

266.170 Board's power to make additional assessments under drainage law procedure.

- (1) Whenever it is necessary for the board to have sufficient funds to enable it to pay the interest and principal of any bonds, or any liability incurred necessary in the reconstruction, repair or maintenance of any public levee constructed under laws other than the general laws of the state pertaining to drainage of lands, the board or any landowners benefited by the reconstruction, enlargement, repair or maintenance of the levee may petition the county judge/executive of the county of the board's appointment to have the lands benefited by the reconstruction, enlargement, repair or maintenance classified and formed into a district and assessed to pay the interest and principal of the bonds or other liability in the same manner as provided in the general laws pertaining to drainage of lands.
- (2) A proceeding to have the lands protected by such levee assessed for the repair or maintenance of the levee for the current year shall enable the board to make, annually thereafter, an assessment of a like amount against the land in the district protected by the levee, and, in any year thereafter, an assessment of such a lesser amount as the board considers necessary to repair and maintain the levee. When the cost of the reconstruction and enlargement of the levee cannot be paid out of annual assessments made for the repair or maintenance of the levee, as hereinbefore set out, original proceedings may be had to classify the land benefited by the reconstruction or enlargement and form the land into a district and make assessments against the land so benefited for the cost thereof as often as necessary.
- (3) Assessments made under this section shall not be defeated on account of any irregularity in the proceedings that does not affect the substantial rights of the party complaining.

Effective: June 17, 1978

History: Amended 1978 Ky. Acts ch. 384, sec. 395, effective June 17, 1978. --
Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat.
secs. 2417c-20, 2417c-22.