

**178.110 Condemnation of right-of-way -- Temporary roads.**

- (1) If the court decides to establish or alter a county road, bridge or landing, and the compensation to be paid for the right-of-way cannot be fixed by agreement, the right-of-way shall be condemned under the procedure set forth in the Eminent Domain Act of Kentucky.
- (2) In case of roadbeds or bridges, or a portion of them, washing or slipping away, or in case of extreme emergency, and when in its judgment conditions warrant it, the fiscal court may immediately open and have surveyed a road or passway to be temporarily used while the commissioners appointed under the Eminent Domain Act of Kentucky are acting, or while the matter is pending in the court to establish a permanent road or passway, and the commissioners shall assess the damages of the temporary road or use thereof. The same proceedings shall be had to recover damages as in recovery in regard to other roads.
- (3) But when such compensation is ascertained it shall be at the option of the fiscal court to pay it or to abandon the proposed undertaking. If it decides to pay the compensation, the fiscal court of the county shall include in its next levy an amount sufficient therefor.
- (4) Not more than two (2) acres shall be condemned for a landing.

**Effective:** June 17, 1978

**History:** Amended 1978 Ky. Acts ch. 384, sec. 309, effective June 17, 1978. -- Amended 1976 Ky. Acts ch. 140, sec. 78. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 4302.