

76.172 Apportionment of construction costs -- Liens -- Apportionment warrants -- Notice.

- (1) The ordinance providing for the construction of sewerage or drainage facilities and appurtenances shall describe the nature and kind of facilities to be furnished and shall describe the particular area benefited by said sewerage or drainage facilities.
- (2) The costs of the sanitary sewers, combined sewers, drains, and appurtenances shall be assessed against the land in said benefited area according to the number of square feet in any lot or tract within the area described in the ordinance, or according to any other equitable basis. If the square foot method of assessment is used, the rate of apportionment shall be the same for each square foot of land in said benefited area, and shall be determined by dividing the cost of the assessable sanitary sewers, combined sewers, drains and appurtenances by the total area of all land benefited in the area. No property which has been assessed for collector lines shall be reassessed for the installation or reinstallation of collector lines.
- (3) The costs of property service connections from the sewer to the property line or easement line as required shall be assessed against the individual lots or tracts to which such property service connections are furnished. The costs to be assessed for the property service connections shall be fixed by regulation of the metropolitan sewer district based on its experience of costs for such work.
- (4) All land included in said described territory shall be assessed, except such property dedicated to use for public roadways and property owned by cities of the first or second class, counties containing cities of the first or second class, and any joint agencies of such cities and counties.
- (5) When the board of a metropolitan sewer district determines that such construction of sanitary sewers, combined sewers, drains, appurtenances or property service connections at the cost of the property owners shall be recommended to the board of aldermen of a city of the first class, the metropolitan sewer district shall cause its engineering department to prepare complete drawings and specifications for the work and to keep same available for inspection in its offices.
- (6)
 - (a) The actual construction work of the sanitary sewers, combined sewers, drains, appurtenances or property service connections constructed pursuant to such ordinance shall be done by, or under the control of, the metropolitan sewer district.
 - (b) The cost of the sanitary sewers, combined sewers, drains, appurtenances or property service connections shall include not only the actual construction costs and the costs of any easements required for the sewers, but also costs of surveys, designs, plans, specifications, advertising, inspection and administration; however, these costs other than actual construction costs and costs of easements shall not exceed fifteen percent (15%) of the actual construction cost of the project. The costs of surveys, designs, plans, specifications, advertising, inspection and administration, but not exceeding a total of fifteen percent (15%) of the actual construction costs and the cost of any easements shall be paid by the contractor to the metropolitan sewer district at the completion of

the work so that such costs may be included in the apportionment warrants.

- (7) A lien superior to all liens except the liens for state, county, city, school and road taxes and liens prior in time for other public improvements shall exist against the respective lots or tracts of land for the cost of the sanitary sewers, combined sewers, drains, appurtenances or property service connections for apportionment as hereinafter provided for, and interest thereon at the rate of six percent (6%) per annum.
- (8) No error in the proceedings of the city legislative body shall exempt such property from payment after the work has been done as required by either the ordinance or contract, but the city legislative body, or the courts in which suits shall be proceeding, shall make all corrections, rules and orders to do justice to all parties concerned. In no event, if the sanitary sewers, combined sewers, drains, appurtenances or property service connections are constructed as provided, by ordinance or contract, shall the city or the metropolitan sewer district be liable for the costs of the sanitary sewers, combined sewers, drains, appurtenances or property service connections without the right to enforce such costs against the property receiving the benefit.
- (9) Upon completion and acceptance of the sewer facility constructed, the metropolitan sewer district shall make out all apportionment warrants for which liens are given for improvements of sewer facilities and shall immediately enter them in alphabetical order upon a register kept for that purpose. When the holder of the warrant has obtained payment, he shall notify the metropolitan sewer district and it shall mark upon the register the fact of payment.
- (10) The lien shall exist from the date of the apportionment warrant, but a lien shall not be valid against a purchaser for a valuable consideration without notice, unless the apportionment warrant is entered and registered within ten (10) days of its issuance.
- (11) After any sewer facilities have been constructed in conformity with this section the metropolitan sewer district shall give notice by publication pursuant to KRS Chapter 424 of the costs apportioned, and the amounts assessed and levied on the various tracts of land liable for the payment.
- (12) When property is annexed to a city of the first or second class and subsequently is connected to a sewer owned or operated by the metropolitan sewer district, payment shall be made to the district of a proportionate part of the construction costs of the sewer on the basis that would apply if the sewer were being built within the corporate limits of the city by apportionment of costs against the benefited area as provided in this section.
- (13) The district may construct sewerage or drainage facilities in areas of the district located outside of the city of the first class by assessment, using the procedures set forth in this section, with the word "ordinance" being read as "resolution," the words "board of aldermen" being read as "fiscal court," the words "city legislative body" being read as "fiscal court," and the word "city" being read as "county."

History: Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 13, sec. 26. -- Amended 1968 Ky. Acts ch. 156, sec. 4. -- Amended 1966 Ky. Acts ch. 239, sec. 27. -- Amended 1962 Ky. Acts ch. 286, sec. 23. -- Amended 1960 Ky. Acts ch. 200,

sec. 3. -- Amended 1956 Ky. Acts ch. 61, sec. 1. -- Created 1952 Ky. Acts
ch. 69, sec. 2.