

**67A.877 Benefited properties -- Later-connecting properties.**

- (1) The properties to be benefited by construction of a wastewater collection project shall consist of all real properties which are thereby afforded a means of draining wastewater from such properties, whether such real properties consist of unimproved land or contain improvements. Benefited properties shall include all real properties which are directly contiguous and abutting to any proposed sewer, lateral, main, outfall line, transmission line, interceptor, sewer easement to contain a project facility, or other project facility into which sanitary discharge and drainage of wastewater may be accomplished, whether the project sewer facility be constructed by application of the proceeds of the bonds or from funds otherwise made available by the government. Provided, however, the urban-county council of the government undertaking a project may adopt reasonable rules and regulations in respect of benefited property, and may exclude real properties which the urban-county council deems appropriate for exclusion because of location, size or other special circumstances.
- (2) The urban-county council of the government may determine, either in the ordinance of initiation or in subsequent proceedings, the necessity and desirability in the interests of the public health, safety and general welfare, that properties other than the benefited properties be permitted to connect to a wastewater collection project in the future, and may make equitable provisions which may be adjustable from year to year as bonds are retired, whereby the owners of such later-connecting properties may, by paying charges for the privilege of connecting and by assuming assessment obligations, be placed as nearly as practicable on a basis of financial equity with the owners of property initially provided to be benefited and assessed.
- (3) Benefited property owned by any city, county, or urban-county government (or owned by the United States of America or any of its agencies, if such property is subject to assessment by Act of Congress), shall be assessed annually the same as private property, and the amount of the annual assessment shall be paid by the city, county, urban-county government or United States government, as the case may be.
- (4) Benefited property owned by the Commonwealth of Kentucky, except property the title to which is vested in the Commonwealth for the benefit of a district board of education pursuant to KRS 162.010, shall be assessed as follows: Before assessing the Commonwealth, the urban-county council shall serve written notice on the secretary of the Finance and Administration Cabinet of the Commonwealth, setting forth specific details, including the estimated aggregate total amount of any improvement benefit assessment proposed to be levied against any property of the Commonwealth relative to the project. Said written notice shall be served prior to the next even-numbered-year regular session of the General Assembly of Kentucky so that the amount of any specific improvement assessment may be included in the biennial executive branch budget recommendation to be submitted to the General Assembly. Payment of any assessment shall be made only from funds specifically appropriated for that assessment. If an amount sufficient to pay the total amount of an assessment has been appropriated, then the total amount shall be paid, as and when due. If an amount sufficient only to pay annual assessment has been

appropriated, then only the amount of the annual assessment shall be paid. The amount of the assessment shall be certified by the commissioner of finance of the urban-county government to the Finance and Administration Cabinet, which shall thereupon draw a warrant upon the State Treasurer payable to the government and the State Treasurer shall pay the same.

- (5) In the case of property the title to which is vested in the Commonwealth for the benefit of a district board of education, the amount of the annual assessment shall be paid by the city, county, urban-county government or other local governmental agency or authority which represents the taxing authority of such board of education.
- (6) No benefited property shall be exempt from assessment, except as herein provided.

**Effective:** June 21, 2001

**History:** Amended 2001 Ky. Acts ch. 58, sec. 13, effective June 21, 2001. -- Amended 1982 Ky. Acts ch. 450, sec. 63, effective July 1, 1983. -- Amended 1978 Ky. Acts ch. 155, sec. 41, effective June 17, 1978. -- Created 1976 Ky. Acts ch.371, sec. 7, effective March 30, 1976.