

268.270 Appraisers' work and report on benefits and damages -- Cost of improvement.

- (1) Within ten (10) days after being sworn as provided by KRS 268.260, the appraisers shall begin their duties. They may at any time call upon the attorney of the district for legal advice and information relative to their duties, and the chief engineer or one (1) of his assistants shall accompany them at all times and render his opinion in writing when called for.
- (2) The appraisers shall view the premises and determine the value of all property subject to assessment, or which is to be acquired or used as set out in the plan for reclamation. They shall appraise each tract of land separately, and assess the amount of benefits and damages that will accrue to each separate piece of property as a result of execution of the plan for reclamation as adopted by the board.
- (3) The appraisers, in assessing the benefits to property not traversed by the improvements as provided for in the plan for reclamation, shall not consider what benefits will be derived by such property after other improvements or plans have been constructed, but they shall assess only the benefits that will be derived from the construction of the improvements set out in the plan for reclamation, or as such improvements may afford an outlet for drainage or protection from overflow of that property. The appraisers shall give due consideration and credit to any other improvements or systems of reclamation that have already been constructed and that afford partial or complete protection to any property in the district. The property shall be assessed according to the increased physical efficiency and decreased annual average maintenance cost by reason of the protection to be derived from the proposed improvements capitalized upon a six percent (6%) basis. The appraisers shall not change or modify the plan for reclamation.
- (4) The appraisers shall prepare a written report of their findings, signed by at least two (2) of them. They shall make three (3) copies of the report, to be filed with the secretary of the board. This report shall contain a statement of their findings on the following facts: A description of each parcel of property, as described in the engineer's report containing the plan for reclamation; the name of the owner; the name of the county in which it is located; the present value of each separate tract of land per acre; the number of acres in each tract; the quantity of land in each tract to be taken or used; the value of the land to be taken or used; the consequential damage to any property that will result from making the improvement; the enhancement of value of each tract, by the acre, which will result from the improvement; the number of acres in each class of benefits as classified by them.
- (5) Each tract shall be reported separately. Substantially the following form shall be followed in this particular:

"(Name of district) _____ (drainage), (levee), (reclamation) District, located in the County of _____, Kentucky.

"Name of owner _____ Post office address _____
(Description of land). Located in _____ County. Number of acres in tract _____ Present value of land per acre \$ _____ Quantity of land to be taken or used _____ Value of land to be taken or used _____

\$ _____ Consequential damages to adjacent lands _____
Enhancement of value of land which will result from the improvement per acre
\$ _____

No.of acres in tract in class A _____

No.of acres in tract in class B _____

No.of acres in tract in class C _____

No.of acres in tract in class D _____

No.of acres in tract in class E _____

No.of acres in tract in class _____

Remarks: _____ "

- (6) If the appraisers find any property outside of the district that will be damaged by the proposed improvement, or that must be taken for any improvement set out in the plan for reclamation, they shall give the name of the owner and a description of the property separate from the regular report but attached to it.
- (7) They shall also, with the advice of the engineer, estimate and tabulate the cost of improvements set out in the plan for reclamation, to include cost of all property, damages, and the probable expenses of organization and administration estimated by the board.
- (8) The secretary of the board or his deputy shall accompany the appraisers while engaged in their duties, and shall perform all their clerical work. He shall also, under the supervision of the attorney for the district, prepare their report. The appraisers shall report to the board the number of days each was employed and the actual expenses incurred.

Effective: January 2, 1978

History: Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 14, sec. 237, effective January 2, 1978. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 2380b-16.