

**416.110 Condemnation by fiscal court for road purposes.**

- (1) When any fiscal court desires to condemn land under the authority of KRS 178.120, it shall adopt a resolution ordering the condemnation of the required land. The resolution shall set forth the facts contemplated by KRS 178.120, give a general description of the land, and the name of the owner if known, and shall direct the county attorney to institute the proceedings.
- (2) The county attorney shall file the petition for condemnation in the Circuit Court in the name of the county, and shall attach to the petition as an exhibit a certified copy of the resolution of the fiscal court. The resolution shall be prima facie evidence of the public use and necessity for the condemnation. Thereafter the proceedings shall be as provided in the Eminent Domain Act of Kentucky.

**Effective:** January 2, 1978

**History:** Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 14, sec. 418, effective January 2, 1978. -- Amended 1976 Ky. Acts ch. 140, sec. 121. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 4302a-2 to 4302a-12.

**Legislative Research Commission Note.** According to the provisions of KRS 416.540 to 416.680 (the Eminent Domain Act of Kentucky), the petition for condemnation shall be filed in the circuit court, followed by proceedings relating to the condemnation action.