START\_STATUTE48-2814.  Transfer of lands; procedure; limitations; definition

A.  Notwithstanding chapter 19 of this title, a flood protection district that is located in a county that contains four or more flood protection districts may transfer lands from its jurisdiction if all of the following apply:

1.  Five or more property owners within a flood protection district file with the district's board of directors a petition to transfer lands from the district to another flood protection district.  The petition shall describe the lands affected, state the desired action and reasons and be sworn to by the petitioners.  At the time of filing, an amount sufficient to cover the estimated expenses of publishing notice and holding a hearing shall be paid to the secretary of the district.

2.  All lands remaining in the flood protection district are contained in a single contiguous parcel.

3.  The flood protection district has no outstanding obligations.

4.  The board of directors of the flood protection district approves the transfer of the lands by resolution, after notice is given and a hearing is held as provided for in sections 48‑2946 and 48‑2950.

5.  Monies held in reserve by the transferring flood protection district are transferred to the receiving flood protection district as prescribed by subsection C of this section.  These monies shall be used solely for the benefit and flood protection of the transferred lands.

B.  A flood protection district may transfer lands to another flood protection district, subject to approval by the board of directors of the receiving flood protection district.  The board of directors of the receiving flood protection district shall indicate its approval by resolution, after notice and a hearing as provided for in sections 48‑2946 and 48‑2950.  On passage of a resolution that approves receipt of the lands and that includes a legal description of the lands to be transferred, the resolution shall be recorded in the county in which the lands are located, and on recording, the transfer of lands is complete.

C.  A transferring flood protection district shall pay to the receiving flood protection district a portion of the monies held in reserve by the transferring flood protection district.  The amount payable by the transferring flood protection district shall be a pro rata share of the monies held based on the relationship that the assessed valuation of the lands transferred bears to the total assessed valuation of the lands within the transferring district.

D.  Appeals from final actions of the board of directors of a flood protection district on transfer of lands are subject to section 48‑2951.

E.  For the purposes of this section, "flood protection district" means any flood protection or flood control district organized pursuant to or before the enactment of this article but does not include a county flood control district organized pursuant to chapter 21 of this title. END\_STATUTE