

74.175 Deferred assessments -- Limitation on actions.

- (1) When the water district desires to construct a water main which shall be primarily a transmission line and secondarily a line to serve customers along the water main, the commission may recommend to the court that the assessments be on a deferred basis. If the court determines that the water main is primarily a transmission main, and secondarily benefits the property owners abutting the water main, the court may provide that the assessments shall be on a deferred basis.
- (2) In the event the assessments are on a deferred basis, they shall not be immediately due and payable until the benefit to the abutting property owners is realized either by a sale of the property or when the abutting property owner desires to tap into the water main, and at that time the deferred assessment shall be paid in full without interest. For a deferred assessment on which the district has not initiated collection action in the courts by July 14, 1992, limitations on an action to collect shall not begin to run until the assessment is immediately due and payable as provided for in this subsection.
- (3) In the event a property owner who has a deferred assessment against his property sells only a portion of the property or desires water service for only a portion of the property, the deferred assessment shall be prorated and paid only for the portion being sold or for the reasonable area of property being served by the water main. The property owner shall be required to furnish to the commission a plat of the property being sold or the area which will be served with water, and no other area may be served from that service unless an additional portion of the deferred assessment is paid. For an additional portion of a deferred assessment on which the district has not initiated collection action in the courts by July 14, 1992, limitations on an action to collect shall not begin to run until the additional portion is immediately due and payable because of further sale of the property or further extension of water service.
- (4) All remaining provisions of the assessment statutes shall apply to deferred assessments, except as same may be inconsistent with this deferred assessment provision.

Effective: July 14, 1992

History: Amended 1992 Ky. Acts ch. 388, sec. 1, effective July 14, 1992. -- Created 1988 Ky. Acts ch. 104, sec. 2, effective July 15, 1988.