

81A.020 Protest against annexation of unincorporated territory or reduction of territory by city of the first class -- Trial -- Judgment.

- (1) Within thirty (30) days after the enactment of an ordinance proposing to annex unincorporated territory to a first-class city, or to reduce its limits, one or more residents or freeholders of the territory proposed to be annexed or stricken off may file a petition in the Circuit Court of the county, setting forth the reasons why the territory or any part of it should not be annexed, or why the limits should not be reduced. Summons shall issue on the petition and be executed on the chief executive officer of the city, and the answer of the city shall be filed within twenty (20) days after service of the summons. The case shall be tried according to the practice prescribed for the trial of jury cases.
- (2) If the jury finds, upon a hearing, that less than seventy-five percent (75%) of the freeholders of the territory to be annexed or stricken off have remonstrated, and that the adding or striking off of the territory will be for the interest of the city, and will cause no manifest injury to the persons owning real estate in the territory sought to be annexed or stricken off, the annexation or reduction shall be approved and become final. If the jury finds that seventy-five percent (75%) or more of the resident freeholders of the territory sought to be annexed or stricken off have remonstrated, the annexation or reduction shall not take place, unless the jury finds from the evidence that a failure to annex or strike off will materially retard the prosperity of the city, and of the owners and inhabitants of the territory sought to be annexed or stricken off, in which case the annexation or reduction shall take place notwithstanding the remonstrance.
- (3) An appeal from the judgment may be taken as in other cases, but there shall be no change of venue from the county. Costs shall follow the judgment.
- (4) The judgment shall, when entered, be certified to the city legislative body, which may thereupon annex to or strike from the city the territory described in the judgment, and the territory shall then become, or cease to become, a part of the city.

Effective: October 1, 1942

History: Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 2762, 2763.

Formerly codified as KRS 81.110.