

ORDINANCE NO. 16- 08

AN ORDINANCE ANNEXING TO THE CITY OF SOMERSET TERRITORY AS SET FORTH BELOW AND DESCRIBED IN THE ATTACHED EXHIBITS, SAID TERRITORY HAVING BEEN DECLARED IN THE CITY'S INTENT TO ANNEX ORDINANCE TO BE DESIRABLE TO ANNEX BY THE CITY, AND PURSUANT TO KRS CHAPTER 81A AND ALL OTHER APPLICABLE LAW;

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOMERSET, KENTUCKY:

I. PURPOSE OF ORDINANCE

This Ordinance sets forth the Annexation of the subject property, which the City of Somerset, Kentucky has previously expressly stated its *intent to annex*, and further *declared the territory as desirable to annex* to the City of Somerset, Kentucky, pursuant to KRS 81A.420 and all other applicable law. Said Intent to Annex Ordinance was passed upon the second reading on the *28th day of January, 2013*, and the Clerk's certification of notice to the property owner(s) was made part of the official record of said meeting per KRS 81A.425.

As required, said Intent to Annex Ordinance was published with all Exhibits after passage. To date, no bona fide petition of objection has been presented to the Mayor and the 60 day period for such petitions having ended, the City herein exercises its right to Annex the territory set forth in the Intent to Annex Ordinance referred to above.

II. REQUIRMENTS FOR ANNEXATION SATISFIED BY THE CITY

The subject unincorporated territory is contiguous to current boundaries of the City Limits, is territory that is urban in character or is suitable for urban development without unreasonable delay, some of which currently contains water mains and/or sewer lines and/or natural gas lines which belong to the City of Somerset that provide services for customers throughout the County and currently outside of the City's corporate boundaries; further, the included and described territory that does not already contain such infrastructure is part of the City's future development and growth plans, much of which is contained in the City's approved Comprehensive Plan required by law to be adopted and reviewed on a periodic basis. Therefore the growth of the City's corporate boundaries and infrastructure into the subject territory is not a mere speculation that services may be provided in the future, but a solid and existing plan of which the City is financially capable of providing which will benefit the entire County and all communities within its boundaries, and which benefits the Lake Cumberland watershed which serves and affects the entire South Eastern Region of the United States.

III. CURRENT MUNICIPAL VALUE OR PURPOSE

Pursuant to applicable case law interpreting Kentucky Annexation Laws, the City of Somerset may annex territory in strips, otherwise known as, and hereafter described as, "corridors", if said territory has a concrete and tangible municipal value or purpose existing at the time annexation is sought. The City of Somerset, by and through the City Council, herein states and declares that the City of Somerset has the required concrete and tangible municipal value or purpose for annexing the subject territory (See Section II above for additional information).

IV. DESCRIPTION OF TERRITORY

Please see Exhibit "A" (Description and Map) which contains an accurate description of the annexed territory pursuant to KRS 81A, attached hereto and incorporated herein in full by reference.

V. SEVERABILITY

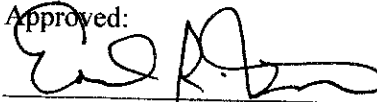
If any part of this ordinance is deemed by a court of competent jurisdiction to be unenforceable or unconstitutional, the remaining provisions of this ordinance shall continue in full force and effect.


VI. FORCE AND EFFECT

This ordinance shall be in full force and effect upon passage by the Common Council, approval by the Mayor, and publication according to law.

FIRST READING August 8, 2016

SECOND READING August 22, 2016

Approved: 
Mayor

ATTEST:

City Clerk