

*Cagles 3/14/10
Are near
Peden Mill road
(South Franklin)*

ORDINANCE NO. 110.80-05-2010

**ORDINANCE ANNEXING TO THE CITY OF FRANKLIN, KENTUCKY
CERTAIN TERRITORY OF LAND CONTIGUOUS TO THE EXISTING
CITY LIMITS OF FRANKLIN, KENTUCKY
IN ACCORDANCE WITH THE COMPREHENSIVE PLAN OF ANNEXATION
AND DECLARING AN EMERGENCY TO EXIST**

WHEREAS, heretofore, the City of Franklin, Kentucky, adopted a Comprehensive Plan of Annexation; and

WHEREAS, the City Commission has determined that the hereinafter described territory is urban in character, and/or suitable for development for urban purposes, by reason of population density, commercial, industrial, and/or subdivision of land; and

WHEREAS, the City Commission has determined that no part of the area to be annexed shall be included in the boundary of another city; and

WHEREAS, owners of record of the land to be annexed have given prior written consent to the annexation; and

WHEREAS, pursuant to KRS 81A.412, the City may enact a single ordinance finally annexing the land described in the ordinance and all waiting periods and notice requirements shall not be required;

NOW, THEREFORE, BE IT ORDAINED by the City of Franklin, Kentucky, acting by and through its City Commission, as follows:

WHEREAS, it is provided in KRS 83A.060(7) that publication of an Ordinance, in order to make it effective, need not be done in an emergency, upon the affirmative vote of two-thirds (2/3) of the membership of the City's legislative body, provided that the legally required publication requirement is carried out within ten (10) days of the date of enactment of the emergency ordinance; and,

WHEREAS, it is essential and in the public interest that the City issue this ordinance immediately and any postponement would be detrimental to the residents of the City due to the potential revisions to and/or use of the property, and, therefore, an emergency exists so that it is necessary and in the public interest to issue this ordinance immediately, and the City hereby declares such emergency to exist.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Franklin, Kentucky, as follows:

SECTION I. DECLARATION OF AN EMERGENCY

1. It is hereby found, determined, and declared that the facts and recitals set forth in the preamble of this ordinance are true and correct and are hereby affirmed, and all acts described in preamble are hereby ratified. Such facts and recitals, including any terms defined therein, are adopted and incorporated as a part of this ordinance.

2. In accordance with KRS 83A.060(7), an emergency is hereby declared to exist for the reasons described in the preamble of this ordinance and the Board of Commissioners suspends the requirement of publication of the ordinance in order for it to become effective, so that the ordinance is and shall be effective upon the adoption of this ordinance; and further, this ordinance, because of said emergency hereby declared, shall be effective upon its adoption on first reading, without publication, as provided in KRS 83A.060(7), and the Board of City Commissioners having hereby suspended the requirements of second reading and publications. The ordinance shall be published within ten (10) days of the adoption of this ordinance as provided by law.

SECTION II. ANNEXATION OF PROPERTY

1. That pursuant to the provisions of KRS 81A.412 and/or KRS 81A.420, the City of Franklin hereby annexes the following described unincorporated area and makes it a part of the City of Franklin, Kentucky:

SEE PROPERTY DESCRIPTION ATTACHED AS EXHIBIT 1
AND INCORPORATED HEREIN BY REFERENCE

2. Further, the Mayor is authorized and directed to sign any and all documents necessary to effectuate this transaction including, but not limited to a Consent to Annexation.

SECTION III. EFFECTIVE DATE

This Ordinance shall be effective immediately upon the reading of the ordinance at the meeting being specifically approved and adopted for the purposes of first and only reading and for the purposes of publication according to law.

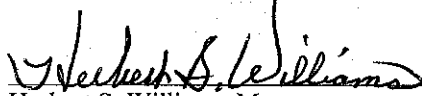
If any section, subsection, sentence, clause, or phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions.

All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF FRANKLIN, KENTUCKY, by the affirmative vote of at least two-thirds (2/3) of its membership upon one reading and upon declaration of an emergency as described above, all in accordance with and pursuant to KRS 83A.060(7) at a meeting held on Monday, May 24, 2010, and ordered to be published according to KRS 83A.060(7) within ten (10) days from the adoption of this ordinance and declared to be in full force and effect immediately according to law. On motion made by Commissioner Henry Stone and seconded by Commissioner Mike Simpson, the foregoing ordinance was adopted, after full discussion, by the following vote:

<u>YES</u>	JAMIE POWELL	<u>YES</u>	WENDELL STEWART
<u>YES</u>	MIKE SIMPSON	<u>YES</u>	HENRY STONE
<u>YES</u>	MAYOR HERBERT S. WILLIAMS		

APPROVED BY:


Herbert S. Williams, Mayor
City of Franklin, Kentucky

ATTEST:



Kathy Stradtner, City Clerk
City of Franklin, Kentucky

EXHIBIT 1 (ATTACHED)