

216.833 Acquisition of property by purchase or eminent domain -- Title -- Possession, how obtained.

- (1) The authority may purchase, whenever it shall deem such purchase expedient, from funds provided pursuant to KRS 216.800 to 216.853, lands, structures, property, rights, rights-of-way, franchises, easements and other interests in land, including lands lying under water and riparian rights, which are located within the Commonwealth, as it may deem necessary or convenient for the construction and operation of any project, upon such terms and at such prices as may be considered by it to be reasonable, and can be agreed upon between it and the owner thereof, and to take title thereto in the name of the authority.
- (2) If a reasonable price cannot be agreed upon, or if the owner is legally incapacitated or is absent, unknown or unable to convey valid title, the authority may acquire by condemnation or by eminent domain any lands, property, rights-of-way, franchises, easements and other property, including public lands, parks, playgrounds, reservations, highways, or parkways, or parts thereof or rights therein, of any person, partnership, association, railroad, public service, public utility or other corporation, or municipality or political subdivision, deemed necessary or convenient for the construction or the efficient operation of any project or necessary in the restoration of public or private property damaged or destroyed. Any such proceedings shall be conducted, and the compensation to be paid shall be ascertained and paid, in the manner provided by the Constitution and laws of the Commonwealth which relate to condemnation or to the exercise of the power of eminent domain. Title to any property acquired by the authority shall be taken in the name of the authority. In any condemnation proceedings the court having jurisdiction of the suit, action or proceeding may make such orders as may be just to the authority and to the owners of the property to be condemned and may require an undertaking or other security to secure such owners against any loss or damage by reason of the failure of the authority to accept and pay for the property, but neither such undertaking or security nor any act or obligation of the authority shall impose any liability upon the Commonwealth except as may be paid from the funds provided under KRS 216.800 to 216.853.
- (3) If the owner, lessee or occupier of any property to be condemned shall refuse to remove his personal property therefrom or give up his possession thereof, the authority may proceed to obtain possession in any manner provided by law.

Effective: June 17, 1978

History: Amended 1978 Ky. Acts ch. 384, sec. 67, effective June 17, 1978. -- Created 1968 Ky. Acts ch. 132, sec. 14, effective June 13, 1968.