

**96.590 Power of condemnation.**

- (1) Any board proceeding under KRS 96.550 to 96.900 shall have the right to acquire by the exercise of the power of eminent domain, all lands, easements, rights of way, either upon or under or above the ground, any existing electric plant, or that part of an electric plant within the corporate limits of such city, and any and all real estate, franchise or personal property reasonably necessary or desirable in connection with the construction or operation or maintenance of electric plants or improvements or extensions thereto; and the right of such board to acquire such electric plant and facilities hereby is declared to be a superior and paramount right and superior and paramount to any other public use. Provided, however, That no board, by exercise of the power of eminent domain, shall have the right to acquire any central generating plant or station or substation or transmission lines, dams, or other property or facilities primarily and principally used by any public or private utility in the production and transmission of electric energy by such public or private utility for use outside the area to be served by the municipal electric plant; and, Provided further, That in the eminent domain proceedings to acquire from any public or private utility an electric plant, the property condemned must include all of the property owned by the utility within the city limits which is used or useful in connection with the business, of rendering electric service, subject only to the proviso next hereinabove in this section stated.
- (2) The condemnation or eminent domain proceedings shall be brought in the name of the board, and title to the property so condemned shall be taken in the name of the board.

**History:** Created 1942 Ky. Acts ch. 18, sec. 4.