

**76.244 Engineering report, when filed -- Construction subdistrict may be abolished, when.**

- (1) The report described in KRS 76.243 shall be made and filed within one (1) year of an order made under KRS 76.241 which establishes the construction subdistrict or the order made under KRS 76.241 shall be deemed to have been one dismissing the petition and it shall be deemed to have been dismissed at the end of the one (1) year period.
- (2) If, based on the report described in KRS 76.243, the board decides the proposed sewer or drainage construction, or both, is not technically and economically feasible, the board may make an order abolishing the construction subdistrict, which shall be published pursuant to KRS Chapter 424 and which may be appealed in the manner described in KRS 76.247. If the board finds that such construction may be made feasible by deleting portions of the subdistrict area, it may delete such area or areas by amending the order made under KRS 76.241 (2); provided, however, that at least twenty-five percent (25%) of the freeholders of land included in the remaining area must have petitioned for the creation of the subdistrict.
- (3) If the board should determine that a proposed construction subdistrict sewer or drainage construction project, once found to be feasible, should no longer appear to be feasible, or should a change in circumstances make it appear that some alternative to a construction subdistrict represents a more desirable and feasible way of undertaking such sewer or drainage construction, then the board, in its sole discretion, may make an order abolishing the construction subdistrict, which order shall be published pursuant to KRS Chapter 424 and which may be appealed in the manner described in KRS 76.247. In referring to KRS 76.247, this section is not intended to provide for de novo trial.

**History:** Amended 1968 Ky. Acts ch. 156, sec. 7. -- Created 1964 Ky. Acts ch. 33, sec. 15.