

67A.730 First Ordinance -- Contents -- Hearing.

If an urban-county government desires to authorize, construct, and finance an improvement pursuant to the provisions of KRS 67A.710 to 67A.825, its governing body shall initiate the proceedings by adopting an ordinance, herein called the "First Ordinance," in which announcement shall be made of the proposed improvement in such manner as to identify the benefited properties which properties may be identified by naming the public way or ways upon which they abut, if any, or by geographical location, or both. In either case the ordinance shall recite the nature and scope of the improvement, a preliminary estimate of the costs thereof, as submitted in writing by an engineer, or firm of engineers, holding a license from the Commonwealth of Kentucky, and the amount, if any, which the urban-county government proposes to appropriate from available funds toward the estimated cost. In all succeeding proceedings, the urban-county government shall be bound and limited by the preliminary report of the engineer, or engineers, with regard to the nature, scope, and extent of the proposed improvement project (unless the First Ordinance be amended); but shall not be bound by, or limited to, the preliminary estimate of costs. The costs shall be determined upon the basis of construction bids publicly solicited as hereinafter provided, and shall be binding upon the urban-county government, and upon the owners of property to be benefited by the proposed improvement project, whether the same turn out to be equal to, below, or above such preliminary estimate. Architects, engineers, and fiscal agents may be employed without advertising or competition. The First Ordinance shall provide for a public hearing at a time and place specified therein (not less than one (1) week after publication) and shall give notice that at the hearing any owner of property to be benefited may appear and be heard as to:

- (1) Whether the proposed project should be undertaken or abandoned, and
- (2) Whether the nature and scope of the project shall be altered. The First Ordinance shall be published pursuant to KRS Chapter 424. The First Ordinance may designate a person, who may be the mayor, a member of the governing body, or any official of the urban-county government, to preside at and conduct such public hearing. In the absence of a designation in the ordinance, the mayor, or a person designated by the mayor shall preside. Notwithstanding the foregoing, the public hearing shall not be deemed irregular or improper if it is in fact presided over and conducted at the designated time, and place by any elected officer or member of the governing body. Any owner of property intended to be benefited by the proposed improvement project may be heard at such public hearing, in person or by a representative.

Effective: June 21, 1974

History: Created 1974 Ky. Acts ch. 394, sec. 5, effective June 21, 1974.