

ORDINANCE NO. 84-8

AN ORDINANCE PROPOSING TO ANNEX AND STATING THE INTENTION OF THE CITY TO ANNEX CERTAIN UNINCORPORATED TERRITORY TO THE CITY OF RUSSELLVILLE, KENTUCKY, DECLARING IT DESIRABLE TO ANNEX THE UNINCORPORATED TERRITORY AND STATING THE STATUTORY PROCEDURE FOR COMPLETION OF THIS ANNEXATION.

BE IT ORDAINED BY THE CITY OF RUSSELLVILLE THAT:

1. The City of Russellville proposes to annex and states its intention that certain unincorporated territory shall be annexed to and become a part of the City of Russellville, Kentucky, the boundary of that unincorporated territory being accurately defined by metes and bounds as follows:

Beginning at a point on the eastern side of U.S. Highway 79 about 1.42 miles/ 2.29 kilometers southwest of the City of Russellville, Logan County, Kentucky, said point of beginning being located at a corner on the existing City of Russellville Limits line at the north end of the "Built-Rite" property; thence along the southern line of the existing City of Russellville Limits, S 85°55' 41"E, 6057.57 feet to an existing concrete "City Limits" marker located on the western side of U.S. Highway 431 South; thence continuing along the southern line of the existing City of Russellville limits and crossing U.S. Highway 431 South, S 85°55'41"E, 6057.57 feet to a point on a corner on the existing City of Russellville Limit line on a ridge on the property of Dr. L. E. Johnson; thence over the lands of said Johnson and J. C. Lockett, S 42°56' 07"W, 2909.56 feet to the northeastern boundary line corner of a tract of the lands of John L. Walker; thence along the eastern boundary lines of said Walker and Robert Kemp, S 19°11'43"E, 989.22 feet to a fence post; thence S 14°30'30"W, 1765.19 feet to a point; thence with a line over another tract of the lands of said Kemp, S 49°23'33"W, 1550.02 feet to an iron pin corner monument on the northeast boundary line corner of the Black Tie Restaurant; thence along the eastern and southern boundary lines of said Black Tie Restaurant and crossing U.S. Highway 431 South, S 20°16'09" E, 163.22 feet; thence S 69°46'48" W, 304.30 feet to a point on the western side of U.S. Highway 431 South; thence along the western side of said U.S. Highway 431 South, N 20°16'28"W, 628.71 feet to a point; thence N 20°24'15"W, 1056.87 feet to an iron pin corner monument on the southeastern boundary line corner of the Holiday Logan Theatre, Incorporated; thence along the southern boundary line of said Holiday Logan Theatre, Incorporated and a tract of the lands of Jesse Riley, S 69°54'27"W, 1790.16 feet to a point on the western side of Kentucky Highway 96; thence along the western side of said Kentucky Highway 96, S 08°29'37"W, 269.19 feet to a fence post at the southeastern boundary line corner of the lands of C.V. and Gates Dodson; thence along the southern and southwestern and western boundary lines of said Dodson, N 87°56'38"W, 1100.47 feet to a fence post; thence S 44°14'07"W, 3635.69 feet to a fence post; thence N 68°44'39"W, 1691.58 feet to a fence post; thence N 52°45' 21"E, 1436.82 feet to a point; thence S 87°14'39"E, 184.80 feet to a point; thence N 57°45'21"E, 346.50 feet to a point; thence N 32°00'49"W, 1184.52 feet to a point at a corner common to the lands of said Dodson and Ellen Groot; thence along the western boundary line of said Groot, N 41°23'55"W, 490.66 feet to a forty-eight inch (48") Oak tree; thence continuing along the western boundary line of said Groot, Jimmy Sanders, Eldon Poore and Bertha Trainer: N 38°23'17"W, 2794.90 feet to a point; thence N 11°17'43"W, 852.13 feet to a point at Charles Akin's eastern boundary line corner on said Trainer's southern boundary line; thence along the southern boundary line of said Charles Akin, N 70°07'37"W, 1171.33 feet to a thirty-six inch (36") Oak tree on the eastern side of U.S. Highway 79, said point being on the existing City of Russellville Limits line; thence along the eastern side of said U.S. Highway 79 and the existing City of Russellville Limits line, N 45°34'14"E, 3199.02 feet to the point of beginning containing 1450.84 acres / 587.1549 hectares more or less according to this survey made in September, 1983 and July, 1984 by SMITH AND ASSOCIATES, ENGINEERS AND SURVEYORS, Dennis D. Smith, PLS 2062, Kenny Lee, Barry Hall, Billy Smith and Bobby Kelly; subject to any and all existing rights-of-ways and easements including but not limited to the existing U.S. Highway 431, U.S. Highway 79 and Kentucky Highway 96 right-of-way, power transmission easements and other rights-of-way and easements of record. All bearings being referenced to Magnetic North as of this date.

A plat of the property is attached hereto and incorporated herein by reference as fully copied herein and is marked Exhibit "A."

2. That the City of Russellville declares it desirable to annex the unincorporated territory hereinabove described because it is in the best interest of the welfare of the people within the present city limits boundaries of the City of Russellville, Kentucky, and is in the best interest of the welfare of the people within the present city limits boundaries of the City of Russellville, Kentucky, and is in the best interest of the people now owning property

and/or residing or to be owning property and/or residing within the area proposed to be annexed, and this annexation is desirable for the following reasons and is to accomplish the following municipal purposes:

- a. To provide protection to the area proposed to be annexed,
  - b. To provide, in the future, needed municipal services to the area proposed to be annexed, and
  - c. To provide needed tax revenue to the City of Russellville, Logan County, Kentucky.
3. The statutory procedure to complete this annexation is KRS 81A.420 which is in words and figures as follows:

"81A.420 Ordinance declaring intent to annex: election on proposed annexation; annexation ordinance, when city may enact

(1) Whenever a city desires to annex unincorporated territory, the legislative body of the city proposing to annex shall enact an ordinance stating the intention of the city to annex. Such ordinance shall accurately define the boundary of the unincorporated territory proposed to be annexed, and declare it desirable to annex the unincorporated territory.

(2) If following the publication of the annexation ordinance pursuant to subsection (1) of this section and within sixty (60) days thereof, or if in any annexation proceeding where the annexing city has not adopted a final annexation ordinance, within sixty (60) days following July 15, 1980, fifty percent (50%) of the resident voters or owners of real property within the limits of the territory proposed to be annexed petition the mayor in opposition to the proposal, an election shall be held at the next regular election occurring at least sixty (60) days after the petition is presented to the county clerk.

(a) The mayor of the city shall deliver a certified copy of the ordinance to the county clerk of the county in which the territory proposed to be annexed is located, who shall have prepared to be placed before the voters in each precinct embraced in whole or in part within the territory proposed to be annexed the question: "Are you in favor of being annexed to the City of ....." If only a part of any precinct is embraced within the territory proposed to be annexed only persons who reside within the territory proposed to be annexed shall be permitted to vote. The clerk shall cause the sheriff or sheriffs to deliver to the election officers in each precinct in the appropriate counties copies of the ordinance proposing to annex.

(b) If less than seventy-five percent (75%) of the qualified voters in the area to be annexed oppose annexation, the unincorporated territory shall become a part of the city.

(3) In not less than sixty (60) days after the enactment of the ordinance, if no petition has been received by the mayor as set out herein, or within sixty (60) days of the certification of election results in which less than seventy-five percent (75%) of the qualified voters in the area opposed annexation, the legislative body may enact an ordinance annexing to the city the territory described in the ordinance. Upon the enactment of this ordinance, the territory shall become part of the city for all purposes.

HISTORY: 1982 c 360, §20, eff. 7-15-82 1980 c 303, §3"

This Ordinance shall take effect and be in force immediately upon its enactment, approval, and publication as provided by law.

PASSED first reading by roll call vote this the 17th day of July, 1984.

AYES:	NAYS:	ABSENT:	ABSTAINING:
Ken Campbell	None	None	None
G. Keith Fruits			
Gary Woodlee			
Harold R. Johns			
Everett Daniel			
Willie L. Hampton			

PASSED second reading by roll call vote this the 7th day of August, 1984.

AYES:	NAYS:	ABSENT:	ABSTAINING:
Ken Campbell		Keith Fruits	
Gary Woodlee			
Harold Johns			
Everett Daniel			
Willie L. Hampton			

*Ken Fruits*  
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 MAYOR