

416.360 Acquisition of real property necessary to locate or relocate public utility facilities by public agency with power of eminent domain for public improvement projects.

- (1) Any public agency which has the right to exercise the power of eminent domain for street, road, highway, or other public improvement projects may acquire in its own name, by condemnation or otherwise, any real property that is necessary to locate or relocate any public utility facilities as required for the construction, reconstruction, rehabilitation, or maintenance of the project. The public agency and the affected public utility shall first enter into an agreement for this acquisition. The agreement shall include all relevant terms and conditions of the acquisition, including a description of the real property to be acquired. Notwithstanding any other provisions of law, a public agency which acquires any real property for public utility facilities pursuant to this section shall, pursuant to the terms of the agreement, convey to the affected utility any real property so acquired.
- (2) The right of a public utility to exercise the power of eminent domain shall not in any way be affected by this section. Nothing in this section shall empower the condemnation of property owned by the Commonwealth of Kentucky or in which the Commonwealth of Kentucky has an interest.
- (3) For purposes of this section, "real property" includes any estate, easement, fixtures, or other interests or rights in and to real property.

Effective: July 15, 1996

History: Created 1996 Ky. Acts ch. 227, sec. 1, effective July 15, 1996.