
ANNEXATION - KENTUCKY

City of Lebanon v. Goodin

Supreme Court of Kentucky - March 20, 2014 - S.W.3d - 2014 WL 1101471

Property owners brought action challenging annexation by city. The Circuit Court granted summary judgment in favor of property owners. City appealed. The Court of Appeals affirmed. City petitioned for discretionary review.

The Supreme Court of Kentucky held that:

- As a matter of first impression, state annexation statute allows a city to annex territory that is either touching the boundary of the city or nearby;
- As a matter of first impression, territory was suitable for annexation under annexation statute; and
- Annexation did not violate property owners' rights under state constitution's provision barring governmental entities from exercising absolute and arbitrary power over lives, liberty, and property.

In interpreting terms "adjacent" and "contiguous" in annexation statute, which allowed extension of city to areas that were adjacent or contiguous to city's boundaries, application of commonly understood meaning of terms was appropriate, where General Assembly did not define terms, language used by General Assembly was clear and unambiguous, no absurdity would arise in giving terms their plain and commonly understood meanings, and apparent intent of General Assembly would, at the very least, not be frustrated in any way.

Territory was suitable for annexation by city under annexation statute, although territory was irregular in shape; northern boundary of territory touched city's current municipal border for 4,780.5 feet, territory was sought by city as location of new store, and territory included city-owned industrial park.

City's annexation of territory did not violate non-consenting property owners' rights under state constitution's provision barring governmental entities from exercising absolute and arbitrary power over lives, liberty, and property. City's decision to annex territory was rationally connected to its power to act, annexing territory would potentially increase commercial development or revenue, and city fully complied with statute governing selection of territory for annexation.

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