

History and Filing Process for City Boundary Changes



Presented by Travis Horn for the Interim Joint Committee on Local Government

What Does the Kentucky Land Office Archive?

- Certificate of Legal Title (CoLT) Filings
- Revenue Bonds
- State Deeds
- City Filings
 - Notices of Appointments, Resignations, and Vacancies for Local Offices
 - City Boundary Changes
- Land Patents

Overview: History of City Filings

Before 1893 all Kentucky Cities were established & incorporated by Acts of the Virginia General Assembly (pre-June 1792) or Kentucky General Assembly (after statehood).

CHAP. CVII.
An act for establishing a town in the county of Lincoln.
I. WHEREAS it is represented to this present general assembly, that the laying off the village or township, known by the name of Harrodsburg, in the county of Lincoln, into lots and streets, and establishing the same by law, will be of public utility:
II. *Be it enacted*, That the six hundred and forty acres of land allowed by law, including the said village or township, shall be, and the same is hereby vested in William Christian, John Brown, Robert Mosby, Samuel Lapsley, Peter Casey, John Smith, Samuel Taylor, John Cowan, John Gilmore, James Harrod, Abraham Chaplaine, William Kennedy, and Benjamin Logan, gentlemen, trustees, to be by them, or any seven of them, laid off into lots, with convenient streets, and established a town, by the name of Harrodsburg.
III. *And be it further enacted*, That such of the inhabitants of the said township who were residents therein on the first day of June, in the year one thousand seven hundred and seventy-nine, and have resided there ever since, or who have not obtained a certificate for a settlement and pre-emption from the commissioners

Town of Harrodsburg in Lincoln county, established.



LAWS OF VIRGINIA,
appointed in that country for adjusting claims to unpatented lands, agreeable to law, shall retain their lots, provided that such persons shall exceed half an acre for each family, for an in-lot, and ten acres each for an out-lot; and the said trustees, or a major part of them, shall convey to such claimants their possessions aforesaid, without any other consideration.

IV. The said trustees shall cause an accurate survey to be made of the said township, and after ascertaining the claims of the several persons who may have a right to lots, according to this act, shall proceed to sell the residue thereof, on twelve months credit, giving sufficient notice of the time of such sale, taking bonds with sufficient security, payable to themselves, as trustees aforesaid, and convey the said lots to the purchasers in fee; and that after deducting the surveyor's fees, and other incidental expences, together with five per centum for collection, shall settle their account on oath, before the supreme court for the district of Kentucky, and pay the balance into the public treasury. Upon the death, removal out of the county, resignation, or other legal disability of any of the trustees, the remaining trustees shall proceed to appoint others to such vacancies, as often as the same shall happen; and the said trustees so appointed shall individually be vested with the same powers, to all intents and purposes, as any one in this act particularly mentioned.
V. *And be it further enacted*, That the owners or purchasers of lots in the said town of Harrodsburg shall, within three years from the day of sale, erect and build thereon a dwelling-house, of the dimensions of twenty feet by sixteen, at the least, with a brick or stone chimney, or on failure thereof, it shall and may be lawful for the trustees, or a major part of them, to re-enter and possess the same again, with full power to dispose of such lots so forfeited, for the best price that can be got, and apply the money arising therefrom to the use and advantage of the said town. The trustees aforesaid, or any seven of them, shall have power from time to time to settle and determine all disputes concerning the bounds of the said lots, and to settle such rules and orders for the regular building of houses thereon, as to them shall seem best and most

OCTOBER 1785—10th of COMMONWEALTH.
convenient. And the owners or purchasers of lots in the said town, so soon as they shall have built upon and saved the same, according to the directions of this act, shall be entitled to, and enjoy all the rights, privileges, and immunities, which the freeholders and inhabitants of other towns in this state, not incorporated, hold and enjoy.

I, ELMER N. CARRELL, Clerk of Jefferson Circuit Court, in and for the Commonwealth and County aforesaid, do hereby certify that the attached is a full, true and correct copy of Judgment, entered, December 2, 1966, and noted on Civil Docket in action #104247, wherein, Frederick Heath, Et Al, Plaintiffs, vs. Ex Parte as appears of record in my office. /s/ LYNDON SCHMID, JUDGE

In TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the Court aforesaid, at the city of Louisville, this 19th day of December 1966.


 Elmer N. Carrell Clerk

FREDERICK HEATH, ET AL. , PLAINTIFFS

versus: J U D G M E N T

EX PARTE

On Motion of Plaintiffs, by counsel, and it appearing that a Petition has been filed pursuant to KRS 81.050 to establish the City of Brownsboro Farm, and that notice of said filing having been duly advertised pursuant to said Statute and the Court being advised,

IT IS THEREFORE ORDERED AND ADJUDGED that the following described area be, and it is hereby incorporated into a sixth class city known as  City of Brownsboro Farm.

Located in Jefferson County, Kentucky.

BEGINNING at a point in the Southwest line of Old Brownsboro Hills, Section 1, recorded in Plat Book 17 Page 79 in the office of the Clerk of the Jefferson County Court, Jefferson County, Kentucky, said point being North 32 degrees, 51 minutes 54 seconds West 90.01 feet from the center line of Brownsboro Road (U. S. 22) as shown on said plat. Thence with said Southwest line of Old Brownsboro Hills, Sections 1 and 2, 2489.78 feet to a point, thence North 57 degrees, 08 minutes 06 seconds East 2489.78 feet to a point, thence South 32 degrees, 51 minutes 54 seconds East 2489.78 feet to a point, thence South 57 degrees, 08 minutes 06 seconds West 2489.78 feet to the point of beginning.

IT IS FURTHER ORDERED that the following persons are appointed as officers of said incorporation pursuant to KRS 81.00 et seq.

In 1893, the responsibility for city incorporation shifted to the circuit courts. (See KRS 81.050 & KRS 81.060)

In 1942, the Kentucky General Assembly passed legislation that required cities to file incorporations, boundary changes, & dissolutions with the Office of Kentucky's Secretary of State.

From 1942 to 1980 there were 194 filings with the Secretary of State's Office regarding city incorporations, dissolutions, and boundary changes.

Senate Bill 22, approved by the Kentucky General Assembly on April 3, 1980, was designed to update the state's files pertaining to Kentucky cities. This law, codified as [KRS 81.045](#), required all cities in the Commonwealth to file the following information with the Office of Secretary of State:

- (1) Name of City;
- (2) Date of Incorporation;
- (3) Classification; and
- (4) Present Boundaries.

For cities to receive state moneys, the filings had to be mailed to the Secretary of State no later than July 15, 1981.

This law provided an ***umbrella*** for cities to establish their boundaries without proving annexation ordinances prior to 1980.

The boundaries as stated in [KRS 81.045](#) filings later became the foundation for the “Interactive City Maps.” *KRS 81.045 was repealed in 2015.*

CITY OF ADAIRVILLE

ADAIRVILLE, KENTUCKY 42202

April 24, 1981

RECEIVED

APR 27 1981

SECRETARY OF STATE
COMMONWEALTH OF KY.

Secretary of State
Capitol Building
Frankfort, Kentucky 40601

Dear Sir:

As required under recently enacted KRS 81.045 the following information is being forwarded to you:

1. Name of city..... City of Adairville
2. Date of incorporation.....1837
3. Present classification.....5th Class
4. Present boundaries.....2 city maps are enclosed close up & aerial photo certified by Mayor

Please advise if additional information is needed.

Very truly yours,

City of Adairville

John Sweatt
John Sweatt
Mayor

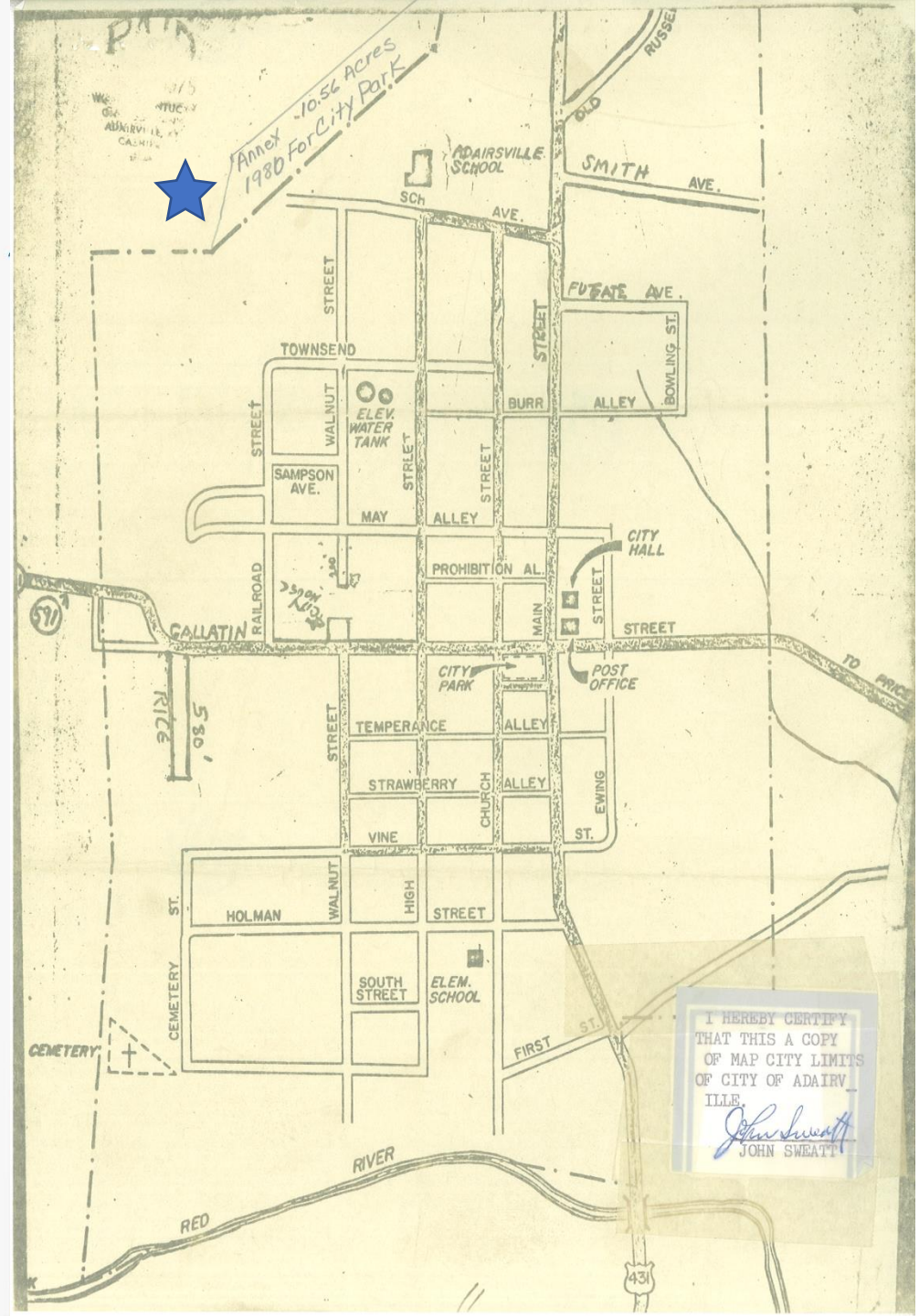
JS:s

Encl: 2

Logan County

Estab. Jan. 31, 1833

Chartered Feb. 7, 1871



Overview: Process for Changing City Boundaries

AN ACT RELATING TO CITY ANNEXATION FILINGS.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 81A.470 is amended to read as follows:

(1) Within sixty (60) days of the enlargement or reduction of a city's boundaries, the city shall cause to be recorded in the office of the Secretary of State:

- a) A duly **certified** paper or electronic copy of the **final ordinance** that changed the city's boundaries;
- b) A **map** and a **description prepared by a professional land surveyor** depicting the parcel annexed, transferred, or severed as a **closed** geometric figure on a **plat** annotated with bearings and distances or sufficient curve data to describe each line. The professional land surveyor shall clearly state on the documents **the location of the existing municipal boundary**, any physical feature with which the proposed municipal boundary coincides, and a **statement** of the recorded deeds, plats, right-of-way plans, or other resources used to develop the documents depicting the municipal boundary, ***in paper or electronic form***; and
- c) An **electronic file** containing a closed geometric figure depicting the territory being added or removed that is referenced to a **Kentucky State Plane Coordinate System** zone in any one (1) of the following formats:
 1. AutoDesk AutoCAD DWG or DXF;
 2. Bentley MicroStation DGN; or
 3. ESRI ArcGIS Shapefile.

If the electronic file is attached to an e-mail communication, the e-mail and all files attached to that e-mail communication cumulatively shall not exceed fifteen (15) megabytes in size.

(2) No city which has annexed unincorporated or accepted transfer of incorporated territory may levy any tax upon the residents or property within the annexed or transferred area until the city has complied with the provisions of subsection (1) of this section, and of KRS 81A.475.

FILING REQUIREMENT #1: Certified

CITY CLERK'S CERTIFICATION *(Sample)*

I certify I am the duly qualified City Clerk of the City of _____, Kentucky, and the following _____ pages of Ordinance No. _____ *(or Ordinance dated _____)* is a true, correct, and complete copy duly adopted by the City Commission at a duly convened meeting held on _____, all as appears in the official records of said City.

WITNESS, my hand, this _____ day of _____, 202____.

(Signature of City Clerk)

Key Point: The City Clerk's attestation of the Mayor's signature is not the equivalent of the Clerk's certification of the ordinance. The City Clerk serves as the city's official recorder and archivist.

Sample Ordinance: Finalizing an Intent Ordinance

Avoid text that states the city is "Proposing to Annex" or is stating an "Intention to Annex."

FILING REQUIREMENT #2: Final Ordinance

ORDINANCE NO. 110.80-08-2007

**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**

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 and/or commercial and industrial use 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, pursuant to KRS 81A.425, notice was sent by first-class mail to each property owner listed on the records of the Simpson County Property Valuation Administrator as of January 1, 2007; and,

WHEREAS, said notice was mailed no later than fourteen (14) days prior to the meeting at which the ordinance proposing the annexation and stating the intention of the City of Franklin to annex the territory received its second reading; and,

WHEREAS, Ordinance No. 110.80-05-2007, proposing the annexation was duly read in accordance with the Kentucky Revised Statutes, and was published and went into effect on June 7, 2007; and,

WHEREAS, more than sixty (60) days have elapsed since Ordinance No. 110.80-05-2007 went into effect, and no petition containing signatures of property owners in the area to be annexed has been received by the Mayor pursuant to KRS 81A.420; and,

WHEREAS, all notices required by the Kentucky Revised Statutes have been provided and/or published according to law;

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Franklin, Kentucky that the City of Franklin hereby ratifies the Mayor's signature upon and approves any and all documents necessary to effectuate the intent of this ordinance including, but not limited to the Consents to Annexation and, further, the City 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

This ordinance shall take effect upon its passage, approval, and publication. If any section, subsection, sentence, clause, 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.

August 9, 2007 FIRST READING
August 13, 2007 SECOND READING

At a meeting of the Board of Commissioners of the City of Franklin, Kentucky held on August 13, 2007, on motion made by Commission Wendell Stewart and seconded by Commissioner Herbert Williams, the foregoing ordinance was adopted, after full discussion, by the following vote:

YES BILL AUSTIN

YES WENDELL STEWART

YES HERBERT S. WILLIAMS

YES HENRY STONE

YES MAYOR, JIM BROWN

APPROVED BY:



JIM BROWN, MAYOR
CITY OF FRANKLIN, KENTUCKY

ATTEST:



KATHY STRADTNER, CITY CLERK
CITY OF FRANKLIN, KENTUCKY

FILING REQUIREMENT #3: Map/Plat

3A: Prepared by a professional land surveyor

KRS 322.400: Plats or surveys not to be recorded unless certified by a professional land surveyor. No county clerk of any county, or any other public authority, shall accept for filing, file, or record any map, plat, survey, or other document related to the practice of land surveying, unless it evidences certification by a professional land surveyor by whom, or under whose personal supervision and direction, the map, plat, survey, or other document is prepared. (Note: A surveyor's certification consists of the surveyor's stamp, signature, and date of signature. All 3 elements of the certification must be included on the plat & on the description.)

3B: Closed geometric figure

Although surveyors use "reverse lines" for other projects, KRS 81A.470 requires the lines for depictions of annexed/severed/or transferred parcels to close. If the description says a line is going north and east, the corresponding line on the plat must state the line is going north and east, not south and west. Additionally, lines/calls on plats may be inadvertently omitted in the description (*or vice versa*). Line Tables & Curve Tables are acceptable.

3C: Location of Existing Municipal Boundary

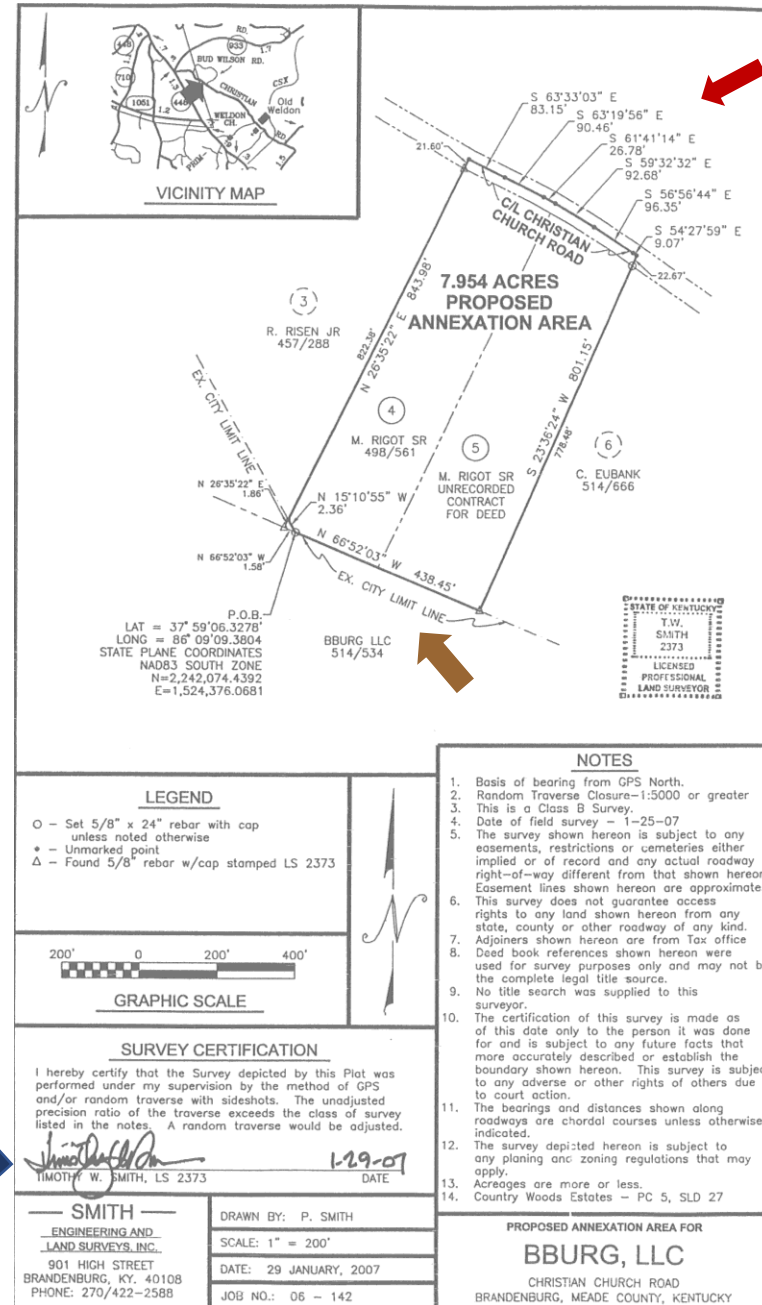
Including the name of the city is encouraged.

3D: Statement

The surveyor identifies the deeds, plats, right-of-way plans or other resources used to develop the documents depicting the municipal boundary.

3E: In Paper or Electronic Form

To expedite the review, correction, & filing process, plats larger than 11"x 17" should be submitted to the Office of Secretary of State in paper format with the certified ordinance & description.



FILING REQUIREMENT #4: Description



- The Description describes the area being annexed, severed, or transferred by the cited ordinance. The Plat depicts the area being annexed, severed, or transferred by the cited ordinance. Ordinances cannot be bundled on one plat or ordinance.
- Plats & Descriptions are separate documents.
- According to KRS 81A.470, the Description must be prepared by a professional land surveyor. The Surveyor's Certification on the description confirms compliance. The Surveyor's Certification consists of his/her stamp, signature, and date.
- All calls on the Plat must be included in the Description. Check for omitted calls in the Description due to typographical errors.
- All calls in the Description must match all calls on the Plat—call for call. Reverse lines are not acceptable on KRS 81A.470 submissions.

Resolution for Original Annexation Ordinance 93-12

Description of a 5.478 +/- Acre tract located in the State of Kentucky, County of Bullitt & located adjacent to the City of Hillview, inside the excluded area of Annexation Ordinance # 90-10 and lying on the East side of Kentucky State Route #1450 (Blue Lick Rd), and being 139.4± feet north of the north right-of-way of Majestic Blvd, encompassing parts of the subdivision Majestic Acres Revised in the Toy Court area and other properties along Blue Lick Road.

Said tract being more particularly described as follows:

Beginning at a point in the existing City of Hillview boundary with Kentucky North Zone State Plane coordinates of:

Northing: 215410.0', Easting: 1223854.8', said point being in the east right-of-way of Blue Lick Road (Kentucky State Route #1450) (60' R/W) and in a line of the City of Hillview existing boundary as per Ordinance 90-10, said point also being the northwest corner of Majestic Acres, Section 1, Lot 1;

Thence following Ordinance 90-10 with the west right-of-way line of Blue Lick Rd **N 21°35'37" W** a distance of **250.64'** to a point;

Thence leaving said east right-of-way line of Blue Lick Road and Ordinance 90-10, **S 68°16'46" E** a distance of **176.55'** to a point in Majestic Acres Revised, Lot 132;

Thence **N 21°37'31" W** continuing with said Majestic Acres Revised, Lot 132 a distance of **100.00'** to a point in aforementioned Ordinance 90-10;

Thence following Ordinance 90-10, **S 67°57'52" E** a distance of **798.56'** to a point;

Thence **S 20°24'27" E** a distance of **357.01'** to a point in the northeast corner of Majestic Acres, Section 2, Lot 18;

Thence leaving the line of Ordinance 90-10 and following the north line of Majestic Acres, Sections 1 and 2, **N 67°27'05" W** a distance of **974.10'** to the **POINT OF BEGINNING**,

Containing **5.478 Acres**, more or less, as shown on plat labeled "**RESOLUTION PLAT DEPICTING Original Ordinance #93-12**" as prepared by Brad Armstrong Land Surveying & Engineering, Inc. dated 05-13-2015.

Note: The purpose of this description is to provide information for the annexation of the 5.478± acres described herein to The City of Hillview. This description does not represent a boundary survey and is not intended for land transfer nor to establish boundary lines.

Paul Bradley Armstrong 253334
5-13-15
STATE OF KENTUCKY
PAUL BRADLEY ARMSTRONG
2008
LICENSED PROFESSIONAL LAND SURVEYOR

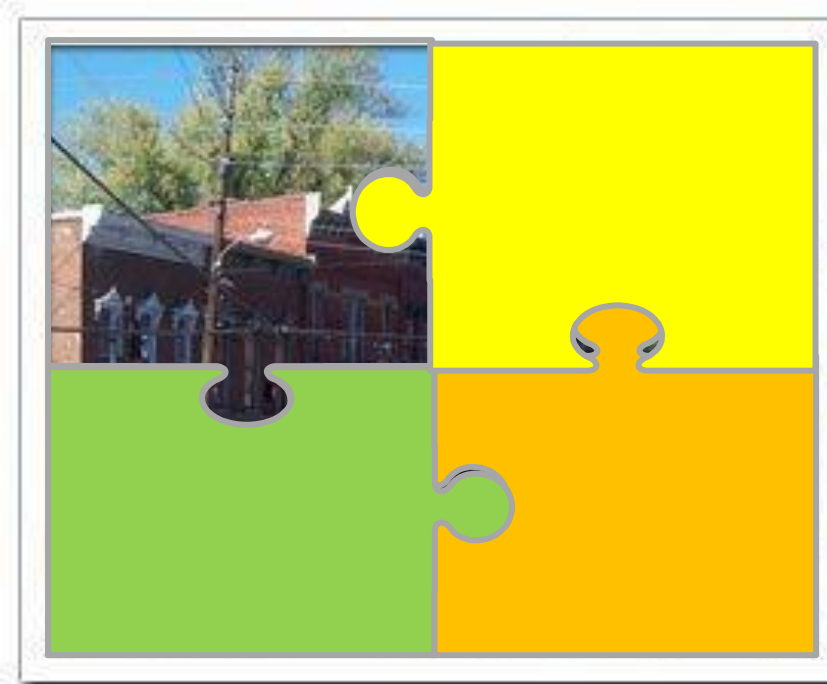
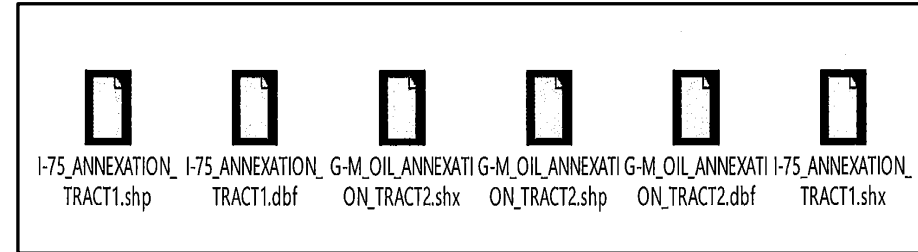
City of Hillview

Resolution for Annexation Ordinance 93-12

Page 1 of 1

FILING REQUIREMENT #5: Electronic File

- An Electronic File, formerly known as a CAD (Computer-Aided-Design), Drawing, or Shape File, is **not** a Plat or a Map.
- Electronic Files ensure the accurate placement of parcels affecting city boundaries on the “Interactive Map” linked to the “Kentucky Cities” website. Electronic Files are mandatory effective June 29, 2021, and thereafter.
- **Electronic Files must be referenced to the Kentucky State Plane Coordinate System zone.**
- Electronic Files may be in any of the following formats:
 - 1. AutoDesk, AutoCad, DWG, or DXF;
 - 2. Bentley MicroStation DGN; or
 - 3. ESRI ArcGIS Shapefile
- If the Electronic File is attached to an e-mail communication, the e-mail and all files attached to that e-mail communication cumulatively shall not exceed fifteen (15) megabytes in size.
- The Electronic File should be complete. It must match the area being annexed, severed, or transferred as depicted on the plat.
- Electronic Files should be submitted to the Office of Secretary of State via e-mail to confirm compliance with KRS 81A.470 (as amended in 2021). Electronic Files may also be submitted on CDs or thumb drives (aka flash drives).



KRS 81A.470: Final Check before Submitting to the Office of Secretary of State

- REQUIREMENT #1: City Clerk's Certification of Ordinance** *(The Attestation of the mayor's signature is not a certification of the ordinance.)*
- REQUIREMENT #2: Ordinance (Consent Ordinance or Finalization of an Intent-to-Annex Ordinance)**
- REQUIREMENT #3: Plat/Map** *(All text must be legible and "eye-readable.")*
 - 3A: Prepared & Certified by a professional land surveyor**

A surveyor's certification consists of the surveyor's stamp, signature, and date of signature. All three elements of the certification must be included on the plat & on the description. *(Descriptions & plats are separate documents on separate sheets of paper.)*
 - 3B: Closed geometric figure**

Reverse lines will not be accepted. All calls on the plat must match all calls in the description. Line Tables & Curve Tables are acceptable.
 - 3C: Location of Existing Municipal Boundary**

Including the name of the city is encouraged. *(ex: "Existing Corporate Boundaries of ____")*
 - 3D: Statement**

The surveyor must identify the deeds, plats, right-of-way plans, or other resources used to develop the documents depicting and describing the annexation, severance, or transfer.
 - 3E: In Paper or Electronic Form**

To expedite the review, correction, & filing process, plats larger than 11"x 17" should be submitted to the Office of Secretary of State in paper format with the certified ordinance & surveyor's description. Ask the county clerk's office for their preference.
- REQUIREMENT #4: Surveyor's Certified Description of Annexed Parcel or Parcels**
- REQUIREMENT #5: Electronic File (formerly known as CAD, Drawing, or Shapefiles)**
 - Electronic Files must be referenced to the Kentucky State Plane Coordinate System zone.
 - Electronic Files may be in any of the following formats:
 - 1. AutoDesk, AutoCad, DWG, or DXF;
 - 2. Bentley MicroStation DGN; or
 - 3. ESRI ArcGIS Shapefile *(ESRI = Environmental Systems Research Institute; GIS = Geographic Information System)*
 - If the Electronic File is attached to an e-mail communication, the e-mail and all files attached to that e-mail communication cumulatively shall not exceed fifteen (15) megabytes in size.
 - The Electronic File should be complete. It must match the area being annexed, severed, or transferred as depicted on the plat.
 - Electronic Files should be submitted to the Office of Secretary of State via e-mail to confirm compliance with KRS 81A.470 (as amended in 2021). Electronic Files may also be submitted to the Office of Secretary of State on CDs or thumb drives.

(Effective June 29, 2021)

FINAL NOTATIONS

- Submissions that do not meet (or do not include) all of the filing requirements of KRS 81A.470 (*as amended June 29, 2021*) will be returned to the city for correction and resubmission.
- Submissions that do meet the filing requirements will be added to the city's page on the "Kentucky Cities" website in the "Date Filed," "Type," "Ordinance," & "Notes" fields).
- Copies of all filed documents will be sent to the state mapping office for comparison with the electronic file (*shapefile or CAD*).
- The "Map Status" header will say "IN PROGRESS" (*by default*) until the state mapping office determines if the mapping of the filing is "MAPPABLE" or "UNMAPPABLE." Links to the "UNMAPPABLE" mapping label will identify problems with the electronic file, such as missing shapes, corrupt files, or the depiction didn't match the plat submitted with the ordinance. The city's interactive map will **not** include the annexed/severed/or transferred area until the problems are corrected via the submission of a corrected electronic file (*aka shapefile*) to the Office of Secretary of State who will then forward the corrected electronic file to the state mapping office.
- Please be advised hyperlinks may identify if older annexations, originally described as "MAPPABLE," were mapped in whole or in part

Thank you for your
time!

Questions? Please Contact:

Travis Horn
Office of the Secretary of State
Archivist II - Land Office Manager
U.S. Census Bureau BAS Representative for Kentucky
Room T21-B, Capitol Annex
702 Capital Avenue
Frankfort, KY 40601
Phone: (502) 564-3490
E-Mail: Travis.Horn@ky.gov

