

**COMMONWEALTH OF KENTUCKY
CITY OF LONDON**

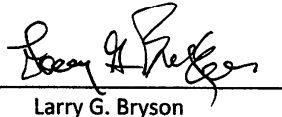
**A SUMMARY OF ORDINANCE NO. 2023-06 ENTITLED "AN ORDINANCE OF INTENT TO ANNEX
AN AREA OF PROPERTY IN THE RIGHT-OF-WAY OF KENTUCKY STATE ROUTE 25 AND PRIVATE
PROPERTY OWNED BY THE COMMONWEALTH OF KENTUCKY, DEPARTMENT OF
TRANSPORTATION AND CTA, LLC"**

This Summary is of the above named Ordinance and is prepared by Larry G. Bryson who states that he is licensed to practice law in the Commonwealth.

The property that is the subject of this Ordinance is depicted on a Map (Exhibit A to the Ordinance) and is contiguous to the present City property annexed by Ordinance No. 984. The property is described by survey in Exhibit B and C to the Ordinance and both the Map and Property description were made by Kentucky Surveys. CTA's property was requested to be annexed and is described in Exhibit C, but US 25 (Exhibit B) is owned by the State.

In this Ordinance, the Council makes all the necessary and required findings pursuant to KRS 81A.410 for annexation of the property and these are listed in detail in the full text of the Ordinance which is located at the office of the City Clerk of the City of London. Following those Findings, the Council ordains that the property is intended to be annexed, that notices be provided and that the property is depicted on Exhibit B and C and that the Ordinance is effective upon its publication.

Summary Prepared by:


Larry G. Bryson

COMMONWEALTH OF KENTUCKY
CITY OF LONDON
ORDINANCE NO. 2023-06

AN ORDINANCE OF INTENT TO ANNEX
AN AREA OF PROPERTY IN THE RIGHT-OF-WAY OF KENTUCKY STATE ROUTE
25 AND PRIVATE PROPERTY OWNED BY THE COMMONWEALTH OF
KENTUCKY, DEPARTMENT OF TRANSPORTATION AND CTA, LLC

BE IT ORDAINED BY THE CITY OF LONDON, KENTUCKY AS FOLLOWS:

WHEREAS, the City of London, Kentucky has:

1. Determined that the area hereinafter described is desirable to be annexed, the same being in an unincorporated area accurately described below and accurately depicted on an annexation map prepared by a Kentucky-licensed surveyor dated January 2, 2023 (the "Annexation Map"), which is incorporated herein by reference as EXHIBIT A, and is adjacent and/or contiguous to the preexisting boundaries of the City of London, Kentucky as established by Ordinance No. 984.
2. The City Council finds that Tract 1 of property of the proposed annexation, as depicted on the Annexation Map, and more particularly described as referenced and is incorporated herein by reference in EXHIBIT B, is an involuntary annexation, in that such territory is in the Right-of-Way of U.S. Route #25, commonly known as South Laurel Road. The City Council has no knowledge of opposition by the Commonwealth of Kentucky of this Right-of-Way property or its other property therein, but must consider such annexations involuntary in the absence of written consent.
3. This matter is before the City Council of the City of London pursuant to a request by CTA, LLC a certain real property ("Tract 2" of the description referenced and is incorporated herein as referenced as EXHIBIT C below and of the Annexation Map) be annexed into the corporate city limits of the City of London, Kentucky.
4. The City Council finds that Tract 2, EXHIBIT C, of this annexation is a voluntary annexation, being considered at the November 7, 2022 Council Meeting and the request and irrevocable written consent of the private property owner CTA, LLC, being the sole owner of the property described herein.
5. As evidenced by the Annexation Map and the description below, Tract 1 is adjacent and/or contiguous to Tract 2 over approximately 128.7 feet (Lines 19-21 on Annexation Map). Both Tract 1 and Tract 2 are contiguous to the existing boundary of the City of London as established by City Ordinance No. 984.

6. The City Council, in compliance with KRS 81A.410(1)(b), finds the entire territory to be annexed by reason of population density, commercial, industrial, institutional, or governmental use of land, or subdivision of land, is urban in character or suitable for development for urban purposes without unreasonable delay.
7. The City Council, based on the Annexation Map, finds the private property territory owned by CTA, LLC to be annexed is in area of the intersection of US 25 and State Route 1006.
8. The City Council, based on the Annexation Map, finds no part of the territory to be annexed to be in an Agricultural District as the term is used in KRS 262.850.
9. The City Council, based on documents and correspondence of record, finds the territory proposed to be annexed has access to services of multiple utilities.
10. The City Council, based on the Annexation Map, and photographic evidence of record, finds there are no homes in the areas to be annexed.
11. The City Council, based on photographs of record, finds there is no electrical substation on the right of ways of US 25 S in the area to be annexed.
12. The City Council, based on aerial photographs of record, finds there are no residential homes in the area to be annexed.
13. The City Council, based on the Annexation Map, and photographic evidence of record finds the CTA, LLC parcel adjoins and is contiguous to State Route US #25.
14. The City Council, based on the Annexation Map, and photographic evidence of record, finds there are commercial businesses, both within and operating on properties both on and in the vicinity of the territory to be annexed.
15. The City Council, based on the Annexation Map, and photographic evidence of record finds there are numerous businesses and commercial properties adjacent to US 25 S in the vicinity of the territory proposed to be annexed, but that those properties are already a part of the City limits of the City of London, all evidencing urban character of development in the vicinity.
16. The City Council has reviewed a non-binding Preliminary Map, prepared by Kentucky Surveys, Inc., reflecting the above.
17. The City Council further finds that all of the foregoing adjudicative facts support annexation of the subject territory being in compliance with KRS 81A.410(1) as being urban in character or suitable for urban development purposes without unreasonable delay.

18. The City Council is aware of no evidence to indicate utility infrastructure owned by another city is in the territory proposed for annexation.

19. This property is not in any other boundary of an incorporated city.

All of these above findings are in keeping with KRS 81A.410 and KRS 81A.412 and other applicable Kentucky law. For such reasons:

BE IT ORDAINED BY THE CITY OF LONDON, KENTUCKY AS FOLLOWS:

1. The highway right-of-way property and other section of property owned by the Commonwealth of Kentucky, Department of Highways described below and in the Annexation Map as Tract 1 is intended to be annexed into the City of London with all appropriate notice provided in compliance with KRS 81A.425. Said notice shall be sent to the Commonwealth of Kentucky, Department of Highways whose property is proposed to be annexed by first-class mail no later than FOURTEEN ("14") days PRIOR to the meeting at which the ordinance proposing the annexation shall receive its SECOND READING. Per KRS 81A.425, the City Clerk shall certify the list of property owners to whom the notice was sent and the certified list shall be made a part of the official record of the meeting at which the ordinance proposing the annexation receives its SECOND READING. Said notice shall include the time, date, and location of the meeting at which the proposed ordinance shall receive its second reading, and a copy of the proposed ordinance.
2. The private property owner of the property described below and in the Annexation Map as Tract 2 is intended to be annexed into the City of London and its owner shall also receive notice in the same manner as the owner of Tract 1. However, such notice is a courtesy in that such property owner has provided an irrevocable consent to annexation and, thus, no further notice is required as expressly recognized in KRS 81A.425(5).
3. The property to be annexed is depicted on the Annexation Map and more particularly described on the attached and incorporated EXHIBIT B and EXHIBIT C in metes and bounds format.

This Ordinance shall become effective on the date of its publication. If any section, sentence, clause or phrase of the Ordinance is held unconstitutional or otherwise invalid, such infirmity shall not affect the validity of the remaining Ordinance.

ATTEST: Carolyn Adams
CAROLYN ADAMS
INTERIM CITY CLERK

Randall Weddle
RANDALL WEDDLE, MAYOR

FIRST READING: JANUARY 2, 2023
PUBLICATION: March 22, 2023

SECOND READING: March 6, 2023