

### **184.357 Improvements -- Hearing requirements -- Contracts.**

- (1) The board of trustees of a transportation improvement district may provide for the construction, reconstruction, improvement, alteration, or repair of any road, highway, public place, building, or other infrastructure, if the board determines that the public improvement will benefit the area where it will be constructed, reconstructed, improved, altered, or repaired.
- (2) Contracts for the improvements made under this section may provide that the improvement may be owned by the district or by the person or corporation supplying it to the district under a lease.
- (3) If the board of trustees of a district proposes an improvement described in subsection (1) of this section, the board shall conduct a hearing on the proposed improvement. The board shall indicate the area by metes and bounds in which the public improvement will be made and the area that will benefit from the improvement.
- (4)
  - (a) The board of trustees shall fix a day for a hearing on the proposed improvement. The secretary-treasurer of the board shall deliver, to each owner of a parcel of land or a lot that the board identifies as benefiting from the proposed improvement, a notice that sets forth the substance of the proposed improvement and the time and place of the hearing on it.
  - (b) At least fifteen (15) days before the date set for the hearing, a copy of the notice shall be served upon the owner or left at the owner's usual place of residence, or, if the owner is a corporation, upon an officer or agent of the corporation.
  - (c) On or before the day of the hearing, the person serving notice of the hearing shall make return thereon, under oath, of the time and manner of service, and shall file the notice with the secretary-treasurer of the board.
  - (d) At least fifteen (15) days before the day set for the hearing on the proposed improvement, the secretary-treasurer shall give notice to each nonresident owner of a lot or parcel of land in the area to be benefited by the improvement by publication once in a newspaper of general circulation in any counties in which this area is located. The publication of the notice shall be verified by affidavit of the printer or other person having knowledge of the publication and shall be filed with the secretary-treasurer of the district on or before the date of the hearing.
  - (e) After the public hearing outlined in this subsection, the district shall present the improvement, including all relevant details, along with a summary of the public hearing, to the body or bodies that established the district. Each of those bodies must approve the project prior to the district being able to proceed.
- (5)
  - (a) At the time and place specified in the notice for a hearing on the proposed improvement, the board of trustees of the district shall meet and hear any and all testimony provided by any of the parties affected by the proposed improvement and by any other persons competent to testify.

- (b) The board or its representatives shall inspect, by an actual viewing, the area to be benefited by the proposed improvement. The board shall determine the necessity of the proposed improvement and may find that the proposed improvement will result in general as well as special benefits.
- (6) (a) The board may award contracts or enter into a lease agreement for the construction, reconstruction, improvement, alteration, or repair of any improvement described in subsection (1) of this section and may issue notes, bonds, revenue anticipatory instruments, or other obligations, as authorized by KRS 184.350 to 184.395, to finance the improvements.
- (b) If the board finds that the improvement will result in general or special benefits to the benefited area, it may request the body or bodies that created the district to establish a local development area in accordance with KRS 65.7041 to 65.7083 to allow for tax increment financing to help defray the cost of the project.
- (c) Costs and expenses may also be paid from the treasury of the district or from other available sources in amounts the board finds appropriate.

**Effective:** July 14, 2022

**History:** Created 2022 Ky. Acts ch. 180, sec. 4, effective July 14, 2022.