

177.081 Authority of Department of Highways to condemn land and materials -- Title to property -- Conclusiveness of official order -- Duty of department to clear and maintain property.

- (1) The Commonwealth of Kentucky, Department of Highways, when it has, by official order, designated the route, location, or relocation of a highway, limited access highway, bridge, roadside park, borrow-pit, quarry, garage, or other property or structure deemed necessary for the construction, reconstruction, or maintenance of an adequate system of highways, may, if unable to contract or agree with the owner or owners thereof, condemn the lands or material, or the use and occupancy of the lands designated as necessary. All property acquired by the Commonwealth of Kentucky, Department of Highways, shall be in fee simple whenever so specified in the petition filed in the action. The official order of the Department of Highways shall be conclusive of the public use of the condemned property and the condemnor's decision as to the necessity for taking the property will not be disturbed in the absence of fraud, bad faith, or abuse of discretion.
- (2) Any property purchased or otherwise acquired by the Department of Highways for the purpose of construction or reconstruction of a road, street, or highway shall be cleared and maintained by the Department of Highways from the time of acquisition until such property is no longer owned by the department.
- (3) The proceedings for condemnation shall be as provided in the Eminent Domain Act of Kentucky.

Effective: July 15, 1980

History: Amended 1980 Ky. Acts ch. 231, sec. 2, effective July 15, 1980. -- Amended 1976 Ky. Acts ch. 140, sec. 74. -- Amended 1974 Ky. Acts ch. 74, Art. IV, sec. 20(1). -- Created 1952 Ky. Acts ch. 49, secs. 1 and 10, effective June 19, 1952.