

#### **65.466 Requirements for acceptance.**

A scenic easement shall not be accepted by a city, county, urban-county, or consolidated local government, unless the governing body, by resolution finds:

- (1) That the preservation of the character of the land is consistent with the plan of the city, county, consolidated local government, or urban-county, where such plan exists; and
- (2) That the preservation of the character of the land is in the best interest of the state, county, city, consolidated local government, or urban-county, is important to the public for the enjoyment of scenic beauty, and will serve the public interest in a manner recited in the resolution and consistent with the purposes of KRS 65.462 to 65.480.
- (3) The local legislative body may consider these factors:
  - (a) It is likely that at some time the public may acquire the land for a park or other public use;
  - (b) The land is unimproved and has scenic value to the public as viewed from a public highway or from public or private buildings;
  - (c) The retention of the land as open space will add to the amenities of living in adjoining or neighboring urbanized areas;
  - (d) The land lies in an area which in the public interest should remain rural in character and the retention of the land as open space will help preserve the rural character of the area;
  - (e) It is in the public interest that the land remain in its natural state, including the trees and other natural growth, as a means of preventing floods or soil erosion or because of its value as watershed;
  - (f) The land lies within an established scenic highway corridor;
  - (g) The land is valuable to the public as a wildlife preserve or sanctuary and the instrument contains appropriate covenants to that end; or
  - (h) The land has historic significance or contains a building of either historic or architectural importance.

**Effective:** July 15, 2002

**History:** Amended 2002 Ky. Acts ch. 346, sec. 29, effective July 15, 2002. -- Created 1976 Ky. Acts ch. 123, sec. 4.