

#### **148.876 Acquisition of land.**

- (1) The power of eminent domain may only be exercised to acquire land in fee within the boundaries of the trail, except that the power of eminent domain shall not be exercised to acquire any privately owned dwelling, areas designated for residential structures and their surrounding properties, or property owned or leased, including adjacent or contiguous tracts of land leased or owned or which may be acquired, for the purposes of operating an oil or gas well, surface or underground coal mine operation, or surface or underground mineral quarrying operation, if the person holds a state permit or license issued by the Energy and Environment Cabinet, Division of Mine Permits or Office of Mine Safety and Licensing.
- (2) Within the boundaries of the trail, the department may acquire, on behalf of the Commonwealth, fee title or lesser interests in land. Acquisition of land may be by gift, by purchase with donated funds, by funds appropriated by the General Assembly, by the use of proceeds from the sale of bonds, by exchange, by assumption of property tax payments, or by other authorized means. Notwithstanding the provisions in KRS 350.085(3) and 353.610, in acquiring any interests the Commonwealth or its agencies shall waive the three hundred (300) foot restriction contained in KRS 350.085(3) and boundary restrictions for a well set forth in KRS 353.610.

**Effective:** July 15, 2010

**History:** Amended 2010 Ky. Acts ch. 24, sec. 140, effective July 15, 2010. -- Amended 2005 Ky. Acts ch. 123, sec. 17, effective June 20, 2005. -- Created 2002 Ky. Acts ch. 118, sec. 4, effective July 15, 2002.