

QUICK-GUIDE: RECORDING CHANGES TO CITY BOUNDARIES

This document is not intended as legal advice. Consult an attorney for matters regarding changes to city boundaries.

81A.470 Map and certified copy of ordinance of annexed, transferred, or severed area to be recorded -- Preparation of map and description -- Taxation of residents or property in new territory by annexing city prohibited prior to compliance.

- (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, 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.

Effective: July 13, 2004

History: Amended 2004 Ky. Acts ch. 166, sec. 1, effective July 13, 2004. -- Amended 1998 Ky. Acts ch. 69, sec. 41, effective July 15, 1998. -- Amended 1992 Ky. Acts ch. 17, sec. 4, effective July 14, 1992; and ch. 33, sec. 1, effective July 14, 1992. -- Amended 1984 Ky. Acts ch. 416, sec. 11, effective July 13, 1984. -- Created 1980 Ky. Acts ch. 303, sec. 8, effective July 15, 1980.

Definitions and Clarifications

Ordinance -- The written document evidencing city action to annex or sever property. Ordinances declaring the city's *intention* to annex or sever property are *not* filed in Frankfort as part of the requirements of KRS 81A.470.

Duly Certified -- The city clerk must certify the copy of the ordinance being submitted. (An attestation of signatures does not qualify as an ordinance certification.)

Description of the annexed, transferred or severed area -- The filing must include an accurate description of the area being annexed or severed. (*To ensure the accuracy of all calls, we suggest the city closely compare the text of the ordinance finalizing the boundary change to the survey map depicting the parcel or parcels.*)

Accurate Map -- All maps submitted with city filings must meet the standards of KRS 322.400. Maps must include evidence of certification by a professional land surveyor. (The certification must be signed, dated, and include the surveyor's stamp. *see 201 KAR 18:150*) The map must depict and identify the area being annexed, transferred or severed. KRS 81A.470 does *not* require the city to resurvey the entire city boundary.

Who receives KRS 81A.470 filings? -- Within 60 days after the approval of the final ordinance enlarging or reducing city boundaries, the city must submit a filing pursuant to KRS 81A.470 to the following agencies:

1. The county clerk of the county or counties in which the city is located. (*Note: The county clerk also receives a list of property owners & registered voters in the annexed or severed area.*)
2. Secretary of State Land Office, Room T40, Capitol Annex, 700 Capital Avenue, Frankfort, KY 40601
3. Governor's Office for Local Development, 1024 Capital Center Drive, Suite 340, Frankfort, KY 40601