

220.537 Procedure for protest against proposed annexation.

Owners of real property in the territory proposed to be annexed who wish to object to the annexation of the territory to the district shall, within thirty (30) days after the giving of notice by the commissioner, file a petition, signed by twenty-five percent (25%) of the freeholders in the territory proposed to be annexed, in the Circuit Court of the county in which the larger part of the territory proposed to be annexed is located, naming the commissioner, or in the case of annexation pursuant to KRS 220.536(4) naming the district, as defendant and setting out in the petition their objections to the annexation of the territory. The commissioner or district shall be represented in the Circuit Court by the county attorney and in the Court of Appeals by the Attorney General, and he also may require his defense to be made by the district. The issues may be made up and the case may be docketed for hearing as in an action for a declaration of rights. The burden of proof shall be upon the plaintiffs to show cause why the territory, or any portion of it, should not be annexed to the district. If the court renders judgment against the commissioner or district, the judgment shall point out the changes required for annexation of the territory, which, if met by the commissioner or district, shall authorize annexation of the territory. If the proposed changes are not met by the commissioner or district, the territory shall not be annexed unless new proceedings are instituted in the manner prescribed by KRS 220.535 and 220.536, but such new proceedings shall not be instituted for a period of six (6) months after the date of judgment. If the court gives judgment against the plaintiffs, the board of directors may annex the territory. An appeal shall suspend the judgment until the case has been passed upon by the Court of Appeals and final judgment rendered. Either the plaintiffs or the commissioner or district may appeal from the judgment of the Circuit Court to the Court of Appeals, but the commissioner or district shall not be required to make any appeal bond. Except as otherwise provided in this section, the pleading and practice shall be the same as in other suits in equity.

Effective: July 15, 1988

History: Amended 1988 Ky. Acts ch. 330, sec. 4, effective July 15, 1988. -- Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 14, sec. 211, effective January 2, 1978. -- Amended 1976 Ky. Acts ch. 62, sec. 105. -- Created 1954 Ky. Acts ch. 1, sec. 3.