

CHAPTER 78**(SB 25)**

AN ACT relating to annexation maps and declaring an emergency.

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

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

- (1) If the limits of a city are enlarged or reduced, the city shall, within sixty (60) days of the enlargement or reduction, cause an accurate map and description of the annexed, transferred, or severed area, together with a copy of the ordinance duly certified, to be recorded in the office of the county clerk of the county or counties in which the city is located ~~and~~ in the office of the Secretary of State, ~~and in the Department for Local Government~~. The map and description shall be prepared by a professional land surveyor. The documents shall depict 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.
- (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.

➔Section 2. KRS 81.420 is amended to read as follows:

- (1) Elections shall be held at the next regular election if the ordinances of the legislative bodies of the cities desiring merger or consolidation have been filed with the county clerk not later than the second Tuesday in August preceding the regular election. The qualifications of voters and all other matters in regard to the election shall be governed by the general election laws. The question shall be submitted in substantially the following form:

"Are you in favor of merging or consolidating the city of and the city of into one city, to be known as the city of"?

yes

no

- (2) If a majority of the legal votes cast at the election in all of the cities, each city being a separate unit in the elections, proposing to merge or consolidate shall favor the merger or consolidation, then thirty (30) days after the certification of the results of the election the cities shall become one (1) city of the class and organizational structure of the largest of the old cities, but if a majority of the legal voters in either city vote "No," the merger or consolidation shall fail.
- (3) ***In addition to other public notice requirements, a merged or consolidated city shall comply with the provisions of KRS 81A.470, but shall not be required to comply with the provisions of KRS 81A.475.***

➔Section 3. Whereas Section 1 of this Act was amended by 2010 Kentucky Acts Chapters 10 and 117, which were in conflict, and Acts Chapter 117 prevailed as the last enacted by the General Assembly, and whereas it was the intent of Acts Chapter 10 to repeal the requirement for annexation maps to be filed with the Department for Local Government, an emergency is declared to exist, and Section 1 of this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming law.

➔Section 4. Section 1 of this Act shall apply retroactively to July 15, 2010.

Signed by Governor March 17, 2011.