

179.710 Changing territorial limits of established district -- Liability for taxes after change.

- (1) The territorial limits of an established subdivision road district, as established pursuant to KRS 179.700 to 179.735 may be enlarged or diminished in the following way: The trustees of the district shall file a petition in the county clerk's office of the county in which that district and the territory to be annexed or stricken off, or the greater part thereof, is located, describing the territory to be annexed or stricken and setting out the reasons therefor. Notice of the filing of such petition shall be given by publication and posting in the same manner as provided for in KRS 65.182. On the day fixed in the notice, the county judge/executive shall, if the proper notice has been given, and the publication made, and no written objection or remonstrance is interposed enter an order annexing or striking off the territory described in the petition. Fifty-one percent (51%) or more of the freeholders of the territory sought to be annexed or stricken off may, at any time before the date fixed in the notice, remonstrate in writing, filed in the clerk's office, to the action proposed. If such written remonstrance be filed, the clerk shall properly give notice to the trustees of the subdivision road district and the county judge/executive shall hear and determine the same. If upon such hearing, the county judge/executive finds from the evidence that a failure to annex or strike off such territory will materially retard the functioning of the district and materially adversely affect the owners and the inhabitants of the territory sought to be annexed or stricken off, he shall enter an order, granting the annexation or striking off the territory. In the latter event, no new petition to annex or strike off all or any part of the same territory shall be entertained for a period of two (2) years. Any aggrieved person may bring an action in Circuit Court to contest the decision of the county judge/executive.
- (2) The property in any territory annexed to a subdivision road district shall not be liable to taxation for the purpose of paying any indebtedness incurred by the district prior to the date of the annexation of such territory, except such indebtedness as represents balance owing on purchase price of road equipment.
- (3) The property in any territory stricken off from a subdivision road district by the incorporation of or annexation by a city of this Commonwealth shall not be relieved of liability of such taxes as may be necessary to pay its proportionate share of the indebtedness incurred while such territory was a part of that district.
- (4) Territories stricken by action of the county judge/executive under the provisions of subsection (1) of this section shall be relieved of liability for all indebtedness incurred by the subdivision road district.

Effective: July 15, 1982

History: Created 1982 Ky. Acts ch. 330, sec. 3, effective July 15, 1982.

Legislative Research Commission Note. A reference in subsection (1) of this section was changed to KRS 65.182 by the Reviser of Statutes pursuant to KRS 7.136. The publication and notice referred to in this sentence were deleted from KRS 179.705 by 1984 Ky. Acts ch. 100, sec. 15. KRS 65.182 contains the current applicable provision, but requires publication only.