

ORDINANCE NO. 074, SERIES 2021

**AN ORDINANCE OF THE LOUISVILLE METRO COUNCIL TO
APPROVE THE ANNEXATION BY THE CITY OF HERITAGE CREEK
OF 10001 CEDAR CREEK ROAD.**

SPONSORED BY: COUNCIL MEMBERS ROBIN ENGEL AND JAMES PEDEN

WHEREAS, on April 19, 2021 the City Council of the City of Heritage Creek, Kentucky voted in favor of an ordinance to annex 10001 Cedar Creek Road as identified by the Jefferson County Clerk at Plat and Subdivision Book 11975, page 623; and

WHEREAS, 10001 Cedar Creek Road is a property consisting of 56.137 unimproved acres which was recently rezoned by the Louisville Metro Council on October 8, 2020 from R-4 to R-5 with a proposed 233 buildable lot subdivision adjacent to the City of Heritage Creek; and

WHEREAS, the City Council of the City of Heritage Creek stated in its Ordinance No. 2, Series 2021, that the property owner of the territory sought to be annexed executed a written consent in favor of annexation by the City of Heritage Creek (a copy of the signature is attached hereto); and

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

WHEREAS, the written consent form signed by the property owner acknowledged the annexation would result in property tax increase as well as additional city services to be provided by the City of Heritage Creek; and

WHEREAS, the City of Heritage Creek is not required to hold a public meeting regarding the proposed annexation because it has consent of the sole affected property owner; and

WHEREAS, the City of Heritage Creek filed a request on May 4, 2021 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 Heritage Creek obtain approval of the annexation from Louisville Metro Council prior to the City of Heritage Creek proceeding with the annexation requirements under KRS Chapter 81A; and

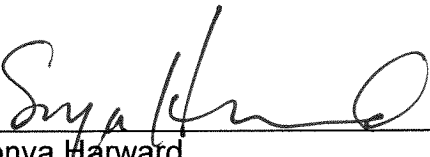
WHEREAS, KRS 67C.111(3) gives Louisville Metro Council the authority to approve or deny annexation requests “by ordinance and within sixty (60) days of the receipt of the request” and if Louisville Metro Council does not act within “sixty (60) days, the request for a city to proceed with an annexation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

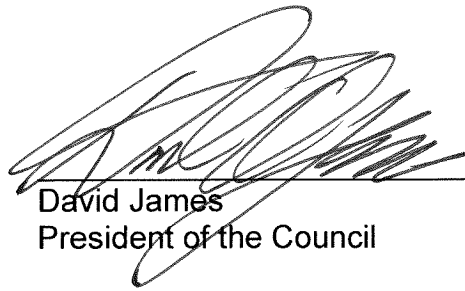
WHEREAS, for the reasons stated above Louisville Metro Council wishes to proceed with approval of the City of Heritage Creek’s annexation ordinance to become effective upon passage and approval.

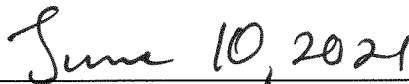
NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (“METRO COUNCIL”) AS FOLLOWS:

SECTION I: Metro Council hereby approves the annexation of the property known as the Estates of Locust Grove proposed by the City of Heritage Creek in its Ordinance Number 2, Series 2021 on April 19, 2021 (attached hereto) pursuant to its authority under KRS 67C.111(3).

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

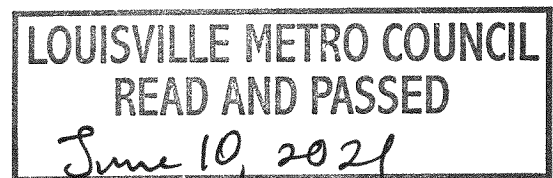

Sonya Harward
Metro Council Clerk


David James
President of the Council


Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney



BY: 
O-218-21 Ordinance Approving 10001 Cedar Creek Road Annexation Proposal from Heritage Creek.docx (TF)

MARK E. EDISON
ATTORNEY AT LAW
178 COMBS COURT
SHEPHERDSVILLE, KENTUCKY 40165

(502) 543-5616
(502) 955-6586
FAX (502) 543-5414

April 21, 2021

Louisville/Jefferson Co.
Metro County Clerk, Suite 103
601 West Jefferson Street
Louisville, KY 40202

RE: Annexation Request
City of Heritage Creek
Cedar Creek Road

Dear Sir or Madam:

Enclosed please find a certified copy of an Ordinance passed by the City of Heritage Creek requesting annexation approval for 56.137 acres of unimproved land adjoining the current boundary of the City of Heritage Creek.

I have also enclosed a copy of the Consent to Annexation, a copy of the new plat from which the legal description was prepared and a previously recorded plat depicting the request tract and how it adjoined the balance of Mr. Slaughter's real estate in 1993.

If you need additional information, or I can be of any assistance, please feel free to contact me.

Yours truly,


Mark E. Edison

MEE/ac

Enclosure

x.c. James Peden, Metro Council District 23
601 West Jefferson St.
Louisville, KY 40202

Rebin Engel, Metro Council District 22
601 West Jefferson St.
Louisville, KY 40202

Clifford L. Webb, Mayor
City of Heritage Creek
8700 Justice Way
Louisville KY 40229

MAY 4 2021 PM 1:05

ORDINANCE NO. 02-2021

AN ORDINANCE RELATING TO REQUESTING THE APPROVAL BY THE LOUISVILLE/JEFFERSON COUNTY METRO COUNCIL OF THE ANNEXATION BY THE CITY OF HERITAGE CREEK OF A TRACT OF LAND COMMONLY KNOWN AS TRACT 4 RESIDUAL MINOR PLAT FOR VIRGIL M. SLAUGHTER JR. (DEED BOOK 6439 PAGE 364) WHICH LAND IS CONTIGUOUS WITH THE EXISTING BOUNDARY OF THE CITY OF HERITAGE CREEK, 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 Heritage Creek seeks to annex the following described tract of land (with improvements) which tract is not contiguous with the boundary of the former City of Louisville; and

WHEREAS, the City of Heritage Creek 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 Council) prior to the City proceeding under the provisions of KRS Chapter 81A;

NOW THEREFORE, IT IS ORDAINED BY THE CITY OF HERITAGE CREEK, KENTUCKY AS FOLLOWS:

SECTION 1: The City of Heritage Creek hereby seeks and requests the approval of the Louisville/Jefferson County Metro Council of the annexation of that certain property described as follows:

Being a certain tract of land in the County of Jefferson, Commonwealth of Kentucky, located on the east side of Cedar Creek Road, north of Justice Way and being more particularly described as follows:

Beginning at a point in the east right-of-way line of Cedar Creek Road, NAD83 Kentucky State Plane North Zone, U.S. Survey feet coordinates, N220,237.51, E1,247,816.93, said point also being in the original city boundary of Minor Lane Heights, now Heritage Creek, Ordinance No. 05-1999, which is 40 feet from the centerline, said point being referenced by a found concrete right-of-way monument on-line at 0.27 feet north, said point also being the northwest corner of lot 386 in Heritage Creek East, Section 7, as recorded in Plat Book 51, Page 19 in the Clerk's office of Jefferson County, Kentucky.

Thence with said right-of-way line N 04°10'58" E, a distance of 1351.91 feet to a set iron pin & cap (IPC) #3005, thence N 03°01'54" E, a distance of 36.86 feet to an existing IPC #3173 at the southwest corner of a tract of land conveyed to Pamela

K. & Michael S. Baxter as recorded in Deed Book 6445, Page 825 in the Clerk's office aforesaid; thence with said tract S 85°49'18" E, a distance of 574.74 feet to a set IPC #3005 in the west line of a tract of land conveyed to Sarah Lynn & Christopher L. ShROUT as recorded in Deed Book 7374, Page 642 in the Clerk's office aforesaid; thence with ShROUT the following two calls: S 02°47'34" W, a distance of 191.54 feet to a set IPC #3005; thence S 85°49'18" E, a distance of 925.29 feet to a set IPC #3005 in the southerly line of a tract of land conveyed to Frederick L. & Elenora Kelty as recorded in Deed Book 5520, Page 805 in the Clerk's office aforesaid; thence with Kelty and a tract of conveyed to Jerry W. & Lisa S. Davis as recorded in Deed Book 8521, Page 615 in the Clerk's office aforesaid, S 64°53'53" E, a distance of 695.23' to an existing IPC #3173 at the northwest corner of a tract of land conveyed to the Regional Airport Authority of Louisville & Jefferson County as recorded in Deed Book 7115, Page 815 in the Clerk's office aforesaid; thence with Airport the following two calls: S 19°22'02" W, a distance of 967.30 feet to an existing IPC #2662; thence N 86°17'19" W, a distance of 1900.04 feet to the point of beginning. Containing 2,471,014 square feet, 56.727 acres.

all of record within the Office of the Clerk of Jefferson County, Kentucky.


SECTION 2: The individual parcel identified collectively in Section 1 is contiguous with the City of Heritage Creek and is urban in character.

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

Given first reading at a Special meeting of the City Council of the City of Heritage Creek, Jefferson County, Kentucky, on the 17th day of April, 2021. Given second reading, voted upon, and passed at a Special meeting of the City Council of the City of Heritage Creek, Jefferson County, Kentucky, on the 19th day of April, 2021.

Votes for 5; Votes against 0; Not Voting 1.

ATTEST:


CLIFFORD WEBB, Mayor


Angela Reynolds
City Clerk

I, the undersigned, being duly appointed, qualified and acting as City Clerk of the City of Heritage Creek, Kentucky, hereby certify that the foregoing Ordinance No. 02-2021 is a true, correct and accurate copy as duly and lawfully passed and adopted by the City Council on the 19th day of April, 2021.

Angela Reynolds

CITY CLERK

Date: April 19th 2021

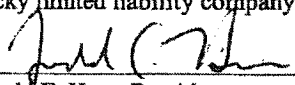
CONSENT TO ANNEXATION
10001 CEDAR CREEK ROAD

The undersigned, Grand Communities, LLC (hereinafter "Grand Communities"), hereby owns the property known generally as and with an address of 10001 Cedar Creek Road, Louisville, Jefferson County, Kentucky 40229, with a Parcel ID No. of 008601980000, and more particularly described in the survey and legal description, attached respectively hereto in Exhibit A and Exhibit B. This Property is adjacent to the City of Heritage Creek, Kentucky.

The undersigned Grand Communities is aware of a proposal to the City of Heritage Creek, Kentucky, to annex this property into the boundaries of the City of Heritage Creek, Kentucky. As the current property owner of the Property to be annexed, the undersigned hereby supports the annexation proposal and fully consents to be annexed by the City of Heritage Creek, Kentucky. Grand Communities understands that if the annexation proposal is approved, that the Property will be subject to the City of Heritage Creek, Kentucky, taxes in addition to Louisville Metro taxes, but that it would also receive City of Heritage Creek, Kentucky services, including but not limited to police protection and trash pickup.

GRAND COMMUNITIES, LLC
A Kentucky limited liability company

BY:


Todd E. Huss, President

4/2/2021
(date)

100105439 0084

APPROVED THIS DAY OF 17th 1993

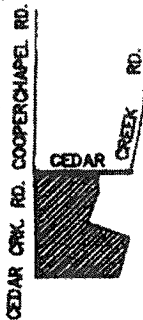
LOUISVILLE AND JEFFERSON COUNTY PLANNING COMMISSION.

Handwritten signature: D. D. [unclear]

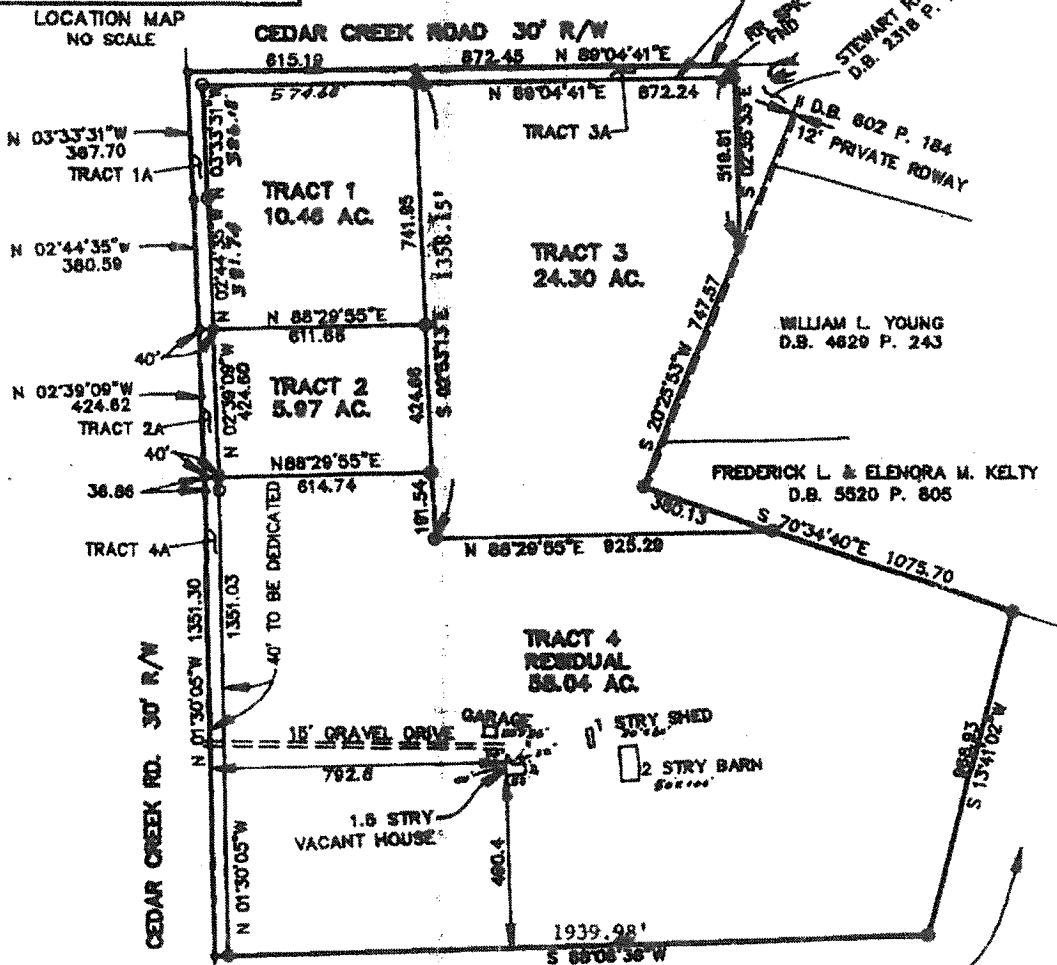
NOTE: AREAS ARE CALCULATED FROM CENTERLINE OF CEDAR CREEK ROAD.

(1) THERE SHALL BE NO FURTHER SUBDIVISION OR RESUBDIVISION OF THE LAND INTO A GREATER NUMBER OF LOTS THAN ORIGINALLY APPROVED.

(2) THIS PLAT IS SUBJECT TO ALL UNRECORDED EASEMENTS AND ROADWAYS IF ANY.



LOCATION MAP
NO SCALE



Handwritten notes and signatures in the bottom left corner.

CARL E. FREY
D.B. 2815 P. 47

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE SURVEY FOR THIS PLAN WAS MADE UNDER MY DIRECT SUPERVISION AND THE BEARINGS AND DISTANCE MEASUREMENTS SHOWN HEREON ARE CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS SURVEY WAS MADE BY METHOD OF RANDOM TRAVELING. THE BEARINGS AND DISTANCES SHOWN HEREON HAVE BEEN ADJUSTED FOR CLOSURE. THIS SURVEY AND PLAN MEETS OR EXCEEDS THE MINIMUM STANDARDS OF GOVERNING AUTHORITIES.

Handwritten signature: R. S. Matheny 10-5-93
SIGNATURE DATE

LEGEND

PK SET ○
IP SET ○
IP FOUND ●



**MINOR PLAT FOR
VIRGIL M. SLAUGHTER JR.**

11812 CEDAR CREEK ROAD, LOUISVILLE, KY 40229

D.B. 1738 P. 537

(502) 857-3908

STATE OF KENTUCKY
R. S. MATHENY
3173
REGISTERED
LAND SURVEYOR

CARDINAL SURVEYING SERVICES

6800 MT. WASHINGTON RD.
LOUISVILLE, KY. 40229
PH. (502) 238-3435

214-93

DRAWN BY: [unclear]

SCALE: 1" = 400'

DATE: 8-30-93

SHEET 1 OF 2