

107.060 Action by aggrieved property owner.

- (1) Any owner of property to be benefited by the proposed project, including wastewater collection projects undertaken by metropolitan sewer districts may, within thirty (30) days after passage and publication of the second ordinance:
 - (a) File an action in the Circuit Court of the county in which the city is situated (or, if the city be situated in more than one county, in the Circuit Court of any such county) seeking relief by declaratory judgment, injunction, or otherwise; or
 - (b) File in the office of the city clerk a written, notarized statement of intent to file such an action, indorsed by a licensed attorney at law to the effect that, in his opinion, his client has a reasonable and legitimate probable cause for such proposed litigation, in which event the time for filing such action shall be extended for fifteen (15) days after the date such statement is filed.
- (2) In the event of either (a) or (b), above, all proceedings of the city with respect to the proposed project shall be abated until final judicial determination of the controversies presented thereby. In the absence of action by any owner of property proposed to be benefited, as herein provided, the provisions of the second ordinance shall be final and binding. After the lapse of time as herein provided, all actions by owners of properties to be benefited shall be forever barred.

History: Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 13, sec. 28. -- Created 1956 Ky. Acts ch. 239, sec. 6.