

81A.005 Annexation by city of first class that has in effect a cooperative compact with its county.

- (1) When a city of the first class, which has in effect a compact with the county pursuant to KRS 79.310 to 79.330, desires to annex unincorporated territory, the legislative body of the city shall enact an ordinance stating the intention of the city to annex. If an ordinance proposing to annex unincorporated territory has been enacted prior to July 15, 1986, and the ordinance annexing the territory to the city has not been enacted, then in order for the city to annex the territory during the time the compact is in effect, the legislative body of the city shall reenact the ordinance only including the same territory as the original and stating the intention of the city to annex. Such ordinances shall accurately define the boundary of the unincorporated territory proposed to be annexed, and declare it desirable to annex the unincorporated territory.
- (2) 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 question shall be submitted to the voters at the next regular election if the ordinance is filed with the county clerk not later than the second Tuesday in August preceding the regular election. 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:
 - (a) If more than fifty percent (50%) of those voting on the question approve of the annexation, the legislative body may proceed to annex the territory. Within sixty (60) days of the certification of the election results in which more than fifty percent (50%) of those voting in the election approved the annexation, the legislative body of the city may enact an ordinance annexing to the city the territory described in the ordinance. Upon enactment of the ordinance the territory shall become part of the city for all purposes; or
 - (b) If fifty percent (50%) or less of those voting on the question approve the annexation, the ordinance proposing annexation shall become ineffectual for any purpose, subject to the provisions of KRS 81A.460.
- (3) Once the ordinance stating the intention of the city to annex an area has been given its first reading or enacted by the city legislative body, no part of such area may be incorporated or be annexed by another city, unless such incorporation or annexation is pending at the time the ordinance is given its first reading, until the annexation proposal by the city of the first class is defeated pursuant to subsection (2) of this section or until the ordinance is withdrawn, repealed, or amended as to the area to be annexed according to subsection (4) of this section. This subsection shall apply to any proposing ordinance which has had a first reading or has been enacted as of January 1, 1986. Notwithstanding anything to the contrary in this subsection, any

annexation by a city other than the first class or incorporation prior to January 1, 1986, shall not be nullified by the application of KRS 79.310 to 79.330; provided, however, that any city of the first class shall retain any legal annexation priorities which existed on January 1, 1986, to the territory so annexed or incorporated. All pending litigation challenging annexation of a specific unincorporated territory by the city of the first class arising from ordinances proposing to annex such territory enacted prior to July 15, 1986, shall, at the discretion of the court, be remanded on the docket of the appropriate court without prejudice during the term of the compact.

- (4) The legislative body of the city may elect to amend the description of the territory proposed to be annexed under an ordinance stating the intention of the city to annex an area as described in subsection (1) of this section at any time after June 1, 1998, and prior to September 30, 1998, for the purpose of excluding a specific area or areas from the ordinance in order to permit these areas to be annexed by an abutting city located in the county according to KRS 81A.412. Amendment of the ordinance according to this subsection shall not affect the priority granted this annexation proposal according to subsection (3) of this section.

Effective: June 1, 1998

History: Amended 1998 Ky. Acts ch. 104, sec. 2, effective June 1, 1998. -- Amended 1996 Ky. Acts ch. 195, sec. 42, effective July 15, 1996. -- Created 1986 Ky. Acts ch. 77, sec. 6, effective July 15, 1986.