

76.110 Power to acquire land -- Procedure in cases requiring condemnation.

- (1) The district shall have the power to acquire by purchase, gift or eminent domain proceedings, the fee or such right, title, interest or easement, in such lands as may be deemed by the district necessary for any of the purposes mentioned in KRS 76.010 to 76.295, whether within or without the district area or within or without a construction subdistrict and any personal property necessary for the purpose of the district. Such lands or interest therein, or personal property may be so acquired whether or not the same are owned or held for public use by corporations, associations, or other persons having the power of eminent domain, or otherwise held or used for public purposes. Nothing in this chapter shall be construed to confer upon or recognize in the district any power to acquire by agreement, purchase or gift, or by eminent domain proceedings, any fee, right, title, interest or easement in property under the jurisdiction of the department of highways or included within the boundaries of any sanitation district organized under KRS Chapter 220, except necessary rights of way for trunk sewers through such sanitation districts. Forthwith upon the acquisition of any such fee, right, title, interest or easement, or personal property, the same shall become dedicated to the uses and purposes of the district.
- (2) The method of condemnation of such property shall be pursuant to the Eminent Domain Act of Kentucky.
- (3) When a district has filed a proceeding to condemn land or any interest therein or personal property, pursuant to the provisions of the Eminent Domain Act of Kentucky, and the board of such district shall determine that the necessity for procuring possession of the property is urgent, it may pass a resolution, at the time that said condemnation is authorized or at any time thereafter for a declaration of taking, declaring that said lands are to be taken for the use of a metropolitan sewer district. Said declaration of taking shall contain, or have annexed thereto, the following:
 - (a) A statement of the authority under which and, the public use for which, said lands are taken;
 - (b) A description of the lands taken sufficient for identification thereof;
 - (c) A statement of the estate or interest in said lands taken for said public use;
 - (d) A plat showing the lands taken.
- (4) At any time after the report of the commissioners has been made, the district may file said declaration of taking and make a deposit with the clerk of the court of the sum of money stated in the award of the commissioners appointed. Title to said lands in fee simple or such lesser estate as is specified in said declaration or to said personal property shall then vest in such metropolitan sewer district, and the right to just compensation for said land or interest therein or personal property shall vest in the persons entitled thereto. Said compensation shall be ascertained and awarded in said proceeding as otherwise provided in the Eminent Domain Act of Kentucky.

Effective: July 15, 1980

History: Amended 1980 Ky. Acts ch. 188, sec. 55, effective July 15, 1980. -- Amended 1976 Ky. Acts ch. 140, sec. 26. -- Amended 1964 Ky. Acts ch. 33, sec. 6. -- Amended 1960 Ky. Acts ch. 212, sec. 1. -- Created 1946 Ky. Acts ch. 104, sec. 9.