancillary minor services—will be reasonably offset by property taxes and insurance premium taxes paid by the new residents within a reasonable time. Because of their close proximity to the City, there does not appear to be a need to add significant numbers of staff in any department of city government, including police. Certainly, even if the cost of services were to exceed revenues generated, any excess would not have a material impact on the budget of the City, or the ability of the City to provide its current level of city services to existing residents of the City.

On January 7, 2020, the City gave first reading to Ordinances to annex, and to request approval of the annexation by Metro Council. The latter Ordinance was adopted on January 14, 2020. Both meetings were attended by residents of the annexation, many of whom spoke in support of the effort. No residents spoke in opposition.

Thereafter, the City formally called a meeting of residents to present information related to annexation. Notice of the meeting was given via first-class mail to each property owner in the area. The meeting was held at the Jeffersontown City Hall on Wednesday, February 26, 2020 at 6PM, and was well attended. Councilman Kramer, who represents the area, was invited but could not attend due to a prior commitment. Mayor Dieruf chaired the meeting and provided the bulk of the information concerning tax rates, services, policing, garbage collection, snow removal, city facilities and recreational opportunities. No opposition to the annexation was voiced and several residents spoke favorably regarding the prospect of becoming part of Jeffersontown. As a final note, all members of Metro Council who sit on the annexation committee were also invited to the meeting.

C. Impact upon Metro Government.

The economic impact to Metro Government will be felt in three areas. First, road fund receipts we estimate will be reduced by \$9552.00 annually, based upon the U.S. Census mean of

2.2 persons per household and a current rate of \$23.47 per person. According to the Louisville Metro budget, this amounts to a loss of five one-hundredths of one percent (00.05%).

The second impact will be in loss of insurance tax receipts for 185 households. Using an assumed total taxable premium of \$2800 per household per annum, this amounts to \$9,552.00 annual reduction in Metro Government receipts. This equals eighty thousandths of one percent (00.080 %) of insurance premium tax receipts.

The third impact could be a loss of the proposed natural gas surcharge. It is impossible for us to project this with certainty. Presently, Jeffersontown does not impose the surcharge. But given that these are relatively newer homes with modern HVAC equipment and in generally good repair, we believe that receipts from these residents would be negligible was a surcharge ever imposed.

D. Conclusion.

The Landherr neighborhood strongly favors annexation by Jeffersontown and, because of the physical location of it to Jeffersontown, the city is fully equipped to immediately begin providing them with the services that their neighbors currently enjoy. Yes, there will be a cost to Metro Louisville in terms of lost revenues that will transfer to Jeffersontown. But those revenues will still be fully expended for the benefit of Metro Louisville citizens, and because of the proximity of Jeffersontown to them, those tax dollars can be applied very cost-effectively. Without question, even if Metro Louisville desired to extend the same level of services to the area that they will receive from Jeffersontown, the cost to do so would be much, much higher.

Annexation of the Landherr area makes good sense. The residents identify with Jeffersontown. The neighborhood characteristics, such as architecture, size, and price, are very consistent with those of Jeffersontown. And Jeffersontown stands ready, willing and able to provide enhanced public protection and public services to these residents at a very affordable cost to all residents of Jeffersontown. Therefore, we humbly ask for your consent and approval.

City of Jeffersontown Annexation Request

Date: 12/12/2019

Mary and Land herr

I, the owner request the following address be considered for annexation by the City of Jeffersontown, KY.

11111 Taylorsville Road Jeffersontown, KY 40299

Mary Ann Landherr (Owner)

Thank you for this consideration.

City of Jeffersontown Annexation Request

DATE: 12/12/2019

We, the owners, request that the following address be considered for annexation by the City of Jeffersontown, KY.

11007 Taylorsville Rd. Jeffersontown, KY 40299

Todd Marcum(Owner)

Caroline Marcum(Owner)

Caroline Marcun

Thank you for this consideration.

Todde INKONTAP. COM

City of Jeffersontown Annexation Request

DATE: 12/12/2019

Sandy Smithers Carla Meddens

We, the owners, request that the following addresses be considered for annexation by the City of Jeffersontown, KY.

11003 Taylorsville Rd. Jeffersontown, KY 40299

3611 Chenoweth Run Rd. Jeffersontown, KY 40299

3609 Chenoweth Run Rd. Jeffersontown, KY 40299

3607 Chenoweth Run Rd. Jeffersontown, KY 40299

Sandy Smithers(Owner)

Carla Deddens(Owner)

Todd Marcum(Owner)

Thank you for this consideration.



April 24, 2019

Bill Dieruf, Mayor City of Jeffersontown 10416 Watterson Trail Jeffersontown, KY 40299

Dear Mayor Dieruf:

The undersigned, owners of real estate within the area hereinafter described as Landherr Estates in Jefferson County, described in Deed Book #11255, Page #695, do hereby respectfully petition the City Council of Jeffersontown to cause such territory to be annexed to the City of Jeffersontown.

Respectfully submitted, Landherr Investments, LLC

Robert J. Thieneman, Jr., Assistant Manager

12488 LaGrange Road Louisville, KY4 0245 (502) 491-4645

bob@rjthieneman.com

To whom it may concern with City of Jeffersontown:

As owners of properties 12110 and 12120 Franconia ct. also 3101 Chenoweth Run rd, we would like to be annexed into the City of Jeffersontown.

To whom it may concern with City of Jeffersontown:

As owners of property 12100 Franconia ct. under J&V reality LTD we would like to be annexed into the City of Jeffersontown.

PETITION FOR REGULAR ANNEXATION OF DEER CREEK CONDOS TO THE CITY OF JEFFERSONTOWN KY

The undersigned, owners of real estate within the area hereinafter described as Deer Creek Condos in Jefferson County, do hereby respectfully petition the City Council of Jeffersontown to cause such territory to be annexed to the City of Jeffersontown.

SAID TERRITORY (which borders Jeffersontown to the North through the Woods at Landherr subdivision) CONSISTS OF:
Big Horn Court – 4100 through 4104 and 4200 through 4204
Big Horn Place – 11800 through 11808
Landherr Drive – 4501,4503,4505,4507
Big Bear Place - 12200-12207
Trophy Place — 12400-12407
Buck Horn Place – 12100-12107
Doe Ridge Place – 12000-12007
Wildcat Way - 12300-12307
Little Horn Place - 11901, 11903,11905,11907

	7
Presented to the City of Jeffersontown KY	August 30, 2019
	Date

Petition submitted by:

Tim Whelan, Resident / on Behalf of Deer Creek Condos

11807 Big Horn Place Louisville, KY 40299 502-836-4256

Notary- Andrea Recei Duelda Conmisseors Exp: Desember 1, 2022

DEER CREEK CONDOS

Deer Creek Condos was developed starting in 1999 and was fully completed by 2002.

Deer Creek Condos borders Jeffersontown to the north Chenowith Run Lane. Deer Creek Condos consists of 64 property units, plus a shared clubhouse and pool. This annexation request is Deer Creek Condos first attempt at annexation with the City of Jeffersontown. The current effort began with a neighborhood annexation special meeting on August 8th, 2019 with approximately 33 households represented at the meeting. The meeting discussed the annexation process and the pros and cons of annexation. After the August 8th meeting, a team of volunteers canvassed the neighborhood door to door to field any questions and concerns regarding annexation and to gather the necessary votes on the annexation petition. This packet represents the votes and signatures obtained from August 8th-August 23rd, 2019.

As of August 30, 2019 date of submission of this packet, the votes stand at:

59 YES votes

94% of Yes / No Votes

94% of all Properties

4 NO votes

6% of Yes/ No Votes

6% of all Properties

1 Resident owner has passed and the property is currently up for sale

64 Total Properties

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HOME MAIL ADDRESS BOOK YOUR DAILY NEWS yfourth@netzero.net I Options Help I Sign Out Read Message Search Web Treating Severe Asthma Attack | Severe Asthma Check Mall Sponsored by Healthgrades Compose Mail Junk Print Mark Move Search **RE: Jeffersontown Annexiation** Inbox From: diane delap.me <diane@delap1 Add to Contacts | Invite Sender | Block Sender Draft To: "yfourth@netzero.net" <yfourth@netzero.net> Sent (11) Cc: Teresa < witt412@acl.com> Trash Sert: Sun, Aug 11, 2019 09:23 PM Junk Mail (3) My Folders Tim. New Folder As the occupant of 12201 Big Bear Place I vote yes for the annexation. Diane DeLap Con' diane@delap.me Britist Arring Bolidio 6" From: Teresa [mailto:twitt412@aol.com] Sent: Friday, August 9, 2019 10:41 PM To: diane delap.me <diane@delap.me> Subject: Re: Jeffersontown Annexiation Hi Dlane. Listed below is Tim Whelan email address. y fourth@netzero.net Enjoy your trip to Tampa! ----Original Message-From: Teresa < with 412@aol.com> To: diane < diane@delap.me> Sent: Thu, Aug 8, 2019 10:06 pm Subject Jeffersontown Annexiation Hi Diane. I hope you are doing well. I am so sorry for your loss of Jan. My prayers are with you. Things here are the usual. Hope your weather in Maine is pleasant. It has been a hot summer here. The HOA is having all the front doors painted. Judy has you signed up on the same day when she is having her door painted. There was an HOA meeting with the Jeffersontown mayor tonight about our community being annexed with J-town. Before the mayor will consider the annexation he would need 90% agreement with Deer Creek. Landherr subdivision across. Blankenbaker pkwy has agreed a The pros: 1. Weekly trash pickup. Recycle every other week. We would not have a monthly trash bill. 2, Jtown police protection within minutes. Currently Metro police 40 to 60 minutes to respond. 3. Being part of Jtown may increase home value. The money saved on Trash may allow the maintenance fee not to increase for a few years. 4. The city tax would be tax deductible. Property tax would go up around \$200. Will not do snow removal because we are a private road. Residents must sign a petition voting yes or no. Since you are out of town the Mayor said you could send the board a signed letter stating that you vote yes or I am voting yes. The police protection is a plus for me. If you would like me to discuss with out the phone I could call you tomorrow night. Just let me know. ▼ Down My NetZero About Ads Terms of Se

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