

ORDINANCE NO. 2022-08

AN ORDINANCE OF THE CITY OF WALTON, KENTUCKY, EXPRESSING ITS INTENT TO ANNEX SEVERAL PARCELS OF REAL ESTATE OWNED BY OUR LADY OF GOOD COUNSEL CHURCH & HOME SWEET HOME TRUST, LOCATED ALONG AND ADJOINING THE CURRENT NORTHWEST BOUNDARY OF THE CITY, AND LOCATED NORTH OF BEAVER ROAD, WEST OF I-75, AND SURROUNDING SKYWAY DRIVE, ALL AS MORE PARTICULARLY DESCRIBED AND ILLUSTRATED IN THE EXHIBITS TO THIS ORDINANCE; AND REQUESTING THE BOONE COUNTY PLANNING COMMISSION TO HOLD A PUBLIC HEARING AND MAKE A RECOMMENDATION AS TO THE ZONING WHICH SHOULD APPLY ONCE THE TERRITORY IS ANNEXED.

WHEREAS, Our Lady Of Good Counsel Church & Home Sweet Home Trust are the Owners of several parcels of real estate located along and adjoining the current northwest boundary of the City of Walton, and thereby contiguous to the City;

WHEREAS, The Owners have consented and requested the City of Walton to annex the real estate into the City, subject to a reclassification of its zoning in order to build and operate a private boys school; and

WHEREAS, The City of Walton hereby declares that it desirable to annex the unincorporated territory to the City, and hereby expresses its intent to annex it.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF WALTON, KENTUCKY, AS FOLLOWS:

Section 1. The unincorporated real estate (“Property”) which is the subject of this Ordinance consists of several parcels of real estate located along and adjoining the current northwest boundary of the City, and located north of Beaver Road, west of I-75, and surrounding Skyway Drive.

Section 2. The Property which is the subject of this Ordinance is described and illustrated in and on the Exhibits to this Ordinance.

Section 3. The Property which is the subject of this Ordinance is contiguous to the City’s boundaries at the time this annexation proceeding is begun and, by reason of present, potential or future population density, commercial, industrial, institutional, or governmental use of the land, or subdivision of land, is urban in character or suitable for development for urban purposes without unreasonable delay. The City hereby declares its intent to annex the unincorporated territory. No part of the area to be annexed is included within the boundary of another incorporated city.

Section 4. Since the Owners of record of the land to be annexed has given prior consent in writing to the annexation, the City shall not be required to enact the notification ordinance required by KRS 81A.420(1) or to comply with the notice

requirements of KRS 81A.425, and it shall not be required to wait the sixty (60) day period provided for in KRS 81A.420(2) prior to enacting a final ordinance annexing the area.

Section 5. The City elects to follow the procedure provided for in KRS 100.209 prior to the adoption of the ordinance of annexation. Therefore, the City does hereby request the Boone County Planning Commission hold a public hearing for the purpose of adopting a comprehensive plan amendment (if necessary) and to make its recommendations as to the zoning or other land use regulations which will be effective for the property upon its annexation.

Section 6. This Ordinance shall be effective upon its adoption and approval according to law, and publication thereafter.

Section 7. All ordinances or parts of any ordinances in conflict herewith, to the extent of the conflict, if any, are hereby repealed.

Section 8. If any sentence, clause, section or part of this Ordinance or the application thereof to any particular situation is, for any reason, found to be unconstitutional, illegal or invalid, the invalidity of any provision of this Ordinance shall not affect the validity of any other provisions hereof, and such other provisions shall remain in full force and effect as long as they remain valid in the absence of that provision determined to be invalid.

Section 9. This Ordinance may be read and published in summary form.

PASSED AND APPROVED ON FIRST READING BY 4 OF 6 MEMBERS OF CITY COUNCIL ON THE 12th DAY OF JULY, 2022.

PASSED AND APPROVED ON SECOND READING BY 3 OF 4 MEMBERS OF CITY COUNCIL ON THE 9TH DAY OF AUGUST, 2022.

APPROVED:

GABRIEL D. BROWN, MAYOR

ATTEST:

GEVANA HICKS, CITY CLERK

DATE OF PUBLICATION: August 16, 2022

EXHIBITS TO WALTON ORDINANCE NO. 2022-08



1	077.00-03-007.00	11972 SKYWAY DR	HOME SWEET HOME TRUST
2	077.00-03-007.01	END OF SKYWAY DR	OUR LADY OF GOOD COUNSEL CHURCH
3	077.00-03-005.00	438 BEAVER RD	OUR LADY OF GOOD COUNSEL CHURCH
4	077.00-03-004.00	430 BEAVER RD	HOME SWEET HOME TRUST
5	077.00-03-006.00	11977 SKYWAY DR	OUR LADY OF GOOD COUNSEL CHURCH
6	077.00-03-003.00	11991 SKYWAY DR	HOME SWEET HOME TRUST
7	077.00-03-010.00	11982 SKYWAY DR	HOME SWEET HOME TRUST
8	077.00-03-002.00	11990 SKYWAY DR	HOME SWEET HOME TRUST
9	077.00-03-001.00	404 BEAVER RD	ROSENACKER ROBERT & SHERRI