81A.425 Notice of proposed annexation to property owners -- Exception -- Publication of annexation ordinance -- Action to void annexation.

(1) Notwithstanding the provisions of KRS 83A.060(7) and except as otherwise provided in this section, a city which proposes to annex unincorporated territory shall send notice of the proposed annexation to each property owner whose property is proposed to be annexed into the city.

(2) The notice shall be sent to each property owner listed on the records of the county property valuation administrator as of January 1 of the year in which the ordinance proposing to annex property is to be enacted.

(3) The notice shall be sent by first-class mail no later than fourteen (14) days prior to the meeting at which the ordinance proposing the annexation shall receive its second reading. The city clerk shall certify the list of property owners to whom the notice was sent and the certified list shall be made a part of the official record of the meeting at which the ordinance proposing the annexation receives its second reading.

(4) The notice shall include the time, date, and location of the meeting at which the proposed ordinance shall receive its second reading, and a copy of the proposed ordinance.

(5) The provisions of this section shall not apply in any case in which the property owners of record have consented in writing to the proposed annexation as provided in KRS 81A.412.

(6) Notwithstanding the provisions of KRS 424.130, following the second reading and enactment of an ordinance proposing to annex property, a city shall be required to publish the ordinance only once in accordance with KRS 83A.060(9).

(7) The ordinance which effectuates an annexation shall be voidable in an action brought in the Circuit Court of competent jurisdiction, if the court determines that the city failed to substantially comply with the requirements of this section, and the failure resulted in material prejudice to the substantial rights of affected property owners.

Effective: July 14, 1992

History: Created 1992 Ky. Acts ch. 418, sec. 1, effective July 14, 1992.