

262.170 Secretary of State to record application and issue certificate of creation.

- (1) The Secretary of State shall examine the application and statement and, if he finds that the name proposed for the district is not identical with that of any other district or so nearly similar as to lead to confusion or uncertainty, he shall receive and file the application and statement and record them in an appropriate book of record in his office.
- (2) If the Secretary of State finds that the name proposed for the district is identical with that of any other district or so nearly similar as to lead to confusion and uncertainty, he shall certify that fact to the commission, which shall submit to the Secretary of State a new name which is not subject to such defects. Upon receipt of the new name, free of such defects, the Secretary of State shall record the application and statement, with the name so modified, in an appropriate book of record in his office.
- (3) When the application and statement have been made, filed and recorded, as provided in this section, the district shall come into existence as a public body corporate and politic. The Secretary of State shall make and issue to the supervisors a certificate, under the seal of the state, as to the organization of the district, and shall record a copy of the certificate with the application and statement.
- (4) In any action involving the validity or enforcement of, or relating to, any contract or action of the district, the district shall be deemed to have been established in accordance with this chapter upon proof of the issuance of the certificate by the Secretary of State. A copy of the certificate properly certified by the Secretary of State shall be admissible in evidence in any such action and shall be proof of the filing and contents of the certificate.

Effective: October 1, 1942

History: Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 42i-5.