

**ORDINANCE RELATED TO THE  
REPEAL OF ORDINANCNE #0-2016-029**

**ORDINANCE NO. 0-2017-009**

**WHEREAS**, the City of Pikeville did enact ordinance #0-2016-029 declaring the intention of the City of Pikeville to annex certain unincorporated territory lying adjacent to the present city corporate limits comprising of approximately of 18.29 acers extending the City corporate limits along and throughout Deskins Hollow.

**WHEREAS**, pursuant to KRS81A.425 (7) the ordinance which effectuates an annexation may be voidable if 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.

**WHEREAS**, pursuant to KRS81A.420 and KRS81A.425 after the second reading and passage of the "intent to annex" ordinance, the ordinance must be published, along with a notice indicating the right of resident voters and property owners within the area to be annexed to petition in opposition to the annexation within 60 days. The city must re-publish the notice between 7 and 21 days before the expiration of the 60-day period pursuant to KRS 424.130.

**WHEREAS**, due to a clerical error the noticed indicating the right of residents voters and property owners within the area to be annexed to petition in opposition to the annexation was not published as required by KRS 424.130 and therefore pursuant to KRS81A.425(7) the city did not meet the substantially compliance requirement.

**Now therefore be it ordained**, that ordinance #0-2016-029 declaring the intention of the City to annex unincorporated territory comprising of approximately of 18.29 acers extending the corporate limits throughout Deskins Hollow is hereby repealed by passage of this resolution and that no further action of this ordinance intent shall be advanced.

This ordinance shall be in full force and effect after it is passed and published as required by law.

The above ordinance was given a first reading this 10<sup>th</sup> day of April 2017.

This ordinance was given a second reading of the 24<sup>th</sup> day of April 2017.

Passed this 24<sup>th</sup> day of April, 2017.

Commissioner McNamee moved for the adoption of the

foregoing ordinance.

Commissioner Hartsock seconded the motion.

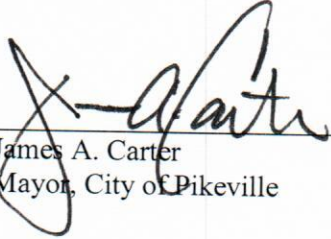
Upon roll call, the votes were as follows:

Upon roll call:	Yes	No
James A. Carter, Mayor	<u>X</u>	___
Jerry Keith Coleman, Commissioner	<u>X</u>	___
Patrick McNamee, Commissioner	<u>X</u>	___

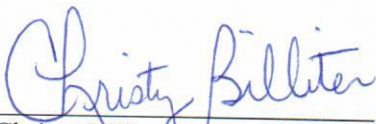
Bob Shurtleff, Commissioner  
Steve Hartsock, Commissioner

X —  
X —

The Mayor declared the within ordinance adopted this 24<sup>th</sup> day of April, 2017.

  
James A. Carter  
Mayor, City of Pikeville

ATTEST:

  
Christy Billiter, City Clerk