

**81A.415 Annexation by a city contained within two counties of an area in an additional county.**

- (1) If a city is wholly contained within two (2) counties and that city intends to annex territory in an additional county, then it may proceed if:
  - (a) The territory proposed to be annexed:
    1. Is adjacent or contiguous to the city's boundaries at the time the annexation proceeding is begun;
    2. Which by reason of population density, commercial, industrial, institutional, or governmental use of land, or subdivision of land, is urban in character or suitable for development for urban purposes without unreasonable delay;
    3. Is not within the boundary of another incorporated city; and
    4. Contains infrastructure owned by the city or any agency, political subdivision, department, or instrumentality of the city, including governing bodies of municipal utilities operating under KRS Chapter 96; however, the territory to be annexed shall not include any territory that does not contain infrastructure as set out in this subparagraph; and
  - (b) Each of the owners of record of the territory proposed to be annexed gives prior consent in writing to the annexation and the annexation is proceeding under the provisions of KRS 81A.412.
- (2) (a) At least thirty (30) days prior to the adoption of the annexation ordinance under KRS 81A.412, the city shall provide notice of the proposed annexation to the fiscal court of the county containing the territory to be annexed. The failure of the city to notify the fiscal court of the annexation as set out in this subsection shall serve to void the ordinance annexing the territory contained in that county.
  - (b) The notice set out in paragraph (a) of this subsection shall:
    1. Contain, at a minimum:
      - a. A description of the territory to be annexed;
      - b. The date in which the annexation shall take effect, that date being the passage of the ordinance annexing the territory; and
      - c. A certification by the mayor of the city proposing the annexation that the city shall comply with the applicable requirements of this chapter; and
    2. Be delivered to the fiscal court of the county containing the territory to be annexed by certified mail.

**Effective:** June 29, 2021

**History:** Created 2021 Ky. Acts ch. 145, sec. 1, effective June 29, 2021.